

DISTRIBUTION / POSTING OF PROMOTIONAL MATERIALS

(Outside Organizations)

As a community service, the Governing Board authorizes its schools to distribute promotional material of an outside organization that is intended solely to notify students and their parents of the opportunity to participate in a youth-related program, activity or event that aims to improve the health, education or welfare of students or members of the school community (e.g., students' families, etc.). Schools shall not distribute material that 1) would conflict with students' enrollment and attendance in the Tempe Elementary School District's schools, 2) would include non-District offered elementary or middle school instruction, or other programming or activities which the Tempe Elementary School District also provides, or 3) would occur at a site where such programming or activities are offered or promoted at any time. Schools are not to distribute communications submitted by organizations that contain advertisements and/or marketing material that the schools would otherwise be prohibited from distributing as described in Policy KHB.

Definitions

For the purpose of this policy, *promotional material* means written material that is intended solely to notify students and their parents or other family members of the opportunity to participate in a youth-related program, activity or event that aims to improve the health, education or welfare of students or members of the school community. Promotional materials may take the form of notices, announcements, brochures and flyers.

For the purpose of this policy, *outside organization* means any private tax-exempt organization other than Tempe Elementary School District related organizations and government agencies as defined in District Policy KHC, which provides youth-related programming that aims to improve the health, education and/or welfare of students or members of the school community.

Guidelines for Distribution or Display of Promotional Materials

So that promotional materials of outside organizations are distributed fairly and without creating an excessive burden on the Tempe Elementary School District and its staff, the District and outside organizations will adhere to the following guidelines:

- Outside organizations are encouraged to review these guidelines and, if necessary, discuss with the Superintendent or Superintendent's designee, the application of the guidelines to contemplated promotional materials before the organization produces its materials. The outside organizations should also review with the Superintendent or Superintendent's designee the lead-time necessary to distribute the communications.
- Outside organizations that wish to distribute promotional material must complete a "Flyer Distribution Application" and send it along with a sample of the promotional material to the Superintendent or Superintendent's designee. Outside organizations may request distribution for one piece of promotional material per event and a maximum of ten (10) communication pieces per school year per outside organization (for example, a single Boys or Girls Club site would count as one [1] outside organization which would be entitled to distribute ten [10] communication pieces per school year; other Boys and Girls Club sites would each have their own allotment). Upon approval of the promotional material for distribution, the Superintendent or Superintendent's designee will advise the organization of the quantities needed for distribution and information regarding bundling and delivery of the promotional materials to the schools.
- Distribution of promotional material will occur by inclusion of the communication among the school materials that are given to students to read or deliver to their parents/guardian weekly or at other intervals.
- The Tempe Elementary School District and schools will not mail promotional material to parents/guardians. Outside organizations are not authorized to directly distribute promotional materials to students or to their parents/guardians on school grounds without permission of the school principal.
- Outside organizations are responsible for the cost of printing and bundling all communications.
- The Tempe Elementary School District and its schools may restrict distribution of promotional materials at specific times of the school year or postpone distribution of such materials due to shortage of available staff or other Tempe Elementary School District or school priorities. Outside organizations assume the risk that schools will not distribute time-sensitive promotional material on or before a desired date.

- Promotional material shall be confined to one (1) sheet of paper no larger than eight and one half inches by eleven inches (8 1/2" x 11"), but can contain print on both sides of the page, unless the Superintendent or Superintendent's designee determines that the size or length of the promotional material will not create an unreasonable distribution burden.
- Promotional material must prominently display a contact name and telephone number for the outside organization so that parents or guardians who wish additional information can obtain information directly from the organization. Likewise, promotional material that includes a registration form must prominently display the mailing address of the organization so that the parent/guardian will mail the form directly to the organization.
- The Tempe Elementary School District and its schools will not distribute or display communications of outside organizations that, in the judgment of the Superintendent or Superintendent's designee, would:
 - Cause the District to violate state or federal laws or its policies.
 - Promote illegal activity for minors.
 - Promote illegal discrimination on the basis of gender, race, color, national origin, religion, ethnicity, or disability.
 - Contain words, symbols or images that would be regarded as lewd, obscene, vulgar or plainly offensive if communicated by a student on school grounds.
 - Threaten serious disruption of a school or school-sponsored activity.
- As required by federal law, the Tempe Elementary School District will not deny an outside organization the opportunity to distribute promotional material solely because the offered program, activity or event will be provided from a religious, philosophical or political perspective. The Tempe Elementary School District will not, however, permit distribution of promotional material that contains direct exhortations to religious observance, proselytizing language or otherwise is not in keeping with the limited public forum established by this policy for distribution of promotional materials of outside organizations. Any program, activity or event offered from a political perspective must not influence the outcome of an election or advocate support for or opposition to pending or proposed legislation in accordance with A.R.S. 15-511.

- Communications of outside, non-profit organizations will not include promotional or other materials of any for-profit organization, unless the promotional or other materials are an integral part of an activity of the non-profit organization.
- The following disclaimer must be prominently displayed or affixed to the material:

"The Tempe Elementary School District neither endorses nor sponsors the organization or activity represented in this material. The distribution or display of this material is provided as a community service."

- Outside organizations are encouraged to distribute versions of promotional materials in the languages spoken by the families of students who attend the school.
- Outside organizations are encouraged to offer scholarships or subsidized fees to low income families if fees are required for participation of students or their parents/guardians.

Dispute Resolution

The administration of the Tempe Elementary School District and its schools shall apply this policy in good faith and in a non-discriminatory manner. If the Tempe Elementary School District refuses to distribute or display material because it is deemed to be nonconforming, the outside organization will be given an opportunity to make necessary revisions and/or deletions and resubmit the material for approval. An organization that believes that this policy has been applied improperly may request review by the Superintendent or Superintendent's designee. The Superintendent or Superintendent's designee shall determine, in his or her sole judgment, whether material submitted for distribution or display is conforming promotional material and whether this policy, including the guidelines, have been applied properly. The decision of the Superintendent or Superintendent's designee is final.

Limited Public Forum

Tempe Elementary School District operates its schools as nonpublic forums. This policy is intended to create a limited public forum for the distribution or display of promotional materials of outside organizations, subject to the terms and conditions set forth in this policy and any regulations adopted by the Superintendent to implement this policy. The Governing Board may redefine or close the limited public forum at any time.

Regulations

The Superintendent may adopt regulations as necessary to implement this policy.

Adopted: September 18, 2013

LEGAL REF.: 20 U.S.C. 9134, The Children's Internet Protection Act
47 U.S.C. 254, Communications Act of 1934 (The Children's
Internet Protection Act)

CROSS REF.: KD - Public Information and Communications