6Gx53-8.005 DISTRIBUTION OF NON-COURSE RELIGIOUS AND SECULAR MATERIALS:

The School Board recognizes that students have the right to free speech guaranteed by the First Amendment to the Constitution of the United States and by Article I, Section 4 of the Constitution of the State of Florida. The School Board supports students having independent and original thoughts and ideas and promotes the expression of those independent and original ideas as an important part of the school's educational mission. However, the right of free speech is a right that is personal to each student and it must be exercised in a manner that does not interfere in any substantial way with the operation of and discipline in the schools. This policy has been developed for the purpose of guaranteeing that students are allowed to exercise their right of free speech by the distribution of written materials on school campuses and in the course of school related activities under circumstances that (i) protect the rights of all students, including those who may not wish to be the recipients of materials; (ii) do not interfere with the school's educational mission; and (iii) do not otherwise substantially disrupt the proper and ordinary operation and discipline of the school.

I. The Right to Free Speech: Subject to the limitations set forth in paragraph II, below, students shall have the right to exercise free speech on school property and in the course of school-sponsored activities, by distributing literature or other materials expressing their views, as long as the distribution is in compliance with the procedure outlined in paragraph IV, below.

II. Prohibited Materials: Students shall not distribute the following materials on school property:

A. Materials that unduly coerce, intimidate, insult, interfere with, invade the privacy of, or otherwise violate the rights of other students;

B. Materials that are socially inappropriate in light of the maturity level of the students at the school including, without limitation, materials that are obscene, pornographic, pervasively lewd or vulgar in content, contain vulgar language, or promote unlawful activities such as the use of illegal drugs, terrorism and violence;

C. Materials of a political or religious nature that state or imply that the school or any of its representatives are sponsoring or endorsing the content of the material;

D. Materials that are libelous;

E. Materials that are primarily of a commercial nature including, without limitation, all materials that primarily seek to advertise products or services for sale; or

F. Materials that infringe on a copyright.

III. Non-School-Sponsored Organization Material: By separate policy, non-school-sponsored organizations and non-students are prohibited from distributing material in schools or on school grounds. Students, however, may express their support for non-school-sponsored groups or organizations, or for the views or precepts of such organizations, by distributing written material which concerns the activities etc. of such organizations. Distribution of material prepared by non-school-sponsored groups or organizations will be limited to no more than ten copies on any given day. Such materials must not violate the prohibitions of paragraph II, above, and distribution must be made in accord with paragraph IV, below.

IV. Procedures:

A. Written material may be distributed only from a table to be provided by the school located at or near the main entrance to the school. No more than two students distributing the same material shall be seated at the table. Distribution shall occur only during the thirty (30) minutes immediately before the beginning of the first class of the day and thirty (30) minutes immediately following the end of the last class of the day.

B. Students wishing to distribute written material shall notify the principal of his or her intent to do so no later than thirty (30) minutes past the end of the last class period of the preceding day. A sample copy of the material shall be provided to the principal when the notification is made. The principal shall examine the sample of the material. If he or she reasonably believes that the material the student wishes to hand out violates any of the prohibitions of paragraph II above, or that there is a reasonable possibility that the material may substantially disrupt the proper and orderly operation and discipline of the school, he or she may forbid the student to hand out the material until a review has been completed. Upon that occurrence the principal shall immediately (within one school day) refer a copy of the material to the Superintendent's office.

C. A committee of no less than three (3) members of the Superintendent's staff designated by the Superintendent shall review the material to determine if the distribution of the material will substantially disrupt the proper and orderly operation and

discipline of the school, or is otherwise not in compliance with this policy. The committee's decision (which shall be determined by a majority vote) shall be conveyed to the Superintendent within two (2) school days of the submission of the material to the Superintendent by the principal. The superintendent shall then immediately communicate the committee's decision to the principal. The principal shall comply with the committee's decision.

D. In the event that following the review a student is not allowed to pass out material, the student may request a hearing before the School Board to review the committee's decision to ensure that the decision of the review committee complies with this policy. Such hearing shall take place as soon as it reasonably can be placed on the agenda for a School Board meeting.

Statutory Authority: Florida Statutes 1001.32, 1001.41, 1001.42, 1001.43

Laws Implemented:

Adopted: March 10, 1982

Amended:

April 28, 1987

July 28, 1994