

Adopted: March 18, 2015

Revised: _____

BLUESKY CHARTER SCHOOL POLICY NO. 8.8
DISTRIBUTION OF NONCURRICULAR MATERIALS ON SCHOOL
GROUNDS BY EMPLOYEES AND STUDENTS

I. PURPOSE

The purpose of this policy is to establish guidelines regarding the time, manner and place of distribution of noncurricular materials on school grounds by employees and students.

II. POLICY STATEMENT

It is the policy of the Board of BlueSky Charter School to recognize the importance of protecting the First Amendment rights of students and employees while ensuring that the educational processes of the school are not disrupted, that public property is safeguarded and that the rights of others are protected.

III. GUIDELINES FOR DISTRIBUTION.

A. Students and employees may distribute, at reasonable times and places as set forth in this policy, and in a reasonable matter, noncurricular materials.

B. Prohibited Materials. The following materials may not be distributed:

1. Obscene material;
2. Libelous or slanderous material;
3. Material that is lewd and offensive;
4. Material that contains vulgar language;
5. Material that advertises or promotes drug and/or alcohol use;
6. Material that advocates violence or illegal conduct;

7. Materials that contain language violating Board policy regarding harassment, discrimination, hazing, violence in the workplace or bullying;
8. Materials that the administration has reason to believe are likely to cause a material and substantial disruption of the educational environment or will result in injury to others.

C. Determinations Regarding Distribution. Written requests to distribute noncurricular materials should be made to the Executive Director or other administrator at least 48 hours before the requested distribution time. In making a determination regarding whether the materials may be distributed administration will be guided by, but not limited to, the following considerations:

1. Whether the material is educationally related;
2. Whether the time, manner and/or place of distribution is reasonable;
3. The extent to which the distribution may cause disruption of the educational process or the rights of others;
4. Whether the materials are a solicitation for goods or services not requested by those who are to receive the materials.

The time, manner and place of distribution shall be solely within the discretion of the administration consistent with this policy.

Legal References: *Tinker v. Des Moines Independent Community Schools*, 393 U.S. 503 (1969)

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Bethel School District v. Frazer, 478 U.S. 675 (1986)

Morse v. Frederick, 551 U.S. 393 (2007)