

SECTION: PUPILS

EAST STROUDSBURG AREA SCHOOL DISTRICT

TITLE: STUDENT EXPRESSION/
~~DISTRIBUTION AND POSTING~~
~~DISSEMINATION~~
OF NON-SCHOOL MATERIALS

ADOPTED: August 19, 2002
REVISED: July 17, 2006
March 17, 2014
August 19, 2019

<p>1. Purpose Title 22 Sec. 12.9</p> <p>2. Definitions</p>	<p style="text-align: center;">220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING<u>DISSEMINATION</u> OF <u>NON-SCHOOL</u> 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<u>disseminate non-school materials to others</u> in areas designated for posting as a part of that expression. The Board also recognizes that exercise of that right <u>is not unlimited and</u> must be <u>balanced with</u>limited by 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 <u>as well as dissemination</u>and distribution and posting of <u>expressive</u> materials that are not part of school district-sponsored activities (<u>non-school materials</u>). Materials sought to be distributed or posted<u>disseminated</u> as part of the curricular or extracurricular programs of the school district shall be regulated <u>separately</u> as part of the school district's educational program.</p> <p>Distribution<u>For the purposes of this policy, dissemination shall</u> means students issuing<u>distributing or publicly displaying</u> nonschool materials to others:</p> <ol style="list-style-type: none"> 1. On-on school property or during school-sponsored events; <u>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</u> or engaging in any other manner of delivery to others; or of non-school materials to others while on school property or during school functions. <u>2. At any time or location when creating or sending information using</u> When e-mail, websites, online platforms, social media channel<u>text messaging</u> or other technological <u>means that are owned, provided or sponsored by the school district.</u> delivery is used as a means of distributing or accessing 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 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, safety and order on school property or at school functions; threatens serious harm to the school
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<p>3. <u>Authority</u> <u>Title 22</u> <u>Sec. 12.9</u></p> <p>3. <u>Authority</u> <u>Title 22</u> <u>Sec. 12.9</u></p> <p>SC 511 — <u>Title 22</u> — <u>Sec. 12.2, 12.9</u></p>	<p>or community; encourage unlawful activity; or interferes with another rights is also covered by this policy.</p> <p>Expression means verbal, written, technological or symbolic representation or communication.</p> <p>Nonschool materials means any printed, technological or written materials, regardless of form, source or authorship, meant for posting or general distribution to others 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, <u>Internet online discussion areas and digital</u> bulletin boards, personal web sites and the like.</p> <p>Posting means 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 websites, through other school district owned technology and the like. 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.</p> <p><u>Limitations on Student Expression</u></p> <p>Students have the right to express themselves unless such expression is likely to or does materially or<u>and</u> substantially <u>disrupt or</u> 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. <u>Student expression is prohibited to the extent that it:</u></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, safety and order on school property or at school functions; threatens serious harm to the</p>
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SC 511 Title 22 Sec. 12.9	<p>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 shall occur only at the places and during the times set forth in written procedures. Such written procedures shall be designed to permit the safe and 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, safety and order on school property or at school functions. While the following list is not intended to be exhaustive, such expression shall not be protected if it:</p> <ol style="list-style-type: none">1. Violates federal, state or local laws, Board policy or district rules or procedures.2. Is libelous, defamatory, obscene, lewd, vulgar or profane.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/<u>nicotine vaping products</u>, alcohol, or illegal drugs.4. Incites violence, advocates use of force or threatens serious harm to the school or community.5. Is likely to or does materially <u>or</u>and substantially <u>disrupts or</u> interferes with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions.6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs; <u>or</u>.7. Violates school district <u>written</u> procedures on time, place and manner for <u>posting and distribution</u><u>dissemination</u> of otherwise protected expression. <p><u>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</u></p>
Title 22 Sec. 12.2	

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	<p>Identification of the individual student or at least one responsible person in a student group may be required on any posted or distributed <u>disseminated</u> materials.</p> <p>If the nonschool materials contain unprotected expression as stated in <u>include matters prohibited by</u> this policy, the building principal or designee shall <u>promptly</u> notify the students <u>of the nature of the violation and</u> that they may not post or distribute <u>disseminate</u> the materials because the materials constitute auntil the violation is corrected and the materials are resubmitted for approval of Board policy.</p> <p>If notice of approval is not given during the period between submission and the time for the planned distribution or posting <u>dissemination</u>, provided the request has been in accordance with established policy and procedure, students may proceed with the planned distribution or posting <u>dissemination</u>, provided they comply with written procedures on time, place and manner of posting or distribution <u>dissemination</u> of nonschool materials.</p> <p>Students who post or distribute <u>disseminate</u> nonschool materials in compliance with this provision may still be ordered to desist such distribution <u>dissemination</u> if the materials are later found to be unprotected expression under this policy.</p> <p>Students who distribute <u>disseminate</u> printed <u>nonschool</u> 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><u>Posting Of Nonschool Materials</u></p> <p>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.</p> <p>Such <u>Printed nonschool</u> materials <u>displayed in a fixed location of a school building</u> shall be officially <u>bear the date when placed in each location</u> dated, and the school district may remove the materials within ten (10) days of the posting or at another reasonable time as stated in the <u>applicable</u> procedures relating to posting.</p> <p><u>Review Of Student Expression</u></p> <p><u>Review of nonschool materials proposed for dissemination shall be conducted promptly so as to avoid unreasonable delay in dissemination.</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>
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<p>Pol. 219</p> <p>4. Delegation of Responsibility</p> <p>Pol. <u>113.1</u>, 218</p>	<p>Student-initiated religious expression is permissible and shall not be prohibited except as to time, place and manner of distribution<u>dissemination</u>, or if the expression involved violates some other part<u>aspect</u> of this policy, (e.g., because it is independently determined to be <u>in violation of this policy for reasons other than the religious nature of the content.</u> 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 procedures.</p> <p>The Superintendent <u>or designee</u> shall assist the building principal in determining the designation of the places and times nonschool materials may be distributed <u>disseminated</u> in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit distribution<u>dissemination</u> of nonschool materials to noninstructional times.</p> <p>Disciplinary action may be determined by administrators <u>administered</u> for students who distribute or post<u>disseminate</u> 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 <u>in accordance with applicable Board policy</u>included in the disciplinary school and the Code of Student Conduct.</p> <p><u>The Superintendent or designee shall review nonschool materials proposed for dissemination and evaluate whether violations of this policy have occurred.</u></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><u>School Newspaper and Publications</u></p> <p>School newspapers and publications shall conform with the following:</p> <ol style="list-style-type: none"> 1. Students have a right to report the news and to editorialize within the provisions of this policy. 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
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	<p>property or at school functions; threatens serious harm to the school or community; encourage unlawful activity; or interferes with another's rights.</p> <p>3. School officials may not censor or restrict material simply because it is critical of the school or its administration.</p> <p>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<u>dissemination</u>.</p> <p>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<u>disseminated</u> to all students.</p> <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 <u>113.1</u>, 218, 219</p>
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