



**Responsible Office:** Office of Academics

## **BOARD POLICY 5150**

### **STUDENT FREEDOM OF SPEECH, FREEDOM OF EXPRESSION, AND RIGHT TO ASSEMBLE**

#### **PURPOSE**

The Board of Trustees (Board) supports Washoe County School District (District) student freedom of speech, freedom of expression, and the right to assemble to the extent such activities do not substantially interfere with the educational environment or the rights of others. This Board Policy provides guidelines related to student expression on District property and at District sponsored events.

#### **DEFINITIONS**

1. "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/or utilize District funds and other resources.
2. "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/or 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.

## **POLICY**

The District supports student freedom of expression and assembly while also recognizing the balance of promoting a safe and respectful learning environment. With the exception of student publications which is addressed in this Board Policy, the District may take action, to include discipline, when a student engages in unprotected speech and/or through speech, expression or assembly, which causes or is reasonably believed will create a substantial disruption to the operation of the District, and/or a school or school-sponsored event/activity.

1. Students may peaceably assemble. However, such activities must not interfere with the normal operation of the school. Peaceful demonstrations shall be held in designated places and create no hazards to other students, employees or visitors, block access areas, and occur at designated times that shall not disrupt classes or other school activities.
2. Student Publications.
  - a. Student freedom of speech and/or freedom of expression shall extend to students working as journalists on student publications in their determination of the news, opinions, feature content, advertising content, and other content of the student publications.
  - b. The District retains the right to exercise control over publications and activities that appear to represent the school and its students. The District/school may limit controversial subjects if the District/school is sponsoring the speech, such as with student publications, if the content is unprotected speech and/or would substantially disrupt the ability of the District/school to perform its educational mission or is used to engage in bullying, cyberbullying, or the intimidation of another person.
3. The Board hereby directs the Superintendent to adopt an Administrative Regulation to implement and maintain the purpose of the Board Policy. The Superintendent shall include in the Administrative Regulation the following provisions:
  - a. The time, place, and manner of distribution of student publications;
  - b. Protection of students from disciplinary action, to include expulsion or suspension, when students engage in freedom of speech or expression in accordance with this Board Policy related to work on a student

publication, unless such conduct substantially disrupts the ability of the school to perform its educational mission and the disruption was intentional;

- c. Protection of District employees acting as an advisor for a student publication from discipline, to include dismissal, suspension, or retaliation, when he/she acts to take responsible and appropriate action to protect a student engaged in protected free speech or expression related to the student publication; and
  - d. A disclaimer to be included in all student publications that such content is not necessarily endorsed by the District/school.
4. Procedures for the resolution of a complaint by a student that their rights under this Policy have been violated. Religion.
- a. The District shall not discriminate against students on the basis of a religious viewpoint or expression.
  - b. Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions or viewpoint.
5. Patriotic Observances. The District may officially encourage students to express patriotism for the United States by reciting historical documents or singing official anthems that contain religious references. While students shall not be compelled to participate in patriotic observances, students not participating are expected to be orderly and respectful.

## **LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS**

1. This Board Policy reflects the goals of the District's Strategic Plan and aligns/complies with the following governing documents of the District, to include:
  - a. Board Policy 1140, Distribution and Display of Information and Materials to Students and Employees;
  - b. Board Policy 1310, Political Activity on District Property Including Schools;
  - c. Board Policy 5100, Student Behavior;
  - d. Board Policy 5310, Student Voice;
  - e. Administrative Regulation 5007, Student E-mail;
  - f. Administrative Regulation 5102, Student Dress Code; and

- g. Administrative Regulation 5151, Guidelines for Regulating Student Speech.
- 2. This Board Policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
  - a. Chapter 388, System of Public Instruction, and specifically:
    - 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. Chapter 392, Pupils.

#### **REVISION HISTORY**

Date	Revision	Modification
9/12/2017	1.0	Adopted
12/14/2021	2.0	Revised: clarify language and align formatting pursuant to BP 9070.
08/26/2025	3.0	Revised: Clarify language, update legal requirements and associated documents