

Document Status: Draft

Policy Required: No

BP 5145.2 FREEDOM OF SPEECH/EXPRESSION

Note: [4 AAC 07.010](#) mandates districts to adopt policies regarding student rights and responsibilities. Limiting a student's constitutional right to freedom of speech involves balancing the right to free expression against the school's right to maintain discipline or order in the school. When a student speaks as an individual, school officials cannot censor that expression unless it creates a substantial disruption to the school. For student speech connected to the curriculum or school activities, school officials have discretion to regulate the speech.

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)

*Note: Under the ~~No Child Left Behind Act~~ **Every Student Succeeds Act**, each school district receiving federal funds must certify in writing to the Alaska Department of Education and Early Development that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools. ~~Under NCLB, a school's policy must in in compliance with the~~*

current state of the law as identified in the U.S. Department of Education's Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, released February 7, 2003. The following language expressly incorporates the Guidance.

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. Students may pray or practice other religious expression when not engaged in school activities or instruction, subject to the same rules of order and decorum that apply to other private expressive activity.

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

COURT DECISIONS

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)

UNITED STATES CODE

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) **Every Student Succeeds Act, [P.L. 114-95](#)**

Revised ~~4/2022~~ **2/2024**

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