

Distribution of Non-school Literature/Publications Regulations for Policy 1140.1

Definitions

“Distribution” means the circulation of more than one printed copy of material from a source other than the District or school. (*Alternate: more than ten printed copies.*) Further, the distribution involves the circulation or dissemination of materials by means of offering free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying materials, or placing materials in book bags, backpacks, or other items belonging to students.

“Non-school sponsored material” or **“unofficial material”** includes all materials or objects not funded, sponsored, or authorized by the District or school intended for distribution, except school newspapers, homecoming buttons, literary magazines, yearbooks and other publications funded and/or sponsored by the school or District. Examples of non-school sponsored materials include, but are not limited to, leaflets, brochures, flyers, petitions, posters, and underground newspapers whether written by students or others.

The Board of Education recognizes that activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are protected by the First Amendment.

The District’s schools may impose time, place, and manner regulations and may reserve its facilities for their intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker’s view.

The District or its schools may not require prior review before permitting non-disruptive distribution of written materials on matters of public concern at a parents/adults-only school-sponsored meeting after school hours.

Distribution on School Campus

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials over which the school does not exercise control shall not be sold, circulated, or distributed by persons or groups not associated with the school or a school support group on any school premises in the school without permission in accordance with this policy.

District classrooms are provided for the limited purpose of delivering instruction opportunities to students. Hallways in school buildings are provided for the limited purpose of facilitating the movement of students between classes and allowing access to assigned lockers. Classrooms and hallways shall not be used for the distribution of any materials over which the school does not exercise control.

Community Relations

Distribution of Non-school Literature/Publications Regulations

Distribution on School Campus (continued)

The administrator in charge of each school area in which the school has individual employee mailboxes shall designate an area near the mailboxes where materials that have been approved for distribution, as provided below, may be made available or distributed to students or others in accordance with any time, place, and manner restrictions developed and approved by the Superintendent.

Distribution in Classrooms and Hallways

The District's classrooms during the regular school day are provided for the limited purpose of delivering instruction to students in the courses and subjects in which they are enrolled. Hallways in school buildings are provided for the limited purpose of facilitating the movement of students between classes and allowing access to assigned lockers. Classrooms and hallways shall not be used for the distribution of any materials over which the school does not exercise control.

Area of Distribution

The school Principal shall designate an area where materials that have been approved for distribution by students in accordance with this policy may be made available or distributed. The Principal may develop reasonable time, place, and manner restrictions regarding the distribution of materials at designated areas.

Prior Review

All written material over which the school does not exercise control and that is intended for distribution on school property shall be submitted for prior review to the Principal or designee for prior review according to the following procedures:

1. Materials shall be submitted to the Superintendent or designee or school Principal for review.
2. To be considered for distribution, materials shall include the name of the organization or individual sponsoring the distribution.
3. Using the standards below at "Limitations on Content" the Superintendent, Principal or designee shall approve or reject submitted material within two school days of the time the material is received.
4. The requestor/student may appeal the decision of the Principal to the Superintendent or of the Superintendent to the Board.

Students who fail to follow these procedures may be disciplined in accordance with the District policies pertaining to conduct and the Student Code of Conduct.

Limitations on Content

The District/school shall not prohibit student expression solely because other students, teachers, administrators, or parents may disagree with its content.

Non-school materials shall not be distributed if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The materials endorse actions endangering the health or safety of students.
3. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.
4. The materials contain defamatory statements about public figures or others.
5. The materials criticize Board members or school officials or advocate violation of school rules.
6. The materials substantially interfere with school activities.
7. The materials substantially interfere with the rights of other students or teachers, or staff.
8. The District/school can demonstrate reasonable cause to believe that the expression would engender such material and substantial interference.
9. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
10. The materials include hate literature that scurrilously attacks ethnic, religious, or racial groups, and similar publications aimed at creating hostility and violence.

(cf. 1140 – Distribution of Materials by Students)

Legal Reference: *Hazelwood Sch. Dis. V. Kuhlmeier*, 484 U.S. 260, 265 (1988)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)

Bethel Sch. Dist. No 403 v. Fraser, 478 U.S. 675 (1986)

Schenck v. Pro-Choice Network, 519 US. 357, 117 S. Ct. 855 (1997)

Boos v. Barry, 485 U.S. 312, 108 S. Ct. 1157 (1988)

Meyer v. Grant, 486 U.S. 414, 108 S. Ct. 1886 (1988)

Perry Educ. Ass'n. v. Perry Local Educators' Ass'n., 460 Us. 37, 103 5.t. 948 (1983)

Chiu v. Plano Indep. Sch. Dist., 339 F.3d 273 (5th Cir. 2003)