

**ADVERTISING AND PROMOTION**

The Baldy View Regional Occupational Program Commission desires to promote positive relationships between Baldy View Regional Occupational Program (ROP) and the community in order to enhance community support and involvement in ROP programs. 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. Distribution of promotional materials of a commercial nature to students or parents/guardians

*(cf. 1700 – Community and Business Partners)*

3. Paid advertisements on ROP property, including but not limited to billboard advertisements

4. Paid advertisements in ROP-sponsored publications, yearbooks, announcements and other communications

*(cf. 1113 - ROP Web Sites)*

5. 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 or designee shall review and approve all advertising copy and promotional materials to ensure compliance with ROP policy.

The Superintendent 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 ROP endorsement of any identified products or services.

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

### **Criteria for Approval**

The Superintendent 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 program (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 ROP 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 ROP 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 ROP 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 ROP, directly benefit the students or are of intrinsic value to the students or their parents/guardians.

*(cf. 0000 – Mission/History)*

**ADVERTISING AND PROMOTION** (continued)

The ROP may establish additional criteria pertaining to the content of advertisements in ROP 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 deemed appropriate by the publication staff and adviser 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*

38130-38138 *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. Shaker Heights*, (1974) 418 U.S. 298