

Community Relations

Distribution or Display of Materials on School District Property by Nondistrict Persons or Organizations

I. Purpose

This policy provides guidelines for the distribution of materials appropriate to the school setting by nondistrict persons and organizations on school district property in a reasonable time, place and manner that does not disrupt educational programming nor interfere with the educational objectives of the school district.

II. General Statement of Policy

The school district intends to provide a method for nondistrict persons and organizations to distribute materials appropriate to the school setting, within limitations and provisions of this policy.

III. Definitions

- A. "Distribution" means circulation or dissemination of materials by means of displaying, handing out or offering materials or copies of materials ("materials"), selling or offering materials for sale, accepting donations for materials, posting or displaying materials, or placing materials in internal employee or student mailboxes or on vehicles.
- B. "Nondistrict person" means any person who is not currently enrolled as a student in or employed by the school district.
- C. "Nondistrict organization" means an organization that is not sponsored by the school district.
- D. "Materials" includes all materials and objects intended by nondistrict persons or nonschool organizations for distribution. Examples of nondistrict-sponsored materials include, but are not limited to: leaflets; brochures; buttons; badges; flyers; petitions; posters; underground newspapers whether written by students, employees or others; and other tangible objects.
- E. "Obscene to minors" means:
 - 1. The average person, applying contemporary community standards, would find that the material, taken as a whole, is designed to appeal 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.

F. "Minor" means any person under the age of eighteen.

G. "Material and substantial disruption" of a normal school activity means:

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, 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.

H. "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, fine arts presentations and productions, and in-school lunch periods.

I. "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.

IV. Guidelines

A. The school district may permit, within the provisions of this policy, nondistrict persons and organizations to distribute, at reasonable times and places as 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; however, distribution of the following materials is always prohibited:

1. Materials obscene to minors;
2. Libelous materials;
3. Materials pervasively indecent or vulgar or containing 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 whom the materials are intended;

4. Materials advertising any product or service not permitted to minors by law;
5. Materials advocating violence or other illegal conduct;
6. Materials constituting 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); and
7. Materials that present 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, or will cause the commission of unlawful acts or the violation of lawful district policies or school rules.

C. Permission for nondistrict persons or organizations to distribute materials on school district property is a privilege and not a right. In making decisions regarding permission for distribution, the administration will consider factors including, but not limited to the following:

1. Whether the material relates to the educational mission of the district;
2. The extent to which the distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline or school activities;
3. Whether the materials can be distributed from the office or other 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 employees, use of school district equipment or other resources;
6. Whether distribution would require that nondistrict persons be present on the school grounds; or
7. Whether the materials are a solicitation for goods or services not requested by potential recipients.

V. 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 will be solely within the discretion of the administration, consistent with the provisions of this policy.

VI. Procedures

- A. Any nondistrict person or organization wishing to distribute materials must first submit for approval a copy of the materials to the building 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 the requested distribution;
 3. If material is intended for students, the grade(s) of students to whom the distribution is intended; and
 4. The proposed method of distribution.
- B. The superintendent or designee will review the request and render a decision. If approved, the building administration will assign a location and method of distribution and will inform the persons submitting the request whether nondistrict persons or organizations 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 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.

VII. Violation of Policy

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

Legal References:

U. S. Const., amend. I

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

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)

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)

Cross References:

Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by
Students and Employees)

Policy 512 (School-Sponsored Student Publications and Activities)

Policy

adopted: 7/19/10

Revised: 4/24/14

INDEPENDENT SCHOOL DISTRICT 273

Edina, Minnesota

Appendix I

DISTRIBUTION OF MATERIALS BY CANDIDATES FOR ELECTIVE OFFICE

The district has adopted these guidelines regarding campaigning at or around district/school events and audiences. Please follow these guidelines and ensure your volunteers do the same.

The district may permit, within the provisions of Policy 904, candidates for elective office to distribute, at a reasonable time, place, and manner, materials and objects appropriate to the district setting. Requests must be made in accordance with Policy 904, which can be found on the district's website.

Kuhlman Field

- When requests are approved, candidates may set up tables outside of Kuhlman Field at a location approved by the district.
- Literature can be handed out from these tables to people demonstrating an interest in the campaign, as shown by their approach to a table.
- Campaigning or handing out literature inside the stadium is not welcomed by the district and spectators who have come to see the game/event.
- Signs may be set out on the tables. No signs or other materials may be attached to fences or other district property.
- While campaigning, candidates and their volunteers should remain in their designated area.
- Placing leaflets on vehicles is prohibited.
- Please pick up all literature when leaving so the district will not incur the cost of cleanup.

School Events

- When requests are approved, candidates may distribute literature outside district buildings as approved by the district.
- Placing leaflets on vehicles is prohibited.
- The district requests that literature distribution and political contact are clearly perceived as optional and not disruptive of walking/automobile traffic.

On-site Group Presentations

- The district does not arrange candidate presentations.
- Candidates may contact independent parent organizations or other organizations directly to arrange presentations.
- Each organization has its own guidelines regarding these presentations.

The district appreciates your cooperation in abiding by these guidelines. Please feel free to contact the superintendent with any specific questions or concerns. Thank you for your interest in serving the community.