

DISTRIBUTION OF WRITTEN MATERIALS BY PUPILS OR PUPIL INITIATED CLUBS

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The Board respects the rights of pupils to express themselves by distributing materials to other pupils and/or staff. However, the exercise of that right may be limited by the need to maintain an environment conducive to learning.

Pursuant to N.J.S.A. 18A:42-4, no pupil may distribute to other pupils materials that favor or oppose a candidate for the school board, school bond issue or public question at any election, which is intended to be given to anyone outside the school building. Pupils or pupil initiated clubs will not be permitted to distribute written materials that:

Will cause substantial disruption of the proper and orderly operation of the school or school activities or;

Violate the rights of others, including but not limited to material that is libelous, invades the privacy of others or infringes on a copyright or;

Are socially inappropriate or inappropriate due to the maturity of the pupils in the school, including but not limited to materials that are obscene, pornographic, lewd, vulgar, or plainly offensive or;

Intrudes upon the rights of other pupils; or

Are commercial in nature.

The written materials must be submitted to the Principal/designee for approval on a viewpoint-neutral basis. Within 48 hours of submission (excluding days when schools are closed), the distribution will be approved if the materials do not fall within one or



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more of the prohibited categories. If the distribution is denied, the reason for such denial will be provided in writing to the pupil, and the pupil may appeal the decision to the Superintendent/designee, who will respond within 48 hours (excluding days when schools are closed).

Materials may be handed out during lunch periods from a table set up in the cafeteria and/or before and after school in the school's main lobby.

References:

U.S. Const. amend. 1, 14

Equal Access Act 20 U.S.C. Sec. 4071 et seq.

N.J.S.A. 18A:42-4

Tinker v. Des Moines Ind. Community School District, 393 U.S. 503 (1969)

Child Evangelism Fellowship of New Jersey, 386 F.3d 514 (3d Cir. 2004)

O.T. v. Frenchtown Elementary School District Board of Educ., 465 F. Supp.2d 369 (D.N.J. 2006)

Hedges v. Wauconda Community Unit School District No. 118, 9 F.3d 1295 (7th Cir. 1993)

