

## **LIONSGATE ACADEMY**

### **606 DISTRIBUTION OF NON-SCHOOL SPONSORED MATERIALS ON SCHOOL DISTRICT PROPERTY BY STUDENTS AND EMPLOYEES**

*Original Adoption Date: 9/18/2018*

*Revision Date(s):*

*Review Date(s): 9/12/2018, 4/6/2021*

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#### **I. PURPOSE**

The purpose of this policy is to provide for distribution of materials appropriate to the school setting by students and staff on Lionsgate Academy property in a reasonable time, place, and manner which does not disrupt the educational program nor interfere with the educational objectives of Lionsgate Academy.

#### **II. GENERAL STATEMENT OF POLICY**

- A. Lionsgate Academy 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-Lionsgate Academy sponsored material.
- B. To protect First Amendment rights, while at the same time preserving the integrity of the educational objectives and responsibilities of Lionsgate Academy, the School Board adopts the following regulations and procedures regarding distribution of non-Lionsgate Academy sponsored material on school property and at school activities aligned with Lionsgate Academy policy and procedures.

#### **III. GUIDELINES**

- A. Students and employees of Lionsgate Academy have the right to distribute, at reasonable times and places as set forth in this Policy, and in a reasonable manner, non-Lionsgate Academy sponsored material.
- B. Requests for distribution of non-Lionsgate Academy sponsored material will be reviewed by the administration on a case-by-case basis. However, distribution of the materials listed below is always prohibited. Material is prohibited that:
  - 1. is obscene to minors;
  - 2. is libelous or slanderous;
  - 3. is pervasively 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 or promotes any product or service not permitted to minors by law;
  - 5. advocates violence or other illegal conduct;
  - 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 race, religious or ethnic origin);

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, will cause the commission of unlawful acts or the violation of lawful school regulations.

C. Distribution by students and employees of non-school sponsored materials on Lionsgate Academy property are subject to reasonable time, place, and manner restrictions set forth below. In making decisions regarding the time, place, and manner of 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 non-school persons be present on the school grounds;
7. whether the materials are a solicitation for goods or services not requested by the recipients.

#### **IV. TIME, PLACE, AND MANNER OF DISTRIBUTION**

- A. No non-Lionsgate- sponsored material shall be distributed during and at the place of a normal school activity if it is reasonably likely to cause a material and substantial disruption of that activity.
- B. Distribution of non-school sponsored material is prohibited when it blocks the safe flow of traffic within corridors and entranceways of the school, and school parking lots. Distribution shall not impede entrance to or exit from school premises in any way.
- C. No one shall coerce a student or staff member to accept any publication.
- D. The time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this Policy.

#### **V. DISCIPLINARY ACTION**

- A. Distribution by any student of non-school-sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and disciplinary action will be taken in accordance with Lionsgate

Academy's Student Discipline Policy.

- B. Distribution by any employee of non-school sponsored material prohibited herein or in violation of the provisions of time, place and manner of distribution as described above will be halted and appropriate disciplinary action will be taken up to and including termination.
- C. Any other party violating this Policy will be requested to leave the school property immediately and, if necessary, the police will be called.

## **VI. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES**

A copy of this policy will be published and made accessible at any building or school site upon request.

## **REFERENCES**

*U. S. Const., amend. I*

*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)

*Doe v. South Iron R-1 School District*, 498 F.3d 878 (8th Cir. 2007)

*Bystrom v. Fridley High School*, 822 F.2d 747 (8th Cir. 1987)

*Cornelius v. NAACP Legal Defense and Educational Fund, Inc.*, 473 U.S. 788, 105 S.Ct. 3439, 87 L.Ed.2d 567 (1985)

*Perry Education Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 103 S.Ct. 948, 74 L.Ed.2d 794 (1983)  
*Roark v. South Iron R-1 School Dist.*, 573 F.3d 556 (8th Cir. 2009)