

Section 9-11.14. Freedom of expression policy statement; certain expressions not allowed; limited exception regarding prior restraint; off campus speech; superintendent to develop regulations. — A. The School Board believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular. Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications.

B. Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger or the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace. Students may exercise their rights and responsibilities as long as they do not interfere with the rights of others or a school's ability to provide a safe and supportive environment. Additionally, students are responsible for making decisions with integrity, exercising civility, and assuring their actions are aligned with the policies of the School Board and Suffolk Public Schools Code of Student Conduct.

C. School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law.

D. Suffolk Public Schools must not discipline any student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet websites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. Suffolk Public Schools is required to document the impact the expression had or could be expected to have on the school program.

E. The school superintendent will develop regulations for the implementation of this policy.

Legal Authority — Virginia Code §§ 22.1-28 and 22.1-78