

**Freedom of Speech/Expression**

The Solano County Office of Education (SCOE) believes that free inquiry and exchange of ideas are essential parts of a democratic education. SCOE respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

**On-Campus Expression**

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.

Student expression on SCOE or school Internet websites and online media shall generally be afforded the same protections as in print media.

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

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 of 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.

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.

The County Superintendent or designee shall not discipline any high school 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.

**Off-Campus Expression**

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. The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

**Distribution of Printed Materials and Petitions by Students**

The principal or designee may provide bulletin boards on which students and student organizations may post materials of general interest. Students also may post or distribute handbills, leaflets, and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning school or non-school issues.

Printed materials or petitions may be distributed only:

1. Before or after school or during lunch time
2. In locations that do not obstruct the normal flow of traffic within the school or at entrances

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

**Policy 5145.2 (Continued)**

No student shall use coercion to induce any other student or person to accept printed matter or to sign a petition. No funds shall be collected for any material distributed.

Clothing, Buttons, and Badges

Buttons, badges, armbands, and clothing bearing slogans or sayings may be worn unless their message falls into the categories prohibited by law and SCOE policy. No employee shall interfere with this practice on the grounds that the message may be controversial or unpopular with students or faculty.

Legal Reference:

EDUCATION CODE

- 32280-32288 School safety plans
- 48907 Exercise of free expression; rules and regulations
- 48950 Speech and other communication
- 51520 Prohibited solicitations on school premises

UNITED STATES CODE, TITLE 20

- 4071-4074 Equal Access Act

CALIFORNIA CONSTITUTION

- Article 1, Section 2 Freedom of speech and expression

U.S. CONSTITUTION

- Amendment 1 Freedom of speech and expression

COURT DECISIONS

- Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439
- Lavine v. Blaine School District, (2001) 257 F.3d 981
- 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)
- Beussink v. Woodland R-IV School District, (1998) 30 F.Supp. 2d 1175
- Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530
- Lovell v. Poway Unified School District, (1996) 90 F.3d 367
- Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562
- Leeb v. DeLong, (1988) 198 Cal.App.3d 47
- Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
- Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350
- Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Policy Cross-Reference:

- 1113 District and School Web Sites
- 1325 Advertising and Promotion
- 5131 Conduct
- 5131.4 Student Disturbances
- 5132 Dress and Grooming
- 5136 Gangs
- 5137 Positive School Climate
- 5144 Discipline
- 5144.1 Suspension and Expulsion/Due Process
- 5144.2 Suspension and Expulsion/Due Process: Students with Disabilities
- 5145.7 Sexual Harassment
- 5145.9 Hate-Motivated Behavior
- 6142.3 Civic Education
- 6144 Controversial Issues
- 6145.5 Student Organizations and Equal Access
- 6163.4 Student Use of Technology