

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 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; 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.;

5. Naming rights to district property in exchange for goods, services or monetary considerations. 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 by non-school agencies or for non-school activities during school hours will not be permitted without prior approval of the superintendent and/or principal.

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 principal.

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 principal.

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

The solicitation and sale of travel services to students may be permitted with approval of the superintendent on district property, at activities under the jurisdiction of the district and at interscholastic activities administered by a voluntary.

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 disallowed. 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 of 2015 (ESSA). Any district survey containing any “covered survey items”¹ 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 ESSA and/or the provisions of Board policy JOB - Personally Identifiable Information.

The solicitation and sale of travel services to students is prohibited 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.

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. 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

¹“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.

Legal Reference(s):

[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)

Cross Reference(s):

GBI - Gifts and Solicitations