

### 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 should be 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

The student publications instructor or advisor shall have the primary responsibility for supervising student publications and to see that provisions incorporated into the policy and procedures are met. The principal may request to review any copy prior to its publication. Such copy shall be returned to the student editors within 24 hours after it has been submitted for review.

Any dispute that cannot be resolved at the building level shall be submitted to the superintendent for further consideration. When appropriate, the superintendent shall seek legal counsel. If the complaint cannot be resolved at that level, the board, upon request, shall consider the complaint at its next regular meeting.

While the district believes that students should be encouraged to exercise good judgment in the content of the student publication program, such expressive writing must be in keeping with the school's instructional mission and values. Material must be free of content that: runs counter to the instructional program; invades the privacy of individuals; demeans or otherwise damages individuals or groups; supports the violation of school rules or, is inappropriate for the maturity level of the students. Such publication activities must also teach respect for the sensitivity of others and standards of civility as well as the elements of responsible journalism. (See Policy No. 3220 - Freedom of Expression.)

#### Distribution of Materials

Students' constitutional rights of freedom of speech or expression provide for the opportunity to distribute written materials on school premises. However, distribution of materials by students shall not cause disruption of or interference with school activities. Students will be subject to corrective action or punishment, including suspension or expulsion, depending on the nature of the disruption or interference resulting from distribution of materials.

The following guidelines are in effect in each school building:

- A. A student may distribute no more than fifteen (15) copies of printed material without seeking the approval of the principal.
- B. Any student intending to distribute more than fifteen (15) copies of any student-sponsored material or the posting of material on a web site shall submit a copy to the principal at least forty-eight (48) hours prior to the proposed time for distribution, together with a detailed description of the plan for distribution.
- C. Distribution plans shall be approved by the principal if no substantial disruption or interference of school activity will result from distribution of materials at the time, place and manner indicated. The principal shall render a decision within twenty-four (24) hours of the proposed distribution time. If the plan is not approved, the student will be advised, in writing, the reasons for denial.
- D. The student may request the superintendent to review the principal's decision. Such request for review must be made within two (2) school business days following the principal's decision. A decision shall be rendered by the superintendent within two (2) school business days.

Date: April 27, 2000