

Policy

FREEDOM OF SPEECH/EXPRESSION

The Passaic Board of Education 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. Students may freely express their points of view, provided they do not seek to coerce others to join in their mode of expression and provided, also, that they do not otherwise intrude upon the rights and property of others. It is pertinent that students be cognizant of the fact that freedom of expression requires the acceptance of personal responsibility for one's actions.

On-Campus Expression

The maintenance of an environment conducive to the protection of the right of free expression requires that each student's efforts in study and learning be protected from interference by other persons. Consequently, the administration and staff of each school shall have the right and duty to maintain such an environment by all reasonable means.

Students are entitled to express orally their personal opinions. No such expression will be permitted to interfere with the freedom of others to express themselves or with the educational process or violate the laws of the State of New Jersey or of the United States.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, slanderous, harassment, intimidation or bullying. Any expression that insults or demeans an individual may be in violation of board policy 5131.1 Harassment, Intimidation and Bully. Violations of board policy 5131.1 Harassment, Intimidation and Bully shall be addressed by the school principal and the anti-bullying specialist in accordance with law and board policy. Students are also 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 'so as to not cause unjustifiable panic.' Such expressions are subject to disciplinary measures in accordance with the Code of Student Conduct board policy.

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials will not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law.

The superintendent or designee will not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected.

FREEDOM OF SPEECH (continued)Off-Campus Expression

A student will be subject to discipline for off-campus expression, including expression on off-campus Internet websites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The superintendent or designee will document the impact the expression had or could be expected to have on the school program.

Distribution of Materials and Flyers

Students may not distribute any materials on school property without prior approval of the superintendent or his/her designee. Materials will clearly indicate their source. Non-school-related materials will be plainly labeled, including an express disclaimer that the activity is “not a school-sponsored activity.” Flyers will be subject to the same review and standards.

First Reading: January 30, 2017
 Second Reading: March 8, 2017
 Adopted: March 8, 2017

Key Words

Freedom, Speech, Expression

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education

Student Protection Rights Amendment - 20 U.S.C. 1232h

Possible

Cross References: *2224 Nondiscrimination/affirmative action
 *4111.1/4211.1 Nondiscrimination/affirmative action
 *5131 Code of Student Conduct
 *5131.1 Harassment, intimidation and bullying
 *5145.4 Equal educational opportunity
 *6121 Nondiscrimination/affirmative action
 *6141 Curriculum design/development
 *6145 Extracurricular activities
 *6145.3 Publications
 *6161.1 Guidelines for evaluation and selection of instructional materials

*Indicates policy is included in the Critical Policy Reference Manual.