

5145.2 Freedom of Speech / Expression

The Governing Board believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

The process of educating students for responsible citizenship in a democratic society requires reasonable opportunity for them to exercise the right of freedom of speech and expression in the context of the public school environment.

The purpose of this policy is to insure the exercise of these rights with due regard to the rights of others and the need for reasonable restrictions in the operation of the public school system.

In order to provide this experience for students within the framework of *Education Code* section 48907, the Board of Trustees establishes the following policies, to be supplemented by administrative rules and regulations as reasonably required.

On Campus Expression

Students of the district have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (Education Code 48907).

1. Students shall be permitted to wear buttons, badges, arm bands, and other insignia as a form of expression, subject to the hereinafter-mentioned prohibitions.
2. Students may be provided with bulletin boards for use in posting student materials on campus locations convenient to student use. Where feasible, the location and numbers of such bulletin boards shall be by joint agreement of the local school student government representatives and the local school administrators.

Students' freedom of expression shall be limited only as to Education Code Sections 48907, 48950, and other applicable state and federal laws.

In the exercise of the students' rights described above, students are prohibited from making any expressions or distributing or posting any materials, wear buttons or other displays nor post notices or other materials which:

- a. are obscene according to current legal definitions;
- b. are libelous or slanderous according to current legal definitions;
- c. incite students so as to create a clear and present danger of the 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;
- d. 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; and/or

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- e. are distributed in violation of the time, place and manner requirements as provided in *Education Code* section 48907.

Student expression on district or school Internet web sites and online media shall generally be afforded the same protections as in print media.

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law. (Education Code 48907)

Knowing violation of this policy by any student is sufficient cause for suitable disciplinary action to be taken.

Off-Campus Expression

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

The designated local school administrator shall develop administrative rules and regulations to implement this policy, in conjunction with student government representatives. In case of a disagreement, the decision of the designated administrator shall be final.

Board Approved:
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