

BP 5145.2 FREEDOM OF SPEECH/EXPRESSION

Free inquiry and exchange of ideas are essential parts of a democratic education. The School Board respects students' rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, their writing, and the printed materials they choose to post or distribute.

Student liberties of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of members of the school community.

(cf. 1325 - Advertising and Promotion) (cf. 6145.5 - Organizations/Associations)

Student free speech extends to religious expression. It is the policy of the School Board not to prevent, or otherwise deny participation in, constitutionally protected prayer in district schools, consistent with guidance issued by the U.S. Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution. This policy supersedes any other School Board policy that is inconsistent with it.

The Superintendent or designee shall develop due process procedures for resolving disputes regarding student freedom of expression.

(cf. 6145.3 - Publications)

Legal Reference:

ALASKA ADMINISTRATIVE CODE

4 AAC 07.10 - 4 AAC 07.900 Student rights and responsibilities

Breese v. Smith, 501 P.2d 159 (Alaska 1972)

Hazelwood School District v. Kuhlmer, 484 U.S. 260 (1988)

Tinker v. Des Moines, 393 U.S. 503 (1969)

Bethel School District v. Fraser, 478 U.S. 675 (1986)

Elementary and Secondary Education Act, 20 U.S.C. § 9524, as amended by the No Child

Left Behind Act of 2001 (P.L. 107-110) Revised 1/04

9/92

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