

**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)*

**Nonpublic Forum**

The Board believes that in order to maintain focus on academic achievement in district schools, students' exposure to the persuasive influence of marketing should be minimized. The Superintendent or designee shall not allow any advertisement from any nonschool group to be included in any district- or school-sponsored publication, web site, or social media, or to be posted on any school property such as scoreboards and billboards. In addition, no nonschool group's announcement, flyer, or other promotional material shall be disseminated by the district or distributed at any school facility or grounds.

*Legal Reference: (see next page)*

## ADVERTISING AND PROMOTION (continued)

### *Legal Reference:*

#### 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*

### *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>*