

Commercial Advertising and Merchandise Sales

Students, staff members or the facilities of the school may not be used for advertising, promoting or soliciting in the interests of any community or non-school agency, organization or individual without the approval of the Superintendent. Contests for money or prizes which are not controlled by and for the benefit of the school and/or which involve contacting the students during school hours shall be prohibited.

The use of educational films, tapes or materials prepared by businesses or industries and which basically bear the names of the producing firms or educational presentations by their representatives shall not be considered advertising, promoting or soliciting.

The Superintendent may approve cooperation between schools and non-profit and non-sectarian organizations and/or agencies in furthering the work of such groups when it does not significantly infringe on the school instructional program.

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

“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;
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.;
5. Naming rights to district property in exchange for goods, services or monetary considerations.

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

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:
Contracts shall include a provision allowing the district to terminate the contract if it is determined by the district to have an adverse impact on district programs, services or activities. Revenue derived shall be used for programs, services and/or activities as determined by the district.

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.

END OF POLICY

Legal Reference(s):

ORS 279.015 (2)(a)

ORS 332.107

ORS 332.593

ORS 339.880

ORS 646.185

32 Op Atty Gen 209 (1965).

46 Op Atty Gen 239 (1989).