

ADVERTISING AND PROMOTION

The Governing Board establishes this policy to ensure effective and consistent standards for advertisements and promotions by nonschool 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 BP/AR 5145.2 - Freedom of Speech/Expression.

(cf. 1113 – District Sponsored Websites)

(cf. 1114 – Social Media Use)

(cf. 1330 – Civic Center - Use of School Facilities)

(cf. 5145.2 – Freedom of Speech/Expression)

(cf. 6145.5 – Student Organizations and Equal Access)

The Board desires to promote positive relationships between district schools and the community in order to enhance community partnerships, support, and involvement in schools. The Superintendent or designee may, consistent with the criteria established in this policy, approve:

1. Distribution of noncommercial materials that publicize services, special events, public meetings or other gatherings of interest to students or parents/ guardians.
2. Distribution of promotional materials of a commercial nature to students or parents/guardians.
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 websites 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)

(cf. 6161.11 – Supplementary Instructional Materials)

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.

ADVERTISING AND PROMOTION (continued)

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.

Criteria for Approval

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

1. Are lewd, obscene, libelous or slanderous.
2. Incite students to commit unlawful acts, violate school rules or disrupt the orderly operation of the schools.
3. Promote any particular political interest, candidate, party, or ballot measure, unless the candidates or advocates from all sides are provided the opportunity to present their views to the students during school hours or during events scheduled pursuant to the Civic Center Act.

(cf. 1160 – Political Processes)

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

4. Contain prayer or proselytizing language.
5. Position the district on the side of a controversial issue.

(cf. 6144 – Controversial Issues)

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

(cf. 0410 – Nondiscrimination in District Programs and Activities)

7. 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.

(cf. 5131.6 – Alcohol and Other Drugs)

(cf. 5131.62 – Tobacco)

ADVERTISING AND PROMOTION (continued)

8. Promote during the school day any food or beverage that does not comply with state nutritional standards pursuant to Education Code 49430-49434, including a corporate incentive program that offers free or discounted foods or beverages that do not meet nutritional standards as rewards for students who reach certain academic goals. This prohibition does not include advertising on clothing with brand images worn on school grounds, advertising contained in product packaging. (Education Code 49431.9)

(cf. 3550 – Food Service/Child Nutrition Program)
(cf. 5030 – Student Wellness)

9. 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)

10. 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 – Concepts and Roles)

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 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*

49430-49434 *The Pupil Nutrition, Health, and Achievement Act of 2001, especially:*

49431.9 *Advertisement of non-nutritious foods*

BUSINESS AND PROFESSIONS CODE

25664 *Advertisements encouraging minors to drink*

CALIFORNIA CONSTITUTION

Article 1, Section 2 *Free speech rights*

U.S. CONSTITUTION

Amendment 1, *Freedom of speech and expression*

ADVERTISING AND PROMOTION (continued)

Legal Reference: (Continued)

UNITED STATES CODE, TITLE 42

1751-1769 School Lunch Program

1773 School Breakfast Program

COURT CASES

Hills v. Scottsdale Unified School District, (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

Bright v. L.A. 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

Policy
adopted: February 28, 1990
revised: October 16, 2007
revised: March 8, 2018

MURRIETA VALLEY USD
Murrieta, California