

## Policy Changes

### *New 401.19 - Employee Expression*

*This new mandatory board policy clarifies the first amendment rights of employees to utilize free expression. Recently, a change in the law offered increased employment protections to employees who are acting within their ethical boundaries to protect the free expression of students. This policy language reflects those increased protections and also outlines reasonable restrictions on expression for employees, to provide guidance for districts on how to balance and enforce the employees' expressions rights with the districts' need to maintain a safe and orderly learning environment.*

### *502.5 - Student Expression and Student Publications New Title*

*This is a mandatory board policy. Additional updates have been made to this policy language to reflect changes in the law conferring greater protections to student expression. Due to these updates, it made sense to combine this policy with IASB sample policy 504.3—Student Publications. IASB sample policy 504.3 has been rescinded. The topics of student expression and student expression within publications are closely linked and are addressed in the same chapter of the Iowa Code.*

### *New 502.5R1 - Student Expression and Student Publications Code*

*This is a mandatory regulation. This new administrative regulation is an updated version of the prior IASB sample regulation 504.3R1—Student Publications Code, which has been rescinded.*

### *Rescinded 504.3 - Student Publications*

*This policy has been updated and combined with IASB sample policy 502.3. In order to avoid redundancy, this policy is being rescinded.*

### *Rescinded 504.3R1 - Student Publications Code*

*This regulation was updated and converted into 502.3R1. In order to avoid redundancy, this regulation is being rescinded.*

### *New 905.3 - Weapons in the School District*

*In 2021, the legislature decriminalized a number of specific instances where individuals may carry firearms on school grounds. Similar to regulating tobacco on campus, school districts maintain the authority to regulate when firearms are permitted on campus. This*

new IASB sample policy is an example of regulating the carrying of firearms on campus. It is important to note that this sample policy is entirely optional and does not have to be adopted by districts if it does not reflect the values and wishes of the community.

EMPLOYEE EXPRESSION

The board believes the district has an interest in maintaining an orderly and effective work environment while balancing employees First Amendment rights to freedom of expression and diverse viewpoints and beliefs. When employees speak within their official capacity, their expression represents the district and may be regulated. The First Amendment protects a public employee’s speech when the employee is speaking as an individual citizen on a matter of public concern. Even so, employee expression that has an adverse impact on district operations and/or negatively impacts an employee’s ability to perform their job for the district may still result in disciplinary action up to and including termination.

Employees who use social media platforms are encouraged to remember that the school community may not be able to separate employees as private citizens, from their role within the district. Employee expression on social media platforms that interferes with the district’s operations or prevents the district from functioning efficiently and effectively may be subject to discipline up to and including termination.

A district employee who acts to protect a student for engaging in free expression or who refuses to infringe on students engaging in free expression; and who is acting within the scope of their professional ethics will not be retaliated against or face any adverse employment action based on their behavior provided that expression is otherwise permitted by law and board policy.

If the board or court finds an employee that is subject to licensure, certification or authorization by the Board of Educational Examiners discriminated against a student or other co-employee, the board will refer the employee to the Board of Educational Examiners for additional proceedings as required by law and which may result in discipline up to and including termination.

***Note: This is a mandatory policy required by Iowa Code ch. 279.73.***

Legal Reference: U.S. Const. Amend. I  
Iowa Code §§ 279.73; 280.22

Cross Reference: 502.3 Student Expression  
504.3 Student Publications

Approved \_\_\_\_\_

Reviewed \_\_\_\_\_

Revised

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[SS1]This is a new IASB sample policy based upon increased legal protections in HF 744. This is a mandatory policy.

## STUDENT EXPRESSION AND STUDENT PUBLICATIONS

### Student Expression

It is the goal of the district to protect the educational environment for all students to help ensure it is free from substantial disruption or infringement upon their rights. Student expression should be appropriate to help ensure that the students learn and meet the goals of the school activity and that the potential audience is not exposed to material that may be harmful or inappropriate for their level of maturity.

While students will generally be allowed to express their viewpoints and opinions, in certain qualifying circumstances, student speech may require administrative regulation to help ensure the safety and welfare of the school community. The district may regulate speech that: causes or is reasonably anticipated to cause a material and substantial disruption to the education environment; infringes upon the rights of others; is obscene or lewd; is school sponsored; and/or promotes illegal activity. The administration, when making this judgment, will consider whether the activity in which the expression was made is school-sponsored and whether review or prohibition of the students' speech furthers an educational purpose. The expression must be done in a reasonable time, place, and manner that is not disruptive to the orderly and efficient operation of the school district.

The superintendent may develop procedures for safely addressing qualifying types of mass protests by students, including walk-ins and walk-outs. Walk-ins occur when students leave their learning environments during school hours and gather in a group or groups with the purpose of promoting a belief or beliefs. Walk-outs occur when students leave their learning environments during school hours and gather in a group or groups off district property with the purpose of promoting a belief or beliefs.

The superintendent is encouraged to obtain feedback from community stakeholders in the development of these procedures. The goal of the procedures shall be to address student safety, maintain the education environment and promote communication during demonstrations while remaining viewpoint neutral.

Students who violate this policy may be subject to disciplinary measures. Employees are responsible for helping to insure students' expression is in keeping with this policy. It is the responsibility of the superintendent to develop administrative regulations regarding this policy.

### Student Publications

Students may produce official school publications as part of the curriculum under the supervision of a faculty advisor and the principal. Official school publications include material produced in journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.

Any expression made by students, including student expression in official school publications, is not an expression of official school policy. The school district, the board, and the employees or officials are not liable in any civil or criminal action for any student expression made or published by students unless

the employees or officials have interfered with or altered the content of the student speech or expression. The liability, if any, is only to the extent of the interference or alteration of the speech or expression.

Official school publications are free from prior restraint by employees or officials except as provided by law. A faculty advisor will supervise student writers to maintain professional standards of English and journalism and to comply with the law including, but not limited to, the restrictions against unlawful speech. The production of official school publications is guided by the law and by the ethical standards adopted by professional associations or societies of journalism.

Persons, other than students, who believe they have been aggrieved by student expression in a student-produced official school publication will follow the grievance procedure outlined in board policy 213.1. Students who believe their freedom of expression in a student-produced official school publication has been restricted will follow the grievance procedure outlined in board policy 502.4.

The superintendent is responsible for developing a student publications code. This code will include, but not be limited to, reasonable rules including time, place, and manner of restrictions. The superintendent will also be responsible for distributing this policy and the student publications code to the students and their parents.

***NOTE: This policy represents the current status of students' first amendment rights. This is a mandatory policy and accompanying regulation required by Iowa Code ch. 279.73. Schools are urged to handle all protests through a strictly viewpoint neutral lens. Districts should consider the need to balance opposing views. If one social issue is permitted, other opposing viewpoints should also be permitted.***

Legal Reference: U.S. Const. amend. I.  
Iowa Const. art. I (sec. 7)  
*Morse v. Frederick*, 551 U.S. 393 (2007)  
*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988).  
*Bethel School District v. Fraser*, 478 U.S. 675 (1986).  
*New Jersey v. T.L.O.*, 469 U.S. 325 (1985).  
*Tinker v. Des Moines Ind. Comm. Sch. Dist.*, 393 U.S.  
503 (1969).  
*Bystrom v. Fridley High School*, 822 F.2d 747 (8th Cir.  
1987).  
Iowa Code §§ 279.8, [73](#); 280.22

Cross Reference: 102 Equal Educational Opportunity  
502 Student Rights and Responsibilities  
504 Student Activities

603.9 Academic Freedom  
903.5 Distribution of Materials

Approved \_\_\_\_\_

Reviewed \_\_\_\_\_

Revised

## STUDENT EXPRESSION AND STUDENT PUBLICATIONS CODE

A. Student Expression defined: Student Expression is speech, action or other forms of expression which convey a student's beliefs, views or opinions.

B. Official school publications defined: An "official school publication" is material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to students either free or for a fee.

C. Limitations to Student Expression

1. No student will express, publish or distribute material which is:

- a. obscene;
- b. libelous;
- c. slanderous; or
- d. encourages students to:
  - 1) commit unlawful acts;
  - 2) violate lawful school regulations;
  - 3) cause the material and substantial disruption of the orderly and efficient operation of the school or school activity;
  - 4) disrupt or interfere with the education program;
  - 5) interrupt the maintenance of a disciplined atmosphere; or
  - 6) infringe on the rights of others.

D. Responsibilities of students for official school publications.

1. Students writing or editing official school publications will assign and edit the news, editorial and feature contents of the official school publications subject to the limitations of the student publications code and the law.

2. Students will strive to achieve professional standards of accuracy, fairness, objectivity and thoroughness in each and every aspect of official school publications.

3. Students will strive to achieve professional standards of grammar, usage, punctuation and spelling for clarity and accuracy of official school publications.

E. Responsibilities of faculty advisors for official school publications.

Faculty advisors will supervise student writers to maintain professional standards of English and journalism and to comply with the law including, but not limited to, the restrictions against unlawful speech. Official school publications are produced under the supervision of

a faculty advisor. Faculty advisors to students producing official school publications shall supervise the production of the student staff in order to maintain professional standards of English journalism. District employees acting within the scope of their professional ethics will not suffer adverse employment action or retaliated against for acting to protect a student for engaging in authorized student expression or for refusing to infringe on protected student expression.

F.— District employee rights

Any District employee or official, acting within the scope of that person's professional ethics, if any, shall not be dismissed, suspended, disciplined, reassigned, transferred, subject to termination or



## STUDENT EXPRESSION AND STUDENT PUBLICATIONS CODE

nonrenewal of a teaching contract or extracurricular contract, or otherwise retaliated against for acting to protect a student for engaging in expression protected by law, or refusing to infringe upon student expression that is protected by law.

### G. Liability.

Student expression, including student expression in an official school publication will not be deemed to be an expression of the school district. The school district, the board, and the employees or officials are not liable in any civil or criminal action for any student expression made or published by students unless the employees or officials have interfered with or altered the content of the student expression. The liability, if any, is only to the extent of interference or alteration of the speech or expression.

### H. Appeal procedure.

1. Students who believe they have been unreasonably restricted in their exercise of expression in an official student publication will seek review of the decision through the student grievance procedure, under board policy 502.4.
2. Persons who believe they have been aggrieved by a student-produced official student publication will file their complaint through the citizen grievance procedure, under board policy 213.1.

### I. Time, place and manner of restrictions on student expression.

1. Student expression may be conveyed and official student publications may be distributed in a reasonable manner on or off school premises.

2. Student expression and distribution of official school publications in a reasonable manner will not encourage students to:

- a. commit unlawful acts;
- b. violate school rules;
- c. cause the material and substantial disruption of the orderly and efficient operation of the school district or school activity;
- d. disrupt or interfere with the education program;
- e. interrupt the maintenance of a disciplined atmosphere; or
- f. infringe on the rights of others.

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[SS1]This policy has been updated and it now combines language from IASB's former sample policy 504.3, which was rescinded. The Legislature has placed additional protections on employees and students related to free expression. These increased protections can be found in House File 744, and are reflected in this policy update, and updates to the accompanying regulation as well as the new IASB policy 401.14 on employee expression. The font in italics below must be selected based on whether the district hosts a student publication, then italics for the selected passage should be removed.



Approved \_\_\_\_\_

Reviewed \_\_\_\_\_

Revised

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[SS1]This new sample policy was written in response to HF 756, which decriminalized certain instances of carrying firearms on school grounds. The bill does not regulate what individual districts can permit on their property. As a result, this sample policy permits some limited circumstances of transporting firearms on campus and prohibits others. This language can be adapted to suit the priorities and beliefs of individual districts. This is an optional policy, and district may choose whether adopting it will benefit their school community.

## Rescinded/Updated Policies

Code No. 502.5

### FREEDOM OF EXPRESSION

Student expression, other than student expression in student-produced official school publications, made on the school district premises or under the jurisdiction of the school district or as part of a school-sponsored activity may be attributed to the school district; therefore, student expression must be responsible. Student expression must be appropriate to assure that the students learn and meet the goals of the school activity and that the potential audience is not exposed to material that may be harmful or inappropriate for their level of maturity.

Students will be allowed to express their viewpoints and opinions as long as the expression is responsible. The expression shall not, in the judgment of the administration, encourage the breaking of laws, defame of persons, be obscene or indecent, or cause a material and substantial disruption to the educational program. The administration, when making this judgment, shall consider whether the activity in which the expression was made is school-sponsored and whether review or prohibition of the students' speech furthers an educational purpose. Further, the expression must be done in a reasonable time, place, and manner that is not disruptive to the orderly and efficient operation of the school district.

Students who violate this policy may be subject to disciplinary measures. Employees shall be responsible for insuring students' expression is in keeping with this policy. It shall be the responsibility of the superintendent to develop administrative regulations regarding this policy.

Legal Reference: U.S. Const. amend. I.  
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bethel School District v. Fraser, 478 U.S. 675 (1986).  
New Jersey v. T.L.O., 469 U.S. 325 (1985).  
Tinker v. Des Moines Ind. Comm. Sch. Dist., 393 U.S. 503 (1969).  
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987).  
Iowa Code §§ 279.8; 280.22; 282.3 (2003).

Cross Reference: 502 Student Rights and Responsibilities  
504 Student Activities  
603.9 Academic Freedom  
904.5 Distribution of Materials

Approved June 2000

Reviewed July 2018

Revised \_\_\_\_\_

STUDENT PUBLICATIONS

Students may produce official school publications as part of the curriculum under the supervision of a faculty advisor and the principal. Official school publications include material produced in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.

Any expression made by students, including student expression in official school publications, is not an expression of official school policy. The school district, the board, and the employees or officials are not liable in any civil or criminal action for any student expression made or published by students unless the employees or officials have interfered with or altered the content of the student speech or expression. The liability, if any, is only to the extent of the interference or alteration of the speech or expression.

Official school publications are free from prior restraint by employees or officials except as provided by law. A faculty advisor shall supervise student writers to maintain professional standards of English and journalism and to comply with the law including, but not limited to, the restrictions against unlawful speech. The production of official school publications shall be guided by the law and by the ethical standards adopted by professional associations or societies of journalism.

Persons, other than students, who believe they have been aggrieved by student expression in a student-produced official school publication shall follow the grievance procedure outlined in board policy 214.1. Students who believe their freedom of expression in a student-produced official school publication has been restricted shall follow the grievance procedure outlined in board policy 502.6.

The superintendent shall be responsible for developing a student publications code. This code shall include, but not be limited to, reasonable rules including time, place, and manner of restrictions. The superintendent shall also be responsible for distributing this policy and the student publications code to the students and their parents.

Legal Reference: Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987).  
Iowa Code § 280.22 (2003).

Cross Reference: 309 Communication Channels  
502 Student Rights and Responsibilities  
504 Student Activities

Approved June 2000

Reviewed July 2018

Revised \_\_\_\_\_

STUDENT PUBLICATIONS CODE

A. Official school publications defined.

An "official school publication" is material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to students either free or for a fee.

B. Expression in an official school publication.

1. No student shall express, publish or distribute in an official school publication material which is:

- a. obscene;
- b. libelous;
- c. slanderous; or
- d. encourages students to:
  - 1) commit unlawful acts;
  - 2) violate school rules;
  - 3) cause the material and substantial disruption of the orderly and efficient operation of the school or school activity;
  - 4) disrupt or interfere with the education program;
  - 5) interrupt the maintenance of a disciplined atmosphere; or
  - 6) infringe on the rights of others.

2. The official school publication shall be produced under the supervision of a faculty advisor.

C. Responsibilities of students.

1. Students writing or editing official school publications shall assign and edit the news, editorial and feature contents of the official school publications subject to the limitations of the student publications code and the law.
2. Students shall strive to achieve professional standards of accuracy, fairness, objectivity and thoroughness in each and every aspect of official school publications.
3. Students shall strive to achieve professional standards of grammar, usage, punctuation and spelling for clarity and accuracy of official school publications.

D. Responsibilities of faculty advisors.

Faculty advisors shall supervise student writers to maintain professional standards of English and journalism and to comply with the law including, but not limited to, the restrictions against unlawful speech.

STUDENT PUBLICATIONS CODE

E. Liability.

Student expression in an official school publication shall not be deemed to be an expression of the school district. The school district, the board, and the employees or officials are not liable in any civil or criminal action for any student expression made or published by students unless the employees or officials have interfered with or altered the content of the student expression. The liability, if any, is only to the extent of interference or alteration of the speech or expression.

F. Appeal procedure.

1. Students who believe they have been unreasonably restricted in their exercise of expression in an official student publication shall seek review of the decision through the student grievance procedure, under board policy 502.6.
2. Persons who believe they have been aggrieved by a student-produced official student publication shall file their complaint through the citizen grievance procedure, under board policy 214.1.

G. Time, place and manner of restrictions on official school publications.

1. Official student publications may be distributed in a reasonable manner on or off school premises.
2. Distribution in a reasonable manner shall not encourage students to:
  - a. commit unlawful acts;
  - b. violate school rules;
  - c. cause the material and substantial disruption of the orderly and efficient operation of the school district or school activity;
  - d. disrupt or interfere with the education program;
  - e. interrupt the maintenance of a disciplined atmosphere; or
  - f. infringe on the rights of others.