

**ADVERTISING AND PROMOTION**

The Board of Trustees establishes this policy to ensure effective and consistent standards for advertisements and promotions by nonschool groups in school-sponsored publications, on district and school web sites and social media, and on school facilities and grounds. Student speech shall be regulated in accordance with BP/AR 5145.2 - Freedom of Speech/Expression.

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

*(cf. 1330 - Use of School Facilities)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

*(cf. 6145.5 - Student Organizations and Equal Access)*

The Board desires to promote positive relationships between district schools and the community in order to enhance community partnerships, support, and involvement in the schools. The Superintendent/Principal or designee may, consistent with the criteria established in this policy, approve:

1. Distribution of noncommercial materials that publicize services, special events, public meetings, or other gatherings of interest to students or parents/guardians

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 6162.8 - Research)*

2. Paid advertisements on school property, including, but not limited to, advertisements on school buildings, athletic fields, scoreboards, and billboards
3. Paid advertisements in school-sponsored publications, yearbooks, announcements, and other school communications, including web sites and social media
4. Products and materials donated by commercial enterprises for educational use, including those that bear the name and/or logo of the donor, as long as they do not unduly promote the donor or any commercial activity or product

*(cf. 3290 - Gifts, Grants and Bequests)*

*(cf. 6161.11 - Supplementary Instructional Materials)*

Prior to the distribution, posting, or publishing of any nonschool group's promotional materials or advertisement, the Superintendent, principal, or designee shall review the materials or advertisement based on the criteria listed below. He/she 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 is otherwise allowed by Board policy.

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

## **ADVERTISING AND PROMOTION (continued)**

### **Criteria for Approval**

The Superintendent, principal, or designee shall not accept for distribution, or allow on school property, 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 the candidates or advocates from all sides are provided the opportunity to present their views to the students during school hours or during events scheduled pursuant to the Civic Center Act

*(cf. 1160 - Political Processes)*

*(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)*

4. Position the district on any side of a controversial issue

*(cf. 6144 - Controversial Issues)*

5. Discriminate against, attack, or denigrate any group on account of any unlawful consideration

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

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

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.62 - Tobacco)*

7. Promote during the school day any food or beverage that does not comply with state nutritional standards pursuant to Education Code 49430-49434, including a corporate incentive program that offers free or discounted foods or beverages that do not meet nutritional standards as rewards for students who reach certain academic goals. This prohibition does not include advertising on clothing with brand images worn on school grounds, advertising contained in product packaging, or advertising of infrequent school fundraising events involving food or beverages that do not meet the nutritional standards. (Education Code 49431.9)

*(cf. 3550 - Food Service/Child Nutrition Program)*

*(cf. 5030 - Student Wellness)*

**ADVERTISING AND PROMOTION** (continued)

8. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy

*(cf. 1321 - Solicitation of Funds from and by Students)*

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

The Superintendent/Principal or designee may also consider the educational value of the materials or advertisements, the age or maturity of the 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.

*(cf. 0000 - Vision)*

Schools may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks, as deemed appropriate by the Superintendent/Principal or designee in accordance with law and Board policy.

*Legal Reference: (see next page)*

## **ADVERTISING AND PROMOTION (continued)**

### *Legal Reference:*

#### EDUCATION CODE

7050-7058 *Political activities of school officers and employees*

35160 *Authority of Board of Trustees*

35160.1 *Broad authority of school districts*

35172 *Promotional activities*

38130-38139 *Civic Center Act*

49430-49434 *The Pupil Nutrition, Health, and Achievement Act of 2001, especially:*

49431.9 *Advertisement of non-nutritious foods*

#### BUSINESS AND PROFESSIONS CODE

25664 *Advertisements encouraging minors to drink*

#### CALIFORNIA CONSTITUTION

Article 1, Section 2 *Free speech rights*

#### U.S. CONSTITUTION

Amendment 1, *Freedom of speech and expression*

#### UNITED STATES CODE, TITLE 42

1751-1769j *School Lunch Program*

1773 *School Breakfast Program*

#### COURT CASES

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

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

Yeo v. Town of Lexington, (1997) 131 F.3d 241

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

Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 450

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

### *Management Resources:*

#### WEB SITES

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