

## Board Policy

Code No. 502.3

### FREEDOM OF EXPRESSION

Public school students have the right to freedom of expression. Diversity of opinion and freedom of expression are encouraged. However, the right to freedom of expression within the educational environment is not absolute. The District must protect the educational environment for all students to help ensure it is free from substantial disruption or infringement upon students' rights.

Student expression made on the school district premises, under the jurisdiction of the school district, or as part of a school-sponsored activity (other than student expression in student-produced official school publications), may be attributed to the school district; therefore, student expression must be responsible. Student expression must be appropriate to assure that students learn and meet the goals of the school activity and that the potential audience is not exposed to material that may be harmful or inappropriate for their level of maturity.

Students will be allowed to express their viewpoints and opinions as long as the expression is responsible. The expression will not be allowed, however, if in the judgment of the administration, the expression encourages the breaking of laws or school regulations, defames others, is obscene or indecent, or causes a material and substantial disruption to the educational program. The administration when making this judgment, will consider whether the activity in which the expression was made is school-sponsored and whether review or prohibition of the students' speech furthers an educational purpose. Further, the expression must be done in a reasonable time, place, and manner that is not disruptive to the orderly and efficient operation of the school district.

The Superintendent may develop procedures for safely addressing qualifying types of mass protests by students, including walk-outs. The goal of the procedures shall be to address student safety, maintain the educational environment, and promote communication during demonstrations while remaining viewpoint neutral.

Student expression made in the exercise of free speech, including expression in official school publications, shall not be deemed to be an expression of school policy. The public school district, the Board of Directors, school employees, or officials shall not be liable in any civil or criminal action for any student expression made or published by students, unless the school employee or official has interfered with or altered the content of the publication. The liability, if any, is only to the extent of the interference or alteration of the expression. "Official school publications" means material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body.

Students who violate this policy may be subject to disciplinary measures. School district personnel shall be responsible for insuring students' expression is in keeping with this policy. It shall be the responsibility of the Superintendent to develop administrative regulations regarding this policy.

*Legal Reference:* U.S. Const. amend. 1.  
Iowa Const. art. 1 (sec. 7)

Morse v. Frederick, 551 U.S. 393 (2007)  
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bethel School District v. Fraser, 478 U.S. 675 (1986).  
New Jersey v. T.L.O., 469 U.S. 325 (1985).  
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).  
Iowa Code §§ 279.8; 280.22

Cross Reference:      102      *Equal Educational Opportunity*  
                                 502      *Student Rights and Responsibilities*  
                                 504      *Student Activities*  
                                 603.9      *Academic Freedom*  
                                 903.5      *Distribution of Materials*

Bettendorf Community School District  
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