

FREEDOM OF EXPRESSION – REGULATIONS

Authority

The superintendent delegates to the school principal or designee the authority to monitor the distribution of materials as well as other forms of student verbal and written expression. He/she will give due consideration to the constitutionally protected right of freedom of expression, the maintenance of the normal operation of the school and its activities, the protection of person and property, and the need to assist students in learning appropriate ways to exercise their rights.

Distribution of Written Material

Distribution of material means dissemination of ten or more copies of written material on school premises.

Students wishing to distribute material must request permission in advance from the principal or designee. Such request must be accompanied by a copy of the material(s) students wish to distribute. Authorization will generally be granted provided:

1. The material is written and identified as written by students currently enrolled in the Port Angeles School District and is non sectarian and not unlawful to distribute on school grounds;
2. The material is free from advertisements of cigarettes, liquor, illegal or illicit drugs, or drug paraphernalia;
3. The material is distributed as directed by the principal or designee in such a manner as not to materially or substantially interfere with or disrupt the normal operation of the school; and
4. The material is free from the conditions cited below.

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 expression may be restricted or prohibited when expression is inappropriate to maturity level of the students and :

1. When there is evidence which reasonably supports a judgment that significant or substantial disruption of the normal operation of the school or injury or damage to persons or property may result. In order for verbal or written expression to be disruptive or hazardous, there must exist clear and specific facts upon which it would be reasonable to judge that a clear and present likelihood of an immediate and substantial disruption would result if the expression were allowed to occur;
2. Disruptive Conduct – The acts enumerated below identify but not limit those disrupting acts which are prohibited in school, on school property, or at school-sponsored events. Most of the disruptive acts listed are distinctive in that they are criminal offenses as well;
3. Students engaging in these disruptive acts are subject to disciplinary action including suspension and expulsion and in most cases are subject to legal action as well. Procedures for dealing with disruptive acts are described following the listing of the prohibited acts;
 - a. Insulting or abusing school employees on school premises;
 - b. Willfully disobeying school administrative personnel acting as designees of the superintendent;

- c. Refusing to leave the school grounds, other property, vehicles, or buildings owned by the district or property adjacent to that owned, operated, or controlled by the school district;
 - d. Creating a disturbance on school premises during school hours or at school activities or school meetings;
 - e. Intimidating any school employee or student by threat of force or violence;
 - f. Interfering by force or violence with any school employee or student;
 - g. Attempting to inflict bodily injury with the apparent ability to have that effect if not prevented (assault);
 - h. Carrying, exhibiting, displaying, or drawing any firearm, dagger, sword, knife, or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm in a manner under circumstances and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons (law enforcement officials in the pursuit of their duties excluded); and
 - i. Continued disruptive behavior on the part of the student.
5. **When the expression is construed to be obscene:** Obscene expressions are those which the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to prurient interest; that the work depicts or describes in a patently offensive way sexual conduct specifically defined by the applicable state law; and that work, taken as a whole, lacks serious literary, artistic, political, or scientific value;
 6. **When the expression is considered libelous:** The 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 it is false or not;
 7. **When expression invades the privacy of other individuals:** Invasion of privacy includes exploitation of an individual's personality, providing information about 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;
 8. When expression criticizes school officials or advocates violation of school rules to the extent that there is evidence that supports a judgment that substantial disruption of the normal operation of the school will result (see 1); and
 9. When the expression attacks ethnic, religious, social or handicapped groups; or females or males as a group; or promotes discrimination against said groups and there is substantial evidence indicating such expression will result in substantial disruption of normal school operation.

Procedural Due Process

The principal has two (2) school days to determine whether authorization to distribute the material will be granted. If the principal decides to withhold authorization, the principal just state the reasons in writing and provide the student(s) with a copy of the reasons.

The aggrieved student(s) may within five (5) school days appeal in writing the decision to the superintendent who must issue a written decision within five (5) school days after receiving the appeal.

If the student(s) request a personal hearing with the superintendent to present their views, the hearing must be held within five (5) school days of the request, and a written decision must follow the hearing within five school days.

If the concern is not resolved to the satisfaction of the student(s) at the superintendent level, the student(s) may appeal to the board of directors, who will hear the concern at the next regularly scheduled meeting provided the appeal has been received at least two (2) days prior to the meeting, and shall render their written decision within three (3) school days of the hearing.

Violation of Policy and/or Regulations

Students who violate these regulations and/or the accompanying policy are subject to appropriate disciplinary action which may include discipline, short or long-term suspension, or even expulsion, all as defined in WAC Chapter 180-40, depending on the severity of the violation and the student(s) record.

Associated Student Body Publications

In order to minimize conflicts between adult and student opinion, each school that produces student materials supported in part by district funds shall establish a publications committee. Each committee shall prepare bylaws which will provide for:

1. The composition of the committee;
2. Meetings of the committee;
3. Standards fore the content of student materials;
4. Procedures for selection of student editors and staffs;
5. The preparation of a budget;
6. Procedures for committee review of complaints as well as controversial materials prepared for publication; and
7. Procedures for appeal of decisions of the committee to the superintendent.

The district intends that there be a minimum of interference by adults in the student publication program. Consistent with well established learning principles, students should be permitted to assume responsibility for difficult decisions which may at times produce controversy. However, as part of the educational program, such publication activities must also teach respect for the sensitivity of others and standards of civility as well as the elements of responsible journalism.

In developing standards for the content of material, the following guidelines should be considered:

1. Distribution may be limited in circumstances where there is evidence which reasonably supports a forecast that disruption will likely result directly from the distribution. In order for a student publication to be disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate substantial material disruption to normal school activity would occur if the material were published and distributed. Disruption includes, but is not necessarily limed to student rioting, destruction of property; widespread shouting, or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walk-out or other related form of activity;
2. Material which is construed to be obscene shall not be distributed. Rules for determining obscenity should be consistent with those as applied to instructional materials. Obscene material is what the average person, applying contemporary community standards, would find that the work taken as a whole, appeals to prurient interests, that the work depicts or

describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and the work, taken as a whole lacks serious literary, artistic, political, or scientific value;

3. Libelous materials may be prohibited. Libelous material shall be defined to include defamatory falsehoods about public figures or governmental officials. In order to be libelous, the defamatory falsehood must be made with actual malice; that is, with knowledge that it was false, or with reckless disregard of whether it was false or not;
4. Publications which criticize school officials or advocate violation of school rules may be prohibited when there is evidence which supports a forecast that substantial disruption of school will develop; and
5. Literature which attacks ethnic, religious or racial groups may be banned.