

# Twin Valley School District

No. 220

SECTION(S): Pupils  
 TITLE: Student Expression/Distribution and Posting of Materials  
 ADOPTED: September 15, 2014  
 REVISED: June 19, 2017

1		220. STUDENT EXPRESSION/DISTRIBUTION/POSTING OF	1
2		MATERIALS	2
3			3
4	1. Purpose	The right of public school students to freedom of speech is guaranteed by	4
5	Title 22	the Constitution of the United States and the constitution of the	5
6	Sec. 12.9	Commonwealth. The Board respects the right of students to express	6
7		themselves in word or symbol and to distribute and post materials in	7
8		areas designated for posting as a part of that expression. The Board also	8
9		recognizes that exercise of that right must not interfere with the district's	9
10		responsibility to maintain an orderly school environment and to protect	10
11		the rights of all members of the school community.	11
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13		This policy addresses student expression in general and distribution and	13
14		posting of materials that are not part of district-sponsored activities.	14
15		Materials sought to be distributed or posted as part of the curricular or	15
16		extracurricular programs of the district shall be regulated as part of the	16
17		school district's educational program.	17
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19	2. Definitions	<b>Distribution</b> - students handing non-school materials to others on school	19
20		property or during school-sponsored events; placing upon desks, on or in	20
21		lockers; or engaging in any other manner of delivery of non-school	21
22		materials to others while on school property or during school functions.	22
23		When email, text messaging or other technological delivery is used as a	23
24		means of distributing or accessing non-school materials via use of school	24
25		equipment or while on school property or at school functions, it shall be	25
26		governed by this policy. Off-campus or after hours distribution, including	26
27		technological distribution, that does or is likely to materially or	27
28		substantially interfere with the educational process, including school	28
29		activities, school work, or discipline and order on school property or at	29
30		school functions; threatens serious harm to the school or community;	30
31		encourages unlawful activity; threatens any crime of violence, which	31
32		results in or could result in the terrorizing of others, evacuation of a	32
33		building, or public inconvenience, or interferes with another's rights is	33
34		also covered by this policy.	34
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36		<b>Expression</b> - verbal, written or symbolic representation or	36
37		communication.	37
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39		<b>Non-school materials</b> - any printed or written materials meant for	39
40		posting or general distribution to others that are not prepared as part of	40
41		the curricular or extracurricular program of the district, including but not	41
42		limited to fliers, invitations, announcements, pamphlets, and posters.	42
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44		<b>Posting</b> - publicly displaying non-school materials on school property or	44
45		at school-sponsored events, including but not limited to affixing such	45
46		materials to walls, doors, bulletin boards, easels, the outside of lockers;	46
47		on district-sponsored or student websites; through other district-owned	47
48		technology and the like.	48
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1	3. Authority	Students have the right to express themselves unless such expression is	1
2	Title 22	likely to or does materially or substantially interfere with the educational	2
3	Sec. 12.9	process, including school activities, school work, or discipline and order	3
4		on school property or at school functions; threatens serious harm to the	4
5		school or community; encourages unlawful activity; threatens any crime	5
6		of violence, which results in or could result in the terrorizing of others,	6
7		evacuation of a building, or public inconvenience, or interferes with	7
8	SC 511	another's rights.	8
9	Title 22		9
10	Sec. 12.2,	Student expression that occurs on school property or at school-sponsored	10
11	12.9	events is fully governed by this policy. In addition, off-campus or after	11
12		hours expression is governed by this policy if the student expression	12
13		involved constitutes unprotected expression as stated in this policy and	13
14		provided the off-campus or after hours expression does or is likely to	14
15		materially or substantially interfere with the educational process,	15
16		including school activities, school work, or discipline and order on school	16
17		property or at school functions; threatens serious harm to the school or	17
18		community; encourages unlawful activity; or interferes with another's	18
19		rights.	19
20	SC 510		20
21	Title 22	The Board shall require that distribution and posting of non-school	21
22	Sec. 12.9	materials occur only at the places and during the times set forth in written	22
23		administrative regulations. Such regulations or procedures shall be	23
24		written to permit the orderly operation of schools, while recognizing the	24
25		rights of students to engage in protected expression.	25
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27		<u>Unprotected Student Expression</u>	27
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29		The Board reserves the right to designate and prohibit manifestations of	29
30		student expression that are not protected by the right of free expression	30
31		because they violate the rights of others or where such expression is likely	31
32		to or does materially or substantially interfere with school activities,	32
33		school work, or discipline and order on school property or at school	33
34		functions including but not limited to:	34
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36		1. Libel of any specific person or persons.	36
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38		2. Advocating the use or advertising the availability of any substance	38
39		or material that may reasonably be believed to constitute a direct	39
40		and serious danger to the health or welfare of students.	40
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42		3. Using obscene, lewd, vulgar or profane language – whether verbal,	42
43	Title 22	written or symbolic.	43
44	Sec. 12.2		44
45		4. Inciting violence; advocating use of force; or encouraging violation of	45
46		federal, state or municipal law, Board policy or district rules or	46
47		regulations.	47
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1		5. Are likely to or do materially or substantially interfere with the	1
2		educational process, including school activities, school work, or	2
3		discipline and order on school property or at school functions;	3
4		threaten serious harm to the school or community; encourage	4
5		unlawful activity; or interfere with another's rights.	5
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7		6. Violating written school district administrative regulations or	7
8		procedures on time, place and manner for posting and distribution	8
9		of otherwise protected expression.	9
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11		7. Could or does terrorize others by threatening crimes of violence.	11
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13		Spontaneous student expression which is otherwise protected speech is	13
14		not prohibited by this section.	14
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16		<u>Discipline For Engaging In Unprotected Expression</u>	16
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18		The Board reserves the right to prohibit the posting or distribution of non-	18
19		school materials containing unprotected expression and to prohibit	19
20		students from engaging in other unprotected student expression, as well	20
21		as to stop unprotected student expression when it occurs. The Board	21
22		reserves the right to discipline students for engaging in unprotected	22
23		expression. In order to discipline students for unprotected expression	23
24		that occurs off campus and away from school functions, the Board must	24
25		establish a nexus between the unprotected expression and a substantial	25
26		and material disruption, or reasonably foreseeable substantial and	26
27		material disruption, of the school program. Factors that contribute to a	27
28		nexus between unprotected expression and disruption of the school	28
29		program include, but are not limited to, whether the expression is	29
30	Title 22	accessible to students on campus by electronic or other means; whether	30
31	Sec. 12.9	the expression can be accessed during school hours or using school	31
32		equipment; and whether the expression can be quickly replicated or	32
33		transmitted within the school community.	33
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35		<u>Distribution Of Non-school Materials</u>	35
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37		The Board requires that students who wish to distribute or post non-	37
38		school materials on school property shall submit them two weeks in	38
39		advance of planned distribution or posting to the building principal or	39
40		designee, who shall forward a copy to the Superintendent.	40
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42		If the non-school materials contain unprotected expression as stated in	42
43		this policy, the building principal or designee shall notify the students	43
44		that they may not post or distribute the materials because the materials	44
45		constitute a violation of Board policy.	45
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1		Students who post or distribute non-school materials in compliance	1
2		with this provision may still be ordered to desist such distribution if the	2
3		materials are later found to be unprotected expression under this policy.	3
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5		Students who distribute printed materials shall be responsible for	5
6		clearing any litter that results from their activity and shall schedule the	6
7		event so that they do not miss instructional time themselves.	7
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9		<u>Posting Of Non-school Materials</u>	9
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11		If a school building has an area where individuals are allowed to post	11
12		non-school materials, students may post such items as well, if the	12
13		materials do not constitute unprotected expression and the items are	13
14		submitted for prior review in the same manner as if the students were	14
15		going to distribute them.	15
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17		Such materials shall be officially dated, and the district may remove the	17
18		materials within ten (10) days of the posting or other reasonable time as	18
19		stated in the administrative regulations or procedures relating to	19
20		posting.	20
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22		<u>Review Of Student Expression</u>	22
23			23
24		School officials shall not censor or restrict non-school materials or other	24
25		student expression for the sole reason that it is critical of the school or	25
26		its administration, or because the views espoused are unpopular or may	26
27		make people uncomfortable.	27
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29		Student-initiated religious expression is permissible and shall not be	29
30		prohibited except as to time, place and manner of distribution, or if the	30
31	Pol. 219	expression involved violates some other part of this policy, e.g., because	31
32		it is independently determined to be unprotected expression under the	32
33		standards and definitions of this policy.	33
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35	4. Delegation of	The review for unprotected expression shall be reasonable and not	35
36	Responsibility	calculated to delay distribution.	36
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38		Appeal of the reviewer's decision may be made to the Superintendent	38
39		and then to the Board, in accordance with Board policy and district	39
40		regulations or procedures.	40
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42	Pol. 218	The Superintendent shall assist the building principal in determining	42
43		the designation of the places and times non-school materials may be	43
44		distributed in each school building. Such designations may take into	44
45		account maintenance of the flow of student traffic throughout the school	45
46		and shall limit distribution of non-school materials to non-instructional	46
47		times.	47
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1		Disciplinary action may be determined by the administrators for students	1
2		who distribute or post non-school materials in violation of this policy and	2
3		district regulations or procedures, or who continue to manifest or	3
4		distribute unprotected expression after a person in authority orders that	4
5		they desist.	5
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7		This Board policy and any administrative regulations or procedures	7
8		written to implement this policy shall be referenced in student handbooks	8
9		so that students can access them for further information.	9
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13		References:	13
14			14
15		School Code – 24 P.S. Sec. 510, 511	15
16			16
17		State Board of Education Regulations – 22 PA Code Sec. 12.2, 12.9	17
18			18
19		Board Policy – 218, 219	19
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