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RICHFIELD PUBLIC SCHOOLS
DISTRIBUTION OF
MATERIALS ON SCHOOL PREMISES

I. DUAL PURPOSE

This policy shall protect the exercise of students' and employees' free speech rights, taking into consideration the educational objectives and responsibilities of Richfield Public Schools.

Additionally, this policy provides for distribution of materials appropriate to the school setting by nonstaff and nonstudents on District property in a reasonable time, place, and manner which does not disrupt the educational program nor interfere with the educational objectives of the District.

II. GENERAL STATEMENT OF POLICY

The 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, nonschool-sponsored material. To protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of the District, the following policy provides regulations regarding distribution of nonschool-sponsored material on school property and at school activities.

The District also intends to provide a method for nonschool persons and organizations to distribute materials appropriate to the school setting, within the limitations and provisions of this policy. The following regulations and procedures provide for orderly and nondisruptive distribution of materials.

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, placing material in internal staff or student mailboxes or by electronic communication.

B. "Nonschool-sponsored material" or "unofficial material" includes all materials or objects intended for distribution; except school newspapers; employee newsletters; informational communications among employees; literary magazines; yearbooks; organizations advertising programs, activities, products or services as permitted by Board Policy 563: Advertising in the Schools; and other publications

1 funded and/or sponsored or authorized by the school. Examples of
2 nonschool-sponsored materials include but are not limited to leaflets,
3 brochures, buttons, badges, flyers, petitions, posters, and underground
4 newspapers whether written by students or employees or others, and
5 tangible objects.
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7 C. "Nonschool person" means any person who is not currently enrolled as
8 a student in or employed by the school district.
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10 D. "Obscene to minors" means:

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12 1. The average person, applying contemporary community
13 standards, would find that the material, taken as a whole,
14 appeals to the prurient interest of minors of the age to whom
15 distribution is requested;
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17 2. The material depicts or describes, in a manner that is patently
18 offensive to prevailing standards in the adult community
19 concerning how such conduct should be presented to minors of
20 the age to whom distribution is requested, sexual conduct such
21 as intimate sexual acts, masturbation, excretory functions, and
22 lewd exhibition of the genitals; and
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24 3. The material, taken as a whole, lacks serious literary, artistic,
25 political, or scientific value for minors.
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27 E. "Minor" means any person under the age of eighteen (18).
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29 F. "Material and substantial disruption" of a normal school activity means:

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31 1. Where the normal school activity is an educational program of
32 the District for which student attendance is compulsory,
33 "material and substantial disruption" is defined as any disruption
34 which interferes with or impedes the implementation of that
35 program.
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37 2. Where the normal school activity is voluntary in nature
38 (including, without limitation, school athletic events, school plays
39 and concerts, and lunch periods) "material and substantial
40 disruption" is defined as student rioting, unlawful seizures of
41 property, conduct inappropriate to the event, participation in a
42 school boycott, demonstration, sit-in, stand-in, walk-out, or other
43 related forms of activity.
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45 In order for expression to be considered disruptive, specific facts must
46 exist upon which the likelihood of disruption can be forecast, including
47 past experience in the school, current events influencing student
48 activities and behavior, and instances of actual or threatened
49 disruption relating to the written material in question.
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1 G. "School activities" means any activity sponsored by the school
2 including, but not limited to, classroom work, library activities, physical
3 education classes, official assemblies and other similar gatherings,
4 school athletic contests, band concerts, school plays and other
5 theatrical productions, and in-school lunch periods.
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7 H. "Libelous" is a false and unprivileged statement about a specific
8 individual that tends to harm the individual's reputation or to lower that
9 individual in the esteem of the community.
10

11 **IV. PROHIBITED MATERIALS**

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13 A. Distribution of the materials listed below is always prohibited. Material
14 is prohibited that:

- 15 1. is obscene to minors;
- 16 2. is libelous or slanderous;
- 17 3. is pervasively indecent or vulgar or contains any indecent or
18 vulgar language or representations, with a determination made
19 as to the appropriateness of the material for the age level of
20 students to which it is intended.
- 21 4. advertises or promotes any product or service not permitted to
22 minors by law;
- 23 5. advocates violence or other illegal conduct;
- 24 6. constitutes insulting or fighting words, the very expression of
25 which injures or harasses other people (e.g., threats of violence,
26 defamation of character or of a person's race, religious or ethnic
27 origin);
- 28 7. presents a clear and present likelihood that, either because of
29 its content or the manner of distribution, it will cause a material
30 and substantial disruption of the proper and orderly operation
31 and discipline of the school or school activities, will cause the
32 commission of unlawful acts or the violation of lawful school
33 regulations.
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43 **V. EXPECTATIONS AND REQUIREMENTS FOR STUDENTS AND STAFF**

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45 A. Students and employees of the District have the right to distribute, at
46 reasonable times and places as set forth in this policy, and in a
47 reasonable manner, nonschool-sponsored material.
48

49 B. Any student or, employee wishing to distribute nonschool-sponsored
50 material must first seek permission in advance from the building

1 administrator, in accordance with procedures outlined in Administrative
2 Guideline 109.1. Requests for distribution of nonschool-sponsored
3 material will be reviewed by the administration on a case-by-case
4 basis.

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7 **V. EXPECTATIONS AND REQUIREMENTS FOR NONSCHOOL PERSONS**
8 **AND ORGANIZATIONS**

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10 A. Permission for nonschool persons to distribute materials on District
11 property is a privilege and not a right. Nonschool persons and
12 organizations may, within the provisions of this policy, be granted
13 permission to distribute, at reasonable times and places as set forth in
14 this policy, and in a reasonable manner, materials and objects which
15 are appropriate to the school setting.

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17 B. Materials distributed by nonschool persons or groups intended for the
18 parents and families of Richfield Public Schools students must be
19 translated into any and all languages native to 10% or more of our
20 registered students.

21
22 C. Any nonschool person wishing to distribute materials must first submit
23 for approval a copy of the materials to the administration at least five
24 days in advance of desired distribution time, together with the following
25 information:

- 26
27 1. Name and phone number of the person submitting the request.
28
29 2. Date(s) and time(s) of day of requested distribution.
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31 3. If material is intended for students, the grade(s) of students to
32 whom the distribution is intended.
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34 4. The proposed method of distribution.

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36 D. The administration will review the request and render a decision. The
37 administration will assign a location and method of distribution and will
38 inform the persons submitting the request whether nonschool persons
39 may be present to distribute the materials. In the event that
40 permission to distribute the materials is denied or limited, the person
41 submitting the request should be informed in writing of the reasons for
42 the denial or limitation.

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44 E. Permission or denial of permission to distribute material does not imply
45 approval or disapproval of its contents by either the school, the
46 administration of the school, the school board, or the individual
47 reviewing the material submitted.

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49 F. In the event that permission to distribute materials is denied, the
50 nonschool person or organization may request reconsideration of the

1 decision by the superintendent. The request for reconsideration must
2 be in writing and must set forth the reasons why distribution is
3 desirable and in the interest of the school community.
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6 **VII. TIME, PLACE, AND MANNER OF DISTRIBUTION**
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8 A. In making decisions regarding the time, place, and manner of
9 distribution, the administration will consider factors including, but not
10 limited to the following:
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- 12 1. whether the material is educationally related;
- 13 2. the extent to which distribution is likely to cause disruption of or
14 interference with the District's educational objectives, discipline
15 or school activities;
- 16 3. whether the materials can be distributed from the office or other
17 isolated location so as to minimize disruption of traffic flow in
18 hallways;
- 19 4. the quantity or size of materials to be distributed;
- 20 5. whether distribution would require assignment of District staff,
21 use of school district equipment or other resources;
- 22 6. whether distribution would require that nonschool persons be
23 present on the school grounds;
- 24 7. whether the materials are a solicitation for goods or services not
25 requested by the recipients.
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27 B. No nonschool-sponsored material shall be distributed during and at the
28 place of a normal school activity if it is reasonably likely to cause a
29 material and substantial disruption of that activity.
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31 C. Distribution of nonschool-sponsored material is prohibited when it
32 blocks the safe flow of traffic within corridors and entrance ways of the
33 school, and school parking lots. Distribution shall not impede entrance
34 to or exit from school premises in any way.
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36 D. No one shall coerce a student or staff member to accept any
37 publication.
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39 E. The time, place, and manner of distribution of noncurricular materials
40 by students or employees to students on school premises shall be
41 governed by the procedures established by the administration and
42 outlined in Administrative Guideline 109.1.
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- 1 F. If permission is granted pursuant to this policy for the distribution of
2 materials by nonschool persons or organizations, the time, place and
3 manner of distribution will be solely within the discretion of the
4 administration, consistent with the provisions of this policy.
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7 **VIII. DISCIPLINARY ACTION**
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- 9 A. Distribution by any student of nonschool-sponsored material prohibited
10 herein or in violation of the provisions of time, place and manner of
11 distribution as described above will be halted and disciplinary action
12 will be taken in accordance with the Board Policy 541: Student
13 Behavior.
14
15 B. Distribution by any employee of nonschool-sponsored material
16 prohibited herein or in violation of the provisions of time, place and
17 manner of distribution as described above will be halted and
18 appropriate disciplinary action will be taken, in accordance with the
19 appropriate individual contract, collective bargaining agreement,
20 school board policies and procedures, and/or governing statute.
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22 C. Any other party violating this policy will be requested to leave the
23 school property immediately and, if necessary, the police will be called.
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26 **IX. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES**
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28 A copy of this policy will be posted on the website and available for review in
29 each school office. A summary of the policy will be published in student
30 handbooks and posted in school buildings.
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33 **X. IMPLEMENTATION**
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35 The District administration may develop any additional guidelines and
36 procedures necessary to implement this policy.
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39 ***Legal References:***

40 U.S. Constitution, First Amendment.
41 Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d
42 592 (1988).
43 Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549
44 (1986).
45 Tinker V. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731
46 (1969)
47 Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)
48 Roark v. South Iron R-1 School Dist., 573 F.3d 556 (8th Cir. 2009)
49 Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist.,
50 640 F.3d 329 (8th Cir. 2011), cert. denied 565 U.S. 1036 (2011)

1 Cornelius v. NAACP Legal Defense and Educational Fund, Inc., 473 U.S. 788, 105
2 S.Ct. 3439, 87 L.Ed.2d 567 (1985)
3 Perry Education Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S.Ct. 948,
4 74 L.Ed.2d 794 (1983)
5 Minn. Stat. §609.605, subd. 4 - Trespasses on school property
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8 **Cross References:**
9 Board Policy 541: Student Behavior
10 Board Policy 563: Advertising in the Schools
11 Board Policy 613: Religion in the Schools
12 Board Policy 616: School-Sponsored Student Publications
13 Board Policy 801: Student Use of Secondary School Facilities
14 Board Policy 953: Visitors to School District Buildings and Sites
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17 RATIFIED BY THE BOARD OF EDUCATION: March 20, 2000

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19 REVIEWED AND REAFFIRMED BY THE BOARD OF EDUCATION: October 23,
20 2006

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22 REVISED BY THE BOARD OF EDUCATION: December 20, 2004; November 6,
23 2006; December 5, 2011; April 3, 2017; February 6, 2023
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