

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

5311

EXERCISE OF FIRST AMENDMENT RIGHTS BY PUBLIC SCHOOL STUDENTS

(Written by the Department of Justice to implement the provisions of Senate Bill 34 adopted on July 19, 1995, as an amendment to Title 14, Section 4101, Subsection (f), issued May 29, 1996)

I. PERIOD OF SILENCE

- A. During the initial period of study on each school day, all students will be granted a brief period of silence, not to exceed two minutes in duration, to be used according to the dictates of the individual conscience of each student. During that period of silence, no other activities shall take place. Teachers must ensure that all students remain silent and make no distracting display so that each student in the exercise of his or her individual choice and consistent with freedom of conscience may engage in any silent activity which does not interfere with, distract or impede other students in the like exercise of individual choice.

II. STUDENT-DELIVERED VOLUNTARY MESSAGES DURING GRADUATION OR COMMENCEMENT

- A. Student-delivered voluntary messages shall be permitted during high school graduation or commencement ceremonies (hereinafter referred to as "ceremony" or "ceremonies") conducted on public school property or other public property. The content of any such message shall be determined by the student delivering the message. No student shall be discriminated against based upon the political, philosophical, religious or other content of the message that the student intends to deliver or does deliver, provided, however, that the content of such message is consistent with state and federal law and is delivered in a manner which does not substantially interfere with the orderly conduct of the ceremony.

- B. Any such voluntary message shall be student initiated and delivered.
- C. No administrator, teacher or other school employee shall participate in the initiation or delivery of any such voluntary message by a student.
- D. Nothing contained herein shall be construed to limit the authority of the district to enforce any other provision of the district code of conduct necessary to maintain order and discipline on school premises, to protect the well-being of students, school administrators, teachers and other school employees, and to assure that the content of student-delivered voluntary messages is consistent with the right of free speech granted to all citizens.
- E. Upon the adoption of this regulation, the high school principal shall post, at the place where other messages from the school administration to students are usually posted, a sign-up sheet for students who desire to deliver a voluntary message at such ceremonies. Students may add their names to the sign-up sheet at any time prior to the day of the graduation or commencement ceremonies.

Student messages shall be delivered at the conclusion of the balance of the proceedings of the ceremony, and shall be preceded by an announcement that this is the time set aside for the delivery of student messages pursuant to 14 Del. C. Sec. 4101A. The total time allowed for the delivery of all student messages shall be equal to the total time of the remainder of the ceremony. The total time available for the delivery of student messages shall be divided equally among the students who have indicated a desire to speak by placing their names upon the sign-up sheet. Students shall speak in the order in which their names appear upon the sign-up sheet. The district will provide each student speaker with the same technical support provided to all other speakers at the ceremony.