

FREEDOM OF SPEECH / EXPRESSION: PUBLICATIONS CODE

Free inquiry and exchange of ideas are essential parts of a democratic education. The Governing Board respects students' rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, writings, printed materials and/or the wearing of buttons, badges and other insignia.

(cf. 6144 - Controversial Issues)

Student freedom of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of all members of the school community. Students shall not be disciplined solely on the basis of constitutionally protected speech or other communication.

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

(cf. 1325 - Advertising and Promotion)

(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall ensure that due process is followed when resolving disputes regarding student freedom of expression.

(cf. 6145.3 - Publications)

Legal Reference:

EDUCATION CODE

48907 *Exercise of free expression; rules and regulations*

48950 *Speech and other communication*

51520 *Prohibited solicitations on school premises*

COURT DECISIONS

Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64

Collin v. Smith, (1978) 447 F. Supp. 676, affd. (1978) 578 F.2d 1197, cert. den. (1978) 439 U.S. 916

Tinker v. Des Moines School District, (1969) 393 U.S. 503

Policy

Adopted: September 11, 2000

BREA OLINDA UNIFIED SCHOOL DISTRICT

Brea, California