

MUHLENBERG SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/
DISTRIBUTION AND POSTING
OF MATERIALS

ADOPTED: June 15, 2011

REVISED:

<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 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 in areas designated for posting 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>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 school district's educational program.</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 e-mail, 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, 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 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 printed or written materials meant for posting or general distribution to others that are not prepared as part of the curricular or extracurricular program of the district, including but not limited to fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal web sites 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. 12.9</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 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 activity; or interferes with another's rights.</p> <p>Student expression that occurs 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 occur only at the places and during the times set forth in written administrative regulations. Such regulations or procedures shall be written to the orderly operation of schools, while recognizing the rights of students to engage in protected expression.</p> <p><u>Freedom Of Expression</u></p> <p>Students may use publications, handbills, announcements, assemblies, group meetings, buttons, armbands and any other means of common communication, provided that the use of public school communications facilities shall be in accordance with the regulations of the authority in charge of those facilities.</p> <p>Students wishing to distribute materials must submit a request to their building principal for approval a copy of the materials to be displayed, posted or distributed on school property. All printed matter shall be identified with the name of the sponsoring organization or the name of one responsible person in the student group on the posted or distributed materials.</p> <p>Students have the responsibility to obey laws governing libel and obscenity and to be aware of the full meaning of their expression.</p> <p>Students have the responsibility to be aware of the feelings and opinions of others and to give others a fair opportunity to express their views.</p>
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Title 22 Sec. 12.9	<u>Bulletin Boards</u>
Title 22 Sec. 12.9	<p>Bulletin board space should be provided for the use of students and student organizations. School authorities may restrict the use of certain bulletin boards.</p> <p>It is required that notices or other communications be officially dated before posting, and that the materials be removed after a prescribed reasonable time to assure full access to the bulletin boards.</p>
Title 22 Sec. 12.9	<u>School Newspaper And Publications</u>
Title 22 Sec. 12.9	<p>Students have a right and are as free as editors of other newspapers to report the news and to editorialize.</p> <p>School officials shall supervise student newspapers published with school equipment, remove obscene or libelous material and edit other material that would cause a substantial disruption or interference with school activities.</p> <p>School officials may not censor or restrict material simply because it is critical of the school or its administration.</p> <p>Prior approval procedures regarding copy for school newspapers must identify the individual to whom the material is to be submitted and establish a limitation on the time required to make a decision. If the prescribed time for approval elapses without a decision, the material shall be considered authorized for distribution.</p> <p>Students who are not members of the newspaper staff shall have access to its pages. Written criteria for submission of material by nonstaff members shall be developed and distributed to all students.</p>
Title 22 Sec. 12.9	<u>Distribution Of Literature, Leaflets And Newspapers</u>
Title 22 Sec. 12.9	<p>School officials may set forth the time and place of distribution so that distribution would not materially or substantially interfere with the requirements of appropriate discipline in the operation of the school.</p> <p>A proper time and place set for distribution is one which would give the students the opportunity to reach fellow students.</p> <p>The place of the activity may be restricted to permit the normal flow of traffic within the school and at exterior doors.</p>

<p>Pol. 219</p> <p>4. Delegation of Responsibility</p> <p>Pol. 218</p>	<p><u>Discipline For Engaging In Unprotected Expression</u></p> <p>The Board reserves the right to prohibit the posting or distribution of nonschool materials containing unprotected expression and to prohibit 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>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 regulations or procedures.</p> <p>The Superintendent shall assist the building principal in determining the designation of the places and times nonschool materials 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 materials to non-instructional 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 regulations or 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 regulations or procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.</p>
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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