

SAYDEL COMMUNITY SCHOOL DISTRICT

DISTRIBUTION OF MATERIALS REGULATION

I. Guidelines

Individuals, including students, may have the right to distribute on school premises, at reasonable times and places, material, except expression which:

- (a) is obscene;
- (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);
- (f) 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, will cause the commission of unlawful acts or the violation of lawful school regulations.

Distribution on school premises of material in categories (a) through (f) is prohibited.

II. Procedures

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

1. Name and phone number of the person submitting request and, if a student, the homeroom number;
2. Date(s) and time(s) of day of intended display or distribution;
3. Location where material will be displayed or distributed;
4. The grade(s) of students to whom the display or distribution is intended.
5. This publication is being provided as a courtesy to inform you of other community activities and opportunities and it is not associated with, or sponsored by, Saydel Community School District.

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 will be informed in writing of the reasons for the denial. Permission to distribute material does not imply approval of its contents by the school, the administration, the Board or the individual reviewing the material submitted.

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If the person submitting the request does not receive a response within twenty-four hours of submission, the person will 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 will 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 will have the right to appear and present the reasons, supported by relevant witnesses and material, as to why distribution of the written material is appropriate.

Permission to distribute material does not imply approval of its contents by either, the school district, the Board, the administration or the individual reviewing the material submitted.

III. Time, Place and Manner of Distribution

The distribution of material is prohibited when it blocks the safe flow of traffic within corridors and entryways of the school or otherwise disrupts school activities. The distribution of unofficial material will be limited to a reasonable time, place and manner as follows:

1. The material will be distributed from a table set up for the purpose in a location designated by the principal, said location will not block the safe flow of traffic or block the corridors of entrance ways, but which will give reasonable access to students.
2. The material will be distributed either before and/or after the regular instructional day.
3. No material may be distributed during and at the place of a normal school activity if it is reasonably likely to cause a material and substantial disruption of that activity.

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4. Any material distributed to students that will be sent home will include the following disclosure. (This publication is being provided as a courtesy to inform you of other community activities and opportunities and it is not associated with, or sponsored by, Saydel Community School District)

IV. Definitions

The following definitions apply to the following terms used in this policy:

1. "Obscene" 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 distributing is requested;
 - (b) The material depicts or describes, in a manner that is 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.
 - (c) The material, taken as a whole, lacks 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 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 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 written material in question.

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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. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower him/her in the esteem of the community.
6. "Distribution" means circulation or dissemination of any material by any means.

V. Disciplinary Action

Distribution by any student of 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 property immediately and, if necessary, local law enforcement officials will be called.

VI. Notice of Policy to Students

A copy of this policy will be published in student handbooks.

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