

FREEDOM OF SPEECH/EXPRESSION**School-Sponsored Publications**

Students shall have the right to exercise freedom of speech and of the press in official school publications, except for expression that is obscene, libelous, slanderous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school. (Education Code 48907)

Official school publications includes material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or free. (Education Code 48907)

Each principal shall develop a school publications code outlining the responsibility of student journalists, editors, and publication advisors.

All student submissions shall be held to professional standards of English and journalism. (Education Code 48907)

If the principal considers material submitted for publication to violate Education Code 48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. Absent extraordinary circumstances, such notice should be given in sufficient time to allow the student time to either modify the material or to seek review of the principal's determination from the Superintendent or designee. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.

Distribution of Printed Materials and Petitions by Students

The principal or designee may provide bulletin boards on which students and student organizations may post materials of general interest. Students also may post or distribute handbills, leaflets, and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning school or nonschool issues.

(cf. 1325 - Advertising and Promotion)

(cf. 6145.5 - Student Organizations and Equal Access)

Printed materials or petitions may be distributed only:

1. Before or after school or during lunch time
2. In locations that do not obstruct the normal flow of traffic within the school or at entrances

FREEDOM OF SPEECH/EXPRESSION (continued)

No student shall use coercion to induce any other student or person to accept printed matter or to sign a petition. No funds shall be collected for any material distributed.

(cf. 5131 - Conduct)

Clothing, Buttons, and Badges

Buttons, badges, armbands, and clothing bearing slogans or sayings may be worn unless their message falls into the categories prohibited by law and Board policy. No employee shall interfere with this practice on the grounds that the message may be controversial or unpopular with students or faculty.

(cf. 5131.4 - Student Disturbances)

(cf. 5132 - Dress and Grooming)

(cf. 5136 - Gangs)

(cf. 5144 - Discipline)

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.

FREEDOM OF SPEECH/EXPRESSION (continued)

- 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.
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.

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.