

**ADVERTISING AND PROMOTION**

Limited Open 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:

1. Distribution of noncommercial materials that publicize services, special events, public meetings or other activities of interest to students or parents/guardians being held in the City of Brea.
2. Distribution of noncommercial materials that publicize services special events, public meetings or other activities of educational interest to staff being held in the county.
3. Advertisements on school property, either paid or quid pro quo from donors, including but not limited to billboard-style signs and handbills.
  - a. Advertising at Co-Curricular Events – As a group fund raiser, activity/athletic booster groups, site parent organizations, and approved others may rent space on specified areas of District facilities for temporary advertising banners. These banners must meet the Board Policy criteria and have school site administration approval prior to placement on campus.
  - b. Temporary advertising signs or banners may be displayed on the following locations at the respective sites:
    - 1) Brea Olinda High School:  
On the fences of all athletic facilities, including the stadium, and the inside walls of the gymnasium. These signs must be removed at the conclusion of the event or activity.
    - 2) All Other Sites:  
Only in locations previously approved by the site principal and directly connected to the event area. These signs must be removed at the conclusion of the event or activity.
  - c. Temporary banners or signs must be consistent in size, shape, and color for each field area or event, but may vary by field or event. Size, shape, color and content of any temporary sign or banner must be approved by the principal or designee prior to it being placed on or in any District facility. This policy and all specific site advertising specifications or regulations will be distributed to all known affected groups (PTA/PTO, booster organizations, etc.) once annually. Copies of this policy and site specifications will be kept on file and made available, upon request, at each school site and the District office.

**ADVERTISING AND PROMOTION**

- d. At no time will advertising signs or banners be displayed in classrooms or other specifically designated instructional spaces.
  - e. Permanent signs may only be purchased and displayed for significant contribution to the school or District and with prior approval by the Board of Education.
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, as long as they serve an educational purpose and do not promote any commercial activity or products. Such materials may bear the name, logo or location of the donor's business, but not contact information, such as telephone number, web page address or e-mail address.
  6. Distribution of commercial or noncommercial materials that publicize fund raising activities for charitable causes, such as Daffodil Days for the American Cancer Society, Jump Rope for Heart for the American Heart Association, disaster relief funds, or community member crisis relief funds.

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. The distribution of promotional materials or advertisements does not imply District endorsement of any identified products or services.

Where appropriate, the Superintendent or designee may require sponsoring entities to include a disclaimer on all materials to be distributed indicating that District is not sponsoring or approving this particular event nor does any opinion expressed in the materials or at the event necessarily represent that of the Board of Education or District personnel.

While approved at the District level, school site principals shall have discretion over the appropriate time, place and manner for distribution of approved materials.

The Superintendent or designee shall not accept for distribution any materials or advertisements that:

1. Are obscene, libelous or slanderous (Education Code 48907).

**ADVERTISING AND PROMOTION**

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 (other than the value of voting itself), any particular candidate, party or ballot measure, unless such materials are being distributed at a forum in which candidates or advocates from all sides have been given the opportunity to present their views to the students during school hours or during events scheduled pursuant to the Civic Center Act. Expressly non-partisan publications, especially those from the Office of the State Legislative Analyst or the League of Women Voters, are permissible, so long as the information disseminated accurately and completely presents the information distributed by these groups concerning either issue(s) or candidates(s).

*(cf. 1160 - Political Process)*

*(cf. 1330 - Use of School Facilities)*

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

4. Discriminate against, attack or denigrate any group on account of any unlawful consideration. (cf. 0410 - Nondiscrimination in District Programs and Activities)
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 that are not age appropriate.
6. 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)
7. Distribute unsolicited merchandise for which an ensuing payment is requested, unless the distribution is part of an approved fund raising activity by an authorized group at that site.

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 - 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, non-controversial content, and/or other content deemed appropriate by the school publication staff and adviser in

**ADVERTISING AND PROMOTION**

accordance with law and Board policy. Decisions by site principals may be appealed to the Superintendent.

*Legal References:*

*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*