

Advertising and Promotion

The 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 AR 5145.2 — Freedom of Speech/Expression.

The Superintendent or designee may, consistent with the criteria established in this policy and Regulation 1325, approve:

1. Distribution of noncommercial materials, including flyers, that publicize services, special events, public meetings, or other gatherings of interest to students or parents/guardians sponsored by the district, school, school-affiliated organizations (booster clubs, PTA, etc.), public agencies or by local non-profit, non-partisan, non-sectarian community groups that benefit the youth of the community (educational or athletic programs), as determined in the district's sole discretion.

(cf. 1400 - Relations Between Governmental Agencies)

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6162.8 - Research)

2. Distribution of promotional materials, including flyers, of a commercial nature to students or parents/guardians provided that the promoted activity is sponsored by the district, school, school-affiliated organizations (booster clubs, PTA, etc.), public agencies or by local non-profit, non-partisan, non-sectarian community groups that benefit the youth of the community (educational or athletic programs), as determined in the district's sole discretion.

(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.

(cf. 3290 - Gifts, Grants and Bequests)

Advertising and Promotion

(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 Board policy.

The Superintendent or designee may approve the following types of commercial materials/advertising, based upon the criteria set forth in Regulation 1325, but may not disapprove materials or copy in an arbitrary or capricious manner or in a way that discriminates against any group or 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 Superintendent 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 and school does not endorse any advertised products or services.

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.

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.

Corporate Sponsorships

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. Just as community organizations can build support for the schools, the schools can cooperate with non-school organizations under certain circumstances by publicizing services, special events, and public meetings of interest to students and parents/guardians. Through the implementation of sponsorship platforms for non-school organizations, the district will be able to offset some of its General Fund expenses and protect some of the most vulnerable student programs.

The Superintendent or designee has the authority to enter into corporate sponsorship contracts. Sponsor activities could include signage in the cafeteria, on athletic fields, in common areas, naming rights of auxiliary buildings, product demonstrations, recognition on the district's website, granting "official designations" to sponsors, and other activities. The district has the right to refuse any offers of sponsorship in its sole discretion.

The sale to students or employees of articles shall be prohibited.

Advertising and Promotion

Permanent advertising or sponsorship recognition shall be permitted only with approval by the Superintendent or designee. (Education Code 35161, 35182.5)

Commercial 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, pursuant to this policy. 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.

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)

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, subject to district approval. The use of such materials does not imply district endorsement of any identified commercial products or services.

(cf. 1700 - Relations between Private Industry and the Schools)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6161.11 - Supplementary Instructional Materials)

Posting of Signs and Banners on School Property

The district realizes that school and non-school organizations have a need to communicate to the school community regarding upcoming events.

Signs and banners inside the external perimeter of the school are limited to subjects providing information about school or district activities and must be approved by the Superintendent or designee. The Superintendent or designee will monitor the use of signs to support an attractive environment and atmosphere at the school site. Kiosks and/or bulletin boards, if available, may also be used to post general community information if approved by the school principal.

The number of total banners displayed at a school site may be limited by the Superintendent or designee.

Advertising and Promotion

The exterior perimeter of buildings and fences facing a public road may not be used to display signs or banners from any community organization.

Legal Reference:

EDUCATION CODE

Ed. Code 35160 Authority of governing boards

Ed. Code 35160.1 Broad authority of school districts

Ed. Code 35172 Promotional activities

Ed. Code 38130-38139 Civic Center Act

Ed. Code 49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001

Ed. Code 49431.9 Prohibition of advertisement of non-nutritious foods

Ed. Code 7050-7058 Political activities of school officers and employees

BUSINESS CODE

Bus. Code 25664 Advertisements encouraging minors to drink

COURT DECISIONS

Yeo v. Town of Lexington, (1997) 131 F.3d 241

Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 450

DiLoreto v. Downey Unified School District, (1999) 196 F.3d 958

Henry v. School Board of Colorado Springs, (D.Col. 1991) 760 F.Supp. 856

Hills v. Scottsdale Unified School District, (2003) 329 F.3d 1044

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