

Board Reviewed: April 10, 2006
Revised: April 18, 2019 [Routine Review]
Contact Person: Superintendent

**POLICY 904 DISTRIBUTION OF NONCURRICULAR MATERIALS
 BY STUDENTS**

I. PURPOSE:

To protect the exercise of students' free speech rights, taking into consideration the educational objectives and responsibilities of the District.

II. GENERAL STATEMENT OF POLICY

The Superintendent and/or designee shall establish regulations that:

Recognizes the right of free speech and freedom of the press are the rights of every student, and that the reasonable and responsible exercise of these rights on school premises is a valuable part of the educational experience of students.

Protects First Amendment rights of students, while preserving the integrity of the educational objectives and responsibilities of the District.

Governs the distribution of noncurricular materials on school property and at school activities.

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REGULATION 904 DISTRIBUTION OF NONCURRICULAR MATERIALS BY STUDENTS

I. GUIDELINES

Noncurricular materials may be distributed by students to students on school premises only in accordance with the following procedures and requirements. Such distribution by a student may take place only at that student's school of attendance:

- A. All requests for distribution of noncurricular materials in or through the school by a student or students must submit a written request to the school administration no less than 48-hours preceding the desired distribution date, together with the following information:
 - 1. Name and phone number of the student or students submitting the request.
 - 2. Date(s) and time(s) of day of requested distribution.
 - 3. To whom the distribution is intended (i.e. students, grade level, etc.)
 - 4. A copy of the noncurricular material to be distributed.

- B. The school administration will respond to the requesting student(s) no less than 24-hours preceding the requested ~~of~~ distribution date. The school administration will approve or deny distribution requests on the basis of whether the terms and conditions of Policy 904 and these Regulations have been met. The school administration shall have the right of prior censorship.

- C. Requests for distribution of noncurricular materials will be reviewed by the school administration on a case-by-case basis. However, distribution of the following material(s) is always prohibited:
 - 1. is obscene or pornographic;
 - 2. is libelous or slanderous;
 - 3. is pervasively indecent, 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;
 - 4. advertises any product or service not permitted to minors by law;
 - 5. advocates violence or other illegal conduct;
 - 6. constitutes insulting or disparaging words, the very expression of which injures or harasses other people (e.g. threats of violence, defamation of character or on the basis of race, color, creed, religion, national or ethnic origin, age, marital status, sex, gender identity or expression, sexual orientation, disability, political affiliation or belief, status with regard to public assistance, family care leave status, veteran status or citizenship status);

7. presents a clear and present 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.
8. Unless otherwise provided by law, announcements or informational materials requested by persons, organizations, groups, or agencies which are known or believed to be sectarian, profit-oriented, discriminatory or not committed to equal opportunity, not devoted to community interests or child welfare, not generally recognized as owing their existence to the broad public and general interests or not aligned with strategic initiatives directed by the School Board.

Exceptions will be permitted on a case-by-case basis after thorough review and approval by the school administration.

II. TIME, PLACE, AND MANNER OF DISTRIBUTION

A. Distribution by students of noncurricular materials on school district property are subject to reasonable time, place and manner restrictions set forth below. If permission is granted for the distribution of any noncurricular materials, the time, place, and manner of distribution will be solely within the discretion of the school administration, consistent with the provisions of this policy and regulation including, but not limited to the following:

1. Whether the material is educationally related.
2. The extent to which distribution is likely to cause disruption of or interference with the school's educational objectives, discipline, or activities.
3. Whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flow in hallways.
4. The quantity or size of materials to be distributed.
5. Whether distribution would require assignment of school staff, use of school equipment, or other resources.
6. Whether distribution would require that non-school persons be present on the school grounds.
7. Whether the materials are a solicitation for goods or services not requested by the recipients.

B. The distribution of noncurricular materials must be accomplished in accordance with the following procedures and conditions:

1. Noncurricular materials cannot be distributed at any other location or time than those specified.
2. At least one of the students whose names appear on the request must be at the distribution table throughout all of the distribution time(s) specified. Such student(s) must remove any remaining copies of materials from the building.
3. Each copy of noncurricular materials distributed must bear the signature and date provided by the school administration.

4. All noncurricular materials to be distributed must include a prominent disclaimer indicating, "The activities, viewpoints, or events promoted in these materials are not sponsored, endorsed, approved or disapproved by the District."
 5. Materials distributed or being distributed, in violation of the above regulations may be confiscated by the school administration.
- C. Distribution of noncurricular material is prohibited:
1. During and at the place of normal school activity if it is reasonably likely to cause a material and substantial disruption of that activity.
 2. When it blocks the safe flow of traffic within corridors and entrance ways of the school, and school parking lots. Distribution shall not impede entrance to or exit from school premises in any way.
- D. No one shall coerce a student or staff member to accept any publication.
- E. Apart from the foregoing, students are urged to avoid the use of materials, which are designed to provide such reactions as anger, resentment, embarrassment and shock. Students are requested to extend courtesy and consideration to their fellow students and to all members of the school community.

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, or placing materials in staff or student mailboxes.
- B. "Materials": includes all materials and objects intended by non-school persons or non-school organizations for distribution. Examples of non-school sponsored materials included but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by students, staff or others, and tangible objects.
- C. "Obscene to minors": means the average person, applying contemporary community standards, would find that the material:
1. Taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;
 2. 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, masturbation, excretory functions, and lewd exhibition of the genitals; and
 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- D. "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.

- E. "Material likely to cause disruption or incite disorderly conduct or violence": There must be specific circumstances supporting a finding that any particular material is likely to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school; undifferentiated fear or apprehension of disturbance is not enough.
- F. "Noncurricular materials": written materials, which are not part of curricular, co-curricular or extra-curricular programs of the schools.
- G. "Minor" means any person under the age of 18.
- H. "Material and substantial disruption" of a normal school activity means:
 1. Where the normal school activity is an education 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.
 2. 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, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.
 3. 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.
- I. "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, and in-school lunch periods.

IV. DISCIPLINARY ACTION

Students violating this policy or the attendant Rules and Regulations will be subject to disciplinary action in accordance with the Student Discipline Policy. Such students will be guaranteed the opportunity of appeal.