

PUBLICATIONS

The Board of Education sponsors pupil publications as important elements of the instructional program. Pupils are encouraged to develop skills of written and verbal communication and to exercise the right to express their opinions freely and responsibly.

The Board of Education of Kittatinny Regional High School is cognizant of the balance which must be established between the right of student authors and photographers to express their views and ideas within the limited school forum of yearbooks, student newspapers, library magazines, and the obligation of the Kittatinny Regional School District to allocate the school's limited resources to publications which are most apt to achieve the goals of a thorough and efficient education. The school district's sponsorship of a publication may be viewed as an endorsement of the ideas that it contains, and the school must be able to protect itself from legal action for copyright infringement or libel. The school district's publications must serve the best interest of students and protect the need for discipline. The school must also avoid publications which will cause disruption to the education process or interfere with educational continuity. Cognizant of these sometimes in harmonious goals, the Board of Education hereby establishes the following policies to be applied to school-sponsored publications and plays:

1. The faculty advisor for the play or publication will be preliminarily responsible for reviewing text or scripts submitted by students for printing or production. Upon completion of the printer's proofs or the final version of a script, the text shall be reviewed by the school principal or his designee.
2. The principal shall make every effort to return the text within five working days. It shall not be the function of the principal to impose his or her value system or judgment on the students; but, rather, to assure that the publication reflects appropriate and responsible material and reflects legal, moral, and ethical restrictions imposed upon journalists within the school community.
3. The Board of Education will not sponsor publication of material which is obscene, libelous, or substantially disruptive to the education process where it would be deemed inappropriate for the specific age group by society at large. In addition, the Board of Education will not sponsor publication of material which would subject the Board or any teachers and students involved to unnecessary litigation or financial liability.
4. Responsibilities of Student Journalists who work on official school publications (e.g. The Kittatinny Chronicle) will:
 - a. Rewrite material, as required by the faculty advisors, to improve sentence structure, grammar, spelling and punctuation.
 - b. Check and verify all facts and verify the accuracy of all quotations.
 - c. In the case of editorials or letters to editor concerning controversial issues, limit written material to 500 words and provide same space for rebuttal comments and opinions.
 - d. Determine the content of official student publication and select material that represents varied points of view as they are submitted.
 - e. Editorial material will be limited to one page of each official student publication issued.
5. Where the principal deletes student material and review is demanded by the student editor(s) of the publication, editorial differences of opinion will be decided by a standing panel composed of the school principal, two teachers appointed by the faculty, the president of the student council, the president of the National Honor Society. If an amicable resolution cannot be reached, appeal may be made to the Superintendent of Schools and thereafter, to the Board of Education. The Board will, after consultation with the Board attorney, render a decision expeditiously so as not to unduly prolong the review process.

PUBLICATIONS

Prohibited Material

1. Students cannot publish material which is obscene to minors. Obscene to minors is defined as follows:
 - a. Work taken as a whole lacks serious literary, artistic, political or scientific value.
 - b. Work deemed inappropriate or in poor taste by existing school standards.
 - c. A minor is any person under the age of eighteen years.
2. Students cannot publish material which is libelous, defined as a false and unprivileged statement about a specific individual which injures the individual's reputation. If the individual is a public figure as defined below, school officials must show that student journalists either knew the statement was false or published with reckless disregard of the truth.
3. Students cannot publish or distribute material which will cause a "material and substantial disruption of school activities."
 - a. Disruption is defined as student rioting: unlawful seizures of property; destruction of property; wide-spread shouting or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walk-out or other related form of activity. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.
 - b. In order for a student publication to be considered disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial material disruption to normal school activity would occur if the material were distributed. Mere undifferentiated fear or apprehension of disturbance is not enough. School administrators must be able to affirmatively show substantial facts which reasonably support a forecast of likely disruption.
 - c. In determining whether a student publication is disruptive, consideration must be given to the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience in the school with similar material, past experience in the school in dealing with an supervising the students in the subject school, current events influencing the student attitudes and behavior, and whether or not there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question.
 - d. School officials must act to protect the safety of advocates of unpopular viewpoints.
 - e. "School activity" means education activity of students sponsored by the school and includes, by way of example and not by way of limitation, classroom work, library activities, physical education classes, individual decision time, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and scheduled in-school lunch periods.

The rights of free speech, and free expression of pupils in public schools pursuant to the First Amendment, are not automatically co extensive with the rights of adults in other settings and shall be applied in light of the special characteristics of the school environment. The Board of Education reserves the right to exercise prepublication control over school-sponsored publications through administrative staff and faculty. Pupils shall have the right to appeal the exercise of censorship by school district staff to the Board of Education.

Pupil expression may be restricted, if it can be determined that such expression is inconsistent with the basic educational mission of the school district and when censorship action is reasonably related to legitimate educational concerns.

PUBLICATIONS

Pupils who violate this policy by expression, publication or distribution of any materials which are biased or prejudiced, vulgar or profane, unsuitable for immature audiences, or which do not meet the school district's high standards of learning and propriety consistent with its educational goals and objectives may be subject to appropriate discipline.

This policy shall be implemented in accordance with regulations to be developed by the chief school administrator. The regulations shall:

1. Identify school district staff responsible for pupil publications;
2. Establish procedures for prepublication review; and
3. Specify procedures for appeal by pupils to the Board of Education with provisions for prompt decisions to be made at each level.

Protected Speech

School officials cannot:

1. Ban the publication or distribution of birth control information in student publications;
2. Prohibit criticism of school policies or practices;
3. Cut off funds to official student publications because of disagreement over editorial policy;
4. Ban the publication or distribution of material written by non-students;
5. Prohibit the school newspaper from accepting advertising.

Advisor Job Security

1. No teacher who advises a student publication will be fired, transferred, or removed from the Advisor position for failure to exercise editorial control over the student publication or to otherwise suppress the rights of free expression of student journalists.

Web Sites

School-sponsored web sites are also subject to this policy and to the same regulatory constraints as are print publications.

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-35 School Internet web sites; disclosure of certain student information prohibited
N.J.S.A. 18A:54-20 Powers of boards (county vocational schools)
N.J.A.C. 6A:8-3.1 et seq. Implementation of the Core Curriculum Content Standards

Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Desilets v. Clearview Regional Board of Education, 137 N.J. 585 (1994)

PUBLICATIONS

Possible

Cross References: *1111 District publications
5145 Rights
5145.2 Freedom of speech/expression
*5145.5 Photographs of pupils
*6142.10 Technology

*Indicates policy is included in the Critical Policy Reference Manual

NJSBA Issued - 11/10

Adopted/Revised: 7/29/93; 11/17/16