

POLICY 220

Student Expression/Dissemination of Materials

REDLINE DRAFT FOR CONSIDERATION

Policy Number	220	Status	Draft Redline
Base Policy	Adopted 4/8/2014; revised 4/14/2020	Model Reference	PSBA Revision 3/22 (2022)

REDLINE KEY: ~~Red strikethrough~~ indicates proposed deletion. Black underline indicates proposed addition. Unmarked text is retained or repositioned without substantive change.

Drafting note: This draft uses the current CBSD policy as the baseline and incorporates the recommended PSBA modernization while retaining the district's two-school-day advance submission period. A proposed 220-AR-1 is included on a new page to establish consistent review and dissemination procedures. Solicitor review is recommended before adoption.

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 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 that the exercise of that right must be limited by the district's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.~~ 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 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 protect the rights of all members of the school community.

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

Definitions

~~Distribution means students issuing nonschool materials to others on school property or during school-sponsored events; placing materials upon desks, tables, on or in lockers; or engaging in any other manner of delivery. Posting means publicly displaying nonschool materials on school property or at school-sponsored events, including on walls, doors, bulletin boards, easels, lockers, district-sponsored or student websites, or district-owned technology. For purposes of this policy, dissemination means 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.
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 meant for posting or general distribution 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, Internet bulletin boards, personal websites and the like.~~ 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.

Authority

Limitations on Student Expression

~~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, 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.~~ 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**;
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, 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; or
7. Violates written district procedures on time, place and manner for dissemination of otherwise protected expression.

~~Spontaneous student expression that is otherwise protected speech is not prohibited by this policy.~~

~~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 it constitutes unprotected expression and does or is likely to materially or substantially interfere with the educational process, threatens serious harm, encourages unlawful activity, or interferes with another's rights.~~ 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 outside those 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, 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 schools and their programs.

Dissemination of Nonschool Materials

~~The Board requires that distribution and posting of nonschool materials shall occur only at the places and during the times set forth in written procedures.~~ 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 permit the safe and orderly operation of schools while recognizing the rights of students to engage in protected expression.

~~The Board requires that students who wish to distribute or post nonschool materials on school property shall submit them at least two (2) school days in advance of planned distribution or posting to the building principal or designee, who shall forward a copy to the Superintendent or designee.~~ The Board requires that students who wish to disseminate nonschool materials on school property shall obtain approval by submitting them at least two (2) school days in advance to the building principal or designee, who shall forward a copy to the Superintendent or designee. **Spontaneous student expression will not require such prior submission.**

~~If the nonschool materials contain unprotected expression as stated in this policy, the building principal 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 the nonschool materials include matters prohibited by unprotected speech as described in this policy and~~

applicable law, 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 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 procedures. Students may still be ordered to desist if the materials are later found to be unprotected expression.~~ If notice of disapproval is not given during the period between submission and the time for planned dissemination, students may consider the request approved and proceed as requested, subject to all established time, place and manner procedures. Students may nonetheless be directed to cease or suspend dissemination if the materials or their dissemination are later determined to violate this policy or implementing 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 they do not miss instructional time.

~~If a school building has an area where individuals are allowed to post nonschool materials, students may post such items as well if the materials do not constitute unprotected expression and are submitted for prior review. Such materials shall be officially dated, and the district may remove the materials within ten (10) days of posting or another reasonable time stated in procedures.~~ 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 and shall be removed within ten (10) days of after posting or another reasonable time stated in applicable procedures.

Review of Student Expression

~~The review for unprotected expression shall be reasonable and not calculated to delay distribution.~~ 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 ~~solely~~ because the expression is critical of the school or its administration, or because the views expressed are unpopular or may make people uncomfortable.

~~Student-initiated religious expression is permissible and shall not be prohibited except as to time, place and manner of distribution, or if the expression violates another part of this policy.~~ Student-initiated religious expression is permissible and, apart from reasonable time, place and manner requirements, shall not be restricted unless the expression violates another aspect of this policy for reasons independent of the religious nature of its content.

An 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.

Discipline and Other Consequences

~~The Board reserves the right to prohibit the posting or distribution of nonschool materials containing unprotected expression, to stop unprotected expression when it occurs, and to discipline students. Where expression occurs off campus and away from school functions, a nexus between the unprotected expression and a material and substantial disruption of the school program must be established.~~ When student dissemination of nonschool materials or other student expression violates this policy, the building principal or designee may determine what, if any, disciplinary or other consequences should be imposed. Disciplinary action shall be consistent with applicable Board policy and the Code of Student Conduct. Students who engage in truly "spontaneous" expression that is unplanned and that is otherwise protected will not be disciplined solely for failing to obtain prior approval. For out-of-school expression, the district shall document the specific basis for its authority under this policy, including the nature and extent of any material and substantial disruption, serious threat or interference with the rights of others, and the connection between the expression and the school environment.

Delegation of Responsibility

~~The Superintendent or designee shall assist the building principal in determining the designation of the places and times non-school materials may be distributed in each school building.~~ The Superintendent or designee shall assist the building principal in designating the places and times nonschool materials may be disseminated in each school building. Such designations may account for student traffic and shall limit dissemination to noninstructional times.

~~The building principal or designee may determine disciplinary action for students who distribute or post nonschool materials in violation of this policy and district procedures, or who continue unprotected expression after being directed to desist.~~ The Superintendent or designee shall ensure that building principals and other staff involved in reviewing proposed nonschool materials or evaluating potential violations receive training regarding applicable legal standards and district procedures. Training shall emphasize the limitations on school officials' authority to regulate out-of-school student expression and the need to document the specific nature, extent and cause of any claimed disruption or interference with the school environment.

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

Legal References

- U.S. Const. amend. I
- Pa. Const. art. I, sec. 7
- 22 Pa. Code §§ 12.2 and 12.9
- 24 P.S. §§ 5-510 and 5-511
- Mahanoy Area School District v. B.L., 594 U.S. 180 (2021)
- Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)

Policy References

Policy 218 - Student Discipline; Code of Student Conduct; 220-AR-1 - Dissemination of Nonschool Materials and Review of Student Expression.

220-AR-1

Dissemination of Nonschool Materials and Review of Student Expression

NEW ADMINISTRATIVE REGULATION | ALL TEXT PROPOSED

Redline treatment: Because no existing CBSD administrative regulation for Policy 220 has not been created, all provisions below are shown as proposed additions in black underline.

Purpose

This administrative regulation establishes consistent procedures for student dissemination of nonschool materials and administrative review of student expression under Policy 220. These procedures are intended to protect student expression while maintaining safe and orderly school operations.

Scope

This regulation applies to student dissemination of nonschool materials on school property, during school-sponsored activities, or through district-owned, district-provided or district-sponsored technological resources. It does not govern school-sponsored curricular or extracurricular publications and communications, which are regulated as part of the district educational program.

Submission for Prior Review

A student who wishes to disseminate nonschool materials on school property shall submit the following to the building principal or designee at least two (2) school days before the proposed dissemination:

1. A complete copy of the material in the form in which it will be disseminated;
2. The student's name and school;
3. The proposed date, time, location and method of dissemination;
4. The approximate number of copies or expected scope of digital dissemination; and
5. The name of at least one responsible student when materials are submitted on behalf of a student group.

A student may submit materials electronically or in another format designated by the building principal. The principal or designee shall note the date and time received and promptly forward a copy to the Superintendent or designee.

Administrative Review

The building principal or designee shall review the material promptly and may consult the Superintendent or designee and legal counsel. Review shall be limited to the standards in Policy 220 and shall not be based ~~solely~~ on disagreement with the viewpoint expressed, criticism of the district or its employees, the popularity of the message, or the religious, political or philosophical nature of the content.

The reviewer shall consider the content of the material and the proposed time, place and manner of dissemination. A prediction of disruption must be supported by specific facts and reasonable inferences, not by undifferentiated fear, anticipated discomfort or a desire to avoid controversy.

Decision and Notice

The building principal or designee shall provide the student a decision before the proposed dissemination whenever the material was timely submitted. The decision shall be one of the following:

1. Approved as submitted;
2. ~~Approved with reasonable time, place or manner conditions;~~
3. Returned for correction of an identified violation and resubmission; or
4. Disapproved because the material or proposed dissemination violates a specific provision of Policy 220 ~~or this regulation.~~

All approvals will be subject to reasonable, equally applied time, place, and/or manner restrictions.

A decision that conditions, returns or disapproves materials shall identify the specific policy or procedural basis and briefly explain the facts supporting the determination. If notice of disapproval is not provided within the review period, the student may proceed as requested, subject to Policy 220 and this regulation.

Time, Place and Manner

Approved dissemination shall occur during noninstructional time and in locations designated by the building principal. Designations shall be **reasonably and equally** applied without regard to viewpoint and may account for pedestrian traffic, entrances and exits, transportation areas, meal service, safety, supervision and the orderly operation of school programs.

- Dissemination may not block or impede hallways, doors, stairs, accessible routes, bus-loading areas or emergency access.
- Students may not enter classrooms or interrupt instruction to disseminate materials without the teacher's and principal's approval.
- Materials may not be placed on vehicles, in mailboxes, in lockers or on desks or other property without authorization.
- Students may not pressure, intimidate or require another person to accept material.
- Students shall remove litter resulting from printed materials and leave the area in an orderly condition.
- The district may establish reasonable **and equally applied** limits on the duration and physical method of dissemination, but may not use such limits to suppress a particular viewpoint.

Fixed Displays and Bulletin Boards

The building principal may designate bulletin boards or other fixed locations for student nonschool materials. Approved materials shall be officially dated when posted and ~~may be removed after ten (10) calendar days~~ **or another reasonable period established for the location**. Space and duration limits shall be administered consistently and without regard to viewpoint.

Materials placed in an unauthorized location may be removed. When practicable, the material shall be retained briefly so the responsible student may retrieve it and receive information about the approval process.

Digital Dissemination Using District Resources

Student use of district email, websites, learning platforms, digital bulletin boards, social media channels or other district-sponsored technology to disseminate nonschool materials requires compliance with Policy 220, applicable acceptable-use requirements and administrator-approved procedures for the platform.

- Students may not use another person's account, conceal authorship or misrepresent that the district sponsors or endorses nonschool material.
- Students may not bypass technical controls or use unauthorized mass-distribution lists.
- Approval to use a district platform does not constitute district endorsement of the message.
- The district may apply neutral technical limits relating to file size, format, frequency, account permissions, cybersecurity and system capacity.

Spontaneous Expression

This regulation does not require advance submission of spontaneous student expression that is otherwise protected and is not a planned dissemination of nonschool materials. School officials may respond when spontaneous expression violates Policy 220 or materially interferes with safety or the orderly operation of school.

Direction to Cease or Suspend Dissemination

A school official may direct a student to cease or suspend dissemination when the material or the manner of dissemination violates Policy 220, this regulation or an approved condition. The official shall identify the reason for the direction and notify the building principal or designee promptly. When the concern can be corrected through a narrower time, place or manner adjustment, that option should be considered before complete prohibition.

Appeal

A student may appeal a disapproval or condition to the Superintendent or designee by submitting the material, the building-level decision and a brief statement of the reason for appeal. The Superintendent or designee shall review the matter promptly and issue a written decision. A further appeal may be made to the Board in accordance with applicable Board procedures. Pending appeal, the challenged dissemination shall not proceed unless authorized by the reviewer.

Documentation

The building principal or designee shall maintain a record of submissions, decisions, conditions, appeals and significant enforcement actions. When district authority is asserted over out-of-school expression, the administrator shall document the specific expression, the nature and extent of the disruption, threat or interference, and the connection to the school environment.

Discipline and Other Consequences

Disciplinary action shall be considered separately from the decision whether materials may be disseminated and shall be imposed only in accordance with Policy 218 and the Code of Student Conduct. A student shall not be disciplined solely for submitting materials for review, expressing an unpopular viewpoint, criticizing the school or requesting an appeal in good faith.

Annual Building Procedures and Notice

Each building principal shall identify the person or office that receives submissions, approved dissemination times and locations, designated posting areas and any platform-specific procedures. Policy 220 and this regulation shall be referenced in student handbooks and made reasonably accessible to students and families.

Administrator Training

Administrators and other staff responsible for reviewing student expression shall receive periodic guidance regarding Policy 220, this regulation, applicable legal standards, viewpoint neutrality, documentation and the limits of district authority over out-of-school expression.

Draft for Policy Committee consideration | October 8, 2026 | Legal review