

**Advertising and Promotion**

The Solano County Office of Education (SCOE) desires to promote positive relationships between schools and the community in order to enhance community support and involvement in schools. The County Superintendent or designee may approve materials under the terms of this policy when the materials are factual and contribute to the education, health, welfare, or safety of students and parents/guardians.

*Materials* are to be provided electronically and camera-ready to the Superintendent's designee and may include, but are not limited to, notices, announcements, advertisements, promotions, flyers, brochures and pamphlets.) The County Superintendent or designee may approve materials regarding student-related activities including:

1. Distribution and/or posting of noncommercial materials that publicize services, special events, public meetings or other items of interest to students or parents/guardians.
2. Distribution and/or posting of promotional materials of a commercial nature to students or parents/guardians
3. Paid advertisements on school property, including but not limited to billboard advertisements
4. Paid advertisements in school-sponsored publications, yearbooks, announcements, and other SCOE communications
5. 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 donor.

The County Superintendent or designee has no obligation to publicize outside events but may selectively approve or disapprove posting or distributing materials or publishing of copy based on the criteria listed below. The County Superintendent or designee may decline to publicize or allow distribution of materials due to limited resources, inappropriate content, or failure to meet the requirements of this policy but may not disapprove materials 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 or posted shall bear the name and contact information of the sponsoring entity and include a disclaimer on all materials distributed as follows.

- This event/activity/document/item is not sponsored or endorsed by the Solano County Office of Education.
- Opinions expressed are not necessarily those of the Solano County Office of Education or its personnel.

The use of promotional materials or advertisements does not imply SCOE endorsement of any identified products or services. Programs are encouraged to include a disclaimer in publications and yearbooks stating that SCOE does not endorse any advertised products or services.

**Distribution or Posting of Flyers and Other Promotional Materials**

SCOE recognizes the many worthwhile organizations that seek to inform the school community about events and activities of interest to children. SCOE's mission, focus, and goals are to improve academic achievement, and its resources must be directed to providing the highest quality educational programs to all students.

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

- Joint-use partners as established in a memo of understanding (flyer content must be focused on the joint-use partner's program for youth conducted for SCOE students);
- Contracted programs (e.g., SCOE grants) approved by SCOE (flyer content must be focused on contracted programs conducted primarily on SCOE campuses for SCOE 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 or post materials pertaining to student and community health and safety.

Criteria for Approval

The Superintendent, principal, or designee shall not accept for distribution or posting any Materials that:

1. Are obscene, libelous, or slanderous (Education Code section 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, tattoos, body piercing, and movies or products unsuitable for children
6. Solicit funds or services for an organization, with the exception of solicitations authorized in policy
7. Distribute unsolicited merchandise for which an ensuing payment is requested
8. Require follow-up such as the collection of money or questionnaires
9. Promote any religious or political interest

The Superintendent or designee also may consider the educational value of the Materials, the age or maturity of students in the intended audience, and whether the Materials support the basic educational mission of SCOE, directly benefit the students, or are of intrinsic value to the students or their parents/guardians.

Programs may establish additional criteria pertaining to the content of advertisements in publications and school 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 publication staff and adviser in accordance with law and policy.

Approval Process

Materials must be submitted to the County Superintendent or designee for prior approval at least two weeks prior to distribution or one week prior to posting using the attached External Publicity Request Form. Following approval, any revisions made to Materials must be resubmitted to the Superintendent's office for approval. In addition, Materials must be re-approved each time they are distributed. If approved, Materials must be translated, copied, and bundled according to program specifications.

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
- 49073 Privacy of pupil records
- 51511 Religious materials
- 51520 Solicitation on school premises

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

Policy Cross-Reference:

- 0000 Vision
- 0410 Nondiscrimination in Programs and Activities
- 1113 Website
- 1160 Political Processes
- 1321 Solicitation of Funds from and by Students
- 1330 Use of Facilities
- 1400 Relations Between Other Governmental Agencies and the Schools
- 1700 Relations Between Private Industry and the Schools
- 3290 Gifts, Grants and Bequests
- 4119.25 Political Activities of Employees
- 5145.2 Freedom of Speech/Expression
- 6145.5 Student Organizations and Equal Access
- 6161.11 Supplementary Instructional Materials
- 6162.8 Research



**Lisette Estrella-Henderson, Superintendent of Schools**

5100 Business Center Drive, Fairfield, CA 94534-1658 ★ 707.399.4400 ★

www.solanocoe.net

**EXTERNAL PUBLICITY REQUEST FORM**

**Contact Information**

**Material Information**

Name: \_\_\_\_\_ Subject: \_\_\_\_\_

Phone: \_\_\_\_\_ Type:  Educational  Recreational  Cultural

Fax: \_\_\_\_\_  Commercial  Religious  Political

Email: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Organization: \_\_\_\_\_ Post:  Main office  Irene Larsen Center

Address: \_\_\_\_\_  Golden Hills  T.C. McDaniel Center

City, ST Zip: \_\_\_\_\_  SCOE Website  Other \_\_\_\_\_

Type:  Nonprofit: Nonprofit #: \_\_\_\_\_ Distribution: \_\_\_\_\_

City/County Agency  Government Entity  Employees  Students

Community Service Club  Other \_\_\_\_\_  Districts  Public (website, brochure rack)

**Conditions**

- Materials posted and distributed must support the basic educational mission of the Solano County Office of Education (SCOE) and contain appropriate content.
- All requests for posting or distributing flyers for an event, service, or opportunity of interest or benefit to SCOE's employees, students, or their families must be submitted to the County Superintendent's office for advance consideration and approval according to SCOE's Administrative Policy 1325.
- Disclaimer: Approved materials and flyers shall bear the name and contact information of the sponsoring entity and prominently include a disclaimer indicating that the (1) announced event or activity is not sponsored or endorsed by the Solano County Office of Education, and (2) opinions expressed are not necessarily those of the Solano County Office of Education or its personnel.
- Changes: Once approved, printed materials and flyers may not be altered unless noted below.
- Approval Form: To be distributed or posted, flyers must be accompanied by a copy of the approved request form.

I have received, read, understand, accept, and intend to abide by SCOE Policy 1325.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

**Approval Information**

**Additional Instructions/Comments**

Approved  Denied

By: \_\_\_\_\_

Posting Dates: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_