

Community Relations

Advertising and Promotion

The Board of Education establishes this policy to ensure effective and consistent implementation of its directions related to advertisements and promotions by non-school groups in school-sponsored publications, web sites, and social media and on school facilities. Student speech shall be regulated in accordance with BP/AR 5145.2 - Freedom of Speech/Expression.

Limited Open Forum

The Board of Education desires to promote positive relationships between schools and the community in order to enhance community support and involvement in district schools. The superintendent or designee may approve:

1. Distribution of noncommercial materials that publicize services, special events, public meetings, or other gatherings of interest to students or parents/guardians
2. Distribution of promotional materials of a commercial nature to students or parents/guardians
3. Paid advertisements on school property, including but not limited to billboard advertisements
4. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications
5. Products and materials donated by commercial enterprises for use in the classroom, as long as they serve an educational purpose and do not unduly promote any commercial activity or products. Such materials may bear the name and/or logo of the donor

Prior to distribution, posting, or publication of any non-school group's promotional materials or advertisement, the superintendent, principal, or designee shall review and approve all the advertisement and promotional materials to ensure compliance with Board policy.

The superintendent or designee may selectively approve or disapprove distribution of materials or advertisement based on the criteria listed below, but may not disapprove materials or advertisement in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that would otherwise be allowed.

All materials to be distributed shall bear the name and contact information of the sponsoring entity.

The use of promotional materials or advertisements does not imply district endorsement of any identified products or services. Schools are encouraged to include a disclaimer in school publications and yearbooks stating that the district or the school does not endorse any advertised products or services. All flyers must include this language.

Criteria for Approval

The superintendent or designee shall not accept for distribution any materials or advertisements that:

1. Are lewd, obscene, libelous or slanderous
2. Incite students to commit unlawful acts, violate school rules, or disrupt the orderly operation of the schools
3. Promote any particular political interest, candidate, party or ballot measure, unless such materials are being distributed at a forum in which candidates or advocates from all sides are presenting their views to the students during school hours or during events scheduled pursuant to the Civic Center Act
4. Proselytize or position the district on any side of a controversial issue
5. Discriminate against, attack or denigrate any group on account of any unlawful consideration
6. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including but not limited to materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for children
7. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy

8. Distribute unsolicited merchandise for which an ensuing payment is requested

The superintendent or designee also may consider the educational value of the materials or advertisements, the age or maturity of students in the intended audience, and whether the materials or advertisements support the basic educational mission of the district, directly benefit the students or are of intrinsic value to the students or their parents/guardians.

Schools may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks. Such criteria may limit advertisements to those that contain congratulatory or commemorative messages, curriculum-related content, advertisements for products or services of interest to students, noncontroversial content, and/or other content deemed appropriate by the school publication staff and adviser in accordance with law and Board policy.

Legal References:

California Constitution

Article 1, Section 2 Free speech rights

Education Code

7050-7058 Political activities of school officers and employees

35160 Authority of governing boards

35160.1 Broad authority of school districts

35172 Promotional activities

38130-38138 Civic Center Act

Business and Professions Code

25664 Advertisements encouraging minors to drink

United States Constitution

Amendment 1, Freedom of speech and expression

Court Cases

Hills v. Scottsdale Unified School District 48, (2003) 329 F.3d 1044

DiLoreto v. Downey Unified School District, (1999) 196 F.3d 958

Yeo v. Town of Lexington, (1997) U.S. First Circuit Court of Appeals, No. 96-1623

Hemry v. School Board of Colorado Springs, (D.Col. 1991) 760 F.Supp. 856

Bright v. Los Angeles Unified School District, (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d 350

Lehman v. Shaker Heights, (1974) 418 U.S. 298

Management Resources:

CSBA Publications

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

Web Sites

CSBA: <http://www.csba.org>

Policy

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