



Voices Unbound

A Just and Equitable School Board Policy for ACPS Student Publications

By staff of Theogony Newspaper, Labyrinth Magazine, and Cerberus Yearbook

Email james.libresco@gmail.com and cdonahue8889@gmail.com for more information.

Tentative policy. May be subject to further editing.



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Purpose

The Alexandria City Public Schools believes that freedom of expression and press freedom are fundamental principles in a democratic society that provide all citizens with the right to engage in a vigorous discussion of ideas, and that a robust and free student press is critical to the development of informed and civic-minded adults. Freedom of expression through school-sponsored media is protected by the First Amendment to the United States Constitution and Article One, Section Twelve of the Constitution of Virginia.

It is the policy of this District to restore and protect freedom of expression through school-sponsored media for students, and the jobs of the teachers who appropriately support these rights. It is also the policy of this District to ensure all students enjoy free speech and free press protections related to school-sponsored media, and to encourage students to become educated, informed and responsible members of society.

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

“Advance Warning” means notification from a student media adviser to school administration about upcoming student media that the student media adviser believes will be of interest and importance to school administration. Any advance warning is at the full discretion of the adviser.

“Libel” is the willful or negligent publication of provably false and unprivileged statements of fact that do demonstrable harm to a living person’s reputation.

1. Criticism of public officials, public figures, school policy, or the work performance of teachers, administrators, school officials and/or other school employees is generally protected unless it meets the definition of libel, above.

“Non-school-sponsored student media” is media that is independently produced and distributed by a student, on or off-school grounds, without formal guidance from the school’s student media adviser. It includes printed media, electronic audio/visual media and online media, including a student’s personal social media. Non-school-sponsored student speech is protected by the First Amendment, but is not the subject of this policy.



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“Operations of school-sponsored student media programs” means any reasonable operations exercised by student publications, including, but not limited to, the gathering, preparation, writing, editing, publishing, or broadcasting, of any information or media by a student journalist under the direction of a student media adviser.

“Orderly operation of the school” is educational student activity sponsored by the school, including classroom work, school assemblies and similar gatherings, school-sponsored athletic contests, band concerts, school plays and scheduled in-school lunch periods. It does not include activity involving students that takes place off-campus and outside school hours or school-sponsored activity time.

“Prior restraint” is any action taken to prohibit, prevent, or stop the creation, research, production, or distribution of school-sponsored media. This includes, but is not limited to, verbal statements that a story may not be distributed or should not be researched or written; deletion of material including sentences, photographs, or portions of a broadcast; interfering with printing or distribution decisions; and destruction of already-distributed school-sponsored media.

“Prior review” is the review by a school administrator before publication or distribution of school-sponsored media. This does not include review by a student media adviser or administrative review done at the behest of the student journalist.

“School administration” means any administrator employed by the Alexandria City Public Schools that works specifically at one school. School administration includes, but is not limited to, school principals, executive principals, campus administrators, deans, and assistant principals. A school principal will typically take the role of school administration as outlined in this policy, however, they may delegate the role to any other school-based administrators.

“School-based staff” means any person employed by the Alexandria City Public Schools that works specifically in a certain school or certain schools. School-based staff includes, but is not limited to, teachers, instructional assistants, school administration, librarians, and maintenance workers. School-based staff does not include District staff.

“School-sponsored student media content” means any material that is gathered, prepared, substantially written, edited, published or broadcast, in any media, by a student journalist under the direction of a student media adviser and distributed or generally made available to members of the student body. School-sponsored media includes, but is not limited to, newspapers,



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magazines, web sites and other Internet-based media, yearbooks, articles, essays, TV, radio, podcasts and video productions. School-sponsored media does not include media intended for distribution or transmission for classroom purposes only, or non-school-sponsored student media.

“School-sponsored student media publications” or “student publications” are any school-sponsored program in which student journalists, under the direction of a student media adviser, produce school-sponsored student media content. Student publications include, but are not limited to, newspapers, magazines, web sites and other Internet-based media, yearbooks, TV, radio, podcasts and video productions. School-sponsored student media programs do not include media programs that create content intended for distribution or transmission for classroom purposes only, non-school-sponsored student media, or the press.

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

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

“Slander” is the speaking of false statements of fact that seriously harm a living person’s reputation.

1. Criticism of public officials, public figures, school policy, or the work performance of teachers, administrators, school officials and/or other school employees is generally protected unless it meets the definition of slander, above.

“The District Office of Communications” means any person employed by the Alexandria City Public Schools or other hired consultants that are directly involved in the work of the Office of Communications within the Department of School & Community Relations, including but not limited to, the Chief of School & Community Relations, the Executive Director of Communications, and any media specialists or liaisons.

“The District” or “District staff” means any person employed by the Alexandria City Public Schools that does not work in any specific school. Generally, District staff work on a districtwide level and do not solely focus on any specific school. District staff includes, but is not limited to, the Superintendent, Department Chiefs, and Executive Directors. District staff also includes the



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District Office of Communications. District staff does not include teachers, school administration, or other school-based staff.

“The media” and “the press” are any group or individual independent from the Alexandria City Public Schools that produces and/or distributes information and/or media that may or may not be related to ACPS. It includes printed media, electronic audio/visual media and online media, including social media. The press is protected by the First Amendment to the United States Constitution and Article 1, Section 12 of the Constitution of Virginia, but is not the subject of this policy.

“Viewpoint discrimination” means any discrimination by the government based on the viewpoint of specific content, include school-sponsored student media content.

Student freedom of expression in school-sponsored student media programs

Student journalists are responsible for determining the news, opinion, feature, and advertising content of student publications. Student journalists may create an editorial hierarchy (e.g, student editorial board, editor in chief, section editors, etc.) for determining content.

Student journalists shall strive to:

- Make decisions based upon news value and guided by the Code of Ethics provided by the Society of Professional Journalists, National Scholastic Press Association, Journalism Education Association, or other relevant group;
- Produce media based upon professional standards of accuracy, objectivity, and fairness;
- Review material to improve sentence structure, grammar, spelling, and punctuation;
- Check and verify all facts and verify the accuracy of all quotations; and
- In the use of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space therefore if appropriate.

No student journalist shall be disciplined, penalized, restrained, or otherwise censored, penalized, or punished when acting in accordance with this section. There shall be no prior restraint by any person of material prepared for school-sponsored media unless it falls within one of the exceptions, listed below.



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Student Media Advisers

Student media advisers are responsible for working with and providing guidance to student journalists. Student media advisers provide training in journalistic principles and access to necessary resources, including but not limited to training in journalistic ethics and media law. Student media advisers may provide feedback to students including teaching professional standards of English and journalism. Student media advisers do not determine, assign, or approve the content of student publications, except if the adviser believes such content has met the criteria for exclusion listed in “Exceptions” below, or if they believe the content does not meet the guidelines of whichever Code of Ethics the student journalists have decided to follow, as outlined above. If such cases, the student media adviser will notify the student journalist, who may edit at their discretion. If the student journalist believes their content does not meet the criteria for exclusion listed in “Exceptions” below, nor does it fail to meet guidelines of the chosen Code of Ethics, the student media adviser will contact school administration within 24 hours. School administration will then decide whether to engage in prior review or restraint as outlined in “Administrative prior review or restraint,” or whether to permit the student journalist to publish as-is.

Such decisions are subject to the appeal process, outlined below. Student media advisers, at their discretion, may provide an advance warning to the school administration if they believe upcoming school-sponsored student media content will be of interest to the principal. If they choose to exercise this option, they will notify the student journalists they oversee.

In the event a student media adviser is not previously trained in journalism, appropriate professional development will be made available by the school district, preferably through the state’s journalism education association, the national Journalism Education Association or other recognized entity aimed at supporting media advisers.

A student media adviser shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student journalist engaged in permissible conduct or refusing to infringe on conduct that is protected by the First Amendment to the United States Constitution, Article One, Section Twelve of the Constitution of Virginia, or this policy. No financial decisions relating to the student media program may be based, in whole or in part, on the past, present, or potential school-sponsored student media content.



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Administrative prior review or restraint

There shall be no administrative prior restraint or review of material prepared for official school publications except insofar as the material violates the standards described in “Exceptions,” below. Administrative prior restraint or review shall be rare, if it occurs at all. Sound pedagogical, ethical and legal rationale exist opposing all forms of prior review. Any reason for such prior review shall be clearly communicated to the student journalist in writing, and at no time will school-sponsored student media content be held for prior review longer than 72 hours or more than 24 hours beyond the publication deadline time as established by the student journalist, whichever comes first. Any costs borne by the student media program as a result of delays pertaining to administrative prior review shall be covered by the district. Administrative prior restraint or review shall not result in viewpoint discrimination.

There shall be no administrative prior restraint or review by anyone except school administration. Neither the District nor any member of the District Office of Communications shall attempt to meddle with prior review or restraint, or with operations of student media programs. This includes, but is not limited to,

- Requiring, pressuring, or asking school administration to engage in prior restraint or review on any school-sponsored student media content;
- Requiring, pressuring, or asking school administration to make a decision in regards to prior restraint or review on any school-sponsored student media content;
- Dismissing, suspending, disciplining, reassigning, transferring, or otherwise retaliating against school administration for their decision(s) in relation to prior restraint or review of school-sponsored student media content;
- Requiring, pressuring or asking student publications to provide advance notice to the District; or
- Requiring, pressuring, or asking student media programs to share information about upcoming school-sponsored student media content or.

The District Office of Communications shall have no role in the operations of school-sponsored student media programs, nor shall it, the District, or school administration mandate the presence of District staff or school administration during school-based operations of student publications. It is the responsibility of the District to notify school-based staff that, at the discretion of the District Office of Communications, it will provide District personnel to assist them in interviews



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with student publications at their request. If school-based staff do not make this request, the District shall not

- Provide District personnel to assist school-based staff in interviews with student publications or;
- Dismiss, suspend, discipline, reassign, transfer, or otherwise retaliate against school-based staff for their decision or participation in the interview.

The District may restrict the ability of District staff to participate in interviews with student publications however they deem fit, in accordance with the First Amendment to the United States Constitution, Article One, Section Twelve of the Constitution of Virginia, and policy KBC.

Exceptions

This policy does not authorize or protect school-sponsored media that:

- Is libelous or slanderous;
- Constitutes an unwarranted invasion of privacy;
- Is obscene;
- Violates federal or state law; or
- So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of a lawful school district policy, or the material and substantial disruption of the orderly operation of the school.

If, in the opinion of a student editor, student editorial staff or faculty adviser, material proposed for a publication may fall within the list of exceptions above, the legal opinion of a practicing attorney should be sought. The final decision of whether the material is to be published or distributed will be left to the student editor or student editorial staff.

School administration 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. In determining whether school-sponsored student media content is disruptive, consideration must be given to the context of the distribution as well as the content of the material. Consideration should be given to past experience in the school with similar material, past experience in the school in dealing with and supervising the



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students in the school, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question. Actual or potential heated discussion or debate alone is not sufficient evidence of a material and substantial disruption.

School officials shall have the burden of providing to the student journalist prior written justification for their limitation of school-sponsored media.

Appeals

The student journalist shall have the right, within five business days of receiving the written reason for limitation of school-sponsored student media content, to appeal the decision to the Superintendent. Appeals must be filed in writing. The Superintendent shall convene a hearing within three business days. The student journalist shall have the right to have the student's parent or legal guardian, the student media adviser, and any school-based staff present if they so desire. The burden of proof shall be on the school administration or a representative appointed by the school administration to demonstrate that the media in question has met the criteria for exclusion. The Superintendent shall render a written decision within 48 hours of the hearing.

The student journalist shall have the right, within five business days of receiving the Superintendent's written decision, to appeal to the School Board. The School Board shall hear the appeal at the next regularly scheduled board meeting, or within seven business days, whichever comes first. The School Board shall render a written decision within forty-eight hours of the hearing.

The decision of the School Board shall be considered the final determination by the District deemed ripe for judicial review if the student journalist should choose to do so.

Supports

The District will work to support student publications. District staff will make a conscious effort to be transparent and communicate in a timely manner on matters regarding student publications. The District will try to meet the needs of student publications and provide relevant resources as reasonable.

Legal Refs.:



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Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 261, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988).

United States Constitution amendment I

Virginia Constitution article I, § 12

Cross Refs.:

AC - Nondiscrimination

GB - Equal Employment Opportunity/Nondiscrimination

GBECA - Electronic Cigarettes

JB - Equal Education Opportunities/Nondiscrimination

JFHA/GBA - Sexual Harassment/Harassment Based on Race, National Origin, Disability, Sexual Orientation, and Religion

KBC - Media and Public Relations

KGC - Use of Tobacco and Electronic Cigarettes on School Premises