

FERNDALE SCHOOL DISTRICT NO. 502
ADMINISTRATIVE PROCEDURES

No. 3221 P-1

STUDENT PUBLICATIONS

The instructor or advisor shall have the primary responsibility for supervising and reviewing student publications and to see that provisions incorporated into these procedures are met. The school principal/designee shall review any copy prior to its publication. Such copy shall be returned to the student editors within three business days after it has been submitted for review.

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

The district intends that there be a minimum of interference by adults in the student publications program. Students should be permitted to assume responsibility for difficult decisions which may at times produce controversy. However, such publication activities must be sensitive to others and standards of civility as well as the elements of responsible journalism.

I. AUTHORITY

The school principal shall have the authority to monitor the distribution of materials as well as other forms of student verbal and written expression. The principal will give due consideration to the constitutionally protected right of freedom of expression, the maintenance of the normal operation of the school and its activities, the protection of persons and property, and the need to assist students in learning appropriate ways to exercise their rights.

II. DISTRIBUTION OF WRITTEN MATERIALS

Distribution of material means dissemination of ten or more copies of written material on school premises, or in a manner reasonably calculated to arrive on school premises.

Students wishing to distribute material must request permission in advance from the principal. Such requests must be accompanied by a copy of the material(s) students wish to distribute. Authorization will generally be granted provided:

- A. The material is written by students currently enrolled in the Ferndale School District or meets the requirements of Ferndale School District Policy 3222, Distribution of Materials;
- B. It is the desire of the board of education that material be free from advertisement or endorsement of tobacco; liquor; illegal or illicit drugs; drug paraphernalia; obscenities; profanity; dangerous weapons; defamation of character; falsehood; sexually explicit reference; invasion of privacy; advocacy of violation of school rules; attacks on the ethnic,

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religious, social or groups with disabilities; or encourages actions which endanger the health and safety of students.

- C. The material is distributed as directed by the principal in such a manner as not to materially or substantially interfere with or disrupt the normal operation of the school; and
- D. The material is free from the conditions cited below.

III. CONDITIONS WHICH MAY CAUSE VERBAL OR WRITTEN EXPRESSION TO BE RESTRICTED OR PROHIBITED

Under the following conditions, written materials as described above and other forms or written and verbal expressions may be restricted or prohibited when expression is inappropriate to the maturity level of the students and:

- A. When there is evidence which reasonably supports a judgment that significant or substantial disruption of the normal operation of the school or injury or damage to persons or property may result.

In order for verbal or written expression to be disruptive or hazardous, there must exist clear and specific facts upon which it would be reasonable to judge that a clear and present likelihood of an immediate and substantial disruption would result if the expression were allowed to occur.

- B. When expression is construed to be obscene.

Obscene expressions are those which the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to prurient interests; that the work depicts or describes in a patently offensive way sexual conduct specifically defined by the applicable state law; or the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

- C. When the expression is considered libelous.

The expression shall be considered libelous when it includes defamatory falsehoods about individuals. In order to be libelous, the defamatory falsehood must be made with actual malice; that is, with the knowledge that it is false or with reckless disregard of whether it is false or not.

- D. When the expression invades the privacy of other individuals.

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Invasion of privacy includes exploitation of an individual's personality, providing information of an individual's private affairs with which the public has no legitimate concern, or wrongful intrusion into an individual's private activities in a manner that can cause mental suffering, shame, or humiliation to a person of ordinary sensibilities.

- E. When the expression criticizes school officials or advocates violation of school rules to the extent that there is evidence that supports a judgment that substantial disruption of the normal operation of the school will result (see #1).
- F. When the expression attacks ethnic, religious, social, or groups with disabilities; or females or males as a group; or promotes discrimination against said groups and there is substantial disruption of normal school operation.
- G. When the expression encourages actions which endanger the health and safety of students.

IV. PROCEDURAL DUE PROCESS

The principal has three (3) school days to determine whether authorization to distribute the material will be granted. If the principal decides to withhold authorization, the principal must state the reasons in writing and provide the student(s) with a copy of the reasons.

The aggrieved student(s) may within five (5) school days appeal in writing the decision to the superintendent who must issue a written decision within (10) school days after receiving the appeal.

If the student(s) requests a personal hearing with the superintendent to present their views, the hearing must be held within ten (10) business days of the request, and a written decision must follow the hearing within five business days.

If the concern is not resolved to the satisfaction of the student(s) at the superintendent level, the student(s) may appeal to the board of directors, who will hear the student(s) at the next regularly scheduled meeting provided the appeal has been received at least five (5) business days prior to the meeting.

V. VIOLATION OF POLICY AND/OR REGULATIONS

Students who violate these regulations and/or the accompanying policy are subject to appropriate disciplinary action which may include discipline, short or

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long-term suspension, or even expulsion, all as defined in WAC Chapter 180-40, depending on the severity of the violation and the student(s) record.

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| Implemented | 11-20-86 |
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