

TITLE: STUDENT PUBLICATIONS AND PRODUCTIONS

1. Policy Statement. The Board recognizes that providing opportunities for responsible student expression is an integral part of the public school program. It also recognizes its responsibility to the schools, students, and community to ensure that school-sponsored publications and productions which provide a vehicle for student expression are consistent with legal and regulatory requirements, school system policies and procedures, civil discourse, responsible journalism, and professional standards.

2. Purpose. The purpose of this policy is to provide guidelines related to school-sponsored student publications and productions.

3. Definitions.

3.1 Advisor/Sponsor – For purposes of this policy, the qualified professional employee designated by the principal to oversee a school-sponsored publication or production. This may include a high school student activity advisor, a club or organization sponsor, or a classroom teacher with instructional responsibility for the publication or production.

3.2 Defamatory material – False and unprivileged statements or representations about individuals or identifiable groups which harm the reputations of the subjects by lowering them in the estimation of the community or deterring third persons from associating or dealing with them.

3.2.1 A false statement about a public official (one who holds an elected or appointed public office) or a public figure (one who either seeks the public attention or is well known because of his or her achievement) is considered defamatory only if the material was published/communicated with actual malice; that is, the author knew the statement was false or published it with reckless disregard for the truth.

3.2.2 A false statement about a private individual is considered defamatory if it is published/communicated willfully or negligently and the author knew it was false or failed to exercise the care a reasonably prudent person in the author's circumstances would exercise to verify its truthfulness.

3.3 Libel – A false written statement that damages a person's reputation.

3.4 Obscene – Material is obscene when:

3.4.1 The average person, applying contemporary standards of the school community would find that the material, taken as a whole, appeals to the prurient interest of the age level of the intended recipients;

3.4.2 It depicts or describes sexual conduct, including intimate sexual acts, excretory functions and lewd exhibitions, in a manner that is patently offensive to prevailing standards in the community concerning how such conduct should be presented to the age level of the intended recipients; and

3.4.3 When taken as a whole, it lacks serious literary, artistic, political, or scientific value to the intended recipients.

3.5 Privileged Statements – In the context of a claim that a statement is defamatory, the law protects the publisher of the statement from liability if the defamatory statement falls within one of the few recognized categories of “privileged statements.” Privileged statements are generally limited to statements made at judicial, legislative, or governmental proceedings. Privilege may be lost if an individual acts with malice or a reckless disregard of another’s rights.

3.6 Profanity – Vulgar, vile or contemptuous language.

3.7 School-related Activity – Any school system activity, whether held on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or in which the student does not directly participate but represents the school or student body simply by being there (e.g., spectator at a school event).

3.8 School-sponsored – Taking place with the knowledge and approval of school-based administration and including the promotion, leadership, and/or participation of school employees. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

3.9 School-sponsored Publications – Newspapers, yearbooks, literary magazines, or similar publications or broadcasts, including electronically published documents and web-based programs, which are school-sponsored.

3.10 School-sponsored Productions – Plays, talent shows, videos, broadcasts, or recordings, including electronic productions, which are school-sponsored.

3.11 Slander – A false oral statement that damages a person's reputation.

3.12 Unprivileged Statements – see Privileged Statements

4. Standards

4.1 School-sponsored publications and productions are encouraged as important aspects of the learning experiences that schools can provide. Related instruction and direction shall promote sound practices that conform to accepted professional standards and ethics in the creation of publications and communications.

4.2 The school system reserves the right to disapprove a school-sponsored publication or production if the content or activity:

- 4.2.1 Is in violation of law or school system policies or procedures;
- 4.2.2 Poses a potential threat to the health and/or safety of students;
- 4.2.3 Might reasonably be perceived to advocate student drug, alcohol or tobacco use, violence, sex, discrimination, or other illegal or prohibited activities;
- 4.2.4 Contains content that is obscene, libelous, slanderous, defamatory or profane;
- 4.2.5 Contains information that is inaccurate or unsubstantiated;
- 4.2.6 Causes or might reasonably be predicted to cause substantial disruption of or material interference with school activities; or
- 4.2.7 Is not reasonably related to legitimate educational concerns.

4.3 Students shall have the right to prepare the content of school-sponsored publications subject to the provisions in the standards set forth in this policy and the approval of designated school employees.

4.4 Students who express viewpoints that are controversial, unpopular, or critical of faculty, administration, or school policies shall not be disciplined based solely on their viewpoint.

4.5 Every student shall have the right to be considered for participation in school sponsored publications and productions.

5. The principal shall ensure that each school-sponsored publication or production has an advisor/sponsor with the following responsibilities:

5.1 Provide guidance and direction, as appropriate, on editing, format, layout, content, professionalism, and provisions of this policy

5.2 Exercise review of the publication or production, subject to the principal's final decision-making and the student's right of appeal as stated in this policy

5.3 Be guided by school system policies and procedures and applicable professional standards,

5.4 Promote the expression of a variety of viewpoints.

6. Students who disagree with a decision of an advisor/sponsor or principal related to the content or other aspects of a publication or production may appeal the decision to the Superintendent.

7. Students will not be pressured or coerced to take or read school-sponsored publications.
8. Posters and similar materials associated with school-related activities are subject to the approval of the principal and may only be displayed in accordance with local school procedures.
9. Advertisements may be published in school-sponsored publications subject to established criteria and procedures.
10. Compliance
 - 10.1 The principal shall ensure that:
 - 10.1.1 All school-sponsored publications or productions comply with the standards of this policy
 - 10.1.2 The established process through which a student may appeal a decision related to a publication or production is communicated to students.
11. The advisor/sponsor shall provide direction and guidance to students in the development of sound practices that conform to accepted professional standards and ethics in the creation of publications and productions.
12. Administrative Regulation. The Superintendent is authorized to promulgate Administrative Regulations for the implementation of this policy.
13. Review Schedule. This policy shall be reviewed in accordance with the Policy Review Schedule published by the Superintendent.

Legal Authority: West Virginia Board of Education Policy 4373;
Tinker v. Des Moines, Ind. Sch. Distr., 393 U.S. 503 (1969);
Bethel School District v. Fraser, 478 U.S. 675 (1986);
Hazelwood School Dist. v. Kuhlmeier, 44 U.S. 260 (1988)

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