



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

Removed Procedures
Updated references

I. PURPOSE

This policy governs the distribution of materials on school property by students **and employees**. This policy identifies materials that may not be distributed on school property and authorizes the Administration to establish reasonable time, place, and manner restrictions for the distribution of permissible materials.

II. DEFINITIONS

For purposes of this policy, the following terms have the following meanings:

- A. “Defamatory” means a false and unprivileged statement to a third person about an individual that tends to harm the individual’s reputation or to lower that individual in the esteem of the community.
- B. “Distribute” means to hand-out, offer, circulate, post, display, or otherwise disseminate material to multiple people, regardless of whether the material is free or provided for a charge.
- C. “Materials” mean all tangible items that are not funded by the District, are not part of the approved curriculum, or are not otherwise expressly authorized endorsed, or sponsored by the District. Examples of “materials” include, but are not limited to, leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers.
- D. “Material and substantial disruption” means a signification disruption to the learning process, to the rights of others to an education, to school operations, to the ability of any district employee to perform his or her duties, or to the operation of any school sponsored event or activity. It also includes conduct that creates an immediate danger to self or others or incites unlawful conduct. School officials may reasonably forecast a material and substantial disruption based on factors such as past experience in the school, current events influencing student activities and behaviors, and threatened disruption related to the material in question.
- E. “Minor” means any person under the age of 18.

- F. “School property” means all property that is owned or operated by the District in connection with providing educational services or school sponsored events or activities. Examples of school property include, but are not limited to, school buildings, facilities, parking lots, athletic fields, and vehicles.
- G. “Obscene” means that the average person, applying community standards, would find that the material contains information which is patently offensive, appeals to sexual curiosity and, taken as a whole, lacks serious literary, artistic, political, or scientific value. Examples of materials that are obscene include, but are not limited to, materials that depict or describe intimate sexual acts, masturbation, excretory functions, or lewd exhibition of genitalia.

III. REQUIRED PROCEDURE

~~Before distributing any material on school property, students must comply with the following procedure and must receive written permission from the building principal or a designee or, on appeal, from the Superintendent or a designee.~~

~~A. The student must submit a copy of the material to the building principal along with the student’s name and contact information, including the student’s school email address.~~

~~B. The principal or a designee will review the material. When practicable, within three school days the principal or a designee will send the student an email granting or denying permission to distribute the material. If the principal or designee denies permission to distribute the material, the principal or designee will inform the student of the reasons for the denial. A student may not deem a lack of a response from the principal or designee to be permission to distribute the material.~~

~~C. A student who has been denied permission to distribute material may submit a written appeal to the Superintendent. When practicable, within three school days the Superintendent or a designee will notify the student whether the principal’s decision has been affirmed or reversed. The decision of the Superintendent or the Superintendent’s designee is final.~~

~~D. Any student who distributes any material in violation of this policy is subject to discipline.~~

IV.III. STANDARDS FOR GRANTING OR DENYING PERMISSION FOR STUDENTS TO DISTRIBUTE MATERIALS ON SCHOOL PROPERTY

~~Students~~ **Permission** will not be ~~permitted to~~ **granted** to distribute any material on school property if the material contain any information, word, image, or depiction that:

- is obscene;
- is lewd, vulgar, or profane;
- is defamatory;

- creates or is reasonably forecasted to create a material and substantial disruption;
- promotes a product or item that the law or school policy prohibits minors from using or possessing on school property;
- advocates or incites violence or conduct that would violate the law or a school district policy;
- disparages, demeans, or discriminates against an individual or group based on protected class status;
- harasses, threatens, or otherwise violates the rights of others;
- violates any school district policy;
- is contrary to the District's basic educational mission; or
- is otherwise inappropriate for students based on the content of the material and the age of the students in the school where the distribution would occur.

IV. TIME, PLACE, AND MANNER OF DISTRIBUTION

- A. If the building principal or designee or the Superintendent or designee gives a student-written permission to distribute materials on school property, the principal or designee will specify the time, place, and manner of distribution.
- B. The principal or designee will specify a reasonable period of time for distribution of the materials. For example, the principal or designee may allow materials to be placed on a table or displayed on a bulletin board for a designated number of school days. In determining the length of time for distribution, principals and their designees should consider factors such as the amount of space available and the number of students seeking to distribute materials. Principals and their designees should not consider the content of materials when determining the length of time they may be distributed.
- C. The principal or a designee will specify a location in the school where materials may be distributed.
1. The building principal or designee will select a location where materials can be distributed without interfering with the safe flow of traffic in hallways, entrances, exits, or the school parking lot.
 2. Principals are strongly encouraged to post the following type of disclaimer at or near the location where materials will be distributed:

The materials that are distributed at this location are being distributed by students or employees in accordance with District Policy 505. The District and the school do not endorse or sponsor the materials that students are distributed, and the views expressed in the materials found at this location are not necessarily the views of the District or the school administration.

- D. The principal or designee will specify the manner in which the materials will be

distributed. Examples include allowing brochures and announcements to be hung on a bulletin board, allowing materials to be placed on a table where ~~students~~ they can be picked them up, or allowing ~~a student to~~ hand-out of the materials to others. Under no circumstance, however, may any student or employee coerce or pressure anyone ~~another student~~ to take or receive any material that is being distributed.

VI. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES

A copy of this policy will be posted on the District's website and may be published in student or staff handbooks either directly or through a link to the District's website.

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

Cross References: Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
Policy 506 (Student Discipline)
Policy 512 (School-Sponsored Student Publications)
Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

POLICY ADOPTED: February 17, 2009

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