



Responsible Office: Office of the General Counsel

BOARD POLICY 5150
STUDENT FREEDOM OF SPEECH, FREEDOM OF EXPRESSION, AND
RIGHT TO ASSEMBLE

PURPOSE

The Board of Trustees (Board) supports the freedom of speech, freedom of expression, and the right to assemble for all members of the Washoe County School District (District) community. The District seeks to strike a balance between encouraging and promoting individual expression by students, to include student publications, and ensuring such activities do not interfere with the District’s educational mission or the rights of others. This Board Policy, and any accompanying documents, addresses those ideals by creating guidelines related to student rights and responsibilities.

DEFINITIONS

1. “Freedom of Speech” refers to a person’s right to express his/her ideas. Freedom of expression refers to an act of seeking, receiving or imparting information or ideas, regardless of the medium used. The terms include, but are not limited to, the spoken word, clothing, gestures, images and video, and posts to social media.
2. “Freedom of Assembly” refers to the right of students to hold public meetings, form associations, or come together and collectively express, promote, pursue, or defend ideas.
3. “Student Publications” are materials prepared and issued by students through a curricular, co-curricular, or extra-curricular program. Examples include a school newspaper or yearbook and may extend to displays of artwork when such work is available to the general population. Such publications can be hard copy, electronic, or appear in social media; have a District employee as advisor; and utilize District funds and other resources.
4. “Social media” includes web-based, interactive communication between individuals, organizations, or communities, which includes but is not limited to web logs (e.g., blogs), electronic forums such as chat rooms, video-sharing websites (e.g., YouTube, Vimeo), editorial comments posted on the internet, and social networking sites including, but not limited to Facebook, Twitter, Google+, Instagram, LinkedIn, Wikispace, and Edmodo.

5. "Unprotected speech" may include, but is not necessarily limited to:
 - a. Obscenity, fighting words, defamation (includes libel and slander), child pornography, perjury, blackmail, incitement to imminent lawless action, true threats, solicitations to commit crimes, and speech which is vulgar or profane;
 - b. Any article or apparel which displays obscene words, pictures, or designs;
 - c. Speech which has a pro-alcohol, tobacco and/or controlled or illegal substances message;
 - d. Publications, clothing, or other items that symbolize gang-related behavior; and
 - e. Speech which does not comply with the District's policies and regulations, interferes with the educational process, and/or poses a threat to the safety of students or other individuals.

POLICY

1. Student speech or expression that is protected by the First Amendment may include distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern.
2. With the exception of student publications which is addressed in this Board Policy, the District may take action, to include discipline, when a student, through speech, expression or assembly, causes a substantial disruption to the operation of the District, of a school or school-sponsored event/activity. The District may prohibit expression/speech by a student if:
 - a. It materially and substantially interferes with school activities;
 - b. It materially and substantially interferes with the rights of other students or employees; or
 - c. The District can demonstrate reasonable cause to believe that the expression would create substantial interference to the educational mission of the District.
3. Students may peaceably assemble. However, such activities must not interfere with the normal operation of the school. Peaceful demonstrations shall be held in designated places and create no hazards to other students, employees or visitors, block access areas, and occur at designated times that shall not disrupt classes or other school activities.

4. Student Publications.

- a. Student publications may be used for intellectual and responsible discussion. Through the use of such publications, students are able to bring concerns to the school community and formulate and express opinion on various issues.
- b. Student freedom of speech and/or freedom of expression shall extend to students working as journalists on student publications in their determination of the news, opinions, feature content, advertising content, and other content of the student publications.
- c. The District retains the right to exercise control over publications and activities that appear to represent the school and its students. The District/school may limit controversial subjects if the District/school is sponsoring the speech, such as with student publications, if the content would substantially disrupt the ability of the District/school to perform its educational mission or is used to engage in bullying, cyberbullying, or the intimidation of another person.
- d. The Board hereby directs the Superintendent to adopt an Administrative Regulation to implement and maintain the purpose of the Board Policy. The Superintendent shall include in the Administrative Regulation the following provisions:
 - i. The time, place, and manner of distribution of student publications;
 - ii. Protection of a student(s) from disciplinary action, to include expulsion or suspension, when he/she engages in freedom of speech or expression in accordance with this Board Policy related to work on a student publication unless such conduct substantially disrupts the ability of the school to perform its educational mission and the disruption was intentional;
 - iii. Protection of a District employees acting as an advisor for a student publication from discipline, to include dismissal, suspension, or retaliation, when he/she acts to take responsible and appropriate action to protect a student engaged in protected free speech or expression related to the student publication;
 - iv. A disclaimer to be included in all student publications that such content is not necessarily endorsed by the District/school; and
 - v. Student freedom of speech and/or freedom of expression may not be used to disrupt instruction or to engage in bullying, cyberbullying, or the intimidation of another person.

5. Student Dress.

- a. The District has established a student dress code. Those dress code requirements are not an attempt to silence free expression but to create a productive, uninterrupted, and safe learning environment.
- b. The District does not seek to restrict or ban a student's wearing of religious clothing, with the exception of unprotected speech.

6. Technology and Social Media.

- a. Students have the right to express themselves online. However, students are individually responsible for their actions online as they affect others, particularly if such actions amount to cyberbullying and/or they cause a disruption to the learning environment of other students.
- b. The District may monitor and/or restrict content or messages sent during school hours, using a District internet connection, to include guest wireless access, using a school computer or other technology, and/or using a District email address.

7. Religion.

- a. Students may individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school and/or which may result in the student missing required academic instruction on a daily or weekly basis. Students shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any school activity.
- b. Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions or viewpoint.
- c. Students may organize prayer groups, religious clubs, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students' expression.

8. Patriotic Observances. The District may officially encourage students to express patriotism for the United States by reciting historical documents or singing official anthems that contain religious references. While students shall not be compelled to participate in patriotic observances, students not participating are expected to be orderly and respectful.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Board Policy reflects the goals of the District’s Strategic Plan and aligns/complies with the following governing documents of the District, to include:
 - a. Board Policy 1140, Distribution and Display of Information and Materials to Students and Employees;
 - b. Board Policy 1310, Political Activity on District Property Including Schools;
 - c. Board Policy 5100, Student Behavior; and
 - d. Board Policy 5310, Student Voice.
2. This Board Policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
 - a. Chapter 388, System of Public Instruction, and specifically:
 - i. NRS 388.077 Right of pupils to constitutional expression; limitation; resolution of complaint by pupil of violation of right; and
 - b. Chapter 392, Pupils.
3. This Board Policy complies with federal laws and regulations to include:
 - a. U.S. Constitution; and
 - b. Family Educational Right to Privacy Act (FERPA).

REVISION HISTORY

Date	Revision	Modification
9/12/2017	1.0	Adopted
12/14/2021	2.0	Revised: clarify language and align formatting pursuant to BP 9070.