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 shall be allowed to distribute noncurricular written materials on school property subject to restrictions on time, place and manner of distribution set out in the accompanying regulations and the prohibitions set out below and in state law.

Any material in any media containing expression which is obscene, pornographic, sexually explicit, libelous, slanderous or defamatory shall be prohibited. Students shall not distribute any material which advocates commission of unlawful acts or violation of Board or district policy and/or regulations, violates another person's right to privacy, causes a material and substantial disruption of the orderly operation of the school, or threatens violence to property or persons. Also prohibited are materials that contain insulting words or words the very expression of which injures or harasses other people and which are inconsistent with the shared values of a civilized social order (e.g. threats of violence or defamation of a person's race, religion, ethnicity, national origin, etc.).

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: November 15, 2007

LEGAL REFS.: Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988)
Tinker v. Des Moines Indep. Comm. Sch. Dist., 393 U.S. 503 (1968)
Colo. Const. Art 9, §5
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 subcodes
KHC, Distribution/Posting of Noncurricular Materials