

## **FREEDOM OF EXPRESSION**

The free expression of student opinion is an important part of education in a democratic society. Students' verbal and written expression of opinion on school premises is to be encouraged so long as it does not substantially disrupt the operation of the school. Students are expressly prohibited from the use of vulgar and/or offensive terms in classroom or assembly settings.

### **A. School-Sponsored Student Publications**

The purpose of school-sponsored student publications is to provide students with experience in reporting, writing, editing and understanding English and responsible journalism. School newspapers have the additional purpose of disseminating school-related information among the members of the school community.

The Board recognizes that school-sponsored student publications are public forums and encourages students to freely and creatively express their views in school-sponsored publications subject to the limitations of this policy and state law. To protect the rights of all members of the school community and to promote the educational purposes of the schools, students are prohibited from publishing:

1. Expressions which is obscene;
2. Expression which is libelous, slanderous, or defamatory under state law;
3. Expression which is false as to any person who is not a public figure or involved in a matter of public concern;
4. Expression which creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, the materials and substantial disruption of the orderly operation and discipline of the school and school activities, or which violates the rights of other to privacy; or
5. Expressions which are in violation of lawful school regulations designed to control gangs.

Student editors of school-sponsored publications shall be responsible for determining the news, opinion, and advertising content of their publications subject to the limitations of this policy and state law. A "publications advisor" shall be assigned to supervise the production of school-sponsored publications and to teach and encourage free and responsible expression and professional standards of English and journalism.

In his or her supervision of the production of school-sponsored student publications, the publications advisor is responsible for reviewing all materials prior to publication. It is the responsibility of the publications advisor to determine that all expressions for publication are in accordance with this policy and state law. In the event that any materials shall be brought into question, the materials shall be promptly presented to the principal of the school involved for his or her resolution. Publication will be permitted unless the material is within one of the five standards described in paragraph A.

If participation in a school-sponsored publication is part of a school class or activity for which grades or school credits are given, the publications advisor has authority to establish or limit the students' writing assignments and to otherwise direct and control the learning experience that the publications are intended to provide.

Whenever a matter concerning the five prohibited matters of publication comes before the principal for resolution, an immediate hearing will be conducted. At the hearing, the student(s) involved, the publications advisor, and such other persons as the principal deems appropriate may be present. All parties involved shall have the opportunity to present their views, however, they shall not have the right to representation by legal counsel or to call or cross-examine witnesses. Thereafter, the principal shall notify all parties, in writing, of the decision. If the decision is that all or any part of the materials are inappropriate, the notice shall specify the standard which has been violated. The written notice of the decision made by the principal shall be provided within 24 hours from the time of the hearing.

If the decision of the principal is not acceptable to the parties involved, the decision may be appealed to the Superintendent or designee. In case of such an appeal, the Superintendent or designee shall respond in writing by the close of the school day following or request for the appeal. The decision of the Superintendent or designee shall be final subject to judicial review. All school-sponsored publications shall contain a disclaimer that expression made by students in those publications is not an expression of Board policy and that the School District and its employees are immune from any civil or criminal action based on any expression made or published by students.

## **B. Nonschool-Sponsored Publications**

Students shall have the right to distribute and possess nonschool-sponsored student publications and other literature, such as newspapers, magazines, leaflets, and pamphlets, on school grounds and in its buildings subject to the limitations of this policy and state law. To protect the correlative rights of all members of the school community and to promote the educational purposes of the school, publications containing expressions of the type specifically listed under section A of this policy are prohibited from distribution.

In order to ensure that the welfare and rights of the community are adequately protected, any nonschool-sponsored publication which a student wishes to distribute on or in the immediate proximity of school grounds and buildings shall first be submitted to the principal, or designee, of his or her school for approval. The principal, or designee, may deny approval of any nonschool-sponsored publication if he or she reasonably determines the publication to be an expression of the type prohibited under this section of the policy.

The principal, or designee, must render a decision concerning the distribution of any material submitted to him or her by a student within two full school days of its submission. Any material

which is not approved or disapproved within this period shall be deemed to be approved.

A student may upon request have an adverse decision rendered by the principal, or designee, referred to the Superintendent for review. The Superintendent shall render a decision within three school days and shall affirm the principal's or designee's decision only if it is supported by a substantial factual basis. The student may thereafter appeal an adverse decision of the Superintendent to the Board of Education for final consideration. The Board shall render a decision at its next regularly scheduled meeting.

### **C. Time, Place and Manner of Distribution**

1. Are uniformly applied to all forms of publication;
2. Do not prohibit distribution at times or places, either inside or outside the school building, for which no factual basis exists to conclude that any interference with school activities would occur;
3. Are specific as to places and times where distribution is prohibited; and
4. Do not inhibit any person's right to accept or reject any publications distributed in accordance with the rules.

### **D. Definitions**

The following definitions apply to the terms as used in this policy:

1. **Distribute** – a substantial dissemination of any written material in any form which is thus made generally available to students. This includes the posting of written materials in areas of a school which are generally frequented by students.
2. **Gang** – a group of three or more individuals with a common interest, bond or activity, characterized by criminal or delinquent conduct, engaged in either collectively or individually.
3. **Obscene** – (a) the average person, applying contemporary school community standards, would find that the written material, taken as a whole, appeals to prurient interest; (b) the material depicts or describes, in a patently offensive manner, sexual conduct such as sexual acts (normal or perverted, actual or simulated), masturbation, excretory functions, and lewd exhibition of the genitals; and (c) the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
4. **Libelous, slanderous, or defamatory** – a false, unprivileged oral or written statement about a specific individual which tends to harm the individual's reputation by lowering the person in the estimation of the community or deterring others from associating or dealing with the person. Such statements include those which tend to expose an individual to public hatred, shame, obloquy, contempt, ridicule, or disgrace.
5. **Public figure** – a person who either seeks the public's attention or is well known because of his achievements. [Hutchinson vs. Proxmire, 43 US 11 (1979)]. School employees are to be considered public officials or public figures in articles concerning their school-related activities. [Sewell vs. Brookbank, 581, P 2d 257 (Arizona 1978)]; [Luper vs. Black Dispatch Publishing

Co., 675 P 2d 1028 (Oklahoma 1983)].

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