

## **Student Distribution of Noncurricular Materials**

To understand Constitutional values such as the right to free speech, students must not only study such principles but also have an opportunity to put them into practice. However, there are limitations on the right of student free speech in the school setting that have been upheld by the courts because of the unique nature of the school community.

It is the goal of this policy to strike a necessary balance between a student's right of free speech and the school's need to maintain an orderly and safe school environment which respects the rights of all students on school grounds and during school-sponsored activities.

Students may distribute noncurricular written materials on school property in accordance with this policy, its accompanying regulation, and applicable state and federal law.

### **Prohibited distribution**

Students may not distribute any noncurricular materials on school property or at school-sponsored activities or events that in themselves or in the manner they are distributed:

- create or threaten to create a substantial disruption or material interference with the normal operation of the school, school activity or event;
- advocate or encourage unlawful conduct or conduct that violates Board policy, including but not limited to the Board's policies prohibiting unlawful discrimination, harassment and bullying;
- cause or threaten to cause injury to persons or property; or
- are obscene, defamatory or violate any person's privacy rights.

Students who distribute materials in violation of this policy may be subject to appropriate disciplinary action, including suspension and/or expulsion.

School equipment and supplies shall not be used for publication of such material.

Adopted June 18, 2008 (CASB-July 07)

Revised November 4, 2020

LEGAL REFS: Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)  
Tinker v. Des Moines Indep. Comm. School District, 393 U.S. 503 (1968)  
Colo. Const. Art 9, §5  
Taylor v. Roswell Indep. Sch. Dist., 713 F.3d 25 (10<sup>th</sup> Cir. 2013)  
C.R.S. 22-1-120 (*rights of free expression for public school students*)  
C.R.S. 22-32-110 (1)(r) (*power to exclude materials that are immoral or pernicious*)

CROSS REFS: JICEA, School-Related Student Publications  
JICED, Student Expression Rights  
JK, Student Discipline, and sub codes  
KHC, Distribution/Posting of Noncurricular Materials  
Thompson School District R2-J, Loveland, Colorado