



Administrative Regulation 5151 GUIDELINES FOR REGULATING STUDENT SPEECH

Responsible Office: Office of Academics

PURPOSE

This Administrative Regulation shall establish guidelines for school administrators to apply when regulating student speech in the Washoe County School District (District).

DEFINITIONS

1. "Obscenity" is any item, material or performance which depicts or describes in a patently offensive way sexual acts or lewdly exhibits genitals and taken as a whole lacks serious literary, artistic, political, or scientific value.
2. "Student Publications" are materials prepared and issued by students through a curricular, co-curricular, or extra-curricular program. Examples include a school newspaper or yearbook and may extend to displays of artwork when such work is available to the general population. Such publications can be hard copy, electronic, or appear in social media; have a District employee as advisor; and utilize District funds and other resources.
3. "Unprotected speech" may include, but is not limited to:
 - a. Obscenity, fighting words, defamation (including libel and slander), child pornography, perjury, blackmail, incitement to imminent lawless action, true threats, solicitations to commit crimes, and speech which is vulgar or profane;
 - b. Any article or apparel which displays obscene words, pictures, or designs;
 - c. Speech which has a pro-alcohol, tobacco and/or controlled or illegal substances message;
 - d. Publications, clothing, or other items that symbolize gang-related behavior;
 - e. Speech which is determined to be bullying, cyberbullying, and discrimination; and
 - f. Speech which does not comply with state or federal law, the District's policies and regulations, substantially interferes with the educational environment, and/or poses a threat to the safety of students or other individuals.

PROCEDURE

1. The District shall not restrict or ban a student's wearing of religious clothing, with the exception of unprotected speech. Parents having religious-based concerns regarding the dress code, or a site-based uniform policy are encouraged to discuss them with the site administrator.
2. A District administrator shall restrict unprotected speech. When determining whether the speech constitutes unprotected speech, the following guidelines shall be used:
 - a. Speech that creates an immediate danger or threats to other students or District staff, may include speech that incites a violation of the law that is both imminent and likely—i.e., it is specific as to the person threatened, the means to act on the threat, and the time period to carry out the threat is immediate;
 - b. Speech that encourages students towards illegal acts may include messages which promote underage drinking, illegal drug use, violence, and/or gang activity;
 - i. Administrators may not discipline a pupil enrolled in kindergarten through 8th grade for simulating a firearm or dangerous weapon while playing or wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment;
 - c. Speech that amounts to a substantial disruption to the orderly operation of the school is decided on a case-by-case basis and administrators are encouraged to contact their supervisor or the District's Office of the General Counsel in determining whether the speech at issue constitutes a substantial disruption of the educational environment;
 - i. The interruption of classes, threats to teachers or students, bullying or cyberbullying, harassing conduct, discriminatory speech based on a student or employee's membership in a protected class, fights or violent behavior on school grounds, complaints filed regarding the speech, the canceling of school events due to the speech, and emotional distress suffered by teachers or students are all examples of substantial disruption to the educational environment.
 - d. Speech that violates a specific school rule or policy may include, but is not limited to, any Board Policy, Administrative Regulation, Administrative Procedure, District Manual, or school rule as reflected in the school's Parent/Student Handbook.

3. Student Publications

- a. District students producing content for student publications are entitled to express themselves in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution. However, such content must not be unprotected speech, speech which is substantially disruptive of school instruction, and/or must not be used to engage in discrimination based on race, bullying or cyber-bullying or intimidate any person.
- b. Students who engage in speech related to work on a student publication shall be protected from disciplinary action unless such conduct amounts to unprotected speech, substantially disrupts the ability of the school to perform its educational mission and/or is used to engage in bullying, cyber-bullying, or the intimidation of another person and the disruption was intentional.
- c. District teachers and staff advisors, and coaches are responsible for guiding students in the parameters of what constitutes unprotected speech and for ensuring that unprotected speech does not appear in student publications or productions. Students are expected to follow standards for student publications, productions, etc., that are consistent with professional journalism, theatrical, and/or broadcast standards.
 - i. A District employee acting as an advisor for a student publication shall not be subject to discipline, when the employee acts in a responsible and appropriate manner to protect a student engaged in protected free speech or expression related to the student publication.
- d. The general distribution of student publications which comply with this Administrative Regulation is permitted during times and in areas designated by the site administrator. Any distribution which substantially interferes with the normal flow of traffic within the school corridors and entrance ways, which is coercive of any other person's right to accept or reject any publication, which creates a safety concern, or which causes substantial and material interference with normal school activities shall not be permitted.
- e. The following disclaimer shall be included in all District-sponsored student publications:
 - i. "The views and opinions expressed in this student publication are those of the student journalists and do not reflect the official policy or position of the Washoe County School District or the Board of Trustees."

4. Any appeal of the administrator's decision to restrict student speech shall follow the District's public complaint process.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Administrative Regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 5150, Student Freedom of Speech, Freedom of Expression, and Right to Assemble;
 - b. Board Policy 5100, Student Behavior; and
 - c. Board Policy 1600, Public Complaint and Resolution Procedure.
2. This Administrative Regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
 - a. NRS Chapter 388, System of Public Instruction
 - i. NRS 388.077, Right of pupils to constitutional expression; limitation; adoption of policy for pupil publications; resolution of complaint by pupil of violation of right; and
 - ii. NRS 388.121 - NRS 388.1395, Provision of Safe and Respectful Learning Environment.
 - b. NRS Chapter 392, Pupils
 - i. NRS 392.4634, Prohibition against disciplining certain pupils for simulating firearm or dangerous weapon or wearing clothing or accessories that depict firearm or dangerous weapon; exceptions; prohibition against adoption of conflicting policy, ordinance, or regulation.

REVISION HISTORY

Date	Revision	Modification
09/28/2022	1.0	Adopted
09/03/2025	2.0	Revised: Updated responsible office; updated unprotected speech