

# EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/  
DISTRIBUTION AND POSTING  
OF MATERIALS

ADOPTED: August 19, 2002

REVISED: July 17, 2006

March 17, 2014

DRAFT

<p>1. Purpose Title 22 Sec. 12.9</p> <p>2. Definitions</p>	<p style="text-align: center;">220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF 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 distribute post materials in areas designated for posting as a part of that expression. The Board also recognizes that exercise of that right must be limited by the school district's responsibility to maintain <u>a safe and</u> orderly school environment and to protect the rights of all members of the school community.</p> <p>This policy addresses student expression in general and distribution and posting of materials that are not part of school district-sponsored activities. Materials sought to be distributed or posted as part of the curricular or extracurricular programs of the school district shall be regulated as part of the school district's educational program.</p> <p><b>Distribution means</b> students <del>handing</del><u>issuing</u> nonschool materials to others on school property or during school-sponsored events; placing upon desks, <u>tables</u>, on or in lockers; or engaging in any other manner of delivery of nonschool 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 nonschool 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 does or is likely to materially or substantially interfere with the educational process, including school activities, school work, or discipline, <u>safety</u> and order on school property or at school functions; threatens serious harm to the school or community; encourage unlawful activity; or interferes with another rights is also covered by this policy.</p> <p><b>Expression means</b> verbal, written, <u>technological</u> or symbolic representation or communication.</p> <p><b>Nonschool materials means</b> any printed, <u>technological</u> or written materials meant for posting or general distribution to others that are not prepared as part of the curricular or <u>approved</u> extracurricular program of the school district, <u>This includes</u>, but <u>is</u> not limited to, fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal web sites and the like.</p>
--	---

<p>2. Authority Title 22 Sec. 12.9</p> <p>SC 511 Title 22 Sec. 12.2, 12.9</p> <p>SC 511 Title 22 Sec. 12.9</p>	<p><b>Posting means</b> publicly displaying nonschool 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 school district-owned technology and the like. <u>When email, text messaging or other technological delivery is used as a means of posting nonschool 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 rights is also covered by this policy.</u></p> <p>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, <u>safety</u> 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.</p> <p>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 stated in this policy 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, or discipline, <u>safety</u> 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.</p> <p>The Board shall require that distribution and posting of nonschool materials <u>shall</u> occur only at the places and during the times set forth <del>through rules, in written procedures and regulations.</del> Such <del>rules, regulations or written</del> procedures shall be designed to permit the <u>safe and</u> orderly operation of schools, while recognizing the rights of students to engage in protected expression.</p> <p><u>Unprotected Student Expression</u></p> <p>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 school activities, school work, or discipline, <u>safety</u> and order on school property or at school functions. <u>While the following list is not intended to be exhaustive, such expression shall not be protected if it: including but not limited to:</u></p>
--	--

Title 22  
Sec. 12.2

1. Violates federal, state or local laws, Board policy or district rules or procedures.
- ~~1.2. Is libelous, defamatory, obscene, lewd, vulgar or profane, or violate the rights of any specific person or persons.~~
- ~~2.3. Advocates the use of, or advertising 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/nicotine, alcohol, or illegal drugs.~~
- ~~3. Using obscene, lewd, vulgar or profane language whether verbal, written or symbolic.~~
- ~~4. Inciting violence; advocates use of force or threatens serious harm to the school or community; or encouraging violations of federal, state or municipal law, Board policy or school district rules or regulations.~~
- ~~5. Are 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; threaten serious harm to the school or community; encourage unlawful activity; or interfere with another's rights.~~
- ~~5.6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.~~
- ~~6.7. Violates school district rules, regulations, or procedures on time, place and manner for posting and distribution of otherwise protected expression.~~

Spontaneous student expression which is otherwise protected speech is not prohibited by this section.

Title 22  
Sec. 12.9

Discipline For Engaging In Unprotected Expression

The Board reserves the right to prohibit the posting or distribution of nonschool 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 substantial and material disruption of the school program shall be established.

Distribution of Nonschool Materials

School officials shall require students to submit for prior approval a copy of all materials to be displayed, posted or distributed on school property.

The Board requires that students who wish to distribute or post nonschool materials on school property shall submit them for approval at least one (1) week in advance of planned distribution or posting to the building principal or designee, who shall forward a copy to the Superintendent.

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, posting or distribution.

Identification of the individual student or at least one responsible person in a student group may be required on any posted or distributed materials.

If the nonschool materials contain unprotected expression as stated in this policy, the building principal or designee shall notify the students that they may not post or distribute the materials because the materials constitute a violation of Board policy.

If notice of approval is not given during the period between submission and the time for the planned distribution or posting, provided the request has been in accordance with established policy and procedure, students may proceed with the planned distribution or posting, provided they comply with ~~rules, regulations, or written~~ procedures on time, place and manner of posting or distribution of nonschool materials.

Students who post or distribute nonschool 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.

Students who distribute 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.

Posting Of Nonschool Materials

If a school building has an area where individuals are allowed to post nonschool materials, students may post such items as well, if the materials do not constitute unprotected expression and the items are submitted for prior review in the same manner as if the students were going to distribute them.

Such materials shall be officially dated, and the school district may remove the materials within ten (10) days of the posting or at another reasonable time as stated

<p>Pol. 219</p> <p>4. Delegation of Responsibility</p> <p>Pol. 218</p>	<p><u>in the procedures relating to posting.</u></p> <p><u>Review Of Student Expression</u></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 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.)</p> <p>The review for unprotected expression shall be reasonable and not calculated to delay distribution.</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 <del>regulations or</del> procedures.</p> <p>The Superintendent shall assist the building principal in determining the designation of the places and times nonschool 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 nonschool materials to noninstructional times.</p> <p>Disciplinary action may be determined by administrators for students who distribute or post nonschool materials in violation of this policy and school district <del>regulations or</del> procedures, 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 school Code of Student Conduct.</p> <p>This Board policy and any <del>administrative regulations or</del> procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.</p> <p><u>School Newspaper and Publications</u></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 provisions of this policy.</li> <li>2. School officials shall supervise student newspapers published with school equipment, and remove obscene or libelous material and edit materials that</li> </ol>
--	---

	<p>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.</p> <ol style="list-style-type: none"><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 distribution.</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 distributed 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 218, 219</p>
--	---