

Students

Freedom of Speech/Expression

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.

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.

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.

Legal References: Education Code
48907 Exercise of free expression; rules and regulations
48950 Speech and other communication
51520 Prohibited solicitations on school premises
Board Policy
cf. 1113 - District and School Web Sites
cf. 5131 - Conduct
cf. 5137 - Positive School Climate
cf. 5144 - Discipline
cf. 5144.1 - Suspension and Expulsion/Due Process
cf. 5144.2 - Suspension and Expulsion/Due Process: Students with Disabilities
cf. 5145.7 - Sexual Harassment
cf. 5145.9 - Hate-Motivated Behavior
cf. 6142.3 - Civic Education
cf. 6144 - Controversial Issues
cf. 6163.4 - Student Use of Technology
United States Code, Title 20
4071-4074 Equal Access Act
California Constitution
Article 1, Section 2 Freedom of speech and expression
U.S. Constitution
Amendment 1 Freedom of speech and expression

Court Decisions

Smith v. Novato Unified School District, (2207) 150 Cal.App.4th 1439

Lavine v. Blaine School District, (2001) 257 F.3d 981

Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088

J.S. v. Bethlehem Area School District, (2000) 757A.2d 412 (Pa.

Commw. 2000)

Beussink v. Woodland R-IV School District, (1998) 30 F. Supp. 2d 1175

(E.D. Mo. 1998

Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530

Lovell v. Poway Unified School District, (1996) 90 F.3d 1530

Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

Leeb v. DeLong, (1988) 198 Cal.App3d 47

Perumal et al. v. Saddleback Valley Unified School District, (1988) 198

Cal.App.3d 64

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Bright v. Los Angeles Unified School District, (1976) 134 Cal. Rptr. 639,

556 P.2d 1090, 18 Cal. 3d 350

Tinker v. Des Moines Independent Community School District, (1969)

393 U.S. 503

Management Resources:

CDE LEGAL ADVISORIES

Limitations on Student Expression in School-Sponsored Publications,

March 4 1988

WEB SITES

CBSA: <http://www.csba.org>

California Department of Education: <http://www/cde.ca.gov>

Policy

adopted: 06/02/98

revised: 05/21/02

revised: 09/02/08