

POLICY 5250

Student Speech & Publications ~~Prior Review~~

A. Purpose

1. The District recognizes that students have constitutional rights to freedom of speech or expression on school property. At the same time, the District retains authority to regulate speech in school-sponsored activities and to ensure that school operations are not materially and substantially disrupted.
 - a. This policy distinguishes between
 - 1) School-sponsored speech (school speech); and
 - 2) Individual student speech (private student expression).

B. School-sponsored Speech

1. School-sponsored speech includes expressive activities that:
 - a. Officially represent the views of the District or could reasonably be perceived to do so;
 - b. Are supervised by faculty;
 - c. Are part of the curriculum or school program; or
 - 1) Examples include, but are not limited to:
 - a) School newspapers and yearbooks;
 - b) Drama productions
 - c) Assemblies;
 - d) Official school websites or social media;
 - e) School-sponsored publications;
 - f) Athletic programs and announcements.

2. Editorial Control:

a. The District's professional employees shall exercise editorial control over the style and content of student speech in school-sponsored expressive activities. The District may regulate or refuse to disseminate school-sponsored student speech when the regulation is reasonably related to legitimate teaching practice concerns, including but not limited to:

- 1) Maintaining age-appropriate content;
- 2) Ensuring accuracy and quality;
- 3) Protecting student privacy;
- 4) Preventing association of the school with political positions other than neutrality;
- 5) Avoiding speech advocating illegal drug use, irresponsible sexual conduct, or conduct inconsistent with school policy;
- 6) Ensuring compliance with professional and academic standards.

3. Inclusion or exclusion of material in school sponsored activities shall not be based on student viewpoint alone, but may be regulated consistent with legitimate educational objectives.

4. Complaints:

a. Students who have complaints regarding decisions about the content or style of school-sponsored publications shall present those complaints in accordance with [Policy 5350 Student Complaints](#).

C. Individual Student Speech (Non-school-sponsored Expression)

1. Individual student speech includes student expression that:

- a. Is not school-sponsored; and
- b. Is not part of a curriculum-based or faculty-supervised expressive activity.

2. Examples include:

- a. Student-created flyers;

- b. Independent petitions;
- c. Personal clothing with messages;
- d. Personal online speech occurring off-campus (subject to applicable law).

3. General Rule

- a. The District shall not restrict individual student expression unless:
 - 1) The speech materially and substantially disrupts school operations;
 - 2) The speech reasonably can be forecasted to materially and substantially disrupt school operations;
 - 3) The speech interferes with or infringes upon the rights of other students;
 - 4) The speech promotes or advocates illegal drug use or other illegal activity;
 - 5) The speech is vulgar, lewd, obscene, or plainly offensive in a school setting;
or
 - 6) The speech violates other District policies (including harassment, bullying, threats, or discrimination policies);
 - 7) “Bare allegations” of disruption of unsubstantiated speculation as to what might happen are not sufficient to justify restriction. Material that is merely unpopular, controversial, or offensive shall not be restricted absent evidence of material and substantial disruption.

D. Content Standards for Non-School-Sponsored Materials

- 1. Non-school-sponsored materials may not be distributed if they:
 - a. Are obscene or sexually inappropriate for the age and maturity of the audience;
 - b. Contain libelous statements;
 - c. Advocate imminent lawless or disruptive action and are likely to incite such action;
 - d. Contain threats, harassment, or speech that infringes upon the rights of others;
 - e. Promote illegal drug use or other unlawful activity;

- f. Meet the material and substantial disruption standard described above. Material that is merely controversial, critical of school officials, or unpopular shall not be restricted absent evidence that it meets the standards above.

E. Off-Campus Speech

1. Off-campus student speech may be regulated only where the District can demonstrate that the speech:
 - a. Has caused or is reasonably forecasted to cause a material and substantial disruption at school; or
 - b. Infringes upon the rights of other students; or
 - c. Constitutes harassment, threats, or other conduct prohibited by District policy.

~~A. The District's professional employees shall exercise editorial control over style and content of student speech in school-sponsored expressive activities. Inclusion of student material in school-sponsored activities shall not be the basis of a grade.~~

~~B. The District may refuse to disseminate or sponsor student speech that:~~

- ~~1. Might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order.~~
- ~~2. Is inappropriate for the level of maturity of the readers.~~
- ~~3. Does not meet the standards of the professional employees who supervise the production of the publication.~~
- ~~4. Associates the school with any position other than neutrality on matters of political controversy.~~

~~C. Students who have a complaint regarding a decision about the content or style of school's sponsored publication shall present that complaint in accordance with Board Policy 5350 Student Complaints – Resolution.~~

~~D. All written material over which the District does not exercise control that is intended for distribution to students shall be submitted for prior review according to the following procedures:~~

- ~~1. Material shall be submitted to the building principal for review.~~

- ~~2. The principal shall approve or disapprove submitted material within 3 days of the time the material is received. Failure to act within the 3-day period shall be interpreted as disapproval.~~
 - ~~3. Disapproval may be appealed to the superintendent who shall decide the appeal within three days of receipt of the appeal. Failure of the superintendent to act within the three-day period shall be interpreted as disapproval.~~
 - ~~4. Disapproval of a request to distribute material may be appealed to the Board.~~
- ~~E. Distribution of written materials over which the District does not exercise control may be restricted, in accordance with the following guidelines:~~
- ~~F. Content of the non-school sponsored materials to be distributed must conform to the following standards:~~
- ~~1. Materials that are obscene or sexually inappropriate for the age and maturity of the audience or that endorse actions endangering the health and safety of students shall not be distributed.~~
 - ~~2. Material may not be forbidden if the portions or specific language objected to may also be found in material that is made available to students through school facilities, i.e., the school library or readings assigned by teachers.~~
 - ~~3. Libelous material may be prohibited from distribution. Libelous material includes defamatory falsehoods and public figures or governmental officials, which are made with knowledge of their falsity or reckless disregard for truth.~~
 - ~~4. Publications that criticize board members or school officials or advocate violation of school rules may be prohibited if it appears likely that the publication of this material will substantially interfere with or disrupt the operations of the school. "Bare allegations" of disruption or unsubstantiated speculation as to what "might" happen or "could result" are not sufficient to support a reasonable forecast of disruption of the normal operations of the school. Material that is merely offensive or unpopular, or that stimulates controversy, shall not be restricted or forbidden.~~
 - ~~5. Advocacy directed toward inciting or producing imminent lawless or disruptive action and that is likely to incite or produce such action shall be restricted.~~
 - ~~6. Hate literature that scurrilously attacks, religious, or racial groups, and similar irresponsible publications aimed at creating hostility and violence may be banned if it falls within the disruption standard described at item 4 above.~~

~~G. Distribution may be limited in order to prevent material and substantial interference with normal school operations in circumstances where there is evidence that reasonably supports a forecast that disruption will likely result directly from the distribution. "Bare allegations" of disruption or unsubstantiated speculation as to what "might" happen or "could result" are not sufficient to support a reasonable forecast of disruption of the normal operations of the school. Moreover, material that is merely offensive or unpopular, or that stimulates controversy, shall not be restricted or forbidden.~~