

**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE**

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ARTICLE: 5.0 STUDENT PERSONNEL
**5.6 FREEDOM OF SPEECH AND
 EXPRESSION**

SECTION 5.6.1 Unofficial Student Publications and Other Forms of Expression

Student liberties of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health, and safety of all members of the school community.

Unofficial School Publications

School officials may not ban the distribution of nonschool-sponsored publications on school grounds. Unofficial or "underground" newspapers have the same rights and must also obey the same laws as the official student newspaper; therefore, writers and editors of unofficial student newspapers who violate any state or federal law (see AP 5.7.1 under "Prohibited Materials") may be disciplined after distribution. Students are prohibited from making any expressions or distributing or posting any materials which are obscene, libelous or slanderous, or which demonstrably incite students to commit unlawful acts on school premises, violate school rules, or substantially disrupt the school's orderly operation.

The following points apply to unofficial student publications:

1. Schools may disassociate themselves from the material printed in the "underground newspaper," inasmuch as it is not an official publication of the school.
2. Nonschool-sponsored publications have the same rights of distribution as official school publications.
3. School officials may reasonably regulate the time, place, and manner of distribution. This distribution will be limited to:
 - a. One half hour before school begins, during lunch period, or the half hour after dismissal.
 - b. In locations that do not obstruct the normal flow of traffic within school or at entrances.
 - c. Without undue noise.
4. No student shall use coercion to induce students or any other persons to accept printed matter or to sign petitions.
5. "Distribution" means dissemination of a publication to students at a time and place of normal school activity, or immediately prior or subsequent thereto, by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication, or displaying the student publication in areas of the school which are generally frequented by students.

School officials cannot:

1. Prohibit the distribution of anonymous literature or require that literature bear the name of the sponsoring organization or author.

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2. Ban the distribution of literature because it contains advertising.
3. Ban the sale of literature.
4. Create regulations that discriminate against nonschool-sponsored publications or interfere with the effective distribution of sponsored or non-sponsored publications.

Other Forms of Student Expression

Forms of student expression may include, but are not limited to, speech, debate, theater, assemblies, pep rallies, posters, bulletin board announcements, and the wearing of buttons, badges, and arm bands. In general, the laws pertaining to all forms of student expression are the same. The rights of students to express their opinions are recognized by law and are not limited to verbal expression. The basic guidelines listed above for publications apply to all forms of student expression. No teacher or administrator shall interfere with such expression on the grounds that the message may be unpopular with students or faculty.

In conforming to state and federal laws, student expression must obey copyright laws; for example, student posters cannot use nationally registered and copyrighted characters such as those from Walt Disney or "Peanuts" publications.

Distribution of Procedures Governing Student Rights

Site principals will distribute copies of this Administrative Procedure to all teachers who are advisors of students who produce publications or present public performances. It is the responsibility of District and site administrators to see that these guidelines are kept up-to-date and accurate.

High schools within Poway Unified Poway Unified School District shall not make or enforce any rules subjecting any high school students to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside of the campus, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution. This section does not prohibit imposition of discipline of harassment, threats, or intimidation, unless constitutionally protected. Further, free speech rights are subject to reasonable time, place, and manner regulations.