

Book	Policy Manual
Section	200 Pupils
Title	Student Expression/Dissemination of Materials
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Purpose

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 Joint Operating Committee 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 Joint Operating Committee also recognizes that exercise of that right **is not unlimited and** must be **balanced with** the center's (school's) responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.[\[1\]](#)

This policy addresses student expression in general **as well as dissemination of expressive** materials that are not part of school-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 center (school), **which** shall be regulated **separately** as part of the educational program.

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 center (school).**

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 program of the center (school). This includes, but is not limited to fliers, invitations, announcements, pamphlets, posters, **online discussion areas and digital** bulletin boards, personal websites and the like.

Authority

Limitations on Student Expression

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:**[\[1\]](#)

1. Violates federal, state or local laws, Joint Operating Committee policy or center (school) rules or procedures;
2. Is defamatory, obscene, lewd, vulgar or profane;[\[2\]](#)
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 center (school) or community;
5. **Materially and** substantially **disrupts or** interferes with the educational process, such as school activities, school work, 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 center (school) and center (school) programs; **or**
7. Violates written procedures on time, place and manner for posting and **dissemination** of otherwise protected expression.

Student expression that occurs on school property or at school-sponsored events **or occurs at any time or place when created or communicated using center (school) -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:**[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

- 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, school work, 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 school and programs.**

Dissemination of Nonschool Materials

The Joint Operating Committee 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 the center (school), while recognizing the rights of students to engage in protected expression.[1][4]

The Joint Operating Committee 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 administrator or designee, who shall forward a copy to the Administrative Director.[1]

If the nonschool materials **include matters prohibited by** this policy, the building administrator 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 the 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 or procedures.~~

Students will not be able to disseminate or post any materials until formerly approved by the Administration.

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 building** shall **bear the date when placed in each location.** The center (school) may remove the materials within ten (10) days of the posting or other reasonable time as stated in **applicable** procedures.

Review of Student Expression

Review of nonschool materials proposed for dissemination shall be conducted promptly so as to avoid unreasonable delay in dissemination.

Center (School) officials shall not censor or restrict nonschool materials or other student expression for the sole reason that it is critical of the center (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 Administrative Director and then to the Joint Operating Committee, in accordance with Joint Operating Committee policy and procedures.[5]

Delegation of Responsibility

The Administrative Director shall assist the building administrator in determining the designation of the places and times nonschool materials may be **disseminated** in the center (school). Such designations may take into account maintenance of the flow of student traffic throughout the center (school) and shall limit **dissemination** of nonschool materials to noninstructional times.

When student dissemination of nonschool materials or other student expression violates this policy, the building administrator may determine **what, if any, disciplinary or other consequences should be imposed.** Disciplinary actions shall be **in accordance with applicable Joint Operating Committee policy and** the Code of Student Conduct.[6][7]

The Administrative Director shall ensure that building administrators 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 Joint Operating Committee policy and any procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.

1. 22 PA Code 12.9
 2. 22 PA Code 12.2
 3. 24 P.S. 511
 4. 24 P.S. 1850.1
 5. Pol. 219
 6. Pol. 218
 7. Pol. 113.1
- Mahanoy Area School District v. B.L., 594 U.S. ____ (2021)
- Pol. 816

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