

DISTRIBUTION OF MATERIALS IN THE SCHOOLS
(Version 1)

The District 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. In order to protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of the District, the following requirements apply to the distribution of non-school-sponsored material on school property and at school activities.

Prior Approval Required

Individuals or groups not affiliated with the District, who desire to distribute materials to the members of the school community, must first receive approval of such materials through the Superintendent/designee.

Students and staff members who desire to distribute materials to members of the school community must first receive approval from the building principal and when in doubt the Superintendent.

Types of Material Restrictions

Materials must be approved if they fall under one of the following categories:

1. publications of services, special events, public meetings or other items of interest to students or parents/guardians;
2. distribution of promotional materials of a commercial nature to students or parents/guardians;
3. paid advertisements on District property, including but not limited to billboard advertisements;
4. paid advertisements on or in school-sponsored publications, yearbooks, announcements and other school communications and/or
5. products and materials donated by commercial enterprises for use in the classroom, as long as they serve an educational purpose and do not unduly promote any commercial activity or products.

Manner and Mode of Distribution

The Superintendent/designee may approve the use of District time, personnel and resources in the distribution of materials if the materials are of an educational nature. The Superintendent will not, however, approve the use of District time, personnel or District resources for distribution if the materials are not of an educational nature and/or considered to be conducting business by soliciting participation, campaigning for membership or registering participants.

The building principals designate appropriate times, locations and means for which distribution of non-school-sponsored materials is appropriate. Determinations are made on a case-by-case basis.

Distribution with or without District involvement does not mean to imply sponsorship or support for that which the materials endorse. The District takes no responsibility for problems arising between the sponsoring individual or group and the student or staff member who accepts the materials.

Limitations on Content

Non-school literature is not distributed on District property if:

1. the materials are obscene, vulgar or otherwise inappropriate for the age and maturity of the audience;
2. the materials endorse actions endangering the health or safety of students;
3. the distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person;
4. the materials contain defamatory statements about public figures or others;
5. the materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;
6. the materials are hate literature or similar publications that scurrilously attack ethnic, religious or racial groups; contain content aimed at creating hostility and violence and the materials would materially and substantially interfere with school activities or the rights of others or
7. there is reasonable cause to believe that distribution of the non-school literature would result in material and substantial interference with school activities or the rights of others.

Failure to comply with this policy regarding distribution of non-school literature shall result in appropriate administrative action, including but not limited to confiscation of nonconforming materials and/or suspension of use of District facilities. Appropriate law enforcement officials may be called if a person refuses to comply with this policy or fails to leave the premises when asked.

[Adoption date:]

LEGAL REFS.: U.S. Const. Amend. I
ORC 3313.20; 3313.47; 3313.66; 3313.661
3320.01; 3320.02; 3320.03

CROSS REFS.: EDE, Computer/Online Services (Acceptable Use and Internet Safety)
IGDB, Student Publications
IIBH, District Websites
KJ, Advertising in the Schools

NOTE: House Bill 164 enacted the “Ohio Student Religious Liberties Act of 2019.” The act allows students enrolled in a public school to engage in religious expression before, during and after school hours in the same manner and to the same extent that a student is permitted to engage in secular activities or expression before, during and after school hours and removed the previous language in statute allowing the board to limit a student’s exercise or expression of the pupil’s religious beliefs to lunch periods or other noninstructional time periods when pupils are free to associate. Districts also must grant the same access to school facilities to students who wish to conduct a meeting for the purpose of engaging in religious expression as is given to secular student groups, without regard to the content of a student’s or group’s expression.

Districts cannot prohibit a student from engaging in religious expression as defined by law, in the completion of homework, artwork or other written or oral assignments. Assignment grades and scores must be calculated using ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns and cannot penalize or reward a student based on the religious content of a student’s work.