

Policy 8610

Non-Instructional Operations

Advertising and Distributing Materials in the Schools by Non-School Related Entities

No organization may advertise or distribute flyers or other materials that, in the sole discretion of the Principal/Superintendent: (1) are a disruption to the educational process; (2) defamatory, obscene, vulgar, or indecent; (3) violate the rights or privacy of others; (4) promote products in violation of school policies; (5) conflicts with the Board's mission and policies; (6) endorses a political cause, activity, party or candidate for political office or position; (7) advances or endorses any religious organization; (8) promotes non-district programs or services not offered by the McCall-Donnelly School District; (9) promotes hostility, disorder, or violence; or (10) adversely affects the School District's reputation or image. No material, literature, or advertisement shall be posted or distributed without advance approval as described in this policy. This policy does not create a public forum for public expression.

Solicitation of sales or use of a school name, logo, or likeness of this School District to promote any product or interest is not permitted. No advertising shall be allowed in classrooms or in any other venue where such advertising would be principally directed at students.

DEFINITIONS

For the purposes of this policy, the following definitions apply:

"Advertisement" is any statement or visual representation designed to promote sales of a product or service.

"Sponsorship" is any statement or visual representation designed to name the organization that provides funding or other support for a particular service, and to display a single contact point, without reference to a product or service.

COMMERCIAL COMPANIES

The distribution of materials or advertising of commercial products or services is not permitted in school buildings or on school grounds or properties unless pre-approved as described in this policy. Commercial companies may purchase space for advertising on or in: (1) athletic, theater, or music programs; (2) athletic fences or scoreboards; (3) student newspapers, yearbooks, or other school publications; or (4) other appropriate locations. Advertisements on athletic fields, scoreboards, or other school property locations require Board approval. Advertisements in athletic, theater, or music programs; student newspapers yearbooks, or other school publications; and any commercial material related to graduation, class pictures, or class rings require

Principal/Superintendent approval. Free commercially-sponsored teaching aids may be used if the content of the teaching aids is approved by the building Principal.

COMMUNITY, EDUCATIONAL, CHARITABLE, OR RECREATIONAL ORGANIZATIONS

Community, educational, charitable, recreational, or similar groups may advertise events pertinent to student involvement or is educationally related. All materials or advertisements must:

(1) be approved in advance by the Principal/Superintendent; (2) be student oriented; and (3) prominently display the sponsoring organization's name and affiliation. The school reserves the right to decide where and when any advertisement or material is distributed, displayed, or posted.

POLITICAL ISSUES OR SPECIAL INTERESTS

Materials or advertising related to political issues or special interests will not be allowed on school property without having submitted a written request to and received a written approval from the superintendent of schools in advance of the distribution. Only those groups or organizations that have materials directly related to the curriculum and determined by the superintendent to be educationally related may receive approval for distribution.

Policy History:

Adopted: December 2016

Legal Reference:

Idaho Code Section 33-506(1)

DiLoreto v. Downey Unified Sch. Dist., 196 F.3d 958 (9th Cir. 1999)

Berger v. Rensselaer Central School Corp., 982 F.2d 1160 (7th Cir. 1993), cert. denied, 113 S.Ct. 2344 (1993).

DiLoreto v. Downey Unified School Dist., 196 F.3d 958 (9th Cir. 1999).

Hedges v. Wauconda Community Unit School Dist., No. 118, 9 F.3d 5 (7th Cir. 1993).

Lamb's Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141 (1993).

Sherman v. Community Consolidated School Dist. 21, 8 F.3d 1160 (7th Cir. 1993), cert. denied, 114 S.Ct. 2109 (1994).

Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist., 640 F.3d 329 (8th Cir. 2011), cert. denied, 132 S.Ct. 592 (2011).