

MN ASSOCIATION OF CHARTER SCHOOLS – NEW LAW PRIMER 2024

SCHOOL MEDIA: LIBRARIES AND JOURNALISM – (MN Statutes 121A.80, 134.51)

NEW: RIGHTS FOR STUDENT JOURNALISTS 121A.80

A school **must adopt and post** a student journalism policy.

A student journalist has the right to freedom of expression and freedom of the press, regardless of whether the school finances the media, such as a school paper. These freedoms include:

- Producing content that contains political views
- Determining the news, opinion pieces, features, and advertising content of the school-sponsored media

A school **must not**:

- Discipline a student journalist for exercising free speech rights or freedoms of the press
- Retaliate against a media advisor for student journalists exercising their free speech rights or freedom of the press

NEW: UNPROTECTED ACTIONS OF STUDENT JOURNALISTS 121A.80

Expressions are not protected if they:

- Are defamatory
- Are profane, harassing, threatening, or intimidating
- Constitute an unwarranted invasion of privacy
- Violate federal or state law
- Cause a material and substantial disruption of school activities
- Incite or produce imminent lawless action on school premises or encourage the violation of lawful school policies or rules, including a policy adopted in accordance harassment and bullying statutes

NEW: JOURNALISM DEFINITIONS 121A.80

School sponsored media: means material that is:

- Prepared, wholly or substantially written, published, broadcast, or otherwise disseminated by a student journalist enrolled the school

- Distributed or generally made available to students in the school and prepared by a student journalist under the supervision of a student media adviser

It does not include material prepared solely for distribution or transmission in the classroom in which the material is produced, or a yearbook.

Student journalists: means a student in grades 6 through 12 who gathers, compiles, writes, edits, photographs, records, or otherwise prepares information for dissemination in school-sponsored media.

Media Advisor: means a qualified teacher that a school employs, appoints, or designates to supervise student journalists or provide instruction relating to school-sponsored media.

NEW: LIMITS ON BANNING LIBRARY BOOKS AND MATERIALS 124D.991 (134.51)

School libraries **must not ban** remove or restrict access to books and materials based solely on its viewpoint or the messages it conveys

School libraries **can** decline to purchase or otherwise restrict materials based on:

- Practical reasons such as limited shelf space, rare status or damage
- Legitimate pedagogical reasons such as appropriateness of potentially sensitive topics for the library's intended audience or the likelihood of causing a material and substantial disruption of the work and discipline of the school
- Compliance with state and federal law
- Parent request that their child not have access to a particular book or material

LIBRARY POLICY REQUIRED

A school's board **must adopt** a library policy that establishes the procedures for:

- Selection of materials
- Challenging materials
- School and librarian reconsideration of the materials

The policy cannot limit a parent or guardian's right to limit access to content for their individual child.

This policy **must be administered** by someone with one of the following qualifications:

- Licensed library media specialist (MN Rules, part 8710.4550)
- Individual with a master's degree in library science
- Professional librarian or person trained in library collection management

BOOK CHALLENGE PROCESS

After a challenge occurs, and a school goes through its adopted policy, a report must be submitted to the commissioner that outlines:

- The title, author and other relevant identifying information about the challenged material
- Date, time, and location of any public hearings held on the challenge in question, including minutes or transcripts
- The result of the challenge and reconsideration request
- Accurate and timely information on who from the school board MDE should contact follow up questions

EFFECTIVE DATE – MAY 17, 2024