

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 as provided by this policy. However, students and staff are to be protected from intrusions into the classroom by announcements and communications of any kind from individuals and organizations not directly connected with the schools.

“Commercial advertising” as used in this policy means 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 other electronic technology; or indoor or outdoor signage designed to:

1. Transmit a message offering any goods or services for sale for personal or private gain;
2. Cause or induce any other person to purchase any goods or services for personal or private gain;
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, when possible, promote positive values for district students through proactive educational messages that encourage student achievement and the establishment of high standards or personal conduct. Advertisements promoting the use of alcohol, tobacco or drug products or containing/displaying sexually explicit material is prohibited in school buildings, at school functions or in school publications. Articles of clothing that advertise or promote the use of alcohol, tobacco or drug products, or that display sexually suggestive words or pictures are not permitted.

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

1. Contracts granting 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 (i.e., scoreboards, electronic message boards, athletic gear, exclusive right to sell beverages, bottled water, snacks, meals, etc.); this will need to be consistent with any contract entered into by the district.
2. Contracts for products or services that require 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. Contracts for the use of district facilities or grounds in exchange for products, services or financial considerations;

4. Contracts for 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. Donations of goods, services, products or financial considerations must benefit student of the district. At no point may an employee or volunteer of the district receive personal gain/advantage through these activities.

The solicitation and sale of travel services to students on district 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) may be permitted with the approval of the Board. This includes the 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 criteria:

1. Belong to an association of sellers of travel certified by the director of the Oregon 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.

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 designed to enhance student achievement, assist in the maintenance of existing district programs, services or activities and/or to provide scholarships for students who demonstrate financial need and merit, as determined by the district.

All revenue earned must also comply with Board policy IGDF- District Fund Raising Activities.

All contracts considered for approval are subject to the competitive procurement requirements of Board policies DJ/DJA/DJF - District Purchasing, DJC - Bidding Requirements and the district'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 and materials).

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)