

PENN MANOR SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/
DISTRIBUTION AND POSTING
OF MATERIALS

ADOPTED: February 4, 2008

REVISED:

<p>1. Purpose</p>	<p>The right of public school students to engage in free expression 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 by the District for posting of nonschool materials. The Board also recognizes that exercise of these rights must be limited by the District’s responsibility to maintain an orderly school environment and to protect the rights and health, safety and welfare of all members of the school community.</p> <p>This policy addresses student expression in general and the distribution and posting of nonschool materials that are not part of district-sponsored activities or the authorized school curriculum. Materials sought to be distributed or posted as part of the authorized curricular or co-curricular programs of the District are not governed by this policy and shall be regulated as part of the District’s educational program.</p>
<p>2. Definitions</p>	<p>Distribution - students providing or making available 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 and activities. When email, 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 while attending school activities or functions, it shall be governed by this policy. Off-campus or after hours distribution of unprotected student expression, including, but not limited to, 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 or dangerous activity; or interferes with another’s rights is also covered by this policy.</p> <p>Expression – verbal, written or symbolic representation or communication.</p> <p>Nonschool materials- any materials meant for posting or general distribution to others that are not prepared as part of the approved curricular or co-curricular program of the District, including but not limited to books, notices, newspapers, fliers, signs, invitations, announcements, pamphlets, posters, banners, Internet</p>

<p>3. Authority</p>	<p>bulletin boarders, personal web sites and other forms of electronic communication but does not include any publication that is sponsored by the Board.</p> <p>Posting – publicly displaying or making available nonschool materials on school property or at school-sponsored activities and events, including, but not limited to, affixing such materials to walls, doors, windows, bulletin boards, easels, the outside of lockers; on district-sponsored or student web sites; through other district-owned technology and the like.</p> <p>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 or dangerous activity; or interferes with another’s rights.</p> <p>Student expression that occurs on school property or at school-sponsored activities and 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 defined 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 or dangerous activity; or interferes with another’s rights.</p> <p>Distribution and posting of nonschool materials may occur only at the places and during the times set forth in written administrative regulations, procedures and directives. Such regulations, procedures and directives shall ensure the orderly operation of schools, while recognizing the rights of students to engage in protected expression.</p> <p><u>Unprotected Student Expression</u></p> <p>The Board reserves the right to designate and prohibit manifestations of student expression that are not protected by the right of free expression 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 activities and functions including but not limited to:</p> <ol style="list-style-type: none">1. Libel of any specific person or persons.2. Advocating the use of or advertising the availability of alcohol or illegal drugs or any other substance or material that may reasonably be believed to constitute a direct and serious danger to the health, safety or welfare of students or that is prohibited by law.
---------------------	---

3. Using obscene, lewd, vulgar or profane language or images - whether verbal, written, or symbolic.
4. Inciting violence or mayhem; advocating use of unlawful force; or encouraging violation of federal, State, or municipal law, Board policy or district rules or regulations.
5. [Are] Expression that 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 activities and functions; threatens serious harm to school or community; encourages unlawful or dangerous activity; or interferes with another's rights.
6. Violating written 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.

Discipline For Engaging in Unprotected Expression

The District shall [Board reserves the right to] prohibit the posting or distribution of nonschool materials containing unprotected expression and to prohibit students from engaging in unprotected student expression. 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.

Distribution Of Nonschool Materials

Students who wish to distribute or post nonschool materials on school property are required to submit such materials to the building principal or designee one (1) school day in advance of planned distribution or posting. Such materials shall be forwarded to the Superintendent for review.

If the nonschool materials contain unprotected expression as defined by this policy, the building principal or designee shall notify the student(s) that the material may not be posted or distributed.

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 the materials constitute protected student expression and they

comply with all written administrative regulations or procedures governing 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 required to desist such distribution if the materials are later found to constitute unprotected expression under this policy.

Students who distribute materials shall be responsible for clearing any litter that results from their activity and shall schedule the distribution so that they do not interfere with or miss any instructional time.

Posting Of Nonschool Materials

If a school property has an area where individuals are permitted to post nonschool materials, students may post materials submitted for prior approval in accordance with this policy, where such materials are deemed to be protected expression.

[Such] Materials posted in such areas shall be officially dated, and the District may remove materials within ten (10) days of the posting or other reasonable time as stated in the administrative regulations or procedures related to posting and distribution.

Review Of Student Expression

School officials shall not censor or restrict protected student expression for the sole reason that the viewpoint expressed therein 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 Board policy, e.g., because it is independently determined to constitute unprotected expression under the standards and definitions adopted by the Board.

The review of material for unprotected expression shall be reasonable and not calculated to delay distribution.

Appeal of the reviewer's decision regarding nonschool materials and student expression may be made to the Superintendent and then to the Board, in accordance with Board policy and District regulations and 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 on school property. Such designations shall take into account maintenance of the flow of student traffic and the health, safety and welfare of the school community and shall limit

distribution of nonschool materials to noninstructional times.

Disciplinary action may be determined by administrators for students who distribute or post nonschool materials or engage in other unprotected student expression in violation of Board policy and District regulations, procedures and student handbooks, or who continue the manifestation of unprotected expression after directed to desist. Disciplinary actions shall be included in the disciplinary Code of Student Conduct.

This Board policy and any administrative regulations, procedures or directives is designed 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