

## **SCHOOL AND NON-SCHOOL SPONSORED EXPRESSION**

### **I. School-Sponsored Student Publications and Productions**

The Board encourages student publications as a classroom-related learning experience in such courses as English, journalism, and video production and as an extracurricular activity. Such publications allow for coverage of student activities and the writing and producing of original literary and artistic projects; however, certain necessary guidelines must be established to regulate the publication and dissemination of student publications, performance of student productions, and broadcast of student video productions.

For purposes of this policy, “publications” shall include any audio, visual, or written materials such as tapes, banners, films, pamphlets, notices, newspapers, books or other like materials. “Productions” shall include theatrical performances as well as impromptu dramatic presentations.

School publications/productions afford educational experiences for those students interested in these activities and should provide opportunities for the sincere expression of all facets of student opinion. In sponsoring a student publication, the Board is mindful of the fact that the publication could be available to any student attending this School, and must, therefore, be generally suitable for all students. Materials which violate or may violate the rights of others may not be published. Adherence to copyright restrictions is required in all school sponsored publications. The school paper and video productions may reflect the policy and judgment of the student editors, consistent with the guidelines set forth below.

The Board reserves the right to designate and prohibit the distribution of printed materials which are not protected by the right of free expression because they violate the rights of others. Such unprotected materials include, but are not limited to those which:

- A. Are discriminating or harassing toward an individual or group of individuals on the basis of race, sex, age, ethnicity, nationality, origin, handicap, or other protected group under Board Policy;
- B. Are false and/or libelous toward any specific person or persons;
- C. Seek to establish the supremacy of a particular religious denomination, sect or point of view over any other religious denomination, sect or point of view;
- D. Advocate the use or advertise the availability of drugs, alcohol, or any other substance or which may reasonably be believed to constitute a direct or substantial danger to the health of students;

- E. Contain material that is obscene to minors as defined in Board Policy, or otherwise may be deemed to be harmful to impressionable students who may receive them;
- F. Incite violence, advocate the use of force or urge the violation of law or school regulations;
- G. Threaten a material and substantial disruption of the educational program of the school;
- H. Are obscene, indecent, vulgar, or constitute insulting or fighting words;
- I. Advertise goods or services for the benefit of profit making organizations;
- J. Fail to identify the student or organization responsible for the distribution;
- K. Solicit funds for nonschool organizations or institutions when such solicitations have not been approved by the Board;
- L. Associate the District with any position other than neutrality on a matter of political or social controversy; or
- M. Fail to meet generally accepted standards of style, grammar, format, and suitability of materials.

School-sponsored publications may be distributed during selected class periods and/or in the cafeteria during lunch periods by students specifically assigned by the advisor of the school-sponsored publication for that purpose.

Advertising is permitted with the permission of the advisor in school newspapers, yearbooks, programs, etc. which are published by student organizations.

Faculty advisors shall advise on matters of style, grammar, format and suitability of materials. The final decision as to the suitability of material shall rest with the principal after consultation with the student editor and faculty advisor. If no advisor is assigned, the decision will be made by the principal or his/her designee. The decision shall be made within five (5) school days after presenting of the material to the principal. The principal's decision may be appealed to the Superintendent within five (5) school days. The Superintendent shall reach a decision in five (5) school days.

## II. Non School-Sponsored Student Expression

The Board of Education recognizes that each student has certain constitutional rights to various forms of expression while attending the schools. It is further recognized by the Board of Education that with rights of expression there are accompanying responsibilities.

### A. Verbal Expression

In expressing themselves, students bear the responsibility to refrain from the use of false or slanderous remarks, obscene, indecent or vulgar language, and to comport themselves in such ways as to allow all persons involved in discussion groups the opportunity to express themselves freely if they so desire. The use of insulting or fighting words, the very expression of which harasses other people through (1) threats of violence, or (2) defamation of character or a person's race, ethnic origin, or other protected characteristic is prohibited.

Students who refuse to abide by the broad social rules governing fundamental fairness in human dialogue may forfeit their right to engage in such dialogue as long as such refusal persists. Students who engage in outright slander, obscenity, or any other prohibited means of expression during such dialogue, or who otherwise materially and substantially disrupt the education process or infringe upon the rights of others, may subject themselves to appropriate disciplinary action.

Students as well as staff members have the right to be protected from belittling and demeaning comments and names. Students or staff members who believe they have been so offended should report the circumstances to an administrator.

### B. Written Expression

Students have the right to distribute or display, at reasonable times and places, written material except expression which:

1. Is obscene to minors;
2. Is false and/or libelous;
3. Is pervasively indecent or vulgar;
4. Advertises any product or service not permitted to minors by law;

5. Constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, ethnic origin, or other protected group);
6. Presents a clear and present likelihood that, either because of its content or the manner of distribution or display, it will cause a material and substantial disruption of school or school activities, a violation of school regulations, or the commission of an unlawful act; or,
7. Is otherwise prohibited by state or federal law.

Distribution or display of written material in any of the above categories is prohibited on school premises, on any property owned or controlled by the Board, or at any school-related event.

Obscene to minors is defined as:

1. The average person, applying contemporary community standards, would find that the written material, taken as a whole, appeals to the prurient interest of minors;
2. The written material depicts or describes conduct that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors; or,
3. The written material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

#### Manner of Distribution

Distribution of non school-sponsored materials will be restricted in time and manner of distribution so as not to interfere with normal school operations.

Any student wishing to distribute or display any written material must first submit for approval a copy of the written material to the principal at least five (5) school days in advance of the desired distribution/display time, together with the following information:

1. The name of the student or organization distributing or displaying the material;

2. The date(s) of intended display or distribution; and,
3. The grade(s) of students whom the display or distribution is intended.

The principal will either approve the written material and allow its distribution or display within the time, place, and manner restrictions listed below, or deny it and indicate how it violates the guidelines listed above. If permission to distribute or display the written material is denied, the student shall have the opportunity to make necessary revisions and/or deletions to bring the material into compliance with Board policy.

Permission to distribute or display written material does not imply approval of its contents by either the School, the administration of the School, or the Board, and the student may be required to include a disclaimer of School and Board approval or endorsement of the written material.

If the student is dissatisfied with the decision of the principal, s/he may submit a written request for appeal to the Superintendent. The Superintendent will render a decision within five (5) school days. However, additional time may be needed depending on the nature of the material.

The student submitting the appeal shall have the right to appear and present the reasons, as to why distribution/display of the written material is appropriate.

#### Time, Place, and Manner of Distribution or Display of Approved Materials

The distribution or display of any written material shall be limited to a reasonable time, place, and manner as follows:

1. No written material may be distributed or displayed during the time or at the place of a school activity if it is likely to cause a substantial disruption of that activity or other activities;
2. No written material may be distributed or displayed if it blocks the safe flow of traffic within corridors and entrance ways of the school;
3. Students will be allowed to distribute written material, including petitions, at a table set up in the school cafeteria during the lunch period of the person requesting to distribute or display the material. Such materials must identify their author and the student displaying or distributing the material. Exceptions to this

restriction will only be given in limited circumstances as deemed appropriate by the Superintendent; and,

4. The student or organization distributing or displaying the written material shall be responsible for all cleanup of such material, including removal of posters and banners, and cleanup of litter.

#### Disciplinary Action

Distribution or display by any student of non-approved, non school-sponsored written material prohibited by these guidelines will be halted, and such materials will be confiscated.

When in the judgment of the school administration a student has violated this policy, the school officials may use the proper due process procedures for appropriate consequences.

Any other party violating this guideline may be requested to leave the school property immediately and, if necessary, the police will be called.

#### C. Physical Gestures

The Board of Education recognizes that there is a need to define differences between ordinary physical gestures and those which have a connotation of obscenity or disrespect, which can impinge on the rights of others, and/or are likely to create substantial disruption to the educational process. It is the policy of the Board of Education that the latter type of gestures is detrimental to the learning process, and thus, will not be tolerated.

### III. Expression by Outside Groups

Any person or organization wishing to distribute material on school property must first submit for approval a copy of the material to the Superintendent or designee in advance of desired distribution, together with the following information:

- A. Name of the person or organization;
- B. Date(s) and time(s) of day of intended distribution;
- C. Location where person or organization wishes material to be distributed; and
- D. The age(s) of students to whom the distribution is intended.

The Superintendent or designee may either approve the distribution of the material, deny it, or allow its distribution or display within the time, place and manner restrictions listed below. If permission to distribute the material is denied, the person or organization shall have the opportunity to make necessary revisions and/or deletions and re-submit to the Superintendent for approval.

The determination as to the appropriateness of the materials will be based on but not limited to the following criteria:

- A. The written material must not interfere with the educational goals and policy of the Board.
- B. The written material must not relate to a product which is inappropriate for or illegal to minors.
- C. The written material must not be considered educationally controversial or objectionable to a significant number of parents or other members of the District's community.
- D. The written material must not interfere with instructional time.
- E. If the message is located on school equipment, or contained in a publication or audio visual presentation it must be minimal and not prominent.

Permission to distribute or display material does not imply approval of its contents by either the administration of the school, the Superintendent, or the Board.

#### Time, Place, and Manner of Distribution

The distribution of written material shall be limited to a reasonable time, place and manner as determined by the Superintendent who shall ensure that:

- A. No material is distributed or displayed during a time or at a place of a school activity if it is likely to cause a substantial disruption of that activity or of other activities;
- B. No material is distributed or displayed if it blocks the safe flow of traffic within corridors and entrance ways of the school;
- C. The person or organization is permitted to distribute material in the Cafetorium, after school hours, or at times and at locations designated by the Superintendent.

- D. The person or organization distributing the material shall be responsible for all cleanup of such material, including cleanup of all litter.

IV. Religious Expression

- A. Students may engage in religious expression before, during, and after school hours in the same manner and to the same extent that students are permitted to engage in secular activities or expression before, during, and after school hours.
- B. The Board shall give the same access to school facilities to students who wish to conduct a meeting for the purpose of engaging in religious expression as is given to secular student groups, without regard to the content of a student's or group's expression.
- C. The Board shall not prohibit a student from engaging in religious expression in the completion of homework, artwork, or other written or oral assignments. Assignment grades and scores shall be calculated using ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns, and shall not penalize or reward a student based on the religious content of a student's work.

LEGAL REFS: O.R.C. §§3313.20; 3313.47; Ohio Student Religious Liberties Act of 2019

Adopted: September 21, 2020 \_\_\_\_