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. *Schenck v. Pro-Choice Network, 519 U.S. 357 (1997) (recognizing leafletting and commenting on matters of public concern as protected speech); Boos v. Barry, 485 U.S. 312 (1988) (recognizing public issue signs as protected speech); Meyer v. Grant, 486 U.S. 414 (1988) (recognizing the solicitation of signatures for a petition drive as protected speech)*

LIMITATIONS ON EXPRESSION

The District may prohibit expression by students if:

1. It materially and substantially interferes with school activities;
2. It materially and substantially interferes with the rights of other students or teachers; or
3. The District can demonstrate reasonable cause to believe that the expression would engender material and substantial interference.

NO VIEWPOINT DISCRIMINATION

The District shall not discriminate based on the viewpoint expressed in private, student-to-student, non-disruptive speech. *Morgan v. Swanson, 659 F.3d 359 (5th Cir. 2011) (recognizing private, non-disruptive, student-to-student speech expressing a religious viewpoint as protected speech)*

PRIOR REVIEW

The District may subject student expression to prior screening under clear and reasonable regulations.

TIME, PLACE, AND MANNER LIMITATIONS

The District may limit student expression in manner, place, or time by means of reasonable, viewpoint-neutral regulations.

Shanley v. Northeast Indep. Sch. Dist., 462 F.2d 960 (5th Cir. 1972); Canady v. Bossier Parish Sch. Bd., 240 F.3d 437 (5th Cir. 2001) [See also CPAB for use of the District's mail system]