

**The Rye City School District
Rye, New York**

5225-R

STUDENT PERSONAL EXPRESSION REGULATION

The Building Principal or designee shall have the authority to monitor the distribution of materials as well as other forms of student verbal and written expression. He/She will give due consideration to the constitutionally protected right of freedom of expression, the maintenance of the normal operation of the school and its activities, the protection of persons and property, and the need to assist students in learning appropriate ways to exercise their rights.

Distribution of Written Material

Distribution of material means dissemination of ten or more copies of written material on school premises, or in a manner reasonably calculated to arrive on school premises.

“Material” is defined as photographic or printed, written, electronic, or otherwise produced or reproduced matter.

Students wishing to distribute material must request permission in advance from the Principal or designee. Such requests must be accompanied by a copy of the material(s) students wish to distribute. Authorization will generally be granted provided:

1. The material is written by students currently enrolled in the District;
2. The material is free from advertisements of cigarettes, liquor, illegal or illicit drugs, or drug paraphernalia; or other illegal activities.
3. The following disclaimer will be added to any school-related publication that contains advertisements: “The appearance of any advertisements in this publication in no way is an endorsement by the Rye City School District of any of the products or services advertised herein.”
4. The material is distributed as directed by the Principal or designee who will regulate time, place and manner of distribution.
5. The material is free from the conditions cited below:

Conditions Which May Cause Verbal or Written Expression to be Restricted or Prohibited

Under the following conditions, written material as described above and other forms of written and verbal expression may be restricted or prohibited when expression is inappropriate to the maturity level of the students and:

1. When there is evidence which reasonably supports a judgment that significant or substantial disruption of the normal operation for the school or injury or damage to persons or property may result.

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In order for verbal or written expression to be disruptive or hazardous, there must exist clear and specific facts upon which it would be reasonable to judge that a clear and present likelihood of an immediate and substantial disruption would result if the expression were allowed to occur. (See Policy 5311, Student Rights and Responsibilities).

2. When the expression is construed to be obscene.

Obscene expressions are those which the average person, applying contemporary community standards, would find that such publication, taken as a whole, appeals to prurient interests; that it depicts or describes in a patently offensive way sexual conduct specifically defined by applicable state law; or taken as a whole, it lacks serious literary, artistic, political, or scientific value.

3. When the expression is considered libelous.

The expression shall be considered libelous when it includes defamatory falsehoods about individuals. In order to be libelous, the defamatory falsehood must be made with actual malice; that is, with knowledge that it is false or with reckless disregard of whether it is false or not.

4. When the expression invades the privacy of other individuals.

Invasion of privacy includes the exploitation of an individual's personality providing information of an individual's private affairs with which the public has no legitimate concern or wrongful intrusion into an individual's private activities in a manner that can cause mental suffering, shame, humiliation to a person of ordinary sensibilities.

5. When the expression advocates a violation of school rules to the extent that there is evidence that supports a judgment that substantial disruption of the normal operation of the school will result. (See 1. Above)
6. When the expression attacks ethnic, religious, social or handicapped groups; or females or males as a group; or promotes discrimination based upon an individual's sexual orientation; or promotes discrimination against said groups and there is substantial evidence indicating such expression will result in substantial disruption of normal school operation.
7. When the expression encourages actions which endanger the health and safety of students.