PROPOSED CHANGES

Community Relations BP 1325(a)

ADVERTISING AND PROMOTION

~~**Distribution of Noncommercial Materials**~~

The Governing Board desires to promote positive relationships between the schools and community organizations **in order to enhance community support and involvement in district schools.** Just as community organizations can build support for the schools, the schools can cooperate with these groups under certain circumstances by publicizing services, special events and public meetings of interest to students and parents/legal guardians. **The Superintendent or designee may approve:**

(cf. 6145.5 - Student Organizations and Equal Access)

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 Government 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 – Relations Between Private Industry and the Schools)

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**

(cf. 1113 – District and School 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 0 Supplementary Instructional Materials)

~~The Superintendent or designee may approve the distribution to students of materials prepared by non profit organizations which are school sponsored or school related. Materials approved for distribution shall further the District's intended purpose, directly benefit the students, support the basic educational mission of the District or be of intrinsic value to the students. Materials shall not promote any particular religious or political interest.~~

The Superintendent, principal or designee may selectively approve or disapprove distribution of materials or publishing of copy based on the criteria listed in the Administrative Regulations, 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 district endorsement of any identified products or services. Schools are encouraged to include a disclaimer in school publications and yearbooks stating that the school does not endorse any advertised products or services.

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: Publications Code)
(cf. 6145.3 - Publications)

Students shall not be required to view commercials during instructional time. Advertisements may be studied, however, as part of the consumer education curriculum.

~~Distribution of Political Materials~~

~~The schools shall not distribute campaign materials pertaining to a candidate, party, or ballot measure. Campaign materials shall not be distributed on District property at any time other than 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 School Facilities)~~
~~(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)~~

~~**Distribution of Commercial Materials/Advertising**~~

~~The Board believes that the students in our schools should focus on educational matters and not be the target of advertising. School sponsored publications, announcements and other school communications shall carry no advertising. In addition, the Superintendent or designee shall not accept promotional materials of a commercial nature for distribution by or to students.~~

ADVERTISING AND PROMOTION

~~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.~~

~~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. 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)~~

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
40040-40047 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) W.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

Policy **SAN LEANDRO UNIFIED SCHOOL DISTRICT**
adopted: October 20, 1998 San Leandro, California
adopted: June 30, 2008
Board Policy Committee: March 13, 2013
Board: March 19, 2013

ADVERTISING AND PROMOTION

Distribution of Materials

Materials generated by non-students may be distributed or posted in District schools only when prior approval has been granted by the Superintendent or designee. Materials prepared by non-profit organizations which are school sponsored or school related and which further the District's intended purposes, directly benefit students and/or support the educational mission of the District will be considered. Materials shall not promote any particular religious or political interest.

Unless generated by the school, surveys or questionnaires requiring student or parent/legal guardian response also must be first approved by the Superintendent or designee. All materials to be distributed shall bear the name and contact location of the sponsoring group.

(cf. 6162.8 - Research)

Prohibitions/Criteria for Approval

~~Materials shall not be distributed to students or advertised in school sponsored publications if they:~~

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. Discriminate against, attack or denigrate any group on account of gender, race, color, religion, ancestry, national origin, disability, or other unlawful consideration; or promote one group over another.

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

4. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy

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

(cf. 1321 – Solicitation of Funds from and by Students)

6. Promote any particular political interest, candidate, party or ballot measure, unless such materials are being distributed at a forum in which candidates, 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 School Facilities)
(cf. 4119.25/4219.25/4319.25 – Political Activities of Employees)

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/legal guardians.

(cf. 0000 – Vision)

Schools may establish additional 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, noncontroversial content, and/or other content deemed appropriate by the school publication staff and adviser in accordance with law and Board policy.

ADVERTISING AND PROMOTION (continued)

Before publication and distribution, the Superintendent or designee shall review all advertising copy (i.e. flyers, posters, contests) to assure that it complies with the provisions of Board policy and administrative regulations. Advertising copy should be submitted for approval at least two weeks in advance of the event or two weeks prior to distribution of the materials.

At their discretion and in support of Board-approved curriculum, teachers may use commercial-free instructional television programs and other instructional materials that do not require advertising to be viewed.

(cf. 6161.11 - Supplementary Instructional Materials)