

DISTRIBUTION OF UNOFFICIAL PUBLICATIONS/MATERIALS BY STUDENTS AND OTHERS

**Section A.** People can distribute on school premises, at reasonable times and places, unofficial written materials, petitions, buttons, badges or other insignia. The exceptions shall be for those materials which:

- 1) are obscene to minors;
- 2) are libelous;
- 3) contain indecent, vulgar, profane or lewd language;
- 4) advertise any product or service not permitted to minors by law;
- 5) contain 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, religion, gender, disability, age or ethnic origin);
- 6) present a clear and present likelihood, that either because of the content or manner of distribution, they will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities;
- 7) will cause/advocate the commission of unlawful acts;
- 8) will cause/advocate the violation of lawful school regulations; or
- 9) are otherwise illegal or impermissible to distribute (eg. those that would cause a violation of the Establishment Clause of the First Amendment.)

**Section B.** Anyone wishing to distribute unofficial material must submit a copy of the material to the Superintendent or designee for his/her approval at least twenty-four (24) hours in advance of the desired distribution time and include the following:

- 1) Name and phone number of the person submitting the request and, if a student, the school homeroom number;
- 2) date(s) and time(s) of day intended for display or distribution;
- 3) location where the material is requested to be displayed/distributed; and
- 4) the grade(s) of students for whom the display or distribution is intended.

Within twenty-four (24) hours of submitting the required information, the Superintendent or designee will decide whether the material(s) is in violation of Section A or Section C of this Procedure. When permission to distribute material(s) is denied, the person submitting the request will be informed of the reason(s) for the denial.

Permission to distribute material(s) does not imply approval of its contents by either the school, the administration, the Board, or the principal. When a person submitting the request does not receive a response within twenty-four (24) hours, he/she shall contact the Superintendent's Office to seek clarification on the lack of a response. When a person is dissatisfied upon receipt of the Superintendent's decision, the person may submit a written appeal to the Superintendent. The person submitting an appeal shall have the right to appear and present reason(s), supported by relevant witnesses and material(s) as to why the distribution of the material is appropriate.

**Section C.** The distribution of unofficial material(s)/publication(s) is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school or otherwise disrupts school activities. The distribution shall be limited to a reasonable time, place, and manner based on the following:

- 1) The material shall be distributed from a location determined by the principal. The location shall be reasonably accessible to students.
- 2) The material shall only be distributed either before and/or after the regular instructional day.
- 3) The distributing person may not block the safe flow of student traffic or block the school's corridors or entrance ways.
- 4) No material may be distributed during and at a place of normal school activity if the distribution is reasonably likely to cause a material and substantial disruption of that activity.

**Section D.** The following seven (7) definitions are to be used for this procedure:

- 1) "Obscene to minors" means:
  - a. 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; (b) the material depicts or describes, in a manner that is offensive to prevailing standards in the adult community as to how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts, excretory functions, and lewd depictions 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 (18).
- 3) "Material and substantial disruption" of a normal school activity is defined as follows: when the school activity is District sponsored and student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the conducting of that activity; (b) when the school activity has voluntary attendance (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 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 forecasted, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the material(s) in question.

- 4) "School activities" means any student activity(ies) sponsored by the school and includes, without limitation, 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) "Unofficial" material(s) include(s) all other material(s) not classified/specified in Official Student Publications (Policy 502.9). Examples of unofficial material(s) are: leaflets, brochures, flyers, petitions, placards, and underground newspapers, whether written by students or others.
- 6) "Libelous" is a false and unprivileged statement about a specific individual that tends to harm an individual's reputation or to lower the person in the esteem of the community.
- 7) "Distribution" means circulation or dissemination of material(s) by means of handing out free copies, selling or offering copies for sale, and accepting donations for copies. It includes displaying material(s) in areas of the school which are generally frequented by students.

**Section E.** Distribution by any student of non-approved, unofficial material(s) may be halted, and the involved students may be subject to discipline, including suspension and expulsion. Other non-District persons violating District policy and procedure will be requested to immediately leave school property, and, if necessary, law enforcement officials will be called.

**Section F.** This Procedure and Policy shall be published in Student Handbooks and posted in the schools.