

FREEDOM OF SPEECH/EXPRESSION: PUBLICATIONS CODE

Students are prohibited from making any expressions or distributing or posting any materials which are obscene, libelous, or slanderous, which demonstrably incite students to commit unlawful acts, violate school rules, or substantially disrupt the school's orderly operation. Freedom of expression carries with it the responsibility to act within the regulations set forth in this procedure and other applicable district policies as well as state law. Conduct by a student, in class or out of it, which for any reason materially disrupts classwork or involve substantial disorder or invasion of the rights of others is not immunized by the constitutional guarantee of free speech.

Speech

Students are entitled to orally express their opinions. Such oral opinions shall not interfere with the freedom of others to express themselves. The use of obscenities, as more fully defined below, or personal attacks is strictly prohibited.

Conduct by a student, in class or out of it, which for any reason materially disrupts classwork or involves substantial disorder or invasion of the rights of others is not immunized by the constitutional guarantee of free speech. (Tinker v Des Moines School District (1969) 393 U.S. 503)

Assembly

All student meetings in school buildings or on school grounds may function only as part of the formal educational process or as authorized by the district. Students have the freedom to assemble peacefully. There is an appropriate time and place for expression of opinions and beliefs. Conducting demonstrations which interfere with the operation of the school or classroom is inappropriate and prohibited.

Publication

Distribution of material means dissemination of copies of written material on school premises, or in a manner reasonably calculated to arrive on school premises, or the display of printed materials in areas of the school which are generally frequented by students. All on-campus distribution of printed material must conform to the following criteria:

1. Official Publications District officials may require students to submit a copy of any official school-sponsored material to be posted or distributed to the principal or designee, at least 10 school days in advance of the anticipated distribution date, for determination as to whether the materials comport with the standards set forth in Education Code 48907. The principal or designee shall have five school days to review the material and determine its compliance or noncompliance with Education Code 48907. If the material is not in compliance, the district may exercise prior restraint and refuse to allow the publication to be disseminated.

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2. Unofficial Publications district officials may not require students to submit a copy of any student material intended for distribution prior to dissemination. However, the district may discipline students who disseminate printed materials which violate the standards of this policy and confiscate the offending materials.
3. The articles contained in the material to be distributed must be written only by students currently enrolled in the San Ramon Valley Unified School District.
4. The authors of articles contained in the material to be distributed must be clearly identified in a conspicuous location on all materials.
5. The material must be free from libel, slander, obscenity, personal attacks, sexually explicit photographs which tend to create a sexually hostile and offensive environment, and any material that may incite illegal actions.

Distribution of Printed Material and Circulation of Petitions

Students shall be free to distribute handbills, leaflets, and other printed material and to collect signatures on petitions concerning either school or out-of-school issues. The sale of such items is prohibited on campus.

There shall be no prior censorship or requirement of approval of the contents or wording of such materials, but the following limitations apply:

1. The material to be distributed must be done in such a manner as not to materially or substantially interfere with or disrupt the normal operation of the school. Under no circumstances may any material be distributed during classroom hours or during passing periods when students are attempting to reach their next scheduled class.
2. The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school. and at exterior doors.
3. The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions.
4. The principal shall require that all printed matter and petitions distributed or circulated on school property bear the name and address or contact location of the sponsoring organization or individual.
5. The material must be free from libel, slander, obscenity, personal attacks, sexually explicit photographs which tend to create a sexually hostile and offensive environment, and any material that may incite illegal actions.
6. The material to be distributed must be free from advertisements of cigarettes, liquor, illegal or illicit drugs, or drug paraphernalia. may have resulted from the distribution of such material.

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People responsible for distribution are also responsible for the collection of litter which may have resulted from the distribution of such material.

Bulletin Boards

Principals may restrict the use of certain bulletin boards to school announcements. Ample bulletin board space shall be provided for the use of students and student organizations, including a reasonable area for notices relating to out-of-school activities or matters of general interest to students. There shall be no prior censorship or requirement of approval of the contents or wording of notices or other communications, but the following general limitations on posting may be applied:

1. Principals shall prohibit material which falls into the restricted categories noted in these regulations.
2. Identification of the student or organization, including address or contact location, shall be required on any posted notice.
3. Each principal shall require that notices or other communications be officially dated before posting and that such material be removed after a prescribed reasonable time to assure full access to the bulletin boards. Such communication must be posted in areas designated by the site administration.

Buttons, Badges, Arm Bands, and T-Shirts

The wearing of buttons, badges, arm bands, and T-shirts bearing slogans or sayings shall be permitted as a form of expression, unless the message thereof falls within the restricted categories in the regulations. No teacher or administrator shall attempt to interfere with this form of expression on the grounds that the message may be unpopular with students or faculty.

Conditions Which may Cause Verbal or Written Expression to be Restricted or Prohibited

Under the following conditions written material as described above and other forms of written and verbal expressions may be restricted or prohibited when:

1. The expression is inappropriate to the maturity level of the student. Items which may be considered to be inappropriate, include but are not limited to, materials which contain articles and/or photographs of men or women in various states of undress, articles and/or photographs which depict or describe unlawful activities, articles and/or photographs which depict or describe extremely violent acts, etc.
2. There is evidence which reasonably supports a judgement that significant or substantial disruption of the normal operation of the school or injury or damage to persons or property may result. Significant or substantial disruption of the normal operation of the school does not include such things as criticism of school officials or school policies* but does include statements which advocate violence, injury or damage, to persons or property.

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- * Unless such expression criticizes school officials or advocates violation of schools rules to the extent that there is evidence that supports the finding that substantial disruption of the ability of the administrator to effectively carry out his/her duties exists, or substantial disruption to the educational process in anticipation of the call for violation of schools rules necessary to maintain orderly conduct on campuses.
- 3. The materials contain obscene language and/or expressions. Obscene language and/or expressions include, but are not limited to, those which to the average person are, when taken as a whole, offensive. If the average person would find the that the material depicts or describes sexual conduct in an offensive way or if it contains the use of vulgar or lewd language ("four letter words" and words which are generally held to connote a meaning different in today's society than the literal interpretation of the word), then the material would be considered obscene.
- 4. The materials contain defamatory statements. Expression shall be considered libelous when it includes defamatory falsehoods about individuals. In order to be libelous, the defamatory falsehood must be made with actual malice; that is, with the knowledge that it is false or with reckless disregard of whether or not it was false or true.
- 5. The materials invade the privacy of other individuals. Invasion of privacy includes exploitation of an individual's personality, providing information of an individual's private affairs with which the public has no legitimate concern, or wrongful intrusion into an individual's private activities in a manner that can cause mental suffering, shame, or humiliation to a person of ordinary sensibilities.
- 6. The materials attack ethnic, religious, social, or handicap groups; or males or females as a group; or promotes discrimination because of a person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. California Penal Code section 422.6 makes it a misdemeanor to, by act of force, or by threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.
- 7. The materials encourage actions which could reasonably be interpreted to pose a danger to the health and safety of any student or member of the staff. For example, it advocates the use of physical force, on a particular student or students or staff member who has failed to comport to the perceived notions of the author(s) of the material distributed, etc.

Procedural Due Process

If it is determined that material distributed on campus violates this policy, students responsible for the distribution of the material are subject to appropriate disciplinary action which may include, but is not limited to suspension or expulsion.

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In imposing limitations on student expression for any reason under any of the foregoing provisions, the school must ensure that its rules are applied on a nondiscriminatory basis and in a manner designed to assure maximum freedom of expression to the students, but which does not endanger health or safety of other students.

Any student or student group deprived of freedom of expression under any of these provisions shall have the right to request a hearing to determine whether such deprivation is proper under these rules. Such a hearing must be held within a reasonable time, before an impartial body, including representatives of the faculty and student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the regulation in question.

Compliance

In order to assure compliance with these regulations, individuals wishing to display materials on bulletin boards, distribute printed material, or circulate petitions shall inform the principal of their intent and indicate that the limitations in the policy have been complied with; failure to do so constitutes sufficient reason to deny the posting, distribution, or circulation of materials.