



LOWER MERION SCHOOL DISTRICT

In Review: On-Campus Speech and Expression

This summary document is intended to present basic scenarios regarding actions or statements that may implicate constitutional guarantees and/or limits thereto. Each case likely involves fact-specific considerations and therefore, please be assured that we invite your questions and concerns when navigating these issues that call for sensitivity and compliance.

STUDENTS | Students do not shed their constitutional rights to freedom of speech/expression at school, but their First Amendment rights are not absolute. Student speech cannot “materially and substantially interfere” with the normal operations of a school or “impinge upon the rights of other students.” School authorities may prohibit the distribution or dissemination of student-originated material on school grounds only when such material would materially and substantially interrupt the educational process or intrude upon the rights of others (See [Policy](#) and [Administrative Regulation](#) 235, Student Rights and Responsibilities). As we’ve noted in our Student and Family Guides, expression/conduct/misconduct that occurs off school property or after school hours may only be subject to discipline when there is a legal nexus between the misconduct and disruption of the educational process (such as threats to students, school safety or school personnel). In such circumstances, the school may still provide support for any student targeted or a victim of off-campus misconduct.

STAFF | Put most simply, given the enormous complexity of the subject of expression, staff should refrain from expressing or taking positions on controversial topics, whether political, religious, or ideological, while on school grounds or during school activities. Staff must maintain a neutral stance to ensure a safe and inclusive learning environment. For example, [Policy](#) 119 (Controversial and Value Issues) supports that classroom discussions may transcend traditional curricular topics and raise questions about current social, political, technical, philosophical, religious and other problems. The Policy also cites that these topics are appropriate for incorporation into the curriculum regardless of the topic's controversial nature *as long as, on divided issues, differing views are carefully presented*. Policy 119’s directive must be read together with [Policy](#) and [Administrative Regulation](#) 101, which charges each District employee to be responsible for fostering a school environment that promotes equity and belonging and for conducting themselves in a culturally competent manner. There are additional constraints on staff, memorialized in policy, such as fundraising and use of property, as summarized in the table below.

SCHOOL-RELATED ORGANIZATIONS | Like staff, School Related Organizations, such as ISC & HSAs, must follow District policy to represent and reflect the District’s values and rules. Specifically, [Policy](#) and [Administrative Regulation](#) 915 (School Related Organizations) requires that the actions of the School-Related Organization must be consistent with state and federal law and the policies and administrative regulations of the District, including those referenced above. That said, if the HSAs have created a more open forum by, for example, advertising charitable opportunities, it would be necessary for them to ensure that they then treat the forum as “open.” Because ISC/HSA communications are typically reviewed by the administration, we can provide appropriate guidance should this issue be raised.

PARENTS/GUARDIANS | Like students, parents/guardians do not maintain a special status due to employment or other identified relationships. However, when visitors visit our buildings, Policy and Administrative Regulation 907 applies, which includes the obligation to uphold policies to minimize disruption and distraction and discriminatory, harassing, or uncivil conduct. That said, parents/guardians generally do not have standing to post signs, conduct fundraisers, or otherwise access district staff and students other than to support their own child/ren.

| | EXPRESSION (verbal, attire, etc.) | SIGNAGE | FUNDRAISERS | PROTESTS | ATTENDANCE |
|-----------------------|--|--|---|---|---|
| Students | Largely students retain First Amendment rights on school property (Policy/AR 235); however, some limits on speech/expression can be imposed to minimize disruption and interference with the rights of others (such as hate speech and harassment). | All materials to be displayed, posted or distributed on school property must be submitted to the principal or designee for prior approval (Policy/AR 235). The degree to which we have historically allowed student expression will dictate whether we have created an open forum. | Student fundraising is permitted with guidelines for approval pursuant to Policy/AR 256 ; not all charitable fundraising may be approved. That said, the degree to which we have historically allowed fundraising will dictate the degree to which we can limit future fundraising. | Protests and other forms of civil disobedience that involve missing class, violating rules and/or otherwise creating disruption warrant consequences per Policy/AR 235 . Staff must refrain from any type of participation, endorsement, or support. Student safety concerns may warrant supervisory support. | N/A |
| Staff | Staff should refrain from expressing or taking positions on controversial topics, whether political, religious, or ideological, while on school grounds or during school activities. Staff must maintain a neutral stance to ensure a safe and inclusive learning environment. | Staff should refrain from expressing or taking positions on controversial topics, whether political, religious, or ideological, while on school grounds or during school activities. Staff must maintain a neutral stance to ensure a safe and inclusive learning environment. | (Staff-to-Staff) Policy 350 prohibits using District technology for this purpose (e.g., outside fundraisers). However, the degree to which we have allowed fundraising must be considered as it relates to future enforcement (e.g., avoiding viewpoint discrimination). (Staff to Students) Per AR 256 , staff shall not direct, coerce, or otherwise exert undue influence over a student to participate or not participate in any fundraising activity, whether or not the fundraising is under the auspices of the District. | Staff may not join or voice opinions unless assigned to maintain student safety or for other specified work-related purpose. | Eligible staff are permitted to use personal or vacation days for reasons due to their personal circumstances or needs. |
| School Related Orgs | Like staff, school related organizations should refrain from expressing or in any way taking positions on controversial topics, whether it's political, religious, or ideological, while on school grounds or during school activities. Limits on speech/expression based on District Policy/AR 915. | District Policy/AR prohibits signage other than for school-sponsored activities unless pre-approved by certain users (AR 713). In general, support for non-school-related causes is not considered an activity. | School-related organizations can share (vetted) options for people who want to make donations; However, the degree to which we have allowed fundraising must be considered as it relates to future enforcement (e.g., avoiding viewpoint discrimination). <u>See also</u> Policy/AR 256 for fundraising directed at students. | Access to facilities should be denied for this purpose; among other reasons, it would not be considered a school-sponsored activity. | N/A |
| Parents/ Guardians | Some limits on speech/expression can be imposed to minimize disruption and interference with the rights of others (such as hate speech and harassment). | District Policy/AR prohibits signage other than for school-sponsored activities unless pre-approved by certain users (AR 713). In general, support for non-school-related causes is not considered an activity. | Per Policy/AR 256 , the District does not permit external entities to host fundraising events within the school for various reasons. | Access to facilities should be denied for this purpose; among other reasons, it would not be considered a school-sponsored activity. | N/A |