

## I. Guidelines

Students have the right to exercise freedom of speech. This includes the right to distribute, at reasonable times and places, unofficial written material, petitions, buttons, badges or other insignia, except expression which:

- (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, religion, sex, gender identity, disability, age, or ethnic origin);
- (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.

Distribution or display on school premises of material in categories (a) through (d) above to any student is prohibited. Distribution or display on school premises of material in categories (e) and (f) above to a substantial number of students is prohibited.

## II. Procedures

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

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

Within twenty-four hours of submission, the principal will render a decision whether the material violates the guidelines in subsection I or the time, place, and manner restrictions in subsection III of this policy. In the event that permission to distribute the material is denied, the person submitting the request should be informed in writing of the reasons for the denial. 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 shall contact the building principal'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 in accordance with the time, place, and manner provisions in subsection III.

If the person is dissatisfied with the decision of the principal, 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 shall 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 in accordance with the time, place, and manner provisions in subsection III.

At every level of the process, the person submitting the request shall 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

The distribution or display of written materials 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 shall be limited to a reasonable time, place, and manner as follows:

1. The material shall be displayed at or distributed from a table set up for the purpose in a location designated by the principal. The location shall not block the safe flow of traffic, block the corridors or entrance ways or negatively affect the safety of students and shall give reasonable access to students.
2. The material shall be distributed or displayed either before and/or after the regular instructional day.
3. No written material may be displayed or distributed 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.

### IV. Definitions

The following definitions apply to the 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.

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 busses, 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, fliers, 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 or 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 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 premises immediately, and if necessary, local law enforcement officials will be contacted.

#### VI. Notice of Policy to Students

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

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