

Section 500 – Students
Student Rights and Responsibilities
Freedom of Expression

File: 504.08

Provision for expression of differences of opinion as provided in the First Amendment shall be adequately provided and protected. Prohibition of a particular expression of opinion or means of expression shall be based upon something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular point of view.

However, no person, be he or she parent, teacher, or student, has the absolute right to freedom of speech. It is a myth to say that any person has a constitutional right to say what they please, where they please, and when they please.

The primary liberties in a student's life have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. The process requires that students have the right to express opinions, to take stands, and to support causes, publicly or privately except where the practice materially and substantially interferes with school discipline. School administrators and teachers shall be responsible for teaching students to be considerate of the rights of others. Freedom of speech does not give an individual the right to defame, verbally attack or slander other individuals or organizations. If this occurs staff members have the responsibility to see that this does not occur and to teach students the responsibilities associated with freedom of speech.

1. Buttons and badges. The wearing of buttons, badges, or arm bands bearing slogans or sayings shall be permitted as another form of expression; however, the conditions set forth in Paragraph 1(A) above must be observed.

In imposing limitations on student expression for any reason under any of the forgoing provisions, school officials must ensure that their rules are applied in a non-discriminatory basis and that any refusal to allow students to express themselves is not done because of personal biases.

2. Demonstrations and Strikes. School officials recognize that the expression of opinions or ideas is part of the learning process. However, the board of education and school staff are charged with the responsibility of establishing and maintaining an environment which will be conducive to learning for all students attending this school district. Any expression of opinions or ideas should be done in a manner which will not result in a student or a group of students attempting to force opinions or ideas upon another group or responding in a manner which disrupts the educational process for other students. Students should be encouraged to research, discuss, or debate differing ideas or philosophies in the traditional classroom setting. To prevent any interruption of the educational process the following guidelines for demonstrations or strikes are to be observed:

A. Before any planned demonstration the individual or group planning the

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demonstration should discuss and present a written plan to the individual's teacher or an organization's sponsor at least five (5) days before the demonstration. The teacher or sponsor shall report the information to the building principal for his or her approval.

- 1) No demonstration shall take place during school hours while students are in class.
 - 2) No placards or comments shall be made that degrade another individual or group. Students should be taught to respect the rights and freedom of others.
 - 3) Strikes will not be tolerated and will be dealt with as set forth elsewhere in this policy.
- B. If a demonstration is to occur off school property local law enforcement officials must be informed and permission gained to conduct a demonstration.

The following steps shall be followed if an unauthorized demonstration or strike would occur:

- 1) Students participating in the unauthorized demonstration or strike should be informed that they should disperse and return to their classroom or be subject to the penalties set forth in this policy.
- 2) The superintendent of schools should be notified. He or she may notify local police if deemed appropriate.
- 3) If the demonstration or strike occurs on school property, non-student participants will be directed by the building principal or his or her representative to leave immediately. If these participants do not leave within three minutes school officials should contact the police.
- 4) If those participating in the unauthorized demonstration or strike on school property do not comply with requests made by local school officials, the local police should be contacted and requested to remove the participants from school property.
- 5) If deemed appropriate for the safety of the staff or students not participating in an unauthorized demonstration or strike, the superintendent of schools is authorized to discontinue classes for that building or for the entire school district. Caution should be taken so as not to release personnel and expose them to a more serious situation than what they may encounter by staying in the building.

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- 6) At no time during a demonstration are school officials or members of the board of education to negotiate directly with the protestors. Any negotiations should be done under the directions of law enforcement personnel.
- 7) After normal educational processes resume, school officials, under the direction of the superintendent of schools, shall meet with the leaders of the protesting group and attempt to resolve the problems or gather information so that the problems can be referred to the board of education.
- 8) Any student participating in an unauthorized demonstration or strike may be suspended or expelled from school as set forth by statutes covering student suspension or expulsion. Refer to Policy 505.00 Student Discipline.

Any employee participating in an unauthorized demonstration or strike may have his or her employment with the school district suspended or terminated as set forth by his or her contracts or by those statutes relating suspension or termination of employment. Refer to Policy 408.04, Certificated Employee Suspension or Termination. Any termination of certified employees may be referred to the Professional Practices Commission and to the State Board of Education by the board of education.

Any student or student group deprived of freedom of expression under any of these provisions shall have the right to request a hearing before the board of education to determine whether such deprivation is justified under these rules. Such hearing must be requested and held as soon as possible after requested.

Legal Reference: U.S. Const. amend. I.
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).
Bethel School District v. Fraser, 478 U.S. 675 (1986). Tinker v. Des Moines Ind. Comm. Sch. Dist., 393 U.S. 503 (1969).
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987).

Cross Reference: 506 Student Activities
604.10 Academic Freedom
1005.10 Distribution or Posting of Materials