

# ASPEN ACADEMY

*Adopted:*

*Revised: December 17, 2013*

## **512 SCHOOL-SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

### **I. PURPOSE**

The purpose of this policy is to protect students' rights to free speech in production of official school publications and activities while at the same time balancing the school's role in supervising student publications and the operation of public schools.

### **II. GENERAL STATEMENT OF POLICY**

- A. The school may exercise editorial control over the style and content of student expression in school-sponsored publications and activities.
- B. Expressions and representations made by students in school-sponsored publications and activities are not expressions of official school policy. Faculty advisors shall supervise student writers to ensure compliance with the law and school policies.
- C. Students who believe their right to free expression has been unreasonably restricted in an official student publication or activity may seek review of the decision by the building Director, or designee. The Director, or designee shall issue a decision no later than three (3) school days after review is requested.
  - 1. Students producing official school publications and activities shall be under the supervision of a faculty advisor and the school Director, or designee. Official publications and activities shall be subject to the guidelines set forth below.
  - 2. Official school publications may be distributed at reasonable times and locations.

### **III. DEFINITIONS**

- A. "Distribution" means circulation or dissemination of written or electronic material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing materials in internal staff or student mailboxes.

- B. "Official school publications" includes, but is not limited to, print or electronic school newspapers, yearbooks or material produced in communications, journalism or other writing classes as a part of the curriculum.
- C. "Obscene to minors" means:
1. The average person, applying contemporary community standards, would find that the 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 adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
  3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- D. "Minor" means any person under the age of eighteen (18).
- E. "Material and substantial disruption" of a normal school activity means:
1. Where the normal school activity is an educational program of the school for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
  2. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.
- In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.
- F. "School activities" means any activity of students sponsored by the school including, but not limited to, arrival and departure from school, classroom work, lunch and recess, traveling on school grounds during normal school hours (8:00am-4:00pm), library activities, field trips, physical education classes, official

assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.

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

#### **IV. GUIDELINES**

- A. Expression in an official school publication or school-sponsored activity is generally prohibited when the material:
1. is obscene to minors;
  2. is libelous or slanderous;
  3. advertises or promotes any product or service not permitted for minors by law;
  4. encourages students to commit illegal acts or violate school regulations or substantially disrupts the orderly operation of school or school activities;
  5. expresses or endorses sexual, racial or religious harassment; or violence or prejudice;
  6. is distributed or displayed in violation of time, place and manner regulations.
- B. Expression in an official school publication or school-sponsored activity is subject to editorial control by the school over the style and content so long as the school’s actions are reasonably related to legitimate pedagogical concerns. These may include, but are not limited to, the following:
1. assuring that participants learn whatever lessons the activity is designed to teach;
  2. assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;
  3. assuring that the views of the individual speaker are not erroneously attributed to the school;
  4. assuring that the school is not associated with any position other than neutrality on matters of political controversy;

5. assuring that the sponsored student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order;
6. assuring that the school is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.

C. Time, Place and Manner of Distribution

Students shall be permitted to distribute written materials at school as follows:

1. Time and Place

Distribution shall be determined by the administration or staff.

2. Manner

No one shall pressure, bully, intimidate and/or coerce a student or staff member to accept a student publication.