

Book

Policy Manual

Section

200 Pupils

Title

Student Expression/Distribution and Posting of Materials

Code

219

Status

Active

Adopted

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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 Board respects the right of students to express themselves in word or symbol and to **disseminate nonschool materials to others** as a part of that expression. The Board also recognizes that the exercise of that right **is not unlimited and** must be **balanced with** the District's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.[\[1\]](#)

This policy addresses student expression in general **as well as dissemination of expressive materials** that are not part of District-sponsored activities (**nonschool materials**).

This policy does not apply to materials sought to be **disseminated** as part of the curricular or extracurricular programs of the District, **which** shall be regulated **separately** as part of the school District's educational program.

Definitions

For the purposes of this policy, dissemination shall mean students distributing or publicly displaying nonschool materials to others:

- 1. On school property or during school-sponsored activities by placing such materials upon desks, tables, on or in lockers, walls, doors, bulletin boards, or easels; by handing out such materials to other persons; or by any other manner of delivery to others; or**
- 2. At any time or location when creating or sending information using email, websites, online platforms, social media channels or other technological means that are owned, provided or sponsored by the school District.**

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

Nonschool materials means any printed, technological or written materials, **regardless of form, source or authorship**, that are not prepared as part of the curricular or approved extracurricular programs of the District. This includes, but is not limited to, fliers, invitations, announcements, pamphlets, posters, **online discussion areas and digital** bulletin boards, personal websites and the like.

Authority

Limitations on Student Expression

Students have the right to express themselves unless such expression is likely to or does materially **and** substantially **disrupt or** 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. **Student expression is prohibited to the extent that it: to the extent that it:**[\[1\]](#)

1. Violates federal, state or local laws, Board policy or District rules or procedures;
2. Is defamatory, obscene, lewd, vulgar or profane;[\[2\]](#)
3. Advocates the use or advertises 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, such as tobacco/**vaping products**, alcohol or

illegal drugs;

4. Incites violence, advocates use of force or threatens serious harm to the school or community;
5. Materially **and** substantially **disrupts or** interferes with the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions;
6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs; **or**
7. Violates written District procedures on time, place and manner for **dissemination** of otherwise protected expression.

Student expression that occurs on school property or at school-sponsored events, **or occurs at any time or place when created or communicated using District-provided equipment, email, websites or other technological resources**, is **subject to** this policy. **The limitations, prohibitions and requirements of this policy shall apply to expression that occurs outside the foregoing circumstances only when and to the extent that the out-of-school expression:**[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

1. **Incites violence, advocates use of force or otherwise threatens serious harm directed at students, staff or the school environment;**
2. **Materially and substantially disrupts or interferes with the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions; or**
3. **Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.**

Student speech that is prohibited by Policy 102 Nondiscrimination will be addressed pursuant to that policy.

Dissemination of Nonschool Materials

The Board requires that **dissemination** of nonschool 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 schools, while recognizing the rights of students to engage in protected expression.[\[1\]](#)[\[3\]](#)

The Board requires that students who wish to **disseminate** nonschool materials on school property shall **obtain approval by submitting** them at least one (1) school day in advance to the building principal or designee, who shall forward a copy to the Superintendent.[\[1\]](#)

If the nonschool materials **include matters prohibited by** this policy, the building principal or designee shall **promptly** notify the students **of the nature of the violation and** that they may not **disseminate** the materials **until the violation is corrected and the materials are resubmitted for approval.**

If notice **of disapproval** is not given during the period between submission and the time for the planned **dissemination**, students may **consider the request approved and** proceed with dissemination **as requested, subject to all other established** procedures **and requirements relating to** time, place and manner of **dissemination**. Students may **nonetheless** be **directed** to **cease or suspend dissemination** if **it is** later **determined that** the materials **or the dissemination of them are in violation of** this policy **or implementing rules and procedures.**

Students who **disseminate** printed **nonschool** 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.

Printed nonschool materials **displayed in a fixed location of a school building** shall **bear the date when placed in each location.** The District may remove the materials within ten (10) days of the posting or other reasonable time as stated in **applicable** procedures.

Review of Student Expression

Review **of nonschool materials proposed for dissemination** shall be **conducted promptly so as to avoid unreasonable delay in dissemination.**

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 apart from regarding** time, place and manner, shall not be **restricted unless** the expression violates some other **aspect** of this policy, e.g., because it is independently determined to be **in violation** of this policy **for reasons other than the religious nature of the content.**

Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and District procedures.[5]

Delegation of Responsibility

The Superintendent shall assist the building principal in determining the designation of the places and times nonschool materials may be **disseminated** in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit **dissemination** of nonschool materials to noninstructional times.

When student dissemination of nonschool materials or other student expression violates this policy, the building principal may determine what if any disciplinary or other consequences should be imposed. Disciplinary actions shall be in accordance with applicable Board policy and the Code of Student Conduct.[6][7]

The Superintendent shall ensure that building principals and other staff involved in reviewing nonschool materials proposed for dissemination and evaluating whether violations of this policy have occurred receive training regarding applicable standards and procedures. Special emphasis shall be given to understanding the limitations on school officials' authority to regulate off-campus student expression, as well as the need to articulate in detail the nature and extent of disruption to or interference with the school environment thought to be caused by on or off-campus student expression and the specific manner by which the student expression involved is thought to have caused it.

This Board policy and any procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.

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Legal References

1. 22 PA Code 12.9

2. 22 PA Code 12.2

3. 24 P.S. 510

4. 24 P.S. 511

5. Pol. 6. Pol. 113.1

7. Pol. 218

Pol. 816

Mahanoy Area School District v. B.L., 594 U.S. ____ (2021)

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