LENAPE TECHNICAL SCHOOL

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS

ADOPTED: October 21, 2004

REVISED: February 19, 2015
June 20, 2019

220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS

1. Purpose

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 Joint Operating Committee 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 Joint Operating Committee also recognizes that exercise of that right must be limited by the school's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.

This policy addresses student expression in general and distribution and posting of materials that are not part of school-sponsored activities. Materials sought to be distributed or posted as part of the curricular or extracurricular programs of the school shall be regulated as part of the educational program.

2. Definitions

Distribution means students issuing non-school materials to others on school property or during school-sponsored events; placing upon desks, tables, on or in lockers; or engaging in any other manner of delivery of non-school materials to others while on school property or during school functions. When email, text messaging or other technological 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, 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.

Expression means verbal, written, technological or symbolic representation or communication.

Nonschool materials means any printed, technological or written materials meant for posting or general distribution that are not prepared as part of the curricular or approved extracurricular program of the school. This includes, but is not limited to fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal websites and the like.

	Posting means publicly displaying non-school 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 school-sponsored or student websites; through other school-owned technology and the like. When email, text messaging or other technological delivery is used as a means of posting 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 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.
2. Authority SC 511, 1850.1 Title 22 Sec. 12.9	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, schoolwork, 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. 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, 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 right. The Joint Operating Committee requires that distribution and posting of non-school 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 the school, while recognizing the rights of students to engage in protected expression. <u>Unprotected Student Expression</u> The Joint Operating Committee 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, schoolwork, discipline, safety and order on school property or at school functions. While the following list is not intended to be exhaustive, such expressions shall not be protected if: 1. Violates federal, state or local laws, Joint Operating Committee policy or school 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 be reasonably believed to constitute a direct or serious danger to the health or welfare of students, such as tobacco/nicotine, alcohol or illegal drugs.
Title 22 Sec. 12.2	4. Incites violence, advocates use of force or threatens serious harm to the school or community. 5. Is likely to or does materially or substantially interfere with the educational process, such as school activities, schoolwork, discipline, safety and order on school property or at school functions.
Pol. 913	6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the school and school programs. 7. Violates written 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. <u>Discipline for Engaging in Unprotected Expression</u> The Joint Operating Committee reserves the right to prohibit the posting or distribution of non-school 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 Joint Operating Committee 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 material and substantial disruption of the school program must be established.
Title 22 Sec. 12.9 Pol. 219	<u>Distribution of Non-School Materials.</u> The Joint Operating Committee requires that students who wish to distribute materials or post non-school materials on school property shall submit them at least three (3) school days in advance of planned distribution or posting to the building for prior review to the Administrative Director or appropriate personnel designated by the Administrative Director. Should more than three (3) school days be reasonably needed for the review and not calculated to delay distribution, the Administrative Director shall inform the student when review will be accomplished. In the meantime distribution is prohibited. If the non-school materials contain unprotected expression as stated in this policy, the building administrator or appropriate personnel designated by the Administrative Director shall notify the students that they may not post or distribute the materials because the materials constitute a violation of Joint Operating Committee policy.

	If notice is not given during the period between submission and the time for the planned distribution or posting, students may proceed with the planned distribution or posting, provided they comply with written procedures on time, place and manner of posting or distribution on non-school materials. Students who post or distribute non-school 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. Unless prior permission is obtained, students cannot miss instructional time for purposes of distribution or clearing litter. <u>Posting of Nonschool Materials</u> If the school has an area where individuals are allowed to post non-school 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 may remove the materials within ten (10) days of posting or other reasonable time as stated in the procedures relating to posting. <u>Review of Student Expression</u> School officials shall not censor or restrict non-school 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 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. Any review shall be reasonable and not calculated to delay distribution. A student may request that a reviewer's decision be subsequently reviewed by the Joint Operating Committee at next regularly scheduled meeting.
Title 22 Sec. 12.9	
3. Delegation of Responsibility	The Administrative Director shall assist the building administrator in determining the designation of the places and times non-school materials may be distributed in the school. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit distribution of non-school materials to non-instructional times.

	The building administrator may determine disciplinary action for students who distribute or post non-school materials in violation of this policy and school 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 Code of Student Conduct. The Joint Operating Committee policy and any procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.