

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/  
DISSEMINATION  
OF NON-SCHOOL MATERIALS

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# EAST STROUDSBURG AREA SCHOOL DISTRICT

<p>1. Purpose Title 22 Sec. 12.9</p> <p>2. Definitions</p>	<p style="text-align: center;">220. STUDENT EXPRESSION/DISSEMINATION OF NON-SCHOOL MATERIALS</p> <p>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 disseminate non-school materials to others in areas designated for posting as a part of that expression. The Board also recognizes that exercise of that right is not unlimited and must be balanced with the school district's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.</p> <p>This policy addresses student expression in general as well as dissemination of expressive materials that are not part of school district-sponsored activities (non-school materials). Materials sought to be disseminated as part of the curricular or extracurricular programs of the school district shall be regulated separately as part of the school district's educational program.</p> <p>For the purposes of this policy, <b>dissemination</b> shall mean students distributing or publicly displaying nonschool materials to others:</p> <ol style="list-style-type: none"> <li>1. On school property or during school-sponsored events by placing such materials upon desks, tables, on or in lockers, walls, doors, bulletin boards, or easels; by handing out such materials to other persons; or by any other manner of delivery to others; or</li> <li>2. At any time or location when creating or sending information using e-mail, websites, online platforms, social media channels or other technological means that are owned, provided or sponsored by the school district.</li> </ol> <p><b>Expression</b> means verbal, written, technological or symbolic representation or communication.</p> <p><b>Nonschool materials</b> means any printed, technological or written materials, regardless of form, source or authorship, that are not prepared as part of the curricular or approved extracurricular program of the school district. This includes, but is not limited to, fliers, invitations, announcements, pamphlets, posters, online</p>
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<p>3. Authority Title 22 Sec. 12.9</p>	<p>discussion areas and digital bulletin boards, personal web sites and the like.</p> <p><b><u>Limitations on Student Expression</u></b></p> <p>Students have the right to express themselves unless such expression is likely to or does materially and substantially disrupt or 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; and/or interferes with another’s rights. Student expression is prohibited to the extent that it:</p>
<p>Title 22 Sec. 12.2</p>	<ol style="list-style-type: none"> <li>1. Violates federal, state or local laws, Board policy or district rules or procedures.</li> <li>2. Is libelous, defamatory, obscene, lewd, vulgar or profane.</li> <li>3. Advocates the use or advertises 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, such as tobacco/vaping products, alcohol, or illegal drugs.</li> <li>4. Incites violence, advocates use of force or threatens serious harm to the school or community.</li> <li>5. Is likely to or does materially and substantially disrupts or interferes with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions.</li> <li>6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs; or</li> <li>7. Violates school district written procedures on time, place and manner for dissemination of otherwise protected expression.</li> </ol>
<p>Title 22 Sec. 12.2, 12.9 SC 510, 511</p>	<p>Student expression that occurs on school property or at school-sponsored events, or occurs at any time or place when created or communicated using district-provided equipment, email, websites or other technological resources, is subject to this policy. The limitations, prohibitions and requirements of this policy shall apply to expression that occurs outside the foregoing circumstances only when and to the extent that the out-of-school expression:</p> <ol style="list-style-type: none"> <li>1. Incites violence, advocates use of force or otherwise threatens serious harm directed at students, staff or the school environment;</li> <li>2. Materially and substantially disrupts or interferes with the educational</li> </ol>

<p>Title 22 Sec. 12.9 SC 510</p>	<p>process, such as school activities, school work, discipline, safety and order on school property or at school functions; or</p> <p>3. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.</p> <p><b><u>Dissemination of Nonschool Materials</u></b></p> <p>The Board requires that dissemination of nonschool materials shall occur only at the places and during the times set forth in written procedures. Such procedures shall be written to permit the safe and orderly operation of schools, while recognizing the rights of students to engage in protected expression.</p> <p>The Board requires that students who wish to disseminate nonschool materials on school property shall obtain approval by submitting them at least one (1) week in advance of planned dissemination to the building principal or designee, who shall forward a copy to the Superintendent.</p> <p>The school district may require that a disclaimer be included on any materials to be displayed, posted or distributed on school property prior to any display, or dissemination.</p> <p>Identification of the individual student or at least one responsible person in a student group may be required on any disseminated materials.</p> <p>If the nonschool materials include matters prohibited by this policy, the building principal or designee shall promptly notify the students of the nature of the violation and that they may not disseminate the materials until the violation is corrected and the materials are resubmitted for approval.</p> <p>If notice of approval is not given during the period between submission and the time for the planned dissemination, provided the request has been in accordance with established policy and procedure, students may proceed with the planned dissemination, provided they comply with written procedures on time, place and manner of dissemination of nonschool materials.</p> <p>Students who disseminate nonschool materials in compliance with this provision may still be ordered to desist such dissemination if the materials are later found to be unprotected expression under this policy.</p> <p>Students who disseminate printed nonschool 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.</p> <p>Printed nonschool materials displayed in a fixed location of a school building shall bear the date when placed in each location, and the school district may remove the</p>
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<p>Pol. 219</p> <p>4. Delegation of Responsibility</p> <p>Pol. 113.1, 218</p>	<p>materials within ten (10) days of the posting or at another reasonable time as stated in the applicable procedures.</p> <p><b><u>Review Of Student Expression</u></b></p> <p>Review of nonschool materials proposed for dissemination shall be conducted promptly so as to avoid unreasonable delay in dissemination.</p> <p>School officials shall not censor or restrict nonschool 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.</p> <p>Student-initiated religious expression is permissible and shall not be prohibited except as to time, place and manner of dissemination, or if the expression involved violates some other aspect of this policy, (e.g., because it is independently determined to be in violation of this policy for reasons other than the religious nature of the content.)</p> <p>Appeal of the reviewer’s decision may be made to the Superintendent and then to the Board, in accordance with Board policy and school district procedures.</p> <p>The Superintendent or designee shall assist the building principal in determining the designation of the places and times nonschool materials may be disseminated in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit dissemination of nonschool materials to noninstructional times.</p> <p>Disciplinary action may be administered for students who disseminate nonschool materials in violation of this policy and school district procedures, or who continue the manifestation of unprotected expression after a person in authority orders that they desist. Disciplinary actions shall be in accordance with applicable Board policy and the Code of Student Conduct.</p> <p>The Superintendent or designee shall review nonschool materials proposed for dissemination and evaluate whether violations of this policy have occurred.</p> <p>This Board policy and any procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.</p> <p><b><u>School Newspaper and Publications</u></b></p> <p>School newspapers and publications shall conform with the following:</p> <ol style="list-style-type: none"> <li>1. Students have a right to report the news and to editorialize within the</li> </ol>
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	<p>provisions of this policy.</p> <ol style="list-style-type: none"><li>2. School officials shall supervise student newspapers published with school equipment, and remove obscene or libelous material and edit materials that would materially or substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions; threatens serious harm to the school or community; encourage unlawful activity; or interferes with another's rights.</li><li>3. School officials may not censor or restrict material simply because it is critical of the school or its administration.</li><li>4. Prior approval procedures regarding copy for school newspapers shall identify the individual to whom the material is to be submitted and shall establish a limitation on the time required to make a decision. If the prescribed time for approval elapses without a decision, the material shall be considered authorized for dissemination.</li><li>5. Students who are not members of the newspaper staff shall have access to its pages. Written criteria for submission of material by non-staff members shall be developed and disseminated to all students.</li></ol> <p>References:</p> <p>School Code – 24 P.S. Sec. 510, 511 State Board of Education Regulations – 22 PA Code Sec. 12.2, 12.9 Board Policy 113.1, 218, 219</p>
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