

## ERVING ELEMENTARY SCHOOL

NOTICE DISTRIBUTION POLICY

The School Committee shall allow for the distribution of information regarding the availability of opportunities or activities for children or adults in the Erving School community. This decision permits the school to serve as a community hub for communication and community building for limited purposes.

The School Committee shall establish reasonable rules regarding the type of outside individuals or groups that may be allowed to use the school for “expressive activity” in accordance with the First Amendment of the United States Constitution. Any individual or group that qualifies within the rules must be allowed to distribute information regardless of the content of its message.

The School Committee shall limit the distribution of information to non-commercial or educational groups that either:

- Have their primary operations in Erving, Massachusetts or the other towns of Union #28, OR
- Represent the Town of Erving or are acting on the Town’s behalf, OR
- Are not-for-profit organizations with Internal Revenue Code of either 501(c)(3) or 509(a) and are registered within the Commonwealth of Massachusetts.

The School Committee shall limit the distribution of information by commercial groups to those that:

- Have significant operations based in either Franklin or Hampshire counties AND/OR
- Provide services/activities to residents of Erving for the benefit of school-aged children in and/or their families.

The School Committee shall limit the distribution of information by individuals to those who:

- Are residents of Franklin or Hampshire Counties AND
- Provide services/activities to residents of Erving for the benefit of school-aged children in and/or their families.

The School Committee acknowledges that this may create situations where individuals or organizations that are known to discriminate against a federally or state protected class of people are allowed to distribute information. The School Committee does not condone discrimination and hateful messages or actions and will work to prevent discrimination and promote understanding within the limits of the law. In the event that an outside individual or group is known or determined to discriminate against a protected class, at the request of the principal, material distributed shall be clearly marked as follows: “This individual or organization

discriminates against some people based on their race, color, sex, religion, national origin, sexual orientation or disability”.

Information to be distributed may be reproduced from either printed or electronic format.

Information or materials will be distributed only if:

- the sponsor is clearly identified
- an adequate number of copies is provided
- distribution does not require the District to incur any financial cost or significant use of staff time for preparation or duplication.
- material distributed must be clearly marked “not a school sponsored activity”
- for organizations determined to discriminate, the designated language that specifies its discriminatory status is included.

This policy does not create a limited use for the display of posters and flyers within the school.

Furthermore, in compliance with Massachusetts law the following must be adhered to:

1. School handbooks that are provided to students and their families each school year should reference this policy to indicate that the School Committee allows outside individuals or groups to disseminate literature in the school newsletter and should explicitly state that any literature disseminated by an outside group in the school is not school-sponsored or endorsed.
2. An outside group’s literature should not be distributed to students during instructional time.
3. Students shall not be compelled to take home or read any such literature. Parents or guardians who do not wish to have a student bring home material shall submit this request in writing to the principal.

The text within the body of a school newsletter and attached notices to families may publicize recruitment by outside groups of new members as long as the required “sponsorship” and “discrimination status” phrases are included.

The principal shall have the authority to determine whether or not to distribute information and notices. An individual or organization may appeal the refusal of the Principal to distribute an announcement or notice to the Superintendent, and failing to gain satisfaction, to the School Committee. The appeal letter shall be written and signed and include the reasons why distribution should be allowed. A written response to an appeal shall be issued within four weeks of the receipt of each separate appeal letter by the Principal or Superintendent.

Reference: Constitutional Law

First reading: 03-18-08

Second reading, first vote: 06-17-08

Final vote: 09-16-08