BERMUDIAN SPRINGS SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/ DISTRIBUTION AND POSTING OF MATERIALS

ADOPTED: March 6, 2006

REVISED: April 10, 2007

220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS

1. Purpose Title 22 Sec. 12.9	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. 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.
2. Definitions	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. Expression - verbal, written or symbolic representation or communication. 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 web sites and the like.

	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.
3. Authority 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, 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.
SC 511 Title 22 Sec. 12.2, 12.9	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.
SC 510 Title 22 Sec. 12.9	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. <u>Unprotected Student Expression</u> 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 and order on school property or at school functions including but not limited to: 1. Libel of any specific person or persons. 2. 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.
Title 22 Sec. 12.2	3. Using obscene, lewd, vulgar or profane language – whether verbal, written or symbolic. 4. Inciting violence; advocating use of force; or encouraging violation of federal, state or municipal law, Board policy or district rules or regulations.

	5. 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. 6. Violating written school district administrative 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. <u>Discipline For Engaging In Unprotected Expression</u> 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 must be established. <u>Distribution Of Nonschool Materials</u>
Title 22 Sec. 12.9	The Board requires that students who wish to distribute or post nonschool materials on school property shall submit them one (1) school day in advance of planned distribution or posting to the building principal or designee, who shall forward a copy to the Superintendent. 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 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 administrative regulations or 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. <u>Posting Of Nonschool Materials</u> 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 district may remove the materials within ten (10) days of the posting or other reasonable time as stated in the administrative regulations or procedures relating to posting. <u>Review Of Student Expression</u> 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 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. The review for unprotected expression shall be reasonable and not calculated to delay distribution.
Pol. 219	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.
4. Delegation of Responsibility	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.
Pol. 218	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 Code of Student Conduct. 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. References: 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