

## **Section 8000 – Students**

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

8730-R

Any student who desires to distribute a non school-sponsored student publication shall submit the publication to the building Principal for review and approval prior to distribution.

At the time of submission, the student has the right, and is encouraged to meet personally with the Principal so that the student and the Principal may freely exchange views on why the distribution of the non school-sponsored student publication is or is not appropriate. The student or his/her representative may support the case for distribution with relevant witnesses and materials.

In determining whether a non school-sponsored student publication is disruptive, school personnel should consider the context of the distribution as well as the content of the material. In this regard, consideration should be given to experience with similar material, to experience in dealing with and supervising students, to current events influencing student attitudes and behavior and to any instances of actual or threatened physical disruption prior to or contemporaneously with the submission of the non school-sponsored student publication in question.

The Principal shall render his/her decision to approve or disapprove the distribution of the non school-sponsored student publication and notify the student within one school day of its submission. If approval to distribute is not granted, the Principal shall state his/her reason to the student in writing.

If the student is dissatisfied with the decision of the Principal, the student may appeal this decision. The appeal from the Principal's decision may be taken by notifying the Superintendent, either orally or in writing, within two school days of the Principal's decision, of the student's desire to appeal and the desire for a hearing before the Superintendent.

A hearing date must be established within three school days after receipt of the notice of appeal has been filed with the Superintendent, and the Superintendent shall render a decision, stating reasons in writing, within three school days of conclusion of the hearing.

If the student is dissatisfied with the decision of the Superintendent, the student may appeal the decision. The appeal from the Superintendent's decision may be taken by

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notifying the Secretary of the Board, either orally or in writing, within two school days of the student's desire to appeal and the desire for a hearing before the Board, a committee or the Board, or a hearing officer designated by the Board. A hearing date must be established within ten days after receipt of the notice of appeal has been filed with the Secretary of the Board, and the decision shall be rendered in writing within three school days after the hearing.

At every level of the appeal process as outlined above, the student or his/her representative shall have the right to appear and present his/her case supported by relevant witnesses and materials as to why distribution of the non school-sponsored student publication is appropriate.

In exercising the right of prior review, school personnel shall be guided by the following guarantees and definitions. The First Amendment to the Constitution of the United States protects students in their exercise of freedom of expression. It is the responsibility of the school and its staff, while establishing the kind of environment, which is necessary for an orderly program of classroom learning, to ensure that the right of students to express themselves freely shall not be infringed upon at the same time. Distribution of non school-sponsored student publications shall not be prohibited because they contain the expression of unpopular, critical, controversial, tasteless, or offensive ideas.

Distribution of the non school-sponsored student publication during the period of initial review by the Principal, after a negative decision of the Principal or during the period of appeal shall be sufficient grounds for suspension of the student(s) responsible for the distribution by the Principal in accordance with the procedures set forth in law or Board Policies.

In order for a non school-sponsored student publication to be considered disruptive, specific articulable facts must exist upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial, and material disruption to normal school activity or school discipline would occur if the material were distributed. Mere undifferentiated fear or apprehension of disturbance is not enough; school personnel must be able to show, affirmatively, substantial facts, that reasonably support a forecast of likely disruption. Such disruption would include, for example,

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student rioting, unlawful seizures of property, destruction of property, threats against persons or property, or acts of violence, widespread shouting or boisterous conduct, or substantial participation in a school boycott, sit-in, stand-in, walkout, or other related forms of activity. On the other hand, material that stimulates heated discussion or debate does not constitute the type of disruption prohibited herein.

### Ads

Ads concerning drug paraphernalia or any controlled substances are prohibited in any publications planned for distribution on school premises regardless of source.

### Definitions of Terms Used in Discussing Student Publications

“School day” means any day during the regular school year or summer session on which regularly scheduled classroom instruction takes place and excludes Saturdays, Sundays and official school holidays.

“Publication” means any non school-sponsored book, magazine, pamphlet, newspaper, yearbook, picture, photograph, drawing, or any other written or printed matter or visual representation of a staff member.

“Student publication” means any publication as defined herein which is composed, compiled, published, or distributed by students without school sponsorship.

“Distribution” means circulation or dissemination of the student publication to students at the time and place of normal school activity or immediately prior to subsequent thereto by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication or displaying the material in areas of the school building or property which are generally frequented by students. In dealing with material that is “obscene” or “libelous,” the term “distribution” refers to dissemination of one or more copies; whereas in dealing with all other types of material, the term “distribution” refers to a substantial circulation or dissemination of the student publication to make the student publication generally available to the students of the school.

“Normal school activity” means organized educational activity of students under the direct supervision of a member of the school staff which includes classroom work, library activities, physical education classes, official assemblies and other similar

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gatherings, school athletic contests, band concerts, school plays and scheduled-in-school lunch periods.

“Minor” means any person under the age of 18 years.

“Obscene as to minor” means that an average person, applying contemporary community standards would find that the publication, taken as a whole, appeals to the prurient interest and has no redeeming social value; that the publication depicts or describes, in a patently offensive way, sexual conduct specified in applicable law; and that the work taken as a whole lacks serious literary, artistic, educational, political or scientific value.

“Libel” is the false and unprivileged (unprotected by immunity) publication in writing or the printing of pictures, effigies or other fixed representations to the eye which expose a person to public hatred, contempt, ridicule or obloquy which causes him/her to be shunned or avoided or which has a tendency to injure him/her in his/her occupation.

When the publication concerns “public officials,” i.e., those who hold government office or “public figures,” i.e. those who, by reason of the notoriety of their achievements or employment or by reason of the vigor and success with which they seek the public’s attention, the defamatory falsehood must be made with actual malice in order to be libelous, i.e., with knowledge that it was false or with reckless disregard of whether or not it was false. “Public figures” also includes administrators, teachers, and coaches.

Rules Accepted: June 29, 2009