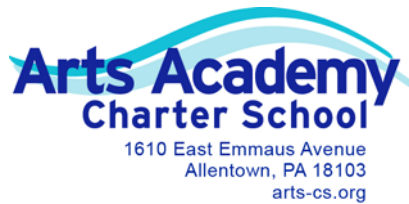


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**Board Policy 2.10**

## Student Expression/Distribution of Materials

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 school’s responsibility to maintain an orderly school environment and to protect the rights of all members of the school community.

This policy addresses student expression in general and distribution and posting of materials that are not part of school-sponsored activities. Materials sought to be distributed or posted as part of the curricular or extracurricular programs of the school shall be regulated as part of the school’s educational program.

**Definitions**

**Off-Campus Expression/Speech** – Speech or expression by a student that occurs or is communicated off school grounds/property. Speech/expression occurring at school-sponsored events or takes place over the School’s network or on or through school-owned electronic devices is considered “Student Expression,” under this Policy and does not constitute off-campus speech/expression.

**Posting** - publicly displaying nonschool materials on school property or at school-sponsored events, including but not limited to placing and/or displaying such materials on walls, doors, bulletin boards, easels, the outside of lockers; on district-sponsored or student web sites; through other district-owned technology.

**Student Expression** – For the purposes of this Policy, Student Expression refers to student speech and other forms of expressive communication, including symbols and non-verbal communication, which occur in school, on school property or at school-sponsored events or which take place over the school’s network or on or through a school-owned electronic device.

Students have the right to express themselves during school, on school property, and at school-sponsored events unless such expression materially or substantially interferes 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; consists of or

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encourages unlawful activity; or interferes with another's rights.

Off-campus or expression shall only be regulated by this policy and/or the school's Code of Conduct if the student expression involved may reasonably cause a substantial disruption of the school environment. Students who participate in school athletic or other extracurricular programs may be held to a higher standard of off-campus conduct, as explained, below.

The Board shall require that distribution and posting of non-school materials occur only at the places and during the times set forth in written administrative regulations. Such regulations or procedures shall be written to permit the orderly operation of schools, while recognizing the rights of students to engage in protected expression.

### **Unprotected Student Expression**

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.

The following types of student expression are not protected:

1. Libel or defamation of any specific person or persons.
2. Expression that advocates the use of 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.
3. Using obscene, lewd, vulgar or profane language – whether verbal, written or symbolic.
4. Expression that incites or could reasonably be believed to incite violence; advocates for the use of force; or encourages violation of federal, state or municipal law, Board policy or district rules or regulations.
5. 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 functions; threaten serious harm to the school or community; encourage unlawful activity; or interfere with another's rights.
6. Materials posted and/or distributed in violation of this Policy and/or school 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.

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### **Discipline For Engaging In Unprotected Student Expression**

The school reserves the right to prohibit students from posting or distributing non-school materials containing unprotected student expression; prohibit students from engaging, generally, in unprotected student expression; stop unprotected student expression when it occurs; and discipline students for engaging in, posting and/or distributing unprotected student expression.

### **Discipline for Off-Campus Expression**

A student may not be disciplined for off-campus expression unless such expression may reasonably cause a substantial disruption of the school environment. Students who participate in school athletic or other extracurricular programs may be held to a higher standard of off-campus conduct, as explained, below, and may be subject to discipline within athletic and/or other extracurricular programs.

### **Posting and/or Distribution Of Non-School Materials**

The Board requires that students who wish to distribute or post non-school materials on school property must submit in writing to the Principal the following at least five (5) school days in advance of distribution or posting:

- a written request for posting/distribution;
- identification of the individual student wishing to post/distribute the materials or at least one responsible person in a student group serving as the point-of-contact for the request;
- a description of the location where the student(s) would like to post the materials and/or to whom the student(s) would like to distribute the materials; and
- a complete and true copy of the materials to be distributed, and materials to be posted must clearly show a date of posting on the front of the materials.

Requests for distribution/posting that do not contain all of the above information will not be reviewed or granted, and such materials may not be distributed/posted.

Upon receipt of the above documents, the principal will immediately forward the materials to the Executive Director or designee, who shall be responsible for granting or denying permission for posting. Within four (4) days of the student's submission of all of the above-required information/materials, the Executive Director or designee shall issue a notice to the student in writing as to whether the request is granted or denied. Permission shall be granted, subject to reasonable and fixed time, place and manner restrictions, unless the expression contains unprotected speech, as defined by law and/or this Policy.

Where a request is denied, the student may not post or distribute the materials.

Where the request is granted, the student may only post/distribute the specific materials submitted in the original request and only in the locations and/or to those individuals specified in the original request. Distributing and/or posting different materials or in a manner different from

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that described in the request is strictly prohibited, and violators may be subject to discipline.

If the nonschool materials contain unprotected expression, as stated in this policy, the Principal or designee shall notify the students that they may not post or distribute the materials because the materials constitute a violation of Board policy.

If notice is not issued during the period between submission and the time for the planned distribution or posting, students may proceed with the planned distribution or posting, provided that they comply with this Policy as well as any written administrative regulations or procedures on time, place and manner of posting or distribution of nonschool materials. In no instance may materials containing unprotected expression, as defined above, be posted and/or disseminated in the school. A student or student group whose request is denied but who do not receive notice denying permission to post/disseminate due to the absence from school of the student requester is prohibited from posting/disseminating under this paragraph.

Students who post or distribute non-school materials in compliance with this provision may still be ordered to stop such distribution if the materials are later found to be unprotected expression under this policy.

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.

The school reserves the right to designate specific areas of each school or building for posting, make general restrictions regarding posting materials within a school building, or prohibit posting within a school or building. Requests for posting materials in a non-designated area or in a school or building that does not permit posting will be denied.

All posted materials must clearly show the date of posting on the front, and the district may remove the materials within ten (10) days of the posting or other reasonable time as stated in the administrative regulations or procedures relating to posting.

Religious expression shall be permitted, subject to the terms of this policy.

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

Appeal of the reviewer's decision may be made to the Executive Director and then to the Board, in accordance with Board policy and district regulations or procedures.

The Executive Director shall assist the Principal or designee 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 non-school materials to non-instructional times.

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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 and/or who continue the manifestation of unprotected expression after a person in authority orders that they stop. Disciplinary actions shall be included in the disciplinary Code of Student Conduct.

This Board policy and any administrative regulations or procedures written to implement this policy shall be referenced in student handbooks.

### **Student Athletes / Students Participating in Extracurricular Activities**

All posting and/or distribution of non-school materials during or at school-sponsored athletics and/or extracurricular activities are subject to the requirements set forth above, including the specific procedures for requesting permission to post and/or distribute.

All rules and requirements for student expression apply to students participating in extracurricular activities, including athletics. In addition, such students may be held to a higher standard than the general population with regards to off-campus speech. As stated above, general restrictions on discipline of students for off-campus speech do not equally apply to discipline within an athletic or extracurricular program due to the fact that participation in athletics and other extracurricular activities is a privilege, not a right. The school, through policy, administrative regulations, a specific athletic code of conduct and/or individual team/activity codes of conduct, may regulate off-campus speech to a greater degree and deny such athletic/extracurricular privileges, either temporarily or permanently, if such violations occur.