

Book	Policy Manual
Section	Issue 3 of 2023 September READY FOR OSBA
Title	Distribution of Materials in the Schools (Version 1)
Code	KJA
Status	

**~~\*\*This is the OSBA sample policy.\*\*~~**

**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:

*(Select any or all of the optional items 1-5 below to reflect the types of materials and/or advertising that the District allows.)*

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. **District personnel are prohibited from using District time or resources to distribute materials that support or oppose a levy or bond issue.**

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.

#### Legal References

U.S. Constitution Amend. I  
ORC 3313.20  
ORC 3313.47  
ORC 3313.66  
ORC 3313.661  
ORC 3320.01  
ORC 3320.02  
ORC 3320.03

#### Cross References

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

#### Legal

[U.S. Constitution Amend. I](#)

[ORC 3313.20](#)

[ORC 3313.47](#)

[ORC 3313.66](#)

[ORC 3313.661](#)

[ORC 3320.01](#)

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