
STUDENT FREEDOM OF SPEECH AND EXPRESSION POLICY

The Pathways Academy Adult Education (“PAAE” or “Charter School”) Board of Directors (the “Board”) respects students’ rights to express ideas and opinions, take stands, and support causes, whether controversial or not. The Charter School hereby adopts this Policy governing student freedom of speech and expression in compliance with California Education Code section 48907.

STUDENT EXPRESSION

Students shall have the right to exercise freedom of speech and of the press including, but not limited to the: (1) use of bulletin boards designated for student use; (2) distribution of printed materials or petitions; (3) wearing of buttons, badges, and other insignia; and (4) right of expression in official school publications. “Official school publications” refers to material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee. The Executive Director or designee is responsible for supervising the material produced by pupils to ensure it meets professional standards of English and journalism. Student expression online shall generally be afforded the same protections as in print media within this Policy.

Students’ freedom of expression shall be limited only as allowed by Education Code section 48907, and other applicable state and federal laws, as follows:

1. Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are 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.
2. The use of “fighting words,” hate speech, 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 aggressive or abusive manner or in a situation that presents an actual danger that it will cause a breach of the peace.

Unprotected Expression includes the following definitions:

1. **Obscenity:** when the (1) average person applying current community standards finds the work as a whole appeals to the prurient interest, (2) the work is patently offensive, and (3) the work lacks serious literary, artistic, political, or scientific value. Examples include pornography or sexually explicit material.
2. **Defamation:** Libel (written defamation) and Slander (oral defamation), which includes but is not limited to inaccurately attributing a statement to another, either on purpose for public officials (which includes School staff) or by mistake for private officials, that mischaracterizes the statement.

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3. **Discriminatory Material:** material that demeans a person or group because of the person/group's disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, immigration status, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation that has the purpose of humiliating, offending, or provoking a person/group.
4. **Harassment (including sexual harassment), Intimidation and/or Bullying:** severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student or group of students that may constitute sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following: (1) placing a reasonable student or students in fear of harm to that student's or those students' person or property, (2) causing a reasonable student to experience a substantially detrimental effect on the student's physical or mental health, (3) causing a reasonable student to experience a substantial interference with the student's academic performance, (4) causing a reasonable student to experience a substantial interference with the student's ability to participate in or benefit from the services, activities, or privileges provided by the School.
5. **Fighting Words:** words likely to cause (1) the average person to fight, or (2) the creation of a clear and present danger of violence, unlawful acts in violation of lawful school regulations, or the substantial disruption of school.
6. **Vulgarity and/or Profanity:** the continual use of curse words by a student, even after warning.
7. **Violating Privacy:** publicizing or distributing confidential or private material without permission.

DISTRIBUTION OF PRINTED MATTER

Free inquiry and exchange of ideas are essential parts of a democratic education. Students shall be allowed to distribute circulars, leaflets, newspapers, and pictorial or other printed matter, and to circulate petitions, subject to the following specific limitations:

1. Printed matter to be distributed shall be submitted to the Executive Director or designee at least one (1) school day prior to distribution. The Executive Director or designee shall review material submitted in a reasonable amount of time and shall allow the approved material to be distributed according to the time and manner established by this Policy. The Executive Director or designee shall notify student(s) if distribution will be granted or denied (and if denied, why distribution is not in compliance with this Policy).

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2. Distribution may take place during an educational activity provided there is no substantial disruption in the school programs as determined by the Executive Director or designee.
3. The manner of distribution shall be such that coercion is not used to induce students to accept the printed matter or to sign petitions.
4. The solicitation of signatures must not be substantially disruptive to the educational activity as determined by the Executive Director or designee.

OFFICIAL SCHOOL PUBLICATIONS

Student editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications, if any, subject to the limitations of this Policy. However, it shall be the responsibility of the staff adviser(s) of student publications to supervise the production of the student staff, to maintain professional standards of English and journalism, and to maintain the provisions of this Policy. The staff adviser(s) shall help the student editors judge the literary value, newsworthiness and propriety of materials submitted for publication.

There shall be no prior restraint of material prepared for official school publications except insofar as it violates the law (e.g., invades privacy rights of an individual) or this Policy. The Charter School officials shall have the burden of showing justification without undue delay prior to a limitation of student expression under this Policy.

BUTTONS, BADGES, AND OTHER INSIGNIA OF SYMBOLIC EXPRESSION

Students shall be permitted to wear buttons, badges, armbands, and other insignia as a form of expression, subject to the limitations in this Policy.

ORGANIZED DEMONSTRATIONS

Students have the right to lawful organized demonstrations, subject to the limitations of this Policy and applicable law. Demonstrations that incite students to create a clear and present danger of the commission of unlawful acts during educational activities or the violation of lawful school regulations, or demonstrations that substantially disrupt the orderly operation of the educational activity are prohibited.

No individual student may demonstrate in the name of the Charter School or as an official school group at any time unless authorized by the Charter School to participate in the activity.

Missing school to attend an organized demonstration is not an excused absence. The Charter School will follow its Attendance Policy when determining consequences for students. The Charter School will follow its Suspension and Expulsion Policy when determining consequences for students if School policy is violated.

STUDENT SPEECHES

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If a student is selected to speak at a Charter School sponsored event, including but not limited to graduation or school assemblies, Charter School has the right to review the pre-prepared speech to ensure that unprotected speech is not included. If unprotected speech is included, the student will be given the opportunity to revise the speech or deliver a modified speech. If not revised or removed, the student will not be permitted to speak at the Charter School sponsored event.

COMPLAINTS

A student who feels their freedom of expression was unconstitutionally limited and/or limited on the basis of discrimination may file a complaint with the Charter School following the Charter School's Uniform Complaint Policies ("UCP") and Procedures.