

## **STUDENTS**

**Policy 2170**  
**(Regulation 2170)**

### **Nondiscrimination and Student Rights**

#### **Distribution of Noncurricular Publications by Students**

The District recognizes that student expression regarding a variety of topics may be beneficial to the District's educational mission. Discussion and debate regarding serious issues can engender tolerance for diverse viewpoints. The District, however, has the obligation to ensure that student expression is consistent with the District's educational mission. Accordingly, the District has adopted guidelines to regulate student expression in a manner consistent with the District's educational goals.

Approved November 1999

## **STUDENTS**

## **Regulation 2170**

### **Nondiscrimination and Student Rights**

#### **Distribution of Noncurricular Publications by Students**

##### **Guidelines for Distribution**

Students may distribute, at reasonable times and places, unofficial written materials, petitions, buttons, badges, or other insignia, except expressions which:

1. Are obscene to minors.
2. Are libelous.
3. Are pervasively indecent or vulgar (secondary schools)/contain any indecent or vulgar language (elementary schools).
4. Advertise any product or service not permitted to minors by law.
5. Constitute insulting, hateful 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, or ethnic origin).
6. Present a clear and present likelihood that, either because of their content or their 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 the violation of lawful school regulations.

Distribution on school premises of material in above categories to any student is prohibited.

##### **Procedures**

Any student wishing to distribute unofficial written material must first submit for approval a copy of the material to the principal/designee at least three (3) days in advance of desired distribution time, together with the following information:

1. Name and phone number of the person submitting request.
2. Date(s) and times(s) of day of intended display or distribution.
3. Location where material would be displayed or distributed.
4. The grade(s) of students to whom the display or distribution is intended.

Within forty-eight (48) hours of submission, the principal/designee will render a decision whether the material violates the guidelines contained in these regulations or the time, place and manner restrictions of this regulation. In the event that permission to distribute the material is denied, the student submitting the request should be informed 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 materials submitted. Accordingly, the publication shall contain a statement "The opinions expressed are not necessarily those of the District or its personnel."

If the student is dissatisfied with the decision of the principal/designee, the student may submit a written request for appeal to the Superintendent/designee. If still not satisfied, the student may appeal the request to the Board for its review.

### **Time, Place and Manner of Distribution**

The distribution of written material shall be limited to a reasonable time, place and manner as follows:

1. No written material may be distributed during and at the place of a normal school activity (e.g., classroom) if it is reasonably likely to cause a material and substantial disruption of that activity.
2. Distribution of written material is prohibited when it blocks the safe flow of traffic within corridors and entranceways of the school.

### **Definitions**

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

*Obscene to minors* is defined as:

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; and/or
2. The material depicts and 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/or
3. The material taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

*Minor* is defined as any person under the age of eighteen (18).

*Material and substantial disruption* of a normal school activity is defined as follows:

1. Any disruption which interferes with or impedes the implementation of any educational or school sponsored program.
2. In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school and current events influencing student activities and behavior.

*School activities* is defined as any activity of students sponsored by the school and includes - by way of example, and not by way of limitation - 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.

*Unofficial* written material is defined as all written material except school 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.

*Libelous* is defined as a false or 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.

*Distribution* is defined as 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.

### **Disciplinary Action**

Distribution by a student of unofficial written material prohibited in this regulation will be treated as a violation of the student discipline code.