



Adopted: May 20, 2015

*EMID 6067 Board Policy 512*

Revised: \_\_\_\_\_

## **512 DISTRICT-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

### **I. PURPOSE**

The purpose of this policy is to protect students' rights to free speech in production of official EMID publications and activities while at the same time balancing EMID's role in supervising student publications and the operation of the district and integration programs.

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

- A. EMID may exercise editorial control over the style and content of student expression in EMID-sponsored publications and activities.
- B. Expressions and representations made by students in EMID-sponsored publications and activities are not expressions of official district policy. Program supervisors shall supervise student writers to ensure compliance with law and EMID policies.
- C. Students who believe their right to free expression has been unreasonably restricted in an official student publication or activity may seek review of the decision by the Executive Director. The Executive Director shall issue a decision no later than one week after review is requested.
  - 1. Students producing official student publications and activities shall be under the supervision of a program supervisor. Official publications and activities shall be subject to the guidelines set forth below:
  - 2. Official 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, posting or displaying material, or placing material in staff workspaces.
- B. "Official EMID publications" means newsletters, newspapers, or material produced as part of an integration program activity.
- 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 sexual conduct such as intimate sexual acts, excretory functions, or 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. "Materials and substantial disruption" of a normal integration program activity means student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a program 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. "Integration program activities" means any activity of students sponsored by EMID

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 EMID publication or EMID-sponsored activity is prohibited when the material:

1. is obscene to minors;
2. is 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 EMID regulations or substantially disrupts the orderly operation of EMID activities;
5. expresses or advocates sexual, racial, or religious harassment or violence or prejudice;
6. is distributed or displayed in violation of time, place, and manner regulations.



- B. Expression in an official EMID publication or EMID-sponsored activity is subject to editorial control by EMID over the style and content so long as EMID's actions are reasonably related to legitimate pedagogical concerns. These may include, but are not limited to, the following:
1. assuring that participants learn whatever lessons the activity is designed to teach;
  2. assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
  3. assuring that the views of the individual speaker are not erroneously attributed to EMID;
  4. assuring that EMID is not associated with any position other than neutrality on matters of political 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;
  6. assuring that EMID is not associated with expression that is grammatically incorrect, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.

C. Time, Place, and Manner of Distribution

Students shall be permitted to distribute written materials at EMID District offices and integration program locations as follows:

1. Time

Distribution shall be limited to the hours before and after a program activity.

2. Place

Written materials may be distributed in locations so as not to interfere with the normal flow of traffic, within integration program locations and parking lots. Distribution shall not impede building entrances or exits in any way.

3. Manner

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



*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)

*Bystrom v. Fridley High School, I.S.D. No. 14*, 822 F. 2d 747 (8<sup>th</sup> Cir., 1987)

*Morse v. Fredrick*, 551 U.S. 393, 127 S.Ct. 2618, 168 L.Ed.2d 290 (2007)

***Cross References:***

EMID Policy 505 (Distribution of Non-District-Sponsored Materials on Integration Program Premises by students and Employees)

EMID Policy 506 (Student Discipline)

EMID Policy 904 (Distribution of Materials on EMID Property by Non-district Persons)