

**DISTRIBUTION AND DISPLAY OF
NON-SCHOOL MATERIAL**

Policy Code: **5210**

1 The Transylvania County Board of Education (the “board”) believes students and the educational
2 program must be the focus of the school system. In order to maintain an educational
3 environment conducive to learning and to minimize intrusions upon instructional time,
4 distribution and display of non-school material will be limited in accordance with this policy and
5 policy 5240, Advertising in the Schools. School officials shall screen and approve the
6 distribution or display of non-school material on school property. (The term “non-school
7 material” is defined in Section F.)
8

9 This policy applies to the distribution and display of non-school material by students and school-
10 related groups (as defined in Section F) and by governmental agencies, educational institutions,
11 and non-profit entities as permitted in Section C. This policy does not apply to the distribution
12 and display of materials by individuals or groups that are on school property in accordance with
13 policy 5030, Community Use of Facilities. Except as provided in Section A, below, this policy
14 will not be construed as applying to or prohibiting the display of compliant political **or farm**
15 signs permitted by G.S. 136-32.
16

17 **A. DISPLAY OF COMPLIANT POLITICAL **AND FARM** SIGNS IN THE RIGHT-OF-WAY DURING**
18 **DESIGNATED PERIODS**
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20 Any person may display compliant political **or farm** signs in the right-of-way of the state
21 highway system ~~or in municipal street rights-of-way~~ in accordance with the standards
22 established in G.S. 136-32, even if such right-of-way constitutes school grounds.
23 **Compliant political signs may also be placed in municipal street rights-of-way in**
24 **accordance with the standards established in G.S. 136-32 and any applicable local**
25 **ordinance.**
26

27 Compliant political signs may be displayed in ~~the such~~ right-of-way from 30 days before
28 the first day of “one-stop” early voting to 10 days after the primary or election day.
29 **Compliant farm signs may be displayed in the right-of-way until the end of the farm’s**
30 **season.** School officials may remove and dispose of any political sign remaining in the
31 right-of-way more than 40 days after the primary or election day **and may remove and**
32 **dispose of any farm sign remaining in the right-of-way more than 30 days after the end of**
33 **the farm’s season.** School officials shall observe any different rules established by
34 applicable local ordinance for ~~placement and~~ removal of political signs on municipal
35 street rights-of-way.
36

37 School officials shall not remove any political **or farm** sign lawfully placed except as
38 provided in this section but may request the Department of Transportation to remove a
39 sign that is not in compliance with G.S. 136-32.
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41 **B. DISTRIBUTION AND DISPLAY BY STUDENTS**
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43 Students wishing to distribute or display on campus any publication, leaflet, or other
44 written material that is not school-sponsored must submit the publication or material to
45 the principal for review prior to distribution. The principal shall prohibit distribution or
46 display when the publication or material contains speech that is prohibited as specified in
47 Section D but otherwise shall not discriminate on the basis of viewpoint in granting or
48 denying a student permission to distribute or display non-school publications or
49 materials. If permission to distribute or display a publication or material is denied, the
50 student may request review of the principal’s decision as specified in Section E.

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52 **C. DISTRIBUTION AND DISPLAY BY NON-STUDENTS**

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54 1. Distribution and display of “school-sponsored or curriculum-related publications
55 and materials” as defined in Section F are permitted during the school day, on
56 school grounds, and at school activities.

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58 2. Distribution and display of publications and materials from school-related groups
59 that have received prior approval of the superintendent or designee pursuant to the
60 standards in Section D and the standards for review of the decision in Section E
61 are permitted at reasonable times and places as designated by the superintendent
62 or designee. The term “school-related group” is defined in Section F. The
63 superintendent or designee shall not discriminate on the basis of viewpoint in
64 granting or denying permitted school-related groups permission to distribute or
65 display non-school material.

66

67 3. The following agencies and organizations are permitted to distribute or display
68 educational information or information about programs and activities of interest to
69 students:

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71 a. local, state, and federal government agencies and departments;

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73 b. non-profit organizations that offer educational, recreational, cultural, or
74 character development activities or programs for school-aged children,
75 including, but not limited to, scouts, YMCA or YWCA, organized youth
76 sport leagues, etc.;

77

78 c. school/business partnerships or incentive programs that directly enhance
79 or support the school’s educational program; and

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81 d. community colleges, universities, and other non-profit institutions of
82 higher education.

83

84 All publications and materials that one of the permitted agencies or organizations
85 would like to distribute or display must be submitted to the superintendent or

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86 designee for approval prior to distribution or display. Approval for distribution or
87 display will be granted pursuant to the standards in Section D and the standards
88 for review of decisions in Section E. If approved, the publications and materials
89 will be distributed or displayed at reasonable times and places as designated by
90 the superintendent or designee.

- 91
- 92 4. The superintendent or designee shall not discriminate on the basis of viewpoint in
93 granting or denying permitted agencies and organizations permission to distribute
94 or display non-school materials.
- 95
- 96 5. The superintendent is authorized to adopt regulations regarding approval forms,
97 how many times a year groups may distribute or display publications or materials,
98 delivery and bundling requirements, etc.
- 99
- 100 6. Nothing in this policy will be construed to create a public forum that would allow
101 non-students unrestricted access to school property for the purpose of distributing
102 or displaying publications or materials.

103

104 **D. DISTRIBUTION AND DISPLAY STANDARDS FOR NON-SCHOOL MATERIALS**

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106 School officials shall apply the following standards to approve the distribution or display
107 of all non-school material by individuals or groups authorized by this policy on school
108 property:

- 109
- 110 1. While materials will not be screened for viewpoint, the reviewer shall prohibit the
111 distribution or display of any publication or material that (a) is vulgar, indecent,
112 or obscene; (b) contains libelous statements, personal attacks, or abusive
113 language, such as language defaming a person’s character, race, religion, ethnic
114 origin, sex, family status, or disability; (c) causes or clearly threatens to cause a
115 material and substantial disruption of a school activity; (d) encourages the
116 commission of unlawful acts or the violation of lawful school regulations; (e) is
117 inappropriate considering the age of the students in the school; (f) contains
118 information that is inaccurate, misleading, or false; or (g) advertises any product
119 or service not permitted to minors by law.

120

121 The principal or superintendent’s designee shall notify the superintendent before
122 approving or prohibiting distribution or display of any publications or materials
123 that raise a question as to whether a specific action by school officials might
124 violate the Establishment of Religion Clause, the Free Exercise of Religion
125 Clause, or the free speech rights guaranteed by the First Amendment of the U.S.
126 Constitution. The superintendent shall consult with the board attorney to
127 determine the legally appropriate course of action.

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- 129 2. The distribution of non-school material must not interfere with instructional time.
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- 131 3. Non-school publications and materials distributed or displayed to students must
- 132 be clearly identified, through the method of distribution or otherwise, as non-
- 133 school materials that are neither endorsed nor necessarily reflective of the views
- 134 of the school board or the school system.
- 135
- 136 4. In order to minimize disruption to the learning environment, political campaign
- 137 materials may not be distributed to students or employees (including through
- 138 employee mailboxes and e-mail) or made available on school grounds during
- 139 school time or at school events. However, on election days, posters and printed
- 140 materials are permitted for viewing and distribution to the public at school
- 141 buildings used as polling places in accordance with state law and board of
- 142 elections requirements.
- 143

144 This provision does not prohibit a teacher from using political literature or

145 campaign material for instructional purposes. However, any teacher using these

146 materials for instructional purposes shall not use his or her position to promote a

147 particular candidate, party, or position on a specific issue. The teacher also shall

148 attempt to use a variety of materials that represent balanced and diverse

149 viewpoints on the political spectrum.

151 **E. PROCEDURES FOR REQUESTING DISTRIBUTION OR DISPLAY OF NON-SCHOOL**

152 **MATERIALS**

- 154 1. Any individual or organization wishing to distribute or display non-school-
- 155 sponsored publications or materials must first submit for approval a copy of the
- 156 publication or material to the superintendent or designee at least five school days
- 157 in advance of the distribution or display time, along with the following
- 158 information: (a) the name and phone number of the individual submitting the
- 159 request; (b) the date(s) and time(s) of day of intended distribution or display; (c)
- 160 the desired location for distribution or display of material; and (d) if the
- 161 distribution or display is intended for students, the grade(s) of students for whom
- 162 the distribution or display is intended.
- 163
- 164 2. Within five school days, the superintendent or designee shall review the request
- 165 and render a decision. In the event permission to distribute or display the material
- 166 is denied or restricted, the individual submitting the request will be informed in
- 167 writing of the reasons for the denial or restriction.
- 168
- 169 3. Any request denied or restricted by the principal or designee may be appealed in
- 170 writing to the superintendent or designee. The superintendent or designee shall
- 171 review the decision and render a decision within 10 school days. Any request

172 denied by the superintendent may be appealed to the board of education. The
173 board will review the request at its next regularly scheduled meeting. As
174 appropriate, the superintendent or the board will consult with the board attorney
175 concerning a request to distribute or display non-school literature.

176
177 4. Permission or denial of permission to distribute or display material does not imply
178 approval or disapproval of its contents by school system administrators, the
179 school board, or the individual reviewing the material submitted.

180
181 **F. DEFINITIONS**

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

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185 1. Obscene
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187 “Obscene” describes any speech or work that the average person, applying
188 contemporary community standards (as opposed to “national standards”), would
189 find, taken as a whole, appeals to prurient interest; or that depicts or describes, in
190 a patently offensive way, sexual conduct specifically defined by applicable law;
191 and that, taken as a whole, lacks serious literary, artistic, political, or scientific
192 value.

193
194 2. Libelous Statement
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196 Libelous statements are false and unprivileged statements about a specific person
197 that injure that person’s reputation in the community.

198
199 3. Non-School Material
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201 Non-school material includes any publication or other written information that is
202 not a school-sponsored or curriculum-related publication or material.

203
204 4. Material and Substantial Disruption
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206 A material and substantial disruption is any conduct that for any reason, including
207 inappropriateness of time, place, or type of behavior, significantly interferes with
208 school functions, classroom instruction, or the rights of other students or school
209 employees. Examples of material and substantial disruption include, but are not
210 limited to, demonstrations, destruction of property, injury to students or other
211 persons, shouting or boisterous conduct, and anything that significantly distracts
212 students from instruction or prevents school personnel from performing their
213 educational responsibilities.

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- 215 5. School-Sponsored or Curriculum-Related Publications and Materials
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217 School-related materials or publications are: (a) materials published by the school
218 system for distribution (i.e. school calendars, menus, school newsletters, etc.); (b)
219 materials that are approved by school officials and related to activities or events
220 that are officially sponsored by the school (i.e. announcements for sports teams,
221 clubs, field trips, school plays, and concerts); or (c) materials that are directly
222 related to instruction.
223
- 224 6. School-Related Group
225
226 School-related groups are organizations formed to support the school in an area of
227 recognized need, such as the PTA, the PTO, teachers’ and principals’
228 organizations, and booster clubs.
229
- 230 The superintendent shall adopt necessary regulations to ensure that this policy is implemented
231 throughout the school system.
232
- 233 Legal References: U.S. Const. amend. I; *Peck v. Upshur*, 155 F.3d 274 (1998); G.S. 115C-36, -
234 47; 136-32; 163-129, -166.4
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- 236 Cross References: Community Use of Facilities (policy 5030), Collections and Solicitations
237 (policy 5220), Advertising in the Schools (policy 5240)
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- 239 Adopted: August 15, 2016
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