

Adopted: April 10, 2006
Revised: November 28, 2016 [Routine Review/MSBA Model Policy Modified]
Contact Person: Superintendent

**POLICY 904.1 DISTRIBUTION OF MATERIALS ON SCHOOL DISTRICT
PROPERTY BY NON-SCHOOL PERSONS**

I. PURPOSE:

To set requirements for the distribution of materials by non-school persons and organizations on school district property.

II. GENERAL STATEMENT OF POLICY

Administration will establish guidelines to ensure that material distributed by non-school persons and organizations on school district property:

- is appropriate to the school setting.
- is done at a reasonable time, place and manner, which does not disrupt the educational program nor interfere with the educational objectives of the School District.
- complies with established procedures.
- has consequences for non-compliance.

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REGULATION 904.1 DISTRIBUTION OF MATERIALS ON SCHOOL DISTRICT PROPERTY BY NON-SCHOOL PERSONS

I. DISTRIBUTION

Distribution of announcements and informational materials in and through the schools by non-school persons is to be generally limited to materials that are school or youth-related. School officials may approve requests for distribution of materials from non-school persons and organizations with regard to the following kinds of announcements and informational materials at reasonable times and places as set forth in the regulations:

- A. Non-school persons and organizations may, within the provisions of this Policy and Regulation, be granted permission to distribute, at reasonable times and places set forth in this Policy, and in a reasonable manner, materials and objects appropriate to the school setting.
- B. Requests for distribution of materials will be reviewed by the administration on a case-by-case basis. Permission for non-school persons or organizations to distribute materials on school district property is a privilege and not a right. In making decisions regarding permission for such distribution, administration will consider factors 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 District's educational objectives, discipline, or school activities;
 - 3. Whether the materials can be distributed from the office or via a digital or electronic manner so as to minimize disruption of traffic flow in the hallways;
 - 4. The quantity or size of materials to be distributed;
 - 5. Whether distribution would require assignment by district staff, use of district equipment, or other resources;
 - 6. Whether distribution would require non-school persons or organizations be present on school grounds;
 - 7. Whether the materials serve and support school and district-wide needs and purposes;
 - 8. Announcements and informational materials relating to programs and activities of the municipalities and community partners served by the District, and when appropriate, other governmental bodies and agencies;

9. Unless otherwise provided by law, announcements and informational materials regarding school or youth-related activities, organizations and agencies are clearly known to be non-sectarian, devoted to community interests or child welfare, non-discriminatory and totally committed to equal opportunity, and generally recognized as owning their existence to serving the broad public and general interests.

II. APPROPRIATE TO SCHOOL SETTING

Distribution of the following materials is always prohibited. Material that:

1. is obscene to minors;
2. is libelous;
3. is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with 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 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);
7. presents a clear and present likelihood that, either because of its content or the manner of distribution, will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, or 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, agencies which are known or believed to be sectarian groups, 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.

The superintendent or designee will permit exceptions on a case-by-case basis after thorough review and approval.

III. TIME, PLACE, AND MANNER OF DISTRIBUTION

If permission is granted pursuant to this Policy for the distribution of any materials, the time, place, and manner of distribution is solely within the discretion of the administration, consistent with the provisions of this Policy.

IV. PROCEDURES

A. All requests for distribution of materials in or through the schools by non-school persons or organizations must be submitted for approval at least five days in advance of desired distribution date, together with the following information:

1. Name and phone number of the person 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, or school, etc.)

B. All requests for materials distribution are to be screened individually as follows:

1. All requests for district-wide distribution must be approved by the Community Relations Office.
2. All requests for distribution for an individual school or classroom must be approved by the building principal and by the Community Relations Office.
3. In any instance of serious question as to appropriateness of distribution, final determination is to be made by the Superintendent of Schools.
4. At all levels, a continuing log of distribution approvals and denials is to be maintained.
5. Distribution of materials may be limited to the District's digital and electronic management system accessible by parents, students and district staff, or as copies made available at school and district offices, or for students and parents to take home.
6. Staff mailboxes and the District's internal mail systems are reserved for district related business and the facilitation of internal communication of school related matters to district staff.
7. Staff mailboxes and the District's internal electronic communication and mail systems shall be open to the exclusive representatives of the District employees on matters within the scope of the official representational duties of district employees.

- C. The front of all non-school sponsored materials 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."
- D. In the event permission to distribute the materials is denied or limited, the persons submitting the request shall be informed of the reasons for the denial or limitation. Permission or denial does not imply approval or disapproval of its contents by the school, administration, the School Board, or the individual reviewing the material submitted.

V. VIOLATION OF POLICY

Any party violating this Policy or distributing materials without permission will result in the halting of behavior, and may include issuing of directives to cease and desist, leave the District premises immediately, and if necessary, referral to law enforcement. Disciplinary actions involving students or employees will align with student disciplinary policy and negotiated employee contracts.

VI. DEFINITIONS

- A. "Distribution" means circulation or dissemination of materials by means of handing out free copies, posting or displaying materials, or placing materials in internal staff or student mailboxes or emails, or parent emails.
- B. "Materials" includes all materials and objects intended by non-school persons or organizations for distribution. Examples of materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by students, employees or others, and tangible objects.
- C. "Non-school person or organization" means any person or organization not currently enrolled as a student in or employed by the District.
- D. "Obscene to minors" means:
 - 1. The average person, applying contemporary community standards, would find 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, 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 District for which student attendance is compulsory, “material and substantial disruption” is defined as any disruption that interferes with or 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.

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.

- 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.