

## 220. ATTACHMENT

### STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS

Students have the responsibility to act in accordance with Board Policy 220. Student Expression/Distribution and Posting of Materials (Policy 220), to obey laws governing libel and obscenity, and to be aware of the full meaning of their expression.

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.

These procedures address the distribution and posting of nonschool materials that are not part of the curricular or extracurricular program of the district. Materials sought to be distributed or posted as part of the curricular or extracurricular program of the district will be regulated as part of the district's educational program and are not subject to the time, place and manner provisions set forth herein.

Students may distribute and/or post nonschool materials, provided that the form of expression and/or the use of public school facilities and equipment is/are in accordance with Policy 220, these procedures and the school dress code, if applicable.

The district has no responsibility to assist students in or to provide facilities for the distribution or posting of nonschool materials.

#### Definitions

**Distribution** means students issuing nonschool materials to others on school property or during school-sponsored events; placing upon desks, tables, 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 email, 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 Policy 220 and these procedures. 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, 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 is also covered by Policy 220 and these procedures.

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

**Nonschool materials** means any printed, technological or written materials meant for posting or general distribution that are not prepared as part of the curricular or approved extracurricular program of the district. This includes, but is not limited to fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal websites and the like.

**Posting** means 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 websites; through other district-owned technology and the like. When email, text messaging or other technological delivery is used as a means of posting nonschool materials via use of school equipment or while on school property or at school functions, it shall be governed by Policy 220 and these

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procedures. Off-campus or after hours posting, including technological posting, that does or is likely to materially or substantially 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 is also covered by Policy 220 and these procedures.

**Unprotected Student Expression** means expressions that are not protected by the right of free expression because such expressions violate the rights of others or where such expression is likely to or does materially or substantially interfere with school activities, school work, discipline, safety and order on school property or at school functions. While the following list is not intended to be exhaustive, such expression shall not be protected if it:

1. Violates federal, state or local laws, Board policy or district rules or procedures.
2. Is libelous, 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/nicotine, alcohol or illegal drugs.
4. Incites violence, advocates use of force or threatens serious harm to the school or community.
5. Is likely to or does materially or substantially interfere 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 schools and their programs.
7. Violates written district 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.

Distribution of Nonschool Materials

The distribution by students of all nonschool materials will be governed by the following procedures:

1. All nonschool materials, together with a copy of the plan of distribution, must be submitted to the building principal, who will forward such information to the Superintendent or designee for approval, no later than twenty-four (24) hours prior to the planned distribution. The plan of distribution will set forth in detail the desired time, place and manner of distribution, as well as those who will be distributing the materials.

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2. Identification of the individual student or at least one (1) responsible person in a student group will be required upon submission for approval. The person wishing to distribute such material on school property must provide in writing his/her name, address, telephone number and organization, if any. This information will be filed in the building principal's office.
3. The Superintendent or designee will review the material, determine if it constitutes unprotected expression, and inform the building principal or designee of his/her decision. The building principal or designee will notify the student(s) planning to distribute nonschool material of the decision to grant or deny permission to distribute the material as planned. If the decision is to not permit the distribution, the building principal or designee will specify the reasons for the decision and will specify the changes in the content of the material or in the plan of distribution which must be made, if any, in order to secure such permission. If the student(s) desiring to distribute such material make(s) such changes in a manner satisfactory to the Superintendent or designee prior to the planned distribution, the building principal or designee may then grant permission to distribute.
4. Any materials that have not been approved for distribution will not be distributed on school property, at school-sponsored functions or on school-provided vehicles.

*Time -*

If permission is granted, students may only distribute approved nonschool materials at the following times: 30 minutes before the official start of school; 30 minutes after the official end of school; Or at another time deemed appropriate by the superintendent or designee.

*Place -*

Distribution of approved nonschool materials will be permitted in the following locations: Cafeteria, Office, Hallway and approved classrooms.

*Manner -*

All nonschool materials must bear the district disclaimer.

**DISCLAIMER: THE TURKEYFOOT VALLEY AREA SCHOOL DISTRICT IS NOT RESPONSIBLE FOR, AND DOES NOT ENDORSE, ANY STATEMENT, SENTIMENT OR OPINION PUBLISHED OR EXPRESSED IN THIS DOCUMENT. THIS DOCUMENT IS NOT PART OF, AND HAS NOT BEEN DISTRIBUTED AS PART OF, THE DISTRICT'S CURRICULAR OR EXTRACURRICULAR PROGRAMS.**

Any student who distributes materials will be responsible for cleaning any litter that results from such distribution, including any discarded pamphlets, fliers or other documents.

No student will harass or otherwise interfere with the distribution of approved nonschool material by student(s), nor may a student in any way compel or coerce a student to accept any materials.

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Posting of Nonschool Materials

The posting of all nonschool materials will be governed by the following procedures:

1. All requests to post nonschool materials must be submitted to the building principal, who will forward such information to the Superintendent or designee for approval, no later than twenty-four (24) hours prior to the planned posting.
2. Identification of the individual student or at least one (1) responsible person in a student group will be required upon submission for approval. The person wishing to post such material must provide in writing his/her name, address, telephone number and organization, if any. This information will be filed in the building principal's office.
3. The Superintendent or designee will review the material, determine if it constitutes unprotected expression, and inform the building principal or designee of his/her decision. The building principal or designee will notify the student(s) planning to post nonschool material of the decision to grant or deny permission to post the material as planned. If the decision is to not permit the posting, the building principal or designee will specify the reasons for the decision and will specify the changes in the content of the material, if any, in order to secure such permission. If the student(s) desiring to post such material make(s) such changes in a manner satisfactory to the Superintendent or designee prior to the planned posting, the building principal or designee may then grant permission to post.
4. Any materials that have not been approved for posting will not be posted on school property.
5. All approved materials will be posted in an area designated by the building principal for students to post nonschool materials.
6. All material approved to be posted will contain the date it was first posted.
7. All materials approved to be posted must be removed after 10 school days to assure full access to the bulletin boards.
8. No student will remove or otherwise interfere with the posting of approved nonschool material by student(s).

Disciplinary Consequences

Any student who violates any provision of Policy 220 or these procedures will be subject to disciplinary action, which may include suspension and/or expulsion from school.

Student Handbook

A copy of this procedure will be published in student handbook.  
(Adopted 9/16/2019)