

Community Relations

Advertising and Distributing Materials in Schools Provided by Non-School Related Entities ^{1 2}

No material or literature shall be posted or distributed that would: (1) disrupt the educational process, (2) violate the rights or invade the privacy of others, (3) infringe on a trademark or copyright, or (4) be defamatory, obscene, vulgar, or indecent.

Community, Educational, Charitable, or Recreational Organizations

Community, educational, charitable, recreational, or similar groups may, under procedures established by the Superintendent, advertise events pertinent to students' interests or involvement. ³ This may include displaying posters in areas reserved for community posters, having flyers distributed to students, or being included in the school's or District's website where appropriate. All material and literature must be student-oriented and have the sponsoring organization's name prominently displayed. ⁴

Commercial Companies and Political Candidates or Parties ⁵

Commercial companies may purchase space for their advertisements in or on: (1) athletic field fences, (2) athletic, theater, or music programs, (3) scoreboards, or (4) other appropriate location, provided the advertisements are consistent with administrative procedures and approved by the School Board. ⁶ No Board approval is needed for commercial material related to graduation, class pictures, or class rings. ⁷

¹ State or federal law controls this policy's content. This policy concerns an area in which the law is unsettled.

² Alternatively, school boards may refuse to allow the distribution or posting of any material requested by non-school related organizations. Hedges v. Wauconda Community Unit School District No. 18, 9 F.3d 1295 (7th Cir. 1993). Schools are "nonpublic forums," meaning they need not open their doors to private speakers but may not discriminate against disfavored viewpoints or subjects, e.g. religion. Id., Lamb's Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141 (1993). The following language can be used to completely ban the distribution of material by non-school related organizations:

No material or literature shall be posted in schools or distributed to students by non-school related organizations or individuals.

³ This sentence establishes a limited public forum, i.e., the school limits non-school expressive activity to "events pertinent to students' interests or involvement." Such a limitation survives First Amendment analysis if it is reasonable and not based on the speaker's viewpoint. A school's refusal to post an individual's sign containing the Ten Commandments on the baseball field's fence open to commercial advertising did not violate the individual's free speech rights because the fence was open for a limited purpose (i.e., commercial ads) and the school's content restrictions were reasonable. DiLoreto v. Downey Unified School Dist., 196 F.3d 958 (9th Cir. 1999).

⁴ The distribution of flyers from religious youth organizations will survive scrutiny under the First Amendment's Establishment Clause if the organization's religious message is sufficiently separated from the school to prevent students from confusing the two. Sherman v. Community Consolidated School Dist. 21, 8 F.3d 1160 (7th Cir. 1993). Allowing Gideon to meet with students and distribute Bibles during instructional time violates the Establishment Clause. Berger v. Rensselaer Central School Corp., 982 F.2d 1160 (7th Cir. 1993).

⁵ If the board does not want to sell advertising space, use the following alternative:

Commercial companies and political candidates or organizations are prohibited from advertising in schools, on the school grounds, or on school or District websites.

⁶ Commercial advertising may be accepted without making the school a forum for all types of expressive activity. See footnote 2 above. The list of places where commercial companies may purchase space for their advertisements must be tailored to meet local needs and circumstances.

⁷ Other exemptions from board approval may be added.

No part of the School District, including facilities, the name, the staff, and the students, shall be used for advertising or promoting the interests of any commercial company except as authorized by and consistent with administrative procedures and approved by the Board.

Material from candidates and political parties will not be accepted for posting or distribution, except when used as part of the curriculum.

LEGAL REF.: 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. 18, 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).

CROSS REF.: 7:325 (Student Fund-Raising Activities), 7:330 (Student Use of Buildings – Equal

Operational Services

Food Services ¹

The Superintendent or designee shall establish such administrative procedures to control food sales which compete with the District's non-profit food service in compliance with the Child Nutrition Act. Specifically, food service rules shall restrict the sale of foods of minimal nutritional value as defined by the U.S. Department of Agriculture in the food service areas during the meal periods. ² ³

LEGAL REF.: 42 U.S.C. § 1779, as implemented by 7 C.F.R. § 210.11.
State Board of Education, Sub-Chapter 1, Food Program, Part 305.

¹ State or federal law controls this policy's content.

² Alternatively, a district could ban the sale of minimally nutritious foods during the entire day. Such foods may be sold, at the district's discretion, in non-food service areas at any time regardless of where the income accrues (42 U.S.C. § 1779, 7 C.F.R. § 210.11).

³ Competitive foods, other than those of minimal nutritional value, may be sold in the food service area during the meal periods only if all income from their sale accrues to the school lunch fund. Such foods may be sold, at the district's discretion, in non-food service areas at any time regardless of where the income accrues (42 U.S.C. § 1779, 7 C.F.R. § 210.11).

Operational Services

Administrative Procedure - Food Services

“Competitive foods” are those foods or beverages sold in competition with the school’s food service. The sale of competitive foods is restricted as follows:

1. Competitive foods in the following list are considered by the U.S. Department of Agriculture to be of minimal nutritional value: all confections, candy, potato chips, carbonated beverages, fruit drinks containing less than 50% pure fruit juice, tea, coffee, and any other foods or beverages designated as such by the State Board of Education. They shall not be sold in the food service area during meal periods. ¹
2. Competitive foods, other than those of minimal nutritional value, may be sold during meal periods only if the income they generate accrues to the non-profit school lunch fund. ²
3. No competitive foods may be sold without the prior approval of the Superintendent.

LEGAL REF.: 42 U.S.C. § 1779, 7 C.F.R. § 210.11.
State Board of Education, Sub-Chapter 1, Food Program, Part 305.

¹ Alternatively, a district could ban the sale of minimally nutritious foods during the entire day. Such foods may be sold, at the district's discretion, in non-food service areas at any time regardless of where the income accrues (42 U.S.C. § 1779, 7 C.F.R. § 210.11).

² Alternatively, a district could ban the sale of competitive foods other than those of minimal nutritional value, during the entire day. Such foods may be sold, at the district's discretion, in non-food service areas at any time regardless of where the income accrues (42 U.S.C. § 1779, 7 C.F.R. § 210.11).