

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. NWSISD may exercise editorial control over the style and content of student expressions in school-sponsored publications and activities.
- B. Expression and representations made by students in NWSISD-sponsored publications and activities are not an expression of official NWSISD policy. Official NWSISD publications are free from prior restraint by officials except as provided by law. NWSISD advisors shall supervise student writers to ensure compliance with the law and NWSISD 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 Executive Director or her/his designee. The Executive Director or her/his designee shall issue a decision no later than three (3) school days after review is requested.
 - 1. Students producing official NWSISD publications shall be under the supervision of a NWSISD advisor. Official publications 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 material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material, or placing materials in internal staff or student mailboxes.
- B. "Official publications" means NWSISD newspapers, yearbooks or material produced in communications, journalism or other writing programs or activities classes.
- 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, and 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 NWSISD program or activity means:

1. Where the normal NWSISD program or activity is educational and student attendance is compulsory, "material and substantial disruption" is defined as any disruption, which interferes with or impedes the implementation of that program or activity.
2. Where the normal NWSISD program or activity is voluntary in nature (including, without limitation, cultural clubs and after school programs) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a NWSISD 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, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

F. "NWSISD programs or activities" mean any program or activity of students sponsored by NWSISD including, but not limited official assemblies and other similar gatherings and cultural clubs.

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 NWSISD publication or sponsored activity is 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 NWSISD regulations or substantially disrupts the orderly operation of NWSISD programs or activities.
5. expresses or advocates sexual, racial or religious harassment or violence or prejudice
6. is distributed or displayed in violation of time, place and manner regulations.

C. Expression in an official NWSISD publication or sponsored activity is subject to editorial control by NWSISD over the style and content as long as NWSISD'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 NWSISD or its member school districts;
4. assuring that NWSISD or its member school districts are not associated with any position other than neutrality on matter 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 NWSISD 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.

B. Time, Place and Manner of Distribution

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

1. Time

Distribution shall be limited to the hours and after NWSISD programs or activities.

2. Place

Written materials may be distributed in locations so as not to impede entrance to or exit from NWSISD program or activity sites.

3. Manner

No one shall induce or coerce a student or staff member to accept a student publication.

Legal References: U.S. Constitution, First Amendment
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
Bystrom v. Fridley High School, I.D.S. No. 14, 822 F.2d 747 (8th Cir. 1987)

Cross References: NWSISD Policy 505 (Distribution of Nonschool-Sponsored Materials on Premises or at NWSISD Program or Activity Sites by Students and Staff)
NWSISD Policy 506 (Student Discipline)

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