

DISTRIBUTION OF NON-CURRICULAR MATERIALS

The Board of Directors recognizes that students, employees, parents or citizens may want to distribute materials within the school district that are non-curricular. Non-curricular materials to be distributed must be approved by the Superintendent and meet certain standards prior to their distribution. Requests for posting inside the building must obtain approval by the building principal.

I. Guidelines:

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

- a. is obscene to minors;
- 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 or of a person's race, religion, gender, disability, age or ethnic origin);
- 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) to any student is prohibited.

II. Procedures:

Anyone wishing to distribute unofficial written material must first submit for approval a copy of the material to the Superintendent 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 student to whom the display or distribution is intended.

Within twenty-four hours of submission, the Superintendent or designee will render a decision whether the material violates the guidelines in subsection I. In the event that permission to distribute the material is denied, the person submitting the request should be informed in writing of the reasons for the denial. Permission to distribute material does not imply approval of its contents by either the school, the administration, the Board or the individual reviewing the material submitted.

If the person submitting the request does not receive a response within twenty-four hours of submission, the person shall contact the Superintendent'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 II.

If the person is dissatisfied with the decision of the Superintendent, the person may submit a written request for appeal to the Board of Directors.

At every level of the process the person submitting the request shall 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.

Legal Reference: U.S. Const. Amend. I.
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 91988).
Bethel School District v. Fraser, 478 U.S. 675 (1986).
New Jersey v. T.L.O., 469 U.S. 325 (1985).
Tinker v. Des Moines Ind. Comm. Sch. Dist., 393 U.S. 503 (1969).
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987).
Iowa Code §§ 279.8; 280.22; 282.3 (1993).

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