

Board Policy Document

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## **SCHOOL-COMMUNITY RELATIONS**

### ***Series 1000***

**Policy Title:       Distribution of Non-District Materials**

**Code Number:     AR1001.80**

#### 1. Definitions

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

a. "Obscene to minors" is defined as:

- 1) the average person, applying contemporary community standards, would find that he written material, taken as a whole, appeals to the prurient interest of minors of that 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, 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.

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

First Adoption:     October 11, 1994  
Revision Adoption: August 12, 1997/September 18, 2006  
Legal Reference:   Iowa Code 279.8; 280.22

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- c. “Material and substantial disruption” of a normal school activity is defined as follows.
- 1) Where the normal school activity is an education 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.
  - 2) Where the normal school activity is voluntary in nature (including, without limitation, school athletics, school plays and concerts, and lunch periods), “material and substantial disruption” is defined as a student riot, unlawful seizure 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, or instances of actual or threatened disruption relative to the written material in question.

- d. “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 athletics contests, band concerts, school plays and in school lunch period.
- e. “Non-district” 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, flyers, petition, placards and underground newspapers, whether written by students or others.
- f. “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.

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"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 that are generally frequented by students.

2. Guidelines

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

- a. is obscene to minors;
- b. is libelous, slanderous, or defamatory;
- 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, religion, gender, disability, age, or ethnic origin);
- f. presents a clear and present likelihood that, because of its content or the manner of distribution, 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 will violate lawful school regulations.

3. Procedures

Except as provided in paragraph B of Policy 1001.80, anyone wishing to distribute non-district written material must first submit for approval a copy of the material to the Superintendent's designee in the Education Service Center at least twenty-four hours in advance of the desired distribution time, together with the following information:

- a. Name and telephone number of the person and, if relevant, the organization submitting the request and, if a student, the homeroom number of the said student;
- b. Date(s) and time(s) of day of intended display or distribution;
- c. Location of intended display or distribution;

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- d. The grade(s) of students to whom the display or distribution is intended.
- e. This information will be considered public and released upon request.

All materials submitted for approval MUST contain the following statement in legible, bold print, in a conspicuous location on the materials: **“THIS MATERIAL IS NEITHER ENDORSED NOR SPONSORED BY THE SIOUX CITY COMMUNITY SCHOOL DISTRICT.”** If the materials contain more than one page, this statement must appear on each page.

Within one week after the day of submission, a decision will be issued to grant the request, deny the request, or grant the request subject to specified time and place and manner restrictions regarding the distribution in addition to those general restrictions in paragraph 4. Approval for distribution of materials will be granted or denied on a content neutral basis, subject to the guidelines in paragraph 2.

In the event that permission to distribute the material is denied, or the request is granted subject to specified restrictions, the person submitting the request should be informed in writing of the reason for the denial or the restrictions.

If the person is dissatisfied with the decision, that person may submit a written appeal to the Superintendent

#### 4. General Restrictions

The distribution of any non-district material approved pursuant to this policy shall, without limiting the imposition of additional restrictions on time, place and manner, be limited as follows:

- a. The material shall be distributed from a table set up for the purpose in a location designated by the Principal, which location shall not block the safe flow of traffic or block the corridors or entrance ways, but which shall give reasonable access to students.
- b. The material shall be distributed either before and/or after the regular instructional day, but shall not be distributed during the instructional day.

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- c. No written material may be distributed during and at the place of a normal school activity if it is reasonably likely to cause material and substantial disruption of that activity.
- d. As otherwise deemed appropriate by the Principal.

5. Disciplinary Action

Distribution by any student of non-district written material, not approved of pursuant to this policy, may be halted, and shall constitute a violation of the Student Code of Conduct. Employees violating this policy shall be subject to discipline according to District policy. Any other party violating this policy may be requested to leave the school property immediately and, if necessary, local law enforcement officials may be called for assistance to remove individuals.