COMMUNITY RELATIONS

Expressive Activities

A. General

1. The buildings, facilities, grounds, equipment and vehicles of the School Division and the School Board (hereinafter "facilities") are not open public forums for purposes of public expression during the regular school day, when education-oriented activities are being conducted, during business hours or when members of the public have not obtained permission to use School Division and School Board buildings, facilities, grounds and vehicles. These restrictions are established in consideration of the potential for disruption caused by activities not related to the dedicated purpose of the School Board and the School Division.

2. This Policy does not extend to the public sidewalks outside of and adjacent to facilities. Internal sidewalks, internal paths for ingress and egress, parking areas are not open forums of public expression, unless a facility use request or application has been approved by the Superintendent or designee.

3. These restrictions are "content neutral" and apply to any individual or group, whether representing a non-profit, commercial, political or other interest.

B. Restrictions

1. No expressive activities (including but not limited to picketing, demonstrating, solicitation, public address, musical or art presentation, pamphlet distribution,

canvassing, petitioning or sales of any nature are permitted on or in School Board and School Division buildings, facilities, grounds, or vehicles unless prior authorization is obtained from the School Administration.

2. This prohibition shall not prevent expressive activities in any meeting space reserved for and in use by a private group or organization, consistent with School Board policies, regulations or agreements governing use of buildings, facilities, grounds or vehicles.

3. These conditions shall also not be applicable to participants in any school sponsored or organized activity held in conjunction with a course of instruction or school related activity. Nor shall these conditions be applicable to students/student groups acting in accordance with School Board Policies 5-38 Freedom of Speech, 5-39 Publications, and 5-40 Assemblies/Demonstrations and their applicable regulations.

4. For purposes of this prohibition, the regular school day is defined as 30 minutes before the time the first students are scheduled to arrive at a particular school on School Board provided transportation until 30 minutes after the last students are scheduled to leave the school on School Board provided transportation.

C. Use of Students

1. Students shall not be required to convey or deliver any materials that:

   a. advocate the election or defeat of any candidate for elective office;

   b. advocate the passage or defeat of any referendum question;

c. advocate the passage or defeat of any matter pending before a local school board, local governing body, the Virginia General Assembly, or the United States Congress.

This prohibition shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects or to prohibit the delivery of informational materials.

2. While educators should encourage, but not require, students to take an active interest in national, state, and local elections through school-sponsored activities, school staff shall not encourage nor require a student to take part in the campaign or political activities of a particular candidate, party, or position over that of another candidate, party, or position.

D. Exception for Election Day When School Used as Polling Place

When school buildings, facilities or grounds are used as polling places, policy and regulations prohibiting posting signs and disseminating written material (except subsection C, above) shall be waived on the day of the election to permit distribution of written campaign and election materials to prospective voters in compliance with state election laws, provided this distribution does not interfere with the educational process. Materials and signs must be removed by the candidates or their representatives within 24 hours of the time the polls close or the School Administration may remove and discard the materials.

E. Enforcement

Any person(s) in violation of any provision of this Policy should be advised of these restrictions and given the opportunity to comply. If the person(s) thereafter fails to comply, the building administrator **or** designee shall request the person(s) to leave, and may take appropriate action if the person(s) refuses to do so, including contacting law enforcement and filing criminal charges.

Legal Reference

Code of Virginia § 24.2-604, as amended. ~~Prohibited activities at polls; notice of prohibited area; presence of representatives of parties or candidates; simulated elections; observers; news media; penalties.~~**Polling places; prohibited activities; prohibited area; penalties.**

Code of Virginia § 24.2-604.1, as amended. Signs for special entrances to polling places.

Code of Virginia § 22.1-79.3, as amended. Policies regarding certain activities.

Related Links

School Board **Policy 5-38**
School Board **Policy 5-40**

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