

ADVERTISING AND PROMOTION**Distribution of Materials**

The Board of Trustees desires to avoid the cost and disruption inherent in the distribution of non-District-related promotional materials, and to limit student exposure to advertisements and promotional materials generally referred to as “flyers” to those that are related to school-sponsored activities or activities sponsored by groups affiliated with the District. Therefore, in order to maintain a closed forum regarding the distribution of advertisements, flyers, and other forms of solicitation by groups or individuals not affiliated with the District, the distribution of these materials will not be permitted.

The Superintendent or designee may approve the distribution of printed materials to students if the materials are prepared by District-affiliated organizations, extend the community’s cultural, recreational, artistic, or educational opportunities, and do not promote any particular commercial, religious, or political interest.

“District-affiliated organizations” are parent-teacher groups, education foundations, booster clubs, and other organizations that have been authorized per Board Policy. Organizations may request promotional consideration pertaining only to the scope of their agreement with the District.

The schools shall not distribute partisan materials pertaining to a candidate, party, or statewide ballot measure. However, materials prepared by District-related organizations may be distributed to announce public forums in which all candidates or sides of an issue are invited to participate.

Products and informational materials donated by commercial enterprises may be used 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 or logo of the donor. The use of such materials does not imply District endorsement of any identified commercial products or services.

Advertising copy may be solicited and prepared only to the extent that this process furthers the educational well-being of the students involved. Excessive solicitation of the same sources shall be avoided. Students shall not be exploited to raise money, and time spent securing ads shall not infringe upon the school program.

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.

Such prohibitions shall apply during school hours and during all school events, but shall not apply to otherwise authorized Civic Center Act users of District facilities during their periods of authorized use. The Superintendent or designee may; however, condition any Civic Center Act use of any District facilities to include an express requirement that the user of the facility only distribute materials during periods of authorized use and that they remove any materials distributed during their events from the school sites before the commencement of the next school day.

Advertising on School Properties

The Superintendent, principal, or designee may approve certain paid advertisements on school property, subject to the *Criteria for Approval* set forth below. For areas with limited advertising space, including specifically physical space on scoreboards, billboards, and marquees (“Prime Space”), advertisers shall be identified and selected utilizing the *Procedure for Selection of Advertisers for Limited Resources* set forth below. For all other spaces, including advertising on school, backstop, or track fences, or on school buildings (“Common Advertising Spaces”), the *Procedure for Selection of Advertisers for Limited Resources* may, but is not required to, be utilized, at the discretion of the Superintendent, principal or designee.

Any and all advertisements shall be limited to no more than five (5) years for Prime Space, and one (1) year for Common Advertising Space. After such time, advertisements (i) in Prime Space shall be again subject to the *Procedure for Selection of Advertisers for Limited Resources*, and (ii) in Common Advertising Space shall either be renewed or removed.

Criteria for Approval

In connection with such advertisements, the Superintendent, principal, or designee shall not permit advertisements that:

1. Are lewd, obscene, libelous, or slanderous;
2. Incite students to commit unlawful acts, violate school rules, or disrupt the orderly operation of the schools;
3. Promote any particular political interest, candidate, party, or ballot measure;
4. Contain prayer or proselytizing language;
5. Discriminate against, attack, or denigrate any group on account of any unlawful consideration;
6. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including, but not limited to, advertisements for tobacco, intoxicants, and movies or products unsuitable for children;
7. Promote during the school day any food or beverage that does not comply with state nutritional standards pursuant to Education Code §§ 49430-49434, including a corporate incentive program that offers free or discounted foods or beverages that do not meet nutritional standards as rewards for students who reach certain academic goals. This prohibition does not include advertising on clothing with brand images worn on school grounds, advertising contained in product packaging, or advertising of infrequent school fundraising events involving food

or beverages that do not meet the nutritional standards. (Education Code § 49431.9);

8. Solicit funds or services for an organization, with the exception of solicitations authorized in Board Policy; or
9. Distribute unsolicited merchandise for which an ensuing payment is requested.

The Superintendent or designee may also consider the educational value of the advertisements, the age or maturity of the students in the intended audience, and whether the 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.

Procedure for Selection of Advertisers for Limited Resources

With respect to areas with limited advertising area defined above as Prime Space, the Superintendent, principal, or designee shall utilize the informal competitive selection process set forth below to ensure a fair, equal, and transparent selection of an advertiser, while also providing the maximum fundraising benefit to the school. For all other spaces, defined above as Common Advertising Spaces, the informal competitive selection process below may, but is not required to, be utilized at the discretion of the principal or designee.

Before selecting an advertiser, the Superintendent, principal, or designee shall notice their intent to receive proposals from interested advertisers for such space, by at minimum (1) sending an e-mail to all current families attending the school and to the current advertiser, if any, for such space, to the extent such e-mails are on file with the school; (2) posting notice on any social media platforms officially utilized by the school for communicating with its current student and parent community; and (3) posting notice, as applicable, at any locations where such notices are typically posted at the school site and on the home web pages of both the school and, if the space involves athletic facilities, the school's athletic department, if any.

The notice shall reasonably describe:

- the available advertising space;
- the duration for such advertisement;
- the date, time, location and/or manner in which proposals must be received;
- the minimum price, if any, for advertising in such space; and
- any other procedures for submitting to and selecting proposals as may be determined by the school site.

The date for receipt of proposals shall be at least three (3) weeks after the date of the initial notice. The Superintendent, principal, or designee shall also post notice in any student or parent

newsletters distributed by the District, if such newsletter is to be printed and/or electronically delivered during the three week advertising period.

The Superintendent, principal, or designee shall select the highest conforming proposal whose advertisement otherwise conforms within the criteria established above as *Criteria for Approval*. In the event of a failure or default in connection with the highest proposal, the Superintendent, principal, or designee may continue to select the next highest proposal until a successful proposal is finalized, or else they may at any point reject all proposals at their sole discretion. In the event this procedure fails to produce a successful proposal for advertising space, the Superintendent, principal, or designee may either repeat the process, or directly negotiate with a qualifying advertiser for the remainder of the school year(s) for which proposals were sought.

This policy is intended to benefit the school site, by maximizing the revenue generated for its school programs from such donations, and not intended to create a right or interest for, or for benefit of, any of the persons or entities submitting proposals.

Advertising in District Publications and Social Media Platforms

The Superintendent or designee may, consistent with the criteria established in this policy, approve paid advertisements in school-sponsored publications, yearbooks, announcements, and other school communications, including web sites and social media. In approving such advertisements, the *Criteria for Approval* established above with respect to **Advertising on School Properties** shall be applied for guidance and schools may additionally establish criteria pertaining to the content of advertisements in such publications as deemed appropriate by the Superintendent or designee.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35172 Promotional activities

40040-40047 Civic Center Act

48907 Student exercise of free expression

BUSINESS AND PROFESSIONS CODE

25664 Advertisements encouraging minors to drink

Bright v. Los Angeles Unified School District (1976) 134 Cal. Rptr. 639, 556 P. 2d 1090, 18 C. 3d 450

Citizens Legal Defense Alliance, Inc., Jarvis v. Miller et al, Los Angeles Unified School District, Super. Ct. Los Angeles County, 1978, No. C 230935

Policy

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CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California