



48

May 1, 2018

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Cambridge Public Schools
Freedom of Expression Policy

Recommendation: That the School Committee approve the revisions to the Freedom of Expression Policy as detailed in the attached document.

Description: These revisions to the Freedom of Expression Policy are being made to the list of protected categories to include pregnancy and pregnancy related conditions in accordance with the terms of Massachusetts' recently enacted Pregnant Workers Fairness Act, to provide for consistent order in the listing of protected categories within the policy and across all policies involving protected categories, and to ensure more gender inclusive terminology is utilized within the policy.

This is a first reading of these proposed revisions to the Freedom of Expression Policy.

Supporting Data: Attached redline of revisions to Cambridge Public Schools Freedom of Expression Policy.

Respectfully submitted,

Kenneth N. Salim, Ed.D.
Superintendent of Schools

FREEDOM OF EXPRESSION

Students shall enjoy certain constitutional rights as defined by the courts for a school setting. Students shall have the right to express themselves by speaking, writing, wearing or displaying symbols such as buttons, badges, emblems and armbands, or through any medium or form of expression. The principal/head of upper school or designee may regulate expression if there is a substantial, factual basis for believing that a specific form of expression will cause or is causing imminent and substantial disruption of school activities (e.g., is obscene, libelous or defamatory; supports racism, is pornographic, willfully incites others to break valid school rules, etc.).

Students shall have the right to distribute and possess any form of literature on school grounds and in school buildings, including but not limited to newspapers, magazines, leaflets and pamphlets; except that the principal/head of upper school or designee may prohibit the distribution in school buildings of a specific issue of a specific publication if there is a substantial factual basis for believing its possession or distribution will cause or is causing a substantial disruption of school activities (e.g., supports racism, supports illegal activities, promotes substance abuse, etc.).

The Principal/Head of Upper School or any teacher, school official, or school employee will require that literature, including school-sponsored publications, be submitted for approval or consent prior to distribution. Any expression in any form undertaken by students in the exercise of such rights of expression shall not be construed as a statement of official school policy. The principal/head of upper school will require that no literature be distributed unless a copy is submitted to the principal/head of upper school or designee at the time distribution commences.

The time, place and manner of student distribution of literature may be reasonably regulated by the principal/head of upper school, provided that such regulations:

- a. are uniformly applied to all forms of literature;
- b. do not prohibit distributions at times or places, either inside or outside school buildings, for which no factual basis exists to conclude that any disruption would occur;
- c. are specific as to places and times where distribution is prohibited; and
- d. do not inhibit any person's right to accept or reject any literature distributed in accordance with the rules.

The School Committee will encourage student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views.

All student publications will be expected to comply with the rules for responsible journalism. This means that libelous statements; unfounded charges and accusations; obscenity; defamation of persons, false statements; material advocating prejudice, harassment or discrimination on the basis of race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender identity or expression, sexual orientation, pregnancy, or pregnancy-related condition ~~sex, gender, sexual orientation, race, color, ancestry, national origin, ethnicity, religion, age, disability, genetic information, veteran status or marital status~~; hatred; violence; the breaking of laws and school regulations; or materials designed to disrupt the educational process will not be permitted.

The Superintendent will establish guidelines that are in keeping with the above and provide for the review of the content of all student publications prior to their distribution. Review of content

prior to publication is not censorship, but part of the educational process as this concerns student publications. It can be pointed out to students, as it frequently is to journalists, that a publisher (in this case, the school system) enjoys freedom to determine what it will and will not publish.

LEGAL REF.: M.G.L.c. 71, §82

| *Adopted: September 16, 2014*