

<b>REGULATION NUMBER: 2475-01</b>	<b>DATE OF ISSUE: 6/18/80</b>
<b>SUBJECT:</b>  <b>ADVERTISING, COMMERCIALISM, FUND-RAISING, OR SELLING IN THE SCHOOLS</b>	<b>REVISIONS: 08/07/97; 05/06/06; 06/17/10; 12/01/16</b>
	<b>PREPARING OFFICE:</b>  <b>TEACHING &amp; LEARNING</b>

**I. PURPOSE:**

To provide guidance to all employees regarding the use of students, school personnel, and school facilities for advertising, commercialism, fund-raising, selling, or promoting the interests of nonschool agencies, organizations or individuals.

**II. PERSONNEL AFFECTED:**

All employees, students and volunteers.

**III. GENERAL CONSIDERATIONS:**

**A. No individual, group or organization shall be permitted to use school facilities, school equipment or school organizations as a means of media for advertising without the authorization of the superintendent or his/her designee.**

**B. The following practices are prohibited:**

- 1. Using school personnel or students to disseminate information or promote the success of various businesses, commercial and financial institutions, or political groups.**
- 2. Selling commercial articles on campus by nonschool-sponsored persons or groups.**
- 3. Displaying posters, advertising shows, lodge, fraternity, sorority or commercial dances.**
- 4. Providing lists of students and their addresses for commercial purposes.**
- 5. Providing school directories or lists of school personnel to commercial entities for commercial purposes.**
- 6. Using students or teachers during the school day to disseminate information for, or to promote the success of, community organizations. (See Section C-4 of this regulation).**
- 7. Selling candy, popcorn, or carbonated drinks from vending machines at school to students during the lunch hours (see Section C-7 of this regulation).**

**ADVERTISING, COMMERCIALISM, FUND-RAISING, OR SELLING IN THE SCHOOLS  
REGULATION NUMBER: 2475-01**

8. **Allowing paid performances during the school day if tickets will be sold or admission charged to students or if admission is used as a reward for sales or fundraising.**
9. **Ticket selling in the schools for events which are not school-sponsored or school-related.**
10. **Installing vending machines other than those specifically named under Section C-7 of this regulation.**

**C. The following practices are acceptable:**

1. **School personnel may be interviewed in the school building on school business by representatives of school supply houses with approval of the principal or the principal's designated representative, but not during the time scheduled for teaching.**
2. **Individual and/or group pictures may be taken at the elementary and middle schools. One set of specifications is to be written annually for all elementary schools, and another set is to be written annually for all middle schools. Bids will be processed in accordance with the current purchasing policy. Participation in taking pictures will be voluntary for individual schools and students.**
3. **Senior high school principals may authorize taking individual or group pictures deemed appropriate for the school annuals and publications.**
4. **The use of students or school personnel during the school day to disseminate information for or to promote the success of various community student service groups, such as Boy Scouts, if approved by the principal, will be acceptable.**
5. **Paperback books may be sold at the discretion of the principal.**
6. **At the discretion of the principal, announcements and posters advertising church, civic, and school functions may be posted.**
7. **The placement of vending machines in the schools will be discouraged, but realizing that today's society requires a limited policy of 'vending machines' utilization, the following rules and regulations shall govern the use of vending machines:**
  - a. **Vending machines will be restricted to areas specifically authorized by the principal after consultation with Operations and Maintenance. This is to ensure the codes and safety regulations are met prior to putting the machines to use. The principal will notify executive directors of operations and administration to ensure that policy rules and regulations governing vending machines have been met.**
  - b. **Expenses for placement, installation, special utility, and maintenance will be borne by the vendor.**
  - c. **Vending machines that dispense food and beverage to students and are located in any food service area will not be in operation during the lunch period.**

**ADVERTISING, COMMERCIALISM, FUND-RAISING, OR SELLING IN THE SCHOOLS  
REGULATION NUMBER: 2475-01**

- d. **Vending machines that dispense food and beverage items to students will not be allowed in the elementary schools.**
  - e. **Vending of Foods of Minimal Nutritional Value is prohibited at the elementary and middle schools and shall not occur in high schools until after the end of the school day. Foods of Minimal Nutritional Value are those foods as defined in federal regulations for the National School Lunch Program (7CFR Part 210). They include all soda water, water ices, chewing gum, certain candies; hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy and candy coated popcorn unless items in these categories have been specifically exempted by the U. S. Department of Agriculture.**
  - f. **All food and beverages sold in school vending machines will meet the exemplary level of the Kansas School Wellness Policy Model Guidelines.**
  - g. **Profits from the vending machines go to the school activity fund. The Department of Food Services will receive the profits from the vending machines requiring storage of food items or servicing of machines by the Department of Food Services. All billings from these machines must be charged to the building activity budget or Department of Food Services, whichever is responsible for that vending machine.**
8. **Cooperation may be given to nonprofit, communitywide social services agencies provided such cooperation does not infringe upon the time devoted to the school program.**
9. **The building principal may authorize:**
- a. **The use of films and other audio-visual materials sponsored by commercial firms which bear the name of the sponsor but which do not involve a program or presence of any agent in the classroom or contradict advocated health and citizenship practices;**
  - b. **The distribution of rulers, pens, and pencils by teachers to students; or**
  - c. **The distribution of calendars/planners for classroom use.**

**IV. COMMERCIAL ADVERTISING**

- A. **Commercial advertising shall be accepted solely for the purpose of covering the cost of providing materials, equipment and programs for students, not for the purpose of establishing a forum for communication. Topeka Public Schools retains final editorial authority to accept or reject submitted advertisements in a manner consistent with this policy and the First Amendment to the United States Constitution.**
- B. **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.**

**ADVERTISING, COMMERCIALISM, FUND-RAISING, OR SELLING IN THE SCHOOLS  
REGULATION NUMBER: 2475-01**

- C. The district may contract with a professional marketing and advertising firm to assist in the sale of advertising of goods and services.**
- D. District property shall not be used to advertise, promote, sell tickets, or collect funds for any nonschool-related purpose without prior approval of the superintendent or designee or, in the case of Hummer Sports Park, the Hummer Sports Park Advisory Committee, and unless in accordance with this policy.**
- E. The inclusion of advertisements on Topeka Public Schools property or in Topeka Public Schools publications does not constitute approval or endorsement of any product or service referenced in the advertisement.**
- F. Permitted advertising is limited to goods and services. It is not intended to open Topeka Public Schools or its facilities or grounds to advertising outside the scope of goods and services. Political advertising, advertisements promoting particular personal or religious beliefs or advertisements addressing controversial topics or positions are prohibited by this policy.**
- G. Advertising will not be accepted from businesses, individuals or organizations:**
  - 1. 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.).**
  - 2. Whose goods and services are prohibited by district policies.**
  - 3. Whose theme or messages are inconsistent with the curriculum or educational mission of the district.**
  - 4. Whose theme, message, goods and services are deemed inappropriate for the school community as determined by the Board of Education, superintendent, executive directors of administration, instruction or operations, or the Hummer Sports Park Advisory Committee.**
  - 5. Whose policies or practices discriminate on any basis prohibited by law.**
  - 6. Whose message contains expression that:**
    - a. is libelous, slanderous or obscene**
    - b. 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**
    - c. creates a material or substantial disruption of the normal school activity**
    - d. is inconsistent with high standards of English and journalism**
    - e. includes hate language**
    - f. violates intellectual property rights (i.e. copyright, patent, trademark, trade dress, trade secret, etc.)**

**ADVERTISING, COMMERCIALISM, FUND-RAISING, OR SELLING IN THE SCHOOLS  
REGULATION NUMBER: 2475-01**

**g. improperly invades the privacy of students and staff.**

**H. Advertising in student publications shall comply with the requirements of the Kansas Student Publications Act.**

**V. FUND-RAISING ACTIVITIES:**

**Fund-raising activities are discouraged, but recognizing that some school and community service organizations depend upon such activities for operational funds, fund-raising activities shall be approved by the principal or his/her designee and be in compliance with the following guidelines. Fund-raising activities should be undertaken only to achieve the purposes of the group and have educational, social or recreational value.**

**A. The United Way Drive for employee participation shall be the only community agency permitted to campaign for funds within the schools, providing:**

- 1. Donations shall be entirely voluntary;**
- 2. No quotas may be set for buildings or individuals; and**
- 3. Campaigns will be conducted without pressure. Fund-raising activities for charitable organizations (e.g., Red Cross, Salvation Army, American Cancer Society) by students or employees may be permitted with the permission of the superintendent or designee. Such activities should not interfere with instructional time.**

**B. Drives to collect money, coupons, script, etc., from students at school, are permissible if the proceeds directly benefit the schools. However, those fundraising projects which infringe upon or detract from the classroom activities or the education process as determined by the building principal shall not be permitted. Proceeds from fund-raising are to be deposited in the school's parent organization (e.g. PTO, PTA, or Booster Club) or in the school's activity fund.**

**C. Fund-raising activities sponsored by parent-teacher organizations are considered a part of the school activities and should have as the primary objective of uniting the community. Each such project shall:**

- 1. Have the approval of the building principal.**
- 2. Not violate Section III of this regulation.**
- 3. Indemnify USD No. 501 against any loss or liability to any person, whether or not as a result of the district's negligence, arising by reason of use of district facilities by renter under this agreement or any condition of the premises during such use.**
- 4. Assume all extraordinary expenses incurred by the activity, including the services of school maintenance personnel.**
- 5. If special electrical services are required, ensure compliance with applicable code requirements.**

**ADVERTISING, COMMERCIALISM, FUND-RAISING, OR SELLING IN THE SCHOOLS  
REGULATION NUMBER: 2475-01**

6. Be responsible for any after-hours cleanup service required by the activity. If the school custodian is utilized, the overtime will be deducted from the custodial/secretarial overtime allocated to the school.
  7. Be responsible for making arrangements well in advance of the activity with USD 501's campus police department if security is desired.
- D. The door-to-door and on-campus sale of commercially available articles by students is discouraged. If door-to-door selling is approved by the building principal, such selling shall comply with appropriate city ordinances.
- E. Fund-raising activities by officially recognized student organizations may be conducted with the approval of the building principal, providing such activities do not violate Section III of this regulation.
- F. Bingo is prohibited as a separate activity for fund-raising. However, it may be used as part of a general fund-raising activity (example: school carnival) and will be limited to no more than two times a school year for each school. The sponsoring school organization must comply with the statutes of the state of Kansas regarding the playing of Bingo.
- G. Students and employees shall not promote commercial or private financial interests, either through direct sales or through promotion of competitive goods or services.
- H. Websites such as DonorsChoose.org and GoFundMe and others provide schools with new sources for fundraising. On-line fundraising must comply with district rules and regulations concerning fundraising, rules governing the fundraising site, and these provisions.
  1. Prior to posting a request for on-line funding for the benefit of the school district or its schools or school-sponsored programs, any person or entity shall seek prior approval from the building principal. The principal shall consult with the General Director of Elementary or Secondary Education prior to approving such request.
  2. Approval of requests shall depend on factors including, but not limited to:
    - a. Compatibility with the district's educational program, mission, vision, core values, and beliefs;
    - b. Compatibility with any terms, conditions and requirements of grants or other specific funding sources;
    - c. Compatibility with existing district technology;
    - d. Congruence with the district and school goals that positively impact student performance;
    - e. The district's instructional priorities;
    - f. The manner in which donations are collected and distributed by the crowdfunding platform;
    - g. Equity in funding; and

**ADVERTISING, COMMERCIALISM, FUND-RAISING, OR SELLING IN THE SCHOOLS  
REGULATION NUMBER: 2475-01**

- h. Other factors deemed relevant or appropriate by the district.**
- 3. If approved, the requestor shall be responsible for preparing all materials and information related to the online fundraising campaign and keeping district administration apprised of the status of the campaign. The requestor is responsible for compliance with all state and federal laws, the rules governing the fundraising site, and other relevant district policies and procedures.**
- 4. Money raised or items secured in by an online fundraising campaign by a person or entity acting on behalf of the school or the district will be the property of the district and will be used in accordance with the terms for which they were given.**
- 5. All items and money generated on behalf of the district are subject to the same controls and regulations as other district property and shall be deposited or inventoried accordingly. No money raised or items purchased shall be distributed to individual employees, without the express written consent of the superintendent.**
- 6. Pictures of students in conjunction with postings shall not occur unless parents of students have consented, in writing, to the use of the picture for this specific purpose.**
- 7. Postings must comply with all board policies, including, but not limited to, policies governing the privacy rights of students.**
- 8. Nothing in this regulation is intended to prohibit an employee from using on-line fundraising campaigns for personal items or reasons. In such cases, the employees shall not identify themselves as employees of Topeka Public Schools or suggest the fundraising campaign is for the benefit of students, classrooms or schools of the school district.**
- 9. For purposes of this section “acting on behalf of the district or the school” means an employee holds himself or herself out as an employee of Topeka Public Schools and/or seeks donations for the benefit of the school districts or a particular school, a classroom or a student in Topeka Public Schools.**