

## RESPONSIBILITIES OF THE BOARD OF DIRECTORS

The board is authorized to govern the school district which it oversees. The board is entrusted with public funds and is responsible for overseeing the improvement of student outcomes, including student academic achievement and skill proficiency. As the governing board of the school district, the board has three duties to perform: legislative duty, executive duty and evaluative duty.

As a representative of the citizens of the school district community, the board is responsible for legislating policy for the school district. As a policy making body, the board has jurisdiction to enact policy with the force and effect of law for the management and operation of the school district.

It is the responsibility of the board, under the board's executive duty, to select its chief executive officer, the superintendent, to operate the school district on the board's behalf. The board delegates to the superintendent its authority to carry out board policy, to formulate and carry out rules and regulations and to handle the administrative details in a manner which supports and is consistent with board policy.

The board has a responsibility to review the education program's performance under its evaluative duty. The board regularly reviews the education program and ancillary services. The review includes a careful study and examination of the facts, conditions and circumstances surrounding the amount of funds received or expended and the education program's ability to achieve the board's educational philosophy and goals for the school district.

Legal Reference: Iowa Code §§ 274.1; 279.1, .8, .20; 280.12.  
281 I.A.C. 12.3(2).

Cross Reference: 101 Educational Philosophy of the School District  
103 Long-Range Needs Assessment  
209 Board of Directors' Management Procedures  
600 Goals and Objectives of the Education Program

Approved \_\_\_\_\_

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## PUBLIC PARTICIPATION IN BOARD MEETINGS

The board recognizes the importance of citizen participation in school district matters. In order to assure citizens are heard and board meetings are conducted efficiently and in an organized manner, the board will set aside a specific time for public comment.

### **Public Comment During Board Meetings**

Citizens wishing to address the board during public comment must notify the board secretary prior to the board meeting. The board president will recognize these individuals to make their comments at the appropriate time during public comment. Citizens wishing to present petitions to the board may also do so at this time. The board however, will only receive the petitions and not act upon them or their contents.

The board has the discretion to limit the amount of time set aside for public participation. Normally, speakers will be limited to 3 minutes with a total allotted time for public participation of 15 minutes. However, the board president may modify this time limit, if deemed appropriate or necessary. Public comment is a time set aside for community input, but the board will not discuss or take any action on any matter during public comment.

Public comment shall be limited to regular board meetings and will not be routinely held during special board meetings.

### **Petitions to Place a Topic on the Agenda**

Individuals who wish for an item to be placed on the board agenda may submit a valid petition to the board. For a petition to be valid, it must be signed by at least 500 eligible electors of the district, or ten percent of the individuals who voted in the last school election, whichever number is lower.

Upon receiving a valid petition to the board to place a proposal on the next board agenda for public hearing, the board will place the proposal identified in the petition on the agenda of the next regular meeting, or a special meeting held within 30 days of receipt of the petition. The board will provide a sign-up sheet for all individuals who wish to speak on the proposal, and individuals will be called to speak in order of sign-up. The sign-up sheet will require each individual to list their legal name and mailing address. Each speaker will be limited to an amount of time established by the board president that is reasonable and necessary based on the number of speakers signed up. The same time limit will apply to all speakers on the proposal. Each individual will be limited to one opportunity to speak. The board maintains absolute discretion on whether or not to discuss or act on the public comments made on the proposal. If a petition is related to curriculum, the district maintains discretion to determine whether to stop teaching that curriculum until the board holds the public hearing to discuss the curriculum.

The board has a significant interest in maintaining the decorum of its meetings, and it is expected that members of the public and the board will address each other with civility. The orderly process of the board meeting will not be interfered with or disrupted by public comment. Only individuals recognized by the board president will be allowed to speak. Comments by others are out of order. If disruptive, the individual causing disruption may be asked to leave the board meeting. Defamatory comments may be subject to legal action.

Legal Reference: Iowa Code §§ 21; 22; 279.8, 279.8B

Cross Reference: 205 Board Member Liability  
210.8 Board Meeting Agenda  
Public Hearings  
Communication Channels  
401.4 Employee Complaints  
402.5 Public Complaints About Employees  
502.4 Student Complaints and Grievances

Approved \_\_\_\_\_

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

PUBLIC COMPLAINTS

The board recognizes situations may arise in the operation of the school district which are of concern to parents and other members of the school district community.

The board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board it will be referred to the administration to be resolved. Prior to board action however, the following should be completed:

- (a) Matters should first be addressed to the teacher or employee.
- (b) Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal.
- (c) Unsettled matters from (b) above or problems and questions concerning the school district should be directed to the superintendent.
- (d) If a matter cannot be settled satisfactorily by the superintendent, it may then be brought to the board for consideration. To bring a concern, the individual shall notify the board president or board secretary in writing, who may bring it to the attention of the entire board.

Parents, guardians and community members of the district who have concerns about the district or the board may refer to the student handbook for additional guidance from the Iowa Department of Education.

It is within the discretion of the board to address complaints from the members of the school district community, and the board will only consider whether to address complaints if they are in writing, signed, and the complainant has complied with this policy. The board is not obligated to address a complaint and may defer to the decision of the superintendent. If the board elects not to address a complaint, the decision of the superintendent shall be final. If the board does elect to address a complaint, its decision shall be final.

Legal Reference: Iowa Code § 279.8

Cross Reference: 210.8 Board Meeting Agenda  
 213 Public Participation in Board Meetings  
 307 Communication Channels

Approved \_\_\_\_\_

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

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 \_\_\_\_\_

## 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 ensure students' expression is in keeping with this policy. It is the responsibility of the superintendent to develop administrative regulations regarding this policy.

## STUDENT EXPRESSION AND STUDENT PUBLICATIONS

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 \_\_\_\_\_

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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 publication 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



STUDENT EXPRESSION AND STUDENT PUBLICATIONS CODE

or 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.

SCHOOL CEREMONIES AND OBSERVANCES

The school district will continue school ceremonies and observances which have become a tradition and a custom of the education program. These include, but are not limited to, reciting the Pledge of Allegiance and observance of holidays, such as Christmas, Halloween and Easter, by programs and performances. Such ceremonies or observances will have a secular purpose and will not advocate or sponsor a particular religion.

The district will provide and maintain a suitable flagstaff at each school site and raise the Iowa and United States flags each school day as weather conditions permit. The district will display the United States flag and administer the Pledge of Allegiance in each 1st through 12th grade classroom on school days.

Students who do not wish to participate in these activities may be silent during the ceremony or observance or receive permission from the principal to be excused from the ceremony for religious reasons in compliance with board policy.

Legal Reference: U.S. Const. amend. I.  
*Lee v. Weisman*, 112 S.Ct. 2649 (1992).  
*Lemon v. Kurtzman*, 403 U.S. 602 (1971).  
*Graham v. Central Community School District of Decatur County*, 608 F.Supp. 531 (S.D. Iowa 1985).  
Iowa Code § 279.8, 280.5.

Cross Reference: 603 Instructional Curriculum  
604.5 Religious-Based Exclusion from a School Program

Approved \_\_\_\_\_

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Revised \_\_\_\_\_