

TITLE: DISTRIBUTION OF WRITTEN MATERIALS BY NON-SCHOOL ORGANIZATIONS OR PERSONS

1. General Policy. It is beneficial to the educational mission of the District for middle and high school students to be exposed to views concerning a wide variety of topics and issues, even when these views may be unpopular or controversial. The benefits of exposure to such views, however, are not coextensive with the rights of adults or even children in other settings and must take into account the special characteristics of the school environment. The District has a duty to ensure that the manner in which these views are expressed and the views themselves do not conflict with the basic educational mission of the District. Therefore, written materials that may be disruptive to the orderly operation of schools or school activities, that violate the rights of others, that are inappropriate due to the maturity level of students, that are indecent, vulgar, lewd or obscene, that promote unhealthy activities, or that promote unlawful activities will not be permitted. This policy shall be applied and construed in a manner consistent with *Peck, et. al v. Upshur County Board of Education, et al.*, 155 F.3d 274 (1998).

2. Distribution of Non-School Sponsored Material. Any organization or person that seeks to distribute written material in a middle school or a high school must comply with the following procedures:

2.1 At least three (3) business days prior to any distribution of materials, the individual or organization shall submit copies of the materials to the Superintendent for review and determination of compliance with the requirements of this policy. The request for distribution must include the identity and address of the sponsor and identify the school or schools in which distribution is sought. Only one distribution per school year shall be permitted and shall occur on the third Friday in November. In the event the third Friday in November is not a school day, the distribution shall occur on the next ensuing school day.

2.2 Authorized materials must bear a prominent disclaimer of sponsorship that states: This material is not sponsored or endorsed by the Gilmer County Board of Education, its agents or employees. The views or information contained in this material have neither been approved nor disapproved by the Gilmer County Board of Education, its agents or employees.

2.3 Authorized materials will be made available to students at no charge during the regular school day on a table or tables to be set up by the school for such purpose. The table or tables shall be located in an area in the building where students normally congregate when not in class. However, tables shall not be placed in a manner that would disrupt order or impede the movement of students between classes. A prominent sign shall be placed on or near the table or tables that states: This material is not sponsored or endorsed by the Gilmer County Board of Education, its agents or employees. The views or information contained in this

material have neither been approved nor disapproved by the Gilmer County Board of Education, its agents or employees.

2.4 Authorized materials shall be placed on the table or tables by representatives of the sponsor prior to the commencement of the school day. Representatives of the sponsor must promptly remove any remaining materials at the conclusion of the school day. The table or tables shall remain unattended during the school day. Representatives of the sponsor will not be permitted to otherwise participate in the distribution of materials.

2.5 The distribution of materials will not be authorized by the Superintendent if:

2.5.1 They would cause a substantial disruption of the properly and orderly operation and discipline of the school or school activities;

2.5.2 They would violate the rights of others, including but not limited to material that is libelous, invades the privacy of others, or infringes on a copyright;

2.5.3 They are inappropriate due to the maturity level of the students;

2.5.4 They are obscene, pornographic, pervasively lewd and vulgar or contain language that is indecent and vulgar;

2.5.5 They are primarily of a commercial nature including but not limited to all material that seeks to advertise for sale products or services;

2.5.6 They promote unhealthy activities; or,

2.5.7 They promote unlawful activities.

3. The distribution of written materials by non-school organizations or persons shall not be permitted under any circumstances in elementary schools.

4. This policy does not apply to the distribution of written materials by students or school personnel.

5. Review Schedule. This policy shall be reviewed in accordance with the Policy Review Schedule published by the Superintendent.

Legal Authority: *Peck, et. al v. Upshur County Board of Education, et al., 155 F.3d 274 (1998)*

Board Adoption: July 21, 2014