

SCHOOL DISTRICT–COMMUNITY RELATIONS

Advertising

905-NB

I. PURPOSE

The purpose of this policy is to provide guidelines for the advertising or promoting of products or services to school district students, parents, staff and the community in the schools.

II. GENERAL STATEMENT OF POLICY

It is the school district's policy that the name, facilities, staff, students, or any part of the school district shall not be used for advertising or promoting the interests of a commercial or nonprofit agency or organization except as set forth below.

III. ADVERTISING GUIDELINES

- A. The school district may accept and publish or display paid advertising in accordance with school district guidelines.
- B. In no instance shall the school district accept advertising or advertising images for alcohol, tobacco, drugs, drug paraphernalia, weapons, unrated movies with an "R" rating or above, non-charitable gambling or obscene, indecent, vulgar, pornographic or illegal materials or materials otherwise containing an explicit or implied sexual content or overtone. Advertisements may be rejected by the school district if determined to be inconsistent with the educational objectives of the school district, inappropriate for inclusion in the publication or intended location of the advertisement or may cause a material and substantial disruption of normal school activities. Advertisements may be rejected if determined to be false, misleading, or deceptive, libelous or slanderous or if they relate to an illegal activity or antisocial behavior or promote violence. Advertising also will be screened for appropriateness, including compliance with the school district policy prohibiting harassment based upon an individual's or group of individuals' protected classification.
 1. "Obscene" means:
 - a. The average person, applying contemporaneous community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors of the age to whom such advertising is directed;
 - b. The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom such advertising is directed, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of the genitals; and
 - c. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
 2. "Material and substantial disruption" of a normal school activity means:
 - a. Where the normal school activity is an educational program of the district for which student attendance is compulsory, "material and substantial disruption" is defined as any disruption which interferes with or impedes the implementation of that program.

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- b. Where the normal school activity is voluntary in nature (including, but not limited to, school athletic events, school plays and concerts) “material and substantial disruption” is defined as student rioting, unlawful seizures of property, conduct inappropriate to the event, participation in a school boycott, sit-in, walk-out or other related forms of activity.
 - c. In order for advertising to be considered disruptive, there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school, current events influencing student activities and behavior, and instances of actual or threatened disruption relating to the written material in question.
- C. The School District generally will not accept advertisements or allow promotional activities that are deemed controversial in nature. To the extent advertisements or promotional activities are allowed that promote one side of a controversial issue, advertisements promoting the opposing side of the controversy will be accepted. For purposes of this policy, “controversial issues” are issues or subjects that cause or are reasonably likely to cause a debate or disagreement about a matter which arouses strongly contrasting opinions.
- D. Advertising may not be used as a means of producing or disseminating to students, parents, staff or the community any material that advertises or promotes a political party, a political viewpoint, the candidacy of a person for public office, or a position on a referendum.
- E. Any provision for the advertisement by a commercial or nonprofit agency or organization in a school district publication or on school district property shall be in writing and shall specify precisely where such advertising may be placed or located and the length of time the advertising will be displayed. Advertising will not be allowed outside the specific area or publication approved by the school board, appropriate administrator or designee. In no instance will an advertising device be erected or maintained on school district property or within 100 feet of a school that is visible to and primarily intended to advertise and inform or to attract or which does attract the attention of operators and occupants of motor vehicles.
- F. All advertising must be approved by the school board, appropriate administrator or designee as set forth in school district guidelines.
- G. Donations which include or carry advertisements must be approved by the school board. Donations shall be accepted in accordance with Policy 706 – Acceptance of Gifts. The school board will set the length of time the advertisement will be displayed.
- H. Contracts regarding the naming rights for school facilities and building or other school district property must be approved by the school board.
- I. The school district or a school may acknowledge a donation it has received from an organization by displaying a “donated by,” “sponsored in part by,” or a similar by-line with the organization’s name and/or symbol on the item. Examples include activity programs or yearbooks.
- J. Nonprofit entities and organizations, approved official school organizations (PTA, PTO, booster clubs, etc.) and for-profit entities and organizations may be allowed to use the school district name, logo, students, or facilities for purposes of advertising or promotion if the purpose is determined to be educationally related

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and prior approval is obtained from the school board, appropriate administrator or designee as set forth in school district guidelines. Advertising will be limited to the specific event or purpose approved by the school board. An additional fee may apply for the use of the school district's name and/or logo.

- K. The school district will allow advertising or promotional activities on school district property or at school district sponsored events if the activities will not materially and substantially disrupt normal school activities. Promotional activities must be approved in writing in advance of the activity by the school board or appropriate administrator as set forth in school district guidelines. To the extent the promotional activities involve the use of school district facilities or equipment, Policy 902 (Use of School Facilities) will apply, and an additional fee may apply.
- L. Contracts for computers or related equipment or services that require advertising to be disseminated to students will not be entered into or permitted unless done pursuant to and in accordance with state law.
- M. The inclusion of advertisements in school district publications, in school district facilities, or on school district property does not constitute approval and/or endorsement of any product, service, organization, or activity. Approved advertisements will not imply or declare such approval or endorsement.
- N. To the extent advertising or promotional activities are conducted through the distribution of materials on school premises, such distribution also must comply with Policies 505 and 904.
- O. The school district reserves the right to deny advertising or promotional activities that do not serve the best interests of the school district, its schools, students, staff and the community.

IV. ACCOUNTING

- A. Advertising revenues must be accounted for and reported in compliance with UFARS. A periodic report shall be made to the school board by the superintendent regarding the scope and amount of such revenues.

Legal References: Minn. Stat. § 123B.025 (School Sponsorship and Advertising Revenue)
Minn. Stat. § 123B.93 (Advertising on School Buses)
Minn. Stat. § 125B.022 (Contracts for Computers or Related Equipment or Service)
Minn. Stat. § 173.08 (Excluded Road Advertising Devices)

Cross References: NB Policy 421 (Gifts to Employees and School Board Members)
NB Policy 702 (Accounting)
NB Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
NB Policy 512 (School-Sponsored Student Publications and Activities)
NB Policy 697 (Controversial Issues in the Classroom)
NB Policy 706 (Acceptance of Gifts)
NB Policy 902 (Use of School Facilities)
NB Policy 904 (Distribution of Materials on School District Property by Nonschool Personnel)
NB Procedure 905.1 (Advertising Procedures)

NORTH BRANCH INDEPENDENT SCHOOL DISTRICT NO. 138: Policy 905-NB

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