

Students have the right to express their thoughts and opinions at reasonable times and places. The Board of Education expressly reserves the right to exercise pre-publication review of both school-sponsored publication and speech, and non-school sponsored publication and speech, when such publication or speech is disseminated in or through the schools. The Board also reserves the right to impose reasonable restrictions on the time, place, and manner of dissemination of any type of publication or speech which is disseminated through the school district.

I. School-Sponsored Publications

“School-sponsored publications” includes student newspapers, periodicals, yearbooks, or theatrical productions, to which the school district lends its resources or name, or publication of speech which is included as part of the school curriculum, or other activities which the public might reasonably perceive to bear the imprimatur of the school district.

With regard to such publications or speech, the Board reserves its right to exercise editorial control, including pre-publication review and restraint, in an effort to insure that:

- the participants learn whatever lessons the activity is designed to teach;
- readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
- the views of the speaker are not erroneously attributed to the schools, if, for example, the speech is:
 - ungrammatical
 - poorly written
 - inadequately researched
 - biased or prejudiced
 - vulgar or profane

the speech will not be reasonably perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order.

II. Non-School Sponsored Publications

With regard to non-school sponsored publications or speech which is sought to be disseminated through the schools, approval of the Building Principal must be obtained prior to such dissemination. Such approval may be withheld and distribution may be halted, and/or disciplinary action may be initiated if:

- the speech has the propensity to materially disrupt classwork or involve substantial disorder or invasion of the rights of others;
- the speech is potentially libelous, i.e., if it involves a false and unprivileged statement about a specific individual which injures the individual’s reputation in the community;
- the speech involves fighting or abusive words, i.e., words spoken solely to injure or harass other people, such as threats of violence, defamation of character or of a person’s race, religion, or ethnic origin;
- the speech is “obscene” meaning that:
 - a. the average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a minor’s prurient interest in sex; “minor” means any person under the age of 18;

- b. the speech depicts or describes, in a patently offensive way, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals;
- c. the work, taken as a whole, lacks serious literary, artistic, political or social value.

Distribution of non-school sponsored publications may be halted by the Principal for one of the reasons set forth above, and the student will have the right of appeal as set forth in section IV, below. The procedures in section IV, below, shall in no way be construed to apply to school-sponsored publications, as defined in section I, above.

III. Time, Place, and Manner of Distribution

The Board expressly reserves the right to regulate the time, place, and manner of distribution of both school-sponsored publication and speech and non-school sponsored publication and speech which is disseminated in or through the school district.

IV. Appeals

If the student is dissatisfied with the decision of the Principal as to distribution of a non-school sponsored publication, the student may appeal the decision to the Superintendent of Schools who shall render a written decision, within ten school days after receiving the appeal. If the student requests an informal hearing, the hearing must be held within ten school days and a decision by the Superintendent must be rendered within ten school days of the hearing,

If the student is dissatisfied with the decision of the Superintendent, the student may appeal this decision to the Board of Education. An appeal is taken from the Superintendent's decision by notifying the Superintendent, either orally or in writing, within two days of the decision, of the student's desire to appeal. The Board of Education shall render its decision in writing within 10 school days of the notice of appeal.

Ref: Hazelwood School District v. Kuhlmeier, 484 US 260, 108 S Ct 562 (1988)
Bethel School District v. Fraser, 478 US 675 (1986)
Tinker v. DesMoines Independent Community School Dist., 393 US 503, (1969)
Thomas v. Board of Education, Granville Central School Dist., 607 F 2d 1043 (1979)
Trachtman v. Anker, et al., 563 F 2d 512 (1977)
Eisner v. Stamford Board of Education, 314 F Supp 832, mod'f'd. 440 F2d 803 (1971)
Frasca v. Andrew et al., 463 F Supp 1043 (1979)
Matter of Beil and Scariati, 26 EDR 109

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