

440 STUDENT RIGHTS AND RESPONSIBILITIES – FREEDOM OF EXPRESSION

Provision for expression of differences of opinion as provided in the First Amendment shall be adequately provided and protected. Prohibition of a particular expression of opinion, or means of expression, shall be based upon something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular point of view.

However, no person, whether he/she is a parent, teacher or student, has an absolute right to freedom of speech. It is a myth to say that any person has a constitutional right to say what he/she pleases, where and when he/she pleases. Uncontrolled and uncontrollable liberty is an enemy to domestic peace.

Freedom of speech in our schools is limited by Board policy, canons of good taste as acceptable in the community, and legal considerations.

The primary liberties in a student's life have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the right to express opinions, to take stands, and to support causes, publicly or privately. There should be no interference in the school with these liberties, or with the student's access to or expression of controversial points of view, except as provided below:

1. Bulletin Boards

School authorities may restrict the use of certain bulletin boards to school announcements. Ample bulletin board space shall be provided for the use of students and student organizations, including a reasonable area for notices relating to out-of-school activities or matters of general interest to students. There shall be no prior censorship or requirement of approval of the contents or wording of notices or other communications, but the following general limitations on posting may be applied:

- a. School authorities shall prohibit material which is obscene according to current legal definitions; which is libelous; or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts or of physical disruption to the orderly operation of the school.
- b. Identification shall be required on any posted notice of the student or student group issuing same.
- c. The school shall require that notices or other communications be officially dated before posting and that such material be removed after a prescribed reasonable time to assure full access to the bulletin boards.

2. Distribution of Printed Material and Circulation of Petitions

Students shall be free to distribute handbills, leaflets and other printed material and to collect signatures on petitions concerning either school or out-of-school issues, whether such materials are produced within or outside the school.

There shall be no prior censorship or requirement of approval of the contents or wording of such materials, but the following general limitations may be applied.

- a. The time of such activity shall be limited to periods before school begins, after dismissal and during lunch time, if such limitation is necessary to prevent interference with the school program.
- b. The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school and at exterior doors.

- c. The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions. The danger of littering is not a sufficient ground for limiting the right of students to distribute printed material.
- d. The school shall require that all printed matter and petitions distributed or circulated on school property bear the name of the sponsoring organization or individual.
- e. The school shall prohibit the distribution of material within the restricted categories of paragraph 1a above.

3. Buttons and Badges

The wearing of buttons, badges, or armbands bearing slogans or sayings shall be permitted as another form of expression, unless the message thereof falls within the restricted categories of paragraph (1a) above. No teacher or administrator shall attempt to interfere with this practice on the ground that the message may be unpopular with students or faculty.

In imposing limitations on student expression for any of the foregoing provisions, the school must ensure that its rules are applied on a nondiscriminatory basis and in a manner designed to assure maximum freedom of expression to the students.

Any student or student group believing they have been deprived of freedom of expression under any of these provisions shall have the right to request a hearing to determine whether such deprivation is justified under these rules. Such a hearing must be held as soon as possible after request before an impartial body, including representatives of the faculty and student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the regulation in question.

LEGAL REF.: Section 118.13 Wisconsin Statutes

CROSS REF.: 372, Student Publications
 411, Student Non-Discrimination and Anti-Harassment
 443.7, Student Activism
 851, Media Distribution in Schools/Advertising/Sponsorship or Commemorative Naming
 Rights for District Facilities or Educational Spaces

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