

COLCHESTER SCHOOL DISTRICT

POLICY: FLAGPOLE REQUESTS

DATE ADOPTED: January 19, 2021

POLICY STATEMENT

Under state statute the Colchester School District is a municipality and a government body. Therefore, it is the policy of the CSD that District flag poles are a forum of government speech, thereby maintaining the distinction between government speech and private speech by students and community members. The CSD Board, as a government entity, determines its speech through the actions of the Board. The speech of the Board is not controlled or limited by any individuals other than the elected members of the Board.

The Board is not obligated to approve any flag requests. Requests that meet the criteria outlined below are not guaranteed approval by the Board because flag requests are suggestions for Board consideration. This policy determines how those suggestions are to be proposed. The criteria outlined in this policy establish minimum standards in order for a flag request to be considered, but the Board has the right to apply other standards beyond the minimum at its discretion.

I. MANAGEMENT AND CONTROL

The District's flagpoles are under the control and management of the District and it is impermissible to fly any flag other than the United States and Vermont flags without the prior approval of the School Board. Such approval shall be based on the steps and approval process outlined below.

Excluding the United States and Vermont flags, only two flags at a time may be approved by the Board to be raised. Preference shall be given based on when a request is received by the CSD administration.

The School Board will only consider flag requests from CSD students or student groups.

The Board may determine to raise any flags which clearly support a stated district goal, current academic endeavors or programs, curriculum and courses of study, or established Vermont Agency of Education Transferable Skills. Any approved flag requests must also comply with existing District policies.

Only the main flagpole at a CSD building will be utilized for the purpose of this policy. Proposed flags may be flown for a maximum three (3) month duration determined by the School Board. The CSD Board may remove a previously-approved flag at any time.

Date Warned: December 11, 2020
First Reading: December 15, 2020
Second Reading: January 5, 2021
Third Reading: January 19, 2021

II. REQUIRED STEPS FOR FLAG PROPOSALS

- A. Requests to fly a flag will be submitted to the superintendent of schools in writing. The superintendent or their designee will review the request to ensure that it includes and conforms with the following criteria and is eligible to be considered by the Board.

1. Required Proposal Components

- a) A visual replication of the exact flag, with dimensions and method of attachment to the flagpole. Any proposed flag may not be larger than the American flag.
- b) A rationale that explains how the proposed flag supports a stated district goal, current academic endeavors or programs, curriculum and courses of study, or Vermont Transferable Skills.
- c) A proposed time frame for raising and flying the flag.
- d) Estimated cost of the flag.
- e) Evidence of support from a faculty advisor/sponsor.
- f) Demonstrated student support for the proposed flag.

2. Exclusionary Criteria

- a) The flag may not be libelous, defamatory, obscene, lewd, vulgar, or profane.
- b) The flag may not violate federal, state or local laws.
- c) The flag may not violate any district policy.
- d) The flag may not depict any symbols, language, slogans, etc. that are registered as hate speech by a nationally recognized organization such as the Anti-Defamation League or Southern Poverty Law Center.
- e) The flag may not interfere with or advocate interference with the rights of any individual or the orderly operation of the schools and their programs.
- f) The flag may not be subject to copyright, licensing or trademarks (meaning that the District should not commit itself to paying royalties or becoming involved in any type of legal dispute for flying flags that the District did not receive licensing approval or pay royalties to fly).
- g) The flag may not be commercial in nature.

- B.** If eligible to be considered by the Board, the superintendent will arrange for the proposal to be added to an agenda to be presented to the Board at an upcoming legally warned Board Meeting. If the request is ineligible to be considered by the Board, the superintendent or designee will notify the requestor(s) in writing of the reason for ineligibility.
- C.** If the superintendent determines a request to be ineligible and the requestor(s) disagree with the superintendent or designee's eligibility decision, the requestor(s) may appeal to the Board in writing for the request to be heard. The superintendent or designee's written response and rationale for determining the request ineligible will be submitted as a part of the materials for consideration by the Board as it hears the request on appeal. Appeals must be submitted to the Board within fourteen (14) calendar days of the date of the eligibility denial issued by the superintendent.
- D.** After hearing a request, the Board will vote on the flag request within the next two (2) regularly scheduled and legally warned Board meetings. The Board will provide a written statement articulating why the flag request was approved or denied, to be delivered to the requestor(s) through the superintendent.
- E.** The Board may also determine to renew a previously-approved flag to fly upon a written request from the original applicant(s) directly to the Board. Any such request shall follow the procedural requirements in step B (above).