

FREE SPEECH POLICY (High Schools)

The Westfield Public Schools recognize the free speech rights of high school students in the public schools. In order to protect the valid exercise of those rights as well as the maintenance of a sound educational process and a constructive school environment in which to conduct the goals of teaching and learning, this policy provides guidelines for oral and written speech offered within the confines of the high school campus or its off campus sponsored events and activities. This policy recognizes a distinction between school-sponsored speech, such as posters advertising the election of students to the school sponsored Student Council, which is subject to reasonable control as hereinafter defined, and school tolerated speech which is the private speech of individual students or of voluntary associations of students, which is allowed provided it that conforms to the terms of this policy. This policy does not apply to the speech of, or to speech produced by, individuals or organizations who are neither students nor employees of the Westfield Public Schools. The duties and privileges of such unaffiliated individuals, including commercial enterprises, are the subject of a separate policy.

Students are free to engage in private speech at the high school during non-instructional time so long as their speech:

- (a) is not disruptive to the normal operation of the school; or
- (b) does not infringe on the rights of other students, including the rights to be free of sexual harassment and to be free of bullying in the school, or
- (c) does not constitute an assembly.

For purposes of this policy, the following terms have the following meanings:

Speech. The term speech means “pure speech” that is, the act of communicating by unamplified voice. It also includes forms of communication used by the speech or hearing impaired in lieu of communication by voice and communication through written materials such as handbills and posters.

Non-instructional time. Before or after class hours, between classes and during lunch. Homeroom and study halls are considered “classes.”

Class hours. The hours of the day when students are scheduled to be in class at the high school.

Reasonable control. In the context of school sponsored speech, reasonable control means restrictions on speech that are rationally related to the goal of teaching students. The goal of teaching students is not limited only to academic subjects but includes the promotion of conduct consistent with the shared values of a civilized social order such as civility, appreciation for different cultures, leadership skills, and the avoidance of such self destructive behaviors as the use of illegal drugs. The exercise of editorial control by the faculty advisor over articles concerning abortion rights submitted by students for publication in the high school newspaper is an example of reasonable control.

Assembly. The term “assembly” means a pre-planned gathering of six or more students for the purpose of influencing the behavior, conduct or beliefs of others.

School hours. Those hours in which the high school is open for use by high school students.

Infringes on the rights of other students. This term includes conduct which is proscribed by the criminal laws and such conduct as could subject the actor or school district to civil liability.

Disruptive to the normal operation of the school. This term includes the violence but also includes any speech or associated conduct that is designed to or does unreasonably interfere with the primary goal of the school system which is to provide a positive atmosphere to foster the optimal learning of the students.

Examples of speech or associated conduct that would be disruptive to the normal operation of the school are set forth, below. Students may not:

- a.) interfere with, impede or cause blockage of the flow of traffic or of passage;
- b.) commit any act likely to create an imminent health or safety hazard;
- c.) commit any act that is likely to induce immediate breach of the peace;
- d.) use sticks or other hard objects to hold up sign inside the school building;
- e.) interfere with an event by blocking audience view or orally interrupting a speaker or performance;
- f.) use voice amplification systems that interfere with school activities, or make loud or raucous sounds which disturb others due to the decibel level of the sound;
- g.) willfully or recklessly engage in destruction of property;
- h.) attempt by force to impair classes, events or normal business operations;
- i.) use language commonly understood by a reasonable person to be vulgar or lewd;
- j.) use language that includes “fighting words”, which are those words, including racial or ethnic slurs, that by their very utterance inflict injury or tend to incite an immediate breach of the peace.

When engaged in written speech, students and voluntary associations of students who choose to publish, post or otherwise distribute speech shall by name identify on the writing the principal sponsor of the speech, be it an individual student name or the name of the sponsoring student organization or group. Students and voluntary associations of students engaged in private speech (“school tolerated speech” as opposed to “school sponsored speech”) are not authorized to use the words “Westfield High School” in their written materials nor may they use any similar words that could mislead other high school students into reasonably concluding that the speech was school sponsored.

In the event that students wish to engage in an assembly during school hours, they shall make written request to the principal or his designee specifying the date, time, place and purpose of the assembly. On or before the end of the next school day following receipt of the request, the principal or his designee shall determine whether the assembly would be disruptive to the ordinary operation of the school or would infringe on the rights of other students. In the event that he so found, he must so notify the sponsors forthwith specifying his reasons in writing. If modifying the time, place or manner of the proposed assembly would eliminate the potential for disruption, the principal or his designee must offer in the written response a reasonable alternative so as to allow the assembly to take place. If the principal or his designee does not act upon the request by the end of the next school day following receipt of the request, the request is deemed approved.

Any student aggrieved by the action of a teacher, the principal or the principal’s designee may obtain review by access to the procedures set forth in this handbook under the heading “Complaints, Grievances & Appeals Procedures”.

Adopted: May 5, 2003

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