

ADVERTISING AND PROMOTION

The Governing Board establishes this policy to ensure effective and consistent implementation of its directions related to advertisements and promotions by nonschool groups in school-sponsored publications, web sites, and social media and on school facilities. Student speech shall be regulated in accordance with BP/AR 5145.2 - Freedom of Speech/Expression.

- (cf. 1113 - District and School Web Sites)*
- (cf. 1114 - District-Sponsored Social Media)*
- (cf. 1330 - Use of School Facilities)*
- (cf. 5145.2 - Freedom of Speech/Expression)*
- (cf. 6145.5 - Student Organizations and Equal Access)*

In addition, the Board may maintain a "nonpublic forum" for advertising in school publications or on school facilities while designating a "limited public forum" for distribution of materials at district schools.

Limited Public Forum

The Governing Board desires to promote positive relationships between schools and the community in order to enhance community support and involvement in district schools. The Superintendent or designee may approve the distribution of materials that meet the following qualifications:

1. Noncommercial materials that publicize services, special events, public meetings or other items of interest to students or parents/guardians.
2. Promotional materials of a commercial nature to students or parents/guardians
3. 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.

Prior to the distribution, posting, or publishing of any nonschool group's promotional materials or advertisement, the Superintendent 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. Materials to be distributed must contain the statement “The Santee School District does not support, sponsor, supervise, or endorse this activity, event, or information.” provided in bold print and type point at least as large as the majority of the other print in the material. In addition, a name and telephone contact number shall be provided to the Superintendent or designee.

ADVERTISING AND PROMOTION

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 schools (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
4. Proselytize or position the district on any side of a controversial issue
5. Discriminate against, attack or denigrate any group on account of any unlawful consideration
6. 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
7. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy
8. 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 pertaining to the content of advertisements in school publications and yearbooks, deemed appropriate by the school publication staff and adviser in accordance with law and Board policy.

Legal References on the following page.

ADVERTISING AND PROMOTION

Legal Reference:

CALIFORNIA CONSTITUTION

Article I, Section 2 Free speech rights

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

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

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

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>

Policy adopted: August 5, 2008

Policy reviewed: February 17, 2009; December 6, 2017

SANTEE SCHOOL DISTRICT

Santee, California