

# Santa Barbara Unified School District

## Administrative Regulation

Students

AR 5145.21

### SCHOOL PUBLICATIONS CODE

#### Definition of Official School Publications

“Official school publications” refers to materials produced by students in the journalism, newspaper, and yearbook courses and distributed to the student body either free or for a fee and to all forms of school-sponsored publications and communications, including student literary magazines; audio, visual, and electronic school broadcasts; and social media.

#### Purposes of Official Student Publications

1. To exist as an instructional device for the teaching of writing and other journalistic skills.
2. To serve the entire school by reporting school activities, issues, and other areas of interest.
3. To provide a forum for the opinion of students, school staff, parents, and the school community.

A school publication can best function when a full opportunity is provided for students to inquire, question, and exchange ideas. Articles may reflect all areas of student interest, including topics about which there may be dissent and controversy. It is the intent of the Governing Board that students are provided with avenues for the research of ideas and causes of interest to them, and students should be allowed to express their opinions freely and responsibly. Controversial subjects should be presented with a variety of published viewpoints.

Journalism/staff advisers and school administrators shall be furnished with copies of professional and scholastic journalism codes of ethics.

#### Students' Rights to Exercise Freedom of Speech and the Press

School publications provide an opportunity for students to enhance their skill set and pursue high standards of learning and propriety consistent with the district's educational goals and objectives. Students have the following rights, responsibilities, and restrictions:

Students of the public schools shall have the right to exercise freedom of speech and the press including, but not limited to, the right of expression in official school publications, whether or not such publications or other means of expression are supported financially by the school or by use of school facilities. These rights are specified in Education Code section 48907.

The right to exercise freedom of speech and the press shall not include the following acts which are prohibited:

1. Expression that is obscene.
2. Expression that is libelous or slanderous.
3. Expression that, viewed objectively, so incites students as to create a clear and present danger of the commission of unlawful acts, or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school because (a) the expression specifically calls for

such disruption or (b) because the manner of expression (as opposed to the content of the ideas) is so inflammatory that the expression itself provokes a disturbance.

4. Expression that violates professional standards of journalism which are required of all official school publications by Education Code §48907(c).

### **Journalism/Staff Adviser**

The journalism/staff adviser shall be designated by the school principal. This designation may be changed by the school principal, consistent with the protection afforded the journalism/staff adviser, as described in Education Code section 48907(g), which states:

The journalism/staff adviser shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a pupil engaged in the conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

Student editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this regulation. However, it shall be the responsibility of the journalism adviser(s) of official student publications within each school to supervise the student editors and other staff members to ensure that the official student publications maintain professional standards of English, Spanish (or other project-related language), and journalism, and to ensure that all official student publications comply with this regulation and Education Code sec. 48907. In exercising these responsibilities, the journalism adviser(s) shall do the following:

1. Teach and encourage free, responsible expressional and professional journalistic standards for all forms of communications, including the ability to address issues with judgment, maturity, and sensitivity to the audience and the school community.
2. Include the Society of Professional Journalists' Code of Ethics and comparable high school journalism ethics codes in the journalism curriculum.
3. Regularly meet with and monitor student editors and staff to ensure that official student publications comport with the purposes of official student publications as set forth in this regulation.

### **Prior Restraint**

Pursuant to Education Code §48907(d), except in the case of the four types of limitations listed above, there shall be no prior restraint of material prepared for official school publications. The Board endorses the portion of the National Scholastic Press Association's *Code of Ethics for High School Journalists* which holds that the students' "journalism experience [should] teach responsibility" and that students should "[r]ecognize inherent differences between the professional news media and the student news media, and understand that the latter will always be subject to some oversight by school administrators." Students should "[s]how administrators how it is in their best interests and the school community's best interests to recognize student independence, within the parameters of law, in controlling the content of their news medium."

### **Appeal of a Decision to Remove Material from an Official Student Publication**

If the journalism adviser or school principal decides it is necessary to remove material from a draft official publication, he or she shall immediately contact the Superintendent or designee. Before any contested final decision is made to remove material from an official publication, counsel for the district

shall be consulted to ensure that free speech and Education Code section 48907 rights will not be abridged. Student editors, staff and the author shall be notified in writing of any decision to remove material and its justification.

The student editors, staff or the author may appeal that decision to the Superintendent or the Superintendent's designee. Any such appeal shall be made by filing a written request with the Superintendent within three (3) school days and shall state the basis for the appeal. The Superintendent or the Superintendent's designee shall meet with the appellant and other interested parties within three (3) school days and shall promptly issue a written decision granting or denying the appeal no later than three (3) school days thereafter.

Any decision of the Superintendent or the Superintendent's designee may be appealed to the district's Governing Board by filing a notice of appeal with the Superintendent within three (3) days of the date of the Superintendent's written decision. The Governing Board shall hear and decide the appeal at its next scheduled regular meeting.

SANTA BARBARA UNIFIED SCHOOL DISTRICT  
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