

STUDENT EXPRESSION
DISTRIBUTION OF NONSCHOOL LITERATURE

FNA
(LEGAL)

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| 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 | The District may prohibit expression by students if: <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 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. <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 | 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. <i>Shanley v. Northeast Indep. Sch. Dist.</i> , 462 F.2d 960 (5th Cir. 1972); <i>Canady v. Bossier Parish Sch. Bd.</i> , 240 F.3d 437 (5th Cir. 2001) [See also CPAB for use of the District's mail system] |