

551P NDMA-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 the NDMA's role in supervising school-sponsored media and the operation of the NDMA. 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 significant 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 NDMA 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:
 - 1. prepared, wholly or substantially written, published, broadcast, or otherwise disseminated, in any media form, by a student journalist;
 - 2. distributed or generally made available to students in the school; and

3. 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 grades 6 through 8 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 NDMA, uses NDMA 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. NDMA 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 NDMA 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 NDMA premises or violation of NDMA 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; or
9. is distributed or displayed in violation of the time, place, and manner regulations in Section III.D.

- C. **Student Media Advisors.** Student media advisors shall oversee student journalism in accordance with the terms of this Policy. NDMA 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 or the First Amendment of the United States Constitution.

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 NDMA or another individual or entity; or
4. 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. NDMA-sponsored media may be distributed in locations so as not to interfere with or impede the normal flow of traffic in NDMA hallways, walkways, entryways, or parking lots and, if electronically distributed, so

as to not interfere with NDMA'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 NDMA.** 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 NDMA.

IV. PRIOR RESTRAINT

NDMA 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 Board Appointed Administrator. To complete this review, the Board Appointed Administrator 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 Board Appointed Administrator 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 Board Appointed Administrator's determination shall be final.

- Legal References:**
- U.S. Const. Amend. I
 - Minn. Const. Art. 1, § 3
 - Minn. Stat. § 121A.80
 - Tinker v. Des Moines Indep. Community Sch. Dist.*, 393 U.S. 503 (1969).
 - Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988).
 - Bethel Sch. Dist. v. Fraser*, 478 U.S. 675 (1986).
 - Morse v. Frederick*, 551 U.S. 393 (2007).