

**ADVERTISING AND PROMOTION**

**Distribution of Materials**

The Governing Board desires to promote positive relationships between the schools and the community in order to enhance community support and involvement in district schools. Just as community organizations can build support for the schools, the schools can cooperate with these groups by publicizing community services, special events and public meetings of interest to students and parents/guardians.

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.

(cf. 1330 -Use of School Facilities)

2. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications.
3. Products and materials donated by commercial enterprises for use in the classroom, as long as they serve an educational purpose, are in accordance with the Elk Grove Unified School District's Wellness Policy, and do not unduly promote any commercial activity or products. Such materials may bear the name and/or logo of the donor.

(cf. 3290 -Gifts, Grants and Requests)

(cf. 5030 – Student Wellness)

Materials of a commercial nature may be placed at designated locations at the District's discretion.

Prior to distribution 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 well as a disclaimer stating that "This is not an Elk Grove Unified School District sponsored program or activity and EGUSD accepts no liability or responsibility for this program/activity."

**ADVERTISING AND PROMOTION (continued)**

The use of promotional materials or advertisements does not imply district endorsement of any identified products or services. Schools are required 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 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.

(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 based on any unlawful considerations.
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.

**ADVERTISING AND PROMOTION** (continued)

The Superintendent or designee 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.

(cf. 0000 - Vision)

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

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

Policy

adopted: October 3, 1994

Revised: June 5, 2007 (Education Code Section Revisions)

Revised: September 21, 2010

**ELK GROVE UNIFIED SCHOOL DISTRICT**

**Elk Grove, California**