

Lewis Center for Educational Research

BP 5145.2: STUDENTS FREEDOM OF SPEECH/EXPRESSION

Adopted: March 14, 2011

Revised: April 12, 2021

The Lewis Center for Educational Research (“LCER”) hereby adopts this policy governing student freedom of speech and expression in compliance with Education Code section 48907. The LCER Board of Directors (“Board”) believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards designated for student use; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official school publications. “Official school publications” refers to material produced by students in the journalism, newspaper, yearbook or writing classes and distributed to the student body either free or for a fee. The Principal or designee is responsible for supervising the material produced by pupils to ensure it meets professional standards of English and journalism. Student expression on campus 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 section 48907 and other applicable state and federal laws, as follows:

1. Students may exercise their freedom of speech and expression in open air areas of their school campus before the commencement of each school day, during lunch periods, during any recess or break periods and after school; however, students may not miss class for these purposes.
2. 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.
3. The use of "fighting words", hate speech 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 aggressive or abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.
4. Printed materials to be distributed by students must be reviewed in advance by the Principal or designee, but school officials shall not engage in any prior restraint of material prepared for official school publications except insofar as the content of the material violates the law.
5. 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 Principal or designee shall document the impact the expression had or could be expected to have on the school program.