

<b>Vermont School Boards Association</b>	<b>Code:</b>	<b>E21</b>
<b>Windsor Southeast Supervisory Union</b>	<b>Date Adopted:</b>	<b>9/6/2017</b>
<b>Policy Statement</b>	<b>Revision Adopted:</b>	<b>7/1/2019</b>

### **Distribution of the Non-School Sponsored Literature in the Schools**

It is the policy of the Windsor Southeast Supervisory Union (Hartland, Mount Ascutney, and Weathersfield) to allow limited distribution of non-school sponsored literature on school grounds or at school events by community members or district employees acting on their own behalf or on behalf of a community group. Accordingly, the superintendent may permit the distribution of non-school sponsored literature without discrimination as to the viewpoint of the literature in accordance with this policy.

Non-school sponsored literature means any printed, written, or electronic materials prepared by non-school organizations, groups or individuals for posting or general distribution that are not prepared as a part of the curricular or approved extracurricular programs of the district. It also includes materials prepared by school district employees acting in their own behalf or on behalf of a community group. Non-school sponsored materials includes such things as fliers, invitations, announcements, pamphlets, posters, photographs, pictures, films, audio recordings, digital media recordings, and electronic messages.

Distribution means handing non-school literature to others on school property or during school-sponsored events; posting on school property such as walls, bulletin boards, and district web-sites; placing upon desks, tables, on or in lockers; making available in principal's office; or engaging in any other manner of delivery of non-school sponsored literature to others while on school property or during school functions.

This policy prohibits the distribution of literature that:

- a) Is libelous, defamatory, obscene, lewd, vulgar, or profane;
- b) Violates federal, state or local laws;
- c) Advocates the use or availability of any substance or material that may reasonably be believed to constitute a direct and substantial danger to the health or welfare of students, such as tobacco, alcohol or illegal drugs;
- d) Incites violence;
- e) Interferes with or advocates interference with the rights of any individual or the orderly operation of the schools and their programs;
- f) Is primarily of a commercial nature, including but not limited to all material that primarily seeks to advertise for sale products or services; or
- g) Whose primary purpose is fundraising.

All non-school sponsored literature intended for distribution on school property or at school-sponsored events shall be submitted to the superintendent/principal for prior review as to the following:

- a) to confirm that the literature includes the name of the person or organization sponsoring the distribution, and that there is no implication that the literature is endorsed by the school district, and
- b) to confirm that the literature does not fall in one of the prohibited categories listed above.

Prior review of literature is not required when the non-school sponsored literature is distributed by an attendee to other attendees at a meeting intended for adults held after school hours.

The superintendent may place reasonable time, place, and manner restrictions on the distribution of non-school sponsored literature.

Non-school sponsored literature may not be used during instructional time or school-sponsored activities unless it is of educational value to the school program, benefits district students or the school community, and is factually accurate.

Notwithstanding anything in this policy, the school district may adopt more restrictive rules for signs or messages on school property that bears the school imprimatur due to their location. For example, the school district may restrict the content of messages on advertising displayed on baseball field fences or brick pavers in walkways if advertising space is sold in those locations to raise money for the school district. Selling advertising in that way does not create a public forum in those locations.

*Legal Reference(s):*

*Good News Club v. Milford Central Schools*, 533 U.S. 98 (2001)  
*Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384, 390 (1993)  
*Cornelius v. NAACP Legal Defense and Ed. Fund, Inc.*, 473 U.S. 788 (1985)  
*Perry Educ. Ass'n v. Perry Local Educ. Ass'n*, 460 U.S. 37 (1983)  
*Travis v. Owego-Apalachin School Dist.*, 927 F.2d 688 (2d Cir. 1991)  
*Chiu v. Plano Indep. Sch. Dist.*, 339 F.3d 273 (5<sup>th</sup> Cir. 2003)  
*DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ.*, 196 F.3d 958 (9<sup>th</sup> Cir. 1999), *cert. denied* 529 U.S. 1067 (2000)  
*Hedges v. Wauconda Community Unit Sch. Dist. No. 118*, 9 F.3d 1295 (7<sup>th</sup> Cir. 1993)  
*Kiesinger v. Mexico Academy and Cent. Sch.*, 427 F. Supp. 2d 182 (N.D.N.Y. 2006)

*Cross Reference:*

*Student Self-Expression Policy*  
*H3 Community Use of Facilities*