

**DISTRIBUTION OF NON-SCHOOL-SPONSORED MATERIALS ON
SCHOOL PREMISES BY STUDENTS AND EMPLOYEES**

I. PURPOSE

To protect the exercise of students' and employees' free speech rights, taking into consideration the educational objectives and responsibilities of the school district.

II. GENERAL STATEMENT OF POLICY

- A. The school district recognizes that students and employees have the right to express themselves on school property. This protection includes the right to distribute, at a reasonable time and place and in a reasonable manner, non-school-sponsored material. Distribution by non-students and non-employees must be approved in advance by administration.

- B. The school board adopts the following regulations and procedures regarding distribution of non-school-sponsored material on school property and at school activities.

III. DEFINITIONS

- A. **"Distribute"** or **"Distribution"** means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing material in a school location.

- B. **"Non-school-sponsored material"** or **"unofficial material"** includes all materials or objects intended for distribution that are not approved in advance by the superintendent, building principal, and/or their designees. Examples of non-school-sponsored materials include, but are not limited to, leaflets, brochures, buttons, badges, flyers, flags, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects.

- C. **"Obscene to minors"** means:
 - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the indecent interest of minors of the age to whom distribution is requested;

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2. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- D. **"Minor"** means any person under the age of eighteen (18).
- E. **"Material and substantial disruption"** of a normal school activity means any disruption which substantially interferes with or impedes the implementation of an educational program for the district for which student attendance is compulsory.
1. Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts), "material and substantial disruption" is defined as student rioting, unlawful destruction or seizures of property, or other conduct interrupting the event.
 2. In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.
- F. **"School activities"** means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays and other theatrical productions, and in-school lunch periods.
- G. **"Libelous or Slanderous"** is a false and unprivileged statement about a specific individual that tends to harm

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the individual's reputation or to lower that individual in the esteem of the community.

IV. GUIDELINES

- A. Students and employees of the school district have the right to distribute, at reasonable times and places as set forth, and in a reasonable manner, non-school-sponsored material pursuant to the procedures set forth herein.
- B. Requests for distribution of non-school-sponsored material will be reviewed by the administration on a case-by-case basis and approved. However, distribution of the materials listed below is always prohibited. Material is prohibited that:
1. Is obscene to minors;
 2. Is libelous or slanderous;
 3. Is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;
 4. Advertises or promotes any product or service not permitted to minors by law;
 5. Advocates violence or other illegal conduct;
 6. Constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religious, or ethnic origin);
 7. Presents a clear and present likelihood that, either because of its content or the manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.
 8. Is misleading or contains inaccurate content.
- C. Distribution by students and employees of non-school-sponsored materials on school district property are subject to reasonable time, place, and manner restrictions. The administration will set such reasonable

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time, place, and manner restrictions in each school building as outlined in Section V.

V. TIME, PLACE, AND MANNER OF DISTRIBUTION

- A. No non-school-sponsored material shall be distributed during and at the place of a normal school activity if it is reasonably likely to cause a material and substantial disruption of that activity.
- B. Distribution of non-school-sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entranceways of the school, and school parking lots. Distribution shall not impede entrance to or exit from school premises in any way.
- C. No one shall coerce a student or staff member to accept any publication.
- D. The time, place and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

VI. PROCEDURES

- A. Any student or employee wishing to distribute (as defined in this policy) non-school-sponsored material must first submit for approval a copy of the material to the principal or administrative designee at least seven (7) school days in advance of desired distribution time, together with the following information:
 - 1. Name and phone number of the person submitting the request and, if a student, the room number of his or her first-period class.
 - 2. Date(s) and time(s) of day intended for distribution.
 - 3. If intended for students, the grade(s) of students to whom the distribution is intended,
- B. The principal or administrative designee will review the request and render a decision. In the event that permission to distribute the material is denied or limited,

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the person submitting the request should be informed of the reasons for the denial or limitation.

- C. If the person submitting the request does not receive a response, the person shall contact the office to verify that the lack of response was not due to an inability to locate the person.
- D. If the person is dissatisfied with the decision of the principal or administrative designee, the person may submit a written request to the superintendent.
- E. Permission or denial of permission to distribute material does not necessarily imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.

VII. DISCIPLINARY ACTION

- A. Distribution by any student of non-school-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and disciplinary action may be taken.
- B. Distribution by any employee of non-school-sponsored material prohibited herein or in violation of the provisions of time, place, and manner of distribution as described above will be halted and appropriate disciplinary action may be taken.

Any other party violating this policy will be requested to leave the school property immediately and, if necessary, the police will be called.

VIII. IMPLEMENTATION

The school district administration may develop any additional guidelines and procedures necessary to implement this policy.

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See also policies:

KH - Solicitations in the Schools

KHB - Advertising in the Schools

GBIB/JBIB-Political Campaigns/Activities-Employees/Students

First Reading: 3-7-22
Second Reading: 4-11-22