

Advertising in Schools

It is the belief of the district that commercial messages and/or advertisements are not public forums of any nature and that all advertising shall be commercial in nature. Furthermore, advertising may be permitted in any school facility or on school property under ownership and control by the district pursuant only to a written contract expressly permitting the same and only under and in compliance with the district's policies and guidelines.

The purpose of this policy and its accompanying regulation is to define the conditions upon which commercial messages and advertisements may be placed in school facilities or upon school property, and to establish definitive guidelines for the acceptance and placement of such messages or advertisements.

It is the district's intent to preserve its full rights and discretion to restrict access to the school facilities and school property and to reject or refuse placement or require removal of any commercial messages or advertisements that do not comply with this policy and its accompanying regulation. To the extent that any such messages and advertisements are accepted, it is the district's intent to reserve and exercise the right of full editorial control over the placement, content, size, appearance and wording, and to determine and prohibit types of commercial messages or advertisements that are deemed inappropriate for or inconsistent with the usage of school facilities and school property.

All school facilities and school property are intended for and are for the exclusive use of the district and its designees for the public purposes associated with education, athletics, community recreation and community activities and entertainment. No school facilities or school property shall be intended or considered as an open, limited or other public forum and no person shall have a right to access and use any school facilities nor school property for any purpose other than the intended and authorized public purpose or service.

Placement of commercial messages for advertisements in school facilities or on school property shall require specific authorization by the superintendent or designee.

The Board directs the superintendent to develop guidelines that address the following:

- size
- length of time
- materials
- fees
- location
- responsibility for repair

Adopted: July 13, 2011

Revised and recoded by the superintendent: July 17, 2019

CROSS REFS.:

Board policies:

EL-9, Treatment of Students, Parents and Community

EL-11, School Safety

Administrative policies:

JICEA, School-Related Student Publications (School Publications Code)

JICEC*, Student Distribution of Noncurricular Materials

Advertising in Schools

The Board hereby delegates to the superintendent or designee the authority and responsibility of negotiating contracts on behalf of the district for the posting of commercial messages or advertisements in school facilities or on school property, provided, however, that the superintendent shall have no authority to permit anything that is prohibited by this regulation and its accompanying policy and applicable ordinances or other laws, and that all tentative contracts are subject to the final approval and signature of the superintendent or designee. Commercial messages or advertisements may be authorized and accepted only under the following conditions:

1. Commercial messages for advertisements shall not be accepted for placement directly upon or within any school facilities or school property except as is specifically designated for the placement thereof.
2. Currently designated facilities for the placement of commercial messages and advertisements are as follows:
 - a. gymnasias at Weld Central Middle High School and Weld Central High School
 - b. along the fencing at said schools
 - c. front of ticket booths
 - d. front of concession stands
 - e. front of press boxes
 - f. at such other locations as deemed appropriate by the district
3. Examples of commercial messages or advertisements that contain any of the following characteristics, but not limited to, or that in the sole discretion and judgment of the superintendent as the authorized representative of the district or its legal counsel may be prohibited and may not be accepted for placement on school facilities or upon school property, are as follow:
 - a. promotion of or reference to the sale or consumption of alcoholic or beverages in name, likeness or implication or the promotion of establishments that are licensed for and primarily sell alcoholic beverages, including bars; provided, however, that restaurants or other food service establishments and hotels or other places of lodging may be authorized when the commercial message or advertisement promotes only the food service or lodging (Example: a restaurant or other food service establishment may not use in its advertising text the word bar, pub or tavern or other similar word denoting the sale of alcoholic beverages even if such word is part of the name of the establishment.);
 - b. promotion of or reference to the sale or consumption of tobacco products or depiction of the use of tobacco product in any manner;
 - c. commentary, advocacy or promotion of issues, candidates, campaigns or organizations of a social, political, religious or rhetorical nature;

- d. promotion of or reference to gambling, pari-mutuel betting, lotteries or games of chance whether by name, likeness or implication or promotion of or reference to providing such services or activities of a related or similar nature;
 - e. depiction in any form of nudity or semi-nudity, profanity, obscenity or lewdness or characterization that suggest, depict or promote any such element, or promotion of or reference to any sexually-oriented products, activities or materials such as massage parlors, escort services or establishments featuring X-rated or pornographic movies, contraceptive products or hygiene products of an intimate personal nature or advertising that is unlawful or contains explicit messages or graphic representations pertaining to sexual contact or contain offensive levels of sexual overtone, innuendo or double entendre;
 - f. promotion in any form of or reference to illegal drugs, illegal drug use or illegal drug materials or characterizations that suggest or depict the
 - g. promotion or glorification of any such products, activities or materials; promotion of or reference to the use or sale of firearms, explosives or other weapons; or the depiction, suggestion or glorification of violence or acts of a violent nature;
 - h. use of words, foul or offensive language, representations or descriptive material of any kind having more than one meaning or connotation, one of which would otherwise be prohibited under this regulation;
 - i. inclusion of materials, depictions, promotions or offerings that are the type prohibited by or by their nature would violate any postal restrictions or regulations or any federal, state or local law, rule or regulation;
 - j. advertisements that describe or depict criminal activity in any way;
 - k. inclusion of any claims that in the judgment of the authorized representative of the district or its legal counsel constitutes false, exaggerated or misleading claims or that contains offensive or otherwise improper comparisons with other products or their makers; and
 - l. advertisements by political candidates for public office or advertisements concerning ballot issues;
4. To protect the integrity of the school facilities or the school property under ownership and control of the district and to ensure a proper measure of uniformity, durability and quality, the district shall establish specifications for the types of permitted advertising surfaces and physical materials and may reject advertising surfaces and materials that do not conform with those specifications or that are not otherwise deemed to be suitable.
5. Prior to any acceptance or placement of commercial messages or advertisements upon any school facilities or school property under ownership and control by the district, the specifications of the same, including all

advertising copy or content and all materials by which such advertising shall be displayed, must be submitted to the superintendent or designee for approval.

6. Any approval for the erection and display of commercial messages or advertising shall be made in writing as part of a written placement agreement that shall, at a minimum, contain references to and the advertiser's commitment and agreement to abide by this regulation and its accompanying policy. The term and rate of compensation shall be pursuant to the district's then current approved advertising terms and rates.
7. Nothing in this regulation shall be interpreted to prohibit nor require authorization for any of the following:
 - a. Merchant or government identification, logos or trademarks appearing upon property acquired, installed or used in the construction or renovation of any of the facilities.
 - b. Public service announcement or announcements of events directly related to services of the district.
 - c. Product or vendor identifications in relation to authorizing merchandizing or vending operations conducted upon or about the school facilities or the school property under ownership and control by the district.

The Board reserves the right to amend this regulation and its accompanying policy from time to time and no advertising contract entered into under any existing version of this regulation or its accompanying policy shall serve to restrict or prevent the Board from making any such subsequent amendments.

Advertiser's name:

Street address:

City/state/zip:

Telephone: _____ mobile phone: _____ Fax: _____

Subject to terms and conditions contained in this regulation and its accompanying policy, the above-identified advertiser is hereby leased the use of space at one of the following locations as follows:

- Weld Central High School Gymnasium
- Weld Central Middle School Gymnasium
- Along the fencing at the WCHS athletic field complex
- front of ticket booths
- front of concession stands
- front of press boxes

- other _____

The advertiser holds the district harmless for any damage caused by acts of nature, accidents or acts of vandalism.

Term of advertising: From: _____ To: _____
Cost of advertising for the above term: \$_____ to be paid in full in advance on or by _____.

By signing this contract, the advertiser acknowledges, understands and agrees to all of the terms and conditions of this contract and promises to pay the advertising cost by the date as noted above. The individual signing this contract on behalf of the advertiser certifies that she or he has the necessary authority to bind the advertiser. This contract may not be assigned without the express written consent of the superintendent or designee. The advertisement(s) must comply with the district's advertising policy (KHB) and accompanying regulation. If the Board deems an advertisement to be in violation of the district's advertising policy (KHB) or its accompanying regulation, the Board reserves the right to amend the policy and accompanying regulation from time to time and this advertising contract is subject to any such revisions.

Advertiser signature: _____

(Title) _____

Date: _____

Superintendent signature: _____

Date: _____

Approved: July 13, 2011

Revised and recoded by the superintendent: July 17, 2019