

SECTION 187: DISTRIBUTION OF MATERIALS BY STUDENTS

This Policy establishes guidelines for student distribution of non-school materials on the premises of the Portage Community School District. The Board of Education has established the guidelines below to ensure that, when students wish to distribute materials on school premises, the distribution is appropriate in light of the educational mission of the schools and is conducted in a manner that does not disrupt the educational process. The guidelines set forth in this Policy are to be interpreted and applied in accordance with the rights of students under the First Amendment to the United States Constitution and any other applicable legal requirements.

I. Permission Required for Student Distribution of Non-school Material

Students who wish to distribute non-school materials on School District premises must first obtain permission from the Building Principal or designee, in accordance with the guidelines of this Policy.

II. Procedures for Distribution of Non-school Material

- A. Students who wish to distribute non-school material must submit a written request and a copy of the material to the Building Principal or designee at least 3 school days in advance of the time for distribution. The request must contain the name and phone number of the student submitting the request, the date(s) and time(s) of the proposed distribution(s) and the location(s) at which the student wishes to distribute the materials.
- B. The Building Principal or designee shall review all requests for student distribution of non-school material based upon the principles set forth below. If the Building Principal or designee denies or limits a student's request to distribute non-school material, the student may appeal the denial or limitation to the District Administrator by filing a written request for review at the District Administrator's office within five (5) school days from the date of the decision. If the District Administrator or designee denies or limits a request to distribute written material, the student may appeal the denial or limitation to the Board of Education by filing a written request for review by the Board of Education at the District Administrator's office within five (5) school days from the date of the decision.

III. Principles Governing Distribution of Non-school Materials**A. Prohibited Non-school Material**

The Building Principal or designee shall deny a request for distribution of the following materials:

1. Material that contains obscene, profane or pornographic subject matter, determined by reference to the material's intended recipients;
2. Material that impinges upon the rights of other students or that encourages actions that endanger the health or safety of others;

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3. Material that invades the privacy of others;
4. Material that incites or encourages illegal behavior;
5. Material that is primarily devoted to the advertisement of commercial products or services, when such products or services are not offered in connection with fundraising or other activities by a nonprofit organization; and
6. Material that, if distributed to students, will substantially disrupt or materially interfere with the proper and orderly operation of the school or a school sponsored activity.

B. Time, Place and Manner of Distribution

The Building Principal or designee may establish uniform and reasonable time, place and manner restrictions for the student distribution of non-school material, taking into account the ages of pupils and the physical layout of school premises. Time, place and manner restrictions shall be designed to promote: the orderly distribution of material while preventing disruptions of, or interference with, the school curriculum; the orderly ingress and egress from the school; the safe and efficient movement of persons on school premises; and, the safe and orderly operation of the school. Nothing in this Policy shall be deemed to restrict the Building Principal or designee from establishing reasonable time, place and manner restrictions on a case-by-case basis so long as such restrictions are nondiscriminatory and based upon the considerations noted above.

C. Reservation of Authority

Notwithstanding the standards set forth above, the Board of Education reserves the authority of its Superintendent, Building Principals and designees to prohibit or place restrictions upon student distribution of non-school materials on school premises for other valid legal reasons, including but not limited to pedagogical and educational concerns associated with a proposed distribution of non-school materials.

D. Nondiscrimination and Non-endorsement

In administering this Policy, School District officials, employees and agents shall not discriminate between non-school materials proposed for distribution on the basis that materials contain a viewpoint which represents a favored, or disfavored, viewpoint.

Permission to distribute non-school material is not an endorsement of an activity, person, organization or the subject matter of the material by the School District or any of its officials, agents or employees.

1st Reading – February 11, 2008

2nd Reading – March 10, 2008

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