

## DISTRIBUTION OF NON-SCHOOL SPONSORED LITERATURE IN THE SCHOOLS

### **Option A - for school districts that do not allow any distribution of non-school literature:**<sup>1</sup>

The Grand Isle Supervisory Union and its member districts do not allow any distribution of non-school sponsored<sup>2</sup> literature on school grounds or at school events by community members or district employees acting in their own behalf or on behalf of a community group.<sup>3</sup>

Non-school sponsored literature means any printed, written, or electronic materials prepared by non-school organizations, groups or individuals for posting or general distribution that are not prepared as a part of the curricular or approved extracurricular programs of the district. This includes such things as fliers, invitations, announcements, pamphlets, posters, photographs, pictures, films, audio recordings, digital media recordings, and electronic messages.

Distribution means handing non-school sponsored literature to others on school property or during school-sponsored events; posting on school property such as walls, bulletin boards, and district web-sites; placing upon desks, tables, on or in lockers; making available in principal's office; or engaging in any other manner of delivery of non-school sponsored literature to others while on school property or during school functions.

	<i>GISU</i>	<i>Alburgh</i>	<i>CIUUSD</i>	<i>South Hero</i>
<i>Date Warned</i>	<i>5/27/2021</i>	<i>5/3/2021</i>	<i>5/4/2021</i>	<i>5/20/2021</i>
<i>Date Adopted</i>	<i>6/24/2021</i>	<i>6/7/2021</i>	<i>6/22/2021</i>	<i>6/17/2021</i>

<i>VSBA Versions:</i>	
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>Good News Club v. Milford Central Schools, 533 U.S. 98 (2001)</i>
	<i>Lamb's Chapel v. Center Moriches Union Free School Dist., 508 U.S. 384, 390 (1993)</i>
	<i>Cornelius v. NAACP Legal Defense and Ed. Fund, Inc., 473 U.S. 788 (1985)</i>
	<i>Perry Educ. Ass'n v. Perry Local Educ. Ass'n, 460 U.S. 37 (1983)</i>
	<i>Travis v. Owego-Apalachin School Dist., 927 F.2d 688 (2d Cir. 1991)</i>
	<i>Chiu v. Plano Indep. Sch. Dist., 339 F.3d 273 (5<sup>th</sup> Cir. 2003)</i>
	<i>DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ., 196 F.3d 958 (9<sup>th</sup> Cir. 1999), cert. denied 529 U.S. 1067 (2000)</i>
	<i>Hedges v. Wauconda Community Unit Sch. Dist. No. 118, 9 F.3d 1295 (7<sup>th</sup> Cir. 1993)</i>
	<i>Kiesinger v. Mexico Academy and Cent. Sch., 427 F. Supp. 2d 182 (N.D.N.Y. 2006)</i>
<i>Cross Reference:</i>	<i>Student Self-Expression Policy (C27)</i>
	<i>H3 Community Use of Facilities (E20)</i>

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<sup>1</sup> A school district has the legal right to preserve its facilities exclusively for the purpose of conducting its educational programs. A school district is a non-public forum, so it is not required to be made open to all. *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384, 390 (1993). Once a district prohibits all distribution of non-school sponsored materials, it must be consistent.

While a forum will not become open by inadvertence, a district following this Option A must not allow community members to distribute any non-school sponsored materials. In addition, the district must not distribute such materials on behalf of any community group. Districts adopting this prohibition would not be allowed to post fliers announcing community sports events, would not be allowed to send home fliers inviting children to join community organizations, and would not be allowed to have a shelf in the office for private summer camp brochures.

<sup>2</sup> The district should clearly delineate in its policy whether or not parent-teacher organizations are school-sponsored organizations. If they are not, then any distribution of literature by such groups will violate this policy and will open the door for all other community groups to distribute literature. Policies that allow decisions as to which groups will be considered school-sponsored organizations in the "sole discretion" of the superintendent are vulnerable to legal attack; it is better to spell them out in policy.

<sup>3</sup> This policy does not apply to student distribution of materials. The rules for student speech are different. See Policy \_\_\_\_.