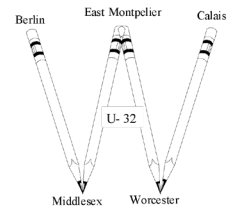


Washington Central Unified Union School District

WCUUSD exists to nurture and inspire in all students the passion, creativity and power to contribute to their local and global communities.

1130 Gallison Hill Road
Montpelier, VT 05602
Phone (802) 229-0553
Fax (802) 229-2761



WCUUSD
Policy Committee Agenda
January 7, 2026
4:45-6:00 PM
Calais Elementary
321 Lightening Ridge Road
Plainfield, VT
(In-Person & Virtual)

Virtual Meeting Information

<https://tinyurl.com/48ja9wnr>

Meeting ID: 829 9218 0624

Password: 778549

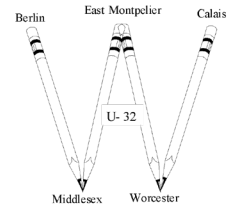
Dial by Your Location: 1-929-205-6099

1. Call to Order
2. Approve Minutes of 12.3.25 – pg. 2
3. Review [Policy Workplan](#) (Discussion/Action)
 - 3.1. [AI Policy Draft](#) – pg. 4
 - 3.2. [E20 Building Use](#) (VSBA E20: Community Use of School Facilities) – pg. 9
 - 3.3. C22: Student Athletics, clubs and activities (VSBA Recommended policy) – pg. 19
 - 3.4. E21: Distribution of Non-School Sponsored Literature in Schools (VSBA Recommended) – pg. 24
4. Public Comments
5. Future Agenda Items
 - 5.1. Next Meeting: February 4, 2026
6. Adjourn

Washington Central Unified Union School District

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1130 Gallison Hill Road
Montpelier, VT 05602
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WCUUSD
Policy Committee
December 3, 2025
4:45-6:00 PM
Berlin Elementary
372 Paine Turnpike N
Berlin, VT
(In-Person & Virtual)

Present: Superintendent Dellinger-Pate, Amy Molina, Chris McVeigh, Ursula Stanley, Amelia Contrada, Dave Rodgers, and Jill Abair

- 1. Call to Order:** Chris McVeigh called the meeting to order at 4:52.
- 2. Approve Minutes of 11.5.25:** Amelia Contrada moved to approve the minutes from November 5, 2025. Seconded by Ursula Stanley, this motion carried unanimously.
- 3. Review [Policy Workplan](#):** Steven Dellinger-Pate noted that he had updated the policy workplan.
- 4. Policies for Review**
 - 4.1. AI Policy:** Jill and Dave spoke to the committee about their experiences with AI in the schools with students over the past several years. They spoke about how AI is evolving very quickly and they have drafted a policy around tools to detect AI use as well as how to appropriately use AI. Amelia Contrada asked a question about ethical standards and ongoing teacher training. Jill stated that personally identifiable information about students is the highest of ethics in the policy. Dave explained that many of the standards and ethics that we already have for students apply to AI - for example, using another student's likeness without their permission. Dave stated that what is important is that we recognize there is a certain inevitability about AI and we are using a cautionary approach, collaborative effort, to review new tools as they arise. Jill spoke about the bias of data and the effort to access tools that are equitable and unbiased. For example, she spoke about the use of Google.

Ursula Stanley stated that the draft of this policy combines policy and procedure, and there will be some work in separating the two. Some discussion followed around training for staff in an ongoing matter. Steven Dellinger-Pate suggested adding to the policy that the topic will be included in the annual professional development plan for staff.

Amelia Contrada wondered whether this would be a good policy to put to the student council to consider, so they can grow awareness of the issues of sharing personally identifiable information. Steven Dellinger-Pate suggested further work:

- Separating policy from procedure
- Including professional development plan to the policy so that it can bring it to the board.

The committee thanked Dave and Jill for their work on this policy draft.

4.1.1. [Draft Policy](#)

4.1.2. [New Haven Draft Policy](#)

4.1.3. [Sample Resolution](#)

4.2. C9 Nutrition and Wellness (replaces C50 Comprehensive Sexual Health Services): Steven Dellinger-Pate shared that C50 is folded into this policy. He explained that it contains many components, including nutrition, physical education and health education, and sexual health services; he stated that it is a sort of “omnibus” policy. He stated that we might want to include our own wellness plan and how we measure related goals. Ursula Stanley asked about the implementation of condom availability - she suggested leaving out grade levels and noted “U-32 Middle and High School.” She clarified: condoms will be available to all, and other barrier methods will be available only as funding allows. Steven Dellinger-Pate indicated yes. She spoke about making clear the guidelines around student exemption. Superintendent Dellinger-Pate stated that this policy calls for creating a committee. He stated that our Community School position covers many of the components of this policy. There is a hope to create a committee by January 2026. This policy is ready to go to the board for first reading.

4.3. Draft AOE Policies and Guidance for feedback: Steven Dellinger-Pate stated that the next three policies have been provided by the state for comment. He is asking the committee whether there are things they think should be communicated back to the state.

4.3.1. B8 Electronic Communication

4.3.2. Cellphone Policy

4.3.3. Social Media Guidance

Ursula Stanley stated that regarding B8, this policy expands to cover a larger number of devices. She spoke about when teachers leave comments on student work, and instances when teachers are providing feedback to students on work after the time period that is allowed. Do comments on student work count as electronic communication? If so, are we limiting? What are the hours during which teachers can grade student work? Some discussion followed around teachers communicating with students via school email being acceptable. Discussion followed around time periods during which staff can communicate with students, including some instances when it could be argued that communication outside of the boundaries as outlined would be appropriate. (E.g. early morning cancellation). Amy Molina is going to share this policy with the Student Council and will provide feedback to the state as they have requested.

5. **Public Comments:** None at this time.

6. **Future Agenda Items**

6.1. **Next Meeting:** January 7, 2026

7. **Adjourn:** The meeting adjourned at 5:54 p.m.

Respectfully submitted,

Lisa Grace, Committee Recording Secretary



WCUUSD Policy *Draft*: Responsible Use of Artificial Intelligence

Guiding Philosophy

In service of the WCUUSD **Mission** to "nurture and inspire in all students the passion, creativity, and power to contribute to their local and global communities," this policy provides guidance for the responsible, ethical, and effective use of Artificial Intelligence (AI).

This policy is built upon our **Core Beliefs**. It seeks to:

- Promote **Rigorous Curriculum and Instruction** by leveraging AI as a tool to help students direct their learning and pursue their interests.
- Uphold **Humanity, Justice, Community, and Belonging** by ensuring AI tools are used equitably and never in a way that harasses, demeans, or misrepresents others.
- Support student and staff **Well-Being** by protecting data privacy and creating a safe digital learning environment.
- Reflect **Transparent and Responsible Leadership** by establishing clear, student-centered, and predictable processes for the use and approval of AI tools.

1. Basis of Interest

This policy provides guidance for students and staff in the Washington Central Unified Union School District (WCUUSD) about appropriate and acceptable uses of AI tools in academic assignments and school-related work.

This policy is grounded in WCUUSD's commitment to academic integrity. It recognizes that AI compels our community to re-evaluate how traditional definitions of "research," "study aids," and "individual work" are evolving with new technology.

Given the rapid evolution of AI technology, WCUUSD will review this policy annually to ensure its relevance, applicability, and alignment with the latest research and best practices.

2. Key Definitions

- **Generative Artificial Intelligence (Generative AI)**: Refers to algorithms (such as ChatGPT) that can be used to create new content, including text, images, audio, code, and videos.

- **Non-generative Artificial Intelligence:** Refers to AI techniques that focus on programmed rules and tasks, such as classification, prediction, spell-checking, or decision-making.
 - **Personally Identifiable Information (PII):** Any information that could lead to the identification of a particular student, such as their name, address, email, ID number, grade, photographs, or audio/video recordings of themselves or others.
-

3. Data Privacy and Tool Approval

WCUUSD is committed to adhering to all state and federal student data privacy laws, including Vermont's Act 173 of 2018.

- **Student Responsibility:** To protect student **Well-Being** and privacy, students must not upload ANY Personally Identifiable Information (PII) into any AI tool.
- **Approved Tools:** Students on WCUUSD campuses or using district devices or networks may only use AI tools that have been vetted and approved by the WCUSD Curriculum Technology Committee.

3.1 Curriculum Technology Committee

To ensure that AI tools are pedagogically sound, legally compliant, and equitably implemented, the District shall maintain a **Curriculum Technology Committee**.

- **Purpose:** Guided by our commitment to Transparent and Responsible Leadership, this committee will vet and approve all new AI-powered curricular tools. To review new submissions, the committee will meet at least three times annually. This student-centered review process ensures that all approved tools are safe, equitable, and aligned with our district's **Rigorous Curriculum** goals.
- **Composition:** The committee shall be comprised of District leaders, including but not limited to the Director of Technology, Director of Curriculum, Director of Student Services, Director of Special Education, building Principals, Faculty, and the Superintendent (or their designees).

3.2 Vetting Process

- Any new curricular AI tool must be submitted to the **Curriculum Technology Committee** for approval.
 - The committee's review will ensure the tool complies with data privacy policies and meets District instructional goals.
 - To ensure academic integrity and guide the learning process, approved AI tools should, where feasible, provide educators with transparency into how students interact with the AI and how its outputs are incorporated into their work.
-

4. Responsible Use Guidelines

Core Tenants

- **Transparency:** Students must clearly indicate which parts of their work were generated or assisted by an AI tool.
- **Attribution:** When AI is used, it must be cited appropriately, according to teacher or school-level guidelines.
- **Contextual Use:** The use of AI must align with the assignment guidelines provided by the teacher.
- **Accuracy:** AI-generated content can be inaccurate, misleading, or fabricated ("hallucinations"). Students are responsible for verifying the accuracy and reliability of all information provided by an AI tool before using it.

Teacher and Student Roles

- **Teacher Autonomy and Classroom Procedures:** If tools are approved for grade-level and class-specified student use, educators have autonomy over using approved AI tools within the classroom, and students must adhere to the teacher's classroom-based procedures for use.
 - **Teacher Guidance:** At the beginning of a course or major assignment, teachers should provide students with specific disclosure standards and expectations for AI usage.
 - **Originality and Creativity:** AI should be used as a tool to deepen curiosity and enhance a student's own **passion and creativity**, not as a substitute for the learning process.
-

5. Acceptable Student Use

In line with our belief in a **Rigorous Curriculum** where students direct their own learning, acceptable uses of *approved* AI tools include, but are not limited to:

- Grammar and spell check.
 - Generating ideas for brainstorming.
 - Creating a first-draft outline.
 - Clarifying complex topics or concepts.
 - Practicing language skills.
 - Gathering information for research, provided all sources are verified and properly cited.
 - Using digital tutoring tools that use the Socratic method (asking questions) to lead to understanding.
-

6. Unacceptable Student Use

Any use of AI that violates our **Core Beliefs** is prohibited. This includes, but is not limited to:

- **Breach of Privacy & Well-Being:** Using non-approved AI tools on district networks or devices, or uploading any PII into an AI tool.

- **Academic Dishonesty (Plagiarism & Cheating):**
 - Submitting AI-generated work as one's own without proper attribution.
 - Using AI tools to complete quizzes, tests, or other evaluations without explicit permission from the teacher.
- **Interference with Learning:** Using AI tools to bypass the intended learning goals of an assignment (e.g., using AI to fully translate a foreign language assignment).
- **Misinformation:** Knowingly generating or presenting false or misleading information as factual.
- **Violation of Humanity, Justice, Community, and Belonging:** Actions that violate our core belief to "respect, value, and welcome all people" are strictly prohibited. This includes creating fake profiles or AI-generated content (images, videos, or "deepfakes") to impersonate, harass, mock, or misrepresent students, staff, or others.

Violations of this policy will be addressed according to the existing WCUUSD Student Code of Conduct for academic dishonesty.

7. Special Considerations

In accordance with our core beliefs in **Humanity, Justice, and Belonging** and **Well-Being**, WCUUSD is committed to "centering equity" and ensuring AI tools are used to support the academic, social-emotional, and physical needs of all students.

Students with IEPs or 504 Plans may use specific AI tools (e.g., spell-check, word prediction) as assistive technology accommodations, as outlined in their individual plans. The use and application of these tools will be reviewed regularly by the Director of Student Services and the student's team to ensure equity, support, and alignment with IEPs or other mandated accommodations.

8. Policy Implementation

- **Teacher Responsibilities in Assessment:**
 - **Use of AI Content Detectors:** Teachers may use AI content detectors to review student work, but must give due consideration to their limitations. A grade shall not be discounted based *solely* on a score provided by an AI detector. If a score indicates potential misuse, the teacher must perform a contextual assessment and **must discuss the concern with the student** prior to rendering a grade.
 - **Grading and Management:** Teachers shall not use AI tools to assign grades or to replace the normal management of homework and testing.
- **Professional Learning:** To support our educators in fulfilling our Mission, WCUUSD will provide effective professional learning that aligns with educational goals and curriculum. It recognizes that AI is a synthesis of technology and emerging practices in teaching and learning.

- Departments and Teams are encouraged to optimize the adoption of AI and share practical guidance on enhancing the student experience, encouraging responsible use, and limiting harmful uses.
- Individual teachers are encouraged to pursue a greater understanding of AI, given the technology's expected ongoing transformation of teaching and learning.
- **State Alignment:** District administrators will seek regular guidance from the **Vermont Agency of Education (AOE)** to ensure standards remain current and aligned with state recommendations.

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

USE OF SCHOOL FACILITIES POLICY

POLICY: E20

WARNED: 1.11.23

ADOPTED: 4.19.23

EFFECTIVE: 4.19.23

Purpose:

The Washington Central Unified Union School District is responsible for maintaining the school property and facilities in good condition of the public education of the students of the entire School District. The Board is also responsible for ensuring that budgeted funds approved by the taxpayers for public education are used as intended. The school property is public property, and the Board recognizes that some groups or individual may want to utilize the property for a variety of uses. This policy permits the use of District school property and facilities for other purposes, on an occasional basis, as long as the use is primarily for the benefit of the students and taxpayers of the School District and does not conflict with, detract from, or otherwise limit regular school programs or sponsored activities. This policy also establishes that use by other groups or entities, whose mission is more general than just serving the School district, whether for profit or not for profit, may be permitted under certain circumstances. This policy sets forth the priorities of uses and the conditions under which such uses are permitted.

Scope:

The facilities covered by this policy include all real estate, buildings, and property contents owned by the Washington Central Unified Union School District in each of its member Towns, and U-32.

The principal, or designee, shall manage and determine availability of, the facilities on an ongoing basis. The principal, or designee, shall establish a use permit process that may include variations by each category. This process shall be reviewed and approved by the board on an annual basis. It is required that groups or individuals in categories 2 through 6 follow the process in obtaining permission for use.

Some areas may be restricted from general public use for extended periods of time due to the necessity of maintaining or conserving those areas for current student activities, recovery efforts (i.e. grass on playing fields), for security reasons, or to maintain confidentiality.

Equipment use may be permitted under certain conditions but is not automatically included in permission for use of any space. Some equipment may be excluded from non-school program use at the discretion of the principal or designee due to reasons that include but are not limited to safety, liability, conservation for school programs and resources, or situations where depreciation of equipment may be difficult to assess.

Priorities of Use:

When the School District grounds or facility are subject to an easement, the principal's decision must comply with grounds or facility use outlined in the easement. In situations where easement rights apply, a user may appeal the principal's decision to the superintendent for decision.

Facilities shall be made available so as to preserve the following priority of uses:

Category 1. Town Government Bodies

First priority is given to town taxpayer-funded, municipal activities that are open to the public (e.g., town meetings, voting)

Category 21. School-Related and School-Supporting School Activities and School Sponsored Activities

First priority is that all facilities be available for public school purposes, including, but not limited to, instruction, extra-curricular and co-curricular activities, and other school-sponsored activities and events. No school facility or portion thereof shall be contracted for, or dedicated to any other purpose, except on an occasional basis as further set forth below, so as to maintain this availability.

Category 32. School-Related and School-Supporting Activities

Second priority shall be use by the individual school's recreation or co-curricular department and school established organizations or groups, the express purpose of which is to provide benefit and support to the School District. Such uses may include, but are not limited to, use by parent-teacher organizations, booster clubs, recreational organizations that benefit students and/or taxpayers, and fundraising activities whose purpose is to benefit the School District.

Category 43. Other Groups or Individuals Providing Educational Benefits or Services on a Non Profit Basis to the School Community

Third priority shall be given to non-profit use by groups or individuals to provide curricular, extra- curricular or post-secondary educational opportunities of a kind or at a level not otherwise generally available to the School District population. Examples include, but are not limited to, classes, or non-- profit athletic, artistic or similar group endeavors offering activities that provide opportunities for enrichment to the School District community.

Category 54. Use by Other Public Entities

Fourth priority will be given to other public entities for events or programs that are open to the public. Such uses include use as a site for a public civil function, such as a public meeting on a legislative or municipal issue. Public entities include local, state, and federal governmental entities, including subdivisions, agencies, organizations, or programs operated by such entities.

Category 65. Other Occasional Uses

Use by an entity not described in the previous categories may be permitted by the principal, or designee, for an educational or community purpose, where such use does not conflict with the goals of this policy. The use is subject to specific terms and conditions consistent with the policy.

Implementation:

Conditions of Use –The following conditions shall be applied by the principal, or designee, in deciding what uses will be allowed and what terms and conditions will be applied to each specific use in granting permission. In the event of a conflict between potential users or uses, or if an issue arises concerning terms and conditions of use, the principal shall have the authority to decide the conflict.

- 1. Nondiscrimination** – All users of school facilities must agree in writing to not unlawfully discriminate on the basis of disability, race, color, national origin, sex, age, religion, ancestry, sexual orientation, or place of birth, or membership in any other protected class. Failure to adhere to this agreement shall result in the cancellation or termination of the use.
- 2. Lawful Use Only** - Compliance with School Policies -All users of the school facilities must agree in writing that their use will not violate any federal, state or local laws, including but not limited to: the use of tobacco, alcohol or other controlled substances; illegal gambling; possession of weapons. Users must also agree in writing to take responsibility for notifying attendees of this condition. Failure to comply with this agreement shall result in the cancellation or termination of the contracted use as well as denial of future use.
- 3. Maintenance of the Facility** - All users shall agree in writing to use school facilities appropriately, to oversee treatment of the facilities by those involved in the use and to leave the facility in at least as good condition as it was in at the time they commenced their use. Additional fees will be assessed to any group for litter, and/or damage to the property.
- 4. Non-Endorsement Clause** – Use of School District property or facilities by any group or entity other than those described in categories 1 or 2 above shall not constitute and shall not be considered an endorsement of said group or entity, or of its use or activity, policies, opinions, agendas, actions or beliefs. Any person or entity using the facility for a purpose other than categories 1 and 2 above shall clearly state the identity of the presenting entity or individual in all promotional materials, advertising, signs, ad descriptions of the activity or event, and shall not state or imply that the activity is sponsored or endorsed by the Washington Central Unified Union School District, unless such support or endorsement has been explicitly given in writing.
- 5. Special Purpose vs. General Purpose Facilities** - Before committing any special purpose facility for use for a non-school purpose, particular care shall be taken to avoid creating a general unavailability of such facilities for high priority uses in category 1. This may mean taking measures to assure a strict limitation on the availability of a given special use facility to all outside users. Special use facilities include auditoriums, libraries, playing fields, gymnasiums, cafeterias, and other special purpose rooms and facilities.
- 6. Schedule of Fees** - Consistent with the Board's responsibility to maintain the facilities for

use in educating the students of the School District, and that the tax monies appropriated by the school district are intended to be used for the education of those students, the principal with board approval shall develop and charge appropriate fees for use of school facilities and related equipment for uses in categories 2 through 6. The fees charged shall not be less than the actual cost of the use, taking into account costs such as utilities, custodial services, security, and maintenance. The principal may only waive fees subject to rules established by the Board. The board shall review the rules and fee structure annually.

- 7. Insurance** - The principal or designee shall include as an express condition of use, for any user entity not covered under the School District's insurance policy, a requirement that the user entity submit proof of insurance as specified for the particular use, prior to commencement of the use, specifically listing the School District as additionally insured. The Board shall establish the standard limits of liability to be required each year.
- 8. Written Use Agreements** - The principal shall prepare and maintain, with Board approval, a form of written use agreement that states all conditions of use. If a fee is charged, or proof of insurance required, with respect to a particular use, a written agreement shall be signed by the principal or designee and a duly authorized representative of the user, prior to commencement of the use, reciting all conditions of use and agreement to any fee imposed for the use. Each written agreement shall have attached to it a copy of this policy. It shall also include, in its specific terms, the conditions listed in this policy to the extent they are applicable to the particular use.
- 9. Duration of Use** - Uses in categories 2 through 6 shall be limited to occasional use, meaning use of limited duration and frequency. When an occasional use by users in categories 2 through 6 involves a series of weekly activities or events on more than one date, such use shall not be more than a two-month period. Upon a showing of special circumstances, the principal or designee may extend the period by up to an additional two months.
- 10. Cancellation or Postponement of a Scheduled Event** - The School District reserves the right to cancel a scheduled event (reoccurring or otherwise) if it conflicts with the rescheduling of a student event(s) made necessary by weather or other circumstances beyond the control of the School District. The School District reserves the right to cancel or postpone any scheduled event due to serious concerns for public safety, employee safety or security of the property. The principal or designee is authorized to order the cancellation or postponement of a scheduled event under these circumstances and shall make every effort to give reasonable notice to the party intending to use the property. The principal or designee shall also make every reasonable effort to reschedule postponed events. It is also understood that some municipal building uses (town meeting, voting, etc), cannot be cancelled and the principal would defer to the Town in such instances. The principal or designee shall also make every reasonable effort to reschedule postponed events.
- 11. Equipment** - Users in categories 2 through 6 may only use equipment related to the facility if prior permission is obtained from the principal or designee. Equipment used

shall be limited to that which is negotiated in the agreement with the principal or designee. The principal or designee shall factor in the cost of use of the equipment in the fees charged. Examples of equipment related to the facility are computers, sports equipment, scoreboards, theater lights, and sound equipment.

12. Outside Contractors - All outside contractors, and specific contract agreements for services to be provided to an entity using School facilities, must be approved by the principal or designee in writing, prior to commencement of use of the facility. The user assumes all responsibility for any damages or additional costs related to the use of contractors.

CODE E20
RECOMMENDED¹

COMMUNITY USE OF SCHOOL FACILITIES

NOTE: Any School District permitting community use of school facilities does so with the understanding that it may not restrict that use based on the nature and/or viewpoints of the requesting organization or person(s). VSBA encourages Districts to consult with legal counsel to better understand their rights and obligations under this policy before adopting it.

ADOPTION NOTES – This text box and the disclaimer should be removed prior to adoption.

(a) General – As with all model policies, VSBA recommends that each board carefully review this model prior to adoption to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc. There may also be optional language for the board to consider; in this case the word [OPTIONAL] should be removed.

(b) Legal references are listed for convenience, but do not need to be included in the policy as adopted.

(c) Any model policies listed under “cross-reference” indicate a reference to another related VSBA model policy. A district should check its own current policies to assure internal consistency.

(d) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

Statement of Policy

_____ Supervisory Union/School District recognizes its legal right to preserve its facilities exclusively for the purpose of conducting its educational programs, and therefore prohibits all community use of school facilities.²

OR (OPTION: Delete the other policy statement once your board decides whether/not to permit community use of school facilities)

¹ 16 V.S.A. §563(30) authorizes school boards to “make available school facilities and equipment for specified public purposes if such purposes appear, in the judgment of the board, to be in the best interests of the district and are an efficient, economical, and appropriate use of they facilities and equipment.”

² The School District has a legitimate interest in preserving the property for the use to which it was lawfully dedicated. *Perry Ed. Assn. v. Perry Local Educators’ Assn*, 460 U.S. 37 (1983).

_____ Supervisory Union/School District (SU/SD) recognizes that although the primary purpose of the school facilities is to educate students within the district, school facilities are a valuable community resource. It is the policy of the (SU/SD) to make school facilities available to individuals and community groups without discrimination in accordance with this policy, provided the facilities are preserved for regular school activities.³

Administrative Responsibilities

1. The superintendent may authorize the use of school facilities by community members for the following purposes, provided all relevant procedures are followed⁴:
 - a. Meetings by parent-teacher organizations and school booster organizations whose purpose is to support the operations of the schools and the school district;
 - b. Meetings by employees' professional organizations comprised of school district employees;⁵
 - c. Instruction in any branch of education, learning, and the arts;
 - d. Social, civic and recreational meetings, and entertainment, provided the events are open to the public;⁶
 - e. Civic forums and community centers, provided the events are open to the public;
 - f. Recreation, physical training and athletics, including competitive athletic contests for children and adults;
 - g. Private academic tutoring or music lessons;⁷
 - h. Child care programs;

³ A district has the legal right to preserve its facilities exclusively for the purpose of conducting its educational programs. It could do that by prohibiting all community use of facilities. However, once a district allows any community use of its facilities, then it has created either a public forum or a limited public forum. A totally public forum is one where all uses are permitted on a first come, first serve basis. A limited public forum is one where certain categories of uses are allowed. *Travis v. Owego-Apalachin School Dist.*, 927 F.2d 688 (2d Cir. 1991) (good overview of differences between types of public forums). This is the most common approach for school districts.

In a limited public forum, once the district allows a community group to use its facility for one purpose then it must open the facilities to all other community groups wishing to use the facilities for the same genre of activity. Access to facilities may not be restricted based on the group's viewpoint. *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993); *Good News Club v. Milford Central Schools*, 533 U.S. 98 (2001). In these cases, the Supreme Court specifically held that religious groups' use of school facilities must be permitted when other groups seeking to teach morals have been permitted to use facilities.

⁴ This list is merely an example. An individual school district could decide to make this list broader or narrower. However, when designating categories of permissible uses, a district must remain viewpoint neutral. For example, if the district allows groups to meet to discuss anti-war activities, it must also allow groups to meet in support of the military

⁵ As illustrated by the first two entries on this list, a district may allow certain types of groups, such as parent-teacher organizations or employee organizations to use school facilities. Such designations are constitutionally permissible because they do not specify the group by viewpoint. Similarly, a school district may adopt a policy that limits community use to groups whose members are mostly children or young adults, or that limits use of facilities to groups that are comprised predominantly of residents of the school district.

⁶ There is no constitutional requirement that events be open to the public. However, many school districts have this requirement in order to prevent the use of school facilities for exclusive, private functions.

⁷ This is an example of a viewpoint neutral exception to the prohibition on for-profit activities

- i. Meetings, entertainment, and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose, and the events are open to the public.⁸
 - j. The Boy Scouts of America, Big Sisters of America and Girls Club of America, Future Farmers of America, Girls Scouts of America, Little League Baseball, Inc, and any other group intended to serve youth under the age of 21 listed in Title 36 of the U.S. Code use of school facilities upon payment of suitable fees and costs according to the district fee schedule.⁹
2. The superintendent shall establish procedures for the use of school facilities by community members, which, at minimum,
- a. may include reasonable time, place, and manner restrictions on the use of the facilities;¹⁰
 - b. shall not discriminate based on viewpoint;
 - c. shall include a fee schedule for facilities use¹¹;
 - d. shall require all users to demonstrate adequate insurance coverage;
 - e. shall require all users to agree to hold the district harmless from any and all liability resulting from their use of the facilities;
 - f. shall require all users to make clear in announcements and publicity that their events and activities are not sponsored by the school district; and
 - g. *[OPTION: choose one of the following and delete the other choice once your board decides whether/not to permit possession or use:]* shall prohibit possession or use of a firearm or a dangerous or deadly weapon.

OR

⁸ Again, the requirement that the proceeds from admission-charging events be used for educational or charitable purposes is not a constitutional one. Rather it is a preference that many school districts might wish to make.

⁹ Boy Scouts of America Equal Access Act, 20 U.S.C. 7905 allows youth groups of certain designated patriotic societies access to schools.

¹⁰ Examples of a “time” restriction are that all groups conclude their meetings by 9 p.m. or that they limit the frequency with which they use facilities. A “place” restriction might be that the new gym not be used. A “manner” restriction might require all groups to leave the facility in the condition in which it was when they arrived. Such restrictions must be applied evenly to all groups and must not be designed to preclude particular groups from access.

¹¹ As a matter of fiscal responsibility, fee schedules should take into account the actual cost to the district of the use of the facilities. Fees for different facilities may be tailored to the unique size or quality of the facility. Fees for one category of use may not be set differently depending on the type of group using the facility. It is permissible, however, for a district to set a schedule that charges no fees for parent-teacher organizations and employee professional organizations. *Child Evangelism Fellowship of South Carolina v. Anderson*, 47 F.3d 1062 (4th Cir. 2006) held that it was unlawful to give school administrators discretion to waive fees for community groups’ use of school facilities because it presents too great a risk of viewpoint discrimination, which runs afoul of the First Amendment. The court left open the possibility that a set of narrow, objective, and definite standards that ensure viewpoint neutrality for fee waivers might be permissible. The district’s policy of allowing free use for three types of school organizations and when in the “best interest” of the district, without defining the groups, was improper. Districts should proceed cautiously when waiving fees.

shall permit possession or use of a firearm or a dangerous or deadly weapon for instructional or other specific purposes, e.g. gun safety courses or gun shows.¹²

3. The superintendent may deny an application for use of facilities or terminate an individual or group's use for the following reasons:
 - a. Uses that are likely to cause a material and substantial disruption to school operations;
 - b. events and meetings promoting or sponsored by a political party;¹³
 - c. political campaign events by someone running for office;
 - d. uses that interfere with school district maintenance and repair of facilities;
 - e. uses that could damage special equipment in the facilities;
 - f. uses that could reasonably be expected to or actually do give rise to a riot or public disturbance;
 - g. events or meetings of private for-profit entities;
 - h. events at which fees are charged for profit;
 - i. uses where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed; and
 - j. any other uses prohibited by law.

<i>VSBA Review Date</i>	October 3, 2023
<i>Date Warned</i>	
<i>Date Adopted</i>	
<i>Legal References</i>	16 V.S.A. § (3), (5) (Powers of school boards) 13. V.S.A. § 4004 20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act) 18 U.S.C. § 921 (Gun Free School Zones Act of 1990) <i>Travis v. Owego-Apalachin School Dist.</i> , 927 F.2d 688 (2d Cir. 1991) <i>Lamb's Chapel v. Center Moriches Union Free School Dist.</i> , 508 U.S. 384 (1993) <i>Good News Club v. Milford Central Schools</i> , 533 U.S. 98 (2001)

¹² 13 VSA § 4004 prohibits any person from knowingly possessing a firearm or a dangerous or deadly weapon while within a school building or on a school bus. However, the board of school directors, or the superintendent or principal if delegated authority to do so by the board, may authorize possession or use for specific occasions or for instructional or other specific purposes. Similarly, 18 USC § 921, which prohibits the possession of firearms on school grounds, carves out an exception for use by an individual in a program approved by the school. We encourage you to seek legal advice should your district decide to permit community members to possess or use of firearms or dangerous or deadly weapons in your schools for instructional or other specific purposes.

¹³ In *Hickock v. Orange County Comm.College*, 472 F. Supp. 2d 469 (S.D.N.Y. 2006), the court held that the college's policy of excluding events that promote activities of political parties is an appropriate restriction for a limited public forum because it is viewpoint neutral. If a school district adopts a policy that permits political events, then it must permit all political groups to hold events regardless of their viewpoint.

	<i>Child Evangelism Fellowship of South Carolina v. Anderson</i> , 47 F.3d 1062 (4th Cir. 2006) <i>Hickock v. Orange County Comm. College</i> , 472 F. Supp. 2d 469 (S.D.N.Y. 2006)
Cross References	Student Athletics, Clubs and Activities

DISCLAIMER: This model policy has been prepared by the Vermont School Boards Association for the sole and exclusive use of VSBA members, as a resource to assist member school boards with their policy development. School Districts should consult with legal counsel and revise model policies to address local facts and circumstances prior to adoption, unless the model policy states otherwise. VSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

STUDENT ATHLETICS, CLUBS, and ACTIVITIES

ADOPTION NOTES – This text box and the disclaimer should be removed prior to adoption.

(a) General – As with all model policies, VSBA recommends that each board carefully review this model prior to adoption to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc. There may also be optional language for the board to consider; in this case the word [OPTIONAL] should be removed.

(b) Legal references are listed for convenience, but do not need to be included in the policy as adopted.

(c) Any model policies listed under “cross-reference” indicate a reference to another related VSBA model policy. A district should check its own current policies to assure internal consistency.

(d) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

Policy

The _____ School District (District) will provide a student co-curricular activity program that is representative of the interests of students and as varied as staff, resources, and facilities permit. The program will be designed to offer students activities to develop skills in democratic and cooperative management for these activities. The District seeks to promote culturally responsive, equitable, and inclusive activities.

All school-sponsored athletics, clubs, and activities as well as all student-run non curriculum-related groups will be under the ultimate control of the District and will comply with all policies and procedures of the school. The District will make determinations related to individual activities to be offered through consideration of many factors, including but not limited to the following considerations:

1. The level of student interest in the activity, taking into account that some student activities will be provided for a small number of students in order to provide equitable and culturally responsive programs;
2. The fiscal ramifications of equitable sponsorship, taking into account that cost per student may be higher for some student activities offered to a small number of students who identify with historically excluded groups;
3. The availability of qualified personnel to supervise the activity;
4. The impact of adding or eliminating the activity on the balance of opportunities outlined in Title IX;
5. The potential of the activity to help participating students meet the goals of the school's curriculum;
6. The potential of the activity to increase students’ cultural awareness, by cultivating a greater understanding of diversity, inclusion, and equity; and
7. The recommendation of the superintendent.

Definitions

1. **Culturally Responsive:** The beliefs, methods, and practices that support and empower all students socially, emotionally, intellectually, and civically by leveraging students' lived experiences to ensure learning.
2. **School Athletic Team:** an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.^[1]
3. **Youth Athlete:** an elementary or secondary student who is a member of a school athletic team.^[2]

Athletics, clubs, and activities may be (1) school-sponsored and related to the curriculum, (2) student-run and not related to the curriculum, or (3) community-sponsored and not related to the curriculum. This policy addresses the first two categories. The third is addressed in the District's policy on Community Use of School Facilities.^[3]

1. School-Sponsored Curriculum-Related Groups

A. Curriculum-related groups are the only type entitled to school sponsorship. The controlling factor in deciding whether an activity will be sponsored by the school will be whether that activity is directly related to the school's curriculum. Any activity that is not directly related to the curriculum or educational mission of the school will not receive sponsorship.

B. Activities or clubs which meet at least one of the following criteria will be considered curriculum-related.

1. The subject matter of the student-run non curriculum-related group or club is actually taught or will be taught in a regularly scheduled course.
2. The subject matter of the group or club is such that it concerns the body of courses as a whole.
3. The transferrable skills taught in the group or club support the educational mission of the District.
4. Participation in the group is required for a particular course.
5. Participation in the group results in academic credit.

2. Student-Run Non Curriculum-related Groups^[4]

A. A student-run non curriculum-related group is one that is monitored by school staff, created by students, run by students, and provides activities for students. If a group or club is organized or run by non-school staff, even if students attend its meetings, then it is a community-sponsored group and must comply with the school district's policy on Community Use of School Facilities.

[1] 16 VSA §1431(a)(5) Definition of school athletic team

[2] 16 VSA §1431(a)(6) Definition of youth athlete

[3] See VSBA Model Policy on Community Use of School Facilities

[4] This section is governed by the Equal Access Act, 20 U.S.C. 4071 et seq. It states, in part, that:

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

B. If a school permits student-run non curriculum-related groups, clubs, or activities to access facilities or such things as the public address system, bulletin boards, or publications,^[5] such access must be provided on an equal basis with all other student-run non curriculum-related groups.^[6] A fair opportunity will be provided to non-sponsored student-run non curriculum-related groups wishing to conduct meetings on school premises during non-instructional time provided that:

1. any such meeting is voluntary and student initiated;
2. there is no sponsorship of the meeting by the school, the government, or its agents or employees;
3. employees or agents of the school or any governmental entity are present at meetings only in non-participatory capacities;
4. the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
5. non-school persons do not direct, conduct, control or regularly attend activities of student-run non curriculum-related groups.^[7]

C. Listings and notices referring to non-sponsored clubs or activities will include a disclaimer of school sponsorship or endorsement. District faculty and staff may only be present at activities of student-run non curriculum-related groups as monitors for keeping order.

Administrative Responsibilities

The superintendent or designee shall develop procedures for the determination of a school-sponsored activity and for student-run non curriculum-related activities. When an activity is school-sponsored, the superintendent or designee shall develop procedures to:

1. ensure alignment of the goals of co-curricular activities with the goals of the school's curriculum;
2. seek to engage community organizations, which may include resources to inform learning about the history, contribution, perspectives, and structural barriers placed upon diverse ethnic and social groups;
3. ensure athletic facilities and opportunities for participation on an equal basis as outlined in Title IX;
4. ensure access by addressing barriers for students with disabilities and students who are English learners;
5. ensure a wide basis of participation in both team and individual sports in interscholastic competition;

[5] *Prince v. Jacoby*, 303 F.3d 1074 (9th Cir.), cert. denied 540 U.S. 813 (2002), held that since yearbook was paid for by student body funds and not by public funds, the school could not charge a religious student group for inclusion in the yearbook when other groups were included without charge. *Rosenberger v. University of Virginia*, 515 U.S. 810 (1995), held that university could not limit funds to student group due to its religious viewpoint where group ran newspaper with Christian view on news while other newspapers were funded. Funds were from mandatory student activity fee and not from public funds.

[6] Even allowing only one non curricular student group to meet in school facilities is enough to create a limited open forum and trigger the application of the Equal Access Act. *Board of Education of Westside Community Sch. v. Mergens*, 496 U.S. 226 (1990).

[7] Equal Access Act, 20 U.S.C. 4071; *Sease v. School District of Philadelphia*, 81 F. Supp. 183 (E.D. Pa. 1993) (school secretary who led gospel choir violated provisions of law even though choir was outside her regular duties in district).

6. offer activities with no direct or indirect cost to students/families or provide financial assistance and/or resources to cover those costs, as requested.
 - a. direct costs include the cost to attend;
 - b. indirect costs include the cost of specifically required clothing, food at or on the way to/from the activity, access to technology, etc.
7. employ personnel in coaching and supervision positions who are qualified and notified of individualized student education plans and accommodations; and
8. follow the rules and regulations of the Vermont Principals' Association.

The principal [or superintendent] may require parental permission for student participation in either a school-sponsored activity or a student-run non curriculum-related activity.

The principal or designee shall ensure the provision of all requirements related to concussion and other head injury as outlined in 16 V.S.A. §1431, including guidelines and information, notice and training, healthcare providers at athletic events, and an action plan.^[8]

Student Eligibility/Participation

1. In determining eligibility, the administrative team shall consider each student's circumstances with regard to educational equity.
2. The principal [or superintendent] may set standards for academic eligibility for participation in co-curricular activities.
3. A youth athlete shall not be permitted to continue to participate in any training session or competition associated with a school athletic team if a coach or health care provider knows or should know that the athlete has sustained a concussion or other head injury during the training session or competition. In such cases, the youth athlete is not permitted to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a health care provider.^[9]

[8] 16 V.S.A. §1431 outlines the requirements of the principal with regard to notice and training around youth athletes and concussion or head injury, non-participation of youth athletes who sustain concussion or head injury, concussion management and action plan, and the presence of health care providers at athletic events.

[9] 16 V.S.A. §1431(d) prohibits a youth athlete from training or competing in school athletics if the coach or health care provider knows or should know that the athlete has sustained a concussion or other head injury until a health care provider has examined the athlete and provided written permission for the athlete to participate.

<i>VSBA Version:</i>	<i>November 1, 2022</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>20 U.S.C. §§4071 et seq. (Federal Equal Access Act)</i>
	<i>Prince v. Jacoby, 303 F.3d 1074 (9th Cir.), cert. denied 540 U.S. 813 (2002)</i>
	<i>Rosenberger v. University of Virginia, 515 U.S. 810 (1995),</i>
	<i>Board of Education of Westside Community Sch. v. Mergens, 496 U.S. 226 (1990).</i>
	<i>Sease v. School District of Philadelphia, 81 F. Supp. 183 (E.D. Pa. 1993)</i>
	<i>Title IX of the Education Amendments of 1972</i>
	<i>16 V.S.A. §§1073 et seq. (Legal pupils)</i>
	<i>16 V.S.A. §563(24) (Participation of home study students)</i>
	<i>16 V.S.A. §1431 (Concussion & Head Injury Health & Safety)</i>
<i>Cross Reference:</i>	<i>Notice of Non-Discrimination</i>
	<i>Transgender and Gender Non-Conforming Students</i>
	<i>Home Study Students</i>
	<i>District Equity Policy</i>
	<i>Community Use of School Facilities Policy</i>
	<i>Admission of Resident Students</i>
	<i>Admission of Non-Resident Tuition Students</i>
	<i>Community Use of School Facilities</i>

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DISTRIBUTION OF NON-SCHOOL SPONSORED LITERATURE IN THE SCHOOLS¹

ADOPTION NOTES – This text box and the disclaimer should be removed prior to adoption.

(a) General – As with all model policies, VSBA recommends that each board carefully review this model prior to adoption to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc. There may also be optional language for the board to consider; in this case the word [OPTIONAL] should be removed.

*(b) **This model policy requires the board to make a choice between Option A or Option B.** Legal references are listed for convenience, but do not need to be included in the policy as adopted.*

(c) Any model policies listed under “cross-reference” indicate a reference to another related VSBA model policy. A district should check its own current policies to assure internal consistency.

(d) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

Option A - for school districts that do not allow any distribution of non-school literature:²

Policy

The _____ School District does not allow any 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.³

Definitions

1. **Non-school sponsored literature** means any printed, written, or electronic materials prepared by non-school organizations or individuals that are not made as a part of the

¹ This policy does not apply to student distribution of materials. The rules for student speech are different. See the policy on student distribution of literature.

² A school district has the legal right to preserve its facilities exclusively for the purpose of conducting its educational programs. A school district is a non-public forum and is not required to be made open to all. *Lamb’s Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384, 390 (1993). Once a district prohibits all distribution of non-school sponsored materials, it must be consistent.

Although a forum will not become open by inadvertence, a district following Option A shall not allow community members to distribute non-school sponsored materials. In addition, the district shall not distribute such materials on behalf of any community group. For example, districts adopting this prohibition would not be allowed to post fliers announcing community sports events, would not be allowed to send home fliers inviting children to join community organizations, and would not be allowed to have a shelf in the office for private summer camp brochures.

³ The district should clearly delineate in its policy whether parent-teacher organizations are school-sponsored organizations. If they are not, then any distribution of literature by such groups will violate this policy and will open the door for all other community groups to distribute literature. Policies that allow decisions as to which groups will be considered school-sponsored organizations in the “sole discretion” of the superintendent are vulnerable to legal attack; it is better to spell them out in policy.

curricular or approved extracurricular programs of the district. They include such things as fliers, invitations, announcements, pamphlets, posters, photographs, pictures, audio recordings, digital recordings, and electronic messages. Materials prepared under the supervision of school staff as part of classroom instruction or classroom activities are not restricted by this policy.

2. **Distribution** means circulating non-school sponsored literature in ways that include: handing 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; or making available in the principal's office.

Option B - for school districts that allow distribution of non-school literature:

Policy

It is the policy of the _____ School District 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 or designee may permit the distribution of non-school sponsored literature without discrimination in accordance with this policy.⁴

Definitions

1. **Non-school sponsored literature** means any printed, written, or electronic materials prepared by non-school organizations or individuals that are not made as a part of the curricular or approved extracurricular programs of the district. They include such things as fliers, invitations, announcements, pamphlets, posters, photographs, pictures, audio recordings, digital recordings, and electronic messages. Materials prepared under the supervision of school staff as part of classroom instruction or classroom activities are not restricted by this policy.
2. **Distribution** means circulating non-school sponsored literature in ways that include: handing 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; or making available in the principal's office.

Administrative Responsibilities

1. The superintendent may authorize the distribution of non-school sponsored literature by community members, or district employees acting in their own behalf or on behalf of a community group for following purposes, provided all relevant procedures are followed:⁵
 - a. Literature from parent-teacher organizations;
 - b. Literature from school booster organizations;

⁴ A totally public forum is one where all materials may be distributed; the classic example is a public park. A limited public forum is one where certain categories of material may be distributed. *NAACP Legal Defense and Ed. Fund, Inc.*, 473 U.S. 788 (1985) and *Travis v. Owego-Apalachin School Dist.*, 927 F.2d 688 (2d Cir. 1991) (good overview of differences among types of public forums). School districts may create a limited public forum by allowing outside groups to distribute literature on a limited basis as long as the criteria for allowing or prohibiting distribution are reasonable and viewpoint neutral.

In a limited public forum, once the district allows a community group to distribute materials for one purpose then it and must allow all other community groups wishing to distribute materials dealing with the same topic, even if their view of the topic is different. The basic principle is that restrictions on distribution of materials may not be based on a group's viewpoint. *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384 (1993); *Good News Club v. Milford Central Schools*, 533 U.S. 98 (2001). In these cases, the Supreme Court specifically held that religious groups' use of school facilities must be permitted when other groups seeking to teach morals have been permitted to use facilities; the same approach applies to distribution of materials.

⁵ This list is merely an example. An individual school district could decide to make this list broader or narrower. However, when designating categories, a district must remain viewpoint neutral.

- c. Literature from professional organizations comprised of the school district employees;
 - d. Literature regarding social, civic and recreational meetings;
 - e. Literature regarding entertainment; and
 - f. Literature regarding private academic tutoring, music lessons, or non-school sponsored athletics.
2. The superintendent shall establish procedures for the distribution of non-school sponsored literature, which:
- a. May include reasonable time, place, and manner restrictions.⁶
 - b. Shall not discriminate based on viewpoint.
 - c. Shall prohibit the distribution of literature that:
 - i. Is obscene, vulgar, or profane, or harms the reputation of others⁷
 - ii. Violates federal, state or local laws;
 - iii. Advocates the use or availability of tobacco, alcohol or illegal drugs;⁸
 - iv. Incites violence;
 - v. Interferes with or advocates interference with the orderly operation of the schools and their programs;⁹
 - vi. Primarily seeks to advertise for sale products or services;¹⁰ or
 - vii. Has fundraising as a primary purpose.¹¹
 - d. Shall require that the superintendent or designee review all literature before it is distributed to confirm that the literature:
 - i. includes the name of the person or organization sponsoring the distribution;
 - ii. does not imply that it is endorsed by the school district; and
 - iii. does not fall in one of the prohibited categories listed above.

⁶ Examples of a “time” restriction are that literature be distributed before or after regular school hours. A “place” restriction might be that literature be posted only on bulletin boards and not on windows, or that it be made available on a specified table in the principal’s office. A “manner” restriction might specify whether or not persons distributing the material may stand at the main entrance to the building, or might limit the number of copies of a pamphlet that may be distributed. *Hedges v. Wauconda Community Unit Sch. Dist. No. 118*, 9 F.3d 1295 (7th Cir. 1993). Such restrictions must be applied without discrimination as to viewpoint of group or individual who wishes to distribute non-school sponsored literature. Note that the courts have held a school district’s internal mail distribution system is not a public forum, and thus school districts are not required to allow the mail system to be used for distribution of non-school sponsored materials. *Perry Educ. Ass’n v. Perry Local Educ. Ass’n*, 460 U.S. 37 (1983).

⁷ *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986) (student may be disciplined for giving speech at school assembly that contained sexual innuendos and vulgar language). T-shirt that impugned character of sitting U.S. president was not vulgar or offensive within meaning of *Fraser* according to Second Circuit Court of Appeals. *Guiles v. Marineau*, 461 F.3d 320 (2d Cir. 2006).

⁸ *Morse v. Frederick*, 551 U.S. 393 (2007) (school officials may prohibit speech that they reasonably believe advocates illegal drug use, so long as the speech cannot be interpreted as commenting on any political or social issue). Student had First Amendment right to wear T-shirt that criticized President Bush by depicting him as a drug and alcohol user and a “chicken-hawk” because it did not advocate use of drugs. *Guiles v. Marineau*, 461 F.3d 320 (2d Cir. 2006).

⁹ The standard for evaluating the reasonableness of controls on student self-expression and student speech is whether or not the speech substantially or materially disrupts school activity or could reasonably be forecast to cause such disruption. *Tinker v. Des Moines Indep. Community Sch. Dist.*, 393 U.S. 503 (1979) (students protesting Vietnam War entitled to wear black armbands).

¹⁰ As indicated here, a district could choose to prohibit all distribution of literature that promotes the sale of products or services. As with all viewpoint neutral prohibitions, care must be taken that the prohibition is evenly enforced without exceptions. If a district wishes to allow distribution of materials supporting some commercial activity but not others, it must make the distinction based on criteria that are objective and viewpoint neutral.

¹¹ A common question may be whether students selling items to raise money for parent-teacher organizations is permitted. If such organizations are clearly delineated (either in this policy or elsewhere) as school-sponsored groups and their literature is delineated as school-sponsored literature, then distribution of their fundraising materials would not be restricted by this policy.

- iv. Prior review of literature shall not be 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.¹²
 - e. May include 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.¹³
3. The superintendent or designee may deny a request to distribute non-school sponsored literature on school grounds or at school events by community members, or district employees acting in their own behalf or on behalf of a community group for the following reasons:
- a. The non-school sponsored literature is likely to cause a material and substantial disruption to school operations.
 - b. The non-school sponsored literature promotes or sponsors a political party.¹⁴
 - c. The non-school sponsored literature could reasonably be expected to or actually does give rise to a riot or public disturbance.
 - d. The non-school sponsored literature promotes unlawful activities.

<i>VSBA Versions:</i>	06/05/2024
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>Good News Club v. Milford Central Schools, 533 U.S. 98 (2001)</i>
	<i>Lamb's Chapel v. Center Moriches Union Free School Dist., 508 U.S. 384, 390 (1993)</i>
	<i>Cornelius v. NAACP Legal Defense and Ed. Fund, Inc., 473 U.S. 788 (1985)</i>
	<i>Perry Educ. Ass'n v. Perry Local Educ. Ass'n, 460 U.S. 37 (1983)</i>
	<i>Travis v. Owego-Apalachin School Dist., 927 F.2d 688 (2d Cir. 1991)</i>
	<i>Chiu v. Plano Indep. Sch. Dist., 339 F.3d 273 (5th Cir. 2003)</i>
	<i>DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ., 196 F.3d 958 (9th Cir. 1999), cert. denied 529 U.S. 1067 (2000)</i>
	<i>Hedges v. Wauconda Community Unit Sch. Dist. No. 118, 9 F.3d 1295 (7th Cir. 1993)</i>
	<i>Kiesinger v. Mexico Academy and Cent. Sch., 427 F. Supp. 2d 182 (N.D.N.Y. 2006)</i>
<i>Cross Reference:</i>	<i>Student Distribution of Literature</i>
	<i>Community Use of Facilities</i>

¹² Prior review of literature is allowed by the law primarily for the purpose of preventing disruption of the School's educational activities. Those concerns are not present when literature is distributed after school hours to adults, so prior review can be viewed as an unconstitutional prior restraint. *Chiu v. Plano Indep. Sch. Dist.*, 339 F.3d 273 (5th Cir. 2003).

¹³ *Kiesinger v. Mexico Academy and Cent. Sch.*, 427 F. Supp. 2d 182 (N.D.N.Y. 2006) (holding that school district may constitutionally exclude bricks in walkway containing religious or political messages, but may not restrict references to God by certain names and not others based on the particular religious viewpoint of those references); *DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ.*, 196 F.3d 958 (9th Cir. 1999), *cert. denied* 529 U.S. 1067 (2000) (holding that school district may restrict advertising on baseball fence to messages that contain no political or religious content).

¹⁴ In *Hickock v. Orange County Comm.College*, 472 F. Supp. 2d 469 (S.D.N.Y. 2006), the court held that the college's policy of excluding events that promote activities of political parties is an appropriate restriction for a limited public forum because it is viewpoint neutral. If a school district adopts a policy that permits political events, then it must permit all political groups to hold events regardless of their viewpoint.

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