



STUDENTS

ADMINISTRATIVE REGULATION – FREEDOM OF SPEECH AND EXPRESSION

AR 5145.2

School-Sponsored Publications

Students shall have the right to exercise freedom of speech and of the press in official school publications, except for expression that is obscene, libelous, slanderous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school. (Education Code 48907)

Official school publications include material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or free. (Education Code 48907)

Each program manager shall develop a school publications code outlining the responsibility of student journalists, editors, and publication advisors.

All student submissions shall be held to professional standards of English and journalism. (Education Code 48907)

If the program manager considers material submitted for publication to violate Education Code 48907, the program manager shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. Absent extraordinary circumstances, such notice should be given in sufficient time to allow the student time to either modify the material or to seek review of the program manager's determination from the County Superintendent or designee. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.

To the extent that the program manager or designee believes that the school and district should be disassociated from a particular idea or opinion, the program manager may require student articles to include disclaimers.

Distribution of Printed Materials and Petitions by Students

The program manager or designee may provide bulletin boards on which students and student organizations may post materials of general interest. Students also may post or distribute handbills, leaflets, and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning school or nonschool issues.

Printed materials or petitions may be distributed only:

1. Before or after school or during lunch time
2. In locations that do not obstruct the normal flow of traffic within the school or at entrances

No student shall use coercion to induce any other student or person to accept printed matter or to sign a petition. No funds shall be collected for any material distributed.

Clothing, Buttons, and Badges

Buttons, badges, armbands, and clothing bearing slogans or sayings may be worn unless their message falls into the categories prohibited by law and County Board policy. No employee shall interfere with this practice on the grounds that the message may be controversial or unpopular with students or faculty.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

20 USC 4071-4074

Description

Equal Access Act

Management Resources

Court Decision

Description

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

Court Decision

Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439

Court Decision

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

Court Decision

Lovell v. Poway Unified School District, (1996) 90 F.3d 367

Court Decision

Leeb v. DeLong, (1988) 198 Cal.App.3d 47

Court Decision

Lavine v. Blaine School District, (2001, 9th Cir.) 257 F.3d 981

Court Decision

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

Court Decision

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

Court Decision

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

Court Decision

Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350

Court Decision

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

Court Decision

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

Website

[CSBA](#)

Website

[California Department of Education](#)

State

CA Constitution Article 1, Section 2

Description

[Freedom of speech and expression](#)

Ed. Code 48907
Ed. Code 48950
Ed. Code 51520

Students' exercise of free expression; rules and regulations
Freedom of speech and other communication
Prohibited solicitations on school premises

APPROVED BY COUNTY SUPERINTENDENT:
REVISED:

January 6, 1994
April 7, 1994
February 2, 2023