

SUBJECT: ADVERTISING AND PROMOTION

ORIGINATING OFFICE: SUPERINTENDENT

EFFECTIVE: MARCH 14, 1978

REVISED: OCTOBER 9, 2012
NOVEMBER 13, 2012

The Governing Board desires to promote positive relationships between schools and the community in order to enhance community support and involvement in the District and its schools. As community organizations build support for the schools, the schools may cooperate with these groups under certain circumstances by publicizing their services, activities and public meetings which may be of interest to students and parents. The Board approves a program of closely regulated community advertising, sponsorships and contributions which support the District's purpose and student programs and activities.

This policy addresses:

1. The maintenance of a "limited public forum" for non-commercial communications by school sponsored/school-related non-profit entities and government agencies to educate and inform students and parents;
2. The maintenance of a "non-public forum" strictly limiting commercial advertising on district property which is consistent with district objectives and furthers the District's goal to raise revenue to benefit schools and programs; and
3. Rules for publicity/sponsorships/donations by businesses, organizations and individuals.

Distribution of Non-commercial Materials

The Superintendent or designee may approve the distribution to students and parents of non-commercial materials/flyers/notices prepared by non-profit organizations that are school-sponsored, school-related, or provide youth activities for students in the District. Approval shall be limited to materials that publicize clients, meetings, or activities of interest to students and parents (cultural, educational or fitness). Similar materials may be approved which are prepared by governmental agencies which either share programs or facilities with the District or by the armed services. Only materials which meet the content requirements of this policy and directly benefit the students' educational interests or support the basic educational mission of the District may be approved.

Distribution of Commercial Materials/Advertising

Advertisements on School Property:

Paid advertisements for display on school property, including, but not limited to, banner or billboard advertisements may be approved by the Superintendent or designee. The content of such advertisements shall consist solely of the name of the advertiser, product or service offered, a business or commercial slogan and/or logo, and contact information (address, telephone, email and/or website). Only materials or advertisements which meet the content requirements of this policy and directly benefit the students' educational interests or support the basic educational mission of the District may be approved.

Donor/Sponsor Plaques:

Posting or placement of plaques, signs or other forms of acknowledgement recognizing substantial donors, sponsors or contributors to school programs or activities may be approved by the Superintendent or designee. All such acknowledgement shall be referred to as donor/sponsor plaques in this policy. The receipt of gifts/donations is subject to Board Policy 3280.

Prohibited Content of Non-commercial Materials/Commercial Materials and Advertising:

The Superintendent or designee(s) shall not approve any non-commercial materials, commercial materials or advertisements with content which:

1. Is obscene, libelous or slanderous (Education Code 48907).
2. Incites students to commit unlawful acts, violate school rules or is reasonably foreseeable to disrupt the orderly operation of the schools or school activities (Education Code 48907).
3. Promotes 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. Discriminates against, attacks or denigrates any group on account of any unlawful consideration.
5. Promotes the use or sale of materials or services that are illegal or inconsistent with the District's educational objectives, including, but not limited to, materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for youth.
6. Solicits funds or services for an organization, with the exception of solicitations authorized in Board Policy 1324.
7. Distributes unsolicited merchandise for which an ensuing payment is requested.
8. Offers tickets for non-school events for sale on school premises unless previously authorized by the Superintendent or designee.

Additional Approval Criteria:

In addition to the criterion listed above, the Superintendent or designee also may consider the educational value of the materials or advertisements and/or the age or maturity of students in the intended audience. The length (e.g. number of pages) of materials may be restricted on a uniform basis.

The Superintendent or designee may not disapprove materials or advertising in an arbitrary or capricious manner, or in a way that discriminates against a particular viewpoint on a subject otherwise permitted by this policy.

Approval Procedure:

The Superintendent shall provide written notice of which district and site administrators are authorized to review and approve certain types of materials and advertising. Prior to distribution or publication, the Superintendent or designee shall review and provide written approval or disapproval to all proposals to display banners, distribute written materials/notices/flyers, install donor/sponsor plaques, or place advertising for display at district facilities to ensure compliance with this policy. The designated administrator shall also determine the appropriate time, place and manner of distribution of approved materials. The administrator's determination shall not discriminate against any sponsoring entity.

No materials shall be distributed without prior authorization. Authorization shall consist of written approval by the Superintendent or designee on a district form that has been completed by the requestor. All material shall bear the name of the sponsoring entity. The Superintendent or designee may, as appropriate, also require the material to include a disclaimer stating "this event is not school-sponsored or approved" and/or that "the opinions expressed are not those of the School District or school personnel."

Classrooms:

Students shall not be required to view commercials during instructional time. Advertisements may be studied, however, as part of the consumer education curriculum.

Products and materials donated by commercial enterprises may be used 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 or logo of the donor. The use of such materials does not imply district endorsement of any identified commercial products or services.

Delegation of Approval:

The Superintendent shall provide written notice to the public of the delegation of his/her authority to approve various types of notices and advertising to other district administrators or school principals.

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

38130-38138 Civic Center Act

48907 Student exercise of free expression

BUSINESS AND PROFESSIONS CODE

25664 Advertisements encouraging minors to drink

U.S. CONSTITUTION

Amendment 1, Freedom of speech and expression

COURT CASES

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. City of Shaker Heights, (1974) 418 U.S. 298