



FARMINGTON SCHOOL DISTRICT NO. 192	<i>ISD 192 Policy 1010</i> <i>Orig. 2006</i> <i>Revised: 06-2023</i> <i>Adopted: 01-2014</i>
POLICIES AND REGULATIONS	

ISD 192 SPECIFIC POLICIES

1010 DISTRIBUTION OF NON-SCHOOL SPONSORED MATERIALS TO STUDENTS AND FAMILIES

I. PURPOSE

The purpose of this policy is to define the sources and types of materials that the district will distribute to students and their families, taking into consideration the educational objectives and responsibilities of the school district.

II. GENERAL STATEMENT OF POLICY

Only reviewed and approved materials from public entities that meet the criteria stated here will be considered for distribution.

This policy shall not be construed to apply to the community use of school district facilities, Policy 902.

To allow students and their families to receive some materials, while at the same time preserving the integrity of the educational objectives and responsibilities of the school district, the school board adopts the following guidelines regarding distribution of qualified material.

III. DEFINITIONS

- A. “Distribute” or “Distribution” means circulation or dissemination of material by means of handing out or electronic distribution of non-school materials to students.
- B. “Nonschool-sponsored material” includes all materials or objects intended for distribution from sources external to the school district. Examples of nonschool-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, books, posters, electronic media, and tangible objects with messages.
- C. “Public entity” means a taxpayer supported governmental body such as a city, county, or school district, or cooperative 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, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
4. “Minor” means any person under the age of eighteen (18).

IV. GUIDELINES

- A. The school district may distribute nonschool sponsored materials from public entities to students only if the materials have been approved for distribution by the Superintendent or designee.

Requests from public entities may be rejected if the material -

is obscene to minors;

is libelous or slanderous;

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;

advertises or promotes any product or service not permitted to minors by law;

advocates violence or other illegal conduct, 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);

the quantity or size of materials to be distributed is overwhelming

distribution would require unreasonable assignment of school district staff, use of school district equipment, or other resources;

includes a solicitation for goods or services not requested by the recipients.

offers services in direct competition with a school sponsored program.

- B. Non-school sponsored materials from organizations that are not public entities may be rejected.

V. TIME, PLACE, AND MANNER OF DISTRIBUTION

- A. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

VI. PROCEDURES

- A. Any public entity wishing to submit materials for distribution must first submit the material for approval to the superintendent at least 5 business days in advance of desired distribution date, together with the following information:
 - 1. Name and phone number of the person submitting the request and the name and address of the public entity the person represents.
 - 2. Date(s) intended for distribution.
 - 3. If intended for students, the grade(s) of students to whom the distribution is intended.
- B. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.

VII. DISCIPLINARY ACTION

- A. Distribution by an employee to students of nonschool-sponsored material prohibited herein will be halted and disciplinary action may be taken in accordance with the school district's Staff Discipline Policy.

VIII. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES

A copy of this policy will be published and available to employees.

IX. IMPLEMENTATION

The school district administration may develop any additional guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.

Legal References: U. S. Const., amend. I
Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)
Doe v. South Iron R-1 School District, 498 F.3d 878 (8th Cir. 2007)

Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)
Cornelius v. NAACP Legal Defense and Educational Fund, Inc., 473 U.S.
788, 105 S.Ct. 3439, 87 L.Ed.2d 567 (1985)
Perry Education Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103
S.Ct. 948, 74 L.Ed.2d 794 (1983)
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, 132
S.Ct. 592 (2011)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of
School District Employees)