

STUDENT PUBLICATIONS

I. Guidelines

The suitability of materials for school-sponsored publications shall be subject to review and evaluation by the editorial staff, faculty sponsors, the principal and the superintendent. Student speech in a school-sponsored publication may be regulated if regulation is reasonably related to legitimate pedagogical concerns, or the speech is inconsistent with the school's educational mission.

Students have the right to distribute, at reasonable times and places, nonschool-sponsored publications, with the exception of material which:

- A. Is obscene to minors;
- B. Is defamatory;
- C. Is pervasively lewd, indecent or vulgar;
- D. Is designed solely for commercial advertising purposes unrelated to school activities, or contains advertisements for any product or material not permitted to minors by law;
- E. Invades the privacy of another person or endangers the health or safety of another person;
- F. 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, religion or ethnic origin);
- G. Presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities; it will cause the commission of unlawful acts or the violation of school regulations; or it will create a hostile environment that interferes with the educational process.

II. Procedures

Persons wishing to distribute nonschool-sponsored publications must first submit for approval a copy of the material to the principal two school days in advance of desired distribution time, together with the following information:

- A. Name and phone number of the person submitting request and, if a student, the homeroom number;
- B. Date(s) and time(s) of day of intended display or distribution;
- C. Location where material will be displayed or distributed; and
- D. The grade(s) of students to whom the display or distribution is intended.

Within two school days of submission, the principal/designee will render a decision whether the material violates the guidelines in Subsection I or the time, place and manner restrictions in Subsection III of this policy. In the event that permission to distribute the material is denied, the person submitting the request should be informed in writing of the reasons for the denial.

Permission to distribute material does not imply approval of its contents by either the school, the administration or the school, the School Board, or the individual reviewing the material submitted.

If the person submitting the request does not receive a response within two school days of submission, the person shall contact the office to verify that the lack of response was not due to an inability to locate the person. If the person has made this verification and there is no response to the request, the material may be distributed in accordance with the time, place and manner provision in Subsection III.

If the person is dissatisfied with the decision of the principal/designee, the person may submit a written request for appeal to the superintendent. If the person does not receive a response within four school days of submitting the appeal, the person shall contact the office of the superintendent to verify that the lack of response is not due to an inability to locate the person. If the person has made this verification and there is no response to the appeal, the material may be distributed in accordance with the time, place and manner provisions in Subsection III.

At every level of the process, the person submitting the request shall have the right to appear and present the reasons, supported by relevant witnesses and material, as to why distribution of the written material is appropriate.

III. Time, Place and Manner of Distribution

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

- A. No written material may be distributed at a place or time where it is reasonably likely to interfere with a school activity or the normal functioning of the school.
- B. Distribution of written material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of school.

IV. Definitions

The following definitions apply to the following terms as used in this policy:

- A. “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 of the age to whom distribution is requested.
 - 2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the community concerning how such conduct should be presented to minors of the age to whom distribution is requested, explicit sexual conduct, personal bodily functions, or private body parts; 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 school activity is defined as any disruption which will materially and substantially interfere with the proper and orderly operation and discipline of the school, will cause violence or disorder, or will constitute an invasion of the rights of others.

In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast such as past experience in the school, current events influencing student activities and behavior, or instances of actual or threatened disruption relating to the written material in question.

D. “School activities” means any activity of students sponsored by the school and includes, by way of example and not by way of 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. “School-sponsored publications” include newspapers, literary magazines, yearbooks, and other publications funded, sponsored or authorized by the school, as well as written material which students, parents and members of the public might reasonably perceive to bear the imprimatur of the school.

F. “Nonschool-sponsored publications” include all written material other than school-sponsored publications. Examples include leaflets, brochures, flyers, petitions, placards, and underground newspapers, whether written by students or others.

G. “Defamatory” is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower him/her in the esteem of the community.

H. “Distribution” means circulation or dissemination of written material by means of handing out free copies, selling or offering copies for sale and accepting donations for copies. It includes displaying written material in areas of the school which are generally frequented by students.

I. “School days” means days in which school is in session, exclusive of Saturdays, Sundays and school holidays.

V. Disciplinary Action

Distribution by any student of publications prohibited in Subsection I or in violation of Subsection III will be halted and disciplinary action will be taken.

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

VI. Notice of Policy to Students

A copy of this policy will be published in student handbooks and posted in school buildings.

Cross Reference: File IJND Acceptable Use Policy

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