

Regulation 5145.2: Freedom Of Speech/Expression

Status: DRAFT

Original Adopted Date: 06/27/1995 | **Last Revised Date:** 06/20/2006

School-Sponsored Publication

Students are prohibited from making any expressions or distributing or posting any materials which are obscene, libelous, or slanderous, or which demonstrably so incites students to commit as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of lawful school rules, regulations, or the substantial disruption of the school's orderly operation. (Education Code 48907)

Official school publications includes material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or free. (Education Code 48907)

Each principal shall develop a school publications code outlining the responsibility of student journalists, editors, and publication advisors.

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

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48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published.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.

To the extent that the principal or designee believes that the school and district should be disassociated from a particular idea or opinion, the principal may require student articles to include disclaimers.

Distribution of Printed Materials and Petitions by Students Printed Matter Distribution

All printed matter and petitions distributed, circulated or posted on school property shall bear the name and the address or contact location of the sponsoring organization or individual. Students may not post or distribute materials regarding the meetings of noncurricular student-initiated groups.

Printed materials or petitions may be distributed only:

1. Before school begins, during lunch time, or after dismissal.
2. In locations that do not obstruct the normal flow of traffic within school or at entrances.

No student shall use coercion to induce students or any other persons to accept printed matter or to sign petitions. No funds or donations shall be collected for any material distributed.

Oral Communications

Students are prohibited from orally communicating, distributing, or otherwise exhibiting material which, in the determination of the local school administration:

1. Is obscene to minors according to current legal definitions
2. Is libelous or slanderous according to current legal definitions
3. Incites students so as to create a clear and present danger of the imminent commission of unlawful acts or of the substantial disruption of the orderly operation of the school.
4. Expresses or advocates racial, ethnic, or religious prejudice so as to create a clear and present danger of the imminent commission of unlawful acts or of the substantial disruption of the orderly operation of the school.
5. Is distributed in violation of the time, place and manner requirements.

Official School Publications

Student editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this section. However, it shall be the responsibility of a journalism adviser or advisers of student publications within each school to supervise the production of the student staff, to maintain professional standards of English and journalism, and to maintain the provisions of this section.

"Official school publications" shall refer to material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.

The times and means of distribution of official school publications shall be determined by the principal in consultation with the teacher/adviser.

Students violating any of these regulations are subject to disciplinary action.

(cf. 5144 – Discipline)

Clothing, Buttons, and Badges

Buttons, badges, armbands, ~~or~~ and clothing bearing slogans or sayings may be worn unless their message falls within the categories prohibited by law and Governing Board policy. No employee shall interfere with this practice on the grounds that the message may be unpopular with students or faculty.

(cf. 5132 – Student Dress Guidelines)

(cf. 5136 – Gangs)

Bulletin Boards

Bulletin boards may be provided where students and student organizations may post materials of general interest.

Appeals

The following procedures shall be used to address disputes regarding student freedom of expression:

1. The student and faculty member shall first attempt to resolve the problem by themselves.
 2. If the student and faculty member are unable to resolve the dispute, the student and/or faculty member may bring the matter to the principal or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible.
 3. If the principal or designee is unable to resolve the dispute, the student and/or faculty member may bring the matter to the Superintendent or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible.
 4. If the Superintendent or designee is unable to resolve the dispute, the student and/or faculty member may ask for a hearing to determine whether a deprivation of freedom of expression was justified under the above regulations. This hearing shall be held before the Governing Board or impartial person(s) appointed by the Board as soon as possible after it is requested. Both sides shall be given an opportunity to demonstrate that Board Policy and Administrative Regulations were properly applied.
-