



SCHOOL BOARD ACTION REPORT

DATE: July 19, 2018
FROM: Denise Juneau, Superintendent
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For Introduction: August 29, 2018
For Action: September 5, 2018

1. TITLE

Approval of Board Policy No. 3220, Student Expression in School-Sponsored Media.

2. PURPOSE

This action adopts a new policy regarding student expression in school-sponsored media.

3. RECOMMENDED MOTION

I move that the School Board approve Board Policy No. 3220, Student Expression in School-Sponsored Media, as attached to the Board Action Report.

4. BACKGROUND INFORMATION

a. Background

Board Policy No. 3220, Student Expression in School-Sponsored Media, is a new policy and is in response to a new state law, SSB 5064, that was passed by the legislature and signed by Governor Inslee on March 21, 2018. The new policy aligns with Washington State School Directors' Association's (WSSDA) policy.

Prior to the passage of SSB 5064, there were no state statutes requiring public schools to adopt policies related to student expression in school-sponsored media. The new state law provides that student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media; states that a student media adviser may teach professional standards of English and journalism to the student journalists and may not be terminated, transferred, removed, or otherwise disciplined for complying with the student expression provisions; and establishes an appeal process for students who allege a violation of the student expression provisions. The law also protects school officials and governing boards from civil or criminal liability resulting from school-sponsored media prepared, published, or broadcast by student journalists.

With the passage of the new state law, each school district that includes a high school is required to adopt a student expression in school-sponsored media policy in accordance with the new provisions. SSB 5064 went into effect on June 7, 2018. The District wants

this policy in place prior to the start of the 2018-19 school year. Superintendent Procedures will be developed in the fall after our school staff return.

b. Alternatives

Not adopt this policy. This alternative is not recommended as the policy gives important guidance to staff and students guided by a new state law.

c. Research

Review of SSB 5064 and the Washington State School Directors' Association's (WSSDA) Model Policy 3220. The District adapted the WSSDA model for our use.

5. FISCAL IMPACT/REVENUE SOURCE

Fiscal impact to this action will be N/A.

This motion has no fiscal impact.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District's Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

Upon approval of this motion, the new policy will be provided to principals to be shared with journalism staff and students. It will also be posted online.

7. EQUITY ANALYSIS

Our equity analysis work regarding student expression in school-sponsored media focuses on the free expression of student opinion. The new policy clearly defines the rights of and clearly indicates the areas in which they may be restricted.

8. STUDENT BENEFIT

Adoption of the policy will provide clear guidelines for students, teachers, and building leaders regarding verbal and written expression in school-sponsored media. This policy specifies the

guidelines for presenting material in school-sponsored media and will help to build a greater understanding of students' rights in this area.

9. WHY BOARD ACTION IS NECESSARY

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. _____, [TITLE], provides the Board shall approve this item
- Other: _____

10. POLICY IMPLICATION

This motion would adopt a new policy.

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Curriculum & Instruction Policy Committee meeting on August 21, 2018. The Committee reviewed the motion and moved the item forward with a recommendation for approval by the full Board.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, the new policy will be shared with staff, posted online, and interested staff will be asked to engage in the process to develop procedures to accompany the policy.

13. ATTACHMENTS

- Board Policy No. 3220, Student Expression in School-Sponsored Media (for approval)
- RCW 28A.600.027 (for reference)

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It is the policy of the Seattle School Board to promote the free expression of student opinion in school-sponsored media, which is a fundamental part of education in a democratic society.

Student publications produced as part of the school's curriculum or with the support of the associated student body fund are intended to serve both as vehicles for instruction and student communication. Although the District substantively finances and operates school-sponsored media, student editors are responsible for determining the news, opinion, feature, and advertising content of the media, consistent with RCW 28A.600.027. A student media advisor may not be terminated, transferred, removed, or otherwise disciplined for complying with RCW 28A.600.027.

Material appearing in a student publication may reflect various areas of student interest, including topics about which there may be controversy and dissent. When engaging in a controversial issue, student publications should strive to provide in-depth treatment and represent a variety of viewpoints.

School officials, including principals and/or media advisors, may only prohibit student expression that:

- A. Is libelous or slanderous;
- B. Is an unwarranted invasion of privacy;
- C. Violates federal or state laws, rules, or regulations;
- D. Incites students to violate federal or state laws, rules, or regulations;
- E. Violates school district policy or procedure related to harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or the prohibition on discrimination pursuant to RCW 28A.642.010;
- F. Inciting of students so as to create a clear and present danger of:
 - a. The commission of unlawful acts on school premises;
 - b. The violation of lawful school district policy or procedure; or
 - c. The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension; or
- G. Is in violation of the federal communications act or applicable federal communication commission rules or regulations.

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Students may distribute school-sponsored media on school premises in accordance with procedures developed by their principal, unless stated differently by the Superintendent in Superintendent Procedures. Such procedures may impose limits on the time, place, and manner of distribution, including prior authorization for the distribution or posting on-line of such material on school property.

Students who publish material in violation of this policy may be subject to corrective action, consistent with student discipline policies.

Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes, for purposes of the prohibitions of RCW 42.17A.550.

Any decision by a principal or student media advisor to prohibit student expression under this policy, is subject to immediate review, within three business days, by an Executive Director of Schools. That Executive Director's decision is a final decision for the purpose of RCW 28A.645.

The Superintendent or their designee is granted the authority to develop procedures to implement this policy and establish procedures for the prompt review of any materials that appear not to comply with the standards.

Adopted: Date

Revised:

Cross Reference: Policy No. 2340, Religious-Related Activities and Practices; Policy No. 3207, Prohibition or Harassment, Intimidation, and Bullying; Policy No. 3210, Nondiscrimination, Acts of Hostility & Defamation; Policy No. 4060, Distribution of Information

Related Superintendent Procedure:

Previous Policies:

Legal References: RCW 28A.600.027; WAC 392-400-215 Student Rights; Laws of 2018, ch. 125, Student Freedom of Expression

Management Resources: 2018 - May Issue; 2015 - July Policy Alert; Policy News, August 2001 A Few Civil Liberty Reminders

RCW 28A.600.027

Student expression in school-sponsored media.

(1) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of subsection (2) of this section. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for complying with this section.

(2) School officials may only prohibit student expression that:

(a) Is libelous or slanderous;

(b) Is an unwarranted invasion of privacy;

(c) Violates federal or state laws, rules, or regulations;

(d) Incites students to violate federal or state laws, rules, or regulations;

(e) Violates school district policy or procedure related to harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or the prohibition on discrimination pursuant to RCW 28A.642.010;

(f) Inciting of students so as to create a clear and present danger of:

(i) The commission of unlawful acts on school premises;

(ii) The violation of lawful school district policy or procedure; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension; or

(g) Is in violation of the federal communications act or applicable federal communication commission rules or regulations.

(3) Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes, for purposes of the prohibitions of RCW 42.17A.550.

(4) Any student, individually or through his or her parent or guardian, enrolled in a public high school may file an appeal of any alleged violation of subsection (1) of this section pursuant to chapter 28A.645 RCW.

(5) Expression made by students in school-sponsored media is not necessarily the expression of school policy. Neither a school official nor the governing board of the school or school district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

(6) Each school district that includes a high school shall adopt a written student freedom of expression policy in accordance with this section. The policy may include reasonable provisions for the time, place, and manner of student expression.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

[2018 c 125 § 2.]

NOTES:

Finding—Intent—2018 c 125: "The legislature finds that freedom of expression through school-sponsored media is a fundamental principle in our democratic society granted by the First Amendment to the United States Constitution and by Article I, section 5 of the state Constitution. It is the intent of the legislature to protect freedom of expression through school-sponsored media for both public school students and students at public institutions of higher education in this state in order to encourage students to become educated, informed, and responsible members of society." [2018 c 125 § 1.]

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