

# Santa Barbara Unified School District

## Board Policy

BP 1325

### Community Relations

#### 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 the district's schools. Prior to the distribution of publication, the Superintendent or designee shall review and approve all advertising copy and promotional materials to ensure compliance with Board policy.

#### **Distribution or Posting of Fliers and Other Promotional Materials**

The Board recognizes the many worthwhile organizations that seek to inform the school community about events and activities of interest to children. The district's mission and the Governing Board's focus goals are on improving academic achievement and the district's resources must be directed to providing the highest quality educational program to all students.

Because flier distribution requires clerical support and teacher time, non-school flier distribution is limited to:

- Joint-use partners as established in a memo of understanding (flier content must be focused on the joint-use partner's program for youth conducted for district students);
- Contracted programs (e.g., district grants) approved by the Board (flier content must be focused on contracted programs conducted primarily on district campuses for district students);
- Parent-teacher organization promotion of school site-related events, activities, and programs (not the events of other agencies or organizations);
- Governmental agencies, such as police and fire, that wish to distribute materials pertaining to student and community health and safety.

Such printed notice must be submitted to the Superintendent or designee for prior approval at least two weeks prior to distribution. If approved, a flier must be translated, copied, and bundled according to school-specifications.

The Superintendent or designee shall not approve distribution or posting of promotional materials of a commercial, religious, or political nature, such as those that publicize services, special events, or public meetings. This includes fliers, coupons, discount cards, or other forms of advertising or promotional materials related to vendor services or opportunities.

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.

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.

## **Criteria for Approval**

The Superintendent or designee shall not accept for distribution or posting advertisements or 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 Civic Center Act.

*(cf. 1160 - Political Processes)*

*(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 unsuitable for children.
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.

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 accordance with law and Board policy. Schools may impose content-based restrictions in order to minimize chances of abuse, the appearance of favoritism, and the risk of imposing upon a captive audience.

*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*

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*

*Lehman v. Shaker Heights, (1974) 418 U.S. 298*

SANTA BARBARA UNIFIED SCHOOL DISTRICT

Santa Barbara, California

February 3, 1977; January 9, 2002; August 28, 2007