

PUBLICATIONS AND MATERIALS DISTRIBUTION POLICY

The purpose of the Wells-Ogunquit C.S.D. schools is to provide appropriate education to District students in accordance with state and federal law and the policies and programs established by the School Committee and school administrators. The schools do not provide a forum to be used by individuals or groups to communicate with students or school employees. All expressive activity should be consistent with the basic educational mission of the school. The purpose of this policy is to help ensure that the schools will conform to, as well as enhance, their primary purpose - education of students.

This policy addresses three categories of materials:

- I. School-sponsored student publications;
- II. Non-school materials distributed by students; and
- III. Materials distributed by non-school individuals or groups.

I. SCHOOL-SPONSORED STUDENT PUBLICATIONS

School-sponsored student publications are any publications approved by the school, supervised by staff members and designed to impart particular knowledge or skills to student participants and audiences. These include, but are not limited to, the yearbook, the student newspaper, or the literary magazine. Administrators and faculty shall exercise control of school-sponsored publications to assure that the participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual writer or speaker are not erroneously attributed to the school.

To the extent deemed educationally appropriate by teachers or advisers for school-sponsored publications, student editors shall have initial responsibility for determining content. However, the advisor or an administrator may override the student editors' decision for reasons consistent with the educational goals of the schools after giving substantial and due regard for the judgment of the student editors and for the educational value of the exercise of that judgment.

Factors that advisors and administrators should consider in determining whether content is appropriate include, but are not limited to: The educational objectives of the school-sponsored activity (for example, teaching accuracy and fairness are legitimate educational objectives of the student newspaper); the privacy and reputational interests of students, faculty and administrators; the emotional maturity of the intended audience; whether the material might reasonably be perceived to advocate alcohol or drug use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order; whether the content associates the school with any position other than neutrality on matters of religion, politics or social controversy; and the guidelines listed in part II.C. of this policy.

II. STUDENT DISTRIBUTION OF NON-SCHOOL MATERIALS

It is beneficial to the basic educational mission of the school for students to express their own views concerning a wide variety of topics and issues and share them with other students in the school. The students' rights to express their views in the school, however, are not co-extensive with the rights of adults or even children in other settings and must be exercised in light of the special characteristics of the school environment. The school has the duty to ensure that the manner in which these views are expressed and the views themselves do not conflict with the basic educational mission of the school.

Accordingly, the following rules shall be applied to distribution of materials (see definitions in appendix) on school premises by students. These rules shall be applied with due regard for the age and emotional maturity of students to whom the materials are distributed.

A. Non-School Materials

Expression by students of their own views can have educational value. The schools, however, shall not be used by outside individuals or groups to further their goals through communication with students and/or staff. Distribution of materials by non-school individuals or groups is governed by Part III of this policy. Distribution of materials by students for financial or other inducement provided by non-school individuals or groups shall be subject to Part III of this policy.

B. Copy for Principal

A copy of the materials shall be provided to the principal at or before the time distribution is to begin, along with the name of the student or students who are distributing the materials.

C. Voluntary Review Available

Students may voluntarily request review of materials by the principal in advance of distribution. If review is requested, the principal shall determine whether the materials comply with the guidelines of this policy and shall consult with the Superintendent and legal counsel if necessary.

The school's determination that the material complies with the guidelines does not imply approval of its contents by the school, the administration of the school, the School Committee, or the individual reviewing the material submitted. The distributors and authors of the material shall be solely responsible for its contents.

D. Guidelines

Materials distributed on school premises shall not include expression that (see Appendix for definitions):

1. is obscene to minors;
2. is libelous;
3. is pervasively indecent or vulgar, if distributed in the high school or junior high school; contains any indecent or vulgar language, if distributed in the elementary schools;
4. advertises any product or service not permitted to minors by law;

5. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, or harassment based on race, religion, ethnic origin, handicap or gender);
6. presents a clear and present likelihood that it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, or will cause the commission of unlawful acts or the violation of lawful school regulations;
7. which expresses religious beliefs or points of view that students would reasonably believe, due to the content or format, to be sponsored, endorsed or given official imprimatur by the school.

E. Time, Place and Manner of Distribution

Students may distribute materials at any entrance or exit to the school both before and after school and at a place in the cafeteria designated by the principal during all lunch periods. Students shall not distribute materials in a manner which disrupts any school activity or blocks or impedes the safe flow of traffic within corridors and entrance ways of the school. Students who distribute such materials shall be responsible for cleaning up such materials thrown on the floors, in the school, or on the grounds outside the school.

F. Compliance with Policy

Violations of this policy shall be handled in accordance with usual school discipline procedures.

III. DISTRIBUTION OF MATERIALS BY NON-SCHOOL INDIVIDUALS OR GROUPS

Because it is the intention of the District not to provide a forum to be used by outside individuals or groups to communicate with students or employees, the following rules shall be applied to distribution of materials (see definition in Appendix) by non-school individuals or groups. Non-school individuals or groups include school employees acting outside the scope of their assigned duties as school employees.

1. Except when invited as part of a school-sponsored function, non-school individuals and groups shall not be permitted on school premises to distribute materials or to otherwise communicate with students.
2. Except as indicated below, materials prepared by non-school individuals or groups shall not be distributed to students on school premises.
3. The Superintendent may permit community organizations, including but not limited to, municipal recreation departments, local youth athletic programs, Girl Scouts and Boy Scouts, and similar organizations providing services to school-age youth which the Superintendent finds will directly enhance the educational goals of the schools, to disseminate information concerning youth programs and activities, subject to the following conditions:
 - A. The information shall be submitted in writing to the Superintendent for review.
 - B. The Superintendent retains the discretion to decline to disseminate any information he or she deems inappropriate or will not directly enhance the educational goals of the schools. The Superintendent's decision shall be final.
 - C. If dissemination of the information is approved by the Superintendent, the information shall be submitted to the building principal(s), who

may disseminate the information in any manner he or she deems appropriate.

APPENDIX TO PUBLICATIONS AND MATERIALS POLICY

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

1. "Obscene to minors" is defined as:
 - A. The average person, applying contemporary community standards, would find that the written material, taken as a whole appeals to the prurient interest of minors of the age to whom distribution is requested;
 - B. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals; and
 - C. The material, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.
2. "Minors" means any person under the age of eighteen (18).
3. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower him/her in the esteem of the community.
4. "Distribution" means circulation or dissemination of materials by means of handing out free copies, selling or offering copies for sale and accepting donations for copies. It includes displaying materials in areas of the school which are generally frequented by students.
5. "Materials" include any form of communication, including but not limited to writing, printing, recorded tape, film, video, computer disk, and amplified voice. For purpose of this policy, "materials" include tangible objects bearing no verbal communication or messages that are nonetheless distributed for the purpose of communication or expression.

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