

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Community Relations**  
**ADVERTISING AND PROMOTION**

The County Superintendent and County Board establish this policy to ensure effective and consistent standards for advertisements and promotions by nonschool groups in school-sponsored publications, web sites, and social media, and on school facilities and grounds operated by the County Superintendent.

Limited Public Forum

County Superintendent and County Board desire to promote positive relationships between schools operated by the County Superintendent and the community in order to enhance community partnerships, support, and involvement in the schools. The County Superintendent or designee may, consistent with the criteria established in this policy, approve:

1. Distribution of noncommercial materials that publicize services, special events, public meetings, or other items of interest to students or parents/guardians.
2. Distribution 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 publications, yearbooks, announcements, web sites, and social media sponsored by County Superintendent and/or County Board, and other communications of County Superintendent and/or County Board.
5. Products and materials donated by commercial enterprises for educational use, including those that bear the name and/or logo of the donor, as long as they do not unduly promote the donor or any commercial activity or product.

Prior to distribution, posting, or publication of any nonschool group's promotional material or advertisement, the County Superintendent or designee shall review the advertising and promotional materials based on the criteria listed below. The County Superintendent or designee may not disapprove materials or advertisement in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on the subject that would otherwise be allowed under Superintendent and Board Policy.

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 endorsement by the County Superintendent or County Board of any identified products or services. As necessary, the County Superintendent or designee shall require a disclaimer on the materials to be distributed, posted, or published, stating that the distribution, posting, or publishing of the materials does not imply endorsement by County Superintendent or County Board of the group's activities,

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products, or services. Publications sponsored by County Superintendent and/or County Board shall include a disclaimer stating that the County Superintendent and/or County Board does not endorse any advertised products or services.

**Criteria for Approval**

The County Superintendent or designee shall not accept for distribution any materials or 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, unless the candidates or advocates from all sides are provided the opportunity to present their views to the students during school hours or during events scheduled pursuant to the Civic Center Act.
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, materials or 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, including 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.
8. Solicit funds or services for an organization, with the exception of solicitations authorized in Superintendent and Board Policy or pre-approved by the County Superintendent or designee
9. Distribute unsolicited merchandise for which an ensuing payment is requested.

The County 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 County

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Superintendent and County Board directly benefit the students or are of intrinsic value to the students or their parents/guardians.

Additional criteria pertaining to the content of advertisements in school publications and yearbooks may be established by the County Superintendent or designee in accordance with law and Superintendent and Board Policy.

Adopted: 11/18/2010

Amended: 10/18/2018

**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

49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2011, especially 49431.9

Advertisement of non-nutritious food

Business and Professions Code

25664 Advertisements encouraging minors to drink

California Constitution

Article 1, Section 2 Freedom of speech and expression

U.S. Constitution

Amendment 1, Freedom of speech and expression

United States Code, Title 42

1751-1769j School Lunch Program

1773 School Breakfast Program

Court Cases

Hills v. Scottsdale Unified School District (2003) 329 F.3d 1044

DiLoreto v. Downey Unified School District (1999) 196 F.3d 958

Yeo v. Town of Lexington (1997) 131 F.3d 241

Henry v. School Board of Colorado Springs (D. Col. 1991) 760 F.Supp. 856

Bright v. Los Angeles Unified School District (1976) 18 Cal.3d 450

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

**Management Resources**Web Sites

CSBA: <http://www.csba.org>