BP-5145.2

FREEDOM OF SPEECH AND EXPRESSION

Note: 4 AAC 07.010 mandates districts to adopt policies regarding student rights and responsibilities. Limiting a student's constitutional right to freedom of speech involves balancing the right to free expression against the school's right to maintain discipline or order in the school. When a student speaks as an individual, school officials cannot censor that expression unless it creates a substantial disruption to the school. For student speech, connected to the curriculum or school activities, school officials have discretion to regulate the speech.

Free inquiry and exchange of ideas are essential parts of a democratic education. The School Board respects the students' rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, their writing, 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 members of the school community.

Student free speech extends to freedom of religious expression. It is the policy of the Board not to prevent, or otherwise deny participation in, constitutionally protected prayer and other forms of religious expression, consistent with applicable court decisions and guidance from the U.S. Department of Education. This policy supersedes any other Board policy that is inconsistent with it.

The District's tolerance of student speech does not imply approval of the message conveyed by the speech. Disputes regarding whether a particular form of expression is permitted by this policy and the accompanying administrative regulations shall be resolved in accordance with the procedures established by BP 5150 Student Complaints. The Superintendent or designee shall develop due process procedures for resolving disputes regarding student freedom of expression.

Legal References:

ALASKA ADMINISTRATIVE CODE
4 AAC 07.10 – 4 AAC 07.900 Student Rights and Responsibilities

COURT DECISIONS
Breese v. Smith, 501 P.2d 159 (Alaska 1972)
Hazelwood school District v. Kuhlmier, 484 U.S. 260 (1988)
Tinker v. Des Moines, 393 U.S. 503 (1969)
Bethel School District v. Fraser, 478 U.S. 675 (1986)

Adopted in Consultation with Legal Counsel: June 27, 2011
Reviewed: May 19, 2014
Revised: March 18, 2021
Reviewed: April 20, 2026