

PROCEDURES: Exhibit 502.9

OFFICIAL STUDENT PUBLICATIONS

The following five (5) definitions are provided for Policy 502.9

A. "Obscene to minors" means:

- (1) The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
- (2) the material depicts or describes, in a manner that is offensive to prevailing standards in the adult community as to how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts, excretory functions, and lewd depictions of the genitals; and
- (3) the material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

B. "Minor" means any person under the age of eighteen (18).

C. "Material and substantial disruption" of a normal school activity is defined as follows:

- (1) when the school activity is District sponsored and student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the conducting of that activity;
- (2) when the school activity has voluntary attendance (eg. school athletic events, school plays and concerts, and pep assemblies), "material and substantial disruption" is defined as student rioting, unlawful seizures of property, widespread shouting or boisterous demonstration, sit-ins, stand-ins, walk-outs, or other related forms of activity. In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecasted, including past experience in the school, current events influencing student activities or behavior, and instances of actual or threatened disruption relating to the material(s) in question.

D. "School activities" means any student activity(ies) sponsored by the school and includes, without limitation, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays, and in-school lunch periods.

E. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm an individual's reputation or to lower the person in the esteem of the community.

F. "Distribution" means circulation or dissemination of material(s) by means of handing out free copies, selling or

offering copies for sale, and accepting donations for copies. It includes displaying material(s) in areas of the school which are generally frequented by students.

G. The Principal's "designee" is defined as a classroom teacher/advisor that is responsible for a specific official student publication.

Student expression in official publications is not an expression of the school or the District. The school, District, Board, and District staff are not liable in any civil or criminal action for student expression made or published by students unless the District's officials or staff have interfered with or altered the content of the student expression. The liability, if any, is only to the extent of interference or alteration of the expression.

Students responsible for the content and publishing of official publications have the following responsibilities:

- A. Be in compliance with this procedure and the law.
- B. Strive to achieve professional standards of accuracy, fairness, objectivity, and thoroughness.
- C. Strive to achieve professional communication standards.

The responsibility of District staff (e.g., advisor, teacher) is to supervise students in order to maintain professional standards of English and journalism (eg., Society of Professional Journalists Code of Ethics, Associated Press Managing Editors Code of Ethics, Sigma Delta Chi Code of Ethics) and to comply with the law including, but not limited to, the restrictions against unlawful speech.

The procedure to use when a person is concerned about content prior to publication is to first contact the District's staff person responsible for the publication (eg., advisor, teacher). The staff person's decision on whether to print or not can be appealed to the principal.

The appeal procedure for students to use when they believe they have been unreasonably restricted in their exercise of expression is to seek a review of the restricting decision by filing a written grievance with the Building Principal indicating the reason(s) for how the student(s) was/were "unreasonably restricted".

The appeal procedure for those persons who believe they have been aggrieved by a student-produced official student publication shall file a written complaint with the Building Principal indicating the reason(s) on how the person(s) was/were aggrieved.

The time, place, and manner restrictions on distribution of official school publications are:

- A. that official student publications may be distributed in a reasonable manner on or off school premises.
- B. that "distributed in a reasonable manner" shall be defined as not causing students to:

- (1) commit unlawful acts;
- (2) violate lawful school rules;
- (3) disrupt or interfere with the education program; or
- (4) cause the material and substantial disruption of the orderly and efficient operation of the school,
District, or school activity.

This procedure and Policy 502.9 shall be published in Student Handbooks and posted in the schools.

Reviewed 06/22/09, 02/23/15