

NOTE: Colorado school boards are required by state law to adopt a written publications code. C.R.S. 22-1-120(4). This sample regulation meets this legal requirement; 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 Publications Code)

1. Purpose

School-sponsored publications provide an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Content of school-sponsored publications should reflect all areas of student interest, including topics about which there may be dissent or controversy.

2. Prohibited materials

The following defines those materials prohibited by this regulation's accompanying policy.

- a. Students may not publish or distribute material that is obscene. "Obscene" means:
 - (1) The average person applying contemporary community standards finds that the publication, taken as a whole, appeals to a minor's prurient interest in sex.
 - (2) The publication depicts or describes in a patently offensive way sexual conduct such as ultimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of genitals.
 - (3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.
- b. Students may not publish expression that is libelous, slanderous or defamatory under state law. "Libelous" is defined as a false and unprivileged statement about a person that injures the individual's reputation in the community.
- c. Expression that is false as to any person who is not a public figure or involved in a matter of public concern is prohibited.

If the allegedly libeled individual is a "public figure or official," the official must show that the false statement was published with actual malice, as the terms are defined in law.
- d. Expression which 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 rights of others to privacy, or threatens violence to property or persons is prohibited.

In order for a student publication to be considered disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial material disruption to normal school activity would occur if the material were distributed. Material that stimulates heated discussion or debate does not constitute the type of disruption that is prohibited.

3. Time, place and manner restrictions

The principal will coordinate with the publications advisor on the time, place and manner of distributing school-sponsored publications to reduce any conflict with school instructional time and/or reduce any disruption of the orderly operation of the school which might be caused by the distribution of school-sponsored publications.

4. Procedures for resolving differences

Student editors will work first with the publications advisor to resolve any differences. If the problem cannot be resolved at this level, the student editors and/or the publications advisor will work with the principal to resolve any problems. If the problem is not resolved at the principal level, the student editors and/or the publications advisor may appeal to the superintendent. The superintendent's decision shall be final.

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