

BRITTAN SCHOOL DISTRICT

Board Policy No. 1325 - ADVERTISING AND PROMOTION

Limited Open Forum

The Governing Board recognizes that schools are a limited open forum, and that governing boards are charged with the responsibility of promulgating reasonable rules regulating the use and distribution of advertising and promotional materials. The Governing Board also desires to promote positive relationships between schools and the community in order to enhance community support and involvement in district schools.

Therefore, with the foregoing goals in mind, the Governing Board promulgates this policy, which provides as follows:

Subject to the criteria detailed below, 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.
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 billboard advertisements.
4. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications.
5. Products and materials donated by commercial enterprises for use in the classroom. Such materials may bear the name and/or logo of the donor.

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, including but not limited to this policy.

The Superintendent, principal or designee 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 by the objective criteria detailed in this policy. Instead, the Superintendent, principal or designee may selectively approve or disapprove distribution of materials or publishing of copy based on the criteria listed below.

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. Directly or indirectly promote any particular political interest, candidate, party, ballot measure or religion 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. School resources, including staff time, shall not be used toward directly or indirectly promoting individual causes, politics or religions.
4. Directly or indirectly discriminate against, attack or denigrate any individual or group.
5. Promote the use or sale of materials or services - either directly or indirectly - 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 either directly or indirectly, with the exception of solicitations authorized in Board policy.
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.

Schools may establish additional criteria, including but not limited to 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, non-controversial content, and/or other content deemed appropriate by the school publication staff and adviser in accordance with law and Board policy.

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.

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

Date Policy was Adopted by the Board: 1/13/2004

Date Policy was Revised by the Board: 12/13/05