

DISTRIBUTION AND DISPLAY OF NON-SCHOOL MATERIAL

Policy Code:

5210

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 will be limited in accordance with this policy and policy 5240, Advertising in the Schools. School officials shall screen and approve the distribution or display of non-school material on school property. (The term “non-school material” is defined in Section F of this policy.)

This policy applies to the distribution and display of non-school material by students and school-related groups (as defined in Section F of this policy) and by governmental agencies, educational institutions, and non-profit entities as permitted in Section C below. This policy does not apply to the distribution and display of materials by individuals or groups that are on school property in accordance with policy 5030, Community Use of Facilities. Except as provided in Section A below, this policy will not be construed as applying to or prohibiting the display of compliant political or farm signs permitted by G.S. 136-32.

A. DISPLAY OF COMPLIANT POLITICAL AND FARM SIGNS IN THE RIGHT-OF-WAY DURING DESIGNATED PERIODS

Any person may display compliant political or farm signs in the right-of-way of the state highway system in accordance with the standards established in G.S. 136-32, even if such right-of-way constitutes school grounds. Compliant political signs may also be placed in municipal street rights-of-way in accordance with the standards established in G.S. 136-32 and any applicable local ordinance.

Compliant political signs may be displayed in the right-of-way from 30 days before the first day of “one-stop” early voting to 10 days after the primary or election day. Compliant farm signs may be displayed in the right-of-way until the end of the farm’s season. School officials may remove and dispose of any political sign remaining in the right-of-way more than 40 days after the primary or election day and may remove and dispose of any farm sign remaining in the right-of-way more than 30 days after the end of the farm’s season. School officials shall observe any different rules established by applicable local ordinance for removal of political signs on municipal street rights-of-way.

School officials shall not remove any political or farm sign lawfully placed except as provided in this section but may request the Department of Transportation to remove a sign that is not in compliance with G.S. 136-32.

B. DISTRIBUTION AND DISPLAY BY STUDENTS

Students wishing to distribute or display on campus any publication, leaflet or other written material that is not school-sponsored must submit the publication or material to the principal for review prior to distribution. The principal shall prohibit distribution or display

when the publication or material contains speech that is prohibited as specified in Section D below but otherwise shall not discriminate on the basis of viewpoint in granting or denying a student permission to distribute or display non-school publications or materials. Materials approved by the principal for distribution by students may only be distributed during non-instructional time in common areas (outside of classrooms). If permission to distribute or display a publication or material is denied, the student may request review of the principal's decision as specified in Section E below.

C. DISTRIBUTION AND DISPLAY BY NON-STUDENTS

1. Distribution and display of "school-sponsored or curriculum-related publications and materials" as defined in Section F 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 superintendent or designee pursuant to the standards in Section D below and the standards for review of the decision in Section E below are permitted at reasonable times and places as designated by the superintendent or designee. The term "school-related group" is defined in Section F. The school system shall not discriminate on the basis of viewpoint in granting or denying permitted school-related groups permission to distribute or display non-school material.
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. 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 superintendent or designee for approval prior to distribution or display. Approval for distribution or display will be granted pursuant to the standards in Section D below and the standards for review of decisions in Section E below. If approved, the publications

and materials will be distributed or displayed at reasonable times and places as designated by the superintendent or designee.

4. The school system 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.
6. Nothing in this policy will 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.

D. 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 by individuals or groups authorized by this policy on school property:

1. While materials will not 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, sex, 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 superintendent's designee 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 U.S. Constitution. The superintendent may consult with the board attorney as necessary to determine the legally appropriate course of action.

2. The distribution of non-school material must not have any significant effect on instructional time.
3. Only the following non-school material may be distributed directly to students:
 - a. Approved information about instructional opportunities (arts classes, youth

athletics, summer camps, scouting, tutoring, etc.)

- b. Approved information from local government agencies about public health and safety issues clearly relevant to WCS students; "Local government agencies" shall mean county and municipal organizations based in Watauga County.
4. Approved non-school materials other than those identified in item (3) above may be displayed in schools and/or made available for pick up in central location(s) approved by the principal.
5. The limitations of sections C-3 and C-4 shall not be construed to prohibit distribution of non-school materials by students as permitted by Section A. of this policy.
6. Display or distribution of materials concerning the same or substantially similar programs or events from the same organization shall be limited to twice per school year.
7. School system e-mail and websites shall not be used to announce, distribute, or display non-school materials and information except for a) professional development opportunities approved by the WCS Chief Academic Officer or designee, and b) information about services offered to WCS personnel from approved benefit providers.
8. Non-school materials distributed or displayed to students must be clearly identified as non-school materials.

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 for viewing and distribution to the public at school buildings 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 these materials for instruction shall not use his or her position to promote a particular candidate, party or position on a specific issue. The teacher also shall attempt to use a variety of materials that represent balanced and diverse viewpoints on the political spectrum.

E. 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 superintendent or designee at least three school days in advance of the distribution or display time.

2. Within five school days, the 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 will be informed of the reasons for the denial or restriction.
3. Any request denied or restricted by the superintendent or designee may be appealed in writing 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.

F. DEFINITIONS

The following terms used in this policy are defined as follows:

1. Obscene: 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 the rights of other students or school employees. Examples of material 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); or (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, the PTO, the Watauga Education Foundation, teachers' and principals' organizations, and booster clubs.

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

Legal References: U.S. Const. amend. I; *Peck v. Upshur*, 155 F.3d 274 (1998); G.S. 115C-36, -47; 136-32; 163-129; -166.4

Cross References: Community Use of Facilities (policy 5030), Collections and Solicitations (policy 5220), Advertising in the Schools (policy 5240)

Adopted: February 8, 2016

Replaces: Policy 2.04.70, Distribution of Non-School Sponsored Materials (as applicable)

Revised: February 10, 2020; June 28, 2021 (Legal references only); December 13, 2021; January 16, 2024