



## Distribution of Nonschool Materials on School Property

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Many Texas school districts permit students and community members to distribute nonschool-sponsored materials (called *literature* by the courts) on school grounds. The distribution takes many forms: a citizen passing around a petition at a board meeting, a parent placing a stack of flyers about community meetings in the main office, a church passing out Bibles, or a child sharing birthday party invitations with friends.

In most circumstances, a school district is not required to permit nonschool literature on its property. Almost every Texas school district does permit distribution, however. School officials open school facilities to students and community members for the distribution of nonschool literature—in legal terms, create a *limited public forum*—through the policies or practices of the district or individual campuses. Once a school district has chosen by policy or practice to allow nonschool-sponsored materials in school facilities, the Free Speech Clause of the First Amendment to the United States Constitution limits the district’s ability to refuse to allow distribution based solely on the viewpoint expressed in the materials.

The following questions and answers address several legal and practical issues that may arise related to the distribution of nonschool literature by students and community members.

### 1. What policies should a school district have regarding distribution of nonschool materials?

To ensure uniform practices across the district, TASB recommends that districts adopt explicit board policy. In most Texas school districts, TASB Policy FNAA(LOCAL) governs the distribution of nonschool materials by students, while TASB Policy GKDA(LOCAL) governs the distribution of nonschool materials by community members, including parents. These policies create a limited public forum for distribution of nonschool materials. See *Pounds v. Katy Indep. Sch. Dist.*, 517 F. Supp. 2d 901 (S.D. Tex. 2007) (upholding facial constitutionality of district’s policy FNAA(LOCAL)).

Typically these board-adopted literature distribution policies provide that campus principals will make appropriate time, place, and manner restrictions for their campuses. By law, these rules must be reasonable and viewpoint neutral, as described below. Ideally, campus guidelines should be written, shared in appropriate ways, and consistently applied. To assist districts in adopting sound policy, TASB Policy Service offers a *Starting Points* policy development toolkit. TASB Legal Services urges every district to complete the *Starting Points* with the advice of their school attorney.

## **2. What is *nonschool literature*?**

*Nonschool literature* refers to any materials the district does not produce or control, including handbills, book covers, signs, posters, e-mails, digital images, cards, or gifts. Examples of nonschool literature might include pamphlets about an upcoming arts festival, t-shirts bearing a local business's slogan, flyers advertising guitar lessons, invitations to a church dinner, or images recorded at a student's party over the weekend.

## **3. What materials are school-related?**

School-related materials include all of the materials—from textbooks to calendars to permission slips—disseminated by the campus or district itself. School-related materials are not subject to FNAA(LOCAL) and GKDA(LOCAL). Even if the district chooses a closed door approach to prohibit the distribution of nonschool materials, the district is still free to distribute its own materials related to instruction and other school functions.

In addition, there are many instances when students distribute materials at school for a school-related purpose. For example, high school students regularly distribute printed materials to their classmates as part of oral presentations of research projects, and elementary students bring items to share during "show-and-tell." If this distribution takes place under the supervision of instructional staff, such as teachers and coaches, for an instructional purpose, the distribution may be considered school related. For example, if a teacher's lesson plan calls for students to distribute personal notes to fellow students, the students' distribution of the notes is part of the day's curriculum. Consequently, the distribution, even though done by students and not the school itself, is school related and not subject to FNAA(LOCAL). See *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260 (1988) (concluding that when student speech occurs in an instructional setting, such as a journalism class, school officials may place reasonable restrictions on speech for any legitimate pedagogical reason); *Chiras v. Miller*, 432 F.3d 606 (5th Cir. 2005) (concluding that the selection and use of curricular materials by the district is government speech not subject to *Hazelwood* or the viewpoint neutrality requirement).

## **4. Do different rules apply when community members, rather than students, distribute nonschool literature?**

Both students and community members enjoy First Amendment rights that must be respected by the district. Community distribution of nonschool literature differs from student distribution of nonschool literature in one basic way, however. Because students are required by compulsory attendance laws to attend school, court decisions imply that students have a right to speak their minds on school grounds in a way that nonstudents do

not. Some legal commentators call this students' right to "speak where they are" (on campus) or a right of interpersonal communication with their peers while at school. See *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) (acknowledging students' right to non-disruptive expressive conduct at school); see also Laycock, *Equal Access and Moments of Silence: The Equal Status of Religious Speech by Private Speakers*, 81 Nw. Univ. L. Rev. 1 (1986). Of course, this does not mean that students' communications are not subject to reasonable regulation, but it does mean that school rules cannot be designed to suppress student speech entirely.

For this reason, districts may choose to prohibit nonstudent distribution of nonschool literature but permit such distribution by students. See *Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118*, 9 F.3d 1295 (7th Cir. 1993) (recognizing that by allowing students to distribute materials a school does not obligate itself to allow nonstudents similar distribution rights). Legally and practically, however, it makes little sense to grant students *fewer* opportunities to distribute nonschool materials than the general public is permitted. As citizens themselves, students could simply make use of the opportunities created at the district's community policy, GKDA(LOCAL), rather than the student policy, FNAA(LOCAL).

##### **5. What limits can a school district place on the distribution of nonschool literature by community members?**

A district creates a limited public forum by allowing some, but not all, distribution of nonschool materials. A forum is either a place for communication, such as campus classrooms or a cafeteria, or a means of communication, such as a school newspaper or announcements over a public address system. Normally, all school facilities are operated for school purposes and therefore are not public. For example, if a campus maintains a bulletin board for official school announcements only, the bulletin board is not available for nonschool use. If, however, the campus permits nonschool-related announcements to be posted on a bulletin board, such as flyers for youth softball leagues, Boy Scouts, or church activities, the bulletin board will become a type of public forum for nonschool use.

A district's ability to regulate expression depends in part on the type of public forum it has created. A district can create the equivalent of a traditional public forum, where any viewpoint on any topic must be allowed, and where the district may not impose a content limitation unless it is narrowly tailored to serve a compelling governmental interest, such as safety. Most districts choose instead to open a *limited public forum*, permitting distribution only at certain times and places and under specified conditions. At all other times, the district's facilities remain a nonpublic forum. See generally *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788 (1985) (holding that government may limit participation in nonpublic forum as long as regulation is viewpoint neutral).

## 6. How does viewpoint neutrality apply to the distribution of nonschool literature?

Once a district has opened a limited public forum for the distribution of nonschool literature, district decisions about what may be distributed must be *viewpoint neutral*. In other words, once a district has opened its doors to the distribution of nonschool materials, the district may not pick and choose among the views expressed in the materials. Unless the district can point to some other reason to stop a student or community member from distributing materials, such as a safety reason, the fact that materials are controversial or the district disagrees with the message will not suffice as a legal reason to stop the distribution. For example, if a district sends students home with flyers about a summer enrichment program operated by the Boy Scouts, the district cannot refuse to send home flyers about a summer enrichment program sponsored by a Christian youth group based solely on the religious viewpoint of the group. *Hills v. Scottsdale Unified Sch. Dist. No. 48*, 329 F.3d 1044 (9th Cir. 2003) (per curiam).

## 7. What kinds of *time, place, and manner* restrictions can be placed on the distribution of nonschool literature?

Even if a district opens a limited public forum for student distribution of nonschool literature, the district or individual campuses may impose reasonable *time, place, and manner* restrictions on the distribution, like the ones described below. For all time, place, and manner restrictions, campus rules should be reasonable, clearly communicated to the student body and community, and enforced even-handedly, regardless of the viewpoint expressed in the materials.

- **Limits on time:** Although one court decided that a district could adopt a *time* restriction that allowed distribution of nonschool materials on campus only one day each year, the vast majority of schools allow daily opportunities for students to distribute nonschool materials. *See Peck v. Upshur County Bd. of Educ.*, 155 F.3d 274 (4th Cir. 1998) (upholding policy permitting nonstudents to disseminate material in certain schools, during school hours, on one day of school year). A district or campus could choose to allow distribution during all noninstructional time, but such a permissive policy is not required. Rather than specify times for distribution in policy, the TASB-recommended policy language for FNAA(LOCAL) and GKDA(LOCAL) requires individual campuses to set reasonable rules regarding times for distribution. A campus's options could include times before and after school; during recess, lunch, or homeroom periods; during any activity period, fairs, meetings, or open houses; and/or between classes. *See Donovan v. Punxsutawney Area Sch. Bd.*, 336 F.3d 211 (3d Cir. 2003) (defining morning activity period between classes as noninstructional time for purposes of determining access rights of noncurricular student groups).
- **Limits on place:** Similarly, the TASB-recommended policy language at FNAA(LOCAL) and GKDA(LOCAL) states that individual campuses will develop rules regarding locations for distribution. Designated locations may include entrances and exits, atriums, a handout table, or bulletin boards. For example, a common choice is to require that all materials be

placed on a particular table in the front lobby of a campus. In addition, a school district could determine that certain events are places that are not public forums for distribution. For example, a law school was reasonable and viewpoint neutral in preventing distribution of leaflets at the school's graduation ceremony. *Sabatini v. Reinstein*, 222 F. Supp. 3d 444, 459 (E.D. Pa. 2016).

- **Limits on manner:** Finally, the TASB-recommended policy language at FNAAL(LOCAL) and GKDA(LOCAL) states that individual campuses will establish rules regarding the manner of any distribution. For example, a campus could impose a *manner* restriction that requires all remaining materials to be picked up after a certain number of days.

Although most districts have such a policy, many do not follow through by setting written campus guidelines on the distribution of nonschool materials. Campus guidelines are essential to establishing consistent limits on distribution that are reasonable and viewpoint neutral. Taken as a whole, campus guidelines should grant students adequate opportunity for personal communication, in person or in writing. Campuses should also be careful not to adopt rules that are so strict that school officials are not committed to enforcing the rules consistently for all messages.

## 8. Can district officials review materials before they are distributed?

Most school district policies require that nonschool materials be reviewed by a school official before distribution. Whether a district can require prior review depends on the circumstances of the distribution. If distribution will occur during the school day or at a school event where students are likely to be present, the district can impose a prior review requirement. For example, a student may be required to seek prior review of flyers to be distributed at a school-sponsored extracurricular event, such as a football game. See *Shanley v. Northeast Indep. Sch. Dist.*, 462 F.2d 960 (5th Cir. 1972) (permitting prior review if the process is not too complex or onerous).

The Fifth Circuit Court of Appeals has indicated, however, that a district may not impose such a requirement at school-sponsored events that take place after hours and are intended for adults rather than students. *Chiu v. Plano Indep. Sch. Dist.*, 339 F.3d 273 (5th Cir. 2003) (rejecting a prior review requirement before parents distributed materials critical of the district's math curriculum at district-sponsored "Math Nights" for parents). Consequently, if a community member or a student is distributing nonschool materials at a school event intended for adults rather than students, such as a parents' night at a school campus or a school board meeting, prior review cannot be required. Even if prior review is not required, however, the district's other policies concerning distribution of nonschool literature—such as limitations on content and time, place, and manner restrictions discussed below—still apply.

The TASB-recommended policy language at FNAA(LOCAL) and GKDA(LOCAL) requires that the designated school official complete any prior review within two school days. If a district lengthens this time frame to allow more time for prior review, the district risks a legal challenge that the delay caused by prior review inhibits free speech. For this reason, we recommend that the time frame for prior review be as short as administratively possible—two or three school days at most. *See Baughman ex rel. Baughman v. Freienmuth*, 478 F.2d 1345 (4th Cir. 1973) (striking down a prior review requirement in part because it did not provide for prompt administrative response).

In addition, in recognition of students' right to engage in interpersonal communication while at school, TASB-recommended policy language in FNAA(LOCAL) does not require prior review before a student distributes fewer than a certain number of copies of a nonschool item. This permits a student to pass a note to a friend between classes or hand a friend a birthday card before school without first seeking approval from the campus principal. Even when the number of copies being passed between students is so small that the need for prior review is not triggered, the district's disciplinary policies remain in force; school officials may still punish students for inappropriate speech or breaking school rules.

Some school districts have chosen to adopt policy language requiring prior review of all nonschool materials being distributed among students on campus. Arguably, a school district may have a legal right to adopt such a policy. Districts with this provision should exercise caution, however. Such a rigorous prior review policy may be subject to legal challenge, either because the policy interferes with students' right to interpersonal communication or because the district will not be able to enforce the policy consistently. Realistically, school officials will not be able to intercept and screen every love note or party invitation exchanged between students on school grounds.

## **9. What is the purpose of prior review? Can content be rejected?**

As an administrator conducts a prior review, what is he or she looking for? We know that any decision the administrator makes must be *viewpoint neutral*—but does that mean the administrator must be blind to content? No, even if a district has opened a limited public forum for distribution of nonschool materials, the district still has some control over the content of the materials that can be distributed. The district can prohibit certain categories of speech that courts have determined need not be tolerated in the school environment. For example, the district can prohibit or regulate speech that is obscene or is likely to cause a material and substantial disruption of school operations. But the district cannot exclude content just because it contains a controversial message or viewpoints with which the district disagrees.

School administrators may regulate expressive conduct that is normally protected by the First Amendment Free Speech Clause only if: (1) the regulation, like a dress code, furthers an important or substantial governmental interest; (2) the interest is unrelated to the suppression of student expression; and (3) the incidental restrictions on First Amendment activities are no more than is necessary to facilitate that interest. *Morgan v. Plano Indep. Sch. Dist.*, 589 F.3d 740 (5th Cir. 2009).

Consequently, district policy should provide administrators, students, and community members clear guidance about prohibited content, so that district policy can be consistently enforced. For example, vague descriptions of permissible subject matters, such as “beneficial,” “in good taste,” or within “community standards of decency,” do not provide adequate notice of what distribution is prohibited and may leave the district open to a legal challenge based on viewpoint discrimination. Similarly, leaving decisions on distribution in the “sole discretion” of an administrator without any guidance on the grounds for decision making may also leave the district vulnerable to a legal challenge based on viewpoint discrimination.

TASB-recommended policy language for FNAAL(LOCAL) and GKDA(LOCAL) prohibits categories of content that have been determined in prior court cases to be inappropriate in the public school setting:

- **Vulgarity:** The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience. *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675 (1986).
- **Threats to health or safety:** The materials endorse actions directly endangering the health or safety of students. *Ponce ex rel. E.P. v. Socorro Indep. Sch. Dist.*, 508 F.3d 765 (5th Cir. 2007).
- **Promotion of illegal drugs:** The materials promote illegal use of drugs, alcohol, or other controlled substances. *Morse v. Frederick*, 551 U.S. 393 (2007).
- **Harm to rights of others:** Distribution of the materials would violate the intellectual property rights, privacy rights, or other rights of another person. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969); *United States v. O’Brien*, 391 U.S. 367 (1968).
- **Defamation:** The materials contain defamatory statements about public figures or others. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974).
- **Inciting lawless action:** The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action. *Brandenburg v. Ohio*, 395 U.S. 444 (1969).
- **Hate speech:** The materials are hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence, and the materials would materially and substantially interfere with school activities or the rights of others. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969); *United States v. O’Brien*, 391 U.S. 367 (1968).

- **Disruption:** There is reasonable cause to believe that distribution of the nonschool literature would result in material and substantial interference with school activities or the rights of others. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

Moreover, under TASB-recommended language at policies FNAA(LOCAL) and GKDA(LOCAL), materials containing such prohibited content can be excluded from the school environment, regardless of whether the materials were subject to prior review.

## 10. How do district policies apply to distribution of religious materials?

The United States Supreme Court’s guiding principle on religious speech at school is that the First Amendment *prohibits* government speech endorsing religion but *protects* private speech endorsing religion. *Santa Fe Indep. Sch. Dist. v. Doe ex rel. Jane & John Doe*, 530 U.S. 290 (2000). Schools are not religion-free zones when students choose on their own, in ways that do not interfere with the work of the school or the rights of others, to communicate about religion. As a result, students have a right to share written religious materials with classmates to the same extent they are permitted to share written materials on other topics. *Morgan v. Swanson*, 659 F.3d 359 (5th Cir. 2011) (en banc).

The leading Fifth Circuit Court of Appeals case on student distribution of religious literature arises from Plano ISD, and is commonly referred to as the “candy cane case” because one of the items offered for distribution was a candy cane shaped pen with a religious message attached. Four former elementary-school students in Plano ISD filed suit claiming school officials prevented them from sharing their evangelical Christian beliefs with classmates by distributing, at various times and places, written religious materials at school. In the most publicized incident, a child attempted to share treat bags containing the candy cane pens with classmates during a winter break party. According to the plaintiffs, the principal refused to allow these messages to be distributed at the classroom party; the principal offered an alternative distribution location in the library, where students could choose to take one from a table, but other non-religious treats were permitted in the classroom. Another plaintiff attending another Plano ISD elementary school attempted to distribute tickets to a church event and later birthday treats with two pencils, one with a secular and one with a religious message. Allegedly, the student’s principal prevented distribution of the tickets, even after school to willing recipients, and permitted distribution of the secular, but not the religious, pencils with the birthday treats. *Morgan v. Swanson*, 659 F.3d 359 (5th Cir. 2011) (en banc).

The Fifth Circuit granted qualified immunity to the two principals accused of discriminating against the students’ religious speech. On *en banc* review, the full Fifth Circuit court concluded that, at the time of these alleged events, the law governing elementary students’ distribution of religious material was not *clearly established*. Nevertheless, a majority of the divided court went on to examine the plaintiffs’ allegations and determine that, going forward, the principals’ actions as alleged in this case would violate clearly established law as articulated by this decision. *Morgan v. Swanson*, 659 F.3d 359 (5th Cir. 2011) (en banc).



## **11. Can distribution policies distinguish between campuses based on the age of the students?**

As described above, it is permissible for campuses within the same school district to have different time, place, and manner restrictions regarding distribution of nonschool literature, but regulations must be reasonable and viewpoint neutral. Many districts choose to have stricter rules at elementary schools where the age and impressionability of the students causes school officials to exercise greater caution and control over outside messages. These concerns are heightened in the elementary school environment where students are less likely to understand the difference between school-sponsored speech and private speech within a limited public forum.

Although it is permissible to adopt stricter time, place, and manner restrictions for an elementary campus, the same First Amendment principles (including the requirement of viewpoint neutrality) apply equally in the elementary setting. *Child Evangelism Fellowship of N.J., Inc. v. Stafford Twp. Sch. Dist.*, 386 F.3d 514 (3d Cir. 2004) (granting Christian youth group access to elementary school's methods of distributing nonschool materials to students and posting nonschool materials); *Rusk v. Crestview Local Sch. Dist.*, 379 F.3d 418 (6th Cir. 2004) (upholding elementary school's practice of distributing to students community organization flyers advertising religious activities where a reasonable parent would not view the practice as endorsement of religion). If children are allowed to share personal holiday, birthday, or other greetings in writing with each other, then children should be permitted to share similar personal messages with a religious viewpoint; school officials should not inhibit the distribution for fear of violating the Establishment Clause when the circumstances make it clear that the messages are personal in nature. *See Morgan v. Swanson*, 659 F.3d 359 (5th Cir. 2011) (en banc) (holding that action of principal who prevented student from handing out pencils with the message "Jesus loves me" to classmates after school hours outside of the school building was unconstitutional).

## **12. Can the district require or post a disclaimer stating that the district is not responsible for the content of nonschool literature?**

A district may take steps to avoid an appearance of school sponsorship of nonschool materials. TASB-recommended language at FNAA(LOCAL) and GKDA(LOCAL) includes a disclaimer of school sponsorship in the text of the policy. Districts may also choose to post a disclaimer or require that a disclaimer statement be printed or affixed to all nonschool materials distributed on school grounds. *Muller ex rel. Muller v. Jefferson Lighthouse Sch.*, 98 F.3d 1530 (7th Cir. 1996). A prominent disclaimer can serve as a helpful reminder that the district does not endorse, approve, or sponsor the activities, views, or events promoted by the materials. Remember, however, that enforcement of a disclaimer requirement must be uniform. If a district allows students and community members to distribute nonschool materials without the disclaimer, but suddenly tries to stop distribution of controversial material that lacks the disclaimer, the district is risking a legal challenge. To facilitate consistent enforcement of a disclaimer requirement, one option might be to print and make available to distributors copies of labels containing a standard disclaimer notice.

### **13. How should the district address elections and campaigning on campus?**

Policy should address the fact that school campuses are often used as polling places. While a school facility is in use as a polling place, the district should adopt a relatively permissive distribution policy allowing legal distribution of campaign materials in appropriate areas of campus for the relevant period of time. *Electioneering* is the posting, use, or distribution of political signs or literature. An individual may electioneer for or against any candidate, measure, or political party, outside of 100 feet from an outside door through which a voter may enter the building. An entity (like a school district) that allows its facility to be used as polling place is not allowed to prohibit electioneering during the time the polling place is in use; the district may, however, enact reasonable regulations regarding the time, place, and manner of electioneering. Tex. Elec. Code § 61.003.

When school facilities are not in use as polling places, distribution of campaign literature may be restricted. The Texas Election Code prohibits a school district from using district funds to distribute campaign materials, and the Ethics Commission has interpreted the use of school facilities (including placing flyers on a table in the teachers' lounge) to be a prohibited use of district funds. Op. Tex. Ethics Comm'n No. 443 (2002). Campus mailboxes and other district-operated means of mail distribution (including e-mail) should not be used to distribute campaign materials. Tex. Elec. Code § 255.0031. To avoid violating the Election Code and to promote fairness, distribution of campaign literature at school facilities should be limited to designated limited public forums.

### **14. How can school officials avoid liability for violating students' or citizens' rights regarding distribution of nonschool materials?**

Reading the so-called "candy cane case," one has the sense that the Plano ISD administrators were put in a difficult position—the parents of the plaintiff students made no secret of the fact that they were actively represented by counsel and were willing to press for their right to distribute the religious materials. The administrators were under pressure and had to react in the heat of the moment. In reaching its decision, the Fifth Circuit was sympathetic to the fact that the administrators were working under stressful conditions, and this influenced the court's decision to extend qualified immunity to the principals. The court cautioned, however, that in the future, even under stressful conditions, administrative decisions based on impermissible viewpoint discrimination would violate clearly established rights. *Morgan v. Swanson*, 659 F.3d 359 (5th Cir. 2011) (en banc).

School officials need to have a strategy for themselves and their instructional staff to gracefully intercept potential issues, avoid snap decisions, and offer thoughtful responses to potential free speech challenges. School officials should avoid knee-jerk responses hoping to squelch controversial speech and should focus instead on the idea that free speech is permitted, as long as school rules are being followed. As issues arise, school officials need to ask:

- Is the student or citizen following the school’s consistent and viewpoint neutral rules about handing out nonschool materials? For example, are all students and citizens directed to place flyers on a distribution table? If so, the student or citizen may be directed to comply.
- Have school officials allowed other materials with personal messages to be distributed in a similar manner? If so, it may appear that this distributor is being stopped due to viewpoint discrimination. If a school official interrupts distribution based on a concern about the content of a message, the school official should let the distributor know that the distribution is not being prohibited but merely delayed while the official seeks prompt, appropriate advice on how to proceed.
- Is a citizen breaking a school rule by trespassing, failing to check in at the front desk, distributing in an unauthorized location, littering, interfering with instruction or students’ activities, or failing to submit materials for prior review? These school rules are viewpoint neutral and should be consistently enforced.
- Similarly, if a student is breaking a school rule or classroom norm that is consistently enforced, a teacher or administrator may respond with appropriate behavior management interventions. School officials should not be afraid to control inappropriate student behavior just because part of the student’s behavior involves a controversial or religious message, as long as the message is not the reason for the discipline.

## Conclusion

The key to preventing First Amendment violations is that materials expressing personal messages should be treated the same, regardless of their viewpoint. School officials will get themselves into trouble—including exposing themselves to personal liability—if they wait until they see what they perceive to be an objectionable message to dust off their district policy or campus guidelines and start enforcing them.

To address the complex legal and practical issues surrounding distribution of nonschool literature, we urge you to complete the TASB Policy Service *Starting Points*. If you have completed the *Starting Points*, inform administrators, students, and parents about your FNAALOCAL and GKDA (LOCAL) and consult your school attorney during both the development and application of the policy.

If you have questions about your local school practices or students’ First Amendment rights, please contact your school attorney or TASB Legal Services for assistance.

This document is continually updated, and references to online resources are hyperlinked, at [tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Community/documents/distribution-of-nonschool-materials-on-school-property.pdf](https://tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Community/documents/distribution-of-nonschool-materials-on-school-property.pdf). For more information on this and other school law topics, visit TASB School Law eSource at [schoolawesource.tasb.org](https://schoolawesource.tasb.org).

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