



NEBO SCHOOL DISTRICT ADMINISTRATIVE DIRECTIVE

Directive
No.
6.4

SECTION: STUDENTS
TITLE: STUDENTS AND DISTRIBUTION OF LITERATURE
DATE: AUGUST 2008

Nebo School District and its schools receive an almost overwhelming number of requests to have students take home printed material to advertise various programs and products. Some of these programs and products are from profit organizations and others are from non-profit organizations. **It is the intent of the district that only literature, material, and information that is appropriate and educationally relevant be distributed to students. Students are not to be used as a means for individuals or organizations to distribute their advertising material. As a general rule, the schools and departments in Nebo School District are to only allow district and school related literature, material, and information to be sent home with students. All literature, material, and information to be distributed to students shall be approved by the respective school administrator or department supervisor.** Schools and departments are permitted to distribute to their students the following type of literature, material, and information:

1. Official district and school newsletters;
2. Literature and material containing district and school news, programs, activities, and events;
3. Appropriate and approved Parent Teacher Association (PTA) and Parent Teacher Student Association (PTSA) literature;
4. Literature and material concerning the district's community education programs;
5. Literature and material from the Nebo Education Foundation;
6. Literature and material concerning authorized school/business partnerships and programs; and
7. Literature and material regarding government programs, activities, and events.

Except as specifically authorized above, all other type of literature and material is prohibited and shall not be distributed to students. All literature and material must be in compliance with, and shall not violate, applicable state and federal laws, rules, and district policies and procedures. Any literature or material containing the following is expressly prohibited:

1. Indecent, vulgar, or lewd material or obscenity defined in reference to minors;
2. Libelous material;
3. Material that invades the privacy of others;
4. Material that promotes unhealthy activities;
5. Material that promotes illegal activities for minors;
6. Material that infringes upon another's copyright or other intellectual property rights;
7. Advertising or commercial material from profit and non-profit organizations; and
8. Material from non-student sponsored organizations.

In regards to the numerous requests regarding literature and material to be sent home with students, the district has formed a committee to periodically review such requests in accordance with the guidelines of this Administrative Directive and to either approve or deny the distribution of such literature and material. The Director of Operations is the chair of the committee. School administrators and department supervisors who have questions concerning whether certain literature or material is appropriate and authorized to be distributed to students shall submit the literature and material to the Director of Operations for committee review.

Background Information:

An increasing number of school districts around the nation are being challenged in court over their policies and practices regarding distribution of non-school literature. These challenges usually focus on the Free Speech Clause of the First Amendment to the U.S. Constitution and its application to the public school setting. Such lawsuits can result in monetary damages and attorneys' fees, not to mention the costs to school districts in time, effort, and public goodwill. School districts that permit the distribution of non-school literature are potentially opening a "limited public forum" for communication. A school district is not required to permit the distribution of non-school literature, however, once a school district has chosen by policy or practice to allow distribution, the law may limit the school district's ability to refuse to allow distribution based solely on the content of the materials or the viewpoint of those distributing materials.