

EASTON AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/
DISTRIBUTION AND POSTING
OF MATERIALS

ADOPTED: March 5, 2007

REVISED: October 29, 2013

<p>1. Purpose SC 511 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 and 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 district's responsibility to maintain an 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 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.</p> <p>Distribution - students handing nonschool materials to others on school property or during school-sponsored events; placing upon desks, 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 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>Expression - verbal, written or symbolic representation or communication.</p> <p>Nonschool materials - any printed or written materials meant for posting or general distribution to others that are not prepared as part of the curricular or extracurricular program of the district, including but not limited to fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal websites and the like.</p>
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<p>Pol. 248, 348, 448, 548</p>	<p>Posting - 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 district-owned technology and the like.</p> <p>Unprotected Student Expression—expression which is:</p> <ol style="list-style-type: none"> 1. Libel or defamation of any specific person or persons. 2. Constitute harassment or is part of a pattern of harassment, as defined by Board policy. 3. Advocating the use 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. 4. Using obscene, lewd, vulgar or profane language – whether verbal, written or symbolic. 5. Inciting violence; advocating use of force; or encouraging violation of federal, state or municipal law, Board policy or district rules or regulations. 6. Are likely to or do materially or substantially interfere with the educational process, including school activities, school work, or discipline 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. 7. Violating written school district administrative regulations or procedures on time, place and manner for posting and distribution of otherwise protected expression. 8. Spontaneous student expression which is otherwise protected speech is not prohibited by this section.
<p>3. Authority SC 511 Title 22 Sec. 12.2, 12.9</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 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>4. Delegation of Responsibility</p>	<p>The Board shall require that distribution and posting of nonschool materials occur only at the places and during the times set forth in written administrative regulations. Such regulations or procedures shall be written to permit the orderly operation of schools, while recognizing the rights of students to engage in protected expression.</p> <p>The Superintendent or designee shall be responsible for carrying out the provisions of this Policy, unless otherwise specifically noted. 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 non-instructional times.</p> <p>The building principal or designee may 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 and order on school property or at school functions.</p>
<p>5. Guidelines</p>	<p><u>Discipline For Engaging In Unprotected Expression</u></p> <p>The Board reserves the right to discipline students 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. 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 must be established. Disciplinary action may be determined by the administrators for students who distribute or post nonschool materials in violation of this policy and district regulations or 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 Student Code of Conduct.</p> <p>This Board policy and any administrative regulations or procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.</p> <p><u>Distribution Of Nonschool Materials</u></p> <p>Students who wish to distribute or post nonschool materials on school property shall submit for prior approval a copy of the materials to be distributed or posted one (1) week in advance of planned distribution or posting to the building principal, who shall forward a copy to the Superintendent.</p>

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.

All material distributed and/or posted must comply with written and/or verbal 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.

Review Of Student Expression

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.

Student-initiated religious expression is permissible and shall not be prohibited except as to time, place, and manner of distribution, or if the expression 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.

The review for unprotected expression shall be reasonable and not calculated to delay distribution.

Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district regulations or procedures.

References:

School Code – 24 P.S. Sec. 510, 511

State Board of Education Regulations – 22 PA Code Sec. 12.2, 12.9