

PUBLICATIONS

The board of education sponsors pupil publications as important elements of the instructional program. Pupils are encouraged to develop skills of written and verbal communication and to exercise the right to express their opinions freely and responsibly.

The rights of free speech, and free expression of pupils in public schools pursuant to the First Amendment, are not automatically coextensive with the rights of adults in other settings and shall be applied in light of the special characteristics of the school environment. The board of education reserves the right to exercise prepublication control over school-sponsored publications through administrative staff and faculty. Pupils shall have the right to appeal the exercise of censorship by school district staff to the board of education.

Pupil expression may be restricted, if it can be determined that such expression is inconsistent with the basic educational mission of the school district and when censorship action is reasonably related to legitimate educational concerns.

For the purposes of this policy, "printed materials" include any written or printed cards, letters, circulars, books, pamphlets, notices, newspapers, and similar materials, but do not include any publication that is sponsored by this Board.

Certain printed materials are not protected by a pupil's right of free expression because they violate the rights of others. The Board may identify and prohibit the distribution on school premises of printed materials that are grossly prejudicial to an ethnic, national, religious, or racial group or to either gender; libel any person or persons; seek to establish the supremacy of a particular religious denomination, sect, or point of view over any other; advocate the use or advertise the availability of any substance or material that constitutes a direct and substantial danger to the health of pupils; contain obscenity or material otherwise deemed to be harmful to impressionable pupils; incite violence, advocate the use of force, or urge the violation of law or school regulations; advertise goods or services for the benefit of profit-making organizations; fail to identify the pupil responsible for distribution and the agent responsible for reproduction; solicit funds for non-school organizations when such solicitations have not been approved by the Board; or promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or questions submitted at any election.

No printed materials may be distributed on school premises that have not been submitted to the Principal for review in advance of their distribution. Where the Principal cannot show, within two school days, why the materials are unprotected, or where unprotected material is so modified as to be no longer unprotected, the printed material may be distributed. Appeal from the determination of the Principal may be made in accordance with Board policy on pupil grievance.

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The Board requires that the distribution of printed material take place only at the places and during the times established by rule in order not to disrupt the orderly operation of the educational program.

Pupils who violate this policy by expression, publication or distribution of any materials which are biased or prejudiced, vulgar or profane, unsuitable for immature audiences, or which do not meet the school district's high standards of learning and propriety consistent with its educational goals and objectives may be subject to appropriate discipline.

This policy shall be implemented in accordance with regulations to be developed by the superintendent. The regulations shall:

- A. Identify school district staff responsible for pupil publications;
- B. Establish procedures for prepublication review; and
- C. Specify procedures for appeal by pupils to the board of education with provisions for prompt decisions to be made at each level.

Electronic Media

All electronic media as well as school-sponsored web sites are also subject to this policy and to the same regulatory constraints as are print publications.

Adopted: February 9, 2004
Revised: November 9, 2009

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of boards (county vocational schools)

Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Desilets v. Clearview Regional Board of Education, 137 N.J. 585 (1994)