

LODI UNIFIED SCHOOL DISTRICT

REVISED Rule 5145.2

Students

Freedom of Speech/Expression: Publications Code

~~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 use of "fighting words" or epithets is not constitutionally protected where:~~

- ~~1.——The speech, considered objectively, is abusive and insulting rather than a communication of ideas, and~~
- ~~2.——The speech is actually used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.~~

~~All printed matter and petitions distributed, circulated or posted on school property shall bear the name and the address or contact location of the sponsoring organization or individual.~~

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.

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.

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

All student submissions shall be held to professional standards of English and journalism.

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48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published.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.

To the extent that the principal or designee believes that the school and district should be disassociated from a particular idea or opinion, the principal may require student articles to include disclaimers.

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.

Printed materials or petitions may be distributed only:

1. Before school begins, during lunch time, or after dismissal.
2. In locations that do not obstruct the normal flow of traffic within school or at entrances.
3. ~~Without undue noise.~~

No student shall use coercion to induce students or any other persons to accept printed matter or to sign petitions. No funds or donations shall be collected for any material distributed.

Clothing/Buttons and Badges

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

Rule 5145.2

Page 2

Bulletin Boards

~~Bulletin boards may be provided where students and student organizations may post materials of general interest.~~

Appeals

~~The following procedures shall be used to address disputes regarding student freedom of expression:~~

- ~~1. The student and faculty member shall first attempt to resolve the problem by themselves.~~
- ~~2. If the student and faculty member are unable to resolve the dispute, the student and/or faculty member may bring the matter to the principal or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible.~~
- ~~3. If the principal or designee is unable to resolve the dispute, the student and/or faculty member may bring the matter to the Superintendent or designee, who shall hear both sides to resolve the dispute as quickly as possible.~~
- ~~4. If the Superintendent or designee is unable to resolve the dispute, the student and/or faculty member may ask for a hearing to determine whether a deprivation of freedom of expression was justified under the above regulations. This hearing shall be held before the Board of Education or impartial person(s) appointed by the Board as soon as possible after it is requested. Both sides shall be given an opportunity to demonstrate that Board policy and administrative regulations were properly applied.~~

Rule

adopted: 06/02/98