FRIDLEY PUBLIC SCHOOLS

A World-Class Community of Learners

505 Distribution of Materials on School Property or at School Events

I. Purpose

The purpose of this policy is to establish guidelines for the distribution of non school-sponsored materials on school property or at school events by students or employees. The School Board recognizes the need to protect the exercise of students' and employees' free speech rights, taking into consideration need to enforce the educational goals, policies and supervision responsibilities of the school district.

II. General Statement of Policy

This policy recognizes that students and employees have the right to express themselves on school property. This protection includes the right to distribute, at a reasonable time and place and in a reasonable manner, non school-sponsored material. The School Board adopts the regulations and procedures specified herein as a means to preserve the integrity of the educational goals and responsibilities of the school district, while at the same time protecting first amendment rights. Students and employees of the school district shall have the right to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, non school-sponsored material as defined. Notification of this policy will be published in student handbooks and made accessible and known to employees by the school administration.

III. Definitions

A. "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, or posting or displaying material.

B. "Non school-sponsored material" or "unofficial material" includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks and other publications funded and/or sponsored or authorized by the school. Examples of non school-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects.

C. "Obscene to minors" is defined as meeting the following conditions:
   1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested;

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, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals;
3. And the material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

D. "Minor" means any person under the age of eighteen (18) years.

E. "Material and substantial disruption" of a normal school activity is defined as:
1. 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.
2. 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, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity.

F. "School activities" means any activity sponsored by the school including, but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays, other fine arts or student activities, in-school lunch periods, parent conferences, staff development activities, and the like.

G. "Libelous" is defined in this policy as a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.

IV. Guidelines

Requests for distribution must be made in advance by the person(s) who plan to disseminate the material to the school administration in accordance with admin procedure 505P. Requests for non school-sponsored material will be reviewed by the administration on a case-by-case basis. When the proposed item(s) to be distributed are considered to reasonably cause a material or substantial disruption to the school climate or programs, the administrator shall not permit its distribution on school grounds. 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, current events influencing student or employee activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

Distribution of the materials listed below is always prohibited. Material is prohibited that:
1. Is obscene to minors;

2. Is libelous or slanderous;

3. Is pervasively indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;

4. Advertises or promotes any product or service not permitted to minors by law;

5. Advocates violence or other illegal conduct;

6. 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, religious or ethnic origin);

7. 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;

8. Unless otherwise provided by law, announcements or informational materials from persons, organizations, groups, agencies which are known or believed to be sectarian groups, discriminatory or not committed to equal opportunity, not devoted to community interests or child welfare, not generally recognized as owning their existence to the broad public and general interests or not aligned with strategic initiatives directed by the School Board;

Distribution by students and employees of non-school-sponsored materials on school district property are subject to reasonable time, place, and manner restrictions set forth below. In making decisions regarding the time, place, and manner of distribution, the administration will consider factors including, but not limited to, the following:

1. Whether the material is educationally related;

2. The extent to which distribution is likely to cause disruption of or interference with the school district's educational objectives, discipline, or school activities;

3. Whether the materials can be distributed from the office or other isolated location so as to minimize disruption of traffic flows in hallways;

4. The quantity or size of materials to be distributed;

5. Whether distribution would require assignment of school district staff, use of school district equipment, or other resources;

6. Whether distribution would require that non-school persons be present on the school grounds;

7. Whether the materials are a solicitation for goods or services not requested by the recipients.

The school district administration may develop any additional school guidelines and procedures necessary to implement this policy for submission to the school board for approval. Upon approval by the school board, such guidelines and procedures shall be an addendum to this policy.

V. Time, Place, and Manner of Distribution

A. No non-school sponsored material shall 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.

B. Distribution of non-school sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school, on school grounds and/or school parking lots, or at school-sponsored activities. Distribution shall not impede entrance to or exit from school premises in any way.

C. No one shall coerce a student or staff member to accept any publication.

D. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy.

VI. Disciplinary Action

A. Distribution by any student of non-school sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and disciplinary action will be taken in accordance with the school district's student discipline policies.

B. Distribution by any employee of non-school sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and appropriate disciplinary action will be taken, in accordance with any individual contract, collective bargaining agreement, school district policies and procedures, and/or governing statute.

C. Any other party violating this policy will be requested to leave the school property immediately and, if necessary, the police will be called for added enforcement assistance.

VII. Notice of Policy to Students and Employees

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

Legal References:

U. S. Const., amend. I

Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)

Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 505-6 L.Ed.2d 549 (1986)

Tinker v. Des Moines Indep. Sch. Dist., 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)
Roark v. South Iron R-1 School Dist., 573 F.3d 556 (8th Cir. 2009)
Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist., 640 F.3d 329 (8th Cir. 2011), cert. denied 565 U.S. 1036,132 S.Ct. 592 (2011)

Cross References:
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 512 (School-Sponsored Student Publications)
MSBA/MASA Model Policy 904 (Distribution of Materials on School District Property by Nonschool Persons)

School Board Action:
Revised as Policy 8.304 August 20, 1985, February 18, 1986, July 14, 1987
Revised as Policy 505 June 18, 2002
Revised December 18, 2018