

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Regulation 5145.2: Freedom of Speech/Expression

Status: Approved

Original Adopted Date: 11/8/2023

School-Sponsored Publications

Students shall have the right to exercise freedom of speech and of the press in official school publications, except for expression that is obscene, libelous, slanderous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school. (Education Code 48907)

Official school publications includes material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or free. (Education Code 48907)

Each principal shall develop a school publications code outlining the responsibility of student journalists, editors, and publication advisors.

All student submissions shall be held to professional standards of English and journalism. (Education Code 48907)

If the principal considers material submitted for publication to violate Education Code 48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. Absent extraordinary circumstances, such notice should be given in sufficient time to allow the student time to either modify the material or to seek review of the principal's determination from the Superintendent or designee. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.

To the extent that the principal or designee believes that the school and district should be disassociated from a particular idea or opinion, the principal may require student articles to include disclaimers.

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 nonschool 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

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 Board policy. No employee shall interfere with this practice on the grounds that the message may be controversial or unpopular with students or faculty.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

CA Constitution Article 1,
Section 2

Description

[Freedom of speech and expression](#)

Ed. Code 48907

[Exercise of free expression; time, place and manner rules and regulations](#)

Ed. Code 48950

[Speech and other communication](#)

Ed. Code 51520

[Prohibited solicitations on school premises](#)

Federal

20 USC 4071-4074

Description

Equal Access Act

U.S. Constitution

[Amendment 1: Free exercise, free speech, and establishment clauses](#)

Management Resources	Description
Court Decision	Beussink v. Woodland R-IV School District, (1998) 30 F.Supp. 2d 1175
Court Decision	Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350
Court Decision	Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088
Court Decision	J.S. v. Bethlehem Area School District, (2000) 757 A.2d 412 (Pa. Commw. 2000)
Court Decision	Lavine v. Blaine School District, (2001, 9th Cir.) 257 F.3d 981
Court Decision	Leeb v. DeLong, (1988) 198 Cal.App.3d 47
Court Decision	Lovell v. Poway Unified School District, (1996) 90 F.3d 367
Court Decision	Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530
Court Decision	Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439
Court Decision	Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562
Court Decision	Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503
Court Decision	Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Department of Education</u>
Website	<u>CSBA</u>

Cross References

Code	Description
1100	<u>Communication With The Public</u>
1114	<u>District-Sponsored Social Media</u>
1114	<u>District-Sponsored Social Media</u>
1313	<u>Civility</u>
1325	<u>Advertising And Promotion</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>

5127	<u>Graduation Ceremonies And Activities</u>
5131	<u>Conduct</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5131.4	<u>Student Disturbances</u>
5131.4	<u>Student Disturbances</u>
5131.8	<u>Mobile Communication Devices</u>
5132	<u>Dress And Grooming</u>
5132	<u>Dress And Grooming</u>
5136	<u>Gangs</u>
5136	<u>Gangs</u>
5137	<u>Positive School Climate</u>
5144	<u>Discipline</u>
5144	<u>Discipline</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.8	<u>Refusal To Harm Or Destroy Animals</u>
5145.9	<u>Hate-Motivated Behavior</u>
6141.2	<u>Recognition Of Religious Beliefs And Customs</u>
6141.2	<u>Recognition Of Religious Beliefs And Customs</u>
6142.3	<u>Civic Education</u>
6144	<u>Controversial Issues</u>
6145.5	<u>Student Organizations And Equal Access</u>
6145.5	<u>Student Organizations And Equal Access</u>

6145.8

Assemblies And Special Events