Freedom of Speech/Expression

Adopted: 06/02/1998 **| Last Revised**: 08/04/2026 **| Last Reviewed**: 08/04/2026

The Board of Education 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. Additionally, the Board is committed to providing a welcoming, safe, and supportive school environment that protects students from discrimination, harassment, intimidation, bullying, or other types of expression prohibited by law.

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of:

1. Bulletin boards
2. Official district or school websites
3. Social media accounts identified and made available for such purposes
4. Distribution of printed materials or petitions
5. Wearing buttons, badges, and other insignia
6. Right of expression in official school publications

Students' freedom of expression shall be restricted only as established by this Board policy, the accompanying Board rule, Education Code 234.1, 48907, 48950, and other applicable state and federal laws. Such restrictions include, but are not limited to, prohibitions against students making any expressions or distributing or providing any materials that:

1. Are obscene, libelous, or slanderous
2. Are discriminatory, harassing, intimidating, or bullying
3. Are likely to immediately incite action on district property or during district-sponsored programs or activities that are unlawful or that violate Board policies, Board rules, or other district or school rules
4. Substantially disrupt the orderly operation of the district

Additionally, the use of “fighting words” or epithets is prohibited where they are abusive and insulting, rather than merely offensive or provocative, and they are likely to create an actual danger that will cause a breach of the peace.

District staff shall not prohibit or prevent the distribution of, or otherwise censor, material prepared for official school publications except insofar as the content of the material violates this Board policy and the accompanying Board rule.

Off-campus student expressions, such as electronic expression via a personal device or online expression via a personal social media account, may subject a student to discipline when such expression poses a threat to the safety of other district students, staff, property, or does or is likely to substantially disrupt the district’s educational program. As necessary, the Superintendent or designee shall document the actual or expected impact of the expression.

Student expression that violates this Board policy or the accompanying rule may be subject to discipline in accordance with Board Policy/Rule 5144 – Discipline, Board Policy/Rule 5144-1 – Suspension and

Expulsion/Due Process, and Board Rule 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities).

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 Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE
CALIFORNIA CONSTITUTION
Article 1, Section 2 - Freedom of speech and expression
EDUCATION CODE
48907 Exercise of free expression; time, place, and manner rules and regulations
48950 Speech and other communication
51520 Prohibited solicitations on school premises
FEDERAL
UNITED STATES CODE
20 USC 4071-4074 Equal Access Act
UNITED STATES CONSTITUTION
First Amendment - Free exercise, free speech, and establishment clauses
MANAGEMENT RESOURCES
COURT DECISIONS
Beussink v. Woodland R-IV School District (1998) 30 F.Supp. 2d 1175
Bright v. Los Angeles Unified School District (1976) 18 Cal. 3d 350
Emmett v. Kirkland School District No. 415 (2000) 92 F.Supp. 2d 1088
J.S. v. Bethlehem Area School District (2000) 757 A.2d 412 (Pa. Commw. 2000)
Lavine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981
Leeb v. DeLong (1988) 198 Cal.App.3d 47
Lovell v. Poway Unified School District (1996) 90 F.3d 367
Muller v. Jefferson Lighthouse School (1996) 98 F.3d 1530
Smith v. Novato Unified School District (2007) 150 Cal.App.4th 1439
Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562
Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503
Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675
WEBSITES
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/#
California Department of Education http://www.cde.ca.gov/
CSBA http://www.csba.org/#

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