

Adopted: October 28, 1997

Revised: September 24, 2001, 2004, 2007, 2010, 2013, 2016, 2019, 2025

Reviewed: 2022

904 DISTRIBUTION OF MATERIALS ON SCHOOL DISTRICT PROPERTY BY NONSCHOOL PERSONS

I. PURPOSE

The purpose of this policy is to provide guidelines for the distribution of materials on District property by local nonprofit organizations that exist to advance the interests of students in the District. appropriate to the school setting by non-staff and non-students on school district property in a reasonable time, place, and manner which does not disrupt the educational program nor interfere with the educational objectives of the school district.

~~II. GENERAL STATEMENT OF POLICY~~

- ~~A. The school district intends to provide a method for non-school persons and organizations to distribute materials appropriate to the school setting, within the limitations and provisions of this policy.~~
- ~~B. To provide for orderly and non-disruptive distribution of materials, the school board adopts the following regulations and procedures.~~

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, or posting~~ or displaying materials on school property, or placing materials in internal staff or student mailboxes.
- B. "Materials" ~~means~~includes all items, including electronic and physical objects ~~materials and objects intended by non-school persons or non-school organizations for distribution.~~ Examples of ~~non-school sponsored~~ materials include, but are not limited to, leaflets, brochures, buttons, badges, flyers, ~~e-flyers,~~ petitions, posters, periodicals, underground newspapers ~~whether written by students, employees or others,~~ and other tangible or electronic objects.

C. Local nonprofit organizations that exist to advance the interests of students in this District means the PTO, the education foundation, Hutchinson booster clubs, and any other organization the district agrees to partner on a grant and/or accept donations.XXXXXXXXXX. "Non-school person" means any person who is not currently enrolled as a student in or employed by the school district.

D. "Obscene to minors" means: that the average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors with consideration given to the age of the students who would receive the materials; the material depicts or describes sexual conduct, excretory functions, or the human body in a manner that is patently offensive to prevailing standards in the adult community with consideration given to the age of the students who would receive the materials; and the material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

Formatted: Font color: Custom Color(RGB(34,34,34)), Highlight

1. — 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;

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. "School activities" means any event or 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, school concerts, school theatrical productions, and in-school lunch periods. "Material and substantial disruption" of a normal school activity means:

Formatted: Font color: Custom Color(RGB(34,34,34)), Highlight

1. — Where the normal school activity is an educational program of the school 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 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, sitin, standin, walkout, 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.~~

Formatted: Indent: Left: 0.56", Hanging: 0.44"

- G. ~~'Defamatory' means 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. "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 inschool lunch periods.~~

Formatted: Font color: Custom Color(RGB(34,34,34)), Highlight

- 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.~~

III.V. GUIDELINES

- A. ~~Local nonprofit organizations that exist to advance the interests of students in this District. Non-school persons and organizations~~ may, within the provisions of this policy, be granted permission to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, materials and objects which are appropriate to the school setting. For profit materials and commercial advertising is prohibited
- B. Requests for distribution of materials will be reviewed by the building principal~~administration~~ on a case by case basis. ~~D~~However, distribution of the following materials is always prohibited. Material ~~is prohibited~~ that:
1. is obscene to minors;
 2. is defamatory~~libelous~~;

3. is pervasively indecent or 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 or promotes any product or service that is illegal for~~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, religion, sexual orientation, ~~us~~ or ethnic origin);
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; ~~it will cause the commission of unlawful acts or the violation of lawful school regulations.~~
8. will cause the commission of unlawful acts or the violation of lawful school regulations;
9. presents a substantial likelihood that it would adversely impact the reputation or image of the School District;
10. endorses a political cause, activity, or party, or a candidate for political office or position;
11. endorses a particular position on a ballot initiative, referendum, or other matter subject to a popular vote;
12. conflicts with the School District's mission, policies, curriculum, or instructional program;
13. attacks, demeans, ridicules, disparages, or discriminates based upon membership in any group;
14. is grammatically incorrect, poorly written, or is false or misleading;
15. is of no discernable relevance to the School District or its students;
16. is commercial in nature ~~and does not have any identifiable educational~~

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34)), Strikethrough

relevance (For example, a flyer promoting a student special for the purchase of a computer or other technology that can be used for educational purposes has educational relevance. A flyer promoting a student special at a local restaurant does not have educational relevance); or

17. is reasonably forecasted to create a material and substantial disruption to school operations.

Commented [1]: delete

Formatted: Font color: Custom Color(RGB(34,34,34))

Formatted: Font color: Custom Color(RGB(34,34,34))

- C. Permission ~~for nonschool persons~~ to distribute materials on school district property or through an online platform is a privilege and not a right. In making decisions regarding permission for ~~such~~ distribution, the building principaladministration will remain viewpoint neutral and consider factors includingconsider factors including, but not limited to the following:
1. whether the material is educationally related or otherwise advances the interests of students in this district;
 2. the extent to which distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline or school activities;
 3. whether the physical 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 district staff, use of school district equipment or other resources, such as technological 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.

IV. TIME, PLACE, AND MANNER OF DISTRIBUTION

Formatted: Font: Bold

If permission is granted pursuant to this policy for the distribution of any materials, the time, place and manner of distribution will be solely within the discretion of the

administration, consistent with the provisions of this policy. This means that the administration may determine when, where, and how materials are distributed. Each building principal will designate one or more locations in the building where materials may be distributed. Students will have access to those locations. All School District property, facilities, and online platforms are not public forums. They are reserved for their intended purpose of education and education-related activities.

V. VIOLATION OF POLICY

Any party violating this policy or distributing materials without permission will be directed to leave the School District property immediately or the party's materials will be immediately removed from electronic distribution or display. If necessary, the police will be called.

VI. PROCEDURES

The administration may adopt administrative procedures to facilitate the implementation of this policy. A. Any non-school person wishing to distribute materials must first submit for approval a copy of the materials to the administration at least five days in advance of desired distribution time, 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. If material is intended for students, the grade(s) of students to whom the distribution is intended.
4. The proposed method of distribution.

B. The administration will review the request and render a decision. The administration will assign a location and method of distribution and will inform the persons submitting the request whether non-school persons may be present to distribute the materials. In the event that permission to distribute the materials is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.

C. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by either the school, the administration of the school, the school board, or the individual reviewing the material submitted.

D. In the event that permission to distribute materials is denied, the non-school person or organization may request reconsideration of the decision by the superintendent. The request for reconsideration must be in writing and must set forth the reasons why distribution is desirable and in the interest of the school

Formatted: Font: Bold

Formatted: Font color: Custom Color(RGB(34,34,34)), Highlight

Formatted: Font: (Default) Arial, 11 pt, Bold, Font color: Custom Color(RGB(34,34,34)), Highlight

Formatted: Font color: Custom Color(RGB(34,34,34)), Highlight

Formatted: Indent: Left: 0.5", First line: 0"

community.

~~VII. VIOLATION OF POLICY~~

~~Any party violating this policy or distributing materials without permission will be directed to leave the school property immediately and, if necessary, the police will be called.~~

~~VIII. IMPLEMENTATION~~

~~The school district administration may develop any additional guidelines and procedures necessary to implement this policy for submission to the school board for approval.~~

~~Legal References:~~ ~~U.S. Const. amend. I.~~

~~Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988).~~

~~Doe v. South Iron R-1 School District, 498 F.3d 878 (8th Cir. 2007)~~

~~Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)~~

~~Cornelius v. NAACP Legal Defense and Educational Fund, Inc., 473 U.S. 788, 105 S.Ct. 3439, 87 L.Ed.2d 567 (1985).~~

~~Perry Education Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S.Ct. 948, 74 L.Ed.2d 794 (1983).~~

~~Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist., 640 F.3d 329 (8th Cir. 2011), cert. denied U.S., 132 S.Ct 592 (2011)~~

~~Cross References:~~ ~~Policy 505 (Distribution of Non-school Sponsored Materials on School Premises by Students and Employees)~~

~~Policy 512 (School Sponsored Student Publications)~~