

Freedom of Expression

Students shall enjoy the privilege of free verbal and written expression providing such expression does not disrupt the operation of the school. The principal shall have the authority to monitor student verbal and written expression. Students who violate the standards for verbal and written expression shall be subject to corrective action or punishment.

For purposes of verbal and written expression, the following guidelines are in effect:

- A. Distribution of written materials or presentation of an oral speech in an assembly or classroom setting may be restricted:
 - 1. Where there is evidence which reasonably supports a forecast that the expression is likely to cause material and substantial disruption of, or interference with, school activities, which disruption or interference cannot be prevented by reasonably available, less restrictive means; or,
 - 2. Where such expression unduly impinges upon the rights of others.

In order for a student publication or speech to be disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial disruption to normal school activity would occur if the material were published and distributed. Disruption includes, but is not necessarily limited to: student riots; destruction of property; widespread shouting, or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walk-out or other related form of activity.
- B. Distribution of written material or presentation of an oral speech which are construed to be unsuitable for minors shall not be permitted. Rules for determining unsuitability for minors should be consistent with those as applied to instructional materials.
- C. Libelous material or speech may be prohibited. Libelous material shall be defined to include defamatory falsehoods about public figures or governmental officials. In order to be libelous, the defamatory falsehood must be made with actual malice; that is, with knowledge that it is false, or with reckless disregard of whether it was false or not.
- D. Material may be considered profane when the language does not meet the standards of professional journalism as evidenced by the daily newspapers commonly distributed in the district. Sanctions may be imposed on a student when he/she engages in offensively "lewd and indecent speech."
- E. Publications may not "invade the privacy" of individuals. Such occurrences may include: exploitation of one's personality; publications of one's private affairs with which the public has no legitimate concern; or, wrongful intrusion into one's private activities in a manner that can cause mental suffering, shame, or humiliation to a reasonable person of ordinary sensibilities.
- F. Publications or oral speeches which criticize school officials or advocate violation of school rules may be prohibited when there is evidence which supports a forecast that substantial disruption of school may develop.
- G. Publications or oral speeches which advocate racial, religious, or ethnic prejudice or discrimination or seriously disparage particular racial, religious, or ethnic groups are prohibited.

Student Publications

- A. Responsibilities of Student Journalists. Student journalists will
 - 1. determine the content of the student publication in accordance with prescribed standards;
 - 2. strive to produce a publication based upon professional standards of accuracy, objectivity, fair play, and language;

3. review material to improve journalistic style, sentence structure, grammar, spelling, and punctuation;
 4. check and verify all facts and verify the accuracy of all quotations;
 5. provide a variety of viewpoints if the topic is controversial;
 6. in the case of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space if appropriate;
 7. be sensitive to individuals' right to privacy and to ethnic, religious, and moral differences; and
 8. avoid discrimination against any group.
- B. *Responsibilities of Publications Advisors.* Staff members advising student publications.
1. will be knowledgeable in the rights and responsibilities of student journalists and will keep current on legal issues related to high school publications; and
 2. will be responsible for teaching: (a) professional standards of accuracy, objectivity, and fairplay; (b) journalistic style, including usage, sentence structure, grammar, and punctuation; and (c) the provisions of this policy and its procedures.
- C. *Prohibited Material.* The following material is prohibited:
1. Any advertisement(s) for cigarettes, liquor, illicit drugs, or drug paraphernalia.
 2. Material that will cause a material and substantial disruption of school activities.
 - a. Disruption is defined as student rioting; unlawful seizures of property; or substantial student participation in a school boycott, sit-in, walk-out, or other related form of activity.
 - b. For a student publication to be considered disruptive, specific facts must exist upon which one could reasonably forecast that a likelihood of immediate, substantial material disruption to normal school activity would occur if the material were further distributed or has occurred as a result of the material's distribution. Apprehension of disturbance is not sufficient. School administrators must be able to show substantial facts that reasonably support a forecast of disruption.
 3. Material that is considered to be obscene. Obscene expressions are those that, applying contemporary community standards, appeal to prurient interests; depict or describe in a patently offensive way sexual conduct specifically defined by applicable state law; and taken as a whole, lack serious literary, artistic, political, or scientific value.
 4. Material that is considered to be libelous. The expression will be considered libelous when it includes defamatory falsehoods about an individual or organization.
- D. *Prior Restraint.* No student publication will be reviewed by school administrators prior to distribution or withheld from distribution by school administrators. The school assumes no liability for the content of any student publication and urges all student journalists to recognize that with editorial control comes responsibility, including the responsibility to follow professional journalism standards.
- E. *Distribution.* The administration is responsible for regulating the manner, time, and place of distribution. (See Policy 3222)
- F. *Commercial Speech.* School publications may accept advertising. Acceptance or rejection of advertising is within the discretion of the publication staff who may accept any ads except those for products or services that are prohibited by this policy. Political ads may be accepted. The publication should not accept ads on only one side of an election issue.
- G. *Advisor Rights.* The advisor is not a censor. No teacher who advises a student publication will be fired, transferred, or removed from the advisorship by reason of his or her refusal to suppress the protected free expression of student journalists.

Distribution Of Materials

The following procedures have been put into place for the manner, time, and place of any student distribution of publications, materials, and promotions that are non-curriculum related and not affiliated with name of school:

1. School will describe the time and place distribution is allowed. (e.g., before or after school, in a commons area, etc.)
2. Distribution of material cannot be random. Materials may only be passed on to individuals who willingly accept them.
3. The student will affix labels provided by the school to each flyer or handout. The labels will state: "This message is not endorsed by or affiliated with Name of School."
4. The distributor's conduct and materials must be in accordance with Policy #3220, stating that verbal and written expression of opinion on school premises shall not disrupt the operation of school by "substantially interfering with the work of the school or impinging upon the rights of other students" or by "materially disrupting class work or involving substantial disorder or invasion of the rights of others."
5. Materials to be distributed must be in accordance with Policy #3221 Procedures, which states that the following student materials are prohibited:
 - Any advertisement(s) for cigarettes, liquor, illicit drugs, or drug paraphernalia.
 - Material that will cause a material and substantial disruption of school activities.
 - A. Disruption is defined as student rioting; unlawful seizures of property; or substantial student participation in a school boycott, sit-in, walk-out, or other related form of activity.
 - B. For a student publication to be considered disruptive, specific facts must exist upon which one could reasonably forecast that a likelihood of immediate, substantial material disruption to normal school activity would occur if the material were further distributed or has occurred as a result of the material's distribution. Apprehension of disturbance is not sufficient. School administrators must be able to show substantial facts that reasonably support a forecast of disruption.
 - Material that is considered to be obscene. Obscene expressions are those that, applying contemporary community standards, appeal to prurient interests; depict or describe in a patently offensive way sexual conduct specifically defined by applicable state law; and taken as a whole, lack serious literary, artistic, political, or scientific value.
 - Material that is considered to be libelous. The expression will be considered libelous when it includes defamatory falsehoods about an individual or organization.

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