

PUBLICATIONS: STUDENT NEWSPAPER AND YEARBOOK

- A. The publication's faculty advisor shall review all material scheduled for publication.
- B. If the faculty advisor believes that any proposed material should be refused publication, the faculty advisor shall:
 - 1. Contact the student submitting the material for publication and advise the student of:
 - a. The proposed refusal and the reasons therefore.
 - b. How the material may be made acceptable for publication.
 - 2. If no acceptable resolution is reached, meet with the student (and at the option of the faculty advisor, with the parent(s) or legal guardian of any student under 18 years of age) and representatives of the publication staff to review the matter.
 - 3. If no acceptable resolution is reached, and if the student whose material is scheduled for publication still requests the material be published in its original form, the advisor shall immediately:
 - a. Order the material published in its original form; or
 - b. If the faculty advisor suspects that any portion of the material may be a form of prohibited expression, he/she shall notify the principal.
- C. The school principal shall immediately:
 - 1. Meet and confer with the student and the parent(s) or legal guardian of any student under 18 years of age to review the matter.
 - 2. Hold other meetings, where the principal feels it is necessary, with one or more of the following: the faculty advisor, the publication's staff, the parent(s) or legal guardian, the student, or other person which may be involved to review the matter.
 - 3. If no acceptable resolution is reached, the principal shall:
 - a. Order the material published in its original form; or
 - b. If the principal suspects that any portion of the material may be a form of prohibited expression, he/she shall notify the Superintendent.
- D. The Superintendent shall immediately:
 - 1. Review the matter with the assistance of County Counsel, and;
 - a. Order the material published in its original form, or
 - b. If the Superintendent suspects that any portion of the material may be a form of prohibited expression, he/she shall notify the Board of Trustees.
- E. The Board of Trustees shall as soon as possible, but in any event within seven (7) days at either a regular or special Board meeting, review the matter. If the Board finds that any portion of the material:

1. Is an invasion of an individual's right of privacy, or
2. Is obscene according to current legal standards, or
3. Is libelous according to current legal standards, or
4. Would so incite students so as to create a clear and present danger of:
 - a. The commission of unlawful acts on school premises, or
 - b. The violation of lawful school regulations, or
 - c. The substantial disruption of the orderly operation of the school;

Then the Board shall determine that the material is a form of prohibited expression and shall refuse to publish the material. If the Board determines that the material does not fall within one or more of the above-listed categories, then the Board shall order the material published in its original form.

PROHIBITED FORMS OF EXPRESSION

Any form of expression, including but not limited to, school newspapers and yearbooks, shall be prohibited publication if it invades another's right of privacy, or is obscene or libelous according to current legal standards, or which so incites students as to create a clear and present danger of commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.

In determining whether the form is expression is to be prohibited publication, the following criteria shall be used:

A. Invasion of Right of Privacy

1. The constitutionally protected right of privacy of an individual must be balanced with the public's right to the information. If the material
 - a. Is untruthful; or
 - b. Reveals facts so offensive as to shock the local community's notions of decency; or
 - c. The incident being reported is not newsworthy;

Then the material is not protected free speech.

2. In determining whether the incident being reported is newsworthy, the following factors will be considered:
 - a. The social value of the facts published, and
 - b. The depth of the material's intrusion into ostensibly private affairs, and
 - c. The extent to which the individual voluntarily acceded to a position of being widely known in the community.

B. Obscenity

1. Would the average student who is likely to witness the material, applying contemporary

standards of the local community, find that the material, taken as a whole, appeals to his/her prurient interest?

2. Does the material depict or describe, in a patently offensive way, sexual conduct?
3. If the answer to either of these two questions is "yes", and the material taken as a whole lacks serious literary, artistic, political, or scientific value, the material is not protected free speech.

C. Libel

1. Is the material false?
2. Does the material expose any person to hatred, contempt, ridicule, or obloquy, or cause one to be shunned or avoided, or which has a tendency to injure one in one's occupation?
3. If the answer to each of these two questions is "yes", and the material does not fall within either of the following categories as being a privileged publication:
 - a. A fair and true report of a judicial, legislative or other public official proceeding or anything said in the course thereof, or of a verified charge or complaint made by any person to a public official, upon which complaint a warrant shall have been issued; or
 - b. A fair and true report of the proceedings of a public meeting which was lawfully convened for a lawful purpose and open to the public, or the publication was for the public benefit;

Then the material is not protected free speech.

D. "Expression which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of school".

1. Is it imminent that the expression will cause conduct of a physical nature to be taken?
2. Will the conduct of a physical nature be unlawful or a violation of lawful school regulations?
3. Will the conduct of a physical nature occur on or adjacent to school premises?
4. Will the physical action be substantial?
5. Is it impossible to take preventive measures so that the physical action will not be substantial?
6. Is it unreasonable to permit the conduct of a physical nature to occur and subsequently discipline the parties involved rather than prevent the publication of the material?

If the answer to each of the above questions is "yes", the material is not protected free speech.