

MIDDLETOWN AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/
DISTRIBUTION AND
POSTING OF MATERIALS

ADOPTED: October 14, 1991

REVISED: May 21, 2007

<p>1. Purpose Title 22 Sec. 12.9</p> <p>2. Definitions</p>	<p style="text-align: center;">220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS</p> <p>The Board respects the right of students to express themselves in word or symbol and to distribute and post materials, at areas designated for that purpose, 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.</p> <p>The 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.</p> <p>Nonschool materials – any printed or written materials meant for general distribution to others or for posting which are not prepared as part of the curricular or extracurricular program of the district. This includes such things as fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal web sites and the like.</p> <p>Distribution – students handing nonschool written 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 written 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 written 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, which does or is likely to materially or substantially interfere with school activities, school work, or discipline and order on school property or at school functions is also covered by this policy.</p> <p>Posting – publicly displaying nonschool written 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.</p>
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<p>3. Authority Title 22 Sec. 12.9</p> <p>SC 511 Title 22 Sec. 12.2, 12.9</p> <p>SC 510 Title 22 Sec. 12.9</p> <p>Title 22 Sec. 12.2</p>	<p>Expression – verbal, written or symbolic representation or communication.</p> <p>Students have the right to express themselves unless 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; threatens immediate harm to the welfare of the school or community; encourages unlawful activity; or is likely to or does materially or substantially interfere with another individual’s rights.</p> <p>Student expression that occurs while 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 school activities, school work, or discipline and order on school property or at school functions.</p> <p>The Board shall require that distribution and posting of nonschool written materials takes place only at the places and during the times set forth in written administrative procedures. Such procedures shall be written to permit 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 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. Such unprotected expressions include those which:</p> <ol style="list-style-type: none"> 1. Libel any specific person or persons. 2. Advocate the use or advertise the availability of any substance or material that may reasonably be believed to constitute a direct and substantial danger to the health or welfare of students or to be prohibited by federal, state or local statute. 3. Use obscene, lewd, vulgar or profane language, whether verbal, written or symbolic. 4. Incite violence, advocate use of force; or urge violation of federal, state or municipal law, Board policy or district regulations.
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<p>Title 22 Sec. 12.9</p>	<p>5. Are likely to or do materially or substantially interfere with school activities, school work, or discipline and order on school property or at school functions.</p> <p>6. Violate written school district administrative procedures on time, place and manner for posting and distribution of otherwise protected expression.</p> <p>Spontaneous student expression which is otherwise protected speech is not governed by this section.</p> <p><u>Discipline For Engaging In Unprotected Expression</u></p> <p>The Board reserves the right to forbid the posting or distribution of nonschool written materials containing unprotected expression and to forbid 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.</p> <p><u>Distribution Of Nonschool Written Materials</u></p> <p>The Board requires that students who wish to distribute or post nonschool written 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 district Superintendent.</p> <p>If the nonschool written materials contain unprotected expression as set out in this policy, the building principal or designee shall notify the students that they may not post or distribute the materials because they violate Board policy.</p> <p>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 on time, place and manner of posting or distribution of nonschool written materials.</p> <p>Students who post or distribute nonschool written 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.</p> <p>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.</p>
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<p>Pol. 219</p> <p>4. Delegation of Responsibility</p> <p>Pol. 218</p>	<p><u>Posting Of Nonschool Written Materials</u></p> <p>If a school building has an area where individuals are allowed to post nonschool written materials, students may post such items as well, so long as they 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.</p> <p>Such materials shall be dated and the district may remove the materials within ten (10) days of the posting, or such other reasonable time as stated in the administrative procedures relating to posting.</p> <p><u>Review Of Student Expression</u></p> <p>School officials shall not censor or restrict nonschool written materials or other student expression for the sole reason that is critical of the school or its administration, or because the views espoused are unpopular or may make people uncomfortable.</p> <p>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.</p> <p>The review for unprotected expression shall be reasonable and not calculated to delay distribution.</p> <p>Appeal of the reviewer’s decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district administrative procedures.</p> <p>The Superintendent shall assist each building principal in determining the designation of the places at which and times during which nonschool written material 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 written materials to noninstructional times.</p> <p>Disciplinary action may be determined by the administrators for students who distribute or post nonschool written materials in contravention of this policy and district regulations or who continue the manifestation of unprotected expression after a person in authority orders that they desist. This shall be included in the disciplinary Code of Conduct for students.</p>
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This Board policy and any administrative procedures written to carry out 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