POLICY 512 – SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES

I. PURPOSE

The purpose of this Policy is to address students' rights to freedom of speech and freedom of the press in the production and distribution of school-sponsored media while balancing Parnassus Preparatory School's ("the School") role in supervising school-sponsored media and the operation of the School. This Policy is designed to ensure all students enjoy the freedoms of speech and press within the confines of the law, including Minnesota Statutes Section 121A.80, and to encourage responsible student journalism.

II. DEFINITIONS

A. "Defamatory" means a false and unprivileged statement to a third person about an individual that tends to harm the individual's reputation or lower that individual in the esteem of the community.

B. "Distribute" means to hand-out, offer, circulate, post, display, or otherwise disseminate media to multiple students, regardless of whether the media is free or provided for a charge.

C. "Material and substantial disruption" means a signification disruption to the learning process, to the rights of others to an education, to school operations, to the ability of any school employee to perform his or her duties, or to the operation of any school-sponsored event or activity. It also includes conduct that creates an immediate danger to self or others or incites unlawful conduct. School officials may reasonably forecast a material and substantial disruption based on factors such as past experience in the school, current events influencing student activities and behaviors, and threatened disruption related to the school-sponsored media in question.

D. "Prior restraint" means a prohibition under threat of adverse action by the School or a School employee on a student journalist producing, publishing, or distributing school-sponsored media before it has been produced, published, or distributed to its intended audience.

E. "School-sponsored media" means any material that is:

   a. prepared, wholly or substantially written, published, broadcast, or otherwise disseminated, in any media form, by a student journalist;

   b. distributed or generally made available to students in the school; and

   c. prepared by a student journalist under the supervision of a student media advisor.

   School-sponsored media does not include material prepared solely for distribution or transmission in the classroom in which the material is produced, or a yearbook.

F. "Student journalist" means a charter school student in Second Level of Logic (grade 6) through Fourth Level of Rhetoric (grade 12) who gathers, compiles, writes, edits, photographs, records, or otherwise prepares information for dissemination in school-sponsored media.

G. "Student media advisor" means a qualified teacher, as defined in Minnesota Statutes Section 122A.16, that the School employs, appoints, or designates to supervise student journalists or provide instruction related to school-sponsored media.

H. "Obscene" means a work that, taken as a whole, appeals to the prurient interest in sex and depicts or describes in a patently offensive manner sexual conduct and that, taken as a whole, does not have serious literary, artistic, political, or scientific value.

III. GUIDELINES

A. Protected Student Expression. Except as provided in Section III.B, a student journalist has the right to exercise the freedoms of speech and press in school-sponsored media regardless of whether the school-sponsored media receives financial support from the School, uses School equipment or facilities in its production, or is produced as part of a class or course in which the student journalist is enrolled. These freedoms include the freedom to express political viewpoints. Subject to Section III.B, student journalists have the right to determine the news, opinion, feature, and advertising content of school-sponsored media. The School must not discipline a student journalist for exercising rights or freedoms consistent with this Policy or under the First Amendment of the United States Constitution.

B. Unprotected and Prohibited Student Expression. This Policy does not authorize or protect and expressly prohibits student expression in school-sponsored media that:

1. is obscene to minors;
2. is defamatory;
3. is profane, harassing, threatening, or intimidating;
4. constitutes an unwarranted invasion of privacy;
5. violates federal or state law or School policies or rules, including but not limited to policies on harassment, discrimination, violence, and bullying;
6. is directed at inciting or producing imminent lawless action on School premises or violation of School policies or rules, including but not limited to policies on harassment, discrimination, violence, and bullying;
7. causes a material and substantial disruption to school activities;
8. advertises or promotes any product or service that is unlawful for purchase or use by minors;
9. expresses or advocates sexual, racial, or religious harassment or violence or prejudice; or
10. is distributed or displayed in violation of the time, place, and manner regulations in Section III.D.

B. Student Media Advisors. Student media advisors shall oversee student journalism in accordance with the terms of this Policy. The School must not retaliate or take adverse employment action against a student media adviser for supporting a student journalist

exercising rights or freedoms under Section III.A, subject to Section III.B, or the First Amendment of the United States Constitution.

C. Nothing in this Policy inhibits a student media advisor from teaching professional standards of English and journalism to student journalists. These professional standards may include, but are not limited to, the following:

1. ensuring students or participants learn the lessons the activity is designed to teach and/or conform to the learning objectives of the activity;

2. ensuring that the intended audience of school-sponsored media is not exposed to material that may be inappropriate for its level of maturity;

3. ensuring that the views of the student journalist or individuals represented in the school-sponsored media are not erroneously attributed to the School or another individual or entity;

4. assuring that the school is not associated with any position other than neutrality on matters of political and social controversy;

5. assuring that the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order; or

6. ensuring that school-sponsored media is grammatical, proofread, edited, well-researched, factually accurate, and objective.

D. Time, Place, and Manner of Distribution. Students shall be permitted to distribute school-sponsored media at school as follows:

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

2. Place. School-sponsored media may be distributed in locations so as not to interfere with, impede the normal flow of traffic, or creates a safety hazard in School hallways, walkways, entryways, parking lots, or driving lanes and, if electronically distributed, so as to not interfere with the School's technology systems.

3. Manner. No one shall induce or coerce a student or staff member to accept school-sponsored media.

E. No Representation of School. No expression made by student journalists, whether protected or unprotected, or in school-sponsored media shall be deemed to be an expression or representation of or by the School. This must be explicitly stated in all school-sponsored media produced by student journalists.

IV. PRIOR RESTRAINT

The School does not authorize prior restraint on school-sponsored media except as consistent with this Policy.

Student journalists who believe their rights under this Policy have been improperly restrained may, in a timely fashion, seek review of the prior restraint by the Principal. To complete this review, the Principal or

designee may review the material subject to the student journalist's report and any other information deemed relevant, including consulting with the student media advisor and anyone else with relevant information on the reported prior restraint. The Principal must issue a determination as to whether the reported prior restraint is consistent with this Policy as soon as reasonably possible in an effort to avoid an improper prior restraint. The Principal's determination shall be final, except that the Executive Director may, in the Executive Director's sole discretion, review and revise the determination.

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Legal References

1. Minn. Stat. § 121A.03 (Model Policy)
2. Minn. Stat. § 121A.031 (School Student Bullying Policy)
3. Minn. Stat. § 121A.80 (Student Journalism; Student Expression)
4. U. S. Const., amend. I
5. Morse v. Frederick, 551 U.S. 393 (2007)
6. Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
7. Bystrom v. Fridley High School, I.S.D. No. 14, 822 F. 2d 747 (8th Cir. 1987)

Cross References

1. Policy 506 (Student Discipline)
2. Policy 923 (Distribution of Materials for Students and Families)