

Section 8-21.1:2. Public Schools are not open forums; speech or conduct limits when it causes substantial interruption; students cannot engage in conduct that disrupts school operations; discipline for violating policy; non-disruptive student expression allowed. — A. Public schools exist to provide education and are not open forums for unrestricted expression. Students have the right to express themselves, provided such expression does not disrupt instruction, interfere with school operations, or infringe on the rights or safety of others.

B. The school division may limit speech or conduct that causes substantial disruption, including behavior that interrupts class instruction time, creates disorder, or threatens safety. Expression that is harassing, bullying, threatening, vulgar, or promotes illegal or unsafe behavior may also be restricted. School-sponsored expression may be regulated for legitimate educational purposes. All restrictions shall be reasonable, viewpoint-neutral, and consistent with the division's educational mission and its responsibility to maintain safe and orderly schools.

C. Students may not engage in conduct that materially disrupts school operations or compromises safety. This includes unauthorized walkouts, defined as leaving a class or supervised activity without permission or failing to remain in an assigned location. Such actions may violate the Code of Student Conduct when they disrupt instruction, interfere with supervision, block access to facilities, or prevent normal school operations. Disruptive group actions or use of devices that interrupt instruction are also prohibited. Violations may result in disciplinary action and attendance consequences for unexcused absences.

D. Discipline under this policy shall follow due process and be applied consistently and without regard to viewpoint. Enforcement will be based on conduct and its impact on school operations. The Superintendent shall implement procedures, ensure staff training, and communicate expectations to students and families.

E. Nothing in this policy restricts non-disruptive student expression during the school day accordance with school rules.

Legal Authority — Virginia Code §§ 22.1-78; 22.1-253.13:7.C.3; 22.1-277; 22.1-279.6
Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)