

4.40.070-P Student Freedom Of Expression On School Premises

- (1) Freedom of expression is a Constitutional right. It is guaranteed in the schools within a context, which recognizes other basic rights of the individual student, including the right to pursue one's education without disruption.
- (2) The Board considers the opportunity of students to exercise freedom of expression within the law to be an important element in the learning process. The Board welcomes expression of diverse viewpoints on political and social issues.
- (3) The exercise of freedom of expression shall include the right of students to distribute to or receive from each other literature or related materials, including buttons, arm-bands and other badges of symbolic expression.
- (4) These freedoms, however, also carry with them responsibility. Students shall bear this responsibility in the exercise of their rights of expression. They shall not distribute or display materials which are libelous, obscene, or which create an immediate danger of physical disruption of the orderly operation of the school or create a clear and present danger of violation of the law or existing attendance regulation. Students shall obtain the authorization of school authorities prior to selling materials or engaging in activities, which solicit student financial contributions.
- (5) School authorities may designate the time and place of distribution of literature or related materials so that they will not interfere with the school program.
- (6) Students who violate this policy shall be subject to appropriate discipline.
- (7) This policy shall be applied in a manner which is nondiscriminatory and which allows the dissemination of diverse viewpoints and discussion of political and social issues. The policy shall be applied in a manner which is nondiscriminatory and which allows the dissemination of diverse viewpoints and discussion of political and social issues. The policy shall also be applied in a manner that encourages respect for individuals without regard to age, color, creed, disability, marital status, national origin, race, religion, sex or sexual orientation.

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Legal References: ORS 332.072; ORS 332.107; ORS 339.880; ORS 339.885; ORS 659.150; OAR 581-021-0050; OAR 581-021-0055

History: Adpt 1/72; Amd 5/84; Amd 9/9/02; BA 2420

Equal Access Act, P.L. 98-377, Title III, U.S.C. Title 20, Sections 4071-4074, 98 Stat. 1302.

Westside Community Board of Education v. Mergens, 496 U.S. 226, 110 S., Ct. 2356 (1990).

Hazelwood School District v. Kuhlmeier, 108 S.Ct. 562 (1988).

