

Spring Branch Independent School District
Agenda Item Information

Date of Board Meeting: March 8, 2010

Subject: Consideration and Possible Action on Submitted Potential Amendments of FNA
(Local) STUDENT RIGHTS AND RESPONSIBILITES: STUDENT EXPRESSION

Administrator Responsible:

Name: Diane Jackson, Ed.D.

Position: Executive Director, Policy Administration & Governmental Relations

Purpose of Agenda Item: Action

ADDITIONAL INFORMATION AND/OR BACK-UP:

Recommend discussion, approval of potential amendments and Second Reading of FNA (Local) STUDENTS RIGHTS AND RESPONSIBILITES: STUDENT EXPRESSION

Annotated copy attached was presented at First Reading on February 22, 2010.

The summary of numbered amendments attached was provided in Friday Notes on March 5, 2010.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION

FNA
(LOCAL)

RELIGIOUS
VIEWPOINT

The District shall comply with the First Amendment of the United States Constitution regarding the establishment of religion and the free exercise thereof, as interpreted by the federal courts with jurisdiction over Texas, and shall not discriminate against a student based on the student's voluntary expression of a religious viewpoint on an otherwise permissible subject.

LIMITED PUBLIC
FORUM

In addition to any limited public forum established under the authority of the federal Equal Access Act [see FNAB], the District establishes a limited open forum for student speakers at all school events at which a student is to publicly speak in any official role or capacity. Student speakers at such events may voluntarily express a religious or any other viewpoint on an otherwise permissible subject for the occasion. Student speakers at such events shall not engage in obscene, vulgar, offensively lewd, indecent speech, or speech that would be considered harassment or bullying.

The Superintendent, in consultation with campus principals, shall annually prepare and distribute a list of school events at which students will publicly speak in any official role or capacity, and the list shall include high school graduation exercises.

The Superintendent, in consultation with campus principals, shall develop a method using neutral criteria for selecting the students who will publicly speak in any official role or capacity at school events and graduation.

The District shall write a statement that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the District. The District shall provide the disclaimer at any event in which a student speaks publicly for as long as a need exists to dispel confusion of the District's sponsorship of the student's speech.

CLASSROOM
ASSIGNMENTS

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. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the District. Students may not be penalized or rewarded on account of the religious content of their work [see EMI].

RELIGIOUS
GROUPS AND
ACTIVITIES

In addition to any noncurriculum-related student groups formed and operating under the authority of the Equal Access Act [see FNAB] students may initiate and organize student-only religious groups to the same extent that students on that campus are permitted to organize other noncurricular student activities and groups. Religious groups will be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students' expression. If student groups that meet on that

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STUDENT EXPRESSION

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campus for nonreligious activities are permitted to advertise or announce meetings of the groups, the school will not discriminate against groups that meet for prayer or other religious speech. If necessary, the school shall disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

ROLE OF SCHOOL
EMPLOYEES

School employees shall have no sponsorship role in any studentinitiated, noncurriculum-related group or activity, religious or otherwise, that meets in school facilities immediately before or after school or during noninstructional school hours; nor shall studentinitiated, noncurriculum-related groups or activities, religious or otherwise be permitted to have regular participation or supervision by adults who are not affiliated with the school.

School employees may be present at student-initiated, noncurriculum-related groups, activities, and meetings, religious or otherwise, held in school facilities immediately before or after school during noninstructional school hours for the limited purpose of maintaining order and discipline, protecting the well-being of students and District property, and to assure that student attendance and participation is voluntary.

STUDENT
EXPRESSION OF
RELIGIOUS
VIEWPOINTS

The District will treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject

STUDENT
SPEAKERS AND
NOGRADUATION
EVENTS

The District hereby creates a limited public forum for student speakers at all school events at which a student is to publicly speak as designated below. For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion.

INTRODUCTORY
SPEAKERS

Student speakers shall introduce:

1. Varsity football games played within the District as well as those, if any, played at State and regional play-offs;
2. Opening announcements and greetings for the school day; except when made by a student as part of the curriculum in the Broadcast Journalism class when the student has no discretion in the selection of the content or in the wording of his/her expression.
3. Assemblies, additional athletic events, and other school functions as the Principal may designate.

STUDENT RIGHTS AND RESPONSIBILITIES
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ELIGIBILITY AND SELECTION The forum shall be limited in the manner provided by this section on nongraduation events.
Only those students in the highest two grade levels of the school at which the student is publicly speaking and who hold one of the following positions of honor based on neutral criteria are eligible to participate as a speaker in the limited public forum:

1. Captains of the Varsity Football team.
2. Class officers of the Senior Class (or, if the school does not have a Senior Class, then the class officers of the highest class level of the school).
3. Officers of the National Honor Society.
4. Officers of the Student Council.
5. Officers of school-sponsored clubs.
6. And, from the above list of eligible speakers, only those who volunteer after being notified of eligibility.

VOLUNTEERS The announced period to volunteer from among the above eligible speakers shall occur at the beginning of the school year, and if the school decides to have the process repeated each semester, and again at the beginning of the second semester. A student who wishes to participate as an introducing speaker shall submit his or her name to the student council during the announced period of not less than three days. A student's eligibility to volunteer shall be reviewed by the Student Council and denied if disciplinary actions involving the Student

Code of Conduct Misbehavior Level III or higher, occurred during the prior semester or school year, resulting in disciplinary placement. Disciplinary placement includes in-school suspension (ISS), out-of-school suspension (OSS), District Discipline Alternative Educational Placement (DAEP), Juvenile Justice Alternative Educational Placement (JJAEP), and expulsion.

An eligible student shall be notified of the student's eligibility to volunteer by the Student Council.

The names of the volunteering student speakers shall be randomly drawn until all names have been selected, and the names shall be listed in the order drawn.

REVOCATION A student's eligibility to participate as a speaker in a limited public forum shall be revoked as a result of disciplinary actions involving the Student

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STUDENT EXPRESSION

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(LOCAL)

Code of Conduct Misbehavior Level III or higher, which results in a disciplinary placement during the school year. Disciplinary placement includes in-school suspension (ISS), out of school suspension (OSS), District Discipline Alternative Educational Placement (DAEP), Juvenile Justice Alternative Educational Placement (JJAEP), and expulsion.

ASSIGNMENT OF INTRODUCTORY SPEAKERS Each selected student shall be matched chronologically to the event for which the student shall be giving the introduction. The list of student speakers shall be chronologically repeated as needed, in the same order. The District may repeat the selection process each semester rather than once a year.

CONTENT OF STUDENT INTRODUCTIONS The subject of the student introductions must be related to the purpose of the event and to the purpose of marking the opening of the event; honoring the occasion, the participants, and those in attendance; bringing the audience to order; and focusing the audience on the purpose of the event. The student must stay on the subject, and the student may not engage in obscene speech, or vulgar speech, or offensively lewd speech, or indecent speech, or speech that promotes illegal drug use, or speech that materially and substantially disrupts the work and discipline of the school as harassing and/or bullying speech [FNA (LOCAL), FO (LEGAL), FNC (LEGAL)]. The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

DISCLAIMER For as long as there is a need to dispel confusion over the nonsponsorship of the student's speech, at each event in which a student shall deliver an introduction, a disclaimer shall be stated in written or oral form, or both, such as, "The student giving the introduction for this event is a volunteering student selected on neutral criteria to introduce the event. The content of the introduction is the private expression of the student and does not reflect the endorsement, sponsorship, position, or expression of the District." The content shall not be obscene, vulgar, offensively lewd, indecent, promote illegal drug use or be considered harassment or bullying."

OTHER STUDENT SPEAKERS Certain students who have attained special positions of honor in the school have traditionally addressed school audiences from time to time as a tangential component of their achieved positions of honor, such as the captains of various sports teams, student council officers, class officers, homecoming kings and queens, prom kings and queens, and the like, and have attained their positions based on neutral criteria. Nothing in this policy eliminates the continuation of the practice of having these students, irrespective of grade level, address school audiences in the normal course

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION

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of their respective positions.
Similarly, certain students who have attained special positions of honor within a school club or organization have addressed their members and guests at meetings, banquets and other events from time to time as a tangential component of their achieved position of honor within their school club or organization. Nothing in this policy eliminates the continuation of the practice of having those students, irrespective of grade level, address those audiences in the normal course of their respective positions at such school club or organization meetings, banquets, and events. The eligible speakers and selection process stated at the beginning of this policy will not apply to such meetings, banquets and events of such school clubs and organizations.

The District shall create a limited public forum for the speakers and shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

STUDENT
SPEAKERS AT
GRADUATION
CERMONIES

The District hereby creates a limited public forum consisting of an opportunity for a student to speak to begin graduation ceremonies. For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion.

OPENING AND
CLOSING
REMARKS
ELIGIBILITY

The forum shall be limited in the manner provided by this section on student speakers at graduation. [See also FMH(LEGAL)]

Only students who are graduating and who hold one of the following neutral criteria positions of honor shall be eligible to use the limited public forum:

- Senior Class Officers (or, if the school does not have Senior Class Officers, then the officers of the highest grade level of the school),
- Officers of the Student Council, or
- Other Seniors selected by the Senior students.

A student who shall otherwise have a speaking role in the graduation ceremonies is ineligible to give the opening remarks.

CONTENT OF
OPENING AND
CLOSING
REMARKS

The topic of the opening remarks must be related to the purpose of the graduation ceremony and to the purpose of marking the opening of the event; honoring the occasion, the participants, and those in attendance; bringing the audience to order; and focusing the audience on the purpose of the event.

OTHER STUDENT

In addition to the students giving the opening remarks, the valedictorian(s)

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION

FNA
(LOCAL)

GRADUATION
SPEAKERS

and salutatorian may have speaking roles at graduation ceremonies.

For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion and to the position held by the speaker. For this purpose, the District creates a limited public forum for these students to deliver the addresses. The subject of the addresses must be related to the purpose of the graduation ceremony, marking and honoring the occasion, honoring the participants and those in attendance, and the student's perspective on purpose, achievement, life, school, graduation, and looking forward to the future.

The student must stay on the subject, and the student may not engage in obscene speech, or vulgar speech, or offensively lewd speech, or indecent speech or speech that promotes illegal drug use, or speech that materially and substantially disrupts the work and discipline of the school as harassing and/or bullying speech. [FNA (LOCAL), FO (LEGAL), FNC (LEGAL)]. The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

DISCLAIMER

A written disclaimer shall be printed in the graduation program that states, "The students who shall be speaking at the graduation ceremony were selected based on neutral criteria to deliver messages of the students' own choices. The content of each student speaker's message is the private expression of the individual student and does not reflect any position or expression of the District or the board of trustees, or the District's administration, or employees of the District, or the views of any other graduate. The contents of these messages were prepared by the student volunteers, and the District refrained from any interaction with student speakers regarding the student speakers' viewpoints on permissible subjects. The content shall not be obscene, vulgar, offensively lewd, indecent, promote illegal drug use or be considered harassment or bullying.

RELIGIOUS
EXPRESSION IN
CLASS
ASSIGNMENTS

Students may express the students' beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the students' submission. Homework and classroom work shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. Students may not be penalized or rewarded on account of religious content. If a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards, including literary quality, and not penalized or rewarded on account of its religious content.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION

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FREEDOM TO
ORGANIZE
RELIGIOUS
GROUPS AND
ACTIVITIES

Students may organize prayer groups, religious clubs, “see you at the pole” gatherings, and other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. [See FNAB(LOCAL)] Religious groups must be given the same access to school facilities for assembling as is given to other noncurricular groups, without discrimination based on the religious content of the group’s expression. If student groups that meet for nonreligious activities are permitted to advertise or announce the groups’ meetings, for example, by advertising in a student newspaper, putting up posters, making announcements on a student activities bulletin board or public address system, or handing out leaflets, school authorities may not discriminate against groups that meet for prayer or other religious speech. School authorities may disclaim sponsorship of noncurricular groups and events, provided they administer the disclaimer in a manner that does not favor or disfavor groups that meet to engage in prayer or other religious speech.

Summary of FNA (LOCAL) Amendments: Board Workshop 3/8/2010

RELIGIOUS VIEWPOINT

The District shall comply with the First Amendment of the United States Constitution regarding the establishment of religion and the free exercise thereof, as interpreted by the federal courts with jurisdiction over Texas, and shall not discriminate against a student based on the student's voluntary expression of a religious viewpoint on an otherwise permissible subject.

1. Proposed Amendment: Deletion of this provision (Religious Viewpoint)

Rationale: This provision should be deleted as it is duplicative of the provision below titled Student Expression of Religious Viewpoints

LIMITED PUBLIC FORUM

In addition to any limited public forum established under the authority of the federal Equal Access Act [see FNAB], the District establishes a limited open forum for student speakers at all school events at which a student is to publicly speak in any official role or capacity. Student speakers at such events may voluntarily express a religious or any other viewpoint on an otherwise permissible subject for the occasion. Student speakers at such events shall not engage in obscene, vulgar, offensively lewd, indecent speech, or speech that would be considered harassment or bullying.

The Superintendent, in consultation with campus principals, shall annually prepare and distribute a list of school events at which students will publicly speak in any official role or capacity, and the list shall include high school graduation exercises.

The Superintendent, in consultation with campus principals, shall develop a method using neutral criteria for selecting the students who will publicly speak in any official role or capacity at school events and graduation.

2. Proposed Amendment: Deletion of this provision (Limited Public Forum)

Rationale: This provision should be deleted as it is duplicative of a number of the provisions below.

The District shall write a statement that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the District. The District shall provide the disclaimer at any event in which a student speaks publicly for as long as a need exists to dispel confusion of the District's sponsorship of the student's speech.

3. Proposed Amendment: Deletion of the above provision
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CLASSROOM ASSIGNMENTS

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. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the District. Students may not be penalized or rewarded on account of the religious content of their work [see EMI].

4. Proposed Amendment: Deletion of this provision (Classroom Assignments)

Rationale: This provision should be deleted as it is duplicated below in the section titled Religious Expression in Class Assignments.

RELIGIOUS GROUPS AND ACTIVITIES

~~In addition to any noncurriculum-related student groups formed and operating under the authority of the Equal Access Act [see FNAB] students may initiate and organize student-only religious groups to the same extent that students on that campus are permitted to organize other noncurricular student activities and groups. Religious groups will be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students' expression. If student groups that meet on that campus for nonreligious activities are permitted to advertise or announce meetings of the groups, the school will not discriminate against groups that meet for prayer or other religious speech. If necessary, the school shall disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.~~

5. Proposed Amendment: Deletion of this provision (Religious Groups and Activities)

Rationale: This provision should be deleted as it is duplicated below in the section titled Freedom to Organize Religious Groups and Activities.

ROLE OF SCHOOL EMPLOYEES

~~School employees shall have no sponsorship role in any student initiated, noncurriculum-related group or activity, religious or otherwise, that meets in school facilities immediately before or after school or during noninstructional school hours; nor shall student initiated, noncurriculum-related groups or activities, religious or otherwise be permitted to have regular participation or supervision by adults who are not affiliated with the school.~~

~~School employees may be present at student initiated, noncurriculum-related groups, activities, and meetings, religious or otherwise, held in school facilities immediately before or after school during noninstructional school hours for the limited purpose of maintaining order and discipline, protecting the well-being of students and District property, and to assure that student attendance and participation is voluntary.~~

6. Proposed Amendment: Deletion of this provision (Role of School Employees).

Rationale: This section (Role of School Employees) is misplaced in this policy that deals with Students Rights and Responsibilities.

STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS

The District will treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject

STUDENT SPEAKERS AND NON-GRADUATION EVENTS

7. Proposed Amendment: Correction of typo as indicated

Rationale: Typo

The District hereby creates a limited public forum for student speakers at all school events at which a student is to publicly speak as designated below. For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion.

INTRODUCTORY SPEAKERS

Student speakers shall introduce:

1. Varsity football games played within the District as well as those, if any, played at State and regional play-offs;

2. Opening announcements and greetings for the school day; except when made by a student as part of the curriculum in the Broadcast Journalism class when the student has no discretion in the selection of the content or in the wording of his/her expression.

3. Assemblies, additional athletic events, and other school functions as the Principal may designate.

The forum shall be limited in the manner provided by this section on nongraduation events.

ELIGIBILITY AND SELECTION

Only those students in the highest two grade levels of the school at which the student is publicly speaking and who hold one of the following positions of honor based on neutral criteria are eligible to participate as a speaker in the limited public forum:

1. Captains of the Varsity Football team.

2. Class officers of the Senior Class (or, if the school does not have a Senior Class, then the class officers of the highest class level of the school).

3. Officers of the National Honor Society.

4. Officers of the Student Council.

5. Officers of school-sponsored clubs.

6. And, from the above list of eligible speakers, only those who volunteer after being notified of eligibility.

VOLUNTEERS

The announced period to volunteer from among the above eligible speakers shall occur at the beginning of the school year, and if the school decides to have the process repeated each semester, and again at the beginning of the second semester. A student who wishes to participate as an introducing speaker shall submit his or her name to the student council during the announced period of not less than three days. A student's eligibility to volunteer shall be reviewed by the Student Council and denied if disciplinary actions involving the Student

Code of Conduct Misbehavior Level III or higher, occurred during the prior semester or school year, resulting in disciplinary placement. Disciplinary placement includes in-school suspension (ISS), out-of-school suspension (OSS), District Discipline Alternative Educational Placement (DAEP), Juvenile Justice Alternative Educational Placement (JJAEP), and expulsion.

An eligible student shall be notified of the student's eligibility to volunteer by the Student Council.

The names of the volunteering student speakers shall be randomly drawn until all names have been selected, and the names shall be listed in the order drawn.

REVOCAATION

A student's eligibility to participate as a speaker in a limited public forum shall be revoked as a result of disciplinary actions involving the Student Code of Conduct Misbehavior Level III or higher, which results in a disciplinary placement during the school year. Disciplinary placement includes in-school suspension (ISS), out of school suspension (OSS), District Discipline Alternative Educational Placement (DAEP), Juvenile Justice Alternative Educational Placement (JJAEP), and expulsion.

ASSIGNMENT OF INTRODUCTORY SPEAKERS

Each selected student shall be matched chronologically to the event for which the student shall be giving the introduction. The list of student speakers shall be chronologically repeated as needed, in the same order. The District may repeat the selection process each semester rather than once a year.

CONTENT OF STUDENT INTRODUCTIONS

The subject of the student introductions must be related to the purpose of the event and to the purpose of marking the opening of the event; honoring the occasion, the participants, and those in attendance; bringing the audience to order; and focusing the audience on the purpose of the event. The student must stay on the subject, and the student may not engage in obscene speech, or vulgar speech, or offensively lewd speech, or indecent speech, or speech that promotes illegal drug use, or speech that materially and substantially disrupts the work and discipline of the school as harassing and/or bullying speech [FNA (LOCAL), FO (LEGAL), FNC (LEGAL)]. The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

HARASSING OR BULLYING

As used in this policy, the terms "harassing" or "bullying" shall be defined as follows:

"Bullying" means engaging in written or verbal expression or physical conduct that the Board or its designee determines:

- a. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
- b. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

"Harassing" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

8. Proposed Amendment: Addition of the definitions of "bullying" and "harassing" as indicated.

Rational: In the absence of these definitions, there is a real risk that the terms "bullying" and "harassing" as used in the policy are unconstitutionally vague. These definitions are consistent with the definitions of these terms as used in our other policies. (see FDB (Legal), FFH (Local), FFI (Local), and FO (Legal))

DISCLAIMER

For as long as there is a need to dispel confusion over the nonsponsorship of the student's speech, at each event in which a student shall deliver an introduction, a disclaimer shall be stated in written or oral form, or both, such as, "The student giving the introduction for this event is a volunteering student selected on neutral criteria to introduce the event. The content of the introduction is the private expression of the student and does not reflect the endorsement, sponsorship, position, or expression of the District." ~~The content shall not be obscene, vulgar, offensively lewd, indecent, promote illegal drug use or be considered harassment or bullying.~~

9. Proposed Amendment: Deletion of the sentence as indicated.

Rationale: The deleted language is not properly part of the disclaimer. The purpose of the disclaimer is simply to notify the listeners that the content of the student's constitutionally protected speech is not sponsored by the District.

OTHER STUDENT SPEAKERS

Certain students who have attained special positions of honor in the school have traditionally addressed school audiences from time to time as a tangential component of their achieved positions of honor, such as the captains of various sports teams, student council officers, class officers, homecoming kings and queens, prom kings and queens, and the like, and have attained their positions based on neutral criteria. Nothing in this policy eliminates the continuation of the practice of having these students, irrespective of grade level, address school audiences in the normal course of their respective positions.

Similarly, certain students who have attained special positions of honor within a school club or organization have addressed their members and guests at meetings, banquets and other events from time to time as a tangential component of their achieved position of honor within their school club or organization. Nothing in this policy eliminates the continuation of the practice of having those students, irrespective of grade level, address those audiences in the normal course of their respective positions at such school club or organization meetings, banquets, and events. The eligible speakers and selection process stated at the beginning of this policy will not apply to such meetings, banquets and events of such school clubs and organizations.

The District shall create a limited public forum for the speakers and shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

STUDENT SPEAKERS AT GRADUATION CERMONIES

The District hereby creates a limited public forum consisting of an opportunity for a student to speak to begin graduation ceremonies. For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion.

OPENING AND CLOSING REMARKS

The forum shall be limited in the manner provided by this section on student speakers at graduation. [See also FMH(LEGAL)]

ELIGIBILITY

Only students who are graduating and who hold one of the following neutral criteria positions of honor shall be eligible to use the limited public forum:

- Senior Class Officers (or, if the school does not have Senior Class Officers, then the officers of the highest grade level of the school),
- Officers of the Student Council, or
- Other Seniors selected by the Senior students.

A student who shall otherwise have a speaking role in the graduation ceremonies is ineligible to give the opening remarks.

CONTENT OF OPENING AND CLOSING REMARKS

The topic of the opening remarks must be related to the purpose of the graduation ceremony and to the purpose of marking the opening of the event; honoring the occasion, the participants, and those in attendance; bringing the audience to order; and focusing the audience on the purpose of the event.

OTHER STUDENT GRADUATION SPEAKERS

In addition to the students giving the opening remarks, the valedictorian(s) and salutatorian may have speaking roles at graduation ceremonies.

For each speaker, the District shall set a maximum time limit reasonable and appropriate to the occasion and to the position held by the speaker. For this purpose, the District creates a limited public forum for these students to deliver the addresses. The subject of the addresses must be related to the purpose of the graduation ceremony, marking and honoring the occasion, honoring the participants and those in attendance, and the student's perspective on purpose, achievement, life, school, graduation, and looking forward to the future.

The student must stay on the subject, and the student may not engage in obscene speech, or vulgar speech, or offensively lewd speech, or indecent speech or speech that promotes illegal drug use, or speech that materially and substantially disrupts the work and discipline of the school as harassing and/or bullying speech. [FNA (LOCAL), FO (LEGAL), FNC (LEGAL)]. The District shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the District treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

HARASSING OR BULLYING

As used in this policy, the terms "harassing" or "bullying" shall be defined as follows:

"Bullying" means engaging in written or verbal expression or physical conduct that the Board or its designee determines:

- a. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
- b. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

"Harassing" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

10. Proposed Amendment: Addition of the definitions of "bullying" and "harassing" as indicated.

Rational: In the absence of these definitions, there is a real risk that the terms "bullying" and "harassing" as used in the policy are unconstitutionally vague. These definitions are consistent with the definitions of these terms as used in our other policies. (see FDB (Legal), FFH (Local), FFI (Local), and FO (Legal))

DISCLAIMER

A written disclaimer shall be printed in the graduation program that states, "The students who shall be speaking at the graduation ceremony were selected based on neutral criteria to deliver messages of the students' own choices. The content of each student speaker's message is the private expression of the individual student and does not reflect any position or expression of the District or the board of trustees, or the District's administration, or employees of the District, or the views of any other graduate. The contents of these messages were prepared by the student volunteers, and the District refrained from any interaction with student speakers regarding the student speakers' viewpoints on permissible subjects." ~~The content shall not be obscene, vulgar, offensively lewd, indecent, promote illegal drug use or be considered harassment or bullying.~~

11. Proposed Amendment: Deletion of the sentence as indicated.

Rationale: The deleted language is not properly part of the disclaimer. The purpose of the disclaimer is simply to notify the listeners that the content of the student's constitutionally protected speech is not sponsored by the District.

RELIGIOUS EXPRESSION IN CLASS ASSIGNMENTS

Students may express the students' beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of the students' submission. Homework and classroom work shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school. Students may not be penalized or rewarded on account of religious content. If a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer (for example, a psalm) should be judged on the basis of academic standards, including literary quality, and not penalized or rewarded on account of its religious content.

FREEDOM TO ORGANIZE RELIGIOUS GROUPS AND ACTIVITIES

Students may organize prayer groups, religious clubs, "see you at the pole" gatherings, and other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. [See FNAB(LOCAL)] Religious groups must be given the same access to school facilities for assembling as is given to other noncurricular groups, without discrimination based on the religious content of the group's expression. If student groups that meet for nonreligious activities are permitted to advertise or announce the groups' meetings, for example, by advertising in a student newspaper, putting up posters, making announcements on a student activities bulletin board or public address system, or handing out leaflets, school authorities may not discriminate against groups that meet for prayer or other religious speech. School authorities may disclaim sponsorship of noncurricular groups and events, provided they administer the disclaimer in a manner that does not favor or disfavor groups that meet to engage in prayer or other religious speech.