

ADVERTISING & PROMOTION

The Governing Board establishes this policy to ensure effective and consistent standards for advertisements and promotions by non-school 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 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. Distribution of promotional materials of a commercial nature to students or parents/guardians (cf. 1700 - Relations Between Private Industry and the Schools)
3. Paid advertisements on school property, including, but not limited to, advertisements on school buildings, athletic fields, scoreboards, and billboards
4. Paid advertisements in school-sponsored publications, yearbooks, announcements, and other school communications, including web sites and social media
5. 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
6. Announcements or distribution of information for non-District-sponsored Board member meetings or events that do not occur during an active political campaign for any seat on the Board of Trustees and do not urge the support or defeat of any ballot measure or candidate. Any such announcement or distribution shall be in electronic format (e.g., emailed flyer), not in printed format (e.g., mailed newsletter or flyer).

(cf. 3290 - Gifts, Grants and Bequests) (cf. 6161.11 - Supplementary Instructional Materials)

Prior to the distribution, posting, or publishing of any non-school group's promotional materials or advertisement, the Superintendent, Assistant Superintendent, or principal, 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.

As necessary, the Superintendent, principal, or designee shall require a disclaimer on any non-school group's promotional materials to be distributed, posted, or published, stating that the distribution, posting, or publishing of the materials does not imply district endorsement of the group's activities, products, or services. District- and school-sponsored publications shall include a disclaimer stating that the district or school does not endorse any advertised products or services.

Criteria for Approval

The Superintendent, Assistant Superintendent, or principal, 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. Contain prayer or proselytizing language
5. Position the district on any side of a controversial issue
(cf. 6144 - Controversial Issues)
6. Discriminate against, attack, or denigrate any group on account of any unlawful consideration (cf. 0410 - Nondiscrimination in District Programs and Activities)
7. 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)
8. 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)
9. 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)
10. Distribute unsolicited merchandise for which an ensuing payment is requested
11. Request students, parents, and families to submit directory information electronically in order to receive a product or service
12. Urge the support or defeat of any ballot measure or candidate for political office, except as required by law.

The Superintendent 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 or designee in accordance with law and Board policy.

Legal Reference:

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
38130-38139 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
Henry 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>

(11/01 4/13) 12/17

ADOPTED: 10/27/21