

DISTRIBUTION OF LITERATURE OR INFORMATION

Any literature or information (electronic or written) must be reviewed by the appropriate building administrator prior to distribution. Upon approval, students have a right to distribute literature on school grounds and in school buildings provided such distribution does not interfere with or disrupt the educational process.

The Superintendent of Schools shall maintain guidelines that are in keeping with the above and shall provide for the review of the content of all student newspapers, publications, other mediums (electronic or written) prior to their distribution.

Reference: Hazelwood School District v. Kuhlmeier, US, 108 S Ct 562 (1988)
Bethel School District v. Fraser, 478 US 675 (1986)
Tinker v. DesMoines Independent Community School District, 393 US 503

Approved: December 6, 2011

DISTRIBUTION OF LITERATURE OR INFORMATION REGULATION**Authority**

The Building Principal or designee shall have the authority to monitor the distribution of materials as well as other forms of student verbal, written, or electronic 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.

Distribution of Literature or Information

Distribution of literature or information means dissemination of information (electronic or written) on school premises, or in a manner reasonably calculated to arrive on school premises.

Students wishing to distribute literature or information (electronic or written) must request permission in advance from the appropriate administrator or designee. Such requests must be accompanied by a copy of the material(s) student(s) wish to distribute. The District will review and give fair consideration to requests provided that:

1. the material is written by students currently enrolled in the District or meets the requirement of Policy 1140, Use of Students in Public Information Program;
2. the material is distributed as directed by the appropriate building administrator, or designee, in such a manner as not to materially or substantially interfere with or disrupt the normal operation of the school; and
3. the material is free from the conditions cited below.

Conditions Which May Cause Verbal, Written or Electronic Expression to be Restricted or Prohibited

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

1. When there is reason to believe (judgment) that significant or substantial disruption of the normal operation for the school or injury or damage to persons or property may result.

In order for verbal, written, or electronic 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 could result if the verbal, written, or electronic expression were allowed to occur. (See Policy 5300, Student Conduct)

2. When the expression is construed to be obscene.

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

3. 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.

4. When the expression invades the privacy of other individuals.

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.

5. 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.
6. When the expression attacks ethnic, religious, sexual orientation, social, or handicapped groups, females, males as a group, or promotes discrimination against said individuals or groups and there is evidence or sound reason to believe indicating such expression will result in substantial disruption of normal school operation.
7. When the expression encourages actions which endanger the health and safety of students.
8. The material is free from advertisements of cigarettes, alcohol, illegal or illicit drugs, or drug paraphernalia;

Procedural Due Process

The appropriate building administrator has two (2) school days to determine whether authorization to distribute the material will be granted. If the administrator decides to withhold authorization, the administrator 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 of Schools, who must issue a written decision within five (5) school days after receiving the appeal.

If the student(s) request a personal hearing with the Superintendent to present their views, the hearing must be held within five (5) school days of the request, and a written decision must follow the hearing within five (5) school 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 Education, who will hear the appeal at the next regularly scheduled meeting provided the appeal has been received at least seven (7) days prior to the meeting.

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 long-term suspension, or even expulsion, all as defined in Policy 5313.

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