

Commercial Advertising/Merchandise Sales

The Board recognizes that district-sponsored commercial advertising and merchandise sales may provide an important source of revenue for its programs and activities. Such advertising and/or sales may be permitted as approved by the superintendent or designee and as provided by this policy and/or Board policy KJA - Materials Distribution.

“Commercial advertising” as used in this policy means, use by any person, company, business or corporation, for personal or private gain, of any district media, including, but not limited to, school newspaper, yearbook or other printed material, flyer or circular, radio, television, video or any other electronic technology or indoor or outdoor signage designed to:

1. Transmit a message offering any goods or services;
2. Cause or induce any other person to purchase any goods or services;
3. Increase demand for any goods or services.

Commercial advertising and merchandise sales approved by the district must be consistent with district mission, goals, Board policies and administrative regulations; promote positive values for district students through proactive educational messages that encourage student achievement and high standards of personal conduct.

The superintendent may consider for approval revenue-enhancing activities that include, but are not limited to, contracts or agreements for:

1. Exclusive advertising and/or rental, sale, lease or use of any product or service throughout the district or at specified locations or times to a person, business or corporation in exchange for goods or services (e.g., scoreboards, electronic message boards, athletic gear, exclusive right to sell beverages, bottled water, snacks, meals, etc.);
2. Products or services that require the dissemination of advertising to staff, students, parents or others or allow any person, business or corporation to obtain information from staff, students, parents or others for the purposes of market research;
3. The use of district facilities or grounds in exchange for products, services or financial considerations (cell phone towers, etc.);
4. Technology hardware, software, satellite hook-up and/or access in exchange for free or reduced prices and/or fees and/or advertising rights, or agreement to use equipment a certain number of hours of the day, month, etc.

The solicitation and sale of travel services to students may be permitted with approval of the superintendent or designee on school 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.

All contracts considered for approval are subject to the competitive procurement requirements of Board policies DJ - District Purchasing, DJC - Bidding Requirements and the local contract review board's public contracting rules. Competitive procurement as used in this policy includes monetary as well as in-kind contributions (i.e., scoreboards, computers, other equipment or materials).

END OF POLICY

Legal Reference(s):

[ORS 279B.055](#)
[ORS 279C.335](#)

[ORS 332.107](#)
[ORS 332.593](#)

[ORS 339.880](#)

32 OR. ATTY. GEN. OP. 209 (1965)
46 OR. ATTY. GEN. OP. 239 (1989)

PUBLIC SOLICITATION/ADVERTISING IN DISTRICT FACILITIES

The Board recognizes that business and cultural organizations make available for public use much information which is of great value in advancing student education. Much of this information is not available through other sources.

The objectives of this policy are to:

1. Provide for the use in the schools of informational material from private sources which tends to strengthen the curriculum and benefit the students;
2. Protect both students and their families from exploitation by commercial, organizational and cultural interests.

The facilities, the staff or the students of the district shall not be used in any manner to advertise or promote commercial, cultural, organizational or other non-school interests except that the district may:

1. Utilize films and other instructional aids furnished by private sources when the advertising content is reasonable in the judgment of the principal of the school involved;
2. Cooperate through announcements and distribution of program material with non-profit community organizations that supplement the school program when such cooperation will not interfere with the school program;
3. Permit participation on a student option basis in essay, art, science and similar contests sponsored by outside interests when such activities parallel the curriculum and contribute to the educational program;
4. Release promotional material for non-school athletic and cultural events only through appropriate school departments;
5. Accept, but not actively solicit, limited advertising on extracurricular activity schedules and programs at the discretion of the principal of the school involved;
6. Permit other exceptions when, in the judgment of the superintendent, students of the district will benefit. The superintendent may, at his/her option, refer specific cases to the Board for decision.

The administration of surveys, questionnaires and requests for information by non-

school-connected organizations are not allowed. Exceptions may be approved by the Superintendent or designee. 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 No Child Left Behind Act of 2001 (NCLBA). Any district survey containing any "covered survey items"¹ as defined by NCLBA, may also be inspected by parents.

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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 Assistant Superintendent of Instruction 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 old 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 NCLBA and/or the provisions of Board policy JOB - Personally Identifiable Information.

END OF POLICY

Legal References:

ORS 332.593

ORS 339.880

ORS 646.185

32 Op Atty Gen 209 (1965).

46 Op Atty Gen 239 (1989).

Protection of Pupil Rights, 20 U.S.C. Section 1232h; 34 CFR Part 98 (2000).

Cross Reference:

Policy KJA - Materials Distribution

¹Covered survey items under the NCLBA include one or more of the following items: political affiliations or beliefs 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.

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