

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Student
Expression/Distribution and
Posting of Materials

ADOPTED: April 27, 1981

REVISED: April 26, 2018

220 STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS

Purpose

The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and by the Constitution of the Commonwealth. The Board of Education 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 district's responsibility to maintain an orderly school environment and to protect the rights of all members of the school community.[\[1\]](#)

This policy also governs when email, text messaging or other technological delivery is used as a means of distributing or accessing non-school materials via use of school equipment or while on school property or at school functions. This policy also covers 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, or discipline 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.

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

Definitions

Distribution - students handing non-school materials to others on school property or during school-sponsored events; placing upon desks, on or in lockers; or engaging in any other manner of delivery of non-school materials to others while on school property or during school functions.

Expression - verbal, written or symbolic representation or communication.

Non-school materials - any printed or written materials for posting or general distribution to others that are not prepared as part of the curricular or extracurricular program of the District,

including but not limited to fliers, invitations, announcements, pamphlets, posters, internet bulletin boards, personal websites and the like.

Posting - publicly displaying non-school 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.

Authority

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 activities, school work, or discipline and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another student's rights.[\[1\]](#)

Student expression that occurs on school property or at school-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 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 activities, school work, or discipline 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.[\[1\]\[2\]\[3\]](#)

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 procedures. Such procedures shall be written to permit the orderly operation of schools, while recognizing the rights of students to engage in protected expression.[\[1\]](#)

Unprotected Student Expression

The Board reserves the right to designate and 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 activities, school work, or discipline and order on school property or at school functions including but not limited to:

1. Libel of any specific person or persons.
2. Advocating the use or advertising 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.[\[3\]](#)
4. Inciting violence; advocating use of force; or encouraging violation of federal, state or municipal law, Board policy or district rules or regulations.

5. Expressions that are likely to or do 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. Violating written school district administrative 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.

Discipline for Engaging in Unprotected Expression

The Board reserves the right to prohibit the posting or distribution of non-school 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. The Board reserves the right to discipline students in accordance with the Student Code of Conduct for engaging in unprotected expression. Where such expression occurs off campus and away from school functions, a nexus between the unprotected expression and a substantial and material disruption of the school program must be established.

Delegation of Responsibility

The Superintendent shall assist the building principal in determining the designation of the places and times which non-school 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.

Disciplinary action may be determined by the school administrators for students who distribute or post non-school materials in violation of this policy and district regulations or procedures, or who continue the manifestation of unprotected expression after the building principal or their designee request that they desist. Disciplinary actions shall be included in the disciplinary Code of Student Conduct.[5]

This Board policy and any administrative procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.

Legal References:

1. 22 PA Code 12.9
2. 24 P.S. 511
3. 22 PA Code 12.2
4. Pol. 219 - Student Complaint Process
5. Pol. 218 - Student Conduct and Discipline

Related Information:

- 24 P.S. 510
- Philadelphia Home Rule Charter - 12-300
- Pol. 815: Acceptable Use of Internet, Technology, and Network Resources