

RYE CITY SCHOOL DISTRICT
RYE, NEW YORK

5225

STUDENT PERSONAL EXPRESSION

The Rye City School District recognizes the importance and value of student personal expression and recognizes that students do not shed their First Amendment right of free expression at the schoolhouse gate. As in broader American society, the District also understands that there is a balancing of an individual's rights under the First Amendment with the rights of the community. Student personal expression in this context refers to student verbal and written communication using any medium (paper, e-mail, website postings, etc.) including, but not limited to, poetry, prose, art, video and music composition that is intended to be shared with the broader school community.

Although students retain their right to free expression in school, that right is not unfettered. School officials may regulate expression as to time, place and manner. Students' speech which is reasonably believed by school administration to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school may be prohibited.

When students wish to personally express themselves in the broader school community, they must seek prior approval from the building principal or his/her designee. The building principal or his/her designee will render his/her decision within two school days of receiving the request. The building principal shall give due consideration to the constitutionally protected right of freedom of expression, the maintenance of the normal operation of school and its activities, the protection of persons and property and the need to assist students in learning appropriate ways to exercise their rights. Unless such student expression takes place within the confines of a school-sponsored event/activity (see policy 5220 for guidance on School-Sponsored Student Expression), authorization will be granted if:

- The material is distributed as directed by the building principal or designee in such a manner as to not materially or substantially interfere with the rights of others or substantially disrupt the normal operation of the school;
- The material is not considered to be obscene, lewd, indecent, libelous, an invasion of the privacy of other individuals, or an expression that attacks a person's character, family, race, religion, sex, ethnic origin, physical appearance, sexual orientation, or disabling condition;
- The material is free from advertisements or promotion of cigarettes, liquor, illegal or illicit drugs, or drug paraphernalia or other products or services harmful to minors and/or not permitted to minors by law.

If the principal denies the student(s) the opportunity to share/distribute their material, the principal must state the reasons in writing and provide the students with a copy of the reasons. The aggrieved student(s) may within five (5) school days appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within five (5) school days after receiving the appeal. If the matter is not resolved to the satisfaction of the student(s) after the Superintendent's review, students may appeal in writing to the Board of Education.

Generally school administrative authority regarding student expression does not extend beyond school grounds or school-sponsored functions. However, with the advent of new technologies, the line between off and on campus expression can be blurred. Students are advised that if off campus personal expression substantially disrupts or materially interferes with school activities or interrupts another individual's access to participate in school or school related activities, such as when the speech is threatening in nature, they may be subject to discipline under the Code of Conduct.

The District recognizes that there may be other forms of student expression such as the wearing of t-shirts which display statements, etc., in which the strictures of Section 1 above shall apply to such expression.

Students who violate this policy will be subject to the appropriate disciplinary action in accordance with the Code of Conduct.

Cross-ref:

District Code of Conduct
4526, Computer Network for Education
4526-R, Acceptable Use of Technology Regulations
5040, Student Harassment and Bullying Prevention under the Dignity for All Students Act ("DASA")
5220, School-Sponsored Student Expression

Ref: *Morse v. Frederick*, 127 S Ct 2618 (2007)
Bethel School District v. Fraser, 478 US 675 (1986)
Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969) (limits on student free speech rights in school setting)
Eisner v. Stamford Board of Educ., 314 F Supp 832, modified 440 F2nd 803 (1971)

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