

Policy 5145.2: Freedom Of Speech/Expression

Status: ADOPTED

Original Adopted Date: 03/01/1993 | **Last Revised Date:** 02/01/2026 | **Last Reviewed Date:** 02/01/2026

The Governing 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.

On-Campus Expression

Additionally, the Board is committed to providing a welcoming, safe, and supportive school environment that protects students from discrimination, harassment, intimidation, and bullying, or other types of expression prohibited by law.

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official school publications. (Education Code 48907)

Students' freedom of expression shall be restricted only as established by this Board policy, the accompanying administration regulation, Education Code 234.1, 48907, and 48950, and other applicable state and federal laws. Such restrictions include, but are not limited to, prohibitions against students making any expressions or distributing or posting any materials that:

~~Student expression on district or school Internet web sites and online media shall generally be afforded the same protections as print media.~~

~~Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.~~

~~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. (Education Code 48907)~~

1. The ~~Are~~ obscene, libelous, or slanderous
2. Are discriminatory, harassing, intimidating, or bullying
3. Are likely to immediately incite action on district property or during district-sponsored programs or activities that is unlawful or that violates Board policies, administrative regulations, or other district or school rules
4. Substantially disrupt the orderly operation of the district

~~Additionally, the~~ use of "fighting words" or epithets is prohibited ~~in those instances where the speech is- they are~~ abusive and insulting, rather than ~~a communication of ideas, and the speech is used in an abusive manner in a situation that presents merely offensive or provocative, and they are likely to create~~ an actual danger that ~~it~~ will cause a breach of the peace.

School officials

~~District staff~~ shall not ~~engage in prior restraint of prohibit or prevent the distribution of, or otherwise censor,~~ material prepared for official school publications except insofar as the content of the material violates this Board policy and the law accompanying administrative regulation. (Education Code 48907)

Off-Campus Expression

~~A Off-campus student shall be subject expression, such as electronic expression via a personal device or online expression via a personal social media account, may subject a student to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other district students, staff, or school property, or does or is likely to substantially disrupts disrupt the district's educational program. The As necessary, the Superintendent or designee shall document the impact the expression had or could be actual or expected to have on the school program. impact of the expression.~~

Student expression that violates this Board policy or the accompanying administrative regulation may be subject to discipline in accordance with Board Policy/Administrative Regulation 5144 - Discipline, Board Policy/Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities).

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 Governing 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

Ed. Code 234-234.5

Ed. Code 48205

Ed. Code 48907

Ed. Code 48950

Ed. Code 51520

Federal

20 USC 4071-4074

Description

[Freedom of speech and expression](#)

Safe Place to Learn Act

[Excused absences](#)

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

[Speech and other communication](#)

[Prohibited solicitations on school premises](#)

Description

Equal Access Act

U.S. Constitution, First Amendment [Free exercise, free speech, and establishment clauses](#)

Management Resources

Description

Court Decision	Dariano v. Morgan Hill Unified School District (2014) 767 F.3d 764
Court Decision	Chandler v. McMinnville School District (1992) 978 F.2d 524
Court Decision	Mahanoy Area School District v. B.L. (2021) 594 U.S. 180
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	Harper v. Poway Unified School District (2006) 445 F.3d 1166
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	CSBA District and County Office of Education Legal Services

Website [California Department of Education](#)

Website [CSBA](#)

Cross References

Code	Description
1100	Communication With The Public
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1313	Civility
1325	Advertising And Promotion
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
5113	Absences And Excuses
5113	Absences And Excuses
5127	Graduation Ceremonies And Activities
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.8	Mobile Communication Devices
5132	Dress And Grooming
5132	Dress And Grooming
5136	Gangs
5136	Gangs
5137	Positive School Climate
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process

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	<u>Assemblies And Special Events</u>