

Cherry Creek School District Policy

A model for abiding by Colorado Law

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The policy for student publications should appear as a separate section in the table of contents in the whole district policy.

Anyone should be able to find and access the district policy. Make sure this publication is available online.

SCHOOL-RELATED STUDENT PUBLICATIONS (SCHOOL PUBLICATIONS CODE) (JICEA-R)

1. Purposes of official school publications

Any student publication whether curricular or co-curricular in nature will be viewed as an open forum for public expression. As such, no article may be censored solely on the basis of potential controversy or sensitivity of its content. While educators must encourage accurate, responsible journalism, such responsibility cannot be employed as a guise to censor student expression.

2. Responsibility of official school publications advisers and student editors

- a. Each year the student staff of each school-sponsored student publication assisted by the adviser and administration will devise an editorial policy consistent with the accompanying policy and this publications code to guide its operation.
- b. Students who work on official school-sponsored student publications will determine and be responsible for the content of the publications.
- c. School publications advisers will be responsible for:
 - (1) Supervision of the production of school-sponsored publications
 - (2) Teaching and encouraging free and responsible expression
 - (3) Teaching and encouraging professional standards of journalism

3. Restrictions on freedom of speech defined by state law

- a. Material which is "obscene" to minors. Obscene usually is defined as material with lewd sexual connotations or overtones. Obscene material as a whole lacks serious literary, artistic, political or scientific value.
- b. Material which is libelous. Libelous statements are probably false and unprivileged statements that cause injury to an individual's or business's reputation in the community. If the libeled party is a "public figure" or "public official," then the libeled party must show false statements were published "with actual malice." Malice is defined as the

publication of information known to be false or the publication of material with reckless disregard for the truth due to failure to verify the truthfulness of the information.

- c. Expression which creates a clear and present danger of the commission of unlawful acts, violation of lawful school regulations, or material and substantial disruption of the orderly operation of the school; or expression which threatens violence to property or persons is prohibited.
- d. Material which violates an individual's right to privacy.

This policy immediately establishes the publication as an open forum and the adviser as a supervisor of the publication, not an editor.

The publication is still subject to censorship *after* publication if material is found to violate journalism laws and principles.

4. Provision for the time, place and manner of distributing school-sponsored student publications within the jurisdiction of the individual school will be determined by the principal of the school in cooperation with the publications advisers and student editors.
5. Procedures for resolving differences between students and school officials over issues of censorship will be in accordance with policy JII-Student Concerns, Complaints and Grievances and its accompanying regulations except that the "Preconditions to Level 1" of the regulations will be modified to read:

"A response will be rendered in writing within 48 hours of receiving the grievance. If denied, the reasons will be delineated."

Approved by Superintendent Monte C. Moses, October 10, 2000.

STUDENT DISTRIBUTION OF NONCURRICULAR MATERIALS (JICEC)

To understand Constitutional values such as the right to free speech, students must not only study such principles but also have an opportunity to put them into practice. However, there are limitations on the right of student free speech in the school setting that have been upheld by the courts because of the unique nature of the school community.

It is the goal of this policy to strike a necessary balance between a student's right of free speech and the school's responsibility to maintain an orderly and safe school environment which respects the rights of all students on school grounds and during school-sponsored activities.

Students shall be allowed to distribute noncurricular written materials on school property subject to restrictions on time, place and manner of distribution set out in the accompanying regulations and the prohibitions set out below and in state law.

Any material in any media containing expression which is obscene, libelous, slanderous or defamatory shall be prohibited. Students shall not distribute any material which advocates commission of unlawful acts or violation of Board policy and/or regulations, which violates another person's right to privacy, which causes a material and substantial disruption of the orderly operation of the school, or which threatens violence to property or persons.

Students who distribute materials in violation of this policy and/or materials that cause a material and substantial disruption or damage to a person or property, or threaten violence to property or persons in the judgment of school officials shall be subject to appropriate disciplinary action.

School equipment and supplies shall not be used for publication of such material unless authorized as a school-sponsored activity.

This policy and the accompanying regulations shall be included in all student handbooks.

Adopted: October 10, 2000

LEGAL REFS.: C.R.S. 22-1-120 (rights of free expression for public school students)
C.R.S. 22-32-110 (1)(r) (power to exclude materials that are immoral or pernicious)

CROSS REFS.: JICEA, School-Related Student Publications
JICED, Student Expression Rights
JK, Student Discipline, and subcodes
KHC, Distribution/Posting of Promotional Materials

Make sure that if you are still producing a print publication that you have a good time and method for distribution

Even if your district has a good policy, you need to make sure your administration understands what this looks like. Take the time to communicate with the various administrators in your building.