EPHRATA AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT EXPRESSION/ DISSEMINATION OF MATERIALS

ADOPTED: April 25, 2005

REVISED: August 29, 2022

220. STUDENT EXPRESSION/DISSEMINATION OF MATERIALS

1. Purpose
22 PA Code 12.9

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 disseminate nonschool materials to others as a part of that expression. The Board also recognizes that the exercise of that right is not unlimited and must be balanced with the district's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.

This policy addresses student expression in general as well as dissemination of expressive materials that are not part of district-sponsored activities (nonschool materials).

This policy does not apply to materials sought to be disseminated as part of the curricular or extracurricular programs of the district, which shall be regulated separately as part of the school district's educational program.

2. Definitions

For the purposes of this policy, dissemination shall mean students distributing or publicly displaying nonschool materials to others:

1. On school property or during school-sponsored activities by placing such materials upon desks, tables, on or in lockers, walls, doors, bulletin boards, or easels; by handing out such materials to other persons; or by any other manner of delivery to others; or

2. At any time or location when creating or sending information using email, websites, online platforms, social media channels or other technological means that are owned, provided or sponsored by the school district.

Expression means verbal, written, technological or symbolic representation or communication.

Nonschool materials means any printed, technological or written materials, regardless of form, source or authorship, that are not prepared as part of the curricular or approved extracurricular programs of the district. This includes, but

	is not limited to, fliers, invitations, announcements, pamphlets, posters, online discussion areas and digital bulletin boards, personal websites and the like.
3. Authority	Limitations on Student Expression
22 PA Code 12.9	Students have the right to express themselves unless such expression is likely to or does materially and substantially disrupt or interfere with the educational process, including school activities, school work, discipline, safety 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. Student expression is prohibited to the extent that it: 1. Violates federal, state or local laws, Board policy or district rules or procedures;
22 PA Code 12.2	2. Is defamatory, obscene, lewd, vulgar or profane; 3. Advocates the use 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, such as tobacco/vaping products, alcohol or illegal drugs; 4. Incites violence, advocates use of force or threatens serious harm to the school or community; 5. Materially and substantially disrupts or interferes with the educational process, such as school activities, schoolwork, discipline, safety and order on school property or at school functions; 6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs; or 7. Violates written district procedures on time, place and manner for dissemination of otherwise protected expression.
22 PA Code 12.2, 12.9 24 P.S. 510, 511	Student expression that occurs on school property or at school-sponsored events or occurs at any time or place when created or communicated using district-provided equipment, email, websites or other technological resources, is subject to this policy. The limitations, prohibitions and requirements of this policy shall apply to expression that occurs outside the foregoing circumstances only when and to the extent that the out-of-school expression: 1. Incites violence, advocates use of force or otherwise threatens serious harm directed at students, staff or the school environment;

	2. Materially and substantially disrupts or interferes with the educational process, such as school activities, schoolwork, discipline, safety and order on school property or at school functions; or 3. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs. <u>Dissemination of Nonschool Materials</u>
22 PA Code 12.9 24 P.S. 510	The Board requires that dissemination of nonschool materials shall occur only at the places and during the times set forth in written procedures. Such procedures shall be written to permit the safe and orderly operation of schools, while recognizing the rights of students to engage in protected expression
22 PA Code 12.9	The Board requires that students who wish to disseminate nonschool materials on school property shall obtain approval by submitting them at least one (1) school day in advance to the building principal or designee, who shall forward a copy to the Superintendent. If the nonschool materials include matters prohibited by this policy, the building principal or designee shall promptly notify the students of the nature of the violation and that they may not disseminate the materials until the violation is corrected and the materials are resubmitted for approval. If notice of disapproval is not given during the period between submission and the time for the planned dissemination, students may consider the request approved and proceed with dissemination as requested, subject to all other established procedures and requirements relating to time, place and manner of dissemination. Students may nonetheless be directed to cease or suspend dissemination if it is later determined that the materials or the dissemination of them are in violation of this policy or implementing rules and procedures. Students who disseminate printed nonschool 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. Printed nonschool materials displayed in a fixed location of a school building shall bear the date when placed in each location. The district may remove the materials within ten (10) days of the posting or other reasonable time as stated in applicable procedures. <u>Review of Student Expression</u> Review of nonschool materials proposed for dissemination shall be conducted promptly so as to avoid unreasonable delay in dissemination.

	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. Student-initiated religious expression is permissible, and apart from regarding time, place and manner, shall not be restricted unless the expression violates some other aspect of this policy, e.g., because it is independently determined to be in violation of this policy for reasons other than the religious nature of the content. 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.
4. Delegation of Responsibility	The Superintendent shall assist the building principal in determining the designation of the places and times non-school materials may be disseminated in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit dissemination of non-school materials to non-instructional times.
Pol. 113.1, 218	When student dissemination of nonschool materials or other student expression violates this policy, the building principal may determine what if any disciplinary or other consequences should be imposed. Disciplinary actions shall be in accordance with applicable Board policy and the Code of Student Conduct. The Superintendent shall ensure that building principals and other staff involved in reviewing nonschool materials proposed for dissemination and evaluating whether violations of this policy have occurred receive training regarding applicable standards and procedures. Special emphasis shall be given to understanding the limitations on school officials' authority to regulate off-campus student expression, as well as the need to articulate in detail the nature and extent of disruption to or interference with the school environment thought to be caused by on or off-campus student expression and the specific manner by which the student expression involved is thought to have caused it. This Board policy and any procedures written 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. 510, 511 State Board of Education Regulations – 22 PA Code 12.2, 12.9 Board Policy – 113.1, 218