



"Every Student, Every Day"

## Memorandum

Date: November 19, 2018

To: Board of Directors of the Pendleton School District 16R

From: Michelle Jones, Director of Business Services

Subject: Policy KI – Public Solicitation in District Facilities. First Reading.

**Background:** Policy KI formally Commercial Advertising/Merchandise Sales – last adopted July 2, 2010 has been changed to KJ.

**Proposal:** Former Policy KI has been renamed to KJ. In its place a new KI – Public Solicitation in District Facilities is being recommended. This policy outlines the general rules regarding solicitation on district property pertaining to staff and students.

**Recommendation:** Policy first reading. No recommendation at this time.

**Motion:** Policy first reading. No motion at this time.

### Public Solicitation in District Facilities

~~Students and staff are to be protected from intrusions by announcements, posters, bulletins and communications of any kind from individuals and organizations not directly connected with the schools.~~

Fund raising and solicitation by non-school agencies or for non-school activities during school hours will not be permitted without prior approval of the superintendent and/or **designee**.

Demonstrations of services or materials and canvassing of students or employees for the purpose of selling products or services shall not be permitted in either the district's schools or grounds, unless authorized by the superintendent and/or **designee**.

No non-school-sponsored organization or individual may solicit funds or sell tickets within the district without first securing permission through the superintendent and/or **designee**.

Whenever possible, solicitation should occur during non-classroom time.

~~The solicitation and sale of travel services to students [is prohibited] [may be permitted with approval of the [superintendent] [Board]] on district property, at activities under the jurisdiction of the district and at interscholastic activities administered by a voluntary organization approved by the State Board of Education (i.e., Oregon School Activities Association).~~

~~This includes sale of services to students by any person or group that sells, provides, furnishes, contracts for, arranges or advertises travel services.~~

~~[Sellers of travel services must meet the following district criteria:~~

- ~~1. — Belong to an association of sellers of travel certified by the director of the Department of Consumer and Business Services;~~
- ~~2. — Provide proof of errors and omissions insurance;~~
- ~~3. — Provide proof of a client trust account or performance bond~~
- ~~4. — Submit references~~
- ~~5. — Include in all information provided to students and parents that drug, alcohol and tobacco use will be prohibited~~
- ~~6. — Include in all information provided to students and parents a statement that the activity is a non-school sponsored event;~~
- ~~7. — Other.]~~

The administration of surveys, questionnaires and requests for information by non-school-connected organizations are **prohibited**. Exceptions may be approved by the superintendent. In the event an exception is granted for the administration or distribution of a survey created by a third party, the district will provide an opportunity for the student's parent to inspect such survey upon request, before the survey is administered or distributed by a school to a student, ~~as required by the Every Student Succeeds Act (ESSA)~~. Any district survey containing any "covered survey items"<sup>1</sup> ~~as defined by ESSA~~ may also be inspected by parents.

Parents may also request that their student be excused from participation in such surveys. Requests may be submitted in accordance with the provisions of Board policy KAB - Parental Rights and accompanying administrative regulation.

As required by law, the superintendent shall ensure that notification is provided to parents of students at least annually at the beginning of the school year or when enrolling students for the first time in school, of the specific or approximate dates during the school year when such surveys are scheduled or expected to be scheduled. The rights provided to parents under this policy transfer to the student when the student turns 18 years of age or is an emancipated minor under applicable state law.

The district recognizes its responsibility to protect student privacy. Personal information that may be collected as a result of such surveys will be released only with prior, written parental permission, unless as otherwise provided by ~~law~~ESSA and/or the provisions of Board policy JOB - Personally Identifiable Information.

END OF POLICY

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**Legal Reference(s):**

ORS 332.107

ORS 339.880

32 OR. ATTY. GEN. OP. 209 (1965)

46 OR. ATTY. GEN. OP 239 (1989)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).

Every Student Succeeds Act, 20 U.S.C. § 7928 (2012).

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

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<sup>1</sup> "Covered survey items" ~~under the ESSA~~ include one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, anti-social, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.