

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 505 (Modified by Nova)

Revised: \_\_\_\_\_

## **NOVA CLASSICAL ACADEMY POLICY REGARDING SPEECH AND DISTRIBUTION OF MATERIALS**

### **I. PURPOSE AND BACKGROUND**

Nova Classical Academy (hereinafter "Nova") is a K-12 public charter school focusing on a classical education. Consistent with the classical education programming, students are divided into a trivium program as follows: grades K-5 are in the School of Grammar, grades 6-8 are in the School of Logic, and grades 9-12 are in the School of Rhetoric.

The purpose of this policy is to address and balance the exercise of students' free speech rights regarding non-school sponsored matters with, and against, the educational objectives and responsibilities of the school and those other factors discussed in this policy. While the right to free speech is educationally important and a constitutionally protected right, Nova Classical Academy is entitled to place reasonable, time, place, and manner restrictions on the right to speech and the distribution of materials within school-sponsored activities and facilities. As a general matter, this policy is not intended to apply to school-sponsored speech and distribution of materials which tend to be formulated under supervision and subject to other policies, but the principles established herein may be applicable to school-sponsored speech and distribution of materials.

### **II. DEFINITIONS**

A. "Distribute" or "Distribution" means circulation or dissemination of material by means of handing out free copies, selling or offering copies for sale, accepting donations for copies, posting or displaying material, or placing material in internal staff or student mailboxes.

B. "Non-school sponsored material" or "unofficial material" includes all materials or objects intended for distribution, except school newspapers, employee newsletters, literary magazines, yearbooks, and other publications funded and/or sponsored or authorized by the school. Examples of non-school sponsored materials include, but are not limited to, invitations, leaflets, brochures, badges, flyers, petitions, posters, and underground newspapers whether written by students or employees or others, and tangible objects.

C. "Obscene to minors" means:

1. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested or reasonably anticipated will receive such materials;

2. 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 or anticipated receipt, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals.

3. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

D. "Minor" means any person under the age of eighteen (18).

E. "Material and substantial disruption" of a normal school activity means:

1. Where the normal school activity is an educational program of the school for which student attendance is compulsory, "material and substantial disruption" is defined as disruption which interferes with or impedes the implementation of that program.

2. Where the normal school activity is voluntary in nature and outside of normal hours of operation (including, without limitation, school athletic events, and school plays and concerts) "material and substantial disruption" is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity. In order for expression to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecasted including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.

F. "Normal hours of operation" means during the school day and for a reasonable amount of time prior to, and after, school for arrivals and departures, which presently is typically from 8:30 a.m. until 4:00 p.m., Monday through Friday, September through June of each academic year.

G. "School activities" means any activity sponsored by the school including, but not limited to, arrival to and departure from school, classroom work, lunch and recess, traveling on school grounds during normal school hours, library activities, field trips, physical education classes, official assemblies and other similar gatherings, school athletic contests, concerts, school plays and other theatrical productions, and in-school lunch periods.

H. "Libelous" is a false and unprivileged statement about a specific individual that tends to harm the individual's reputation or to lower that individual in the esteem of the community.

### **III. GUIDELINES AND DISCRETIONARY DECISION MAKING PROCESS**

A. Requests for distribution of non-school sponsored material shall be submitted in accordance with the procedures established below prior to distribution. Nova reserves the right to deny distribution of any materials that fail to comply with this policy or that are prohibited by this policy. In determining the appropriateness of distribution of non-school sponsored materials, Nova encourages its decision makers (teachers, educational assistants, directors, Board of Directors, etc.) to consider the totality of circumstances when deciding whether speech and/or the distribution of materials should be permitted.

B. **MATERIALS GENERALLY PROHIBITED.** Nova will generally prohibit distribution of material that:

1. is obscene to minors;
2. is libelous or slanderous;
3. is lewd, indecent or vulgar or contains any indecent or vulgar language or representations, with a determination made as to the appropriateness of the material for the age level of students to which it is intended;
4. advertises or promotes any product or service not permitted to minors by law;
5. advocates violence, drug use, or other illegal conduct;
6. constitutes insulting or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion, sexual orientation, gender, or ethnic origin); and/or
7. 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, and/or will cause the commission of unlawful acts or the violation of lawful school regulations.

### **IV. DESIGNATED FORUM**

A. Non-school sponsored material must be approved prior to distribution in accordance with the other provisions of this policy.

B. Between building opening and first bell and after last bell until the building closes students may distribute approved material(s). In addition, students in the School of Logic and the School of Rhetoric may distribute approved material(s) during passing time on the Third Floor, during lunch on the mezzanine, and/or during lunch in any other areas where the students of the School of Logic and students of the School of Rhetoric are allowed to congregate.

C. No one shall pressure, bully, intimidate and/or coerce a student or staff member to accept any materials distributed.

## **V. NON-SCHOOL SPONSORED STUDENT INTEREST CLUBS**

A. Subject to administration approval, students at Nova Classical Academy in the School of Rhetoric or those with parent permission will be allowed to create clubs that are non-school sponsored, but permitted to meet on school grounds.

B. Non-sponsored clubs will be allowed to distribute club-related, non-school sponsored materials in a time, place, and manner consistent with this policy.

C. School facilities may be made available for use by student-created, non-school sponsored clubs outside of the normal hours of operation on regularly scheduled school days at the discretion of the administration.

## **VI. UNIFORMS**

Nova has created a uniform policy pursuant to Minn. Stat. § 123B.36, subd. 4. That policy is located in Nova Classical Academy policy number 605. Distribution of non-school materials pursuant to this policy shall not materially or substantially disrupt that policy or otherwise violate this policy.

## **VII. TEXT BOOKS, BINDERS, AND/OR PLANNERS**

Nova encourages students to cover their text books, binders, and/or planners. However, the materials used to cover text books, binders, and/or planners shall not materially or substantially disrupt the school's educational objectives, classical education model, discipline, or school activities, nor shall they otherwise violate this policy.

## **VIII. PROCEDURES**

A. Except for Nova Parent Teacher Organization and Friends of Nova Classical Academy, any person wishing to distribute non-school sponsored material must first submit for approval a copy of the material to that student's supervising director (e.g. Upper School

Director or Lower School Director) at least twenty-four (24) hours (not counting Saturdays, Sundays, and holidays) in advance of desired distribution time.

B. In the event that permission to distribute the material is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.

C. If the person submitting the request does not receive a response within the twenty-four (24) hour period, the person may distribute the proposed materials.

D. If the person is dissatisfied with the decision of the supervising director, the person may submit a written request for appeal to the Executive Director. If the person does not receive a response within two (2) school days (not counting Saturdays, Sundays, and holidays) of submitting the appeal, the person shall consider the decision of the supervising director final. In the event that permission to distribute the material is denied or limited, the person submitting the request should be informed in writing of the reasons for the denial or limitation.

## **IX. DISCIPLINARY ACTION**

A. Distribution by any student of material prohibited herein or in violation of the provisions above may be halted and disciplinary action may be taken in accordance with the school's Student Discipline Policy.

B. Any other party violating this policy may be requested to leave the school property immediately and, if necessary, the police may be called.

## **X. NOTICE OF POLICY TO STUDENTS AND EMPLOYEES**

A copy of this policy will be available at the school's website and in the main office.

## **XI. IMPLEMENTATION**

The Executive Director may develop any additional guidelines and procedures necessary to implement this policy, provided such guidelines and procedures do not conflict with or violate the protections afforded students under this policy. Such guidelines and procedures shall be an addendum to this policy.

### ***Cross References:***

Nova Classical Academy Policy 506 (Student Discipline)

Nova Classical Academy Policy 9-514 (Bullying Prohibition Policy – Mandatory)

Nova Classical Academy Policy 9-413 (Harassment and Violence)

Nova Classical Academy Policy 9-504 (Student Dress and Appearance)

Nova Classical Academy Policy 605 (Uniforms)

Nova Classical Academy Policy 9-506 (Student Discipline)  
Nova Classical Academy Policy 9-102 (Equal Educational Opportunity – Mandatory)  
Nova Classical Academy Policy 9-521 (Student Disability Nondiscrimination)  
Nova Classical Academy Policy 9-522 (Student Sex Nondiscrimination)