

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 of non-school material will be limited in accordance with this policy. School officials shall screen and approve the distribution of non-school material on school property. (The term “non-school material” is defined in Section E below.)

This policy applies to the distribution of non-school material by students and school-related groups (as defined in Section E below) and by governmental agencies, educational institutions, *and those entities recognized by the Internal Revenue Service as non-profit pursuant to section 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986*) as permitted in Section B below.

**A. DISTRIBUTION BY STUDENTS**

Students wishing to distribute 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 when the publication or material contains speech that is prohibited as specified in Section C below but otherwise shall not discriminate on the basis of viewpoint in granting or denying a student permission to distribute non-school publications or materials. If permission to distribute a publication or material is denied, the student may request review of the principal’s decision as specified in Section D below.

**B. DISTRIBUTION BY NON-STUDENTS**

1. Distribution of “school-sponsored or curriculum-related publications and materials” as defined in Section E are permitted during the school day, on school grounds and at school activities.
2. Distribution of publications and materials from school-related groups that have received prior approval of the [principal or superintendent or designee] pursuant to the standards in Section C below and the standards for review of the decision in Section D below are permitted at reasonable times and places as designated by the [principal or superintendent or designee]. The term “school-related group” is defined in Section E.
3. The following agencies and organizations are permitted to distribute educational information or information about programs and activities of interest to students:
  - a. local, state and federal government agencies and departments;
  - b. *organizations recognized by the Internal Revenue Service as non-profit pursuant to section 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986*) 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 institutions of higher education *recognized by the Internal Revenue Service as non-profit pursuant to section 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986*).

All publications and materials that one of the permitted agencies or organizations would like to distribute must be submitted to the [principal or superintendent or designee] for approval prior to distribution. Approval for distribution will be granted pursuant to the standards in Section C

below and the standards for review of decisions in Section D below. If approved, the publications and materials will be distributed at reasonable times and places as designated by the [principal or superintendent or designee].

4. The [principal or superintendent or designee] shall not discriminate on the basis of viewpoint in granting or denying permitted agencies and organizations permission to distribute non-school materials.
5. The superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute 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 publications or materials.

**C. DISTRIBUTION STANDARDS FOR NON-SCHOOL MATERIALS**

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

1. While materials will not be screened for viewpoint, the reviewer shall prohibit the distribution 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, gender, 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 [principal or superintendent's designee, depending on who makes the initial decision] shall notify the superintendent before approving or prohibiting distribution 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 shall consult with the board attorney and shall apprise the school board of a legally appropriate course of action

2. The distribution of non-school material must not interfere with instructional time.
3. Non-school publications and materials distributed to students must be clearly identified, through the method of distribution or otherwise, as non-school materials that are neither endorsed nor necessarily reflective of the views of the school board or the school system.
4. 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 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 instructional purposes 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.

**D. PROCEDURES FOR REQUESTING DISTRIBUTION OF NON-SCHOOL MATERIALS**

1. Any individual or organization wishing to distribute non-school-sponsored publications or materials must first submit for approval a copy of the publication or material to the [principal or superintendent or designee] at least five school days in advance of the distribution time, along with the following information: (a) the name and phone number of the individual submitting the request; (b) the date(s) and time(s) of day of intended distribution; (c) the desired location for distribution of material; and (d) if the distribution is intended for students, the grade(s) of students for whom the distribution is intended.
2. Within five school days, the [principal or superintendent or designee] shall review the request and render a decision. In the event permission to distribute the material is denied or restricted, the individual submitting the request will be informed in writing of the reasons for the denial or restriction.
3. Any request denied or restricted by the [principal or superintendent or designee] may be appealed in writing to the [superintendent or designee or board, depending on who made the initial decision]. [If the principal made the initial decision, the superintendent or designee shall review the decision and render a decision within 10 school days. Any request denied by the superintendent or designee may be appealed 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 non-school literature.
4. Permission or denial of permission to distribute material does not imply approval or disapproval of its contents by school system administrators, the school board or the individual reviewing the material submitted.
5. In addition to the fall “Open House”, organizations will be limited to two distributions of materials per school year.

**E. DEFINITIONS**

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

1. **Obscene**  
“Obscene” describes 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, teachers' and principals' organizations, and booster clubs.

The superintendent shall adopt necessary regulations 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