

3.30.035-P Distribution of Materials and Information To Students In Schools by Non-School Groups and Recruitment of Students During School Hours

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I. Introduction

The Board, Superintendent and staff of Portland Public Schools support all students in achieving their very highest educational and personal potential. District policy affirms the diversity and worth of all individuals and their roles in society and prohibits discrimination on the basis of age, color, creed, disability, marital status, national origin, race, religion, sex, and sexual orientation. BP 1.80.020.

The Board recognizes that groups from the greater community provide non-school related activities that support children and families. The Board encourages community groups whose goals forward the mission of the district to provide a range of opportunities for our students.

While encouraging community sponsored activities, it is the responsibility of the Board and the district to assure that district resources are focused on student achievement and to assure the least amount of disruption or distraction from class work during school hours. This policy defines the circumstances under which materials and information can be distributed to Portland Public School students.

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II. Definitions

For the purposes of this policy, the following terms are defined as:

- (1) Community information display area means an area in the school where there is a table and/or bulletin board on which materials may be placed.
- (2) Limited public forum means a public venue that has been opened for a limited purpose, such as use for certain subjects and by classes of speakers. Restrictions on speech in a limited public forum are permissible if they are viewpoint-neutral and reasonable in light of the purpose of the forum.
- (3) Non-profit organization serving youth ('non-profit organization') means a non-profit, civic or government entity that provides educational, athletic or training services or opportunities for students. Examples: Portland Parks and Recreation, Little League, Pop Warner Football, OMSI, PTA, Portland Schools Foundation and individual school foundations.
- (4) Qualified for-profit organization providing classes and services for youth ('qualified for-profit organization') means qualified for-profit organizations that provide classes and services to Portland Public School students and meet the criteria set forth in Administrative Directive 3.30.036-AD. Examples: Kaplan's SAT Prep Program, Travel Study and Exchange Programs.
- (5) Organizations that exist solely to support Portland Public Schools and are directly tied to the District's pursuit of its educational mission, such as the Portland Schools Foundation, individual school foundations, parent teacher organizations and booster clubs, are not subject to the terms of this policy. However, if information from these organizations is sent home with students or delivered to families via the District's electronic communications system and contains advertisements from non-school groups, including non-profit organizations serving youth or qualified for-profit organizations, then that information is subject to this policy.

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- (6) School hours means hours that students are in class, at lunch or recess or any other non-instructional time during the school day, or waiting on school grounds for transportation before or after school.

III. Scope

The U.S. Supreme Court has determined that a limited public forum is created when public property becomes designated “for use by the public as a place of expressive activity”. Perry Education Assoc. v. Perry Local Educators Assn., 460 U.S. 37, 45-48 and n. 7 (1983)

In this context, a limited public forum exists when the Board and District decide to allow use of school property or facilities by designated categories of outside non-school related groups. The public forum is “limited” because the Board and District establish reasonable rules/policies regarding the type of outside groups that may participate or use that forum.

Further, under the Boy Scouts Equal Access Act section of the federal No Child Left Behind Act, school districts are specifically prohibited from treating organizations listed under the Act, such as the Boy Scouts, differently from other community organizations in terms of use of public school facilities and other specific activities, because of any objection the school district may have to the discriminatory admissions policies of such organizations.

No public school district is required to open a limited public forum to outside non-school related groups; however, once the Board and/or District staff decide to allow access to a limited public forum, they may not discriminate or preclude access on the basis of the group’s viewpoint. Therefore, while some community organizations do have discriminatory admissions policies, the Board cannot refuse to allow such groups to distribute information to students while allowing other groups that do not discriminate to do so.

Providing an outside group access to a limited public forum does not constitute “sponsorship” of the group or its literature.

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IV. Permitted distribution of materials

- (1) Information from non-profit and qualified for-profit organizations shall be distributed to students during the school day only in the forums listed below. These limitations shall only apply to non-school organizations.

| Distribution Method or Activity | Group |
|---|---|
| Materials placed in the designated community information display area in a school facility | Non-profit and qualified for-profit organizations |
| Materials handed out to students by school staff for students to take home | Non-profit and qualified for-profit organizations |
| Presentations or material distribution after school-hours at school-sponsored activities designed primarily for adults to attend, i.e. open house, back to school night, kindergarten round up. | If the principal determines that any non-school groups shall be permitted at such events, then non-profit and qualified for-profit organizations may distribute materials, but no recruiting activities designed specifically to engage the students that may attend such events shall be permitted |
| Access to students for the purpose of recruiting and distributing information during school hours | Military, College, Service Learning Opportunities (as defined in Section V (3)) and Job Recruiting in accordance with 6.20.043-P & 6.20.041-AD; No Child Left Behind Act of 2001. |

- (2) Limitations to distribution:

- (a) Except as permitted above, Portland Public Schools shall not permit outside organizations, including non-profit and qualified for-profit organizations, to hold information sessions or distribute information to students during the school day.

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- (b) The materials distributed by non-profit and qualified for-profit organizations under this policy must pertain to the opportunities available for students and cannot be solely general information about the organization.
- (c) No organization, including non-profit and qualified for-profit organizations, shall be permitted to distribute commercial or fundraising materials, even if it appears to benefit students. This restriction does not apply to entities that exist solely to support Portland Public Schools and are directly tied to the District's pursuit of its educational mission such as the Portland Schools Foundation and individual school foundations, parent teacher organizations and booster clubs.
- (d) To avoid the effects of overwhelming parents and students with written materials from qualified for-profit organizations and in order to reduce the administrative burden of distributing such materials, qualified for-profit organizations may distribute material through the limited forums established in this policy only if they meet the specified criteria set forth in Administrative Directive 3.30.036-AD.
- (e) Organizations whose primary purpose is to provide basic and/or comprehensive education to k-12 students during the school day shall not be permitted to distribute recruiting information under this policy and administrative directive. Examples of such organizations include but are not limited to private, charter, and other K-12 non-district schools.
- (f) There shall be no distribution of information that:
- Is libelous
 - Is obscene
 - Advocates or promotes illegal actions
 - Is likely to cause substantial disruption of or material interference with discipline or the education of students in the school in which the material is posted or distributed
 - Promotes, favors or opposes a candidate for elected office or a ballot measure

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- Advocates religion or a particular religious teaching through proselytization.
- (g) Students shall not be required to take home or read any non-school related literature.
- (h) Service learning opportunities are those instances where groups who provide curriculum related opportunities for students are invited by the Principal or designee to participate in activities designed to communicate their curriculum related opportunities to students. Examples include but are not limited to community service presentations, internship offerings, and job shadowing opportunities. Because service learning opportunities are curriculum related, distribution of information pertaining to the opportunities do not fall under this Policy. If non-school groups who participate in Service Learning Opportunities also want to distribute information for purposes other than the service learning opportunity under the terms of this policy, they must qualify as non-profit and qualified for-profit organizations as defined by this policy and abide by the distribution requirements.

V. Notice/Disclaimer/Distribution Procedures

- (1) Disclaimer. All community information display areas shall have in full view, a disclaimer acknowledging that the material is not endorsed or sponsored by Portland Public Schools and that Portland Public Schools has a strong policy of non-discrimination.
- (2) Notice to Families. At the beginning of each semester or trimester, each school shall send home a notice to families informing them that they will be receiving information during the school year from community organizations and explaining Portland Public School's policy regarding non-discrimination. The specific wording of the notice shall be set forth in the administrative directive implementing this policy.

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VI. Electronic Distribution

- (1) This policy does not create any limited public forum for distribution of information through an electronic format. Non-school groups are prohibited from using any District electronic medium to disseminate information.

VII. Implementation

This policy shall become effective at the beginning of the 2005-06 school year. The Superintendent shall develop an administrative directive that details the procedures for the implementation of this policy.

Legal References: Perry Ed. Ass'n v. Perry Local Educators' Ass'n, 460 US 37 (1983)
Hills v. Scottsdale Unified School District, 329 F3d 1044 (9th Cir 2003)
ORS 659.850, ORS 659A.400, Boy Scouts Equal Access Act, 20 USC Section 7905

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