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EXPLANATION: SPEAKERS AT DISTRICT EVENTS

This policy was previously considered supplemental, and not all districts will have a copy in their manuals. MSBA now recommends that all districts adopt this policy, which MSBA has modified to be more generally applicable to all invited speakers and to include the required provisions of House Bill 1303 (2014). House Bill 1303 requires school districts to adopt a policy that:

1. Establishes a "limited public forum for student speakers at all school events at which a student is to publicly speak."
2. Requires the district to "provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies."
3. Requires the district to "ensure that a student speaker does not engage in obscene, vulgar, offensively lewd or indecent speech."
4. Requires the district to "state, in writing, orally or both, that the student's speech does not reflect the endorsement, sponsorship, position or expressions of the district."

MSBA has drafted a policy that incorporates these provisions and addresses the use of outside speakers as well.

House Bill 1303, or the Missouri Student Religious Liberties Act, is clearly designed to allow students to incorporate religious themes and prayer into any school-related public-speaking event. It also allows students to incorporate religion into course work, wear clothing and jewelry of a religious nature and form student groups that engage in religious expression. Much of what House Bill 1303 attempts to do is already the law. Students can currently use religious themes in course work as long as the basic rules of the assignment are satisfied. For example, a student whose assignment was to compose a poem about anyone they admired could choose to write one about Jesus, Muhammad or another religious figure. Students can form student-initiated prayer groups if the district allows other noncurricular groups, and students can wear clothing and jewelry of a religious nature if it is not disruptive.

House Bill 1303 requires the district to establish a limited public forum for events at which students will be speaking. When a government entity, such as a school district, establishes a limited forum, the district can regulate the time and place of the speech and can require the speech to be related to the purpose for which the forum was opened. The district cannot, however, restrict speech based on the viewpoint of the speaker. For example, when a student speaks at graduation, the district can tell the student when to speak and set a time limit. The

district can also require the speech to be related to the purpose of graduation, which is honoring the accomplishments of the graduates. A student might do this by mentioning particular teachers who helped students succeed, or the student might want to talk about how the students succeeded in spite of bad teachers. The district has to allow both viewpoints. The district can still control speech to the extent it is obscene, vulgar, lewd or indecent, but, short of that, the district has little authority to filter the speech.

The law also requires the district to develop a "neutral" method for selecting student speakers. MSBA has interpreted this to require the student to be selected in a manner that is viewpoint-neutral, meaning the student was not selected because he or she was likely to speak from a particular viewpoint.

MSBA has attempted to create a neutral selection process by designating certain positions held by students or certain honors awarded to students as the basis on which speakers are selected. MSBA encourages the district to modify this policy to more closely align with district practice as long as the selection criteria remain neutral and do not include student voting.

The district's other option is to adopt a policy prohibiting student speakers at district events. It is unlikely that most school districts will be willing to do this, but it is an option. Student religious expression is a very volatile issue. MSBA encourages districts to consult their local attorney for advice on this policy.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services	X	Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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~~CONTROVERSIAL SPEAKERS~~ AT DISTRICT EVENTS

Some district events, such as graduation, classes, assemblies and professional development meetings, include the use of student speakers or speakers from outside the district. The purpose of this policy is to establish the parameters for such speakers.

Rules for All Speakers

Regardless of the type of speaker or the event, the speaker is required to follow all district policies and procedures including, but not limited to, the following:

1. The topic of the presentation must reflect the mission of the district and be directly related to the curriculum or the purpose of the event.
2. The presentation must be appropriate for the age level of the students attending and must also be appropriate for any parents/guardians and children who may attend or for a professional environment, when applicable.
3. Speakers will be given a general topic or theme upon which to speak. The speech must be consistent with that topic or theme.
4. Obscene, vulgar, lewd or indecent speech is not permitted.
5. Speakers will not plagiarize, will properly attribute material authored by another person and will respect copyright, trademark and other applicable state or federal laws.
6. Speakers may not advertise or promote any product, practice or service not permitted to minors by law or district policy.
7. Insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion or ethnic origin), are not permitted.
8. The district does not permit speech that, because of its content, presents a clear and present likelihood that it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities or will cause the commission of unlawful acts or the violation of lawful school procedures.

Outside Speakers

The Board, superintendent, principals or teachers may invite speakers from outside the district to speak at school or district events, such as classes or assemblies, or present at professional development programs for district employees or the Board. For the purposes of this policy, outside speakers are those who are not students, district officials or employees.

Any event at which outside speakers are invited to speak is considered a closed forum, and the content of the speech is limited to the purpose of the forum and the specific topic or theme the speaker was directed to address. Outside speakers may be required to submit a copy of their presentation for the purpose of determining whether it meets the intended purpose of the event and otherwise satisfies the rules established in this policy.

Building administrators are responsible for approving and monitoring the use of outside speakers in their buildings and may revoke an invitation or stop a presentation if the speaker is in violation of this policy or for any legal reason.

Outside speakers at meetings of student-initiated groups are subject to the same rules as other outside speakers who speak at district-sponsored events.

Student Speakers

Student Speakers in Classrooms and at Events Not Open to the Public

Students may be requested or required to speak on a variety of issues in the classroom, in curricular-related events, at assemblies, at performances and in other forums that are not open to the general public. In those situations, the district maintains a closed forum, and students are expected to follow the directions of district staff. Student speech must be respectful and conform to district policies and procedures and building and classroom rules.

Student Speakers at Public Events

Students may be invited to speak at public events, including assemblies and graduation celebrations, that are open to the general public. In general, district events are considered a closed forum; however, when students speak at public events, the district will consider the student's speech to be presented in a limited public forum, as required by law. In addition, particular events may have more specific purposes directly related to the event. The district is under no obligation to expand the forum or create a new forum to include students other than those invited to speak in accordance with this policy.

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A student speaker may be required to submit a copy of his or her presentation for the purpose of determining whether it meets the intended purpose of the event and otherwise satisfies the rules established in this policy and other policies and procedures.

Students will not be disciplined based on the viewpoint expressed, including religious viewpoints, for otherwise permissible speech. If, in the opinion of the school official supervising the event, the student's speech is in violation of this policy or other district policies and procedures, the official may require the student to stop speaking, and the student may be disciplined or directed to modify his or her speech appropriately.

In accordance with law, the following disclaimer shall be read aloud and/or printed on any written materials distributed at graduation: "Student speakers are speaking as individuals, and their speech does not reflect the endorsement, sponsorship, position or expression of the district." The district will also provide this disclaimer at any other public district event at which a student speaks if the district considers it necessary to clarify to the audience that the student does not speak on behalf of the district.

Selection of Student Speakers at Public Events

It is a privilege for students to be allowed to speak at district-sponsored public events. All student speakers must be in good standing with the district, as defined by the district, in order to be eligible to speak.

Student speakers at public district events will be selected based on viewpoint-neutral criteria in accordance with law including, but not limited to, the following:

1. The district will select student speakers for graduation from among those graduates with the highest grade-point average, those with notable accomplishments or those who served as the senior class or student body president.
2. Student speakers for other public district or school events are limited to:
 - ▶ Student government officers or candidates.
 - ▶ Club and organization presidents.
 - ▶ Team captains.
 - ▶ Exchange students.

- ▶ Students who have received a particular honor or award, such as success at a state or national competition.
 - ▶ Students selected by a random drawing from a pool of volunteers.
3. The superintendent or designee may allow a student who does not meet the above criteria to speak at public school or district events upon the recommendation of a district employee. Approval will not be given unless the employee recommending the student articulates an alternative neutral criteria used to select the student.

These selection criteria are not required for students who are speaking as part of a school- or district-sponsored event when the student's speech is scripted or where a staff member specifically directs the students in what to say.

The Board holds that freedom to learn is no less a desirable freedom than freedom of speech, press and assembly. One goal of education is to prepare our students to participate constructively in a democratic, pluralistic society, a society in which many differing opinions are held, and differing causes are espoused. It is important that students develop an understanding of ideas and of people who may seem alien to them. It is also important that they develop judgment, a capacity to discern the difference between fact and opinion, and to weigh arguments, slogans and appeals.

Books, films and other media are valuable for giving students exposure to many differing ideas, but for effective learning it is also useful to invite appropriate persons not on the Camdenton R-II School District education staff to speak to or to meet with groups of students as part of the educational process.

No overall standard can be established which will automatically separate and exclude as a resource the person whose views, or manner of presenting them, may actually obstruct the educational process or endanger the health and safety of students or staff. However, the Board, in an effort to uphold the students' freedom to learn, while also recognizing obligations which the exercise of this freedom entails, establishes the following guidelines:

- A. The teacher/sponsor and school building administrator are expected to exercise judgment and to investigate fully those proposed resource persons about whom questions may arise, and all guest speakers are to be approved through the principal's offices prior to contacting the speaker.
- B. The teacher/sponsor should encourage the use of resource persons representing various approaches or points of view on a given topic, in order to afford the students a more comprehensive understanding of it.

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- ~~C. An appropriate record shall be made of each resource person utilized, and of his or her presentation.~~
- ~~D. The ideas presented and the resource person invited to present them shall have a demonstrable relation to the curricular or cocurricular activity in which the participating students are involved.~~
- ~~E. Prior to his or her appearance or participation, the resource person shall be given in writing, and shall agree to abide by, the following Board regulations:~~
- ~~1. Profanity, vulgarity and lewd comments are prohibited.~~
- ~~2. The teacher/sponsor responsible for inviting the resource person, or any member of the school administration, has the right and duty to interrupt or suspend any proceedings if the conduct of the resource person is judged to be in poor taste or endangering to the health and safety of students and staff.~~

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 08/08/1994

Revised:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
KK, Visitors to District Property/Events

Legal Refs: U.S. Const. amend. 1
§ 160.2500, RSMo.

Camdenton R-III School District, Camdenton, Missouri