

Date: September 14, 2009

AREA: General Administration
AGENDA ITEM(S): Policy 5210 Distribution of Non-school Materials (First Reading) (Revision)
CONTACT PERSON(S): Robert L. Logan, Superintendent
<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> FOR INFORMATION

I. Synopsis of Agenda Item (Overview & Purpose)
 Changes in Policy 5210 would designate which types of non-school materials being requested for school distribution or display that may be approved by principals and the public information office.

II. Organizational Impact (Academic, Fiscal & Personnel)
 Less interruption of instructional time is anticipated.

III. Superintendent's Recommendation (For Action)

The first reading will be on September 14. Second reading and approval will be at the October 5, 2009 Board of Education meeting.

Suggested Motion: I move that the Chatham County Board of Education approve the revisions to Policy 5210 (Distribution of Non-school Materials) as presented for first reading.

Students and the educational program must be the focus of the schools. Therefore, Chatham County Schools will screen and approve the distribution or display of any non-school material on school property.

A. DISTRIBUTION AND DISPLAY BY STUDENTS

Students wishing to distribute or display on campus any publication, leaflet, or other written material which is not school sponsored must submit the material to the principal for review prior to distribution. The principal may prohibit distribution or display if the material contains speech that is prohibited as specified in section C.1, below. If approved, the material must be distributed at reasonable times and places as designated by the principal. If permission to distribute material is denied, the student may request review of the principal's decision as specified in section D. below.

B. APPROVAL PROCESS FOR DISTRIBUTION AND DISPLAY BY NON-STUDENTS AND NON-SCHOOL ORGANIZATIONS OF NON SCHOOL MATERIALS

Except as provided in this policy, non-students will not be permitted to distribute publications on school grounds during the school day or at school activities if the materials are unrelated to instruction, to a school-sponsored activity, or to an activity of a school-related group. Materials directly related to instruction, the subject of a school-sponsored activity or an activity of a school related group may be distributed with the prior approval of the superintendent, or his or her designee, pursuant to the standards in section C.1 below and the standards for review of the superintendent's, or his or her designee's, decision in section D. below. Requests must be made using forms designated by the school or the district. Principals and the Public Information Office may place reasonable limits on the frequency and timing of distribution. Principals or the Public Information Office may decline to approve activities planned at the last minute with distribution to come on short notice. Distribution of registration forms that require the forms be returned to the schools will not be approved.

Nothing in this policy shall be construed to create an open forum that would allow non-students access to school property for the purpose of distributing materials.

1. Approval by a Principal (Requests for Single School Distribution/Display)

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A principal may approve materials from the following organizations for display or distribution directly to students if the activity or event addressed by the material is primarily for school-age students:

- (a) Agencies/departments within the city, county, state, or federal government
- (b) Parent Teacher Associations/organizations or school booster clubs
- (c) Licensed child care providers operating on school campus
- (d) Higher education institutions, if materials relate to educational opportunities for school-age students
- (e) School/business partnerships or incentive programs that directly enhance or support the school's educational program.

2. Approval by the Public Information Office

The Public Information Office may approve materials from other individuals/agencies/organizations for distribution or display in a designated location at multiple schools if the activity or event addressed by the material is primarily for school-age students and concerns one of the following:

- (a) Educational services directly related to the school system's instructional program, such as test preparation courses, enrichment courses, or tutoring
- (b) Community sports, recreational, educational, or cultural activities
- (c) Activities that promote leadership and character education

C. DISTRIBUTION AND DISPLAY STANDARDS FOR NON-SCHOOL MATERIALS

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

1. While materials will not be screened for viewpoint, the reviewer will prohibit the distribution of any material that substantially disrupts the educational environment or for which the subject matter conveyed (1) is vulgar, indecent or obscene; (2) 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; (3) causes or clearly threatens to cause a material and substantial disruption of normal classroom activity, any normal school function, or other school activity; (4) encourages the commission of unlawful acts or the violation of lawful school regulations; (5) is inappropriate when considering the age of the students in the school or (6) advertises any product or service not permitted to minors by law.
2. The distribution of non-school material will not interfere with instructional time.

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- 3. Materials distributed by non-students¹ 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 or school district. All materials that are distributed or displayed shall contain the following disclaimer: "The school's display of this publication is not an endorsement of the sponsoring organization, the activities described, or the contents of the materials displayed. In addition, Chatham County Schools makes no representation regarding the nature or quality of the services or activities promoted."
- 4. Political campaign materials for candidates 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 schools used as polling places in accordance with state law and board of elections requirements. This provision does not prohibit a teacher from using political literature or campaign material for instructional purposes. However, any teacher using materials for such instructional purposes shall not use his/her position to promote a particular party or candidate and shall ensure that material concerning political candidates for a specific office must include all viable candidates of parties recognized by the county board of elections.

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D. PROCEDURES FOR REQUESTING DISPLAY OR DISTRIBUTION OF NON-SCHOOL MATERIALS

- 1. Any individual wishing to display or distribute non-school sponsored material must first submit for approval a copy of the material to the superintendent or his or her designee of the school at least ~~5~~ 10 school days in advance of the display or distribution time, together with the following information: (a) name and phone number of the individual submitting the request and, if a student, the room number of his or her first period class; (b) date(s) and time(s) of day of intended display or distribution; (c) desired location for display or distribution of material; and (d) if intended for students, the grade(s) of students to whom the display or distribution is intended.
- 2. Within 5 school days, the superintendent or his or her designee will review the request and render a decision. In the event permission to display or distribute the material is denied or limited, the individual submitting the request will be informed in writing of the reasons for the denial or limitation.
- 3. Any request denied or limited by the superintendent or his or her designee may be appealed in writing to the superintendent. The superintendent will review the request and render a decision in writing. As appropriate, the superintendent or the board will consult with the board attorney concerning a request to display or distribute non-school literature.

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¹ This requirement may be made applicable to material provided by students and non-students.

4. Permission or denial of permission to display or distribute material does not imply approval or disapproval of its contents by the school, the school administration, [the central administration](#), the school board, or the individual reviewing the material submitted.

5. Any material approved for a large display or distribution must be delivered to the school, ~~counted~~ and bundled [in sets of 30](#).

E. VIOLATION OF POLICY

[Any individual/organization/agency that violates this policy may be prohibited by the school principal or the school district from distributing materials for the remainder of the school year.](#)

F. DEFINITIONS

The following terms used in this policy will be defined as follows:

1. *Obscene* – Any speech or work which the average person, applying contemporary community standards (as opposed to “national standards”) would find, taken as a whole, appeals to prurient interest, or which depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law, and which, taken as a whole, lacks serious literary, artistic, political or scientific value.
2. *Libelous statement* – False and unprivileged statements about a specific individual which injure that person’s reputation in the community.
3. *Substantial disruption* – Any conduct which 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 personnel. Examples of substantially disruptive conduct include, but are not limited to, demonstrations, destruction of property, injury to person, shouting or boisterous conduct, related activities and anything that significantly distracts students from instruction or the school district or school personnel from carrying out educational responsibilities.

The superintendent will adopt necessary regulations to ensure that this policy is implemented throughout the school system.

Legal References: U.S. Const. amend. I; G.S. 115C-36, -47

Cross References: Fundraising and Solicitations (policy 5220)

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