

**BETHEL SCHOOL DISTRICT #52  
BOARD OF EDUCATION POLICY STATEMENT**

Subject: Commercial Activities

Policy Number: KJ Effective Date: 1/2015

Date of Original Policy and Revisions: 12/11

Cancels Policy No.: N/A Dated: 12/2011

Date of Next Review: 1/2018

**POLICY**

The Board recognizes that business and cultural organizations make information available for public use which is of value in advancing student education. This information may not be available through other sources.

The Board also recognizes that public schools provide a potential market for commercial activities. Therefore, it is important that the district protect students and parents/guardians from exploitation and ensure that commercial activities do not interfere with the educational program. Except for instruction relating to advertising, students shall not be required to listen to, read, or be subjected to commercial advertising in the classroom or in school-provided materials in curriculum-related activities, except as provided by this policy.

**DEFINITIONS**

**“Advertisement”**: Any payment of money or other economic benefit (e.g., products or services) to a school or to the district that requires visual, audio, or video placement of a name, slogan, or product message on a school district property, publication (physical or electronic), or broadcast. The term advertisement does not include traditional fundraising activities such as jog-a-thons, carnivals, or magazine sales; nor does it apply to outright gifts to which no quid pro quo is attached.

**“Sponsorship”**: Any payment of money or other economic benefit (e.g., products or services) to a school or to the district in exchange for recognition.

**“Exclusive Rights Contracts”**: 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.

**“Purchase of Goods and Services”**: Purchase of services or goods by the district for a product or service required by the district.

**ADVERTISEMENTS**

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 building principal:

1. Paid advertisements in a school student newspaper or other publication;
2. Instructional aids furnished by private sources when the advertising is reasonable, nonintrusive, and not inherent to the content. Such instructional aids must be used in a manner that is consistent with the district’s policies and practices related to curriculum and instruction and the use of district property;
3. Signs on athletic fields that meet the city’s sign code;
4. Advertising in extracurricular activity publications;

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5. A pro-school advertisement for an organization approved by the Board of Directors;
6. The display of product names on vending machines that have been placed in the school for the use of students, staff, and the public (all vending machines must comply with Board policy EFA);
7. Incidental advertisements that appear when students are using various internet services.

**SPONSORSHIPS**

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.

A sponsor may be acknowledged for a limited time in school district publications (physical or electronic) or broadcasts 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. Sponsorships shall not include provisions that would allow marketing activities, including advertising, to take place in district classrooms, hallways, elementary school gyms or multipurpose rooms, or lunchrooms.

**EXCLUSIVE RIGHTS CONTRACTS**

The Board of Directors may from time-to-time consider the approval of an exclusive rights contract if it will 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 will be generated, how the funds will be used, and what alternative sources of funding are available.

All such contracts must conform to purchasing procedures established by law and School Board policy. No site will be required to be a party to an exclusive rights contract unless it has agreed in advance or unless the Board of Directors 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, elementary school gyms or multipurpose rooms, or lunchrooms, except that vending machines (as provided by Board policy EFA) may display product names.

Prior to approving an exclusive rights contract, the Board shall, after conducting a public hearing, determine whether the substantial benefit of the contract justifies the required advertising, sale of products, or other contract provision.

When a contract for advertising or other exclusive use contract is solicited for compensation, the district shall follow Board policy DJC - Bidding Requirements and, as appropriate, adopted public contracting rules as provided in DJC-AR - Exemptions from Competitive Bidding prior to contract approval. Compensation includes monetary as well as in-kind contributions (e.g., scoreboards, computers, other equipment or materials) for contracts. The request for proposal (RFP) process will be utilized as prescribed in Board policy DJC.

**PURCHASE OF GOODS AND SERVICES**

From time to time the district may contract for goods and services, particularly in its nutrition services program, where the display of product names is necessary. Such arrangements shall conform to purchasing procedures established by law and School 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.

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**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 offensive, obscene, or sexually explicit material; 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/guardian, unless approved by the Superintendent or his or her 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/guardian, unless approved by the Superintendent or his or her 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 actual or perceived race, color, national origin, ethnicity, cultural background, religion, veterans' status, genetic information, sex/gender, sexual orientation, marital status, age, disability, socioeconomic status, source of income, familial status, physical characteristic, or linguistic characteristics of a national origin group or because of the race, color, national origin, ethnicity, cultural background, religion, sex, gender, sexual orientation, marital status, age, disability, socioeconomic status, source of income, familial status, physical characteristic, or linguistic characteristics of a national origin group of any other persons with whom the individual associates.

**MATERIALS DISTRIBUTION**

Displays and public posting or any request for substantial distribution of any newspapers, magazines, pamphlets, illustrations, or any other printed, duplicated, or written material to be made upon school premises (including electronic services) by any person shall be reviewed by the Superintendent or designee for the following types of prohibited material:

1. The material advocates or promotes illegal actions;
2. The material is obscene. Material is obscene if it depicts or describes conduct in any offensive manner when compared to reasonable community standards;
3. The material is libelous. Material is considered libelous if it contains false and malicious statements about a person, persons, or organization which subjects the person, persons, or organization to public hatred, contempt or ridicule;
4. The material is offensive or insulting to any individual or group;
5. The material is likely to cause substantial disruption of or material interference with discipline or the education of students in the school;
6. The material is primarily commercial and does not meet the criteria established in this policy.

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The Superintendent or designee may accept materials from non-students who wish to have them posted or distributed in the schools, and determine the method of distribution in line with district procedures.

**EXCEPTIONS**

The district may:

1. Utilize films and other instructional aids furnished by private sources when the advertising content is reasonable in the judgment of the principal of the school involved;
2. Cooperate through announcements and distribution of program material with nonprofit community organizations that supplement the school program when such cooperation will not interfere with the school program;
3. Permit 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;
4. Release promotional material for non-school athletic and cultural events only through appropriate school departments;
5. Accept limited advertising on extracurricular activity publications at the discretion of the principal of the school involved;
6. Consider other exceptions when, in the judgment of the Superintendent, students of the district will benefit. The Superintendent may refer specific cases to the Board for decision.

END OF POLICY

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**Legal Reference(s):**

[ORS 279B.055](#)

[ORS 332.107](#)