

Policy JICEC- STUDENT DISTRIBUTION OF MATERIALS

In order to ensure that the welfare and rights of the community are adequately protected, any non-school-sponsored publication which a student wishes to distribute on or in the immediate proximity of school grounds and buildings shall first be submitted to the school principal or designee for approval. The principal or designee may deny approval of any non-school-sponsored publication if he or she reasonably determines the publication to be an expression of the type prohibited under C.R.S. 22-1-120(3), which follows;.

(3) Nothing in this code will be interpreted to authorize the publication or distribution by students of the following:

- a. Expression which is obscene
- b. Expression which is libelous, slanderous or defamatory under state law
- c. Expression which is false as to any person who is not a public figure or involved in a matter of public concern
- d. Expression which presents a clear and present danger of the commission of unlawful acts, violation of lawful school regulations, or material and substantial disruption of the orderly operation of the school or which violates the rights of others to privacy

Students who distribute materials in violation of this policy and/or materials that cause a material and substantial disruption or damage to a person or property in the judgment of school officials shall be subject to appropriate disciplinary action.

Students shall have the right to distribute and possess non-school-sponsored student publications and other literature, such as newspapers, magazines, leaflets, and pamphlets, on school grounds and in its buildings subject to the limitations of this policy and state law.

The principal or designee must render a decision concerning the distribution of any material submitted to him or her by a student within two full school days of its submission. Any material that is not approved or disapproved within this period shall be deemed to be approved.

If any student disagrees with the determination of the principal or designee, they will have the right to file a written request for review with the appropriate assistant superintendent or designee within three days of the initial determination. The assistant superintendent will provide for an opportunity for the parties to present their reasons for disagreement and will make a final decision on the request for review within three days of the hearing.

Time, Place and Manner of Distribution

The time, place, and manner of student distribution of publications which meet the standards set forth in previous paragraphs of this policy may be reasonably regulated by the principal or designee, provided such regulations:

1. Are uniformly applied to all forms of publication
2. Do not prohibit distribution at times or places, either inside or outside the school building, for which no factual basis exists to conclude that any interference with school activities would occur
3. Are specific as to places and times where distribution is prohibited
4. Do not inhibit any person's right to accept or reject any publications distributed in accordance with the rules

This policy shall be distributed, posted, or otherwise made available to all students and teachers at the beginning of each school year.

LEGAL REFS.: C.R.S. 22-1-120
C.R.S. 22-32-110 (1)(r)

CROSS REF.: JK, Student Conduct and Discipline

Definitions

The following definitions apply to the terms as used in this policy:

1. Distribute - a substantial dissemination of any written material in any form which is thus made generally available to students. This includes the posting of written materials in areas of a school that are generally frequented by students.
2. Gang - A group of three or more individuals with a common interest, bond, or activity, characterized by criminal or delinquent conduct, engaged in either collectively or individually.
3. Obscene
 - a. The average person, applying contemporary school community standards, would find that the written material, taken as a whole, appeals to prurient interest.
 - b. The material depicts or describes, in a patently offensive manner, sexual conduct such as sexual acts (normal or perverted, actual or simulated), masturbation, excretory functions, and lewd exhibition of the genitals.
 - c. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
4. Libelous, slanderous, or defamatory - a false, unprivileged oral or written statement about a specific individual that tends to harm the individual's reputation by lowering the person in the

estimation of the community or deterring others from associating or dealing with the person. Such statements include those that tend to expose an individual to public hatred, shame, contempt, ridicule, or disgrace.

5. Public figure - a person who either seeks the public's attention or is well-known because of his achievements.