

DISTRIBUTION OF STUDENT PUBLICATIONS

Through classroom assignments and mass media, students are exposed to diverse opinions on a wide range of topics. The Board affirms that equipping students with the skills necessary to analyze and express facts and opinions on such topics, in print as well as through conversation, is part of the educational mission of the District. At the same time, the Board recognizes that the distribution in schools of certain content may impair the District's educational mission.

This policy sets forth the rules for distribution in schools of student publications based on the foregoing policy considerations and the legal rights and obligations of both the District and its students. This policy shall constitute the written publications code described in C.R.S. § 22-1-120.

Definitions

1. *Distribution* means the intentional circulation or dissemination of a student publication by one or more students and to one or more students using any District property, or on any District property, or at the time and place of school activities (or immediately prior or subsequent thereto) by means of any of the following: handing out free copies; selling or offering copies for sale; accepting donations for copies; making copies available (such as by placing them in a common area); displaying copies; transmitting the publication electronically (which includes posting the publication on a school server or making the publication accessible from a school computer); or otherwise circulating or disseminating the publication in a manner that it is likely that students will have access to the information either using District resources, on District property, or at the time and place of school activities (or immediately prior or subsequent thereto).
2. *General Distribution* means a substantial distribution by one or more students of a student publication so as to make the student publication available in aggregate to more than thirty-five (35) students except that the term *general distribution* shall not include distribution which is limited to students directly participating in (and not merely observing) a single school activity other than an assembly and a scheduled in-school lunch period (even if the total aggregate distribution is greater than 35).
3. *Distribution supervisor* means the principal or, with respect to any particular student publication, an individual designated by the principal (such individual may or may not be the publication advisor for such student publication). Accordingly, at each school there may be only one distribution supervisor or there may be multiple distribution supervisors each responsible for different student publications.
4. *Minor* means any person under the age of 18.
5. *Publication* means any book, magazine, pamphlet, newspaper, yearbook, picture, photograph, drawing or any other written or printed matter or visual representation in any medium (including video and web-based publications), however produced.

6. *Publication advisor* means a person whose duties include the direct supervision of a school-sponsored student publication.
7. *School activity* means any activity of students on District property or otherwise authorized by or under the supervision of District officials, employees or volunteers, including without limitation classroom work, library activities, physical education classes, assemblies and other similar gatherings, athletic contests, student group activities, band concerts, school plays, field trips, and scheduled in-school lunch periods.
8. *School day* means any day during regular or summer session or year-round school on which regularly-scheduled classroom instruction takes place and excludes Saturdays, Sundays and official school holidays.
9. *School-sponsored student publication* means, for purposes of this policy only, a student publication produced as part of or in connection with a school activity. Examples include student newspapers and yearbooks prepared as part of a class or authorized school activity. This term does not include any publication produced by a student during a school activity which is unrelated to such activity.
10. *Student publication* means any publication which is composed, compiled, published or distributed by students.

Time, Place and Manner of Distribution

The general distribution of hard copies of student publications which comply with this policy is permitted only in areas designated by the building principal. Any distribution which substantially interferes with the normal flow of traffic within the school corridors and entrance ways, which is coercive of any other person's right to accept or reject any publication, which creates a safety concern, or which causes substantial and material interference with normal school activities shall not be permitted. Any distribution of electronic copies of student publications must also comply with Policy EHC.

Every student publication that is generally distributed shall contain the following disclaimer: "This publication is not necessarily an expression of the views or policies of School District No. 11 or the school."

Student Publications That May Not Be Distributed

Any distribution of a student publication is prohibited if any of the content of such publication:

1. Is obscene as to minors;
2. Is libelous, slanderous, or defamatory;
3. Is false as to any person who is not a public figure or involved in a matter of public concern;

4. Creates a clear and present danger of the commission of unlawful acts, the violation of lawful school policies and regulations, or the material and substantial disruption of the orderly operation of the school;
5. Violates the rights of others to privacy; or
6. Threatens violence to property or persons.

Each of the foregoing standards shall be interpreted according to current legal definitions applicable to such standards. Subject to the foregoing, in determining whether a student publication is materially and substantially disruptive, distribution supervisors should consider the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience with similar material, past experience in dealing with and supervising the students in the school, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened physical disruption prior to or contemporaneously with the submission of the student publication in question.

Additional Provisions for School-Sponsored Student Publications

The publication advisor and distribution supervisor for each school-sponsored student publication shall be responsible for ensuring that the activity furthers the educational mission for which it is intended and is consistent with the overall educational mission of the school.

With respect to a school-sponsored student publication which is produced as part of a school class or activity for which grades or school credits are given, nothing in this policy shall limit the authority of the publications advisor and distribution supervisor to establish or limit writing assignments for students working with the publication and to otherwise direct and control the learning experience that the publication is intended to provide (which, in all cases, shall be consistent with the overall educational mission of the school). For example, the publication advisor and distribution supervisor may exercise authority over such a school-sponsored student publication for reasons that are reasonably related to such learning experience.

Approval Process for the General Distribution of Student Publications

The general distribution of any student publication must be approved in advance by the distribution supervisor for such publication. The distribution supervisor may only deny approval if the publication contains content that may not be distributed pursuant to this policy or, if the publication is a school-sponsored student publication produced as part of a school class or activity for which grades or school credits are given, pursuant to the authority of the publication advisor and distribution supervisor over such publication.

The distribution supervisor shall use his or her best efforts to respond to a request for approval by the end of the next school day following receipt of such request. If the distribution supervisor is unable to reach a decision by such time, the distribution supervisor shall inform the requesting student of the issues requiring further consideration and shall render a final decision by the end of the next school day.

If the general distribution is not approved, the distribution supervisor shall state the reasons for this decision to the student and shall give the student the opportunity to meet personally with the distribution supervisor so that the student and distribution supervisor may freely exchange views on why the general distribution of the student publication is or is not appropriate.

Appeals

If the distribution supervisor denies a request for general distribution of a particular student publication, the requesting student may appeal this decision to an individual designated by the District Superintendent (the "district supervisor"). The district supervisor shall approve the general distribution of the student publication unless he or she determines that (i) the publication contains content that may not be distributed pursuant to this policy , or (ii) if the publication is a school-sponsored student publication produced as part of a school class or activity for which grades or school credits are given, the distribution supervisor's denial was a reasonable exercise of the authority of the distribution supervisor over such publication as described above.

The district supervisor shall use his or her best efforts to respond to an appeal by the end of the next school day following receipt of such appeal. If the district supervisor is unable to reach a decision by such time, the district supervisor shall inform the requesting student of the issues requiring further consideration and shall render a final decision by the end of the next school day.

If the district supervisor upholds the decision of the distribution reviewer, he or she shall state the reasons for this decision to the student and shall give the student the opportunity to meet personally with the district supervisor so that the student and the district supervisor may freely exchange views on why the general distribution of the student publication is or is not appropriate.

General Distribution without Advance Approval

If the distribution supervisor or district supervisor, as applicable, does not respond to the requesting student within the applicable timeframes described above, the student may generally distribute the student publication without advance approval; provided that such distribution must otherwise comply with this policy.

Limited Scope of Review

The distribution supervisor and district supervisor shall use reasonable efforts to determine whether a student publication submitted for general distribution approval contains any content that may not be distributed pursuant to this policy. However, such approval does not mean that the publication does not contain any such content. If the District subsequently becomes aware that the publication does contain such content, the District shall have the authority to revoke the general distribution approval and impose appropriate discipline.

Miscellaneous

The Board does not intend by this policy to create any type of public forum within the schools, except to the extent such forum may otherwise be deemed to exist under Colorado or federal law based on the terms of this policy.

Except to the extent expressly limited herein, nothing in this policy shall be construed to limit or waive any authority which the District may otherwise have with respect to student publications.

Nothing in this policy shall be construed to limit the promulgation or enforcement of lawful District J-series policies on student conduct and discipline, including those established to control gangs.

Nothing in this policy shall be construed to waive or limit any liability protection provided under C.R.S. § 22-1-120 or any other provision of Colorado or federal law.

Adopted March 19, 1980
Revised June, 1988
Revised January, 1997
Revised June, 2009

LEGAL REFS.: C.R.S. 22-1-120
C.R.S. 22-32-110 (1)(r)
Colo. Const. Art. IX, Section 15
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

CROSS REFS.: JIC, The Student Conduct and Discipline Code
JICDA, Code of Conduct
JICDA-R, Code of Conduct Regulations
KI, Visitors to Schools
IMB, Teaching About Controversial/Sensitive Issues
IB, Academic Freedom
EHC, Electronic Communication and Access Policy
KHA, Public Solicitation in Schools
KHA-R, Public Solicitation in Schools Regulation
KHB, Advertising in Schools (And Corporate Sponsorship)
KHB-R, Advertising In Schools Regulation

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