

Freedom of Expression

The Board seeks to educate young people in the democratic tradition, to foster recognition of individual freedom and social responsibility and to inspire meaningful awareness of and respect for the Constitution and Bill of Rights.

Freedom of expression within the confines of state law and Board policy will be guaranteed to teachers in order to create a classroom atmosphere that allows students to raise questions dealing with critical issues. The teacher is responsible for exercising judgement in selecting issues for discussion which are of educational value to the students involved.

1. Freedom of Student Inquiry and Expression

Within this general context, students must exercise their rights to freedom of expression in a manner that is fair, responsible and not disruptive to other individuals or to the educational process.

2. Freedom of Association

Students are free to organize associations to promote their common interests. Student organizations should be open to all students. Membership criteria may not exclude students on the basis of age, race, creed, color, national origin, disability, marital status, sexual orientation, general identification or sex. Each student organization must have a staff advisor to counsel and, when necessary, supervise students in the organization. All student organizations must submit to the school a statement of purpose, criteria for membership, rules and procedures and a current list of officers. School administrators may establish reasonable rules and regulations governing the activity of student organizations.

3. Publications

On occasion, materials such as leaflets, newsletters, cartoons and other items are prepared and distributed by students as part of the educational process and free expression in an academic community. Such materials must receive principal approval, however, and may be restricted or prohibited, pursuant to legitimate educational concerns. Such concerns include:

- a. The material is or may be defamatory;
- b. The material is inappropriate based on the age, grade level and/or maturity of the reading audience;
- c. The material is poorly written, inadequately researched, biased or prejudiced;
- d. Whether there is an opportunity for a named individual or named individuals to make a response;
- e. Whether specific individuals may be identified even though the material does not give names;

- f. The material is or may be otherwise generally disruptive to the school environment. Such disruption may occur, for example, if the material uses, advocates or condones the use of profane language or advocates or condones the commission of unlawful acts;
- g. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the district.

High School Student Journalists

Generally, high school student journalists have the right to exercise freedom of speech and of the press in school-sponsored media. School sponsored media means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

School-sponsored media prepared by student journalists are subject to reasonable time, place and manner restrictions, pursuant to state and federal law. School-sponsored media cannot contain material that:

- 1. Is libelous or slanderous;
- 2. Is obscene, pervasively indecent or vulgar;
- 3. Is factually inaccurate or does not meet journalistic standards established for school-sponsored media;
- 4. Constitutes an unwarranted invasion of privacy;
- 5. Violates federal or state law; or
- 6. So incites students as to create a clear and present danger of:
 - a. The commission of unlawful acts on or off school premises;
 - b. The violation of district policies; or
 - c. The material and substantial disruption of the orderly operation of the school. A school official will base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

Modifications or removal of items may be appealed in writing to the principal. The principal shall schedule a meeting within three school days of receiving the written appeal. Those present at the meeting shall include the individual(s) making the appeal, the individual(s) who made the decision to modify or remove materials and the principal. At the principal or superintendent's discretion, the district's legal counsel may also attend the meeting. The principal shall make his/her decision within three school days of the meeting. If the complainant is not satisfied with decision of the principal, he/she may appeal to the superintendent.

If the complainant is not satisfied with the decision of the superintendent, he/she may appeal to the Board under established district procedures.

END OF POLICY

Legal Reference(s):

[ORS 332.072](#)

[ORS 332.107](#)

[ORS 336.477](#)

[ORS 339.880](#)

[ORS 339.885](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

Equal Access Act, 20 U.S.C. §§ 4071-4074 (2006).

Westside Cmty. Bd. of Educ. v. Mergens, 496 U.S. 226 (1990).

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

U.S. CONST. amend. I; U.S. CONST. amend. XIV.

OR. CONST., art. I, § 8.

Cross Reference(s):

IGDA - Student Organizations

INB - Studying Controversial Issues