

5772 STUDENT JOURNALISM

The Board of Education sponsors student publications as important elements of the instructional program. The Board believes that freedom of expression is an important, fundamental principle in a democratic society. Yet, the rights of students to free expression in the public schools, pursuant to the First Amendment, are not automatically coextensive with the scope of such rights by individuals in other settings, and shall be applied in light of the special characteristics of the school environment, in accordance with law and the provisions of this policy. Students are encouraged to develop skills of written and verbal communication and to exercise the right to express their opinions freely and responsibly.

This policy applies only to “school-sponsored media” as that term is defined below and pursuant to N.J.S.A. 18A:36-45. This policy does not apply to “non-school-sponsored media.”

The Board reserves the right to set reasonable time, place, and manner restrictions on student expression. Further, the Board retains the sole and exclusive right to determine which forums it chooses to open to student expression or school-sponsored media. The Board may close a particular forum to student expression entirely, if it chooses. The Board may also designate or limit a particular forum to discussion or expression regarding certain topics or subject matter, in a content-neutral and viewpoint-neutral manner, by setting reasonable and constitutionally permissible time, place, and manner restrictions, if it chooses.

No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school or district policy

Definitions

“School-sponsored media” means any material that is (1) prepared, substantially written, published, or broadcast by a student journalist at a public school, (2) distributed or generally made available to members of the student body, and (3) prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

“Non-School-sponsored media” means any material that is independently produced and distributed by a student, on or off school grounds, without formal guidance from a student media advisor at a public school, including but not limited to personal social

media of a student. The provisions of this policy do not apply to non-school-sponsored media.

“Student journalist” means a public school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

“Student media adviser” means an individual employed, appointed, or designated by the school district to supervise or provide instruction relating to school-sponsored media.

“Libel” means the publication of demonstrably false and defamatory statements of fact about an individual which would tend to harm that individual’s reputation or cause others to avoid the individual.

“Slander” means the speaking of false and defamatory statements of fact about an individual which would tend to harm the individual’s reputation or cause others to avoid the individual.

“Prior restraint” or “Restraint” means action taken by District administration to exercise censorship over any school-sponsored media by prohibiting or preventing its publication or distribution based on the content of student expression contained therein. Prior restraint or censorship does not include action by the District to limit or close a given forum in a manner that is unrelated to the content of the speech or views expressed (e.g., deciding not to allow student expression at all on the District website, or in declining to include student articles in other District publications which are not for that purpose).

Student Freedom of Expression in School-Sponsored Student Media

Except as otherwise provided for by the exceptions to this policy set forth in this section below, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the District, or by the use of school facilities, or produced in conjunction with a class in which the student is enrolled. Subject to the exceptions set forth below, student journalists are responsible for determining the news, opinion, and features of school-sponsored media. If the District chooses to open its school-sponsored media to advertising, student journalists are responsible for determining the content of such advertising, subject to the below exceptions. However, nothing in this policy shall be construed to prevent a student media adviser from teaching professional standards of English and journalism, or from providing guidance to student journalists.

Exceptions:

Notwithstanding any other provision of this policy, this policy does not authorize or protect, or prohibit the restraint of, any material or expression by a student that:

1. Is libelous or slanderous;
2. Constitutes an unwarranted invasion of privacy;
3. Is profane or obscene, or contains language of a threatening or intimidating nature;
4. Violates federal or State law; or
5. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policies, or the material and substantial disruption of the orderly operation of the school.

The school district shall not authorize or commit any prior restraint of any school-sponsored media, except for the types of expression described in the exceptions listed above, and then only in accordance with the procedure set forth in this policy below.

An employee of a school district shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in the conduct authorized under this policy or refusing to infringe upon conduct that is protected by this policy, the First Amendment to the United States Constitution, or Paragraph 6 of Article I of the New Jersey Constitution. Further, the school district shall not sanction a student operating as an independent journalist.

Notwithstanding the above, nothing contained in this policy shall be construed to limit or prevent the school district from imposing discipline or consequences on a student for conduct which constitutes a violation of the Code of Student Conduct, as authorized by District policies and procedures pertaining to student discipline and behavioral expectations, and in accordance with law. Furthermore, nothing contained in this policy shall be construed to limit or prevent the school district from investigating or taking action in response to allegations of harassment, intimidation, or bullying (“HIB”), in accordance with the New Jersey Anti-Bullying Bill of Rights Act and Board Policy No. 5512 (“Harassment, Intimidation, and Bullying”).

Procedure for Restraint of Student Expression under Authorized Exceptions

When school officials determine that the restraint of student expression in school-sponsored media is necessary, the school district shall abide by the following procedure:

1. The building principal shall consult with the student media advisor working with the student on the school-sponsored media in question (if any), in order to gather the facts, content, and relevant context of the student expression.

2. The building principal shall submit a written statement to the Superintendent of Schools specifically identifying which of the five (5) exceptions listed in the preceding section of this policy applies to justify the restraint of student expression, and shall append a copy of the student expression to said written statement. If a copy of the student expression is unavailable, the principal shall, in the alternative, include a brief written summary of the expression in the written statement to the Superintendent.

3. The Superintendent shall promptly consult with the Board Attorney concerning the request, and shall thereafter render a decision in writing within five (5) school days of receipt of the principal's written request for restraint. If the request for restraint is granted, the Superintendent shall identify which of the five (5) exceptions listed in the preceding section of this policy applies to justify the restraint of student expression in school-sponsored media.

4. If a restraint on student expression in school-sponsored media is imposed, the student whose expression is restrained or limited may appeal to the Board of Education within five (5) school days of receipt of the Superintendent's written decision. The student shall have the right to a hearing before the Board in executive session at the next regularly scheduled board meeting, and may be accompanied by their parent or legal guardian, the student media advisor, or an attorney or other representative. The Board of Education shall render a decision, in writing, within five (5) school days of the conclusion of the Board-level hearing.

5. The Board's written decision may be appealed to the Commissioner of Education within ninety (90) days of the date it is received by the student whose expression was restrained.

WebSites

If permitted by the District, the inclusion of school-sponsored media produced by a student journalist on District-owned or operated web sites shall be subject to the same limitations and constraints as are print publications under the terms of this policy.

POLICY

SOUTH ORANGE MAPLEWOOD
BOARD OF EDUCATION

Students
5772
STUDENT JOURNALISM

Adopted: 26 January 2023