

THE GREAT “Public Forum” QUESTION

Establishing your student publication as an open forum can be one way to protect against censorship. What does it take to become a public forum?

Public forums by policy:

An official school policy exists that designates student editors, within clearly defined limitations (libel, obscenity, etc.), as the ultimate authority for determining content. (A publication’s own editorial policy does not count as an official school policy unless some school official has formally endorsed it.) School officials actually practice this policy by exercising a “hands-off” role and empowering student editors to lead. Advisers teach and offer students advice, but they neither control nor make final decisions regarding content.

Public forums by practice:

A school policy may or may not exist regarding student media, but administrators have a “hands-off” approach and have empowered students to control content decisions. For some period of time, there has been no act of censorship by school officials and there is no required prior approval of content by a school administrator. Advisers teach and offer students advice, but they neither control nor make final decisions regarding content.

Source: JEA Scholastic Press Rights Commission / jeasprc.org



Q: So if policy or practice indicates the content of my publication is determined by students, the Hazelwood decision doesn’t apply to me?

A: That’s right. If a student publication is a public forum for student expression, then students are entitled to stronger First Amendment protection. School officials are allowed to censor forum publications only when they can show the publication will cause a “material and substantial disruption” of school activities.

Source: Student Press Law Center / splc.org

