



SECTION: STUDENTS

POLICY: 220

TITLE: STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS

ADOPTED: December 11, 2006

REVISED: March 30, 2020

LAST REVIEWED:

I. PURPOSE

- A. The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the constitution of the Commonwealth. The Board respects the right of students to express themselves in word or symbol and to distribute and post materials, when areas are designated for that purpose, as a part of that expression. The Board also recognizes that the exercise of that right must be limited by the district's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.
- B. This policy addresses student expression in general and distribution and posting of materials that are not part of district-sponsored activities. Materials sought to be distributed or posted as part of the curricular or extracurricular programs of the district shall be regulated as part of the school district's educational program.

II. DEFINITIONS

- A. Non-school materials consist of any printed, written, symbolic, or technological materials meant for posting or general distribution to others or for posting, which materials are not, prepared as part of the curricular or approved extracurricular program of the district. This includes, but is not limited, such things as fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal web sites, and the like.
- B. Distribution includes students issuing non-school materials to others on school property or during school-sponsored events; placing upon desks, tables, or on or in lockers; or engaging in any other manner of delivery of non-school written materials to others while on school property or during school functions. When e-mail, text messaging or other technological delivery is used as a means of distributing or accessing non-school written materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy. Off-campus or after hours distribution, including technological distribution that (1) does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, or safety and order on school property or at school functions; (2) threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights, is also covered by this policy.
- C. Posting means publicly displaying non-school materials on school property or at school-sponsored events, including but not limited to affixing such materials to walls, doors, bulletin boards, easels, the outside of lockers, on district-sponsored or student web sites, through other district-owned technology and the like. When email, text messaging, or other technological

delivery is used as a means of posting non-school materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy. Off-campus or after hours posting, including technological posting, that does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's right is also covered by this policy.

- D. Expression consists of verbal, written, technological, or symbolic representation or communication.

III. POLICY

Students have the right to express themselves unless such expression is likely to or does materially or substantially interfere with the educational process, including school activities, school work or discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another individual's rights.

Student expression that occurs on school property or at school-sponsored events is fully governed by this policy. In addition, off-campus or after hours expression is governed by this policy if the student expression involved constitutes unprotected expression as set forth below, and provided the off-campus or after hours expression does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.

The Board requires that distribution and posting of non-school materials shall take place only at the places and during the times set forth in administrative guidelines. Such guidelines shall be written to permit the safe and orderly operation of schools, while recognizing the rights of students to engage in protected expression.

Unprotected Student Expression

- A. The Board reserves the right to designate and prohibit manifestations of student expression that are not protected by the right of free expression because they violate the rights of others or where such expression is likely to or does materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions. Such unprotected expressions include, but not by way of limitation, those which:
1. Violate or encourage the violation of federal, state, or local laws, Board policy, or district rules and guidelines.
 2. Are likely to or do materially or substantially interfere with the educational process, including school activities, schoolwork, discipline, safety and order on school property or at school functions.
 3. Advocate the use or advertise the availability of any substance or material that may reasonably be believed to constitute a direct and serious danger to the health or welfare of students, including, but not limited to, tobacco/nicotine products, alcohol, or illegal drugs.

4. Use libelous, defamatory, obscene, lewd, vulgar or profane language, whether verbal, written or symbolic.
 5. Incite violence; advocate use of force; or, threatens serious harm to the school or community.
 6. Violate written school district administrative guidelines on time, place, and manner for posting and distribution of otherwise protected expression.
 7. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the school and their programs.
- B. Spontaneous student expression which is otherwise protected speech is not prohibited by this section.

Discipline for Engaging in Unprotected Expression

- A. The Board reserves the right to prohibit the posting or distribution of materials containing unprotected expression and to prohibit students from engaging in other unprotected student expression, as well as to stop unprotected student expression when it occurs. The Board reserves the right to discipline students for engaging in unprotected expression. Where such expression occurs off campus and away from school functions, a nexus between the unprotected expression and a material and substantial disruption of the school program must be established.

Distribution of Non-school Materials

- A. The Board requires that students who wish to distribute or post non-school materials on school property shall submit them one (1) school day in advance of planned distribution or posting to the building principal or designee, who shall forward a copy to the Superintendent.
- B. If the non-school materials contain unprotected expression as set out in this policy, the building principal or designee shall notify the students that they may not post or distribute the materials because the materials violate Board policy.
- C. If notice is not given during the period between submission and the time for the planned distribution or posting, students may proceed with the planned distribution or posting, provided they comply with written administrative regulations on time, place and manner of posting or distribution of non-school materials.
- D. Students who post or distribute non-school materials in compliance with this provision may still be ordered to desist such distribution if the materials are later found to be unprotected expression under this policy.
- E. Students who distribute or post printed materials shall be responsible for clearing any litter that results from their activity and shall schedule the event so that they do not miss instructional time themselves.
- F. Such materials shall be dated and the district may remove the materials within ten (10) days of the posting, or such other reasonable time as stated in the administrative guidelines relating to posting.

Review of Student Expression

- A. School officials shall not censor or restrict non-school materials or other student expression for the sole reason that it is critical of the school or its administration, or because the views espoused are unpopular or may make people uncomfortable.
- B. Student initiated religious expression is permissible and shall not be prohibited except as to time, place and manner of distribution or if the expression involved violates some

other part of this policy, e.g., because it is independently determined to be unprotected expression under the standards and definitions of this policy.

- C. Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district administrative guidelines.

IV. DELEGATION OF AUTHORITY

The Superintendent shall assist each building principal in determining the designation of the places at which and times during which non-school materials may be distributed in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit distribution of non-school written materials to non-instructional times.

The building principal may determine disciplinary action for students who distribute or post non-school materials that violate this policy and district regulations or who continue the manifestation of unprotected expression after a person in authority orders that they desist. Disciplinary actions shall be included in the disciplinary Code of Student Conduct.

This Board policy and any administrative guidelines written to carry out this policy shall be referenced in student handbooks so that students can access them for further information.

V. REFERENCES

22 PA Code 12.9
24 P.S. 511
22 PA Code 12.2
24 P.S. 510
Pol. 219
Pol 218.2