



YOUNG SCHOLARS
CHARTER SCHOOL

Student Expression

Purpose

The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the constitution of the Commonwealth. The Board of Trustees respects the right of students to express themselves in word or symbol, but also recognizes that the exercise of such right must be limited by the School's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.

Definition

Expression means verbal, written, technological or symbolic representation or communication.

Authority

Students have the right to express themselves unless such expression is likely to or does materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.

Student expression that occurs on school property or at school-sponsored events is governed by this Policy. In addition, off-campus or after hours expression is governed by this Policy to the fullest extent permitted by law.

Guidelines

Unprotected Student Expression

The School reserves the right to designate and prohibit manifestations of student expression that are not protected by the right of free expression because they violate the rights of others or where such expression is likely to or does materially or substantially interfere with school activities, school work, discipline, safety and order on school property or at school functions. While the following list is not intended to be exhaustive, such expression shall not be protected if it:

- Violates federal, state, or local laws, Board Policy or School rules or procedures;
- Is libelous, defamatory, obscene, lewd, vulgar or profane;
- Advocates the use or advertises the availability of any substance or material that may reasonably be believed to constitute a direct and serious danger to the health or welfare of students, such as tobacco/nicotine, alcohol or illegal drugs;

- Incites violence, advocates use of force, threatens serious harm to the school or community, or urges the violation of applicable law;
- Is likely to or does materially or substantially interfere with the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions;
- Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs; or
- Violates established School procedures on time, place and manner for posting and distribution of otherwise protected expression.

Discipline for Engaging in Unprotected Expression

The School reserves the right to prohibit the posting or distribution of materials containing unprotected expression.

The School reserves the right to discipline students for engaging in unprotected expression to the fullest extent permitted by law.

Review of Student Expression

School officials shall not censor or restrict student expression for the sole reason that it is critical of the School or its administration, or because the views espoused are unpopular or may make people uncomfortable.

Student-initiated religious expression is permissible and shall not be prohibited except as to time, place, and manner of distribution, or if the expression involved violates some other part of this Policy.

Special Guidelines - Student Walkouts and Sit-ins

The School reserves the right to restrict the time, place and manner of a walkout, sit-in or other protest (hereinafter collectively referred to as “protests”) for purposes of safety and order. However, since the Constitution protects students when they speak or express political or social views in school, so long as their speech is not disruptive, the School shall neither censor student political speech nor punish students more harshly for missing school to take part in a protest than they would for any other unexcused absence.

Student free expression rights may be curtailed by school officials if such expression would materially and substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights. The determination of what constitutes a “ material and substantial disruption” is decided on a case-by-case basis by the principal, in consultation with the CEO, in accordance with applicable law.

Staff will not:

- Encourage or discourage student protests beyond providing assistance typical of a faculty advisor;
- Prevent students from participating or force students to participate in student protests; or

- Discipline students for their decision to participate in student protests conducted in accordance with the School-established time, place and manner restrictions.