

Advertising and Promotion

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, nonprofit materials that publicize low- or no-cost services, special events, public meetings or other items of interest to students or parents/guardians;
2. Paid advertising banners, subject to size, location and content specifications and restrictions;
3. Paid advertisements in yearbooks, student newspapers and other publications that are not distributed via school district-maintained web pages or school district-maintained email; and/or
4. 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 product.

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 Superintendent, principal 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. The Board, through the Superintendent, reserves the right to lawfully eliminate a subject matter as a permissible topic of advertising and promotion. The fact that a certain topic has been engaged in the past does not foreclose the right of the District to foreclose all advertising and promotion on that topic in the future. The Board reserves the right to remove advertising once it is posted.

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 should include a disclaimer in school publications, yearbooks and other materials stating that the school neither endorses nor assumes legal liability for the use of any advertised products or services.

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. 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. 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, and movies or products or services unsuitable for children;
6. Promotes or advertises attendance at non-District k-12 schools;
7. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy; and/or
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. School-sponsored publications shall serve as a learning experience and are not intended to serve as a public forum. The district may prohibit advertisements which are inconsistent with school objectives or do not reasonably relate to the educational purpose of school-sponsored publications.

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. Schools may establish charges for paid advertisements.

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

Henry 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

Adopted: April 18, 1988

Revised: August 20, 2012

LONG BEACH UNIFIED SCHOOL DISTRICT