

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

School-Related Student Publications

School-sponsored publications are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Because the Board recognizes creative student expression as an educational benefit of the school experience, it encourages freedom of comment, both oral and written, in a school setting with a degree of order in which proper learning can take place.

The Board encourages students to express their views in school-sponsored publications and to observe rules for responsible journalism. This means expression which is false or obscene, libelous, slanderous or defamatory under state law; presents a clear and present danger of the commission of unlawful acts, violation of school rules or material and substantial disruption of the orderly operation of the school; violates the privacy rights of others; or threatens violence to property or persons shall not be permitted.

Student editors of school-sponsored publications shall be responsible for determining the news, opinion and advertising content of their publications subject to the limitations of this policy and state law. The publications advisor within each school shall be responsible for supervising the production of school-sponsored publications and for teaching and encouraging free and responsible expression and professional standards of journalism.

The publications advisor has authority to establish or limit writing assignments for students working with publications and to otherwise direct and control the learning experience that publications are intended to provide when participation in a school-sponsored publication is part of a school class or activity for which grades or school credits are given.

All school-sponsored publications shall contain a disclaimer that expression made by students in the exercise of freedom of speech or freedom of the press is not an expression of Board policy. The school district and employees are provided immunity from civil or criminal penalties for any expression made or published by students.

The superintendent shall develop, for approval by the Board, a written official school publications code which shall include:

1. A statement of the purposes of official school publications.
2. Responsibilities of official school publications' advisors and student editors.

3. A list of prohibited materials.
4. Reasonable provisions for the time, place and manner of distributing school-sponsored student publications within the school district's jurisdiction.
5. Procedures for resolving differences.

The publications code shall be distributed to all students and teachers at the beginning of each school year.

Adopted: September 28, 2004

Re-Adoption Date: September 26, 2006

Revised Date: July 24, 2012

Adopted per CASB Date: 7-28-2015

LEGAL REFS.: C.R.S. 22-1-120 (*rights of free expression for public school students*)
C.R.S. 22-1-123 (5)(e) (*state law does not prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, analysis or evaluation without obtaining written parental consent as long as participation is not prohibited by federal law*)
C.R.S. 22-32-110 (1)(r) (*power to exclude materials that are immoral or pernicious*)

CROSS REF.: JLDAC, Screening/Testing of Students

NOTE: The Board may want to consider a more conservative approach to the issue of editorial control of school-sponsored student publications than is reflected in this policy. Although the Colorado statute on this issue, C.R.S. 22-1-120, has never been tested in the courts, some believe that because the statute does not provide for a true "limited open forum" the Board can be more restrictive about who exercises ultimate editorial control. Some Colorado school Boards have adopted policy vesting such control in the publications advisor subject to ultimate review by the superintendent and Board. We suggest discussing this issue with the Board's legal counsel.