

JHCC-R Student Publications

7/25/16

RATIONALE/OBJECTIVE:

Student publications provide multiple educational experiences that build academic skills and develop competencies identified in the District Graduate Profile. These include self-directed learner, effective communicator, collaborative team member, and quality producer. (Board Policy IA [Student Performance Standards and Expectations]).

RULE:

The following procedures and guidelines are established as supporting regulations for course guides dealing with school newspapers.

A. PURPOSES OF GUIDELINES AND RESPONSIBILITY OF SCHOOL:

1. A school newspaper is designed to serve as a vehicle for instruction and is, in addition, a means of communication. It is operated, substantially financed and controlled by the District through its employees who work with students as part of the curriculum;
2. It is the purpose of the guidelines to balance the rights of student expression with the rights of all members of the school community, with the interests of an orderly and efficient educational process, and with the needs of a school environment suitable for the healthy growth and development of all students;
3. It is not the purpose of these guidelines to regulate student expression on behalf of any other interests;
4. The school assumes no responsibility for the contents of any written matter posted, circulated or distributed, or for student activities connected to these publications in conjunction with this Rule.

B. STUDENT RIGHTS AND RESPONSIBILITIES:

Regarding both school publications and student publications:

1. Student Rights:

- a. Subject to the procedures and general limitations herein provided, students who legally attend the District may:
 - (1) Express opinions and ideas;
 - (2) Take stands and support causes.
- b. Such actions are regarded as "protected activities." There generally should be no interference with these protected activities based on the belief that any particular idea, opinion or position is unpopular or is contrary or offensive to community opinion or taste.

2. Student Responsibilities:

Personal responsibility for each and every word that gets into print is the hallmark of professionalism in journalism.

C. VIOLATIONS OF GUIDELINES:**1. Discipline:**

- a. Any violation by any student of the procedures or general limitations herein, or any Administrative Rule, Board Policy, decisions, or action adopted or taken in pursuance of this Rule, may subject the student to discipline as provided in the appropriate Student Code of Conduct (Administrative Rule JCDA-R).

2. Loss of Distribution Privilege:

- a. In addition to any discipline provided in the preceding paragraph, any students, school club or student organization producing a publication that is participating in any activity,

whether individually or in concert, constituting a gross or willful violation of this Rule may be denied the privilege of distributing printed materials or circulating petitions on school premises in whole or in part. The publication may also be subject to additional review by the Principal or designee prior to distribution at that time or in the future. Subject to the appeal/review provided herein, no such materials or petitions so submitted shall be distributed or circulated where a violation of the general limitations is found to exist.

- b. Any student, school club or student organization advised of the withdrawal of said privilege who thereafter distributes materials or circulates petitions without complying with the procedures of the preceding paragraph shall be subject to appropriate discipline (Administrative Rule JCDA-R).
- c. In the case of any withdrawal of said privilege following the first gross or willful violation of this Rule by any student, school club or student organization:
 - (1) The privilege may be withdrawn for a period of time not to exceed one full semester following the semester in which the violation occurs; provided
 - (2) The privilege shall not be restored unless and until the student submits to his Principal a written statement indicating that the student has read this Rule and will endeavor to comply with its requirements.

D. GUIDELINES: SCHOOL NEWSPAPER:

1. Purpose:

As an aid to their interpretation and application, it is hereby stated to be the purpose of these guidelines and the following general limitations to protect the freedom of student expression to the fullest extent consistent with:

- a. The maintenance of an orderly and efficient educational process; and
- b. The rights of all members of the school community, including the right to the maintenance of a school environment suitable for the healthy growth and development of all students.

2. Prior Preview:

- a. The newspaper advisor has the primary responsibility of reviewing each article prior to its publication to determine if it satisfied all the conditions of these guidelines;
- b. The Principal or designee in addition to the newspaper advisor may also review copy prior to its publication; however, such copy should be returned to the student editors within a reasonable time after it is submitted for review.

3. Censorship:

Nothing in these guidelines is intended to allow censoring of any article merely because it is controversial or because it criticizes a particular school, a school procedure or the District itself.

4. Political Candidates:

- a. No endorsements of political candidates, whether such endorsements are made via editorial, article, letter, photograph or cartoon shall be deemed articles;
- b. The newspaper may, however, publish "fact sheet" types of articles on candidates and ballot measures, provided such articles do not endorse any person, and provided equal space is provided for all candidates for the particular office.

5. Operational Procedures:

a. Advisor:

The advisor is appointed at the discretion of the Principal and, when possible, should be knowledgeable and experienced in the field of journalism;

b. Staff Selection:

- (1) It is recommended for high schools that Introduction to Journalism be a prerequisite to staff appointment.
- (2) Final staff selection will be left to the discretion of the advisor, with teacher recommendations.

c. Staff Positions:

The advisor:

- (1) Appoints staff to the specified positions;
- (2) Provides job descriptions for each staff position;

- (3) Has the authority, in consultation with the Principal or designee, to suspend (from staff position) or remove staff members who do not fulfill their specified responsibilities.

d. **Fiscal Responsibility:**

The advisor:

- (1) Complies with applicable Board Policy and Administrative Rules including the following:
 - Board Policy JA (Treatment of Students)
 - Administrative Rule JHA-R (Student Activities)
 - Administrative Rule KJ-R (Advertising in the Schools)
- (2) Establishes a budget that realistically reflects the capabilities of the staff, the time frame available and the technical provisions on the local level.

E. GUIDELINES: STUDENT PUBLICATIONS:

1. Any student who desires to distribute a student publication which is not officially recognized as a school publication (as defined in Section F) shall submit such a student publication to the Principal or designee for review and approval prior to such distribution.
2. The Principal or designee shall have a reasonable amount of time to review the publication;
3. If distribution is denied, the student is encouraged to meet personally with the Principal or designee so that the student, Principal or designee, and parent/guardian, if appropriate, may freely exchange views on why the distribution of the student publication is or is not appropriate. The student or his/her representative may support the case for distribution with relevant information and materials.
4. The same review process outlined in these guidelines for student publications is used when there is disagreement between the Principal or designee and student(s) concerning the appropriateness or distribution of any school publication.

F. GENERAL LIMITATIONS:

The following limitations apply to both school publications and student publications.

1. No activity shall be deemed a protected activity if it:
 - a. Substantially interferes with appropriate student discipline on school property as defined in the Student Codes of Conduct (Administrative Rule JCDA-R);
 - b. Disrupts class work or provokes any substantial disorder;
 - c. Invades the lawful rights of other persons;
 - d. Involves the use of expression of:
 - (1) Obscenities; or
 - (2) Any sexual or prurient themes where, given the particular context, content and manner of communication, such use or expression may reasonably be expected to be (substantially) harmful to the normal development of younger, impressionable, and less mature students in the school;
 - e. Involves the use of false statements or innuendoes which may subject any person to hatred, ridicule or contempt, or which may injure the reputation of any person;
 - f. Is unfairly abusive of, or unfairly injurious to, any school personnel;
 - g. Involves statements grossly or unfairly prejudicial to any racial, religious or ethnic group, or any members thereof for the reason of such membership;
 - h. Involves the use of printed materials to advocate that any religious denomination, sect or point of view is preferable to any other religious denomination, sect or point of view;
 - i. Involves the advocacy or encouragement through false information, of the use of any substance or materials which may reasonably be believed to constitute a direct and substantial danger to the health of students, or providing any information as to the availability of such substances or materials;
 - j. Involves advocacy of the violation of existing statutes, ordinances or other established laws or official school or District Policy, Rules or regulations;
 - k. Involves the distribution of written material which has a significant purpose of advertising commercial products or services for sale by profit making organizations.
2. Nothing herein, however, shall be deemed to prohibit legitimate criticism for the purpose of redressing grievances actually thought to exist;

3. No printed material published in connection with a protected activity shall be prepared by use of school equipment or property without specific approval by appropriate school personnel;
4. All copies of any written materials, whether posted on bulletin boards or circulated and distributed on school premises, shall bear the names of approved student organizations or of other sponsoring student groups or students. In the case of a student group, the names of at least two students principally involved in the posting, circulation or distribution shall be included;
5. **Distribution:**
 - a. Student publications which are not obscene, libelous or disruptive may be distributed on school property during school hours in areas designated by the Principal (Administrative Rule JHC-R [School Clubs/Organizations and Student Organizations]);
 - b. Distribution which substantially interferes with the normal flow of traffic within the school corridors and entrance ways, which is coercive of any other person's right to accept or reject a publication, or which causes substantial and material interference with "normal school activities" shall not be permitted.

G. DISRUPTIVE MATERIAL:

In exercising the right of prior review, school personnel shall be guided by the definitions and the following guidance:

1. Students are protected in their exercise of freedom of expression by the First Amendment to the Constitution of the United States;
2. It is the responsibility of the school and its staff to ensure that the right of students to express themselves freely shall not be infringed while at the same time establishing the kind of environment which is necessary for an orderly program of classroom learning;
3. In order for a material to be considered disruptive, there must exist specific, articulate facts upon which it would be reasonable to forecast that a clear and present likelihood of a substantial or material disruption to normal school activity or school discipline would occur if the material were printed or distributed. Examples include but are not limited to:
 - a. Student rioting;
 - b. Unlawful seizures of property;
 - c. Threats or acts of violence;
 - d. Widespread shouting or boisterous conduct; or
 - e. Substantial student participation in a school boycott, sit-in, stand-in, walkout or other related form of activity;
4. Material that stimulates discussion or debate does not constitute the type of disruption prohibited.
5. **Context:**
In determining whether a material is disruptive, school personnel should consider the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience with similar material, past experience in dealing with and supervising the students in the school, current events influencing student attitudes and behavior, and whether or not there have been any instances of actual or threatened physical disruption prior to or contemporaneously with the submission of the publication in question.
6. **Definitions:**
Definitions pertaining to this Rule include:
 - a. **Distribution:**
The meaning of Distribution varies according to the content of the material. The term generally means the circulation or dissemination of the student publication to students at the time and place of normal school activity (Administrative Rule JHA-R [Student Activities Fund Raising]) or immediately prior or subsequent thereto by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication or displaying the material in areas of the school which are generally frequented by students. Distribution may also refer to sharing information through various technological resources. In dealing with material which is "obscene" or "libelous", the term distribution refers to dissemination of one or more copies. Whereas in dealing with all other types of material, dissemination of the student publication so as to make the student publication generally available to students of the school.

- b. **Libel:**
 - (1) Libel is the false and unprivileged publication by writing, printing, picture, effigy or other fixed representation to the eye which:
 - (a) Exposes a person to public hatred, contempt, ridicule or humiliation; or
 - (b) Causes the person to be shunned or avoided; or
 - (c) Has a tendency to cause occupational injury.
 - (2) **Public Officials/Figures:**
When the publication concerns public officials, i.e., those who hold government office, or public figures, i.e., those who by reason of the notoriety of their achievements or the vigor and success with which they seek the public's attention, are properly classed as public figures, in order to be libelous, the defamatory falsehood must be made with actual malice; that is, with knowledge that it was false or with reckless disregard of whether it was false or not;
 - (3) **Private Individuals:**
When the publication concerns private individuals, in order to be libelous, the defamatory falsehood must be made negligently; that is, the publisher must fail to exercise the degree of care that a reasonably prudent person would exercise in order to avoid making a defamatory falsehood.
- c. **Minor:**
Minor means any person under the age of eighteen (18) years.
- d. **Normal School Activity:**
Normal school activity means organized educational activity of students under the direct supervision of a member of the school staff which includes classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays, and scheduled in-school lunch periods.
- e. **Obscene as to Minors:**
Obscene as to minors means:
 - (1) Whether the average person, applying contemporary community standards would find that the publication, taken as a whole, appeals to the prurient interests of minors; and
 - (2) Whether the publication depicts or describes, in a patently offensive way to minors, sexual conduct specifically defined by applicable Georgia law; and
 - (3) Whether the work taken as a whole, lacks serious literary, artistic, political or scientific value for minors.
- f. **Publication:**
Publication means any book, magazine, pamphlet, newspaper, yearbook, picture, photograph, drawing or any other written or printed matter or visual representation, however produced. Publication may also refer to sharing information through various technological resources.
- g. **School Day:**
School day means any day during regular or summer session on which regularly scheduled classroom instruction takes place and excludes Saturdays, Sundays, and official school holidays.
- h. **School Publication:**
School publication means any publication, as defined herein, which is composed, compiled, published or distributed under the official supervision of a faculty sponsor.
- i. **Student Publication:**
Student publication means any publication, as defined herein, which is composed, compiled, published or distributed by students.

H. APPEAL PROCEDURES:

- 1. In the event of disagreement as to whether an article should be printed in a school publication, or distributed on school premises, the following appeal procedure shall apply. The Principal should:
 - a. Render his decision to approve or disapprove the distribution or printing of the material and notify the student(s) within two (2) school days of such decision;
 - b. If approval to distribute or print is not granted, state his/her reasons in writing to the student(s);

- c. If the student(s) is dissatisfied with the decision of the Principal, the student(s) may appeal the decision directly to the Superintendent or designee by notifying the Principal in writing within two (2) school days;
 - d. The Principal shall transmit the appeal to the Superintendent within five (5) school days after receiving it, and the Superintendent has five (5) school days after receiving the appeal to render a decision in writing;
 - e. At every level of the process as outlined above, the student(s) or his/her representative will have the opportunity to support his/her request by relevant information and materials as to why printing or distribution of the material is appropriate;
2. Printing or distribution of any such material during the period of initial review by the Principal, after a negative decision of the Principal, or during the period of appeal, shall be sufficient grounds for suspension of the student by the Principal in accordance with the appropriate Student Code of Conduct (Administrative Rule JCDA-R).

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Legal Reference

USC 1st Amendment First Amendment, U.S. Constitution