

# WALLINGFORD- SWARTHMORE SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/  
DISTRIBUTION AND POSTING  
OF MATERIALS

ADOPTED: December 4, 2006

REVISED: February 9, 2015

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| <p>1. Purpose<br/>Title 22<br/>Sec. 12.9</p> <p>2. Definitions</p> | <p style="text-align: center;">220. STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF<br/>MATERIALS</p> <p>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. The Board also recognizes that the 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>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 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 items as fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal websites and the like.</p> <p>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 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 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 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.</p> |
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| <p>3. Authority<br/>Title 22<br/>Sec. 12.9</p> <p>SC 511<br/>Title 22<br/>Sec. 12.2, 12.9</p> <p>SC 510<br/>Title 22<br/>Sec. 12.9</p> | <p>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 websites, through other district-owned technology and the like.</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 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 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 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.</p> <p>The Board shall require that distribution and posting of nonschool 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 including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. Libel of any specific person or persons.</li> <li>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.</li> </ol> |
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| <p>Title 22<br/>Sec. 12.2</p> | <p>3. Using obscene, lewd, vulgar or profane language, whether verbal, written or symbolic.</p> <p>4. Inciting violence; advocating use of force; or encouraging violation of federal, state or municipal law, school district policy or rules or regulations.</p> <p>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; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.</p>   |
| <p>Pol. 913</p>               | <p>6. Solicit funds for nonschool organizations or institutions when such solicitations have not been approved by the appropriate school official.</p> <p>7. Violating 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 prohibited by this section.</p> <p><u>Discipline For Expression In Violation Of This Policy</u></p> <p>The Board prohibits the posting or distribution of nonschool materials containing unprotected expression and prohibits 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.</p> <p><u>Distribution Of NonSchool Materials</u></p> |
| <p>Title 22<br/>Sec. 12.9</p> | <p>The Board shall require that students who wish to distribute materials or post nonschool materials on school property submit them two (2) school days in advance of planned distribution or posting to the building principal.</p> <p>If the nonschool materials contain unprotected expression as set out in this policy, the building principal shall notify the students that they may not post or distribute the materials because they violate Board policy.</p>  |

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| <p>Pol. 219</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 procedures on time, place and manner of posting or distribution of nonschool materials.</p> <p>Students who post or distribute nonschool materials in compliance with this provision may still be ordered, by principal or designee, 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.</p> <p><u>Posting Of Nonschool Materials</u></p> <p>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.</p> <p>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 procedures relating to posting.</p> <p><u>Review Of Student Expression</u></p> <p>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.</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 procedures.</p> |
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| <p>4. Delegation of Responsibility</p> <p>Pol. 218</p> | <p>The building principal shall designate the places at which and times during which non-school materials may be distributed in each school building. Such designations shall limit distribution of nonschool materials to noninstructional times.</p> <p>Disciplinary action may be determined by the administrators for students who distribute or post nonschool materials in violation of this policy and district 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.</p> <p>This Board policy and any administrative procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 510, 511</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.2, 12.9</p> <p>Board Policy – 136, 218, 913</p> |
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