

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 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 may not be used for publication of such material.

Adopted: October 25, 2017

Revised and recoded by the Board: July 17, 2019

LEGAL REFS.: Tinker v. Des Moines Indep. Comm. Sch. Dist., 393 U.S. 503 (1968)
Taylor v. Roswell Indep. Sch. Dist., 713 F.3d 25 (10th Cir. 2013)
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.:

Board policies:

EL-4, Communication and Council to the Board

EL-9, Treatment of Students Parents and Community

File: J-25 (JICEC*)

EL-10, Student Conduct, Discipline and Attendance

Administrative policies:

JICEA, School-Related Student Publications (School Publications Code)

JK, Student Discipline, and subcodes

KHC, Distribution/Posting of Noncurricular Materials

Student Distribution of Noncurricular Materials

Approval required prior to distribution

Students who wish to distribute more than 10 items or copies of noncurricular materials on school property or at a school-sponsored activity or event shall submit the material to the school principal for approval at least five school days in advance of the planned distribution date. The principal or principal's designee shall respond to such requests within three school days.

Appeal

If the principal does not approve the materials for distribution, the principal or principal's designee shall provide a written explanation of why the materials were not approved under the policy accompanying this regulation.

The student may then appeal the decision as follows:

1. Within 10 school days of receiving the principal's or designee's decision, the student may file a written notice of appeal with the superintendent.
2. The superintendent shall make a written determination within 10 school days of receiving the student's appeal.
3. Within 10 school days of receiving the superintendent's decision, the student may submit a written appeal to the superintendent, requesting a hearing before the Board.
4. The superintendent shall schedule the hearing on the agenda of the next regularly scheduled Board meeting, which generally will be held within 30 days of the filing of a request for a hearing.

After providing the student with an opportunity to be heard, the Board shall render a decision, which shall be final.

The following restrictions apply to all requests to distribute more than 10 items or copies of noncurricular materials by students on school property or at school-sponsored activity or event:

1. **Place.** Distribution of materials must be made at places within the school or on school grounds as designated by the principal except that in no event may such materials be distributed in any classroom of any building then being occupied by a regularly-scheduled class.
2. **Time.** Distribution may be made one-half hour before school and/or during regularly scheduled lunch periods and/or 15 minutes after the close of school. Any other times during the school day are considered to be disruptive of normal school activities.

3. **Littering.** All distributed noncurricular materials discarded in school or on school grounds must be removed by the persons distributing such items.
4. **Manner.** No student may in any way be compelled or coerced to accept any noncurricular materials. In the alternative, no school official or student may interfere with materials distributed in accordance with this regulation and its accompanying policy.

Violation of this regulation and/or accompanying policy will be sufficient cause for denial of the privilege to distribute materials at future dates and may be cause for disciplinary action, including suspension and/or expulsion.

Approved: October 25, 2017

Reviewed and recoded by the superintendent: July 17, 2019