

Advertising and Promotion**Distribution of Noncommercial Materials**

The Board of Education desires to promote positive relationships between the schools and community organizations. Just as community organizations can build support for the schools, the schools can cooperate with these groups under certain circumstances by publicizing services, special events and public meetings of interest to students and parents/guardians.

(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee may approve the distribution to students of materials prepared by organizations which are school sponsored or school related. Materials approved for distribution shall further the district's intended purpose, directly benefit the students or their parents/guardians, support the basic educational mission of the district and be of intrinsic value to the students.

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.

As necessary, the Superintendent, principal, or designee shall require a disclaimer on any nonschool 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.

Distribution of Political Materials

The schools shall not distribute campaign materials pertaining to a candidate, party, or ballot measure. Campaign materials shall not be distributed on district property at any time other than 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)

Distribution of Commercial Materials/Advertising

School-sponsored publications, announcements, and other school communications may accept paid advertising except for that prohibited by law and administrative regulation. The Superintendent or designee may prohibit advertisements which are inconsistent with school objectives and do not reasonably relate to the educational purpose of school-sponsored publications. In addition, the Superintendent or designee may allow the distribution of promotional material of a commercial nature within the parameters of law and administrative regulation but also may prohibit the distribution of materials which lack educational value or are not related directly to the school program.

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Advertising copy may be solicited and prepared only to the extent that this process furthers the educational well-being of the students involved. Excessive solicitation of the same sources shall be avoided.

Students shall not be exploited to raise money, and time spent securing ads shall not infringe upon the school program.

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

(cf. 6145.3 - Publications)

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.

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6161.11 - Supplementary Instructional Materials)

The Superintendent, principal, or designee shall not accept for distribution any materials or advertisements prohibited by law or administrative regulation.

The Superintendent or designee may 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 References Next Page:

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Legal Reference:

EDUCATION CODE

CALIFORNIA CONSTITUTION

- Article 1, Section 2 Free speech rights
- 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

- 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

COURT DECISIONS

- 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

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>