

## **SCHOOL PUBLICATIONS**

"Official school publications" refer to materials produced by students in the journalism, newspaper, and yearbook courses and distributed to the student body either free or for a fee. (EC §48907) For the purposes of this policy, "school publications" also include a school Internet website and school and student literary magazines. School publications are designed to serve as vehicles for instruction and also as a means of communication. These publications are developed, operated and substantially financed by the school district.

A school publication can best function when a full opportunity is provided for students to inquire, question, and exchange ideas. Articles may reflect all areas of student interest, including topics about which there may be dissent and controversy. It is the intent of the Governing Board that students be provided with avenues for the research of ideas and causes of interest to them, and students should be allowed to express their opinions. Controversial subjects should be presented with a variety of published viewpoints.

### **I. Purpose of Official Student Publications**

- A. To exist as an instructional device for the teaching of writing and other journalistic skills.
- B. To serve the entire school by reporting school activities, issues and other areas of interest.
- C. To provide a forum for the opinion of students, school staff, parents, and the school community.

### **II. Students' Rights to Exercise Freedom of Speech and the Press**

#### **A. Students' Rights, Responsibilities, and Restrictions**

1. Students of the public schools shall have the right to exercise freedom of speech and the press including, but not limited to, the right of expression in official publications, whether or not such publications or other means of expression are supported financially by the school or by use of school facilities, except for expression which shall be prohibited because it is obscene, libelous, or slanderous (EC §48907).
2. Also prohibited shall be material which so incites students as to create a clear and present danger, the commission of unlawful acts, or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school (EC §48907). "Substantial disruption" is defined as the threat of physical violence or damage to persons or property on school premises or in the community, or the disruption of the school's educational program.

3. Materials not permitted in official school publications also include the following:
  - a. Materials which violate the right of privacy.
  - b. The California Court of Appeal has held that school districts may restrict the use of profanity in school sponsored publications, including plays and videos, without violating students' free speech rights (*Lopez v. Tulare Joint Union High School District*, May 1995). "Profanity" is further defined as that language which would not be used in the *Ventura County Star* or the *Los Angeles Times*.
  - c. Materials which advocate the breaking of any law.
  - d. Advertising for cigarettes, liquor, or any other products or services not permitted by law to be sold to persons under the age of 18.
  - e. Official school publications may endorse political candidates or ballot measures within an editorial article. A student publication may present opposing political positions and candidates through article, letter, photograph, or cartoon, so long as all major issues and candidates are given equal space, content, and strength of argument.

B. Journalism Advisors (EC§48907)

1. Student editors of official school publications shall be responsible for assigning and editing the content of their publications subject to the limitations of this policy. However, it shall be the responsibility of the journalism advisor(s) of student publications within each school to supervise the production of the student publication and the production staff, to maintain professional standards of English and journalism, and to maintain the provisions of EC §48907.
2. The journalism advisor shall be designated by the school principal. This designation may be changed whenever deemed appropriate by the school principal.
3. Principals and their administrative designees are expected to meet regularly with the advisors and student editors of official school publications. During these meetings, the tone for campus publications can be discussed, as well as the district policy and other legal references related to freedom of expression and freedom of the press.

C. Student Journalists Enrolled in District Journalism Courses (EC §48907)

School publications are usually produced as writing projects within the district's newspaper and yearbook courses. All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teacher of the journalism course.

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D. Prior Restraint (EC §48907)

There shall be no prior restraint of material prepared for official school publications except insofar as it violates this policy. School officials shall have the burden of showing justification without undue delay prior to any limitation of student expression.

E. Prior Review

1. The school principal or administrative designee other than the advisor may also review journalistic copy prior to its publication, if so requested; however, such copy must be returned to the publication advisor within a reasonable time after it is submitted for review.
2. The school principal or administrative designee may make recommendations in the interest of teaching journalistic skills, but may not censor nor restrain publication except in accordance with this policy.

Legal Reference:

**EDUCATION CODE:**

48907	Exercise of Free Expression; Rules and Regulations
48930-48938	Student Organizations
48950	Speech and Other Communication
51520	Prohibited Solicitations on School Premises

**COURT DECISIONS:**

Tinker v. Des Moines School District (1969)  
Perumal et. al. v. Saddleback Valley Unified School District (1988)  
Hazelwood School District v. Kuhlmeier (1988)  
Lopez v. Tulare Joint Union High School District (1995)  
Desilets v. Clearview Regional Board of Education (1995)

**RELATED OUHSD POLICY:**

BP 5145.2 Student Freedom of Expression and Equal Access

ADOPTED: 4/26/78

REVISION/REDESIGNATION: 6/6/01 (BP 537 - Official School Publication Rules)