

*Technical Academies of Minnesota*

*Adopted: Orig. 6/23/2013*

*Revised: 8/25/2020*

## **506 SCHOOL SPONSORED STUDENT PUBLICATIONS**

### **I. PURPOSE**

The purpose of this policy is to protect students' rights to free speech in production of official school publications while at the same time balancing the school's role in supervising student publications and the operation of public schools.

### **II. GENERAL STATEMENT OF POLICY**

- A. Expression and representations made by students in school publications is not an expression of official school policy. Official school publications are free from prior restraint by officials except as provided by law. Faculty advisors shall supervise student writers to ensure compliance with the law and District policies.
- B. Students who believe their right to free expression has been unreasonably restricted in an official student publication may seek review of the decision by the Board Chairperson. The Board Chairperson shall issue a decision no later than five (5) school days after review is requested.
  - 1. Students producing official school publications shall be under the supervision of a District staff member. Official publications shall be subject to the guidelines set forth below.
  - 2. Official District publications may be distributed at reasonable times and locations.

### **III. DEFINITIONS**

- A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material.
- B. "Official District publications" means school newspapers, yearbooks, material produced in communication, journalism of other writing classes as a part of the curriculum.
- C. "Obscene to minors" means:
  - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
  - 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual

conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals; and

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

D. "Minor" means any person under the age of eighteen (18).

E. "Substantial disruption" of a normal school activity means:

1. Where the normal school activity is an educational program of the District for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
2. Where the normal school activity is voluntary in nature (including, without limitation, District athletic events, plays and concerts, and lunch periods) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity. In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

F. "District activities" means any activity of students sponsored by the District including, but not limited to, classroom work, library activities, break out sessions, and other similar gatherings, District athletic contests, band concerts, plays, and lunch periods.

G. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.

#### **IV. GUIDELINES**

A. Expression in an official District publication is prohibited when the material is:

1. Obscene to minors
2. Libelous or slanderous
3. Advertises or promotes any product or service not permitted for minors by law
4. Encourages students to commit illegal acts or violate District regulations or substantially disrupts the orderly operation of District activities.
5. Expresses or advocates sexual, racial or religious harassment or violence or prejudice
6. Distributed or displayed in violation of time, place and manner regulations

B. Time, Place and Manner of Distribution Students shall be permitted to distribute written

materials at school as follows:

1. Time

Distribution shall be limited to the hours before the school day begins, during lunch hour and after school is dismissed.

2. Place

Written materials may be distributed in locations so as not to interfere with the normal flow of traffic within the school hallways, walkways, entryways and parking lots. Distribution shall not impede entrance to or exit from school premises in any way.

3. Manner

No one shall induce or coerce a District student or staff member to accept a student publication.

*Legal References:* U.S. Constitution, First Amendment Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)  
Bystrom v. Fridley High School, I.D.S. No. 14, 822 F.2d 747 (8th Cir. 1987)