Jefferson County Education Service District

Code: IB
Adopted: 5/7/08

Freedom of Expression

Students have a general right to freedom of expression within the school system. The ESD requires, however, that students exercise their rights fairly, responsibly and in a manner not disruptive to other individuals or to the educational process.

Freedom of Student Inquiry and Expression

1. Generally, students and student organizations are free to examine and discuss questions of interest to them and to express opinions publicly and privately within the school system, provided such examination and expression is fair and responsible and is not disruptive to other individuals or to the educational process. Students may support or oppose causes by orderly means which do not disrupt other individuals or the operation of the school.

2. In the classroom, students are free to examine views offered in any course of study, provided such examination is expressed in a responsible manner.

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, religion, color, national origin, disability, marital status 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.

Publications, Displays and Productions

On occasion, materials such as leaflets, newsletters, cartoons and other items including displays and productions are prepared, produced and/or distributed by students as part of the educational process and free expression in an academic community. Materials may be subject to administrative review, restricted or prohibited, however, pursuant to legitimate educational concerns. Such concerns include:

1. The material is or may be defamatory;

2. The material is inappropriate based on the age, grade level and/or maturity of the audience;

3. The material is poorly written, inadequately researched, biased or prejudiced;

4. Whether there is an opportunity for a named individual or named individuals to make a response;

5. Whether specific individuals may be identified even though the material does not use or give names;

6. 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;

7. Students, parents and members of the public might reasonably perceive the materials to bear the sanction or approval of the ESDs.

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 ESD 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 superintendent. The superintendent 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 superintendent. At the superintendent's discretion, the ESD's legal counsel may also attend the meeting. The superintendent shall make his/her decision within three school days of the meeting.

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

END OF POLICY

Legal Reference(s):

ORS 332.072
ORS 332.107
ORS 339.880
ORS 339.885
Equal Access Act, 20 U.S.C. §§ 4071-4074 (2006).
HB 3279 (2007)
OAR 581-021-0050
OAR 581-021-0055
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):

INB - Studying Controversial Issues