

POLICY

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SUBJECT: STUDENT EXPRESSION

The Board of Education encourages student expression in its many forms, including but not limited to, the school newspaper, yearbook, commencement or other addresses, concerts, speech & debate program, art exhibits, and electronic media. These activities are an important part of student learning, enrich the life of the school community, and provide an opportunity for students to express their views in a responsible manner.

All school-sponsored opportunities for student expression will comply with the rules set forth in this policy and in the Code of Conduct.

Slandorous and libelous statements, unfounded charges and accusations, obscenity, false statements; materials or performances advocating racial or religious prejudice, hatred, violence, the breaking of laws and school policies and/or regulations; or materials or performances designed to disrupt the educational process will not be permitted. Expressions of personal opinion must be clearly identified as such, and bear the name of the author. Opportunity for the expression of opinions differing from those of the student publishers/presenters must be provided.

The Board and/or administration reserves the right to edit or delete such student expression which it believes is inconsistent with the district's basic educational mission. Additionally, the Board/administration reserves the right to publish a response that may include clarifying of factual error or balancing of opinion.

PROCEDURAL DUE PROCESS – SCHOOL-SPONSORED EXPRESSION

When students present materials for inclusion in a school-sponsored publication or event to a school official with authority over the publication or event, the school official must review and make a decision on inclusion in the publication or event. If the expression is denied, the student may appeal the decision to the Building Principal. If the principal upholds the original school official's decision, the principal must state the reasons in writing and provide students with a copy of those reasons. The aggrieved students may then file an appeal in writing to the Superintendent of Schools. The Superintendent must issue a written decision within five (5) days after receiving the appeal. Further appeals may be made to the Board of Education.

Note: It is well-established that the First Amendment rights of students in public schools are not automatically coextensive with the rights of adults in other settings (*Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986)) and must be applied in light of the special characteristics of the school environment (*New Jersey v. T.L.O.*, 469 U.S. 325 (1985)). It is equally well-established that school districts are not required to tolerate student speech that

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is inconsistent with their "basic educational mission" ([*Hazelwood School District v. Kuhlmeier*](#), 484 U.S. 260 (1988)). Educators may constitutionally censor student speech in school-sponsored student publications so long as their actions are reasonably related to legitimate pedagogical concerns.

NON-SCHOOL SPONSORED EXPRESSION

It is the purpose of this policy to promote the best interest and ensure the well being of every student in the School District by preventing substantial disruption and/or material interference with school activities and with the general operation of the schools by forbidding publication and/or distribution of literature which contains libelous, obscene, profane statements, prejudicial statements, as well as statements which advocate breaking of state and federal laws as well as school regulations.

The Board, however, does recognize the right of its students to publish or distribute newspapers, magazines and other literature not sanctioned by the School District. However, the District has no responsibility to assist students in the publication of such literature nor does this Board assume any responsibility for any statements published therein.

The Board permits the distribution of such materials within its schools and on school property only after it has been submitted for administrative review and approval. The Board directs the Superintendent, or his/her designee, in keeping with the requirements of the law, to prepare procedures which establish guidelines for students seeking approval for the distribution of non-school publications.

Adopted: 04-12-17