

**Distribution of materials on school district property by nonschool persons**

**Policy 518**

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The School 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.
- B. To provide for orderly and nondisruptive distribution of materials, The School board adopts the following regulations and procedures.

III. DEFINITIONS

- A. "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, placing materials in internal mailboxes or lockers, or accepting electronic copies of items for electronic distribution to students, staff, or families.
- B. "Materials" includes all materials and objects intended by nonschool persons or nonschool organizations for distribution. Examples of nonschool-sponsored materials include, but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by students, employees or others, electronic, and tangible objects.
- C. "Nonschool person" means any person who is not currently enrolled as a student in or employed by The School district.
- D. "Obscene to minors" means:
  - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
  - 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, including sexual conduct such as intimate sexual acts, masturbation, excretory functions, and lewd exhibition of the genitals; and
  - 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- E. "Minor" means any person under the age of eighteen (18)
- F. "Material and substantial disruption" of a normal school activity means:
  - 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 that interferes with or

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- impedes the implementation of that program.
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 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.
  3. For expression to be considered disruptive, specific facts must exist 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.
- G. “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, and in-school lunch periods.
- H. “Libelous” is a false and unprivileged 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.

**IV. GUIDELINES**

- A. Nonschool persons and organizations may, within the provisions of this policy, be granted permission to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, materials and objects which are appropriate to The School setting.
- B. Requests for distribution of materials will be reviewed by the administration on a case-by-case basis. However, the following are prohibited, unless specified in a facilities use agreement between The School and lessee.
  1. Yard signs and other outside display materials.
  2. Sets of paper copies of materials designed to be sent home with an entire class, grade or multiple grade levels of students.
  3. In-person solicitation of LILA families at conferences, back-to-school nights, or other school-sponsored events by any non-school group or individual. (A display area will be provided in a prominent location during LILA parent conferences for those groups who have received prior approval to display their materials.)

Also prohibited are materials that:

4. are obscene to minors;
5. are libelous;
6. are 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;
7. advertise any product or service not permitted to minors by law;

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8. advocate violence or other illegal conduct;
  9. constitute 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, religion, or ethnic origin);
  10. present a 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.
- C. Permission for nonschool persons to distribute materials on school district property or by using any school district resources, electronic or otherwise, 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 to LILA's mission and values;
  2. whether the distribution has the potential 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 to minimize disruption of traffic flow in hallways;
  4. the quantity or size of materials to be distributed;
  5. whether distribution would require the assignment of school district staff, use of school district equipment, or other resources;
  6. whether distribution would require that nonschool persons be present on The School grounds;
  7. whether the materials are, directly or indirectly, a solicitation for events, activities, goods, or services not requested by the recipients;
  8. whether the material is a solicitation for an event or activity that is supportive of The School's mission and values, and therefore is in the interests of the LILA community;
  9. whether the material is a solicitation for an event or activity that is free of charge and/or open to the public;
  10. whether the material is a solicitation for an event or activity that is supported or sponsored by one of LILA's community partners;
  11. whether the materials are, directly or indirectly, a solicitation for events, activities, goods, or services that conflict with or otherwise detract from a LILA or a LILA-sponsored product or service.

V. TIME, PLACE, AND MANNER OF DISTRIBUTION

- A. If permission is granted under 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. Distribution or display may happen in one of the following ways:
1. Electronic distribution to families inserted, linked, or otherwise attached to

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- a regularly scheduled newsletter.
2. Public display during school conferences.
3. Distribution to staff as part of a regularly scheduled newsletter, in the staff lounge, or via staff mailboxes.
4. Postings at one or more designated posting sites identified by the building principal.

**VI. PROCEDURES**

- A. Any nonschool person wishing to distribute materials must first submit for approval a copy of the materials to the administration at least five days in advance of the desired distribution time, together with the following information:
  1. Name, email, and phone number of the person submitting the request.
  2. Date(s) of requested distribution.
  3. If the material is intended for families of specific students, the grade(s) of students to whom the materials pertain.
- B. The administration will review the request and render a decision. The administration will assign a location and method of distribution and will inform the person submitting the request.

**VII. VIOLATION OF POLICY**

- A. Any party violating this policy or distributing materials without permission will be directed to leave The School property immediately and, if necessary, the police will be called.

**VIII. IMPLEMENTATION**

- A. The School district administration may develop any additional guidelines and procedures necessary to implement this policy for submission.