Administrative Regulation 0403.50-AR(9): Personnel Conduct - Visual Diplays **Status:** DRAFT

Original Adopted Date: Pending

VISUAL DISPLAYS ON DISTRICT-OWNED PHYSICAL PROPERTY

Regarding the teaching of controversial issues, personnel are directed to Policy 602.20.

Policy 100.01 and the Code of Ethics for Idaho Professional Educators shall be read consistently with this regulation. Nothing contained in this regulation limits any employee or student of the District from exercising lawfully recognized independent speech or association rights, consistent with all other Policies and/or regulations and as appropriate in a limited public forum public school setting or engaging in instruction of subjects consistent with the District's Policy and approved curriculum. This policy governs the use of District-owned physical property for displays, decorations, and visual content within classrooms and other school facilities, including both permanent and temporary materials.

This regulation applies specifically to the use of District-owned physical property and does not restrict private speech outside of that context. It is the desire of the District that the physical environment of District facilities be content-neutral, conducive to a positive learning environment, and not a distraction to the educational environment.

All physical property of the District should encourage a positive learning environment, and the classroom should be arranged in such a manner to support the instructional goals and District-approved curriculum. To foster these goals, the only other flags, or banners (including posters, signs, pictures or other digital or physical images) that may be flown, posted, or affixed to the physical property of the District will be content neutral and conducive to a positive learning environment.

Content Neutral

For the purposes of this policy, *content neutral* refers to displays, images, or materials that are directly related to the approved curriculum, school operations, or student achievement. Displays may not promote or oppose any political, ideological, religious, or socially contentious position.

Visuals that are **not content neutral** refer to any symbol or physical representation that meets one or more of the following criteria and are determined to be inconsistent with this policy by the building principal, in consultation with district administration and, when appropriate, legal counsel:

1. The subject of current intense public argument, disagreement, or disapproval.
2. Includes political messages, such as displays of partisan political affiliation or advocacy for specific political candidates or parties.
3. Pertains to contentious ideologies, beliefs, or social issues.
4. Reasonably likely to incite disruption, distraction, or division within the school community.

In evaluating whether a display falls under these criteria, administrators will consider:

1. Alignment with District-approved curriculum or programs.
2. Impact on the educational environment.
3. Feedback or concerns raised by students, staff, or families.
4. Legal and policy guidance.

Examples of accepted displays include, but are not limited to:

1. The current flag of The United States of America;
2. The current Idaho state flag;
3. Official flags of any state in the United States;

4. Official flags of the United States military;
5. Official flags of Idaho Indian tribes;
6. Official flags of recognized foreign nations with which the United States is not engaged in overt military action;
7. Flags or banners used as part of a temporary unit of student instruction within the approved curriculum.
    1. Such flag or banner shall present factually accurate historic events;
8. Displays that are used as a routine and consistent part of the class-approved curriculum in aid of learning and classroom expectations — i.e., periodic table, mathematical equations, the U.S., or Idaho Constitution, motivational posters;
9. Displays that denote a recognition of achievement by the District, School, or class;
10. School or District sports tournament flags or banners, recognizing the participation of a school team;
11. Content promoting post-secondary educational opportunities from colleges, or universities or professional sports teams;
12. Student works/student artwork may be used as part of a temporary display, so long as such artwork is not otherwise in violation of District Policy;
13. Policy 503.20 approved Student Club displays;
14. Classroom activity photos, consistent with FERPA requirements;
15. Personal family photographs of school employees;
16. Promotional materials from athletic and activities sponsors as approved by the Chief of Staff or designee.

REVIEW PROCESS

Site Level Review

A school receiving a concern from a parent/guardian of an enrolled student, District personnel or current student regarding a school display, will first try to resolve the issue at the building/site level. In accordance with policy 203.03 complaints and grievances should be handled as close to their origin as possible. To avoid classroom disruption, the display in question will remain in place during the site level review.

In such instances, the following procedures shall apply:

1. In an informal meeting, the building principal or designee, along with the affected personnel shall discuss the specific concerns observed in the classroom display.
2. If an agreement is reached about the scope of the display's use in that building, the building principal shall clearly state in writing to the complainant and the personnel, the terms of the agreement.
3. If an agreement is not reached, a site level appeal may be initiated by the complainant or the personnel within **5 operational days** of being notified of the concern.
   The appeal shall be conducted as follows:
    - The principal shall bring the visual to the school leadership team within 5 operational days of receiving the appeal.
    - The team must come to a conclusion by a vote of 50% +1 to determine one of the actions listed below. If a simple majority is not initially determined the committee will eliminate the option receiving the fewest votes and revote until a simple majority is determined.
    - The personnel may choose to provide a written rationale for the display.
      The options for the team to consider are as follows:
        - The visual is in alignment with policy 403.50

        - The visual is not in alignment with 403.50
        - The visual needs to be recreated, similar in nature to maintain neutrality.

4. The administrator must submit rationale for the committee's decision in writing to both the complainant and the personnel **within 5 operational days** of the decision.
5. If either the personnel or the complainant wishes to further challenge the use and placement of the visual, then the matter will be referred to Dr. Shana Hawkins to convene the District Visual Review Committee.

District Visual Review Committee Reconsideration

After a Site Level Review has been requested and left unresolved, the following procedures shall be in place to appeal the decision regarding a classroom display to the District Visual Review Committee.

The District Visual Review Committee consists of:

- Dr. Shana Hawkins, the Director of Support and Accountability
- The most applicable District personnel to provide context to the visual display; including but not limited to coordinators, directors of instruction and director of curriculum.
- Parents/Guardians with currently enrolled West Ada students, with at least one parent selected from each Trustee Zone.
- This committee shall consist of no fewer than 7 members with parent representation being at least 50% of the committee.

Request for District Reconsideration

Within **ten operational days** of the finalized Site Level Review, a request for District Reconsideration may be submitted by either the employee or the complainant.

The request must include:

- Documentation of a completed Site Level Review,
- A completed District Request for Reconsideration of Visual Form.

Considerations

The committee shall:

- Research the visual display to identify whether it is widely accepted by educational professionals, scholars, or subject matter experts.
- Review the visual display to ensure it complies with all applicable district policies and adheres to relevant state laws and educational guidelines.
- Consider both the strengths and weaknesses of the visual display, including any concerns raised by the complainant and evaluate its overall appropriateness based on its intended use and relevance within the educational program.
- Review the content for neutrality using the following guiding statements:
    - Is the subject of intense public argument, disagreement, or disapproval.
    - Includes political messages, such as displays of partisan political affiliation or advocacy for specific political candidates or parties.
    - Pertains to contentious ideologies, beliefs, or social issues.
    - Reasonably likely to incite disruption, distraction, or division within the school community.

- Voting by the Reconsideration Committee shall take place during the meeting. Each member of the Reconsideration Committee shall have one (1) vote.
- If after an initial vote, a majority of the committee (50%+1) has not reached an agreement on one of the above-referenced resolutions, a re-vote will be taken between the two resolution options that received the highest number of votes in the first vote. If there are not two clear resolution options that have received the highest number of votes, a re-vote will take place at the discretion of the District Superintendent or Designee, until there is a majority of votes. The decision will be made within the scope of the complaint and will include one of the following:
    - The visual is in alignment with policy 403.50
    - The visual is not in alignment with 403.50
    - The visual needs to be recreated, similar in nature to maintain neutrality.
- The employee may choose to provide a written rationale for the display.
- If the visual proposed for District reconsideration is the subject of a current District Administrative Review or a Site Level Review, the formal reconsideration shall be stayed until the District Administrative Review or Site Level Review has concluded.

Resolution

The Director of Accountability and Support shall prepare a written report detailing committee's activities, considerations, and the final decision **within ten (10) operational days** of the decision being made. A draft of the report shall be provided to the Superintendent or designee prior to being finalized and issued. A dissenting report may also be filed and distributed.

Once finalized and released, the written report shall be retained by the District Director of Accountability and Support with copies forwarded to the Superintendent, the Director of Curriculum and Instruction, and the Chief Academic Officer. A dissenting report may also be filed.

The Director of Accountability and Support will notify the complainant of the decision and will provide the complainant with a copy of the written report of the committee. Committee members will remain anonymous.

The decision of the Reconsideration Committee is binding for all district schools.

- Both the personnel and the complainant reserve the right to appeal the District Reconsideration Committee's decision to the Board of Trustees, who may elect to consider the issue on the assent of the Board Chair or at the request of no fewer than two (2) Trustees. If not considered by the Board, the Committee's decision shall be considered final and binding across the District.
- Said appeal of the committee's decision must be submitted to the Clerk of the Board within five (5) operational days of communication of the Committee's decision.
- It shall be the responsibility of the Director of Support and Accountability to collect and maintain all District records associated with the activities detailed in this policy.

Any irregularities in process/protocol may be addressed by the Superintendent or designee.

For the purposes of this administrative regulation, "operational days" are defined as days when the employee involved in the review process is actively working under contract. This means that any review-related tasks cannot be conducted during school holidays, scheduled breaks, or the summer months when the employee is not under contract. As a result, review activities may be paused during these non-operational periods, and the associated timelines will be adjusted as needed to allow for the completion of the processes outlined in this regulation.

All proceedings will be conducted with a commitment to confidentiality and non-retaliation. Committee members will remain anonymous, and no retaliatory action shall be taken against any participant in the review process, in accordance with District policy and Idaho law.
