

FREEDOM OF EXPRESSION

POLICY:

The Lake Stevens School District believes that free expression of student opinion is an important part of education in a democratic society. Students' verbal and written expression of opinion on school premises is to be encouraged so long as it does not substantially disrupt the operation of the school or otherwise violate this policy. Students are expressly prohibited from the use of vulgar and/or offensive terms in classroom, at assemblies, on school premises, or at any school-related activity.

The district will regulate online student speech only if the speech bears sufficient nexus to the school, based on (1) the degree and likelihood of harm to the school, (2) whether it was reasonably foreseeable the speech would reach and impact the school, and (3) the relation between the content and context of the speech and the school.

The Superintendent will develop guidelines, assuring that students are able to exercise freedom of expression so long as it does not present a material and substantial disruption of the orderly operation of the school.

Student Publications

Student publications produced as part of the school's curriculum or with the support of the associated student body fund are intended to serve both as vehicles for instruction and student communication.

Although substantively financed and operated by the district, student editors of school sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media, consistent with chapter 28A.600 RCW and other applicable laws and policies. Material appearing in such publications may reflect various areas of student interest, including topics about which there may be controversy and dissent. When engaging with a controversial issue, student publications should strive to provide in-depth treatment and represent a variety of viewpoints. School officials may only prohibit student expression that:

- Is libelous or slanderous;
- Is an unwarranted invasion of privacy;
- Violates or incites students to violate federal or state laws, rules, or regulations, including the standards established by the federal

communications act or applicable federal communication commission rules or regulations;

- Incites students so as to create a clear and present danger of unlawful acts, a violation of district regulations, or a material and substantial disruption of the school;
- Violates district policy or procedure related to harassment, intimidation, bullying, or related to the prohibition on discrimination pursuant to RCW 28A.642.010; or
- Advertises tobacco products, liquor, illicit drugs, or drug paraphernalia.

Distribution of Materials

Students and district staff may distribute student publications or other materials on school premises in accordance with procedures developed by the Superintendent or designee. Such procedures may impose limits on the time, place, and manner of distribution, including prior authorization for the posting of such material on school property. Students responsible for the distribution of material that leads to a substantial disruption of school activity or otherwise interferes with school operations may be subject to corrective action, including suspension or expulsion, consistent with student discipline policies. No one who is neither a student nor a district employee may distribute materials on school grounds.

Cross Reference:

Policy No. 1320: Distribution of Literature and other Materials

Policy No. 5100: Student Rights and Responsibilities

Legal Reference:
RCW 28A.600

POLICY NO. 5510
Adopted: 7-10-96
Revised: 2-22-23

FREEDOM OF EXPRESSION

PROCEDURES:

Students shall enjoy the privilege of free verbal and written expression providing such expression does not disrupt the operation of the school. School administrators shall have the authority to monitor student verbal and written expression. Students who violate the standards established by this policy and chapter 28A.600 RCW 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. A school administrator must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.
- B. Distribution of written material or presentation of an oral speech which are construed to be obscene shall not be permitted if such material or speech would be in violation of the federal communications act or applicable federal communication commission rules or regulations, or otherwise in violation of district policies regarding patently lewd, vulgar, obscene conduct or communication.
- 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 daily newspapers. Sanctions may be imposed on a student when he/she engages in offensively "lewd and indecent speech."

- E. Publications that involve an unwarranted invasion of privacy will not be permitted. 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 advocate the commission of unlawful acts on school premises, the violation of law, or the violation of lawful school district policies and procedures may be prohibited.
- G. Publications or oral speeches that violate the district's policy or procedure related to the prohibition of harassment, intimidation, or bullying, or that advocate discrimination or discriminatory disparagement in violation of chapter 28A.642 RCW and district policy #5090 – Nondiscrimination, are prohibited.

Student Publications

For purposes of this section, the following definitions apply:

- A. "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are also produced.
- B. "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.
- C. "Student media instructor" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

The student publications instructor will have the primary responsibility for supervising student publications and to see that the policy and procedures are met. The instructor or advisor will also have the primary responsibility for teaching professional standards of English and journalism to the student journalists. Publication activities should instill respect for self and the sensitivity of others as well as the standards of civility and the elements of responsible journalism. Pertaining to online activities, instruction and guidance should align with district policy #1800- Electronic Resources, and the District's Digital Citizenship curriculum. Student media instructors are entitled to the protections set forth in 28A.600.027 RCW.

Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of this policy and procedure.

The principal or designee may request to review any copy prior to its publication, including to determine compliance with RCW 28A.600.027 and this policy and procedure. The principal or designee will return such copy to the student editors within 24 hours after it has been submitted for review. Any dispute that cannot be resolved at the building level will be submitted to the Superintendent or designee for further consideration. When appropriate, the Superintendent or designee will seek legal counsel. If the dispute cannot be resolved at that level, the Board, upon request, will consider the matter at its next regular meeting. Any enrolled high school student, individually or through his or her parent or guardian, may file an appeal of any adverse Board decision on an alleged violation of chapter 28A.600 RCW related to school-sponsored media pursuant to the provisions of chapter 28A.645 RCW.

Political expression by students in school-sponsored media will not be deemed the use of public funds for political purposes for purposes of the prohibitions of RCW 42.17A.550.

Expression made by a student in the school-sponsored media is not necessarily the expression of school policy. Pursuant to chapter 28A.600 RCW, neither a school official nor the governing Board of the school or school district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

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 must not cause disruption of or interference with school activities. Systematic distribution of materials may not occur during instructional time, unless other similar non-instructional activities are permitted. Students may 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.

District staff may distribute materials for curricular purposes or as otherwise authorized by the district, consistent with district policies and procedures.