

## **DISTRIBUTION OF NON-SCHOOL MATERIALS**

In order to focus school operations and functions on the instruction and curricular mission of Waynesboro Public Schools; to ensure materials distributed and/or posted in and through the schools are age-appropriate, support or enhance school programming and/or present external educational, recreational, cultural or enrichment information and opportunities for students and/or their parents; to minimize intrusions on the time of students and employees and the administrative burden associated with distribution or posting of non-school materials; to maintain order and decorum in the school environment; and to prevent disruptions or distractions from the educational mission of the schools, distribution and posting of non-school material to students and/or staff on school property shall be permitted only in accordance with the following procedures.

### **I. Applicability**

This regulation shall apply to dissemination of more than one (1) copy of non-school material or posting of one or more non-school materials on school property by any person or entity.

### **II. Definitions**

“Defamatory” means the material includes unprivileged statements that are inaccurate or false and would injure the person who is the subject of the statement by damaging his or her reputation; by causing personal humiliation, mental anguish or other suffering; or by causing other injuries.

“Distribution” means dissemination of more than one (1) copy of non-school material on school property or through school distribution systems.

“Instructional day” means, during any day that students are in attendance, all periods between the bell that signals the start of the school day and the final bell that signals dismissal of students during which instruction is occurring or students are expected to be in class or otherwise engaged in instructional activities.

“Non-school materials” means any tangible document, written literature, announcement, poster, handbill, flyer, leaflet, bulletin, drawing, symbol or any similar item that has not been properly approved and authorized in advance for use in the school as part of curricular or school-sponsored programs or activities, whether or not purchased with school funds.

“Obscene” means that which, when considered as a whole, has as a theme or purpose an appeal to the prurient interest in sex; or depicts or describes nudity, sexual conduct (including but not limited to acts of masturbation and intercourse), sexual excitement or excretory functions.

“Posting” shall mean affixing one or more copies of non-school material on any surface in or on school property; displaying one or more copies of non-school material on school

property; or depositing any non-school material in any classrooms, offices, notebooks or other spaces that are open/available for observation or viewing by students.

“Profane” includes swearing, curse words or derogatory terms or references.

“Substantial disruption of or material interference with school activities” includes but is not limited to the creation of an environment in which there is a significant likelihood of harm to persons and/or property; the prevention of the normal and routine conduct of classes and other school activities; the interference with educational programming or processes; the obstruction of or interference with the flow of pedestrians or other traffic on or around school property; and the interference with other students’ or employees’ rights.

“Working days” shall mean all days that the relevant/affected school office is open.

### III. Procedures

#### a. Review by Principal

- i. **Purpose:** The purpose of review by the principal is to apprise the principal of all non-school materials that are distributed or posted on school property, to ensure that non-school materials distributed or posted at schools are age-appropriate and consistent with School Board policies and regulations, to protect students and staff from intrusions on their time and the educational programs of the schools, and to regulate the time, place and manner of distribution and posting of non-school materials.
- ii. **Submission of Material for Review:** Any non-school material proposed for distribution or posting in a particular school must be submitted to the principal at least five (5) working days prior to the proposed distribution or posting. The specific material proposed for distribution or posting shall be submitted for review each time it is proposed for distribution or posting.
- iii. **Specific Request for Distribution or Posting:** The person or entity proposing the distribution or posting of the material shall propose, in writing, a specific method of distribution or posting that is consistent with this policy and a day or period of days during which the distribution or posting is proposed to occur.
- iv. **Posting or Distribution:** Material will be confirmed for distribution or posting, provided:
  1. the material
    - a. presents content that is

- i. education- or student-oriented;
    - ii. describes educational, cultural, recreational or enrichment opportunities for students; or
    - iii. is directly in support of school activities; and
  - b. is proposed by a not-for-profit or government organization;
2. the material, on its face, bears
  - a. the name of the person or entity proposing or sponsoring its distribution or posting; and
  - b. the following language: "The Waynesboro School Board cannot and does not endorse or sponsor this material, activity or organization and makes no representation regarding the nature or quality of the content, services or activities promoted";
3. there is available space for the material to be distributed or posted as proposed without impacting the available space for school-sponsored distributions or postings;
4. the material does not contain obscene or profane words or images;
5. the material is not defamatory;
6. the material does not endanger or advocate activities that endanger the health or safety of students; and
7. the material is not reasonably forecast to create a substantial disruption of or material interference with school activities or discipline. A reasonable forecast of substantial disruption of or material interference with school activities or discipline shall be based upon consideration of (1) a past history of disruption in the school building or division and its causes; (2) whether the material would likely provoke disruptive student behavior; or (3) whether the proposed material is similar to any material that has proven disruptive in the school building or division in the past.

The principal(s) and/or Division Superintendent shall not disapprove of material that otherwise meets the approval criteria listed above or alter the proposed distribution/posting solely on the basis of the viewpoint presented in the material.

- v. The principal shall endeavor to conduct his or her review of the material within two (2) working days of submission. If the material is highly time-sensitive in the sense that its relevance is clearly linked to

distribution or posting on a specific day or period of days, the proposer shall notify the principal in writing of the time-sensitivity and the principal will make reasonable efforts to complete his/her review in light of the time-sensitivity.

- vi. If the principal concludes that the material complies with School Board policies and regulations, he or she shall provide, in writing, notice that the material has been reviewed and is ready for distribution or posting consistent with this regulation. The principal's notice may specify the day or period days the distribution or posting will occur, which day or period of days may be different from those proposed by the requesting person or entity.
- vii. If the principal concludes the material does not comply with School Board policies and this regulation, he or she will communicate his or her determination to the person or entity proposing distribution or posting. In such event, the person or a representative of the entity proposing distribution or posting of the material shall have an opportunity to meet with the principal to present his or her views regarding whether the material complies with School Board policies and regulations and/or appeal the principal's decision.
- viii. **Proposed Distribution/Posting in Multiple WPS Schools:**  
The person or entity proposing distribution or posting of the material shall inform the principal if the material is being or has been proposed for distribution or posting at other schools in the division. If the material is being or has been proposed for distribution or posting at other schools in the division, the principals of the respective schools shall consult with one another and with the Division Superintendent to coordinate and complete review of the materials within a reasonable period of time after it is proposed, and a single confirmation or denial will be issue.

**b. Methods of Distribution**

- i. Distribution or posting by non-students shall not be accomplished through the School Board's electronic systems (i.e., any/all school-maintained website and/or electronic mail) unless specifically approved by the principal.
- ii. If proposed by an approved student organization, the material can be distributed while school is open to students any time except during the

instructional day and a copy can be posted on a bulletin board designated for that purpose within the school.

- iii. If proposed by an individual student and not associated with an approved student organization or curricular program, the material can be distributed while school is open to students any time except during the instructional day.
- iv. If proposed by a non-profit or government organization
  1. for general posting in school buildings/on school property,
    - a. the material must be copied by the proposer at its cost, to the extent multiple copies are to be posted;
    - b. the material must be delivered by the proposer to the school office accompanied with the principal's or superintendent's written confirmation of review; and
    - c. the material will be posted by a school employee in an area designated for that purpose (posting of non-school material) and/or maintained in the school's guidance office, community resource center or notebook.
  2. for distribution directly to students,
    - a. the material must be delivered to the school office at least two (2) working days before intended for distribution and accompanied with the principal's or superintendent's written confirmation of review;
    - b. the material must be copied, and collated and stapled if multiple pages or documents are proposed for distribution;
    - c. the material must be assembled and separated into an appropriate number of sets (depending on how many classes/grades are intended to receive the material);
    - d. the person or entity may be limited to a maximum number of direct-to-student distributions per school year, except that materials directly in support of school activities shall not be subject to this limitation; and
    - e. the person or entity may be required to deposit sets of the material into teacher mailboxes.
- v. Any non-school materials, whether or not associated with an approved student organization or curricular program, shall not be left unattended or posted in or on unapproved/undesigned areas. Materials that are distributed or posted in violation of this proscription may be removed and discarded.

- vi. Persons distributing materials may not force or insist that students or staff accept the materials but must respect the rights of others to decline the material or to ignore the person who is distributing the materials. Consistent with Virginia Code § 22.1- 79.3, students shall not be required to accept, convey or deliver any materials that advocate the election or defeat of any candidate or advocate passage or defeat of any referendum question or of any matter pending before a local school board, a local governing body, the General Assembly or Congress.

**c. Appeal of Principal's Determination**

- i. If the principal determines that the material proposed for distribution or posting does not comply with School Board policies and regulations, or if the principal fails to communicate to the person proposing the distribution or posting within five (5) working days after submission of the materials for review, the person proposing the distribution or posting may appeal the matter to the superintendent or his or her designee.
- ii. The person proposing the distribution or posting shall submit to the superintendent or his or her designee a copy of the material proposed for distribution or posting and the document, if any, whereby the principal communicated a determination that the material or proposed distribution/posting does not comply with School Board policies and regulations. The person may also submit a concise written statement in support of distribution or posting of the material.
- iii. The superintendent or designee may consult with the person proposing distribution/posting and/or with the principal(s) of the relevant school(s).
- iv. The superintendent or designee shall conduct his or her review of the material and will endeavor to communicate his or her determination to the person proposing distribution or posting no later than two (2) working days after the appeal was received by the superintendent or designee. If the material is highly time-sensitive in the sense that its relevance is clearly linked to distribution or posting on a specific day or period of days, the proposer shall notify the superintendent in writing of the time-sensitivity and the superintendent will make reasonable efforts to complete his/her review in light of the time-sensitivity.
- v. The decision of the superintendent or designee is final.

**d. Violations**

- i. A person or entity determined to have violated this policy may be prohibited from distributing materials in any WPS school for a reasonable period of time not to exceed one (1) year, and in the case of a student or employee, also may be subjected to discipline.

Adopted: August 9, 2016