

FREEDOM OF SPEECH/EXPRESSION

This purpose of this regulation is to provide a means for students to exercise their rights of free speech and freedom of expression with due regard to the rights of others and the need for reasonable restrictions within the educational setting.

Rights and Responsibilities of Students

The Monterey County Board of Education (County Board) respects the rights of students to express ideas and opinions, take stands and support causes through speech, writings, peaceful demonstrations, printed materials and/or the wearing of buttons, badges and other insignia [E.C. 48907].

Students have the responsibility of exercising this right in a manner which does not interfere with the integrity of the educational process and which is consistent with the responsibility and authority of site administrators.

Circulation of Petitions, Circular, Newspapers, and Other Printed Matter – Students shall be allowed to distribute petitions, circulars, leaflets, newspapers, and printed matter subject to the following limitations listed below, and the prohibitions listed in Section 3.0 below. The manner of distribution shall be such that:

- Coercion is not used to induce students to accept the printed matter or to sign petitions;
- Materials are not left undistributed or stacked for pickup while unattended at any place on the school site;
- Leaflets and printed material to be distributed shall be submitted to the MCOE site principal or designee at least 24 hours prior to such distribution. The principal or designee may limit the number of students or groups of students who may distribute materials in any one day.

Buttons, Badges and Other Insignia of Symbolic Expression – Students are permitted to wear buttons, badges, armbands, and other insignia as a form of expression, subject to the prohibitions described in Section 3.0 below.

Bulletin Boards – Students shall be provided bulletin boards for use in posting student materials on site locations convenient to student use. Where feasible, location and numbers of such bulletin boards shall be by joint agreement of school student representatives and the school site principal or designee. Posted materials are subject to the prohibitions described in Section 3.0 below.

Prohibitions

In the exercise of the student rights described above, no student shall distribute materials, wear buttons or other displays, nor post notices or other materials which:

- Are obscene to minors;
- Are libelous or slanderous;
- Are distributed in violation of time, place, and manner requirements;
- Are related in any way to gang activities or membership;
- Incite students so as to create a clear and present danger of the imminent commission of unlawful acts on school premises or of the violation of lawful school regulations or of the substantial disruption of the orderly operation of the school;
- Are considered to meet the definition of hate literature by the school site principal or designee as defined below.

Hate literature is any printed material that advocates, supports, or suggests any threat or act of physical intimidation, harassment, force, or violence directed against any person or group of persons or their property because of ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group.

Responsibility and Authority of Site Administrators

The Monterey County Office of Education (MCOE) school site principal or designee has the responsibility and authority to ensure that the exercise of freedom of expression by students is not disruptive to the educational process. The principal or designee exercises this responsibility and authority within the following guidelines.

Prohibition of Obscene, Libelous, or Slanderous Material – Site administrators may prohibit literature, buttons, badges, or other insignia which are obscene, libelous, or slanderous, or which otherwise fall under one of the prohibition standards contained in Section 3.0 above.

Prohibition on the Basis of Clear and Present Danger – Site administrators may prohibit students from exercising free speech or expression when there is a clear and present danger that (a) the activity, apparel, or other expression will materially and substantially interfere with the requirements of appropriate discipline in the operation of the school, or (b) will incite students to engage in the commission of unlawful acts on school premises or the violation of lawful school regulations.

Regulation of Time, Place, and Manner of Free Expression - Site administrators have the right to regulate the time, place, and manner of free expression, provided that

- Such regulations, rather than eliminating free speech, channel free speech in such a manner that it does not interfere with other important interests;
- Such regulations clearly define, through objective standards, the areas of prohibition;
- Such regulations are non-discriminatory.

Due Process

The Monterey County Superintendent of Schools or designee shall ensure that due process is followed when resolving disputes regarding student freedom of expression.

Any student may appeal a decision concerning this regulation to the MCOE Superintendent, who shall render a decision within a reasonable time.

Disciplinary Action

A knowing violation of this regulation by any student is sufficient cause for appropriate disciplinary action to be taken.

Legal Reference:

EDUCATION CODE
48907