

## **P1407 COMMERCIAL ADVERTISING**

### **BOARD POLICY:**

**The Board of Education allows the limited sale of commercial advertising for broadcast and display at selected sites to raise revenue in support of district school programs, and student and staff activities.**

**It is not the intent of this policy to endorse, support or recommend the commercial advertisers who pay to present their information. Nor is it the intent of the sale of commercial advertising by the district to act as a public forum regarding the expression of political subjects, religious viewpoints, or controversial matters which are inconsistent with the educational mission of the district, or which could be perceived as bearing an endorsement by USD 259. The district retains discretion to decline any advertising inconsistent with these objectives or its educational mission.**

Administrative Implemental Procedures:

1. The Board of Education recognizes the importance of fostering relationships with community groups and individuals in order to enhance educational and extracurricular opportunities for students and raise alternative revenues to supplement the School district's educational and extracurricular programs.
2. It is the intent of this policy to preserve all district property as a nonpublic forum and to control the content of permitted advertising consistent with the guidelines set forth in this policy and consistent with applicable court cases.
3. The Superintendent will appoint individuals to serve on an Advertising Oversight Committee to oversee the sale of advertising and building venue signage/banner advertising. Members of the Committee will include, as a minimum, the Assistant Superintendent of High Schools, the Division Directors of Strategic Communications, and Operations, Manager of Advertising and Marketing Partnerships, Athletic Director, and the Director of Title IX/ADA 504. District General Counsel will serve in an advisory role.
4. Commercial advertising shall be permitted on a limited and space available basis only, for the sole purpose of supporting district schools, students, programs, teams, and other extracurricular activities and approved district purposes. Generally, advertising will not be placed in Middle or elementary schools, in instructional spaces, hallways, auditoriums, or broadcast during instructional time unless approved otherwise by the building Principal and Advertising Oversight Team.
5. The Superintendent, or designee, shall develop and implement guidelines regarding commercial advertising and is authorized to enter the district into Commercial Advertising Leasing Agreements controlling such advertising within the parameters set forth in this policy. All such agreements shall authorize the district to advise the public that the acceptance of advertising shall not indicate endorsement by the district of the product, service, or message of the advertiser.
6. The district may contract with a professional marketing and advertising firm to assist in the sale of television advertising and building venue signage/banner advertising.

7. District property shall not be used to advertise, promote, sell tickets, or collect funds for any non school-related purpose without prior approval of the Superintendent or designee and unless in accordance with this policy.
8. The use of any district property for promotional or advertising purposes shall be permitted only pursuant to written agreements approved by the Superintendent or designee in accordance with this policy and shall be solely for the purpose of providing financial support for district operations or otherwise cover the cost of providing materials and equipment.
9. The Superintendent retains final editorial authority to accept or reject proposals for advertisements, or submitted advertisements, in a manner consistent with the First Amendment and the objectives of this policy.
10. The Superintendent shall have the expressed authority to contract for commercial advertising that:
  - a. provides for exclusive rights;
  - b. has a term for more than three (3) years; or
  - c. other terms as determined appropriate.
11. Advertisers will be limited to:
  - a. Businesses whose sole message is the promotion of commercial goods and services.
  - b. Community groups, events and organizations.
  - c. Non-Profit groups and organizations provided such advertising is confined to promotion of district students, and programs.
12. Advertising will not be accepted from businesses, individuals or organizations:
  - a. Whose goods and services are illegal if possessed by or sold to a minor (i.e. alcohol, tobacco, etc.) provided that businesses which sell alcoholic beverages, tobacco, or other such products incidental to the sale or delivery of non-objectionable products or services shall be permitted so long as the advertising does not feature the prohibited products or services (i.e., Dillon's, Wal-Mart, Applebee's, etc.).
  - b. Whose goods and services are prohibited by district policies.
  - c. Whose theme or messages are inconsistent with the curriculum or educational mission of the district.
  - d. Whose theme, message, goods and services are deemed inappropriate for the school community as determined by the Board of Education, Superintendent, Assistant Superintendent of Elementary Schools, Assistant Superintendent of Learning Services, Assistant Superintendent of Secondary Schools, or Advertising Oversight Committee.
  - e. Whose message contains expression that:
    - 1) is libelous, slanderous or obscene.
    - 2) commands, requests, induces, encourages, commends or promotes conduct that is defined by law as a crime or conduct that constitutes a ground or grounds for suspension or expulsion of students.
    - 3) creates a material or substantial disruption of the normal school activity.
    - 4) is inconsistent with high standards of English and journalism.
    - 5) violates intellectual property rights (i.e. copyright, patent, trademark, trade dress, trade secret, etc.).

- 6) improperly invades the privacy of students and staff.
  - 7) endorses political candidates, promotes any issue of public policy, or is associated with any political group or organization.
  - 8) is proselytizing in nature whether involving religious or secular subjects.
  - f. Whose policies or practices discriminate on any basis prohibited by law.
13. All proposed agreements shall be in writing and shall be submitted to the Superintendent or designee for approval by the appropriate district authority.

Administrative Responsibility: Operations Division

New policy: January 2010 P1407

Updated administratively for alignment purposes: November 2020