

Board Policy

Code No. 508.4R1

STUDENT DISTRIBUTION OF NON-CURRICULAR MATERIALS REGULATION

I. **Materials That May be Distributed**

Students are permitted to distribute on school premises, at reasonable times and places, any and all unofficial written material, except such material or 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, color, creed, religion, gender, sexual orientation, gender identity, national origin, socio-economic status, disability, marital status, or age);
- 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, or 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. **Religious materials**

Materials containing religious content or supporting a religious organization are permitted on the same basis as other non-curricular material.

While Bettendorf Community School District recognizes free speech and religious rights of students, the District does not support, endorse, or oppose any religion or student religious organization or the publications of any student religious organization. Distribution of this material at school does not imply endorsement of its content or the organization.

III. **Procedures**

A. **Application**

Any student wishing to distribute unofficial non-curricular materials must first submit a completed application for approval to the building principal at least twenty-four hours in advance of desired distribution time, together with a copy of the material. The application form, a copy of which is attached hereto, shall require the following information:

1. Name, phone number and student I.D. number of the student submitting the request;
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.

B. **Decision**

Within twenty-four hours of submission, the principal or designee will render a decision whether the material violates the guidelines in subsection I or the time,

place and manner restrictions in subsection IV of this regulation. If permission to distribute 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.

C. Non-Response

If the student submitting the request does not receive a response within twenty-four hours of submission, the person may contact the building principal's office to verify that the lack of response was not due to an inability to locate the student. If the student has made this verification and there is no response to the request, the application shall be deemed to be granted and the material may be distributed in accordance with the time, place and manner provisions in subsection IV.

D. Appeal of Disapproval

If the student is dissatisfied with the decision of the principal or his designee, the student may submit a written request for appeal to the superintendent or his designee. If the student does not receive a response within three school days of submitting the appeal, the student may contact the superintendent or his designee to verify that the lack of response is not due to an inability to locate the student. If the student has made this verification and there is no response to the appeal, the application shall be deemed to be granted and the material may be distributed in accordance with the time, place and manner provisions in subsection IV.

E. General

At every level of the process the student 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.

IV. Time, Place and Manner of Distribution

The distribution of unofficial or non-curricular material is prohibited when it blocks the safe flow of traffic within corridors and entranceways of the school or otherwise disrupts school activities. Any organization distributing written material shall be responsible for cleaning up any resulting litter from such material discarded, tossed or strewn on school property. The distribution of unofficial or non-curricular material is limited to a reasonable time, place and manner as follows:

- A. The material will be distributed outside of the classroom in locations designated by the principal or his designee and in a manner that will not block the safe flow of traffic or block the corridors or entranceways, but which will give reasonable access to students.
- B. The material will be distributed either before and/or after the regular instructional day.
- C. 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.

V. Definitions

The following definitions apply to terms used in this policy:

A. **Obscene to Minors** means:

1. 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 or likely.
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 or likely, 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.

B. **Minor** means any person under the age of eighteen.

C. **Material and Substantial Disruption** of a normal school activity means:

1. Where the normal school activity is an educational program of the district for which student attendance is compulsory, a "material and substantial disruption" is 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 athletic events, school plays and concerns, and lunch periods), "material and substantial disruption" is student rioting, an unlawful seizure of property, widespread shouting or boisterous demonstration, a sit-in, stand-in, walkout, or other related form of activity. In order for a student's non-curriculum material or 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.

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, field trips, and other similar gatherings, school athletic contests, band concerts, school plays and in-school lunch periods.

E. **Unofficial or Non-Curricular** material includes all written material except school newspapers, literary magazines, yearbooks, and other publications funded and/or authorized by the school and materials for organization that are sponsored or authorized by the school. Examples include leaflets, brochures, flyers, petitions, 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.

G. **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.

VI. Disciplinary Action

Distribution by any student of unofficial or non-curricular material prohibited in subsection I or in violation of subsection IV 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 school property immediately and, if necessary, local law enforcement officials will be called.

VII. Notice of Policy to Students

A copy of this policy will be published in the student handbooks and posted conspicuously in school buildings.

Approved: February 3, 2003

*Reapproved: April 6, 2004
March 5, 2007*

*Revised: August 6, 2012
August 3, 2015*