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Revised Policy

5722 - SCHOOL-SPONSORED STUDENT PUBLICATIONS AND PRODUCTIONS

The School Board sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, "school-sponsored student media" shall include both student publications and productions. School-sponsored student media does not include student expression related to classes that are not directly associated with student publications/productions. The term "publication" shall include distribution, transmission, and dissemination of a student publication, regardless of its medium. "Student publications" shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing) (**X**), as well as material in electronic or online form including but not ~~listed~~ **limited** to Apps and Services (as defined in Bylaw 0100), webpages/sites, ~~web logs~~ **weblogs** ("Blogs"), video or audio clips, (**X**) postings of Social Media (as defined in Bylaw 0100), and newsletters of announcements transmitted by e-mail, (**X**) text, wireless broadcast, or other similar distribution/dissemination. **[end of options]** ~~(-) The Board expressly prohibits the use of Social Media related to student publications.~~

The ~~"term-term"~~ **performance** shall include presentation and broadcast of a student production. "Student productions" shall include vocal, musical, and/or theatrical performance, impromptu dramatic presentation, or any electronic media (including but not listed to radio and television programs, videoblogs ("vlogs"), podcast, (**X**) Social Media (as defined in Bylaw 0100) and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). (**X**) and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). **[end of option]** ~~(-) The Board expressly prohibits the use of Social Media related to student productions.~~

[DRAFTING NOTE: The Board should select the following option only if it selected the first option under "student publication" or either or both of the first two options under "student production."]

Only Corporation-approved social media (as defined in Bylaw 0100) may be used to host school-sponsored student media, in accordance with Policy 7544. School-sponsored student media also must comply with Policy 7540.02.

For purposes of this policy, "school community" is defined to include students, School Corporation employees (i.e., administrators and professional and classified staff), parent/family members (**X-**) and other individuals who are (**X**) invited by the Superintendent (**X**) authorized or otherwise permitted by the Superintendent [end of option] to view a performance or receive directly from the Corporation a publication (**X**) and those who have been issued credentials to access the Corporation's secure portal. **[end of option]**

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to minors as that term is defined in the Children's Internet Protection Action (CIPA); speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities,

products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

Student expression relates to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions are nonpublic forums. As nonpublic forums, the content of such student expression can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of these student expressions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

[DRAFTING NOTE: With respect to student expression related to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions, select Option 1, Option 2, Option 3, Option 4, or Option 5.]

~~**[] Option #1**~~

~~[] Nonpublic forum student expression may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160 — Public Attendance at School Events.~~

[END OF OPTION #1]

[] Option #2

[☒] While nonpublic forum student expression generally may be published/performed outside the school community (i.e., to the general public), the following nonpublic forum student expression may be published/performed only to members of the school community: ~~_____~~ **[identify]** (☒). See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION #2]

~~**[] Option #3**~~

~~[] While ordinarily nonpublic forum student expression may be published/performed only to members of the school community, the Superintendent may authorize specific nonpublic forum student expression to be published/performed outside the school community (i.e., to the general public). A teacher, student, or group of students who wish to have nonpublic forum student expression published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance. () See Board Policy 9160 — Public Attendance at School Events.~~

[END OF OPTION #3]

~~**[] Option #4**~~

~~**[DRAFTING NOTE: The Board should select either Option 2 or Option 3 if it has authorized the limited use of Corporation approved Social Media to publish/perform nonpublic forum student expression.]**~~

~~[] While ordinarily nonpublic forum student expression may be published/performed only to members of the school community, the following nonpublic forum student expression may be published/performed outside the school community (i.e., to the general public): _____ **[identify]**. () See Board Policy 9160 — Public Attendance at School Events.~~

~~**[END OF OPTION #4]**~~

~~**[] Option #5**~~

~~**[DRAFTING NOTE: The Board should select this option if it has prohibited the use of Corporation approved Social Media to publish/perform nonpublic forum student media, with the exception of nonpublic forum student media that is disseminated through Corporation approved Social Media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]**~~

~~[] Nonpublic forum student expression may be published/performed only to members of the school community. () See Board Policy 9160 — Public Attendance at School Events.~~

~~**[END OF OPTION #5]**~~

[DRAFTING NOTE: PLEASE CHOOSE ONE (1) OF THE FOLLOWING FOUR (4) OPTIONS (A-D). The order in which the below four (4) options are listed is not meant to convey a preference or recommendation. Boards should select the

option that best reflects their current practice or a new practice they wish to follow. As they consider the following options, the Board and administrators are encouraged to consult the accompanying Toolkit for a discussion of the different types of forums - e.g., nonpublic forum and limited public forum.]

[X] Option A [Select if the Board intends to designate all school-sponsored student media to be limited-purpose public forums (i.e., not subject to prior review/restraint) and generally allows them to be published/performed outside the school community. This is the most permissive of the options.]

[X] The Board designates all school-sponsored student media as limited-purpose public forums where students can address matters of concern and/or interest to their readers/viewers. All school-sponsored student media may be published/performed outside the school community. The student journalists, content-creators and/or performers involved in these publications/ productions have the right to determine the content of the student media.

~~[] The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content creators/performers. School officials will not review or restrict the content of school sponsored student media prior to publication/performance, except with respect to unprotected speech. () Each medium should provide a full opportunity for students to inquire, question, and exchange ideas. () Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy. [end of options]~~

All school-sponsored student media shall contain a notice to the reader/viewer that the material, while school-sponsored, is student directed and not subject to prior review. Given all student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content. With editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

[END OF OPTION A]

[X] Option B [Select if the Board intends to identify specific school-sponsored student publications/productions to be limited-purpose public forums (i.e., not subject to prior review/restraint), which may be published/performed outside the school community. School-sponsored student publications/productions not listed are considered nonpublic forums and will be subject to routine and systematic prior review and restraint. This is the second most permissive option, only permits prior review/restraint of nonpublic forums, and generally allows limited-purpose public forums to be generally published/performed outside the school community.]

The Board designated the following official, school-sponsored student media to be limited-purpose public forums:

[List all publications so designated:]

- A. newspapers
- B. yearbook
- C. video productions
- D. school's electronic media (ex. Facebook, websites, etc.)
- E. plays or other performances
- F. school televised publications

As limited-purpose public forums the student journalists, content-creators, or performers associated with the above-listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content-creators, and/or performers involved in the above-listed publications/productions have the right to determine the content of this student media.

~~[] The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content creators/performers.~~

School officials will not routinely and systematically restrict content of the publications and/or productions listed above prior to their publication/performance, except with respect to unprotected speech. (X) Each medium should provide a full opportunity for

students to inquire, question, and exchange ideas. ~~✗~~

) Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy.

[end of options]

The above-listed publications and/or productions shall contain a notice to the reader/viewer that the material, while school-sponsored, is student-directed and not subject to prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content, and with editorial control comes responsibility. Student journalists, content-creators and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/ artistic/theatrical/broadcast standards.

All other school-sponsored student media including classroom and/or other curricular, co-curricular, or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media, except for those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. **[DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just "reserve" the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board shall provide school officials with guidance and training in order to implement this duty of review/restrain effectively and legally.]**

[DRAFTING NOTE: Select Option B1, Option B-2, Option B-3, Option B-4, or Option B-5.]

~~**[DRAFTING NOTE: The Board should select this option only if it has prohibited all nonpublic forum school-sponsored student publication/performance on Social Media, with the exception of nonpublic forum school-sponsored student media that is disseminated through Corporation-approved Social Media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]**~~

~~[] Nonpublic forum school-sponsored student media may be published/performed only to members of the school community.~~

~~**{END OF OPTION B-1}**~~

~~**[DRAFTING NOTE: The Board should select either Option B-2 or Option B-3 if it has authorized the limited use of Corporation-approved Social Media to publish/perform nonpublic forum school-sponsored student media; as mentioned above, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all nonpublic forum school-sponsored student media.]**~~

~~**{ } Option B-2**~~

~~[] While ordinarily nonpublic forum school-sponsored student media may be published/performed only to members of the school community, the following nonpublic forum student media may be published/performed outside the school community (i.e., to the general public): _____ **[identify] ()** high school newspaper **[could substitute with the name of the newspaper] ()** high school yearbook _____ **[could substitute with the name of the yearbook] ()** _____ **[insert name(s) of specific school-sponsored student publications/productions]. ()** See Board Policy 9160.~~

~~**{END OF OPTION B-2}**~~

~~**{ } Option B-3**~~

~~[] While ordinarily nonpublic forum school-sponsored student media may be published/performed only to members of the school community, the Superintendent may authorize specific nonpublic forum student media to be published/performed outside the school community (i.e., to the general public). A student or group of students who wish to have his/her/their nonpublic forum student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.~~

~~**{END OF OPTION B-3}**~~

~~**{ } Option B-4**~~

~~[] While nonpublic forum school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following nonpublic forum student media may be published/performed only to members of the school~~

community: _____ ~~[identify]. () See Board Policy 9160.~~

~~{END OF OPTION B-4}~~

~~{ } Option B-5~~

~~{ } Nonpublic forum school sponsored student media may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160.~~

~~{END OF OPTION B-5}~~

~~{END OF OPTION B}~~

~~{ } Option C [Select if the Board intends to identify specific student publications/productions to be limited purpose public forums but wants to retain the authority to engage in limited and consistent prior review/restraint on the basis of four (4) identified reasons. School sponsored publications/productions not listed are considered nonpublic forums and will be subject to routine prior review and restraint. This is the second most restrictive and permits some prior review/restraint involving what are otherwise limited purpose public forums.]~~

~~The Board designates the following official, school sponsored student media to be limited purpose public forums:~~

~~{List all publications so designated}~~

~~As limited purpose public forums, the student journalist, content creators or performers associated with the above listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content creators and/or performers involved in the above listed publications/productions have the right to determine the content of this student media. () While designated as limited purpose public forums, the listed publications/productions are not intended to address general matters of public concern and are not open to public comment.~~

School officials will not routinely and systematically restrict content of the publications and/or productions listed above prior to their publication/performance; however, school officials may review the content and reject an article/posting/publication/production due to one (1) of the following four (4) reasons:

- A. where poor grammar or writing is evident;
- B. where a legitimate question of age appropriateness of the material exists;
- C. where matters beyond the limited scope of the forum are included; and/or
- D. where the content involves unprotected speech.

☒ The above-listed school-sponsored student publications/productions, while limited-purpose public forums, are not intended to address general matters of public concern and therefore are not open to public comment.

The listed publications and or production shall contain a notice to the reader/viewer that the material, while school-sponsored, is student directed and subject only to limited prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for the content beyond that covered by the school officials' limited prior review, and with editorial control comes responsibility. Student journalists, content-creators and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

[DRAFTING NOTE: Select Option C-1, Option C-2, Option C-3, Option C-4, or Option C-5.]

[] Option C-1

[DRAFTING NOTE: The Board should select this option only if it has prohibited all school-sponsored student publication/performance on Social Media, with the exception of school-sponsored student media that is disseminated through Corporation-approved Social Media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

~~[] School-sponsored student media may be published/performed only to members of the school community.~~

[END OF OPTION C-1]

[DRAFTING NOTE: The Board should select either Option C-2 or Option C-3 if it has authorized the limited use of Corporation-approved Social Media to publish/perform school-sponsored student media; as mentioned below, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.]

[] Option C-2

~~[] While ordinarily school-sponsored student media may be published/performed only to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public):~~

~~_____ [identify] () high school newspaper [could substitute with the name of the newspaper] () high school yearbook [could substitute with the name of the yearbook] () _____ [insert name(s) of specific school-sponsored student publications/productions]. () See Board Policy 9160.~~

[END OF OPTION C-2]

[] Option C-3

[X-] While ordinarily school-sponsored student media may be published/performed only to members of the school community, the Superintendent may authorize specific student media to be published/performed outside the school community (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.

[END OF OPTION C-3]

[] Option C-4

~~[] While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may be published/performed only to members to the school community: _____~~

~~[identify]. () See Board Policy 9160.~~

[END OF OPTION C-4]

[] Option C-5

~~[] School-sponsored student media may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160.~~

[END OF OPTION C-5]

All other school-sponsored student publications and productions, including classroom and/or other curricular or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media except those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. **[DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just "reserve" the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]**

[END OF OPTION C]

~~**[] Option D [Select if the Board intends all school-sponsored student media (i.e., publications/production) to be nonpublic forums—i.e., subject to routine prior review/restraint. This is the most restrictive option.]**~~

~~**{DRAFTING NOTE: for Options D-1 through D-5: It is critical that the school officials actually engage in prior review/restraint and not just "reserve" the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board will be considered to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.}**~~

All school-sponsored student media are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the type and/or content of all school-sponsored student media prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may prohibit further speech that is grammatically incorrect, poorly written, inadequately researched, biased or prejudiced, vulgar, profane, or unsuitable for immature audiences.

[DRAFTING NOTE: Select Option D-1, Option D-2, Option D-3, Option D-4, or Option D-5.]

~~**{ } Option D-1**~~

~~**{DRAFTING NOTE: The Board should select this option only if it has prohibited all school-sponsored student publication/performance on Social Media, with the exception of school-sponsored student media that is disseminated through Corporation-approved Social Media that employs a portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).}**~~

~~{ } School-sponsored student media may be published/performed only to members of the school community.~~

~~**{END OF OPTION D-1}**~~

~~**{DRAFTING NOTE: The Board should select either Option D-2 or Option D-3 if it has authorized the limited use of Corporation-approved Social Media to publish/perform school-sponsored media; as mentioned above, it is critically important that school officials routinely and consistently exercise their authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.}**~~

~~**{ } Option D-2**~~

~~{ } While ordinarily school-sponsored student media may be published/performed only to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public): _____~~
~~**{identify} () high-school newspaper [could substitute with the name of the newspaper] () high-school yearbook [could substitute with the name of the yearbook] () _____ [insert name(s) of specific school-sponsored student publications/productions]. () See Board Policy 9160.**~~

~~**{END OF D-2}**~~

~~**{ } Option D-3**~~

~~{ } While ordinarily school-sponsored student media may be published/performed only to members of the school community, the Superintendent may authorize specific student media to be published/performed outside the school community, (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance.~~

~~**{END OF OPTION D-3}**~~

~~**{ } Option D-4**~~

~~{ } While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may be published/performed only to members of the school community: _____~~
~~**{identify}. () See Board Policy 9160.**~~

~~**{END OF OPTION D-4}**~~

~~**{ } Option D-5**~~

~~[] School sponsored student media may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160~~

~~{END OF OPTION D-5}~~

~~{END OF OPTION D}~~

~~{END OF OPTIONS A THROUGH D}~~

[NOTE: The following paragraph is optional.]

☒ Students ☒ staff will monitor comments posted to social media platforms/sites that have been approved under Policy 7544 for use as school-sponsored student media. Comments will be monitored to verify the age-appropriateness of the material, whether unprotected speech is involved, and whether there is compliance with posted rules for use of the forum and the platform's/site's applicable terms of service. Comments that are not age-appropriate for the student-audience for the school-sponsored publication, constitute unprotected speech, and/or violate the posting rules for the use of the forum and/or the platform's/site's applicable terms of service will be removed. The review of posted comments will be conducted in a viewpoint neutral manner and consistent with State and Federal law.

☒ Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech.

[DRAFTING NOTE: CHOOSE ONE (1) OF THE FOLLOWING THREE (3) OPTIONS RE: ADVERTISING.]

☒ **Option #1 [Select if the Board intends to permit advertising in some or all school-sponsored student media but requires a school employee/official to pre-approve the advertisements.]**

Advertising is permitted in ☒ all school-sponsored student media ☒ the following school-sponsored student publication/productions: [identify publications/productions]

- A. newspapers
- B. yearbook
- C. video productions
- D. school's electronic media (ex. Facebook, websites, etc.)
- E. plays or other performances
- F. school televised publications

~~-~~

Any advertisements must be consistent with Policy 9700.01 ☒ AG 9700B.

Advertisements submitted for publication or inclusion in a production shall be reviewed by ☒ the class/activity advisor ☒ the building principal ~~() the Superintendent () school officials~~ **[end of options]** for a determination that they are appropriate for juveniles. The ☒ Superintendent ☒ Board retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

~~[] Option #2 [Select if the Board intends to permit advertising in some or all school-sponsored student media that are designated to be limited purpose public forums, and the students involved in the specific publications/productions will be responsible for accepting or rejecting the advertisements.]~~

~~Advertising is permitted in () all school sponsored student media that have been designated as limited public forums. () the following school sponsored student media that have been designated as limited purpose public forums: [identify publications/productions]~~

- A. newspapers
- B. yearbook
- C. video productions
- D. school's electronic media (ex. Facebook, websites, etc.)
- E. plays or other performances
- F. school televised publications

Any advertisements must be consistent with Policy 9700.01 ~~(-)~~ and ~~AG 9700B.~~

The students in the class(es)/activity(ies) associated with ~~(-)~~ all school sponsored student media that have been designated as limited purpose public forums ~~(-)~~ the above listed student media **[end of option]** will determine whether to include advertisements in the publications/productions. Acceptance or rejection of specific advertisements is within the control of the publication/production staff, which may except those for activities, products, or services that are illegal for students and/or that violate State or Federal law.

~~[]~~ The publication/production staff is encouraged to consider the age appropriateness of the ads they select.

~~[] Option #3 [Select if the Board intends to prohibit advertisements in all student publications/productions.]~~

Advertising is not permitted in school sponsored student media.

~~[END OF OPTIONS RE: ADVERTISING]~~

General Prohibitions

Regardless of their status as non public or limited purpose public forums, the Board prohibits publications, productions, and advertisements that:

- A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;
- B. ~~(-)~~ fail to identify the student or organization responsible for the publication/performance;
- C. ~~(-)~~ solicit funds for non school organizations or institutions when such solicitation has not been approved by the Board.

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