

Distribution/Posting of Promotional Literature

Requests from the general public to distribute printed noncurricular materials in the district shall be allowed subject to the following policy and accompanying regulations unless the material is "unacceptable" as described below.

The following shall be considered "unacceptable" material:

1. So-called "hate" literature that scurrilously attacks ethnic, religious or any racial groups.
2. Material that promotes hostility, disorder or violence.
3. Material designed for commercial purposes — advertising a product or service for sale or rent — unless the material itself has educational value that makes the commercial message a secondary consideration.
4. Material that is libelous, invades the rights of others or inhibits the functioning of the school, or advocates interference with the rights of any individual or with the normal operation of the school.
5. Material which in any way promotes, favors or opposes the candidacy of any candidate for election, or the adoption of any bond issue proposal, or any public question submitted at any general, municipal or school election. The prohibition shall not apply on any election day or special election when the school is being used as a polling place.
6. Material that is obscene or pornographic as defined by prevailing community standards throughout the district.

This policy governs noncurricular material and is not intended and shall not be interpreted to interfere with the prerogative of teachers to supplement and enrich text and reference book materials used in their courses with materials which are timely and up to date. However, no teacher shall distribute noncurricular materials in his or her class without complying with the accompanying regulations.

The superintendent shall present to any person or persons wishing to distribute printed noncurricular materials a copy of this policy.

The Board shall proceed through the courts of law to obtain injunctive relief and damages, where applicable, for any unauthorized distribution of printed noncurricular materials.

Adopted: January 21, 1992
Revised: January 2001

LEGAL REF.: C.R.S. 22-32-110(1)(r)

CROSS REFS.: JICE, Student Publications
JICEC, Student Distribution of Noncurricular Materials

Distribution/Posting Of Promotional Literature

Approval

Any group, organization, corporation, individual, club, society or association (hereafter referred to as "person" or "persons") that wishes to distribute any printed noncurricular material in any public school in the district must submit the material to the superintendent for approval a minimum of 48 hours prior to the proposed distribution. The superintendent or designee will approve distribution subject to the regulations which follow unless the superintendent or designee determines that the material is "unacceptable" as defined in policy KHC. The superintendent or designee will explain in writing the reasons why the material was determined "unacceptable" under Board policy.

Appeal

Any person or persons that are denied approval for distribution of printed noncurricular materials will have the right to appeal the decision to the Board of Education. The appeal will be prosecuted as follows:

1. Within 10 days after the superintendent's or designee's action, written notice must be served by the aggrieved party or parties on the superintendent requesting a hearing before the Board.
2. The superintendent will schedule the hearing on the agenda of the next regularly scheduled meeting of the Board which generally will be held within 30 days of the filing of the request for a hearing.
3. The aggrieved party or parties must attend the meeting. The superintendent will have the burden of establishing to the Board's satisfaction by clear and convincing evidence that the materials which are sought to be distributed are "unacceptable" as defined in policy. The aggrieved party will be allowed to defend distribution of the material.

The Board will issue a decision in writing within five working days following the hearing. The Board's decision to support or reject the superintendent's action will be final.

Regulations

1. Place

Distribution of printed noncurricular materials must be made at places within the school or on school grounds as designated by the principal except that in no event may such materials be distributed in any classroom of any building then being occupied by a regularly-scheduled class.

2. Time

Distribution may be made one-half hour before school and/or during regularly scheduled lunch periods and/or 15 minutes after the close of school. Any other times during the school day are considered to be disruptive of normal school activities.

3. Littering

All distributed items discarded in school or on school grounds must be removed by the persons distributing such materials.

4. Distributors

Students may not be used as the agents for distribution of such materials without the written consent of the student's parent or guardian.

5. Manner

No student may in any way be compelled or coerced to accept any materials being distributed by any person distributing such materials or by any school official. In the alternative, no school official or student may interfere with the distribution of approved materials.

Violation of any of these regulations will be sufficient cause for denial of the privilege to distribute materials at future dates, subject to the right of appeal as stated above.

Approved: January 21, 1992

Revised: January 2001