Unit 1: Publication Law

Content Area: **English Language Arts**
Course(s):
Time Period: **Marking Period 3**
Length: **2-3 Weeks**
Status: **Published**

Brief Summary of Unit

The focus of this unit is legal issues for publication, including student press rights, libel/defamation, invasion of privacy, obscenity, copyright, contracts, and school publication policy.

Interdisciplinary Connections and Career Readiness:

This unit is designed to be part of a developmental progression across grade levels and make interdisciplinary connections across content areas including physical and social sciences, technology, career readiness, cultural awareness, and global citizenship. During this course, students are provided with opportunities to develop skills that pertain to a variety of careers. When completing this course, students can make informed choices and pursue electives that further their study and contribute toward the formation of career interest.

Revision: June 2023

Essential Questions

- How can student journalists avoid libel?
- How do the rights of a student journalist differ from those of a professional journalist?
- What does prior review and restraint mean? Is this a violation of student rights?
- What is effective writing?
- What is ethical journalism?
- What is the current status of student free expression legislation in New Jersey?

Essential Understandings

- Administrators have the right to review student publications.
- Effective journalism takes into account professionalism and legality.
- Ethical journalism is an important facet of reporting in all publications.
- It is important to check and double check facts before publishing.
- Libel is a serious accusation and avoiding it is paramount to successful student publication.

- Student journalists must know their rights and be sure to remain within them.
- Student journalists' rights differ in certain capacities from the rights of professional journalists.
- The goal of understanding publication laws is to establish mutual trust and confidence between administrative leaders and publication staffs and advisors by defining roles and responsibilities.
- The rules of copyright must be followed to avoid fines and delays in publication.

Students Will Know

- Contracts set precise and inclusive terms of agreement in order to avoid legal action.
- Copyright law limits the ability to reproduce stories, drawings, photographs and other creative works without the permission of the original creator, but also protects student journalists from the unauthorized use of their own work.
- Defamation laws protect the reputations of individuals and other entities (such as businesses) from untrue and damaging statements.
- Invasion of privacy occurs when embarrassing or personal information is published without consent and with no newsworthy justification (gossip).
- Libel refers to untrue or damaging statements that are typically written and published, while slander occurs when a defamatory statement is spoken or otherwise audible.
- Prior restraint occurs when someone not on the publication/media staff requires pre-distribution changes or removal of student media content.
- Prior review occurs when anyone not on the publication/media staff requires that he or she be allowed to read, view or approve student material before distribution, airing or publication.
- The 1988 US Supreme Court Decision in Hazelwood v. Kuhlmeier gave public high school officials authority to censor some school-sponsored student publications.
- The four elements of libel are: 1. Identification: The statement about a person or other entity must be false. 2. Publication: The statement must be 'published', or made available, to a third party. 3. Injury: The person about whom the statement is made must be "damaged" in some way by it. 4. Fault: The person who has published the statement must be found to have acted negligently in publishing the content, either by proving "actual malice" or at least a blatant disregard for whether the statement is true or not.
- The Hazelwood decision doesn't apply to publications that have been opened as "public forums for student expression" and requires reasonable educational justification before censorship is allowed.
- The six elements that must be established to demonstrate the formation of a legally binding contract are: Offer, Acceptance, Consideration, Competency and Capacity, Mutuality of obligation.

Students Will Be Skilled At

- Acting responsibly in regard to printed material.
- Avoiding libelous statements.
- Identifying instances of libel, and distinguishing between the four basic elements of libel.

Evidence/Performance Tasks

Developmental progression across years in both reading and writing is evidenced by multiple benchmark assessment screeners, administered two times per year. Follow up diagnostic assessments are used to target skill remediation. Student proficiency allows for additional or alternative assessment based on demonstration

or absence of skill.

Students demonstrate differentiated proficiency through both formative and summative assessments in the classroom. Based on individual student readiness and performance, assessments can be implemented as formative and/or summative.

The performance tasks listed below are examples of the types of assessments teachers may use in the classroom and the data collected by the district to track student progress.

Formative:

- Teacher Observations
- Accountable Talk, Socratic Seminars/Fish Bowls
- Analysis of multimodal text sets
- Analysis of critical commentary, literary criticism
- Writers Notebook (quick writes/drafts/prewrites), emphasizing author's craft
- Close reading analysis of text using evidence as substantiation
- Conferences: Individual and small group, accompanying conference notes
- Reflective exercises and assessments
- Oral Reading and Interpretation
- Peer and self-evaluations of learning
- Entrance and Exit Tickets
- Open-Ended Responses in Journal
- Textual Analysis Reading Responses
- Dialectical Journal
- Rhetorical Precis
- SOAPSTone Analysis

Summative:

- On-demand Writing Assessments, timed and untimed
- Researched Presentations
- Performance Assessments
- Project-based Learning
- Problem-based Learning
- Personalized Learning
- Visual Literacy Prompts
- Digital Portfolios
- Online Discussion Forums
- Analytical and Expository Essay

Benchmark:

- Benchmark reading and writing assessments, scored using rubrics, district-created and

standards-aligned; based on NJSLA, reported twice per year
  - Common Lit Reading Benchmark Assessments, three times per year (grades 9-11)
  - NJGPA (grade 11)
  - PSAT (grades 10-11)
  - SAT (grades 11-12)
  - Final Exam
  - IXL

- Participate in class/group/individual evaluation of students' rights.
- Research and create a presentation that explores the parameters of a legal issue involving students' rights.
- Write evaluations of scenarios of ethical dilemmas in student publications.

Learning Plan

Teaching Point: Effective journalism is ethical journalism.

Possible Activities:

- Research and discuss defamation, libel, and invasion of privacy.
- Read about and evaluate the difference between ethical and unethical stories
- Evaluate statements for the 4 elements of libel Brainstorm and discuss ways to avoid libel/defamation/invasion of privacy in the yearbook.
- Read and discuss issues of copyright law.
- Evaluate situations for copyright infringement
- Brainstorm and discuss ways to avoid copyright infringement in the yearbook.

Teaching Point: New Jersey laws differ in some cases from other states in the US.

Possible Activities:

- Read about and debate whether prior review/prior restraint are necessary and if they violate student rights.
- Read and examine the 2016 bill that was introduced in NJ to prohibit school districts and public universities from authorizing prior restraint of school-sponsored media.
- Read and evaluate

Teaching Point: Student journalists have specific rights and responsibilities.

Possible Activities:

- Brainstorm what students know and what questions they have about being student journalists.
- Present and/or have students research info on First Amendment rights as they apply to professionals AS WELL AS students.
- Students read about/research Hazelwood v. Kuhlmeier decision and discuss how it applies in the context of yearbook

Introduce and discuss essential questions.

Throughout the unit students will apply the laws of publication to ethical dilemmas and the Golden C.

Use the computers to research an issue in student's rights, finding at least three sources to corroborate their ideas.

Creation of a publication policy that addresses libel, obscenity, privacy.

Oral presentation of research to the class for open discussion.

The final evaluation will be a unit exam featuring both objective and open-ended questions.

Materials

- Article about prior restraint bill introduced to NJ Assembly: http://www.splc.org/article/2016/07/bill-protecting-students-press-rights-re-introduced-to-nj-assembly
- Copyright law: http://www.splc.org/article/2015/08/student-media-guide-to-copyright-law
- Jostens 7-Week Success Units: http://resources.yearbookavenue.jostens.com/educate/
- Student handout "You be the judge": http://resources.yearbookavenue.jostens.com/wp-content/uploads/2015/08/SR-1.4-rb-two-page-answer-key.pdf
- Student Press Law Center: http://www.splc.org
- The Journalism Education Association: http://www.jea.org

Strategies for Accommodation and Modification

Content specific accommodations and modifications as well as Career Ready Practices are listed here for all students, including: Special Education, English Language Learners, At Risk of School Failure, Gifted and Talented, Students with 504.

Possible accommodations include:

- Access speech-to-text function on computer
- Use visual presentations of all materials to include organizers, charts
- Allow students to set individual goals for writing/reading
- Offer graphic organizaers, note-taking models, strategies for summarizing, and questioning techniques
- Offer oral assessments
- Supply study guide questions and access to class notes
- Work in partnerships
- Give responses in a form (verbal or written) that is easier for the student
- Take additional time to compete a task or project
- Scaffold by chunking material and texts
- Individualize reading choices based on ability and level
- Take frequent breaks
- Use an alarm to help with time management
- Small group and one on one assessment
- Mark text with a highlighter or other manipulative such as a post-it
- Receive help coordinating assignments

- Answering fewer questions or completing shorter tasks
- Modify the length and quantity of assignments to fit individual
- Differentiate roles in discussion groups
- Use digital technology, eBooks,, audio version of printed text
- Create alternate assignments or homework
- Provide distinct steps in a process; elminate unnecessary steps, as needed
- Use art, music, and film to convey alternate interpretation of literature and assessment
- Manage executive function by scaffolding process and amending deadlines

Adhere to all modifications and accommodations as prescribed in IEP and 504 plan

- Conference with individuals throughout the unit.
- Enrich by allowing students to research and analyze their own articles/situations
- Follow all IEP documents
- Provide specific articles/information for students who need more support