



# Long Valley Charter School

*Imagine-Achieve-Inspire*

## Policy Freedom of Expression

Approved by: Board of Directors

Date: Sept 23, 2010

Number: 6011

### Purpose:

Students attending Long Valley Charter School have the right to exercise freedom of speech and the press, including the use of bulletin boards, distribution of printed materials or petitions, the wearing of buttons, badges and other insignia, and the right of expression in official publications, except for speech which is obscene, libelous or slanderous, or which creates a clear and present danger of the commission of unlawful acts or violation of school. The Board of Directors (“Board”) respects students’ rights to express ideas and opinions, take stands and support causes, whether controversial or not, through their speech, their writing, their clothing, and the printed materials they choose to posts or distribute. This policy does not prohibit the imposition of discipline for distribute. This policy does not prohibit the imposition of discipline for distribute. This policy does not prohibit the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

Student liberties of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health, and safety of all members on the Long Valley Charter School community.

### Definitions:

### Procedures:

The following Administrative procedures are adopted pursuant for Board Policy #22

#### **Circulation of Petitions and Other Printed Matter**

Students shall be allowed to distribute petitions and other printed matter subject to these procedures.

The time of distribution shall be limited to the half hour before school begins, during the lunch period, and the half hour after school is dismissed.

The manner of distribution shall be such that coercion is not used to induce students to accept the printed matter or to sign petitions. Materials are not to be left undistributed or stacked for pick-up while unattended at any place in the School or on School grounds.

## **Buttons, Badges and Other Insignia of Symbolic Expression**

Students will be permitted to wear buttons, badges, armbands, and other insignia as a form of expression.

Students will be subject to disciplinary action when expressive activities such as the distribution of materials, wearing of buttons or displays, or posting of notices or other materials:

1. Are obscene, libelous or slanderous, constitutes harassment, threats or intimidation
2. Incite students so as to create a clear and present danger of the commission of unlawful acts on school premises or of the violation of lawful School regulations or of the regulations or of the substantial disruption of the orderly operation of the School;
3. Express or advocate racial, ethnic or religious prejudice so as to create a clear and present danger of imminent commission of unlawful acts on School premises or of the violation of lawful School regulations or of the substantial disruption of the orderly operation of the School.
4. Are distributed in violation of the time; place and manner requirements.

This section does not prohibit the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

## **Unofficial School Publications**

School officials may not ban the distribution of non-School-sponsored publications on School grounds. Writers and editors of unofficial student publications who violate any state or federal law may be disciplined after distribution. Students distributing or posting any materials which are obscene, libelous or slanderous, constitute harassment, threats, intimidation or which demonstrably incite students to commit unlawful acts on School premises, violate School rules, or substantially disrupt the School's orderly operation will be subject to disciplinary action.

The following points apply to unofficial student publications:

1. Schools may disassociate themselves from the material printed inasmuch as it is not an official publication of the School.
2. School officials may reasonably regulate the time, place and manner of distribution. This distribution will be limited to:
3. No student shall use coercion to induce students or any other persons to accept printed matter to sign petitions.
4. "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 of free copies, selling or offering copies of 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 of author.
2. Ban the distribution of literature because it contains advertising.

3. Create regulations that discriminate against non-School-sponsored publications or interfere with the effective distribution non-sponsored publications provided such publications abide by time, place and manner regulations.

### **Official Publications**

Pupil editors of official school publications may be responsible for assigning and editing the news, but the certificated advisor and the School remain ultimately responsible to supervise and maintain professional standards of English and journalism.

### **Other forms of Student Expression**

Forms of student expression may include, but are not limited to speech, debate, assemblies, posters, bulletin board announcements, and wearing of buttons, badges and armbands. In general, the laws pertaining to all forms of student expression are the same. The rights of student to express their opinions are recognized by law and are not limited to verbal expression. The basic guidelines listed above for publications apply to all forms of student expression. No teacher or administrator shall interfere with such expression on the grounds that the message may be unpopular with students or faculty.

In conforming to state and federal laws, student expression must obey copyright laws, for example, student poster cannot use nationally registered and copyrighted characters such as those from Walt Disney or "Peanuts" publications.

### **Distribution of Procedures Governing Student Rights**

The Director 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 the School and the Director to see that these guidelines are kept up-to-date and accurate.

### **Appeals**

The pupil and a School staff member shall attempt to resolve the problem before consulting the Director. If the issue cannot be resolved between the staff member and the pupil, the pupil may appeal the decision to the Director. As a final step, the pupil may request a hearing under this Board policy. The hearing shall be held before the Board or an impartial person appointed by the Board within ten (10) school days after the hearing is requested. Both sides shall be given the opportunity to demonstrate that the Board policy was properly applied. The Board will render a decision within ten (10) school days.

Adopted: 9/23/2010

Amended: