

## **Freedom of Expression**

Students enjoy the right of freedom of expression guaranteed by the First and Fourteenth Amendments. However, they must accept responsibility for their expressions of personal opinion, and they shall not interfere with the freedom of expression of others. The use of obscenities, threats of harm to persons or property, or any other expression which might result in the substantial disruption of or interference with the educational program or school activities is prohibited.

Expression and discussion during class time may be limited and devoted solely to that which relates to the curriculum.

Materials sponsored, funded, printed, or published by the school, including, but not limited to the school newspaper, are part of the school program and shall be subject to review and approval by school authorities in accordance with district regulations.

Students are encouraged to have nonschool-produced materials reviewed by school administrators prior to distribution to other students. School authorities may designate the time and place for distribution of literature or related materials.

1. Such distribution shall not interfere with the school work or discipline of other students.
2. Distribution may be prohibited during class time, or in specific areas of the school.
3. Nonschool materials shall not express or imply endorsement by the school or district without prior approval of the district.
4. District employees shall not assist or participate in the distribution of materials in any way that would constitute a violation of state or federal law.

Failure to comply with the rules and regulations concerning freedom of expression may result in disciplinary action, up to and including expulsion.

### **High School Student Journalists**

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. Student journalists are responsible for determining the news, opinion and feature content of school-sponsored media. School sponsored media means materials that are prepared, substantially written, published or broadcast by student journalists, distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a teacher media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to state and federal law. School-sponsored media cannot contain material that:

1. Is libelous or slanderous;
2. Is obscene, pervasively indecent or vulgar;
3. Is factually inaccurate or does not meet journalistic standards established for school-sponsored media;
4. Constitutes an unwarranted invasion of privacy;
5. Violates federal or state law; or
6. So incites<sup>1</sup> students as to create a clear and present danger<sup>2</sup> of;
  - a. The commission of unlawful acts on or off school premises;
  - b. The violation of district policies; or
  - c. The material and substantial disruption of the orderly operation of the school. A school official will base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

If an item in a school publication is found to fall within one or more of the six preceding exceptions, the appeals process would be followed.

Modifications or removal of items may be appealed in writing to the superintendent or designee. The superintendent or designee shall schedule a meeting within three school days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials and the superintendent or designee. At the superintendent or designee discretion, the district's legal counsel may also attend the meeting. The superintendent or designee shall make his/her decision within three school days of the meeting.

If the complainant is not satisfied with the decision of the superintendent or designee, he/she may appeal to the Board under established district procedures.

This policy shall be applied in a manner that is nondiscriminatory and that not only allows the expression of diverse viewpoints and discussion of political and social issues, but also encourages respect for individuals without regard to race, religion, gender, sexual orientation or national origin.

END OF POLICY

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<sup>1</sup>To "incite" means to spur on or to urge to action.

<sup>2</sup>"Clear and present danger" means advocating the imminent commission of unlawful acts and/or actions that violate school policy.

**Legal Reference(s):**

[ORS 332.072](#)  
[ORS 332.107](#)  
[ORS 336.477](#)

[ORS 339.880](#)  
[ORS 339.885](#)

[OAR 581-021-0050](#)  
[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2006).  
Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).  
Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).  
U.S. CONST. amend. I; U.S. CONST. amend. XIV.  
OR. CONST., art. I, § 8.

**Cross Reference(s):**

IGDA - Student Organizations  
INB - Studying Controversial Issues