

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Policy 810 – Distribution of Materials on School District Property by Non-district Persons

1.0 Purpose

The purpose of this policy is to provide procedures for distribution of materials appropriate to the school setting by non-staff and non-students on school property in a reasonable time, place, and manner and that does not disrupt the educational program nor interfere with the educational objectives of the school district.

2.0 General Statement of Policy

The school district intends to provide a method for non-district persons and non-district organizations to distribute materials to staff or students, appropriate to the school setting, within the limitations and provisions of this policy.

3.0 Definitions

3.1 "Distribution" means circulation or dissemination of materials by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying materials, or placing materials in internal staff or student mailboxes.

3.2 "Libelous" is a false and unprivileged printed, written, or otherwise preserved statement about a specific individual that tends to harm the individual's reputation or to lower him or her in the esteem of the community.

3.3 "Materials" includes all materials and objects intended by non-district persons or non-district organizations for distribution. Examples of non-district-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by students, employees or others, and other tangible objects. Materials include those distributed in print and electronically.

3.4 "Material and substantial disruption" of a normal school activity means:

3.4.1. where the normal school activity is an educational program of the school district for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption, which interferes with or impedes the implementation of that program.

3.4.2 where the normal school activity is voluntary in nature (including school athletic events, school plays and concerts, and lunch periods) "material and substantial disruption" is defined as a student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

In order for expression to be considered disruptive, specific facts must exist where 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.

- 3.5 "Minor" means any person under the age of eighteen (18).
- 3.6 "Non-district persons" means any person who is not currently enrolled as a student in or employed by the School District.
- 3.7 "Non-district organization" means an organization that is not sponsored or supported by the school district.
- 3.8 "Obscene to minors" means:
- 3.8.1 The average person, applying contemporary community standards, would find that the material, taken as a whole, is designed to appeal to the prurient interest of minors of the age to whom the distribution is requested;
- 3.8.2 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, and lewd exhibition of the genitals; and
- 3.8.3 the material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- 3.9. "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, other theatrical productions, school opening/dismissal time, and in-school lunch.

4.0 Guidelines

Non-district persons and non-district organizations may, within the provisions of this policy, be granted permission to distribute, at reasonable times, manner, and places as determined by the school district, materials and objects that are appropriate to the school setting.

Permission for non-district persons and non-district organizations to distribute materials on school district property is a privilege and not a right. In making decisions regarding permission for such distribution, the administration will consider factors including, but not limited to, the following:

1. whether the material is educationally related;
2. the extent to which the distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline, or school activities;
3. whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in hallways;
4. the quantity or size of materials to be distributed;
5. whether the distribution would require assignment of school district staff, use of school district equipment, or other resources;
6. whether the distribution would require that non-district persons be present on the school grounds;
7. whether the materials are a solicitation for goods or services not requested by the recipients.

5.0 Prohibitions

Requests for distribution of materials will be reviewed by the administration on a case-by-case basis. However, distribution of the following materials is always prohibited. Material is prohibited that:

1. is obscene to minors;
2. is libelous;
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 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.

6.0 Time, Place and Manner of Distribution

If permission is granted pursuant to this policy for the distribution of any materials, the time, place and manner of distribution will be solely within the discretion of the administration consistent with the provisions of this policy.

7.0 Violation of Policy

Violations of this policy will result in the halting of behavior, issuing directives to cease and desist, leave the school district premises immediately and if necessary, referral to the police.

Adopted: 2/24/2015