

## DISTRIBUTION OF MATERIALS REGULATION

### 1) Guidelines

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

- 1) is obscene to minors;
- 2) is libelous;
- 3) contain 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 a person's race religion, gender, disability, age or ethnic origin)
- 6) presents clear and present likelihood that, either 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, will cause the commission of unlawful acts or the violation of lawful school regulations.

Distribution on school premises of materials 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 for Approval and Distribution of Materials

Anyone wishing to distribute written material must first submit for approval a copy of the material to the superintendent's office at least two weeks (10 working days) in advance of desired distribution time, together with the following information:

- 1) name of organization (and 501c (3) number if the organization is nonprofit);
- 2) name, phone number and email of the contact person;
- 3) purpose of the printed material;
- 4) clear indication of cost (if any) for participation in announced activity;
- 5) designation of desired recipients (grade level or subgroup of students, parents, teachers/staff);
- 6) date requested for distribution.

Within five working days of submission, notice of approval or denial will be communicated to the contact person, along with a count of materials needed for approved posting or distribution. Materials for distribution should be bundled in packs of 25 and then in sets of packs sufficient for the count to be distributed in each building. Each set should be labeled with the building's name, distribution group (i.e. Grades 3-5), and the requested distribution date. Approved sets of material should be delivered to the superintendent's office at least five (5) working days prior to the requested distribution date. Principals/secretaries will be notified of the approval and a district representative will deliver the materials to the applicable schools. The school principals will have discretion in determining the timing and manner of distribution of information and may set reasonable limits to the number of approved materials distributed to students.

A form on which the required information must be submitted is available from the office of the superintendent and on the district's website.

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In order to ensure the efficient operation of normal school business, no materials will be approved for distribution to students before Labor Day. No materials will be approved for distribution to students after May 15. Organizations should make plans to provide materials for distribution according to this schedule or should plan for alternate means of distributing their information.

Permission to distribute material does not imply endorsement of the organization or the contents of the material by either the district, the school, the employees, or the board of education. The following disclaimer must be imprinted on the front of each flier: "Notice: Distribution of this flyer does not constitute an endorsement by the Western Dubuque Community School District. The printing cost for this flyer was paid for by the sponsoring organization."

### III) Definitions

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

- 1) "Noncurricular" is defined as not prepared by the instructional staff of the district or approved for official use within the educational program of the school.
- 2) "Obscene to minors" is defined as:
  - (a) the average person, applying contemporary 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.
- 3) "Minor" means any person under the age of eighteen.
- 4) "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.
  - (c) 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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- 5) "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.
- 6) "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.
- 7) "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.
- 8) "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.

### IV) Distribution of Materials from Non-Profit Groups

Distribution of fliers, posters, or other printed materials to students and/or staff by groups other than the district is permitted under limited circumstances for nonprofit, youth-serving groups.

Only materials for which the superintendent, or superintendent's designee, can determine a reasonable connection with the school district's educational mission will be approved for posting or distribution. Activities for which the organization charges other than a nominal participation fee (\$10 or less per student) will normally not be approved.

In order to ensure the efficient operation of normal school business, no materials will be approved for distribution to students before Labor Day. No materials will be approved for distribution to students after May 15. Organizations should make plans to provide materials for distribution according to this schedule or should plan for alternate means of distributing their information.

### V) Distribution of Materials from For-Profit Organizations

For-profit organizations may not use educational facilities (including school mail), school employees or students in any manner for the promotion or sale of products and services which solely benefit any for-profit organization. This includes the following activities:

- 1) distribution of pamphlets or fliers urging students, their families, or others to purchase services or products;
- 2) the sale of products and services;
- 3) posting advertising on district or school websites.

Only materials for which the superintendent, or superintendent's designee, can identify a clear connection with the school district's educational mission will be approved for posting or distribution. Activities for which the organization charges other than a nominal participation fee (\$10 or less per student) will normally not be approved.

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### VI) Disciplinary action

Distribution by any student of unofficial written material prohibited in violation of subsection II may be halted, and students may be subject to discipline including suspension or 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.

### VII) Notice of policy to students

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

Iowa Code: §§279.8; 280.22

Cross References: 502.3 Student Expression and Student Publications Code  
502.3R1 Student Expression and Student Publication Code - Regulation  
503.1 Student Conduct  
503.1R1 Student Conduct - Regulation  
  
603.9 Academic Freedom  
603.9R1 Academic Freedom – Teaching Controversial Issues

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