

Guidance for Public Schools: Student Publications, Yearbooks, and Newspapers

Disclaimer: This is legal information, not legal advice. For legal advice, consult an attorney.

Student publications can provide valuable opportunities for student expression, journalism, creativity, and civic engagement. They also carry responsibilities for schools and districts. Whether a publication is a yearbook, student newspaper, literary magazine, or other school-sponsored publication, schools should establish clear procedures for reviewing and addressing content before it is published.

Student Expression Does Not Eliminate School Responsibility

California law and the First Amendment protect student expression in school-sponsored publications. At the same time, California law and Title VI require schools and districts to maintain a non-discriminatory educational environment.

Under California Education Code § 48907, journalism and yearbook advisers have responsibilities relating to the supervision of student publications and the maintenance of professional standards. The California Department of Education has also made clear that a school district cannot avoid its responsibilities for content in a student publication.

In *Oakland Unified School District, Case Matter No. 2025-0108* (Dec. 3, 2025), CDE concluded that publication of one-sided content without an appropriate counterpoint could reasonably be perceived as discriminatory toward students with protected characteristics. The decision underscores that schools should consider not only what students intend to express, but also how published content may reasonably affect the school environment and students who encounter it.

Context Matters

A student may express a political, social, or personal viewpoint. However, schools should take care that student opinions are not presented in ways that suggest they are statements of fact or positions endorsed by the school.

This is particularly important when content is:

- Presented without attribution or context;
- One-sided on a highly controversial issue;
- Factually inaccurate or misleading;
- Directed at, or reasonably perceived as targeting, a protected group;
- Libelous, defamatory, harassing, or inflammatory.”; or
- Likely to create an exclusionary or hostile environment for students.

CDE has emphasized that when student-generated material presents a biased perspective, educators have a responsibility to respond appropriately so that the material does not create or contribute to a discriminatory environment. Allowing a one-sided or discriminatory message to stand without appropriate context or response may reasonably be perceived by students as school approval or acceptance of that message.

Yearbooks Require Particular Care

Yearbooks are official school-sponsored records. Content is selected, edited, organized, and ultimately published as part of a school supervised and sponsored publication. Unlike a student's personal social media post, a yearbook purports to memorialize the experience of a particular class. This school/class partnership presentation makes content that appears in a yearbook content that can be reasonably read to be content approved by the school. For this reason, schools should carefully consider how photographs, captions, quotations, slogans, artwork, and other content could reasonably be understood by students, families, and the broader community, particularly those who may be the subjects or targets of derision.

A school does not necessarily endorse every student expression it publishes. However, the absence of attribution, context, or an appropriate disclaimer can make it more difficult for readers to distinguish individual student expression from content the school has approved for inclusion in its official publication.

Because yearbooks are often preserved for decades, careful review before publication can help prevent a school from permanently memorializing content that is discriminatory, misleading, or inconsistent with district standards.

Student Newspapers and Other Publications

The same principles apply to student newspapers, magazines, literary publications, websites, and other school-sponsored student media.

Schools should establish procedures that allow for meaningful student expression while ensuring that publications comply with applicable laws and district policies. Editorial review should consider whether controversial or sensitive content is presented accurately, fairly, and with sufficient context.

For opinion pieces, schools should ensure that **opinion is clearly presented as opinion** rather than as established fact or an official school position. Students should be taught to distinguish commentary from factual reporting and to understand that quality reporting requires providing relevant context and differing perspectives.

When the Publication Is Part of an Academic Course

Additional considerations apply when a student publication is produced as part of an academic course or classroom assignment.

In that setting, the publication is not only a school-sponsored and supervised activity—it is explicitly part of the instructional program.

California Education Code § 51500 prohibits instruction and school-sponsored activities that promote discriminatory bias based on protected characteristics. Recent amendments further clarify that these requirements do not depend on proving direct harm to an individual student or demonstrating that a protected-group student was present when the content was presented.

Accordingly, when students create articles, projects, presentations, or other published work as part of an academic course, teachers should provide appropriate guidance, context, correction, and review when student-generated work could otherwise introduce discriminatory bias, factual inaccuracies, or a one-sided presentation into the instructional environment.

Student-generated opinions should be clearly identified as opinions and attributed to the student or students expressing them, rather than presented as established facts or as the position of the school. When an assignment presents a potentially biased or one-sided perspective on a controversial issue, the teacher should work to provide appropriate context and, where necessary, introduce relevant counterpoints or multiple perspectives so that the instructional environment remains balanced and non-discriminatory.

Student freedom to express opinions does not relieve educators of their responsibility to maintain a balanced, non-discriminatory instructional environment.

Recommended School Practices

Districts and schools can reduce risk while preserving meaningful student expression by:

- **Establishing clear publication policies and editorial procedures** before the school year or publication cycle begins.
- **Providing anti-discrimination training** to all publication staff and students.
- **Training journalism teachers, advisers, and student editors** on applicable laws, district policies, professional standards, and responsible editorial practices.
- **Reviewing content before publication** for discrimination, harassment, factual accuracy, defamatory material, and compliance with district standards.
- **Clearly distinguishing opinion and commentary from factual reporting.**
- **Providing context or counterpoints when necessary** to prevent a one-sided presentation from creating a discriminatory or misleading educational environment.
- **Considering how unattributed content may reasonably be perceived**, particularly in official publications such as yearbooks.
- **Applying heightened instructional standards** when student publications are created as part of an academic course.
- **Maintaining a process for addressing concerns before publication**, rather than relying solely on after-the-fact remediation.

The goal is not to eliminate controversial ideas or meaningful student expression. The goal is to preserve student voice while ensuring that school-sponsored publications remain

accurate, responsible, and consistent with a safe and non-discriminatory educational environment.