

Newberg School District 29J

Code: **KJ**
Adopted: 4/11/05
Readopted: 12/10/07
Orig. Code(s): 8500

Commercial Advertising/Merchandise Sales

"Advertisement" as used in this policy means the use by any person, company, business or corporation of any media including, but not limited to: newspaper 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 goods or services for sale for personal or private gain;
2. Cause or induce any person to purchase any goods or services for personal or private gain;
3. Increase demand for any goods or services.

Advertisement may include the cost or a description or presentation of a product, idea or organization, in order to induce individuals to buy, support or approve of it. The willingness by the district to allow an advertisement by an organization or company is not recognition for the support of a district event, activity or item. The term advertisement does not include traditional fund-raising activities such as jog-a-thons or magazine sales, nor does it apply to outright gifts to which no quid pro quo is attached.

No advertisement, as defined by this policy, shall be allowed unless it fits one or more of the following categories, and is approved by the superintendent/designee.

1. Published advertising in any school newspaper, other school periodical, school or district publication, web page or yearbook;
2. Advertising or market research as part of district-approved curriculum on advertising, marketing or media literacy (book fairs, musical instrument fairs or book orders);
3. Free educational materials with incidental advertising (pencils, folders, notebooks);
4. Demonstrations of educational materials and equipment (textbook adoptions, software, copy machines);
5. Posting announcements or distributing program materials for nonprofit community organizations that supplement the school program provided that such cooperation does not interfere with the school program and is not inconsistent with the mission goals and policies of the district (Doernbecher, Juliette House, FISH, Red Cross);
6. Utilization of films or other educational materials and instructional aids including newspapers and magazines in either print or electronic form furnished by private sources when the advertising content is reasonable in the judgment of the superintendent/designee;

7. Permitting 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;
8. Releasing of promotional material for nonschool athletic and cultural events through appropriate school departments (Oregon Museum of Science and Industry, Trailblazers, Children's Theater);
9. Indoor or outdoor signage for advertisement purposes that meets the requirements of this policy;
10. The display of product names on vending machines that have been placed in a school building for the use of students, staff and the public at secondary schools and other district facilities (vending machines with product names may only be placed in staff rooms at elementary schools);
11. Acceptance of limited advertising on extracurricular activity schedules and programs (sports schedule/poster, programs for school performances).

Sponsorships

"Sponsorship" as used in this policy means any payment of money or other economic benefit to a school or to the district in exchange for recognition. Sponsor recognition is acknowledgment of the sponsor as a supporter of an event, activity or item. Acknowledgment may contain the sponsor's name and company name or logo. It cannot contain any inducement to purchase the sponsor's product, or product prices, or any qualitative or comparative language.

The Board encourages district staff to seek sponsorships to help support district programs and services but no sponsorship agreement shall require that the district's programs and services be delivered in a specific manner.

The sponsor may be acknowledged in district publications and on school premises. The acknowledgment should be tasteful and not minimize or take away from the district's role or responsibility for the activity or service.

Exclusive Rights Contracts

"Exclusive Rights Contracts" as used in this policy means any payment of a premium or provision of some economic benefit to a school or the district for the right to be a sole provider of a service or product. This term includes limited exclusive rights contracts where more than one provider may supply the same or similar service or product.

The Board may, from time to time, consider the approval of an exclusive rights contract if it shall result in substantial benefit to the district, its schools, and their respective students, and is consistent with the district's mission, policies and goals. The Board's consideration of such benefit may include, but is not limited to, the impact on students as well as the amount of funds that shall be generated, how the funds shall be used, and what alternative sources of funding are available.

All such contracts must be issued to conform with purchasing procedures established by law and school Board policy. No site shall be required to be a party to an exclusive rights contract unless it has agreed in

advance or unless the Board determines that there is an overriding interest by the district for all schools or a specific set of schools to participate.

Exclusive rights contracts shall not include provisions that would allow marketing activities, including advertising, to take place in district classrooms, hallways or lunchrooms, except that vending machines at secondary schools may display product names.

Prior to approving an exclusive rights contract, the Board shall determine whether the substantial benefit of the contract justifies the required advertising, sale of product or other contract provision.

Purchase of Goods and Services

"Purchase of Goods and Services" as used in this policy means purchases of services or goods by the district for a product or service required by the district.

From time to time the district may contract for goods and services, particularly in its food service program, where the display of product names is necessary. Such arrangements shall be issued to conform with purchasing procedures established by law and Board policy, and be necessary to the economical use of the good or service and shall not include provisions that would allow marketing activities, including advertising, to take place in district facilities other than where the product is being utilized.

Prohibited Commercial Activities

The above policy notwithstanding, no commercial activity as defined or allowed by this policy shall be associated with tobacco, alcohol, illegal drugs or weapons, contain vulgar and plainly offensive, obscene, or sexually explicit language; advocate the violation of law or district policy; advance any religious or political organization; promote, favor or oppose a candidate for elected office or a ballot measure; be associated with any company or individual whose actions are inconsistent with the district's mission and goals or community values; or otherwise be in violation of law.

The district shall provide no personally identifiable data about a student to the sponsor of a commercial activity without the consent of a parent, unless approved by the superintendent/designee, as provided in OAR 581-021-0340. Likewise, no student, in order to participate in a school program or school sponsored activity, shall be required to provide personally identifiable data to the sponsor of a commercial activity without the consent of a parent, unless approved by the superintendent/designee, as provided in OAR 581-021-0340.

Students shall not be required to complete any survey or questionnaire that is designed to provide marketing information to a vendor or business about their interests and preferences for a particular vendor, business, or product.

Any commercial activity allowed by this policy shall be respectful of all people without regard to their disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familial status, physical characteristic or linguistic characteristics.

Contracts entered into prior to the implementation date of this policy shall be reviewed prior to renewal. If a contract is renewed, Board policy shall be followed.

Prohibited commercial activities include the solicitation and sale of travel service to students on school property and 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 the sale of services to students by any person or group that sells, provides, furnishes, contracts for, arranges or advertises travel services.

Approval

Advertising, promotional materials or merchandise sales that shall contribute significantly to the instructional program or general district betterment may be posted, distributed, used or sold in or by the schools. The superintendent/designee shall evaluate and approve or disapprove all requests from district staff and nonschool interests for merchandise sales and advertising and promotional announcements intended for distribution in and by district schools.

The superintendent may, at his/her option, refer specific requests to the Board for action. Exceptions to this policy may be granted by the Board upon the recommendation of the superintendent.

The superintendent shall develop administrative regulations as needed for the implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 279B.055](#)

[ORS 332.107](#)

Cross Reference(s):

GBC - Staff Ethics

KJA - Materials Distribution