

SECTION 400 – STUDENTS

STUDENT EXPRESSION

POLICY 409

ARTICLE 1 RIGHTS AND LIMITATIONS

- A. While students do not shed their constitutional rights when they enter the school or engage in school-related activities, it is the Board of Education's responsibility to adopt rules reasonably necessary to maintain proper discipline among students and create an effective learning environment. For purposes of this policy, student expression includes expression in any media, including but not limited to written, oral, visual, audio, and electronic media in all classroom and other school-related activities, assignments, and projects. Students shall be entitled to express their opinions. However, administrators may impose reasonable restraints upon the exercise of both speech and movement to protect the vital public interest in the efficient operation of the school.
- B. The right of an individual to express himself/herself shall extend to his/her presence in the school as long as his/her conduct does not materially disrupt class work, involve substantial disorder, invade the rights of others or undermine constituted authority. Conduct in class or out of class which materially disrupts classwork or involves substantial disorder or invasion of the rights of others is prohibited. Rioting, property seizures, destruction of property, break-ins, sit-ins, walk-outs, violence between students or toward faculty members, disruptive picketing or other forms of disruptive behavior shall not be permitted. Organizing, planning or participating in such activities may result in suspension, expulsion or filing of charges in accordance with law.
- C. Students shall have the freedom to wear buttons, arm bands and similar insignias to express a point of view unless there is a clear and direct interference with the school program or such items contain drawings or language deemed to be obscene, libelous, slanderous, defamatory, or profane; or content that is derogatory or discriminatory to any person because of race, color, sex, age, religion, national background, disability or handicap.
- D. Students shall not turn in, present, publish or distribute expression that is disruptive to the classroom environment or to the maintenance of a safe and orderly school as follows:
1. Obscene,
 2. Libelous, slanderous, defamatory, or otherwise unlawful under state law,
 3. Profane or vulgar,
 4. False as to any person who is not a public figure or involved in a matter of public concern,
 5. Creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, or the material and substantial disruption of the orderly operation of the school,
 6. Violates the rights of others to privacy,
 7. Threatens violence to property or persons,
 8. Attacks any person because of race, color, sex, age, religion, national background, disability or handicap,
 9. Tends to create hostility or otherwise disrupt the orderly operation of the educational process,
 10. Advocates illegal acts of any kind, including the use of illegal drugs, tobacco or alcohol.
- E. Violation of this policy shall result in disciplinary action as determined by the Principal and in compliance with Policy 420, Student Discipline.

References:

C.R.S. 22-1-120, Right of free expression for public school students
C.R.S. 22-32-109 (1) Display of flag by students and employees
C.R.S. 22-32-110 (1)(r) Power to exclude materials that are immoral or pernicious

Adopted: 2/6/02, Revised 10/2/06

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ARTICLE 2 SCHOOL SPONSORED PUBLICATIONS

- A. School-sponsored publications are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Because the Board recognizes creative student expression as an educational benefit of the school experience, it encourages freedom of comment, both oral and written, in a school setting with a degree of order in which proper learning can take place.
- B. The Board encourages students to express their views in school-sponsored publications and to observe rules for responsible journalism. No student will be permitted to express views in school-sponsored publications that:
1. Are false or obscene, libelous, slanderous or defamatory under state law;
 2. Present a clear and present danger of the commission of unlawful acts, violation of school rules or material and substantial disruption of the orderly operation of the school;
 3. Violate the privacy rights of others;
 4. Threaten violence to property or persons.
- C. Student editors of school-sponsored publications shall be responsible for determining the news, opinion and advertising content of their publications subject to the limitations of this policy and state law. The publications advisor within each school shall be responsible for supervising the production of school-sponsored publications and for teaching and encouraging free and responsible expression and professional standards of journalism.
- D. The publications advisor has authority to establish or limit writing assignments for students working with publications and to otherwise direct and control the learning experience that publications are intended to provide when participation in a school-sponsored publication is part of a school class or activity for which grades or school credits are given.
- E. All school-sponsored publications shall contain a disclaimer that expression made by students in the exercise of freedom of speech or freedom of the press is not an expression of Board policy. The School District and employees are provided immunity from civil or criminal penalties for any expression made or published by students.
- F. School-sponsored student publications may be distributed to students at a place and time, and in a manner determined by the Principal.

References:

C.R.S. 22-1-120, Right of free expression for public school students

C.R.S. 22-32-109 (1) Display of flag by students and employees

C.R.S. 22-32-110 (1)(r) Power to exclude materials that are immoral or pernicious

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ARTICLE 3 STUDENT DISTRIBUTION OF NON-CURRICULAR MATERIALS

- A. To understand Constitutional values such as the right to free speech, students must not only study such principles but also have an opportunity to put them into practice. However, there are limitations on the right of student free speech in the school setting that have been upheld by the courts because of the unique nature of the school community.
- B. It is the goal of this policy to strike a necessary balance between a student's right of free speech and the school's responsibility to maintain an orderly and safe school environment which respects the rights of all students on school grounds and during school-sponsored activities.
- C. Students shall be allowed to distribute non-curricular written materials on school property subject to restrictions on time, place and manner of distribution set out in the accompanying regulations and the prohibitions set out below and in state law.
- D. Any material in any media containing expression that is obscene, libelous, slanderous or defamatory shall be prohibited. Students shall not distribute any material which advocates commission of unlawful acts or violation of Board or District policy and/or regulations, violates another person's right to privacy, causes a material and substantial disruption of the orderly operation of the school, or threatens violence to property or persons.
- E. Students who distribute materials in violation of this policy and/or materials that cause a material and substantial disruption, damage to a person or property, or threaten violence to property or persons in the judgment of school officials, shall be subject to appropriate disciplinary action.
- F. School equipment and supplies shall not be used for publication of such material unless authorized as a school-sponsored activity.

ARTICLE 4 FLAG DISPLAYS BY STUDENTS

- A. Students have the right to reasonably display the flag of the United States on their own person, personal property, and/or property under their temporary control such as a desk or locker.

ARTICLE 5 POLICY VIOLATIONS

- A. Students violating this policy shall be subject to disciplinary action in keeping with policies of the Board of Education including suspension and/or expulsion.

References:

C.R.S. 22-1-120, Right of free expression for public school students
C.R.S. 22-32-109 (1) Display of flag by students and employees
C.R.S. 22-32-110 (1)(r) Power to exclude materials that are immoral or pernicious

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