

**I. Guidelines.**

Individuals, including students, may have the right to distribute or display approved materials on school district premises, at reasonable times and places, unofficial written material, petitions, buttons, badges or other insignia, except those which express information that:

- a. is obscene to minors;
- b. is libelous;
- c. contains indecent, vulgar, profane or lewd language;
- d. advertises any product or service not permitted to minors by law;
- e. 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, color, creed, gender, religion, national origin, disability, age, marital status, sexual orientation, gender identity or socioeconomic status);
- f. presents a clear and present likelihood that, either because of its content or the manner of distribution or display, 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;
- g. are advertisements from a "for-profit" business.

**II. Procedures.**

Anyone wishing to distribute or display unofficial written material must first submit for approval a copy of the material to the assistant superintendent at least forty-eight hours in advance of desired distribution or display time, together with the following information:

- a. Name and phone number of the person submitting request and, if a student, the grade and homeroom number;
- b. Date(s) and time(s) of day of intended distribution or display;
- c. Location where material will be distributed or displayed;
- d. The grade(s) of students to whom the distribution or display is intended.

Within twenty-four hours of submission, the assistant superintendent will render a decision whether the material violates the guidelines in subsection I of this policy or the time, place, and manner restrictions in subsection III of this policy. In the event that permission to distribute or display the material is denied, the person submitting the request should be informed of the reasons for the denial.

## **DISTRIBUTION OR DISPLAY OF MATERIALS REGULATION      NO. 903.5R1 Cont.**

Permission to distribute or display material does not imply approval of its contents by the school, the administration, the board or the individual reviewing the material submitted.

If the person submitting the request does not receive a response within twenty-four hours of submission, the person will contact the assistant superintendent's office to verify that the lack of response was not due to an inability to locate the person. If the person has made this verification and there is no response to the request, the material may be distributed or displayed in accordance with the time, place, and manner provisions in subsection III.

If the person is dissatisfied with the decision of the assistance superintendent, the person may submit a written request for appeal to the superintendent. If the person does not receive a response within three school days of submitting the appeal, the person will contact the superintendent to verify that the lack of response is not due to an inability to locate the person. If the person has made this verification and there is no response to the appeal, the material may be distributed or displayed in accordance with the time, place, and manner provisions in subsection III.

At every level of the process the person submitting the request will have the right to appear and present the reasons, supported by relevant witnesses and material, as to why distribution or display of the written material is appropriate.

### **III.      Time, Place, and Manner of Distribution or Display.**

The distribution or display of written material is prohibited when it negatively affects the safety of students on school premises or otherwise disrupts school activities. The distribution or display of unofficial material is limited to a reasonable time, place, and manner as follows:

1.      The material will be distributed from or displayed at a table set up for the purpose in a location designated by the principal. The location will not block the safe flow of traffic, block the corridors or entrance ways or negatively affect the safety of students and will give reasonable access to students.
2.      The material will be distributed or displayed either before and/or after the regular instructional day.
3.      No written material may be distributed or displayed during and at the place of a normal school activity if it is reasonably likely to cause a material and substantial disruption of the activity.

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IV.    Definitions.

The following definitions apply to the following terms used in this policy:

1.    "Obscene to minors" is defined as:
  - (a)    The average person, applying contemporary community standards, would find that the written material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
  - (b)    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, and lewd exhibition of the genitals; and
  - (c)    The material, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.
2.    "Minor" means any person under the age of eighteen.
3.    "Material and substantial disruption" of a normal school activity is defined as follows:
  - (a)    Where the normal school activity is an educational program of the district for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.
  - (b)    Where the normal school activity is voluntary in nature (including, without limitation, school athletic events, school plays and concerts, and lunch periods), "material and substantial disruption" is defined as student rioting, unlawful seizures of property, widespread shouting or boisterous demonstrations, sit-ins, stand-ins, walk-outs, or other related forms of activity.

**DISTRIBUTION OR DISPLAY OF MATERIALS REGULATION      NO. 903.5R1 Cont.**

In order for expression to be considered disruptive, there must exist specific facts 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.

4. "School activities" means any activity of students sponsored by the school and includes, by way of example, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays, and in-school lunch periods.
5. "School premises" means school district property and/or property within the jurisdiction of the school district and school owned and/or operated transportation. "School premises" includes, but is not limited to, school buildings, school grounds, school buses, and locations under the jurisdiction of the school district where school activities are held.
6. "Unofficial written material" includes all written material except school newspapers, literary magazines, yearbooks, and other publications funded and/or sponsored or authorized by the school. Examples include leaflets, brochures, flyers, petitions, placards, and underground newspapers, whether written by students or others.
7. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower him/her in the esteem of the community.
8. "Distribution" means circulation or dissemination of written material by means of handing out free copies, selling or offering copies for sale and accepting donations for copies. It includes displaying written material in areas of the school which are generally frequented by students.

V.            Disciplinary action.

Distribution or display by any student of unofficial written material prohibited in subsection I or in violation of subsection III may be halted and students may be subject to discipline including suspension and expulsion. Any other party violating this policy may be requested to leave the school property immediately and, if necessary, local law enforcement officials will be contacted.

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VI.    Notice of policy to students.

A copy of this policy will be published in student handbooks and posted conspicuously in school buildings.

Approved: 5-26-09

Reviewed: \_\_\_\_\_

Revised: 05/10/21