

## STUDENTS

### Freedom of Speech and Expression- Students

#### A. Generally

Schools, by their very nature, must encourage free inquiry and free expression of ideas. ~~Oral expression is needed as a learning mechanism and as a psychological outlet.~~ Schools should provide opportunities for the students to express themselves. ~~orally.~~ Schools should provide age appropriate guidance and instruction on the rights, privileges, responsibilities, and consequences of freedom of speech and expression.

#### B. Student publications or creations

The Superintendent or designee is authorized to develop regulations and guidance for school sponsored student publications or creations. Such publications or creations can include but are not limited to: classwork or assignments; yearbooks; newspapers; journals; compilations of student works; flyers or advertisements; video, photographic, electronic or other media creations and postings; works of art; other visual, auditory or tangible creations. Student publications or creations not related to a school sponsored class, activity or program may be subject to reasonable limitations regarding the time, place or manner of distribution or expression on School Division property, buildings, computer systems, or at school sponsored events.

#### B.C. Guidelines

1. Students have the right to free and dynamic expression of ideas. Such expression shall include the ~~personal opinion~~ opinions of students. Controversial ideas are not to be avoided however, students should be provided guidance regarding when a student may be limited or disciplined for expression or speech.
2. Students shall not be forced by any means to accept a purely personal and arbitrary opinion or idea.
3. A forum for the expression of legitimate student concerns shall be established and maintained for the secondary schools and shall be attended by appropriate staff representatives when in session. It is recommended that the school follow one of the two methods described below, when setting up such a forum:
  - a. a sub-committee of the student cooperative association, or
  - b. a panel of students, parents, teachers, and administrators.

4. ~~A sStudents whose expression or speech violates the Code of Student Conduct or applicable law, regulation or policy may be disciplined accordingly. who engage in offensive obscenity and slander during dialogues may subject themselves to discipline in accord with clearly defined policies of the school board and the implementing regulations of the school administration. The student's right to appeal a decision regarding the student's expression or speech shall be governed by School Board policy and regulation as well as applicable law. The right of appeal on the part of the student is guaranteed.~~
5. ~~The Superintendent or designee is authorized to determine when a student's expression, speech, publication or creation has or is reasonably anticipated to disrupt the educational and/or work environment or violate applicable policy, regulation or law. No person shall have the right to speak in such a way as to significantly disrupt the educational process. The Superintendent or designee may use different criteria for determining disruption of the educational and/or work environment based on the age, and intellectual capacity of the students involved in the matter.~~
6. ~~Any person speaking solely or partially for the purpose of infringing on the rights of others is beyond his or her their right of freedom of speech~~

*Editor's Note*

*For student publications see School Board Policy 5-39 and any implementing regulations.*

### **Legal Reference**

~~Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)~~

~~Bethel School Dist. No. 403 v. Fraser, 106 S. Ct. 3159 (1986).~~

### **Related Links**

School Board **Policy 5-39**

Adopted by School Board: June 16, 1981

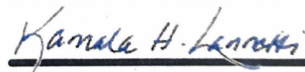
Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: June 15, 1993 (Effective August 14, 1993)

Amended by School Board: 2021

APPROVED AS TO  
LEGAL SUFFICIENCY

  
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