
FREEDOM OF EXPRESSION: 3220P

Freedom of expression is an inherent part of the District's educational program. Students shall enjoy the privilege of free verbal and written expression providing such expression does not disrupt the operation of the school. The principal or designee shall have the primary responsibility and authority to monitor student verbal and written expression. Students who violate the standards for verbal and written expression shall be subject to corrective action. Any dispute that cannot be resolved at the building level shall be submitted to the Superintendent or designee for further consideration. When appropriate, the Superintendent or designee shall seek legal counsel.

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 that 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.

In order for a student publication or speech to be disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial disruption to normal school activity would occur if the material were published and distributed. Disruption includes, but is not necessarily limited to: student riots; destruction of property; widespread shouting, or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walk-out, or other related form of activity.

- B. Distribution of written material or presentation of an oral speech which are construed to be obscene shall not be permitted. Rules for determining obscenity should be consistent with those as applied to instructional materials. Obscene material is what 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, that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- C. Libelous material or speech may be prohibited. Libelous material shall be defined to include, but not limited to, 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 the daily newspapers commonly distributed in the District. Sanctions may be imposed on a student when he/she engages in offensively "lewd and indecent speech."

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- E. Publications may not “invade the privacy” of individuals. 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 criticize school officials or advocate violation of school rules may be prohibited when there is evidence which supports a forecast that substantial disruption of school may develop.
- G. Publications or oral speeches which advocate racial, religious, or ethnic prejudice or discrimination or seriously disparage particular racial, religious, or ethnic groups are prohibited.