

PROTECTED SPEECH	Activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are protected by the First Amendment. <i>Schenck v. Pro-Choice Network</i> , 519 U.S. 357 (1997) (recognizing leafletting and commenting on matters of public concern as protected speech); <i>Boos v. Barry</i> , 485 U.S. 312 (1988) (recognizing public issue signs as protected speech); <i>Meyer v. Grant</i> , 486 U.S. 414 (1988) (recognizing the solicitation of signatures for a petition drive as protected speech)
LIMITATIONS ON EXPRESSION	<p>The School may prohibit expression by students if:</p> <ol style="list-style-type: none">1. It materially and substantially interferes with school activities;2. It materially and substantially interferes with the rights of other students or teachers; or3. The School can demonstrate reasonable cause to believe that the expression would engender such material and substantial interference. <p>The School shall not prohibit student expression solely because other students, teachers, administrators, or parents may disagree with its content.</p>
No Viewpoint Discrimination	The School shall not discriminate based on the viewpoint expressed in private, student-to-student, non-disruptive speech. <i>Morgan v. Swanson</i> , 659 F.3d 359 (5th Cir. 2011) (recognizing private, non-disruptive, student-to-student speech expressing a religious viewpoint as protected speech)
Prior Review	<p>All written material over which the school does not exercise control and that is intended for distribution to students shall be submitted to the Principal/Supervisor or designee for prior review according to the following procedures:</p> <ol style="list-style-type: none">1. In order to be considered for distribution, materials shall include the name of the organization or individual sponsoring the distribution.2. Using the standards below at LIMITATIONS ON CONTENT, the principal or designee shall approve or reject submitted material within two school days of the time the material is received.3. The student may appeal the principal's/supervisor's decision in accordance with TSD Board Policy FNG, beginning at Level Two. <p>Students who fail to follow these procedures may be disciplined in accordance with the FO series and the Student Code of Conduct.</p>
Time, Place, and Manner Limitations	<p>The School may limit student expression in manner, place, or time by means of reasonable, viewpoint-neutral regulations.</p> <p><i>Shanley v. Northeast Indep. Sch. Dist.</i>, 462 F.2d 960 (5th Cir. 1972);</p>

**STUDENT EXPRESSION:
DISTRIBUTION OF NONSCHOOL LITERATURE**

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Canady v. Bossier Parish Sch. Bd., 240 F.3d 437 (5th Cir. 2001) [See also CPAB for use of a district's mail system]

Definitions
Nonschool literature

Nonschool literature refers to any materials the district does not produce or control, including handbills, book covers, signs, posters, e-mails, digital images, cards, or gifts. Examples of nonschool literature might include pamphlets about an upcoming arts festival.

Distribution

For purposes of this policy, "distribution" means the circulation of more than ten printed copies of material from a source other than the School.

Classrooms and hallways shall not be used for the distribution of any materials over which the school does not exercise control.

The Director of Student Life and eEach Principal shall designate an area where materials that have been approved for distribution, as provided below, may be made available or distributed to students or others and determine how long materials may remain available for distribution and the manner in which they will be distributed.

VIOLATIONS

Failure to comply with this policy regarding distribution of nonschool literature shall result in appropriate administrative action, including but not limited to confiscation of nonconforming materials, suspension of a noncurriculum-related student group's use of School facilities, and/or other disciplinary action in accordance with the Student Code of Conduct.

LIMITATIONS ON
CONTENT

Nonschool materials shall not be distributed if they:

1. Are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience;
2. Endorse actions endangering the health or safety of students;
3. Create reasonable cause to believe that distribution of the nonschool literature would result in material and substantial interference with school activities and the rights of others;
4. Promote illegal drug use or other conduct prohibited by the Student Code of Conduct;
5. Violate the intellectual property rights, privacy rights, or other rights of another person;
6. Contain defamatory statements about public figures or others;
7. Advocate imminent lawless or disruptive action and are likely to incite or produce such action.

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8. Include hate literature that scurrilously attacks ethnic, people with disabilities, religious, or racial groups or contain content aimed at creating hostility and violence; and the materials would materially and substantially interfere with school activities or the rights of others.

Materials distributed under the supervision of instructional personnel as part of instruction or other authorized classroom activities shall not be considered nonschool literature and shall not be governed by this policy. For distribution of nonschool literature by nonstudents, see GKD.

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