

## Students

### 8-63 **Distribution and Display of Non-School Material**

Adopted March 3, 2009

Students and the educational program must be the focus of the school system. In order to maintain an educational environment conducive to learning and to minimize intrusions upon instructional time, distribution and display of non-school material shall be limited in accordance with this policy. School officials shall screen and approve the distribution or display of non-school material on school property. The term “non-school material” is defined as follows:

#### 1. Obscene

“Obscene” describes any speech or work that the average person, applying contemporary community standards (as opposed to “national standards”), would find, taken as a whole, appeals to prurient interest; or that depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and that, taken as a whole, lacks serious literary, artistic, political or scientific value.

#### 2. Libelous Statement

Libelous statements are false and unprivileged statements about a specific person that injure that person’s reputation in the community.

#### 3. Non-School Material

Non-school material includes any publication or other written information that is not a school-sponsored or curriculum-related publication or material.

#### 4. Material and Substantial Disruption

A material and substantial disruption is any conduct that for any reason, including inappropriateness of time, place or type of behavior, significantly interferes with school functions, classroom instruction or with the rights of other students or school employees. Examples of materials and substantial disruption include, but are not limited to, demonstrations, destruction of property, injury to students or other persons, shouting or boisterous conduct, and anything that significantly distracts students from instruction or prevents school personnel from performing their educational responsibilities.

#### 5. School-Sponsored or Curriculum-Related Publications and Materials

School-related materials or publications are:

- (a) Materials published by the school system for distribution (i.e. school calendars, menus, school newsletters, etc.);

(b) Materials that are approved by school officials and related to activities or events that are officially sponsored by the school (i.e. announcements for sports teams, clubs, field trips, school plays and concerts);

(c) Materials that are directly related to instruction.

## 6. School-Related Group

School-related groups are organizations formed to support the school in an area of recognized need, such as the PTA, PTO, teachers' and principals' organizations and booster clubs.

### **Guidelines for Distribution and Display of Non-School Material To grades Pre-Kindergarten through 8**

1. Distribution and display of "school-sponsored or curriculum-related publications and materials" as defined above are permitted during the school day, on school grounds and at school activities.
2. Distribution and display of publications and materials from school-related groups that have received prior approval of the (principal or superintendent, or designee) pursuant to the "Distribution and Display Standards for Non-School Materials" and the "Procedures for requesting distribution of display of non-school Materials" section below are permitted at reasonable times and places as designated by the (principal or superintendent or designee). The term "school-related group" is defined as organizations formed to support the school in an area of recognized need, such as the PTA, PTO, teachers' and principals' organizations and booster clubs.
3. The following agencies and organizations are permitted to distribute or display educational information or information about programs and activities of interest to students:
  - (a) Local, state and federal government agencies and departments;
  - (b) Non-profit organizations that offer educational, recreational, cultural or character development activities or programs for school-aged children, including but not limited to scouts, YMCA or YWCA, organized youth sport leagues, etc.);
  - (c) School/business partnerships or incentive programs that directly enhance or support the school's educational program; and
  - (d) Community colleges, universities, and other non-profit institutions of higher education.

All publications and materials that one of the permitted agencies or organizations would like to distribute or display must be submitted to the (principal or

superintendent or designee) for approval prior to distribution or display. Approval for distribution or display shall be granted pursuant to the standards in the section “Distribution and Display Standards for Non-School Materials” and the “Procedures for requesting distribution or display of non-school Materials” section below. If approved, the publications and materials shall be distributed or displayed at reasonable times and places as designated by the (principal or superintendent or designee).

4. The (principal or superintendent or designee) shall not discriminate on the basis of viewpoint in granting or denying permitted agencies and organizations permission to distribute or display non-school materials.
5. The superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute or display publications or materials, delivery and bundling requirements, etc. The superintendent should consult with the board attorney to assure that regulations comply with case law from the United States Supreme Court and the Fourth Circuit.
6. Nothing in this policy shall be construed to create a public forum that would allow non-students unrestricted access to school property for the purpose of distributing or displaying publications or materials.

#### **Guidelines for Distribution and Display of Non-School Material In High Schools Only**

1. Distribution and display of “school-sponsored or curriculum-related publications and materials are defined below are permitted during the school day, on school grounds and at school activities.

School-related materials or publications are:

- (a) Materials published by the school system for distribution (i.e. school calendars, menus, school newsletters, etc.);
  - (b) Materials that are approved by school officials and related to activities or events that are officially sponsored by the school (i.e. announcements for sports teams, clubs, field trips, school plays and concerts);
  - (c) Materials that are directly related to instruction.
2. Distribution and display of publications and materials from school-related groups that have received approval of the (principal or superintendent or designee) pursuant to the standards in “Distribution and Display Standards for Non-School Materials” and the “Procedures for requesting distribution or display of non-school Materials” section below are permitted at reasonable times and places as designated by the (principal or superintendent or designee). The term “school-related group” is defined

as organizations formed to support the school in an area of recognized need, such as the PTA, PTO, teachers' and principals' organizations and booster clubs.

3. In all the schools of this school system, the following agencies and organizations are permitted to distribute or display educational information or information about programs and activities of interest to students:
  - (a) local, state and federal government agencies and departments;
  - (b) non-profit organizations that offer educational, recreational, cultural or character development activities or programs for school-aged children, including but not limited to scouts, YMCA or YWCA, organized youth sport leagues, etc.);
  - (c) school/business partnerships or incentive programs that directly enhance or support the school's educational program; and
  - (d) community colleges, universities, and other non-profit institutions of higher education.

All publications and materials that one of the permitted agencies or organizations would like to distribute or display must be submitted to the (principal or superintendent or designee) for approval prior to distribution or display. Approval for distribution or display shall be granted pursuant to the standards in the section "Distribution and Display Standards for Non-School Materials" and the "Procedures for requesting distribution or display of non-school Materials" section below. If approved, the publications and materials shall be distributed or displayed at reasonable times and places as designed by the (principal or superintendent or designee).

The (principal or superintendent or designee) shall not discriminate on the basis of viewpoint in granting or denying permitted agencies and organizations permission to distribute or display publications and materials.

The superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute or display publications and materials, delivery and bundling requirements, etc.

4. In addition to the distribution and display of publications and materials permitted in all schools in Item #3 above, the distribution and display of other publications and materials are permitted in high schools in order to provide high school students with access to a wide variety of educational materials from various viewpoints. All materials to be distributed or displayed under this provision must be submitted to the (principal or superintendent or designee) for approval prior to distribution or display. Approval for distribution or display shall be granted pursuant to the standards in the section "Distribution and Display Standards for Non-School Materials" and the

“Procedures for requesting distribution of display of non-school Materials” section below.

In addition, distribution and display of publications and materials under this provision are subject to the following restrictions.

- (a) Distribution or display of these materials is limited to one time per year per organization.
  - (b) Distribution or display of these materials is limited to a table in (a location such as a hallway in front of the library or a similar location where students would not feel pressured to take materials).
  - (c) Groups approved to distribute or display these publications or materials are responsible for setting up the table and taking it down at the end of the day.
  - (d) The table may contain a sign that says, “Free materials. Please take one.”
  - (e) Distribution and display of these materials in classrooms or in any other instructional setting is not permitted.
  - (f) No announcements advertising the availability of these materials are permitted over the PA or through other school media.
  - (g) Neither members of the group providing the material nor any other individual may stand at the table and encourage students to accept the publications or material.
  - (h) The table where the publication or materials are located must display a sign stating that materials are neither sponsored nor endorsed by the school system, its agents, or its employees and that the views and information contained in the materials do not reflect the approval or disapproval of the school board or school officials.
  - (i) The (principal or superintendent or designee) shall not discriminate on the basis of viewpoint in granting or denying permission to distribute or display publications and materials under this provision.
  - (j) The superintendent is responsible for enforcing the restrictions imposed by the board on distribution and display of materials and publications under this provision.
5. The superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute or display publications and materials, delivery and bundling requirements, etc. The superintendent will consult with the board attorney to adopt regulations that are within the guidelines.

## **Distribution and Display Standards for Non-school Materials**

School officials shall apply the following standards to approve the distribution or display of all non-school material on school property:

1. While materials shall be screened for viewpoint, the reviewer shall prohibit the distribution or display of any publication or material that:
  - (a) Is vulgar, indecent or obscene;
  - (b) Contains libelous statements, personal attacks or abusive language such as language defaming a person's character, race, religion, ethnic origin, gender, family status, or disability;
  - (c) Causes or clearly threatens to cause a material and substantial disruption of a school activity;
  - (d) Encourages the commission of unlawful acts or the violation of lawful school regulations;
  - (e) Is inappropriate considering the age of the students in the school;
  - (f) Contains information that is inaccurate, misleading or false; or
  - (g) Advertises any product or service not permitted to minors by law.

The (principal or superintendent's designee), depending on who makes the initial decision) shall notify the superintendent before approving or prohibiting distribution or display of any publications or materials that raise a question as to whether a specific action by school officials might violate the Establishment of Religion Clause, the Free Exercise of Religion Clause, or the free speech rights guaranteed by the First Amendment of the US Constitution. The superintendent shall consult with the board attorney to determine the legally appropriate course of action.

- (a) The distribution of non-school material shall not interfere with instructional time.
- (b) Non-school publications and materials distributed or displayed to students must be clearly identified, through the method of distribution or otherwise, as non-school materials that are neither endorsed nor necessarily reflective of the views of the school board or the school system.
- (c) In order to minimize disruption to the learning environment, political campaign materials may not be distributed to students or employees (including through employee mailboxes and e-mail) or made available on school grounds during school time or at school events. However, on election days, posters and printed

materials are permitted at school buildings used as polling places in accordance with state law and board of elections requirements.

A local board that would like to permit distribution of campaign materials should discuss this decision with its board attorney. The board should understand that if materials promoting one candidate or one point of view on a political topic are distributed or displayed on school grounds, campaign materials for opposing candidates and points of view also must be given equal opportunity for distribution or display on school grounds.

### **Procedures for Requesting Distribution or Display of Non-school Materials**

1. Any individual or organization wishing to distribute or display non-school-sponsored publications or materials must first submit for approval a copy of the publication or material to the (principal or superintendent or designee) at least five school days in advance of the distribution or display time, along with the following information:
  - (a) The name and phone number of the individual submitting the request;
  - (b) The date(s) and time(s) of day of intended distribution or display;
  - (c) The desired location for distribution or display of material; and
  - (d) If the distribution or display is intended for students, the grade(s) or students for whom the distribution or display is intended.
2. Within five school days, the (principal or superintendent or designee) shall review the request and render a decision. In the event permission to distribute or display the material is denied or restricted, the individual submitting the request shall be informed in writing of the reasons for the denial or restriction.
3. Any request denied or restricted by the (principal or superintendent or designee) may be appealed in writing to the (superintendent or designee or board, depending on who made the initial decision). (If the principal makes the initial decision, the superintendent or designee has reviewed and render a decision within 10 school days. Any request denied by the superintendent or designee may be appealed to the board of education). The board will review the request at its next regularly scheduled meeting. As appropriate, the superintendent or the board will consult with the board attorney concerning a request to distribute or display non-school literature.
4. Permission or denial of permission to distribute or display material does not imply approval or disapproval of its contents by school system administrators, the school board or the individual reviewing the material submitted.

