

**DISTRICT CODE: 904  
DISTRIBUTION OF NON-CURRICULAR MATERIALS ON SCHOOL  
DISTRICT PROPERTY BY NON-SCHOOL PERSONS**

*Policy reflects Minnesota statute and aligns with other District 270 policies.*

**I. PURPOSE**

The purpose of this policy is to provide for distribution of materials appropriate to the school setting by non-school person and organizations (defined as non-staff and non-students) on School District property in a reasonable time, place, and manner which does not disrupt the educational program nor interfere with the educational objectives of the School District and takes into consideration students' and employees' free speech rights. Permission to distribute materials on school property by non-school persons is a privilege, not a right.

When deemed appropriate, students may be asked to carry announcements and informational materials home to be shared with their parents/guardians.

**II. GENERAL STATEMENT OF POLICY**

- A. The School District intends to provide a method for non-school persons and organizations to distribute materials appropriate to the school setting, within the limitations and provisions of this policy.
- B. Distribution of announcements and informational materials in and through the schools by non-school persons is generally limited to materials that are school or youth-related.
- C. Requests for distribution of materials will be reviewed by the administration on a case-by-case basis. However, distribution of the following materials is always prohibited.

Material is prohibited that:

- 1. is obscene;
- 2. is libelous;
- 3. is 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 any product or service not permitted to minors by law;
- 5. advocates violence or other illegal conduct;

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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 protected status under state and federal law);
  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, or will cause the commission of unlawful acts or the violation of lawful school regulations.
- D. In making decisions regarding permission for such 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 flow 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 nonschool persons be present on the school grounds;
  7. whether the materials are a solicitation for goods or services not requested by the recipients;
  8. whether the organization making the request is a for profit organization or the purpose of the materials is to generate profit.
- E. Permission or denial of permission to distribute material does not imply approval or disapproval of contents of the material by the school, the administration of the school, the school board, or the individual reviewing the material submitted.
- F. If permission is granted for the distribution of any materials, the time, place and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy and regulations.

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### G. Violations of Policy

Violations of this policy will result in the halting of behavior, and may include the issuing of directives to cease and desist, leave the School District premises immediately and if necessary, referral to the police. Disciplinary actions involving students or employees will align with student disciplinary policy and negotiated employee contracts.

Adopted April 17, 1986

Revised: April 21, 2005, December 1, 2011

Reviewed: April 23, 2015, April 16, 2019

**Regulations begin on next page.**

**DISTRICT CODE: 904 - REGULATIONS  
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**PROCEDURES AND REGULATIONS**

**I. Procedure for Approval**

All requests for distribution of announcements or informational materials in or through the schools by non-students are to be screened individually as follows:

- A. Any nonschool person wishing to distribute materials must first submit for approval a copy of the materials to the administration at least five days in advance of desired distribution time, together with the following information:
  - 1. Name and phone number of the person submitting the request.
  - 2. Dates and time of day of requested distribution.
  - 3. If material is intended for students, the grades of students to whom the distribution is intended.
  - 4. The proposed method of distribution.
- B. All requests for distribution pertaining to a single school must be approved by the building principal and by the Associate Superintendent.
- C. All requests for District-wide distribution must be approved by the Associate Superintendent.
- D. In an instance of serious question as to appropriateness of distribution, final determination is to be made by the Administrative Cabinet.

**II. General Regulations**

- A. Employee mailboxes and the School District's internal mail systems are reserved for School District related business and the facilitation of internal communication of school related matters to School District employees. Employee mailboxes and the District's internal electronic communication and mail systems shall be open to the exclusive representatives of the School District employees on matters within the scope of the official duties of School District employees.
- B. At all levels, a continuing log of distribution approvals and denials is to be maintained.
- C. Permission or denial of permission to distribute material does not imply approval

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or disapproval of contents of the material by the school, the administration of the school, the school board, or the individual reviewing the material submitted.

- D. The front of all non-school sponsored materials must include a prominent disclaimer indicating “The activities, viewpoints, or events promoted in these materials are not sponsored, endorsed, approved or disapproved by the Hopkins Public Schools.”
- E. In the event that permission to distribute materials is denied, the nonschool person or organization may request reconsideration of the decision by the superintendent. The request for reconsideration must be in writing and must set forth the reasons why distribution is desirable and in the interest of the school community.

### III. DEFINITIONS

- A. “Distribution” means circulation or dissemination of materials by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying materials, or placing materials in internal staff or student mailboxes.
- B. “Materials” includes all materials and objects intended by nonschool persons or nonschool organizations for distribution. Examples of nonschool-sponsored materials include but are not limited to leaflets, brochures, buttons, badges, flyers, petitions, posters, underground newspapers whether written by students, employees or others, and tangible objects.
- C. “Nonschool person” means any person who is not currently enrolled as a student in or employed by the school district.
- D. “Obscene to minors” means:
  - 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; and
  - 3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- E. “Minor” means any person under the age of eighteen (18).

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- F. “Material and substantial disruption” of a normal school activity means:
1. Where the normal school activity is an educational program of the school 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 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.

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 activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

- G. “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 theatrical productions, and in-school lunch periods.
- H. “Libelous” is a false and unprivileged statement about a specific individual that tends to harm the individual’s reputation or to lower him or her in the esteem of the community.