

Community Relations

Distribution of Materials by Students (Use of Students)

The Board 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 building Principal and meet certain standards prior to their distribution.

It is the responsibility of the Superintendent, in conjunction with the building principals to draft administrative regulations regarding this policy.

(cf. 3152 – Spending Public Funds for Advocacy)

Legal Reference: Connecticut General Statutes
 9-369b Explanatory text relating to local questions.

Policy adopted: January 14, 2009

ANDOVER PUBLIC SCHOOLS
Andover, Connecticut

Community Relations

Distribution of Materials by Students (Use of Students)

I. Guidelines

Individuals, including students, may have the right to distribute on school premises, at reasonable times and places, unofficial written material, petitions, buttons, badges or other insignia, except expression which:

1. is obscene to minors;
2. is libelous;
3. contains indecent, vulgar, profane or lewd language;
4. advertises any product or service not permitted to minors by law;
5. 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);
6. 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 (1) through (4) to any student is prohibited. Distribution on school premises of material in categories (5) and (6) to a substantial number of students is prohibited.

II. Procedures

Anyone wishing to distribute unofficial written material must first submit for approval a copy of the material 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.

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 regulation. 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.

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Distribution of Materials by Students (Use of Students) (continued)

II. Procedures (continued)

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 District, the Board, the administration or the individual reviewing the material submitted.

III. Time, Place and Manner of Distribution

The distribution of written material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school or otherwise disrupts school activities. The distribution of unofficial material is 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, which location will not block the safe flow of traffic or block the corridors or 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 written 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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Distribution of Materials by Students (Use of Students) (continued)

IV. Definitions

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

1. **“Obscene to minors”** 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 distribution is requested;
 - (b) 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
 - (c) The material, taken as a whole, lacks serious 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 an educational 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.
 - (b) 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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Distribution of Materials by Students (Use of Students) (continued)

IV. Definitions (continued)

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. **“Unofficial”** 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, petitions, placards and underground newspapers, whether written by students or others.
6. **“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.
7. **“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 which are generally frequented by students.

V. Disciplinary Action

Distribution by any student of unofficial written 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 regulation will be published in student handbooks and posted conspicuously in school buildings.

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Distribution of Materials by Students (Use of Students) (continued)

Additional material to consider:

1. Student Participation

No student shall be forced to participate in the distribution of any non-school materials in the schools.

2. Political Campaign Materials

Subject to the approval of the Superintendent, each building principal shall establish rules and regulations governing the distribution of political campaign materials in the school building during election campaigns in order to afford opportunity for all viewpoints to be considered. No student shall be forced to participate in the distribution or receipt of any political materials.

3. Special Interest Materials

No mailing lists of students or employees of the District shall be given to individuals, organizations or vendors for the purpose of distributing materials without the written approval of the appropriate records custodian.

4. Advertising in the Schools

Advertising in the student publications may promote products by brand name except that commercial ads promoting the sales of any controlled substance or drug paraphernalia are prohibited.

5. Relations with Political Organizations

Political candidates or political parties shall be prohibited from promoting candidates or political party activities in school buildings during school hours except as they might be invited to speak, either as part of a class project or as part of the instructional program, as provided in the policy on controversial speakers.

Such organizations may use school facilities according to Board policy.

The circulation of petitions is not permissible when done during an employee's or student's assigned working hours.

Community Relations

Distribution of Nonschool Literature/Publications

Definitions

“Distribution” means the circulation of more than 10 printed copy of material from a source other than the District or school. 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.

“Nonschool 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 nonschool 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.

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Distribution of Non-school Literature/Publications

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.

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Distribution of Non-school Literature/Publications (continued)

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 material shall not be distributed if it:

1. is obscene to minors;
2. is libelous;
3. contains indecent, vulgar, profane or lewd language;
4. advertises any product or service not permitted to minors by law;
5. 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);
6. 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.

(cf. 1140 – Distribution of Materials by Students)

(cf. 1311.2 – Political Activities in the Schools/On School Board Property)

(cf. 1330/3515 – Community Use of School Facilities)

(cf. 3543.13 – Mail and Delivery)

(cf. 4118.21 – Academic Freedom)

(cf. 6144 – Controversial Issues)

(cf. 6145.31 – Underground Publications)

(cf. 6153.2 – Student Participation in Election Process)

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)

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