

Section 8000 – Students

8730 Non-School-Sponsored Student Publications (Cf. 8720)

8730

Students are exposed to diverse opinions on an infinite number of topics through the various mass media. Students who have facts and opinions should be allowed to express them in print as well as through oral communication. However, student editors and writers of non school-sponsored student publications must observe the same legal responsibilities as those imposed upon conventional newspapers and communication media. Thus, no student shall distribute in any school, or publish by electronic means, any student publication that:

- Is obscene as to minors according to current legal definitions,
- Is libelous according to current legal definitions, or
- Creates a material or a substantial disruption of the normal school activity or appropriate discipline in the operation of the school.¹

Student publications, that are not libelous, disruptive or obscene, may be distributed on school property during school hours in areas designated by the building Principal. Distribution that substantially interferes with the normal flow of traffic within the school corridors and entranceways, which is coercive of any other person's right to accept or reject any publication or which causes substantial and material interference with "normal school activities," shall not be permitted.

Approved: June 29, 2009

LEGAL REF: *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 261, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)

¹ *Layshock v. Hermitage School District*, __ F.Supp.2d __, 2006 WL 240655 (W.D. Pa. Jan. 31, 2006) In this Pennsylvania case, the student produced a "parody" on a private website regarding his school principal. The school District reacted by transferring the student to an "alternative school" as disciplinary action. The federal District court rejected Justin's attempt to frame the issue in the case as "whether a school District can punish a student for posting on the Internet, from his grandmother's home computer, a non-threatening, non-obscene parody profile making fun of the school principal." The court determined that Justin had ignored a crucial element of student protected speech analysis, namely, whether his actions "substantially disrupt[ed] school operations or interfere[d] with the right of others." The school District presented ample evidence that his off-campus conduct resulted in actual disruption of the high school's day-to-day operations. The number of students accessing the profile forced school officials to shut down the school's computer system for five days, and school personnel had to devote an inordinate amount of time to monitoring students accessing the profile. Justin did not carry his burden of proving the likelihood of success on the merits because the evidence demonstrated that the disciplinary action was justified.