

SCHOOL-SPONSORED STUDENT EXPRESSION

The Board of Education encourages student expression in its many forms, including the school newspaper, yearbook, literary magazine, concerts, shows, art exhibits, etc. The Board believes these activities are an important part of student learning and enrich the life of the school community. The school newspaper, for example, is an important part of the school not only because it offers an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because it provides an opportunity for students to express their views in a responsible manner. Each school-sponsored activity offers unique opportunities for students to engage in creative and educational modes of expression.

Students participating on school publications and in extra-curricular clubs shall have the right to attend any full membership meeting, committee meeting, or sponsored activity of each class and all duly authorized co-curricular and interscholastic groups specified in Board policies for the purpose of reporting on student activities provided that they:

1. present official credentials to the advisor and/or student in charge prior to admission;
2. pay any appropriate admission charge for an activity;
3. cover activities without specific conflicts of interest with that club or activity; and
4. leave upon a majority vote of the elected officers to go into Executive Session if specified in the bylaws of the class or organization.

All school-sponsored opportunities for student expression will comply with the rules set forth in this policy and in the Code of Conduct. Libelous statements, unfounded charges and accusations, obscenity, false statements; materials or performances advocating or expressing prejudice, hatred, discrimination, harassment, bullying or violence on the basis of a protected class (e.g., actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and gender expression), or sex), the breaking of laws and school policies and/or regulations; or materials or performances designed to disrupt the educational process will not be permitted.

In addition, the school-sponsored activities listed above are not considered public forums. In such cases, the Board reserves the right to edit or delete such student expression which it believes is inconsistent with the district's basic educational mission.

Procedural Due Process

When a student(s) presents material for inclusion in a school-sponsored publication to a school official with authority over the school publication, the school official must review and make a decision on inclusion in the publication within two (2) school days of submission of the material to him/her. If publication is denied, the student(s) may appeal the decision to the Building Principal. If the principal agrees with the decision to withhold approval, the principal must state the reasons in writing and provide the students with a copy of the reasons within two (2) school days of the receipt of the appeal. The aggrieved student(s) may within two (2) school days appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within two (2) school days after receiving the appeal.

Cross-ref: 0100, Equal Opportunity/Nondiscrimination
0115, Student Harassment and Hazing Prevention and Intervention
5300, Code of Conduct
5225, Student Personal Expression

Ref: Education Law Article 2, §§10-18 (Dignity for All Students Act)
Morse v. Frederick, 127 S. Ct. 2618 (2007)
Hazelwood School District v. Kuhlmeier, 484 US 260, 108 S. Ct. 562, (1988) (limits on student free speech rights in school-sponsored student publications)
Bethel School District v. Fraser, 478 US 675 (1986)
Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969) (limits on student free speech rights in school setting)
Thomas v. Board of Education, Granville Central School Dist., 607 F. 2d 1043 (1979)
Trachtman v. Anker, et al., 563 F. 2d 512 (1977)
Frasca v. Andrew et al., 463 F. Supp. 1043 (1979)
Matter of Beil and Scariati, 26 EDR 109 (1986)

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