

1 Students and the educational program must be the focus of the school system. In order to
2 maintain an educational environment conducive to learning and to minimize intrusions upon
3 instructional time, the Transylvania County Board of Education (the “board”) discourages
4 advertising for and promotion of commercial products and services during the instructional day.
5 School officials shall screen and approve the distribution and display of advertising materials and
6 messages publicized through school media or displayed on school property and at school events.
7

8 **A. APPLICABILITY OF POLICY**

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10 This policy is intended to govern requests to advertise products, ~~or~~ services, **programs, or**
11 **activities** on school ~~grounds~~ **property, at school events,** or through school publications
12 and **other** ~~electronic~~ media by:

- 13 1. individuals;
- 14 2. non-profit organizations not otherwise permitted to distribute or display materials
15 or messages by policy 5210, Distribution and Display of Non-School Material;
16 and
- 17 3. for-profit organizations and businesses.
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22 **B. PROHIBITED ADVERTISEMENT AND PROMOTIONAL ACTIVITIES MESSAGES**

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24 The board **of education** prohibits advertising, ~~commercial or promotional messages, and~~
25 ~~other items and materials~~ that (1) **are is** vulgar, indecent, or obscene; (2) contains libelous
26 statements, personal attacks, or abusive language such as language defaming a person’s
27 character, race, religion, ethnic origin, **sex (including pregnancy, childbirth, sexual**
28 **orientation, and gender identity),** family status, or disability; (3) causes or clearly
29 threatens to cause a material and substantial disruption of a school activity; (4)
30 encourages the commission of unlawful acts or the violation of lawful school **rules or**
31 regulations; (5) **are is** inappropriate considering the age of the students in the school; (6)
32 includes information that is inaccurate, misleading, or false; or (7) ~~advertise is for~~ any
33 product or service not permitted to minors by law.
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35 **C. SCHOOL FORUMS**

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37 Although permitting some advertising within the school system, the board does not
38 intend to create a public forum or to open school facilities, including its electronic media,
39 print publications, or school facilities, for unlimited access by outsiders and advertising
40 by the general public.
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42 **D. REGULATIONS GOVERNING ADVERTISING IN THE SCHOOLS**

44 The superintendent shall develop regulations governing advertising in the schools subject
45 to Section B, above, and in accordance with the following guidelines.

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47 ~~1. Advertising is permitted in school publications such as yearbooks, school~~
48 ~~newspapers, newsletters, and event programs. School officials may permit the~~
49 ~~publication of commercial advertisements for a reasonable fee or an in-kind~~
50 ~~contribution that advertises or promotes an outside organization's products,~~
51 ~~programs, or services.~~

52
53 1. School officials may **allow for sell**, for a reasonable fee or an in-kind contribution,
54 commercial advertisement space on stadium, athletic, ~~and/or~~ gymnasium
55 billboards, banners, or signage **or in school publications, such as yearbooks,**
56 **school newspapers, newsletters, and event programs. Such space may be sold, for**
57 **a reasonable fee or an in-kind contribution, to** for advertisements or promotions of
58 ~~an~~ outside organizations~~s~~ **or individuals for the purpose of advertising their**
59 products, services, programs, or activities.

60
61 2. School officials may permit boards, displays, or banners that acknowledge
62 donations **to** or sponsors of a school or the school system.

63
64 3. School officials shall prohibit advertising through the school system employee
65 and student e-mail system and the school system website.

66
67 4. Advertising in school publications, **or other** ~~in~~ school media, in school facilities,
68 and on school property will be limited to an advertiser's (a) name, ~~brand name,~~
69 ~~and/or trade name;~~ (b) logo; (c) location or place of business and contact
70 information; (d) slogans that identify the advertiser but do not promote it; and (e)
71 products, **services,** programs, or ~~services~~ **activities** in a value-neutral description.

72
73 5. School officials have discretion to determine whether to use commercially
74 sponsored materials or materials containing commercial advertising in school
75 instructional programs and activities.

76
77 ~~6. Collection of student data for marketing purposes is governed by Section B of~~
78 ~~policy 4720, Surveys of Students.~~

79
80 6. School officials may accept donations of equipment and supplies that contain
81 advertising messages. However, such donations must comply with the
82 requirements of policy 8220, Gifts and Bequests.

83 84 **E. PROTECTION OF STUDENT PRIVACY**

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86 **Collection of student data by the school system for marketing purposes is governed by**
87 **Section C of policy 4720, Surveys of Students.**

88
89 ~~Neither the school system nor the school administrators at any school will~~ **No school**
90 **system employees** shall require students to provide marketing information to vendors
91 either through the provision of personal information or through marketing surveys. In
92 addition, neither the school system nor any school **system employee administrator** will
93 enter into any contract for products or services, including electronic media services, in
94 which students are asked to reveal personal information for collection by the providers of
95 such services **for marketing purposes**. For the purposes of this ~~s~~Section, personal
96 information includes, but is not limited to, the student's name, telephone number, e-mail
97 address, and home address.

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99 **F. PROCESS TO REQUEST TO ADVERTISE**

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101 Any entity or individual interested in advertising ~~or promoting~~ products, ~~and~~ services,
102 **programs, or activities** pursuant to this policy ~~or~~ **and** school system regulations must
103 submit a request to the principal (for advertising specific to an individual school) or to the
104 superintendent's designee (for system-wide advertising). The principal or
105 superintendent's designee **shall decide whether to** ~~may~~ approve **the** advertising **request**
106 ~~that complies with board policies and regulations~~ and respond within 30 working days.

107
108 If the principal or superintendent's designee denies an **advertising** request ~~for approval to~~
109 ~~advertise a product or service~~, the entity **or individual** seeking to advertise **has five days**
110 **to appeal the decision to** ~~may~~ submit a request for the superintendent to ~~review the~~
111 ~~decision made by the principal or the superintendent's designee within five working days.~~
112 The superintendent shall ~~review the request and~~ make a decision within 10 working days
113 of receiving the **appeal** request ~~for review~~. As needed, the superintendent shall consult
114 with the board attorney concerning a request to advertise.

115
116 Any request denied by the superintendent may be appealed to the board if the right to an
117 appeal is mandated by G.S. 115C-45(c). A decision as to whether an appeal is mandated
118 by G.S. 115C-45(c) will be made in consultation with the board attorney. If an appeal is
119 not mandated by G.S. 115C-45(c), the board, in its sole discretion, may decide whether ~~or~~
120 **not** to review the superintendent's decision.

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122 Legal References: G.S. 115C-36, -45(c), -98

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124 Cross References: Surveys of Students (policy 4720), Distribution and Display of Non-School
125 Material (policy 5210), Gifts and Bequests (policy 8220)

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127 Adopted: August 15, 2016

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129 **Revised: [DATE]**