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505 - DISTRIBUTION OF NONSCHOOL-SPONSORED MATERIALS ON SCHOOL PREMISES BY STUDENTS AND EMPLOYEES

I. PURPOSE

The purpose of this policy is to protect the free speech rights of students and employees while preserving the educational mission of the school district. This policy establishes reasonable standards for the distribution, posting, and display of materials on school district property and at school-sponsored activities to ensure that materials are appropriate, support the district's educational objectives, and maintain a safe, orderly, and inclusive learning environment.

II. GENERAL STATEMENT OF POLICY

The school district recognizes that students and employees possess constitutional rights of expression. At the same time, the school district has the authority and responsibility to regulate the use of school property and ensure that materials distributed, posted, or displayed on school district property do not interfere with educational activities or the rights of others.

Materials distributed, posted, or displayed on school district property are subject to the requirements and limitations established in this policy.

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, posting or displaying material, or placing material in student or staff mailboxes.
- B. "Government speech" means speech or expression that is communicated by, on behalf of, or reasonably perceived as being endorsed by the school district. Materials displayed in common areas of school district property may constitute government speech and are subject to district oversight and control.
- C. "Material" includes, but is not limited to, posters, signs, desk signs, banners, flags, stickers, mugs, flyers, leaflets, brochures, petitions, pictures, decorations, notices, displays, printed or handwritten materials, buttons, badges, and other objects or visual items displayed or placed in a manner reasonably visible to students or the public while on school district property.
- D. "Material disruption" means conduct or activity that interferes with or impedes

the implementation of educational programs, school activities, or the orderly operation of the school district.

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

F. "School activities" means any activity sponsored by the school district, including classroom instruction, assemblies, sports, clubs, performances, meetings, and other school-sponsored events.

G. "School district property" means any building, facility, grounds, vehicle, or other property owned, leased, or controlled by the school district.

IV. PROHIBITED MATERIALS

Distribution, posting, or display of materials is prohibited when the material:

A. Is obscene, vulgar, or age-inappropriate for the youngest students reasonably expected to view it;

B. Is libelous, slanderous, defamatory, or contains false statements about identifiable individuals;

C. Advocates violence, illegal conduct, or the use of illegal substances;

D. Advertises or promotes products or services prohibited to minors by law;

E. Contains threats, fighting words, harassment, or discriminatory statements directed at individuals or groups;

F. Promotes or opposes a political candidate, political party, ballot question, or other partisan political activity;

G. Promotes a personal, religious, or ideological viewpoint unrelated to the board-approved curriculum, official school programs or activities, or a legitimate instructional purpose;

H. Is reasonably forecasted to cause a material and substantial disruption to the educational environment, school operations, or school activities; or

I. Violates federal or state law or school district policy.

V. CLASSROOM MATERIALS AND DISPLAYS

A. Instructional Displays: Materials displayed in school district spaces should enhance the learning environment, the subject being taught, serve a legitimate instructional purpose, or be related to approved school programs, activities, clubs, and sports.

B. Non-Instructional Displays: Materials displayed in the classroom that do not enhance the learning environment, the subject being taught, or do not serve an instructional purpose must be approved by building /district administration.

Seasonal or cultural decorations that are secular in nature or displayed as part of

board-approved curriculum, school-sponsored activities, or longstanding district traditions are permitted, provided the display is not used to promote, endorse, or oppose a particular religious, political, or ideological viewpoint.

C. Viewpoint Neutrality: Consistent with the district's mission to provide a safe, welcoming, and student-centered learning environment, school district spaces shall remain focused on instruction, learning, and the educational mission of the district. Employees shall maintain viewpoint neutrality while acting within the scope of their employment and shall not use school district property to promote, endorse, or oppose personal, political, religious, or ideological viewpoints.

The district expects all school district spaces to provide a safe, respectful, and welcoming learning environment for all students. Employees shall not display materials that a reasonable person would see as making school district spaces seem primarily dedicated to or solely identified with one particular group of students, identity, viewpoint, or interest, unless those materials are part of an approved curriculum or an officially approved district program or activities.

D. Flags: Except for the United States flag, the Minnesota state flag, federally or state-recognized Tribal flags, military service flags, flags displayed as part of board-approved curriculum or school-sponsored activities, and flags expressly authorized by the superintendent or school board, flags displayed in classrooms or elsewhere on school district property shall be limited to official governmental, educational, or school-identifying purposes.

Employees shall not display flags for the purpose of promoting, endorsing, or opposing personal, political, religious, or ideological viewpoints while acting within the scope of their employment.

VI. BUILDING AND DISTRICT-WIDE DISPLAYS

A. Government Speech: Materials displayed in common areas of school buildings or elsewhere on school district property may reasonably be perceived as carrying the endorsement of the school district and constitute government speech subject to district control. The school district retains sole discretion over what constitutes government speech and may determine the content of displays representing the district, provided such determinations are consistent with applicable law and board policy.

B. Approval: All non-district-sponsored materials proposed for posting or display in a school building must receive prior approval from the building principal or designee. All non-district sponsored materials proposed for posting or displaying in all other district properties must receive prior approval from the Director of Community Education or designee

C. Inclusivity: General messages promoting respect, kindness, dignity, belonging, safety, and equal treatment for all students are permissible, provided they are not presented in a manner that is reasonably understood as promoting or endorsing a particular political, religious, or ideological viewpoint, organization, movement, or special-interest group.

VII. DISTRIBUTION OF MATERIALS

A. Time, Place, and Manner: Students and employees may distribute, post, and display non-school-sponsored materials after receiving the appropriate approval and subject to reasonable time, place, and manner restrictions established in this policy.

B. Restrictions: Distribution may not:

1. Occur during instructional time if it disrupts educational activities;
2. Block or impede pedestrian or vehicle traffic;
3. Interfere with entrances, exits, hallways, or other school operations;
4. Require unreasonable use of district personnel, equipment, or resources; or
5. Coerce any student or employee to accept materials.

C. Administrative Considerations: In reviewing requests for distribution of materials, the administration shall evaluate requests based on the educational interests of the district and may consider, among other relevant factors:

1. Educational relevance and connection to the district's educational mission;
2. Consistency with the District's Vision, Mission, Core Values, and Strategic Plan;
3. Whether the display contributes to a safe, welcoming, supportive, and student-centered learning environment;
4. Age appropriateness for the intended audience;
5. Potential for material disruption to the educational environment or school operations;
6. Proposed location, duration, and timing of the display;
7. Quantity, size, and manner of materials;
8. Resource requirements, including staff time, installation, maintenance, and removal; and
9. Whether the distribution constitutes unsolicited commercial advertising, political campaigning, or fundraising activity prohibited by district policy.

VIII. APPROVAL PROCEDURES

A. Submission: Any student or employee seeking to distribute, post, or display nonschool-sponsored materials shall submit the material to the building principal or designee.

The request shall include:

1. Name and phone number of the individual making the request (students will include the room number of their first period class in place of phone number) ;
2. Date and time of the proposed distribution, posting, or display;
3. Proposed location;
4. Intended audience, if applicable; and
5. Duration of the posting or display, if applicable.

B. Administrative Review: The principal shall review the request and provide a decision within a reasonable period of time.

C. Appeal: A person dissatisfied with the principal's decision may appeal in writing to the superintendent. The superintendent's decision may be appealed in writing to the school board.

D. Disclaimer: Approval or denial of a request does not constitute endorsement or disapproval of the content by the school district, administration, superintendent, or school board.

IX. COMPLAINTS

Complaints regarding materials distributed, posted, or displayed on school district property should first be directed to the building principal.

If the matter is not resolved, the complaint may be appealed to the superintendent and subsequently to the school board.

X. VIOLATIONS

A. Students: Students who violate this policy may be subject to disciplinary action in accordance with ISD 200 Policy 506 Student Discipline

B. Employees: Employees who violate this policy may be subject to corrective or disciplinary action consistent with applicable district policies, administrative procedures, and law.

C. Other Persons: Non-students and non-employees who violate this policy may be directed to leave school district property and may be subject to trespass enforcement when appropriate.

XI. IMPLEMENTATION

The superintendent, or designee may develop an administrative procedure to implement this policy, once developed the procedure shall be submitted to the school board for approval. Upon approval, the administrative procedure shall be titled "505.1PR Distribution, Posting, and Display Procedure" and will be published on the district website.

XII. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES

A copy of this policy will be published in student handbooks and posted on the district's website.

Legal References:

U. S. Const., Amend. I
Tinker V. Des Moines Indep. Sch. Dist., 393 U.S. 503
(1969) Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S.
675 (1986)
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
Garcetti v. Ceballos, 547 U.S. 410 (2006)
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)

Cross References:

ISD 200 Policy 506 (Student Discipline)
ISD 200 Policy 904 (Distribution of Materials on School District
Property by Nonschool Persons)