

**SAN LORENZO
UNIFIED SCHOOL DISTRICT
BOARD POLICY**

Student

BP 5145.2 (a)

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.

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.

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

Legal Reference:

Education Code 48907 Exercise of free expression; rules and regulations
Education Code 48950 Speech and other communication
Education Code 51520 Prohibited solicitations on school premises

Board adopted: February 18, 2003

**SAN LORENZO
UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE REGULATIONS**

Student

AR 5145.2 (a)

FREEDOM OF SPEECH/EXPRESSION: PUBLICATIONS CODE

Students are prohibited from making any expressions or distributing or posting any materials which are obscene, libelous or slanderous, or which demonstrably incite students to commit unlawful acts on school premises, violate school rules, or substantially disrupt the school's orderly operation. Additionally, students shall be prohibited from making any expressions or distributing or posting any materials which violate existing laws, including but not limited to: harmful matter, profanity, prejudicial or discriminatory matter, injurious matter, commercial materials (materials for purposes of sale of products or services to students, staff or parents), or materials or instruction concerning human reproduction and venereal disease.

Conduct by a student, in class or out of it, which for any reason materially disrupts class work or involves substantial disorder or invasion of the rights of others is not immunized by the constitutional guarantee of free speech (*Tinker v. Des Moines School District* (1969) 393 U.S. 503).

The use of "fighting words" or epithets is not constitutionally protected where:

1. The speech, considered objectively, is abusive and insulting rather than a communication of ideas, and
2. The speech is actually used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

Students shall be free to post or distribute handbills, leaflets and other printed material as outlined below, whether produced within or outside of the school. Students may collect signatures on petitions concerning either school or out of school issues during designated times, with prior approval from the Principal/Designee.

All printed matter and petitions distributed, circulated or posted on school property shall bear the name and address or contact location of the sponsoring organization or individual. Students assume the responsibility for cleaning up the distributed materials that contribute to littering.

Printed materials or petitions may be distributed with prior approval from the Principal/Designee only:

1. Before school begins, during lunchtime, or after dismissal.
2. In locations that do not obstruct the normal flow of traffic within school or at entrances.
3. Without undue noise.

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

Clothing/Buttons and Badges

Buttons, badges, armbands or clothing bearing slogans or sayings may be worn unless their message falls within the categories prohibited above. No teacher or administrator shall interfere with this practice on the grounds that the message may be unpopular with students or faculty.

Bulletin Boards

Bulletin boards will be designated by the Principal/Designee where students and student organizations may post materials of general interest. Such materials may be posted on designated bulletin boards.

Appeals

The procedure outlined in Board Policy 527, Student Complaints, shall be used to address disputes regarding student freedom of expression.

Board adopted: February 18, 2003