

904A DISTRIBUTION OF MATERIALS ON SCHOOL DISTRICT PROPERTY BY LOCAL NONPROFIT ORGANIZATIONS

(Policy content provided by Squires, Waldspurger, and Mace on August 5, 2025)

I. PURPOSE

The purpose of this policy is to provide guidelines for the distribution of materials on District property by local nonprofit organizations that exist to advance the interests of students in this District.

II. DEFINITIONS

- A. “Distribution” means circulation or dissemination of material by means of forwarding emails on behalf of an organization, handing out free copies, or displaying materials on school property.
- B. “Materials” means all items, including electronic and physical objects. Examples of materials include, but are not limited to, leaflets, brochures, buttons, badges, flyers, e-flyers, petitions, posters, periodicals, newspapers, and other tangible or electronic objects.
- C. Local nonprofit organization that exists to advance the interests of students in this District means the PTO, the education foundation, booster clubs, youth sports and arts associations, and similar groups.
- D. “Obscene to minors” means: that the average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors with consideration given to the age of the students who would receive the materials; the material depicts or describes sexual conduct, excretory functions, or the human body in a manner that is patently offensive to prevailing standards in the adult community with consideration given to the age of the students who would receive the materials; and the material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- E. “Minor” means any person under the age of eighteen (18).
- F. “School activities” means any event or activity sponsored by the school, including but not limited to, classroom work, library activities, physical education classes, official assemblies and other similar gatherings, school athletic contests, school concerts, school theatrical productions, and in-school lunch periods.

- G. 'Defamatory' means a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower him or her in the esteem of the community.

III. GUIDELINES

- A. Local nonprofit organizations that exist to advance the interests of students in this District may, within the provisions of this policy, be granted permission to distribute, at reasonable times and places as set forth in this policy, and in a reasonable manner, materials and objects which are appropriate to the school setting. For profit materials and commercial advertising is prohibited.
- B. Requests for distribution of materials will be reviewed by the building principal on a case-by-case basis. Distribution of the following materials is always prohibited. Material that:
1. is obscene to minors;
 2. is defamatory;
 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 that is illegal for minors;
 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, religion, sexual orientation, 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;
 8. will cause the commission of unlawful acts or the violation of lawful school regulations;
 9. presents a substantial likelihood that it would adversely impact the reputation or image of the School District;
 10. endorses a political cause, activity, or party, or a candidate for political office or position;
 11. endorses a particular position on a ballot initiative, referendum, or other matter subject to a popular vote;
 12. conflicts with the School District's mission, policies, curriculum, or instructional program;
 13. attacks, demeans, ridicules, disparages, or discriminates based upon membership in any group;
 14. is grammatically incorrect, poorly written, or is false or misleading;
 15. is of no discernable relevance to the School District or its students;
 16. is commercial in nature and does not have any identifiable educational

relevance (For example, a flyer promoting a student special for the purchase of a computer or other technology that can be used for educational purposes has educational relevance. A flyer promoting a student special at a local restaurant does not have educational relevance);
or

17. is reasonably forecasted to create a material and substantial disruption to school operations.

C. Permission to distribute materials on School District property or through an online platform is a privilege and not a right. In making decisions regarding permission for distribution, the building principal will remain viewpoint neutral and consider factors including, but not limited to the following:

1. whether the material is educationally related or otherwise advances the interests of students in this District;
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 physical 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, such as technological 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

If permission is granted pursuant to this policy for the distribution of any materials, the time, place, and manner of distribution will be solely within the discretion of the administration, consistent with the provisions of this policy. This means that the administration may determine when, where, and how materials are distributed. Each building principal will designate one or more locations in the building where materials may be distributed. Students will have access to those locations. All School District property, facilities, and online platforms are not public forums. They are reserved for their intended purpose of education and education-related activities.

V. PROCEDURES

The administration may adopt administrative procedures to facilitate the implementation of this policy.

VI. VIOLATION OF POLICY

Any party violating this policy or distributing materials without permission will be directed to leave the School District property immediately or the party's materials will be immediately removed from electronic distribution or display. If necessary, the police will be called.

Legal 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)
Victory Through Jesus Sports Ministry Foundation v. Lee's Summit R-7 School Dist., 640 F.3d 329 (8th Cir. 2011), cert. denied 565 U.S. 1036, 132 S.Ct. 592 (2011)

Cross References: MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 512 (School-Sponsored Student Publications)