

Sparta Area School District

Article 619 – Commercial Activities and Advertising

The Board of Education recognizes that public schools provide a potential market for commercial activities. Therefore, it is important for the District to protect students and parents/guardians from exploitation and to 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, in school-provided materials, in curriculum-related activities or in District-sponsored events on District property, except as provided by this policy.

Advertisements

No advertisement shall be allowed unless it fits one or more of the following categories and is approved by the building principal and/or Superintendent of Schools or his/her designee.

1. Paid advertisements in a student newspaper, yearbook or other District publication
2. Instructional aids furnished by private sources when the advertising is reasonable, non-intrusive and not inherent to the content. Such instructional aids must be used in a manner that is consistent with the District's policies and procedures.
3. Advertising in the program for a District-sponsored or approved extracurricular activity
4. A pro-school advertisement for an organization approved by the Board
5. The display of product names on vending machines
6. Food product promotions utilized in the cafeteria serving areas
7. Incidental advertisements that appear when students utilize various Internet services

For purposes of this policy, "advertisement" means any payment of money or other economic benefit to a school or the District that requires visual, audio, or video placement of a name, slogan, or product message on a school district property, publication, or broadcast. The term advertisement does not include traditional fundraising activities or outright gifts to which no quid pro quo is attached.

Sponsorships

The Board encourages sponsorships to help support District programs, buildings and services, but no sponsorship agreement shall require that the District's programs and services be delivered in a specific manner. A "sponsorship" means any payment of money or other economic benefit to a school, school program, or the District in exchange for recognition.

A sponsor may be acknowledged in District publications or broadcasts and on school premises. The acknowledgement should be tasteful and not minimize the District's role or responsibility for the activity or service and should not be a promotion or endorsement of a product or service.

Exclusive Rights Contracts

The Board 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 it is not inconsistent with the District's policies, mission and goals. An "exclusive rights contract" means any payment of a premium or provision of some economic benefit to a school or to the District for the right to be a sole provider of a service or good. This term includes limited exclusive rights contracts where more than one provider may supply the same or similar service or product. 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 be issued in conformance with purchasing procedures established by law and Board policy.

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.

Purchase of Goods and Services

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 in conformance 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.

Revenue

Revenue from advertising associated with one time events such as plays or from the sale of publications such as an annual or newspaper will go to support that activity or organization. Revenue associated with advertising in nutritional service areas will go to that department. Other advertising revenues will go into the general fund.

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 firearms; contain vulgar and plainly offensive, obscene, or sexually explicit language or graphics; 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. This policy is not intended to restrict advertising related to the military, the police, or other agencies who may be associated with the use of weaponry, however the graphic representation of weapons is to be prohibited.

The District shall not post signs advertising individual businesses or services in return for a fee or donation, unless the signs serve a specific purpose which benefits the school or student body or are the exclusive provider of a school service such as school pictures or class rings.

The District shall provide no personally identifiable data about a student to the sponsor of a commercial activity without the written consent of the student's parent/guardian and approval of the Superintendent. 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 written consent of a parent/guardian and approval of the Superintendent or his/her designee. 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 or preferences for a particular vendor, business or product.

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

Legal Reference: Wisconsin Statutes Sections 118.001; 118.12; 118.125;
120.12(1)(2); 120.44(2)
No Child Left Behind Act of 2001 (Protection of Pupil Rights
Amendment)

Cross Reference: Article 158 – Relationship to Vendors
Article 159 – District Endorsement of Products and Services
Article 720 – Vending Machine Sales

Approved: October 21, 2008

Revised