



## **5510.1: FREEDOM OF EXPRESSION**

**I. Prohibited Expressions.** Students have the right to freely express their opinions and ideas under the First Amendment. This right, however, is not unlimited, and students are prohibited from using the following types of expression:

**A. Vulgar or obscene.** Vulgar or obscene expressions are those which the average person, applying contemporary community standards, would find that when taken as a whole, appeal to prurient interests; or, the expressions depict or describe in a patently offensive way sexual conduct in a manner prohibited by applicable law; or, the expressions, taken as a whole, lack serious literary, artistic, political, or scientific value.

**B. Defamatory.** Expressions shall be considered defamatory when they include libelous falsehoods about individuals. In order to be defamatory, the libelous falsehood must be made with actual malice; that is, with the knowledge that it is false or with reckless disregard of whether or not it is false.

**C. Invasion of privacy of others.** Invasion of privacy includes exploitation of an individual's personality; providing information of an individual's private affairs with which the public has no legitimate concern; or wrongful intrusion into an individual's private activities in a manner that can cause mental suffering, shame, or humiliation to a person of ordinary sensibilities.

**D. Criticism of school officials or advocacy of violation of District Policies or Rules.** Such expressions are prohibited to the extent that there is evidence that supports a reasonable judgment that substantial disruption of or material interference with the normal operation of the school or school activities will result, as provided in Section I (F) below.

**E. Discriminatory.** Expressions which attack or promote discrimination against groups or individuals on the basis of race, color, religion, national origin, sex, sexual orientation, gender, gender identity, marital status, disability, or age.

**F. Substantial disruption or material interference with the educational process.** Such expressions are prohibited when there is information which causes school administrators to reasonably forecast that a substantial disruption of or material interference with the normal operation of the school or school activities may occur, or injury to persons, damage to property, or interference with the rights of others may result if permitted.

**G. Highly controversial.** Expressions that are highly controversial and advance or advocate a certain viewpoint or lifestyle, which has an inflammatory effect. An indication of whether something is controversial is whether the topic would reasonably offend some groups or would be shocking to teachers, parents, and/or students. To be prohibited under this subsection, the expression must substantially disrupt or materially interfere with the educational process.

**H. Sexual harassment.** The expression violates District Rule 5010.1 or constitutes prohibited sexual harassment.

**II. Buttons, Badges, and Armbands.** It will be a violation of this Rule if expressions prohibited under the

preceding Section I of this Rule are contained on buttons, badges, armbands, or clothing, or are in some other manner displayed by a student or student group.

**III. Bulletin Boards, Distribution of Printed Material, and Circulation of Petitions.** It will be a violation of this Rule if expressions prohibited under Section I of this Rule are contained on a bulletin board, printed material, poster, e-mail, class assignment, or any other written or electronic medium.

**IV. Request for Hearing.** Any student or student group believing that the District has unfairly abridged the student's or student group's freedom of expression, may request a review of the perceived abridgment. The following procedures shall be followed by the student or student group and the District:

**A.** The student or student group shall make a written request to the school principal or principal's designee. The written request will include the expression that the student or student group believes is being abridged.

**B.** The principal or principal's designee shall schedule a meeting within five (5) school days of receipt of the written request. The meeting will consist of the principal or principal's designee, the student or representative of the student group and, if desired by the student or student group, the student's or student group's representative's parent.

**C.** Within two (2) school days of the meeting, the principal or principal's designee shall make a written determination of whether or not the student or student group's freedom of expression has been unfairly abridged. The written determination shall be mailed to the student or student group's representative's home address.

**D.** If the student or student group is dissatisfied with the principal's or principal's designee's determination, the student or student group may appeal the determination by making a written appeal to the Superintendent within five (5) school days of receipt of the principal's or principal's designee's determination. The appeal shall consist of the following:

**1.** The student's or student group's written request to the principal;

**2.** The principal's or principal's designee's written determination; and

**3.** A statement of why the student or student group believes that the determination of the principal or principal's designee is in error.

**E.** The Superintendent or Superintendent's designee may schedule a meeting with the student or a representative of the student group if the Superintendent or Superintendent's designee deems it necessary or desirable. Within five (5) school days of receipt of the appeal, the Superintendent or Superintendent's designee shall make a written disposition of the appeal. The written disposition shall be mailed to the student's or student group's representative's home address. The decision of the Superintendent or his/her designee shall be final.

**Date of Adoption**

April 21, 1997

**Date of Revision**

April 2, 2001

June 7, 2004

September 4, 2012

January 20, 2020

November 16, 2020

**Reaffirmed**

June 1, 2009

**Related Policies and Rules**

**[5010: Non-Discrimination and Harassment](#)**

**[5010.3 Sexual Harassment Complaint Procedure](#)**

**[5400.1: Student Discipline](#)**

**[5450.1: Student Attire and Grooming](#)**

**[5510: Freedom of Expression](#)**

**[5520.1: Equal Access: Non-Curriculum Related Secondary School Student Group Meetings](#)**