

**FREEDOM OF SPEECH/EXPRESSION: PUBLICATIONS CODE**

The primary liberties in a student's life have to do with the process of inquiry and learning, of acquiring and imparting knowledge and of exchanging ideas. The process requires that students have the right to express opinions, to take stands and to support causes, publicly or privately. There should be no interference in the school with these liberties, or with the student's access to or expression of controversial points of view, except as provided below. (Education Code 48907)

Students shall 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)

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

*(cf. 1113 - District and School Web Sites)*

*(cf. 6163.4 - Student Use of Technology)*

**Bulletin Boards**

School authorities may restrict the use of certain bulletin boards to school announcements. Ample bulletin board space shall be provided for the use of students and student organizations, activities or matters of general interest to students. The following general limitations on posting may be applied:

1. School authorities shall prohibit material which is determined to be obscene, libelous or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.
2. Identification, including address or contact location, shall be required on any posted notice of the student or student group issuing same.
3. The school shall require that notices or other communications be officially dated before posting and that such material be removed after a prescribed reasonable time to assure full access to the bulletin board.

**Distribution of Printed Material and Circulation of Petitions**

Students shall be free to distribute handbills, leaflets and other printed material and to collect signatures on petitions concerning either school or out-of-school issues, whether such materials are produced within or outside the school. The following general limitations on distribution may be applied:

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1. The time of such activity shall be limited to periods before school begins, after dismissal and during lunch time, if such limitation is necessary to prevent interference with the school program.
2. The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school and at exterior doors.
3. The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions. The danger of littering is not sufficient ground for limiting the right of students to distribute materials.
4. The school shall require that all printed matter and petitions distributed or circulated on school property bear the name and address or contact location of the sponsoring organization or individual.
5. The school shall prohibit the distribution of material within the restricted categories of item 1 under Bulletin Boards.
6. 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.

**Buttons and Badges**

The wearing of buttons, badges or armbands bearing slogans or sayings shall be permitted as another form of expression, unless the message thereof falls within the restricted categories of item 1 under Bulletin Boards. No teacher or administrator shall attempt to interfere with this practice on the ground that the message may be unpopular with students or faculty.

In imposing limitations on student expression for any reason under any of the foregoing provisions, the school must ensure that its rules are applied on a nondiscriminatory basis and in a manner designed to assure maximum freedom of expression to the students, but which does not endanger health or safety of other students.

The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)

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**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.

*(cf. 5131 - Conduct)*

**Appeal Procedure**

The Superintendent shall establish administrative regulations governing the student appeals procedure for the implementation of the policies regarding the student's rights to freedom of speech and expression.

**Hearings**

The school shall particularly avoid any action placing restraints on ideas prior to their expression. Any student or student group deprived of freedom of expression under any of these provisions shall have the right to request a hearing to determine whether such deprivation is justified under these rules. Such a hearing must be held as soon as possible after request before an impartial body, including representatives of the faculty and student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the regulation in question.

*Legal Reference:*

EDUCATION CODE

*48907 Exercise of free expression; rules and regulations*

*51520 Prohibited solicitations on school premises*

*Perumal et al v. Saddleback Valley Unified School District, 88 Daily Journal D.A.R. 1426*

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**Student Rights and Responsibilities**

The following rules shall be observed in the protection of student rights to freedom of speech and expression, or the right to due process and the responsibility of the student with regard to the rights of others shall be equally enforced.

**Bulletin Boards**

The location and numbers of bulletin boards for the posting of student materials on campus shall be by joint agreement of the student government representatives and the principal.

**Circulation of Petitions, Circulars, Newspapers and Other Printed Matter**

No petition, circular, newspaper or other printed matter shall be slanderous according to current legal definition, or that incite students, express or advocate racial, ethnic or religious prejudice so as to create a clear and present danger of imminent commission of unlawful school rules or of the substantial disruption of the orderly operation of the school.

The time for distribution of acceptable material shall be limited to the hours before school begins and after school is dismissed. Printed material to be distributed shall be submitted to the principal at least 24 hours prior to the intended time of distribution. The principal's approval/disapproval shall be indicated within 24 hours and the principal may limit the number of students who may distribute materials in any one day. Coercion is not to be used to induce students to accept the printed matter or to sign petitions, and undistributed material shall not be left unattended at any place in the school or on school grounds.

**Buttons, Badges, Armbands and Other Symbolic Insignias**

No student shall wear buttons, badges, armbands or other insignias which are obscene to minors or libelous or slanderous according to current legal definition, or that incite students, 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 rules or of the substantial disruption of the orderly operation of the school.

**Advertising Prohibition of "Party Flyers"**

Distribution of flyers (party, announcements, etc.) on school grounds or the sidewalks in front of schools is prohibited unless permission has been granted by the principal. Students involved in distributing "party flyers" without permission are subject to disciplinary action including but not limited to suspension and/or expulsion. Students or parents who have been denied permission to distribute "party flyers" may request a hearing to appeal the decision by contacting the Superintendent's Office.

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Note: "Party Flyers" usually describe off-campus parties, discos, dances, etc., that usually charge admission and sometimes sell/serve illegal drugs or alcohol.

All student submissions shall be held to professional standards of English and journalism. (Education Code 48907)

**Appeal Procedure**

When in the opinion of the student(s) his/her rights to freedom of expression have been violated by the principal, the student(s) may make a written appeal to the Superintendent based solely on the standards established in Board policy. A copy of the appeal shall be given to the principal at the time it is presented to the Superintendent.

The Superintendent shall render a decision within two school days after receipt of the appeal. In the Superintendent's absence, the decision shall be rendered by the Acting Superintendent.

The Superintendent's written decision may be appealed in writing to the Board within two school days of the decision. The Board shall render its decision on the appeal no later than the next regular meeting of the Board after the official receipt of the appeal.

If the principal considers material submitted for publication to violate Education Code 48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. Absent extraordinary circumstances, such notice should be given in sufficient time to allow the student time to either modify the material or to seek review of the principal's determination from the Superintendent or designee. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.