

SECTION: COMMUNITY

TITLE: COMMERCIAL ADVERTISING ON DISTRICT PROPERTY

ADOPTED: September 13, 2010

REVISED:

PENN MANOR SCHOOL DISTRICT

<p>1. Authority</p> <p>2. Delegation of Responsibility</p> <p>3. Guidelines</p>	<p style="text-align: center;">913.1. COMMERCIAL ADVERTISING ON DISTRICT PROPERTY</p> <p>The Board recognizes that requests from special interest groups which involve fundraising through the solicitation and publication on commercial advertisements must be examined to ensure that such activity primarily promotes student interests, rather than the special interests of any particular group. This policy is intended to establish guidelines for the solicitation and publication of commercial advertising on school district property for fundraising purposes.</p> <p>All requests to raise funds through the solicitation of commercial advertisements to be displayed or published on school district property must be submitted to the appropriate principal and approved by the Superintendent or designee.</p> <p>Access to school district property for the purpose of commercial advertising under this policy shall be limited and reserved, subject to the established guidelines.</p> <p>Access to school district property for the purpose of advertising shall be limited to commercial businesses solicited pursuant to an approved fundraising program.</p> <p>The content of all commercial advertising to be published or displayed on permanent or semi-permanent fixtures or structures belonging to or located on district property shall be limited to the name, business address and telephone number of the business entity solicited for such purpose. For example, commercial advertising displayed or published either directly or indirectly, on placards or plaques, on permanent or semi-permanent fixtures or structures such as fences, billboards, buildings, etc., belonging to or located on school district property shall include only the commercial entity's name, business address and telephone number.</p> <p>The content of all other commercial advertising solicited pursuant to this policy shall be subject to approval by the school district.</p> <p>The Board reserves the right to screen and exclude from the fundraising program advertisements that involve subject matter deemed sensitive and inappropriate in the public school context.</p>
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The Board may exclude advertisements that disrupt or are inconsistent with the school district's educational mission, or advertisements that generate controversy, abuse, the appearance of favoritism or endorsement, or the risk of imposing upon a captive audience.

Additional Considerations

To the extent that the Board permits commercial advertising on district property but excludes specific advertisements based on topic or content, the school district is likely to be deemed to have established a nonpublic forum for expression that is open for a limited purpose. The United States Supreme Court has labeled this type of forum as a "limited public forum".

According to relevant case law, the school district may impose restrictions on the type of speech expressed in this limited public forum without violating the First Amendment's Right of Free Speech, provided that such restrictions are viewpoint neutral (e.g., the restrictions are based on the general topic and content of the advertisement rather than on the speaker's particular viewpoint) and are reasonable in light of the purpose served by the forum (to avoid disruption, controversy, violation of Establishment Clause, etc., in a public school context).

References:

School Code – 24 P.S. Sec. 510

Board Policy – 000, 913