

## Procedure - Freedom of Expression

Students will enjoy freedom of expression, whether verbal or written, providing such expression does not constitute a material and substantial disruption of the orderly operation of the school or otherwise violate this policy. The principal will 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 may be subject to corrective action or punishment.

### Definitions

For purposes of this policy and procedure, 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 adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

For purposes of verbal and written expression, the following guidelines are 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 official 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 will 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, and indecent conduct or communication.

C. Libelous or slanderous material or speech may be prohibited. Libelous material will 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. 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.

E. Publications or oral speeches that incite 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.

F. 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 are prohibited.

### **Student Publications**

The student publications instructor or advisor will have the primary responsibility for supervising student publications and to see that provisions incorporated into 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 the sensitivity of others and standards of civility as well as the elements of responsible journalism.

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 as set forth above.

The principal may request to review any copy prior to its publication. The principal 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 for further consideration. When appropriate, the superintendent will 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. In addition, any student, individually or through his or her parent or guardian, enrolled in a public high school may file an appeal of any 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 shall 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 will 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 will 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.

## **Wishram School District 94**

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