

CHARLOTTE-MECKLENBURG SCHOOLS

POLICY

Distribution and Display of Non-school Materials

CMS/NEPN Code:
KH

The mission of Charlotte-Mecklenburg Schools is to maximize academic achievement by every student in every school. In order to further this mission, it is the intent of the Board of Education to maintain educational environments conducive to learning and to minimize intrusions upon instructional time. Materials from school-related groups and school-sponsored and curriculum-related materials may be distributed in a school according to procedures established by the school principal. However, distribution and display of non-school materials shall be allowed only as is permitted by this policy.

I. Definitions

For purposes of this policy, the following definitions apply:

1. CMS Partners/Partnerships: A business, faith group or community organization that works collaboratively with the school district to support academic achievement and safe schools. Partnerships have the following characteristics:
 - a. The partner works with the CMS Office of Strategic Partnerships (OSP) to develop the goals and measures for the relationship;
 - b. The partnership targets specific schools, departments or learning communities;
 - c. Open and ongoing communication exists between the partner and OSP;
 - d. Students and/or staff at the target school (s), departments or learning communities directly benefit from the partnership.
2. Libelous Statement: A false and unprivileged statement about a specific person that injures that person's reputation in the community.
3. Material and Substantial Disruption: 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.
4. Nonprofit entities: Tax-exempt organizations that are organized under the provisions of Internal Revenue Code ("IRC") Section 501 (c) (3). Such groups may be required to provide proof of their tax-exempt status under IRC

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Page 1 of 4

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Section 501 (c) (3) before their materials are approved for distribution.

5. Non-School Material: Any written information that is not a school-sponsored or curriculum-related material.
6. Obscene: 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.
7. School-Related Group:
Organizations formed to support the school in an area of recognized need, such as the PTA, PTO, teachers’ and principals’ organizations and booster clubs.
8. School-Sponsored or Curriculum-Related Materials:
 - 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 (such as announcements for sports teams, clubs, field trips, school plays and concerts); or
 - c. Materials that are directly related to instruction.

II. Non-School Groups Permitted to Distribute or Display of Materials

Only the following non-school agencies and organizations are permitted to distribute¹ or display non-school materials on CMS property:

1. Local, state and federal government agencies and departments;
2. Nonprofit entities offering educational, recreational, cultural or character development activities or programs to school-aged children;
3. Commercial or tax exempt entities that have partnerships with CMS; and
4. Institutions of higher education.

¹ Distribution of material on CMS property includes dissemination to schools via the CMS electronic communications network as well as delivery of hard copy versions of the materials.

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Page 2 of 4

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POLICY	CMS/NEPN Code:
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III. Standards for Approval of Materials

All materials from the groups listed above shall be approved for distribution or display in accordance with the standards described below:

- A. Materials shall not be screened for viewpoint, nor shall the district discriminate on the basis of viewpoint in granting or denying permitted agencies and organizations permission to distribute or display non-school materials. However, the Board prohibits the distribution or display of any material that:
 - 1. is obscene,
 - 2. contains libelous statements, personal attacks or abusive language, such as language defaming a person or group based on real or perceived race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity/expression; physical appearance; sexual orientation; physical, mental, developmental, or sensory disability; creed; political belief; age; linguistic or language differences; height; weight; marital status; parental status;
 - 3. causes or clearly threatens to cause a material and substantial disruption of a school activity;
 - 4. encourages the commission of unlawful acts or the violation of CMS policies or regulations;
 - 5. is inappropriate considering the age of the intended recipients;
 - 6. contains information that is inaccurate, misleading or false; or
 - 7. advertises any product or service not lawfully permitted to minors.
- B. Materials must be clearly labeled denoting the submitting agency or organization and must include a disclaimer stating that they are neither endorsed by nor necessarily reflective of the views of the Board, the district or any CMS school.

IV. Regulations

The Superintendent is authorized to develop regulations regarding details of the submission and approval process, verification of the status or nature of the organization, time periods and frequency of distribution or display of materials, the process for screening materials, procedures for delivering materials to students, bundling requirements, development of a system to allow certain materials to be displayed in schools rather than distributed students, and other issues that may arise.

Date of Adoption: 10/12/10

Page 3 of 4

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POLICY Distribution and Display of Non-school Materials	CMS/NEPN Code: KH
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V. Other Policy Provisions

Nothing in this policy is intended to be construed to create a public forum that would allow non-students or non-CMS entities unrestricted access to school property for the purpose of distributing or displaying materials.

Organizations wishing to appeal the denial of a request to distribute materials may do so according to the procedures set forth in Policy JIIAA, “Appeals from Decision of School Personnel to Board of Education,” and NC law.

Permission or denial of permission to distribute or display material does not imply approval or disapproval of its contents by school system administrators, the Board of Education or the individual reviewing the material submitted.

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Page 4 of 4

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