

COUNCIL ROCK SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT EXPRESSION

ADOPTED: March 19, 1998

REVISED: November 16, 2006
March 6, 2014

218.4 STUDENT EXPRESSION	
1. Purpose Title 22 Sec. 12.9	<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 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>
2. Definitions	<p>Distribution - students distributing nonschool materials to others on District property or during District-sponsored events; placing upon desks, on or in lockers; or engaging in any other manner of delivery of nonschool materials to others while on District property, during school or District functions or when being transported by District vehicles to and from school or a school event. When email, text messaging or other technological delivery is used as a means of distributing or accessing nonschool materials via use of District equipment or while on District property, at school or District functions, or when being transported by District vehicles to and from school or a school event, 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 or District activities, school work, or discipline and order on District property or at school or District 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 - printed or written materials meant for posting or general distribution to others that are not prepared as part of the curricular or</p>

<p>3. Authority Title 22 Sec. 12.9</p> <p>Title 22 Sec 12.2, 12.9</p>	<p>extracurricular program of the District, including but not limited to fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal websites, text-messages, social media, emails, and the like.</p> <p>Posting - publicly displaying nonschool materials on District property or at District 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>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 or District activities, school work, or discipline and order on District property or at school or District functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights. <i>Spontaneous student expression which is otherwise protected speech is not prohibited by this policy.</i></p> <p>Student expression that occurs on District property or at school or District-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 student 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 or District activities, school work, or discipline and order on District property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.</p> <p>Distribution and posting of nonschool materials shall occur only at the places and during the times set forth in written administrative regulations. Such regulations 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> The District reserves the right to 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 or District activities, school work, or discipline and order on District property or at school functions including but not limited to:</p> <ol style="list-style-type: none"> 1. Libel any specific person or persons.
---	---

2. Advocate the use or advertising the availability of any substance or material, which may reasonably be believed to constitute a direct and substantial danger to the health or welfare of any person.
3. Use of obscene, lewd, vulgar or profane language –whether verbal, written, or symbolic.
4. Inciting violence, advocating the use of force, or encouraging the 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 or District activities, school work, or discipline and order on District property or at school or District functions; threaten serious harm to the school or community; encourage unlawful activity; or interfere with another's rights.
6. Violating written District administrative regulations or procedures on time, place and manner for posting and distribution of otherwise protected expression.

Title 22
Sec 12.9

Discipline For Engaging In Unprotected Expression

The District 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. Students engaging in unprotected expression may be disciplined. Where such expression occurs off campus and away from school functions, a nexus between the unprotected expression and a substantial or material interference to the school program must be established.

Distribution Of Nonschool Materials

Students who wish to distribute or post nonschool materials on District property shall submit those nonschool materials five (5) schools day in advance of planned distribution or posting to the Building Administrator or designee, who shall forward a copy to the Superintendent.

If the nonschool materials contain unprotected expression as defined in this policy, the Building Administrator 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 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 regulations on time, place and manner of posting or distribution of nonschool

<p>4. Delegation of Responsibility</p>	<p>materials.</p> <p>Students who post or distribute nonschool materials in compliance with this provision may still be ordered 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> If a school building has an area where students 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. Such materials shall be officially dated, and the District may remove the materials within a reasonable time as stated in the administrative regulations relating to posting.</p> <p><u>Review Of Student Expression</u> District 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.</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.</p> <p>The Superintendent shall assist the Building Administrator in determining the designation of the places and times nonschool materials may be distributed. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit distribution of nonschool materials to noninstructional times.</p> <p>The Building Administrator for students who distribute may determine disciplinary action or post nonschool materials in violation of this policy and District regulations, 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 Administrative Regulations written to implement this policy shall be referenced in student handbooks so that students can access them for further information.</p> <p>References: School Code – 24 P.S. Sec. 510, 511</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.2, 12.9 Board CR Board Policy 218, Student Discipline</p>