

# Student Freedom of Speech and Expression Policy

## Clarksville Charter School

BP 5145.20  
Adopted: 06/14/21

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Students attending the Clarksville Charter School have the right to exercise free expression, including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, wearing buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by the use of school facilities. The Governing Board (“Board”) respects students’ rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, their writing, their clothing, and the printed materials they choose to post or distribute.

Student liberties 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 will not be disciplined solely on the basis of speech or other communication that would be constitutionally protected when engaged outside of school, but may be disciplined for harassment, threats, or intimidation unless constitutionally protected. Education Code § 48950.

The purpose of the Clarksville Charter School Governing Board approving this Student Freedom of Speech and Expression Policy is to accomplish the following:

1. Outline Freedom of Expression Procedures by Means
2. Distribution of Procedures Governing Student Rights
3. Appeals

### **1. Freedom of Expression Procedures:**

#### **Circulation of Petitions and Other Printed Matter**

Students shall be allowed to distribute petitions and other printed matter subject to these procedures.

The time of distribution shall be limited to the half hour before school begins, during the lunch period, and the half hour after school is dismissed.

The manner of distribution shall be such that coercion is not used to induce students to accept the printed matter or to sign petitions. Materials are not to be left undistributed or stacked for pickup while unattended at any place in the School or on School grounds.

#### **Buttons, Badges and Other Insignia of Symbolic Expression**

Students will be permitted to wear buttons, badges, armbands, and other insignia as a form of expression.

Students will be subject to disciplinary action for expressive activities such as the distribution of materials, the wearing of buttons or displays, or the posting of notices or other materials:

1. Are obscene, libelous or slanderous;
2. Incite students so as to create a clear and present danger of the imminent commission of

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- unlawful acts on school premises, of the violation of lawful School regulations or of the substantial disruption of the orderly operation of the School;
3. Express or advocate racial, ethnic or religious prejudice so as to create a clear and present danger of imminent commission of unlawful acts on School premises, of the violation of lawful School regulations or of the substantial disruption of the orderly operation of the School;
  4. Are distributed in violation of the time, place and manner requirements;
  5. Are in violation of current federal, state and local laws.

### Unofficial School Publications

School officials may not ban the distribution of non-school-sponsored publications on School grounds. Writers and editors of unofficial student publications who violate any state or federal law may be disciplined after distribution. Students distributing or posting any materials that 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, will be subject to disciplinary action.

The following points apply to unofficial student publications:

1. The School and its employees may dissociate themselves from the material printed, inasmuch as it is not an official publication of the School.
2. School officials may reasonably regulate the time, place, and manner of distribution. This distribution will be limited to:
  - a. One half hour before school begins, during the lunch period, or the half hour after dismissal
  - b. In locations that do not obstruct the normal flow of traffic within the School or at entrances
  - c. Without undue noise
3. No student shall use coercion to induce students or any other persons to accept printed material or sign petitions.
4. "Distribution" means dissemination of a publication to students at a time and place of normal School activity, or immediately prior to or subsequent thereto, by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication, or displaying the student publication in areas of the School that are generally frequented by students.

School officials cannot:

1. Prohibit the distribution of anonymous literature or require that literature bear the name of the sponsoring organization or author.
2. Ban the distribution of literature because it contains advertising.
3. Create regulations that discriminate against non-school-sponsored publications or interfere with the effective distribution of non-sponsored publications, provided such

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publications abide by time, place, and manner regulations.

### **Official School Publications**

Pupil 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 identified above. It shall be the responsibility of a journalism advisor(s) of pupil publications within the School to supervise the production of the pupil staff, to maintain professional standards of English and journalism, and to maintain the provisions provided in the Education Code relating to student expression.

### **Other Forms of Student Expression**

Forms of student expression may include, but are not limited to, speech, debate, assemblies, posters, bulletin board announcements, and the wearing of buttons, badges, and armbands. In general, the laws pertaining to all forms of student expression are the same. The rights of students to express their opinions are recognized by law and are not limited to verbal expression. The basic guidelines listed above for publications apply to all forms of student expression. No teacher or administrator shall interfere with such expression on the grounds that the message may be unpopular with students or faculty.

In conforming to state and federal laws, student expression must obey copyright laws; for example, student posters cannot use nationally registered and copyrighted characters such as those from Walt Disney or “Peanuts” publications.

### **2. Distribution of Procedures Governing Student Rights:**

Site administrators will distribute copies of this Administrative Procedure to all teachers who are advisors to students who produce publications or present public performances. It is the responsibility of the School and site administrators to see that these guidelines are kept up-to date and accurate.

### **3. Appeals:**

The pupil and a School staff member shall attempt to resolve the problem before consulting the administrative staff. If the issue cannot be resolved between the staff member and the pupil, the pupil may appeal the decision to the site administrator and then to the Charter School Executive Director or designee. As a final step, the pupil may follow the School’s complaint procedures as outlined in the Student/Parent Handbook.