

Board Policy #: BP 23

Adopted/Ratified: _____

Revision Date: _____

Birmingham Community Charter High School

STUDENT FREE SPEECH/EXPRESSION POLICY

The Birmingham Community Charter High School Board of Directors 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. Expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material that so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.

Distribution of Circulars, Newspapers, and Other Printed Matter

Students shall be allowed to distribute circulars, leaflets, newspapers, and pictorial or other printed matter, and to circulate petitions, subject to the following specific limitations:

1. Leaflets, pictorial and other printed matter to be distributed shall be submitted to the CEO/Principal or designee at least one school day prior to distribution.
2. Distribution, free or for a fee, may take place at any time except during instructional time and providing there is no substantial disruption in the school programs (as determined by the CEO/Principal).
3. The manner of distribution shall be such that coercion is not used to induce students to accept the printed matter or to sign petitions.
4. The solicitation of signatures must not take place in instructional classes or school offices, nor be substantially disruptive to the school program (as determined by the CEO/Principal).
5. 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 of this section. However, it shall be the responsibility of a journalism adviser or advisers of pupil publications within each school to supervise the production of the pupil staff, to maintain professional standards of English and journalism, and to maintain the provisions of this section.
6. There shall be no prior restraint of material prepared for official school publications except insofar as it violates this policy. School officials shall have the burden of showing justification without undue delay prior to a limitation of pupil expression under this section.

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Buttons, Badges, and Other Insignia of Symbolic Expression

Students shall be permitted to wear buttons, badges, armbands, and other insignia as a form of expression, subject to the prohibitions enumerated in this Policy.

Use of Bulletin Boards

Students will be provided with bulletin boards, upon request, for use in posting student materials on campus locations convenient to student use. Where feasible, the location and quantity of such bulletin boards shall be by mutual agreement of local school student government representatives and the local school administration. Posted material must be in compliance with other sections of this regulation, particularly as regard the distribution of materials and prohibited speech.

Organized Demonstrations

Students have the right to lawful organized on-campus demonstrations, subject to the provisions of this Policy and applicable law. Demonstrations that incite pupils to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or demonstrations that substantially disrupt of the orderly operation of the school are prohibited.

No organized demonstrations by school groups may take place during school hours off the school campus unless sanctioned by school authorities and supervised by a designated school authority. No individual student may demonstrate in the name of the school or as an official school group at any time unless authorized by the school to participate in the activity.

Enforcement

1. The CEO/Principal or designee shall review material submitted in a reasonable amount of time and shall allow the approved material to be distributed according to the time and manner established by this Policy.
2. Any student may appeal the decision of the CEO/Principal or designee to the Board who shall render a decision within a reasonable period of time after receipt of the appeal. The appeal by the student must be made within five school days from the time the unsatisfactory decision was rendered.
3. The School administrator shall work with student government representatives in the development of these procedures. Student responsibilities shall be emphasized.
4. Students who are considering actions in the areas covered by this regulation should be informed of the possible consequences of their action under each specific circumstance.

Definition of Terms

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1. “Immediately” shall mean within 24 hours, excluding all days during which school is not in session, provided that exigencies do not exist which necessitate an earlier resolution of the matter in order to prevent an impairment of the student’s right of free speech and expression. If an exigency exists, “immediately” shall mean a reasonable amount of time less than 24 hours which will not impair the student’s right of free speech and expression.

2. “Substantial disruption” shall mean the threat of physical violence in the school or adjacent premises. Significant disruption would include, but not necessarily be limited to, blocking normal student passages, use of sound systems which create noise disturbance to instructional areas, or creating excessive litter which requires significant extra labor of school employees.

Adopted:

Amended: