

**ADVERTISING AND PROMOTION****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 items of interest to students or parents/guardians

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

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

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

*(cf. 6162.8 - Research)*

2. Paid advertisements on school property, including but not limited to billboard advertisements
3. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications

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

4. 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.

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

Prior to distribution or publication, the Superintendent, principal or designee shall review and approve all advertising copy and promotional materials to ensure compliance with Board policy. The Superintendent, principal or designee may selectively approve or disapprove distribution of materials or publishing of copy based on the criteria listed below, but may not disapprove materials or copy 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 school does not endorse any advertised products or services.

## ADVERTISING AND PROMOTION (continued)

### Criteria for Approval

The Superintendent, principal or designee shall not accept for distribution any materials or advertisements that:

1. Are obscene, libelous or slanderous (Education Code 48907)
2. Incite students to commit unlawful acts, violate school rules or disrupt the orderly operation of the schools (Education Code 48907)
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

*(cf. 1160 - Political Processes)*

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

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

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

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

5. 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

6. 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)*

7. 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.

*(cf. 0000 – Strategic Plan)*

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

## ADVERTISING AND PROMOTION (continued)

deemed appropriate by the school publication staff and adviser in accordance with law and Board policy.

### *Legal References:*

#### 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 450*

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