

Commercial Advertising/Merchandise Sales

Applicability

Nothing in this policy or associated regulation is intended to limit announcements, information, or logos of school-related non-profit corporations, such as school PTAs, school booster clubs, other parent-teacher organizations, or the LOSD Foundation. However, any activity of these organizations that may result in third-party advertising or commercial activity directed to district students is fully subject to this policy and related regulation. Otherwise, due to the fact that these organizations are independent entities, they are not obligated to abide by the terms of this policy and regulation, though they are encouraged to do so. This policy and associated regulations are not intended to apply to the receipt of donations.

Naming of any district space or facility is the exclusive domain of the Board. The placement of a name, tag, or small name plate on the district's or a school's minor equipment, furnishings, bricks, plaques etc., is not considered naming if the placement of the name, tag, or plate is part of a larger collection of similar names, tags, or name plates. Funds received by the district or a school for such name placements are considered donations and not commercial activity subject to this policy and associated regulations. Equipment or furnishings provided by a business that will prominently display a company name or logo is considered commercial activity. The Board may consider the following principles in determining whether to approve specific naming opportunities. Naming opportunities are intended to provide foundation resources. Guidelines for naming opportunities are separate and apart from the regulations for commercial activities.

General Principles

School-business relationships based on sound principles and community input can contribute to high quality education. However, compulsory attendance creates an obligation for the district to protect the welfare of students and the integrity of the learning environment. Therefore, when working together, schools and businesses must ensure that educational values are not adversely affected.

Positive school-business relationships should be ethical and structured in accordance with the following principles:

1. **Business Support or Activity Must be Consistent with District and School Standards and Goals.** All business support or activity shall not conflict with State, district, and school academic standards and goals.
2. **Business Support or Activity Must be Age appropriate and Consistent with District Nondiscrimination Policies.** All business support or activity must be consistent with district policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, age, marital or parental status, socioeconomic status, geographic location, or sexual orientation, and must be age appropriate for the students involved.

3. **Business Support or Activity Must Meet District Standards of Acceptability.** No business support or activity will be permitted in the district or in the schools that:
 - a. Promotes the use of alcohol, tobacco, firearms, or illicit drugs;
 - b. Promotes hostility, disorder, or violence;
 - c. Attacks or demeans any ethnic, racial, or religious group or attacks or demeans on the basis of sex or sexual orientation;
 - d. Is libelous;
 - f. Promotes any specific religion;
 - g. Promotes or opposes any political candidate or ballot proposition;
 - h. Inhibits the functioning of any school.

4. **District/School Must Have Authority Over the Curriculum.** District/school personnel must retain the discretion on how or whether to integrate commercially sponsored or provided material or programs into the curriculum. Commercial sponsors shall not be the subject or focus of student activities, e.g. students shall not be required to create all projects or write essays primarily about sponsors. The school or district should not be required by a sponsorship or partnership to sell products to students or expose students to advertisements during school time.

5. **Parents Should Be Informed.** Parents and community members shall be informed about the nature and extent of commercial activity in the schools.

6. **District Control.** Revenues generated through sponsorships and advertising on school facilities where the primary intended audience is our student body are public resources. Discretion and voice in the distribution and disbursement of these resources will be given to those charitable and civic school booster organizations that support the schools, provided they are instrumental in the development or procurement of sponsorship or advertising agreements. However, the district, through either its Board or superintendent, reserves the right to further control or direct such resources.

Definitions

1. “Advertising” means an oral, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services that is intended to promote the purchase, use, or patronage of the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos, or tags for product or service identification purposes are not considered advertising.

2. “Donations” are non exchange, i.e. nonreciprocal, receipts of funds, goods or services where there is no expectation or requirement for consideration or item of value, either in the form of payments, goods, services, or extensive recognition from the district, to be provided in return. Consideration does not include souvenir items provided by a school or the district to a donor that are of nominal value (e.g. cups, pens, etc.), access, privileges or services provided by the district or school that have no ongoing additional direct cost to the district or school (e.g. reserved parking space, preferred stadium seating, etc.), or acknowledgment of receipt of a donation, even if such acknowledgment is in any form of public media.

3. “Sponsorship” means an agreement between a school district, an individual school, or a site-based or parent-based group with an individual group, company or community-based organization in which the sponsor provides financial or resource support in exchange for recognition.
4. A “partnership” means an agreement between a school or district and a private entity, wherein the basis and the terms of the relationship are set by the district, and agreed upon by the private entity, or reached mutually. Frequently a partnership is less formal than a contractual relationship. Partnerships should be of a nonexclusive nature, and should not adversely affect or distract from the instructional mission of the school.
5. “Sponsored Educational Materials” means an educational materials and programs developed and/or funded by commercial enterprises, trade organizations, or nonprofit organizations with significant business backing. These materials are intended for use or distribution at schools and can be intended for use as either primary or supplemental curriculum.
6. “Electronic Media” means any type of instruction that happens during school time, or any program shown during school time that requires the use of electronic equipment, such as televisions, video equipment, computers, movie projectors; etc.

END OF POLICY

Legal Reference(s):

[ORS 279C.335](#)
[ORS 332.107](#)
[ORS 332.593](#)
[ORS 339.880](#)
[ORS 646.185](#)

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

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