

## **Guidelines on Advertising and Distributing Nonschool-Sponsored Publications (COM-G004)**

### **Definitions:**

**1. Educational Program:** Includes instruction, co-curricular, extra-curricular, athletics, assemblies, and other similar activities that support the mission, vision, goals, and values of the Clarksville-Montgomery County School System.

**2. Distribution:** Any sharing, circulation, or supplying of nonschool-sponsored publications while on school property, including but not limited to the following means:

- a. Directly handing out publications by student(s) to other students
- b. Sending publications home in backpacks or placing them in student or teacher mailboxes
- c. Displaying publications

**3. Nonschool-Sponsored Publications/Advertisements:** Any writings, images, and/or audio or video recordings that are not promoted by or subjected to the editorial policies and procedures of the school and/or district, including but not limited to announcements, flyers, brochures, party invitations, religious or political tracts, etc., whether created by an organization, adult, student, or other entity.

**4. CMCSS Property:** Any property owned or leased by the Clarksville-Montgomery County School System. At any time when a facility is scheduled by the school system for student use, it will be considered an extension of school property. In addition, the concept of property shall extend to school activities such as field trips, use of parks and recreation facilities, proms not held on CMCSS property, school buses and bus-stops, etc.

### **1) ADVERTISING**

a) Advertising on CMCSS property may be acceptable when the programming, equipment or services can be clearly shown to be of significant benefit to the educational program, or may generate revenue to support various initiatives of the school. The following criteria applies to advertising on CMCSS property by nonschool organizations:

- i) School officials may sell, for a reasonable fee or an in-kind contribution, commercial advertisement space on stadium, athletic and/or gymnasium billboards, banners, or signage for advertisements or promotions of an outside organization's products, services, programs or activities.
- ii) School officials may permit boards, displays or banners that acknowledge donations or sponsors of a school or the school system.
- iii) Advertising in school publications, in school media, in school facilities and on CMCSS property shall be limited to an advertiser's (a) name, brand name, and/or trade name; (b) logo; (c) location or place of business and contact information; (d) slogans that identify the advertiser but do not promote it; and (e) products, programs or services in a value-neutral description.
- iv) School administrators have discretion to determine whether to use commercially sponsored materials or materials containing commercial advertising in school instructional programs and activities.
- v) In order to maintain an educational program conducive to learning and to minimize intrusions upon instructional time, advertising for, and promotion of, commercial products and services are discouraged during the instructional day.

(1) Representatives of nonprofit or for-profit organizations may be permitted on CMCSS property to advertise to students or parents under the following conditions:

(a) Advertising materials and activities must:

- (i) be age appropriate
- (ii) be directed to students and/or parents
- (iii) not present a clear and present likelihood that, either because of their content or their manner of distribution, will cause a material and substantial disruption of the proper and

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- orderly operation and discipline of the school or school activities or will cause the commission of unlawful acts or the violation of school policies or procedures
- (b) School principals are responsible for determining if advertising activities satisfy the above requirements and are the approval authority for advertising at their schools.
- (2) Representatives of nonprofit or for-profit organizations may be permitted on CMCSS property to advertise to employees under the following conditions:
- (a) Employees shall not be required to attend meetings advertising goods or services that are not directly related to the function of their job duties.
  - (b) Advertising activities or materials must not be disruptive to the educational program or interfere with an employee's ability to do his or her job.
  - (c) Advertising activities or materials must not present a clear and present likelihood that, either because of their content or their manner of distribution, will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities or will cause the commission of unlawful acts or the violation of school policies or procedures.
  - (d) Pursuant to TCA Title 49, Education § 49-5-606, professional employees' organizations have access at reasonable times before or after the instructional day to areas in which professional employees work, to use institutional bulletin boards, mail boxes or other communication media or to use institutional facilities as permitted by BUS-A001 for community use at reasonable times for the purpose of holding a meeting concerned with the exercise of the rights guaranteed by TCA 49-5-601, *et. seq.*
  - (e) In school buildings or on school grounds, principals are responsible for determining if advertising activities satisfy the above requirements and are the approval authority for advertising.
  - (f) In district support buildings, Senior Leadership Team is responsible for determining if advertising activities satisfy the above requirements and are the approval authority for advertising.

### **2) DISTRIBUTION OF NONSCHOOL-SPONSORED PUBLICATIONS**

- a) If a nonschool organization desires to make its materials available to CMCSS students and their parents, such materials shall meet the following criteria:
  - i) Any and all such material shall:
    - (1) relate to the district's educational program
    - (2) be directed to students
    - (3) be age-appropriate
    - (4) not present a clear and present likelihood that, either because of their content or their manner of distribution, will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities or will cause the commission of unlawful acts or the violation of school policies or procedures
  - ii) Charitable solicitations, partisan political organizations, and commercial or profit-making enterprises shall not be allowed to be distributed to CMCSS students, with the exception of school-business/organization partnerships and events and jointly-sponsored government or business activities which advance the education or other best interests of CMCSS students.
  - iii) With the exception of materials relating to school-business partnerships and events and jointly sponsored government-business activities as set forth in 2.a.ii., the materials may not contain names or logos of profit-making organizations.

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- iv) To ensure that schools remain neutral, do not appear to approve or disapprove any particular religious or political viewpoint, and do not sponsor or endorse the classes or activities sponsored by any community organization, all nonschool-sponsored publications made available through the schools shall include the following disclaimer: *These materials are neither sponsored nor endorsed by the Clarksville-Montgomery County School System.*
    - (1) The same disclaimer shall be posted at the school location where such materials are available.
  - v) School principals are responsible for determining whether such materials satisfy the above requirements. Community organizations should submit their materials to principals in advance of distribution.
- b) If such materials meet the criteria above in section 2a, school principals shall offer at least one of the following options to nonschool organizations that want to make their materials available to students and parents.
- i) Posting at a designated bulletin board or other location;
  - ii) Maintenance of fliers in the school's community information area;
  - iii) By take-home;
  - iv) Whatever option(s) the principal selects shall be made available to all eligible nonschool organizations on a nondiscriminatory basis;
  - v) The principal may require that nonschool organizations provide volunteers to help the school post or distribute the materials.
    - (1) Representatives of nonprofit or for-profit organizations shall not be permitted in school buildings or on school grounds during school hours to distribute materials to students.
- c) Before or after the instructional day, principals may control access to school grounds and limit the time, place and manner of distribution of materials on school grounds as necessary to protect safety and order. Under no circumstance, will individuals or organizations be permitted to gain access to school grounds or distribute materials in violation of law, policy, or regulation, nor will they be permitted to leave materials on cars, or otherwise litter school grounds.
- d) The Communications Department shall only distribute four nonschool materials per school year to students and/or parents. These nonschool materials shall come from city and county government entities; two materials from the City of Clarksville and two materials from Montgomery County.
- i) The Chief Communications Officer or designee shall approve these materials before they are distributed to schools.

### 3) STUDENT DISTRIBUTION OF FLIERS

- a) Students may distribute materials only as provided in this section.
- b) Any and all such material shall:
  - i) be directed to students
  - ii) be age-appropriate
  - iii) not present a clear and present likelihood that, either because of their content or their manner of distribution, will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities or will cause the commission of unlawful acts or the violation of school policies or procedures
- c) Principals may impose reasonable time, place and manner restrictions on such distribution.
- d) Students may not make mass distributions of nonschool materials in school buildings or on school grounds during school hours, including bus arrival and departure times.

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### **4) NONSCHOOL-SPONSORED CONTESTS AND COMPETITIONS**

- a) Contests and competitions must be curriculum related. All requests shall be submitted in writing to the appropriate Director of Curriculum and Instruction who shall then send written request approval or denial to the Chief Academic Officer (or designee) for inclusion in the weekly communiqué to principals.
- b) Charitable organizations desiring to sponsor contests or competitions shall observe the following criteria:
  - i) The contest or competition must be directly related to curricular standards taught in the designated subject area.
  - ii) Any material provided to students shall not contain advertising or requests for contributions for the charitable organization.
  - iii) If the contest or competition is approved, any student who submits an entry shall receive recognition of the entry.
  - iv) Contests at the elementary school level shall recognize all students for their attempts through certificates of participation.
  - v) Neither specific students nor winning entries may be used for advertising purposes to elicit contributions.

### **5) EXCEPTIONS**

- a) Information about school organizations (such as school clubs, PTA, PTO or other parent and booster organizations) may be distributed to students as long as:
  - i) The school organization is clearly identified.
  - ii) A nonschool telephone number is provided so that responsible individuals may respond to questions.
  - iii) Principals shall work cooperatively with parent organization representatives in distributing information to parents.
- b) Principals shall have the authority to permit students to collect and/or donate material goods for those in need. Such collections might include, but not be limited to, food gifts during holiday seasons or clothing for families stricken by disaster.
- c) Principals shall have the discretion to permit charity fundraisers on an exceptions-only basis if the fundraiser:
  - i) Will not disrupt the educational program;
  - ii) Either benefits a charity relating to the community or benefits students or supports student-initiated student achievement goals. The charity may be local, national or international.
- d) The Director of Schools shall have the authority to permit:
  - i) Charity fundraising drives among employees on an annual or as-needed basis; or
  - ii) School system-wide charity fundraising drives deemed necessary to support local business partners or meet a unique need relating to children. The charity may be local, national or international.
  - iii) Such permission shall be based on a non-discriminatory basis and not based upon the viewpoint of the charity fundraiser.
- e) Pursuant to T.C.A. §49-6-305:
  - i) As used in this section, "patriotic society" or "society" means a group or organization listed in Title 36 of the United States Code that is a youth membership organization with an educational purpose that aligns with the curriculum standards and promotes civic involvement.
    - (1) Examples: Boy Scouts of America, Girl Scouts of the United States of America, Boys & Girls Clubs of America, and Big Brothers – Big Sisters,
  - ii) Beginning with the 2016-2017 school year, the principal of each school shall allow representatives of a patriotic society the opportunity to speak with students during school hours to inform the students of

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- how the patriotic society may further the student's educational interest and civic involvement to better their schools, communities, and themselves.
- iii) The patriotic society shall be given only one (1) day at the beginning of each academic school year, as approved by the principal, for the society to speak to the students at the school for no more than ten (10) minutes.
  - iv) The patriotic society shall provide verbal or written notice to the principal of the society's intent to speak to the students. The principal shall provide verbal or written approval of the specific day and time for the society to address the students.
  - f) Political advertising shall not be permitted on school property except that at those school facilities that are used as polling places. Political signage may be placed at said school facilities only in accordance with the County and City rules as to such and only between the hours of 7 a.m. to 7 p.m.

**Associated Docs:** [COM-A001](#) Distribution of Information and Material  
[BUS-A001](#) Community Use of School Facilities  
Public Chapter No. 807, TCA Title 49. Education, specifically TCA § 49-5-606 and §49-6-305  
Title 36 of USC, Subtitle II, Part B

### Revision History:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
4/6/18		Initial Release
9/5/19	A	Updated T.C.A. citation in 5,e.