

I. Application of Policy

A. The Board of Education is committed to providing an educational environment with minimal disruptions and distractions for students. Except as provided in this Policy, the Board prohibits any advertising, marketing, promotion and sponsorship of non-school related products, activities, services or programs, hereafter referred to as “advertising or promotional activities,” during the instructional day and at school activities.

B. This Policy prohibits any activity designed to encourage students, parents or employees to purchase or participate in products, services, programs or activities of non-school related entities, including commercial and non-profit entities.

II. Exceptions to Prohibition Against Advertising and Promotions

A. The Superintendent may approve non-school groups or individuals to engage in advertising or promotional activities including banners, posters and announcements during the instructional day or at school activities only if the following conditions are met:

1. Any youth-related products, services or activities advertised or promoted must provide educational, health, safety, cultural, social or career-related opportunities or information to students;
2. Any youth-related products, services or activities advertised or promoted must be age appropriate;
3. The advertising or promotional activities must be conducted in a manner that does not conflict with the educational mission of the school district;
4. Students and employees must not be exploited by any advertised or promoted activity;
5. Assemblies or other meetings of students or staff shall not be called for the purpose of advertising or promotional activities;
6. The school or school district must not be obligated in any way to the business or organizations involved in the activities; and
7. Any materials displayed or distributed must be consistent with the standards of Policy 5210, Distribution of Non-School Material.
8. Non-curricular advertisements or announcements are permitted in the area designated by the principal for community use.

B. This policy does not prohibit the following activities:

1. School fund-raising activities by students, employees or parent organizations;
2. Advertisement in school publications such as yearbooks, programs and student newspapers;
3. Logos or slogans on scoreboards pursuant to contract approved by the Board or Superintendent, as authorized;
4. Boards or banners that are for recognition of donations or sponsorships for a school or the school district; or
5. Advertisements on school-athletic fields.

III. Advertisement in School Publications or on Athletic Fields

A. This Policy is not intended to restrict or prohibit the sale of advertisements by the individual schools in school publications or on athletic fields. The Board does not intend, by permitting some advertising, to open its school facilities, including school publications or athletic fields, for unlimited access and advertising by the general public. The principal has the authority to approve the placement of advertisements in school publications, pursuant to the following standards.

1. School publications or athletic field advertisements shall not contain material that:
 - a. is vulgar, indecent or obscene;
 - b. contains libelous statements, personal attacks or language defaming a person's character, race, religion, ethnic origin, gender, family status or disability;
 - c. causes or clearly threatens to cause a material and substantial disruption of normal classroom activity, any normal school function or other school activity;
 - d. encourages the commission of unlawful acts or the violation of lawful school regulations;
 - e. promotes or opposes controversial issues or matters;
 - f. is not age appropriate;
 - g. encourages actions that endanger the health or safety of students;
 - h. advertises any product or service not permitted to minors by law;
 - i. promotes or opposes any political candidate or ballot proposition; or
 - j. contains grammatical or typographical errors.
2. Advertisements in school publications or on athletic fields by non-school related groups or entities will only include limited identifying and contact information of the group.
3. Yearbook advertisements may include individual messages to students, subject to approval by the principal.
4. The Board of Education reserves to itself the right to cancel any advertisement in its publication that it deems inappropriate or inconsistent with the interests of the school district or its students.
5. The Board of Education will not discriminate on the basis of viewpoint.

IV. Advertisement in Electronic Media

The Board recognizes that some electronic equipment or software may include advertisement. With the approval of the Superintendent, the school district or individual schools may purchase or accept through donations electronic equipment or software that contains advertising, provided that such advertising is consistent with the provisions contained in this Policy.

V. Protection of Student Privacy

The school district or any individual school shall not require students to provide marketing information to vendors. Neither the school district nor any school shall enter into any contract for products or services, including electronic media services, where personal information will be collected from students by the providers of such services, unless for the purposes provided in Policy Code 4720. For the purposes of this section, personal information includes, but is not limited to, the student's name, telephone number, e-mail address and home address.

VI. Process to Request Advertisement

- A. Any entity or individual interested in advertising or promoting pursuant to this Policy must submit a request to the principal. The principal will review the request and make a decision within ten (10) working days.
- B. The Board of Education and the Superintendent may review requests to advertise with final authority to determine the appropriateness of the advertisement based upon the standards contained in this Policy.

VII. Definition of Terms

- A. The term "**advertisement activities**" means the publication or communication of information about a commercial or nonprofit organization's products, services, programs or activities to teachers, other employees, students, or parents for the purpose of inducing the purchase of its products, the use its services or the attendance at its programs or activities.
- B. The term "**promotional activities**" means any activity in the school which is designed or intended to further the growth, business, good name or reputation of a commercial or nonprofit organization. The term promotional activity includes, by way of example, the distribution of gifts to employees, students or parents bearing the organization's name, logo or symbol; the distribution of discount coupons or the advertisement of a discount program for products or services to employees, students or parents; or the sponsorship of educational programs or activities in the name of an organization.
- C. The term "**commercial activity**" means any advertisement or promotional activity that is designed or intended to enhance the economic interests of the advertiser or promoter by encouraging the audience to purchase the product or service being advertised or promoted and thereby enable the speaker to make a profit.
- D. The term "**political activity**" means oral, written or symbolic speech on a legitimate matter of public concern as distinguished from commercial activity which is to advertise or promote a product or service.
- E. The term "**religious activity**" means oral, written or symbolic speech that is designed or intended to evangelize or persuade the listener to adhere to a religious

belief or to attend a religious worship program or activity as distinguished from commercial activity which is to advertise or promote a primarily secular service or activity offered by a religious institution or organization, such as youth sports, childcare, tutorial programs or youth service organizations

- F. The term “**non-curricular**” means advertisement or activity which is not school sponsored and is outside of the school curriculum and other school related activities. By way of example, the Boy Scouts, the Girl Scouts and the Fellowship of Christian Athletes are non-curriculum activities. These are non-school related clubs. This Policy applies to non-curriculum activities.
- G. The term “**curricular**” means activity or courses offered by the school and sponsored by the school. These activities are part of the educational institution. By way of example, the Science Club, the Art Club, the Athletic Program and the Band are school sponsored activities. This Policy does not apply to curricular activity or courses.
- H. The term “**Community Bulletin Board**” means one (1) area designated by the principal of each school for the display of advertisement and promotional material which are fliers and announcements. The designated area is limited to the immediate area outside of the principal’s office or a particular wall which is not disruptive to the instructional day.
- I. The term “**Community Business Signs and Youth Club Signs, Banners and Posters**” means one (1) area designated by the principal of each school for the display of advertisement and promotional material. The designated area is limited to the fencing surrounding the ball fields or a wall near the outside of the cafeteria or a wall inside the cafeteria or a wall inside the gymnasium.

Cross Reference: Policy 3620, Policy 4720, Policy 5210, Policy 5211, Policy 5212, Policy 5220
Legal Reference: Peck v. Upshur County Board of Education, 155 F3rd 274 (1998).

Adopted: May 11, 2006