

Fullerton School District

Board Policy

Advertising and Promotion

BP 1325

Community Relations

Board Adopted: December 10, 2013

Limited Open Forum

The Board of Trustees 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:

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. 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 distribution, posting, 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 selectively approve or disapprove distribution of materials or publishing of copy based on the criteria listed below, 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.

As necessary, the Superintendent or designee shall require a disclaimer to be placed on the promotional materials to be distributed, posted, or published. The use of promotional materials does not imply District endorsement of any identified products or services.

Criteria for Approval

The Superintendent or designee shall not accept for distribution any materials 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 Civil Center Act
4. Discriminate against, attack, or denigrate any group on account of any unlawful consideration
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, non-nutritious foods and beverages, and movies or products unsuitable for children
6. Distribute unsolicited merchandise for which an ensuing payment is required

The Superintendent or designee also may consider the educational value of the materials, the age or maturity of students in the intended audience, and whether the materials support the basic educational mission of the District, directly benefit the students, or are of intrinsic value to the students or their parents/guardians.

Legal References:

CALIFORNIA CONSTITUTION

Article 1, 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

CSBA Revisions

(6/92 11/01) 4/13