



# District Policy 3600

## Distribution and Posting of Promotional Materials

*Advertising Washington County School District - Approved 1-12-10; Revised 4-10-12; Revised 6-16-15; Revised 12-13-16; Revised 3-7-17; Revised 11-2-21*

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### 1. Purpose

The purpose of this policy is to provide guidelines and rules for financial augmentation of curricular and extra-curricular programs in schools. It is intended to reduce the competition between schools and organizations for raising funds. Additionally, we must not allow fundraising to detract from instructional purposes of the District. Fundraising must not be used for entertainment or commercial purposes.

The Washington County School District also recognizes the value of limited promotional material distribution and fundraising that benefits students. Many businesses and organizations provide financial resources that assist schools, the Foundation, parent organizations, and other programs in exchange for the distribution or display of promotional materials. Without this support, schools would not offer some programs or be able to support others. Such handouts and emails that promote the goals and interests of the District might include announcements about upcoming concerts, school plays, out-of-school youth activities, athletic camps, or local civic group activities. Businesses provide much-needed funds by purchasing advertising space through promotional banners on athletic fields and by providing fundraising opportunities.

The District has an affirmative responsibility to protect the educational environment, to maintain order and discipline on school premises, and to protect the well-being of students and employees. This policy is intended to balance the interests of the District, the need for fundraising and the compatible interests of those who desire to distribute or display promotional materials.

### 2. Policy

#### 2.1. Fundraising Limitations and Conditions:

2.1.1. Fundraising activities are recommended to be handled in-house when possible. All funds will be received, accounted for and deposited in a school or district account.

2.1.2. If fundraising is contracted with an outside organization, such as a booster club:

2.1.2.1. A written contract must be in place specifying the responsibilities of each party, and the disposition of all funds.

2.1.2.2. The contract must demonstrate an arms-length transaction that is in the best interest of the school and district.

2.1.2.3. School employees, including coaches, must not be involved with the finances of the outside organization.

2.1.2.4. All fundraisers must be approved by the school administration.

2.1.3. Regardless of whether a fundraiser is run by the school or contracted with an outside organization, the following apply:

2.1.3.1. Time, effort, and emphasis going into fundraising for the schools should be minimized.

2.1.3.2. Students must not be released from school for fundraising purposes. Students are not allowed to sell items to other students during class time.

2.1.3.3. Door-to-door fundraising is not authorized or approved by the District. Given this policy, if the parent or the legal guardian of a student desires and approves of their son or daughter using a door-to-door approach, the District recommends that the parent, legal guardian, or responsible adult accompany the student and that the student limit the activity to individuals they know and trust.

2.1.3.4. Pressure will not be brought upon students to fundraise. They must not be made to feel they "must" bring money or other items to school.

2.1.3.5. Funds must be receipted and expended through district or school accounts in accordance with standard accounting procedures. School parent organization (i.e. PTA, PTO) fundraising activities are subject to accounting procedures established by that organization.

2.1.3.6. Fundraising projects should be limited to the school's attendance area unless prior approval from the school administrator is obtained.

2.1.3.7. Failure to comply with this policy or procedure may result in disciplinary action up to and including dismissal.

2.1.3.8. Any contract or agreement entered into for the purpose of fundraising must contain this termination of contract provision: "The Board reserves the right to cancel or amend, at any time, any agreement or contract whether oral or in writing, between any school, organization, booster club, governmental entity, parent organization, or any other individual."

## **2.2. Distribution of Advertising Materials:**

2.2.1. Except as specifically provided for in this policy; companies, organizations, and individuals (to include employees) with outside of the school/district interests may not use the schools or other district facilities for the posting or distribution of "promotional materials" to

include electronic flyers, flyers, emails, advertisements, bulletins, newspapers, posters, signs, banners, coupons, or any other materials.

2.2.2. Advertising and sponsorship permitted pursuant to this policy shall not be considered as an endorsement or approval by the Board of any particular group, organization or company, not of any purposes, programs, activities, products or services or any such group.

**2.3. Fundraising and Authorized Advertising Materials MUST be age appropriate and MUST NOT:**

- Distract from, interfere with, or disrupt the educational environment of the school.
- Promote any substance or activity that is illegal for minors, such as alcohol, tobacco, and drugs, or gambling.
- Promote any religious or political purpose or interests.
- Promote any competing educational organizations, company, or individual that may be in conflict or competition with the Washington County School District, its educational mission, or its goals.
- Require the school, teacher, or student to partner with the promoter or otherwise exert excessive pressure on students, parents, or employees to purchase or investigate a product, service, or idea.
- Promote hostility, disorder or violence.
- Contain vulgar, abusive, obscene, or sexually explicit language.
- Demean any person or group on the basis of race, gender, ethnicity, age, disability or religion.
- Advocate for the violation of law or board policy.
- Promote, favor, or oppose a candidate for elected office or a ballot measure.

### 3. Procedure

**3.1. Acceptable Fundraising Activities:**

3.1.1. Non-Product Sales Activities: School administration may approve the following fundraising activities that do not include the sale of products, goods, or services.

- Banners on school property for presentation at school or athletic events that meet local sign ordinances. Banners must not be displayed in classroom locations.
- Paid advertisement in school student publications, yearbooks, approved parent organization publications, or other district publications. Any other advertisements must be distributed using the procedures outlined in subparagraph 3.2 below.
- School sponsorship advertising, such as printing the name of a business on t-shirts sold by a school or approved parent support organization. This shall not include fliers or material described in subparagraph 3.2 below.
- Schools may have reasonable contact with local businesses for the purpose of fundraising donations to the extent that such activity does not create an annoying, irritating, or bothersome interaction with the local business.
- Students or employees may participate in recycling for non-hazardous recyclable materials.
- Schools or school officially recognized clubs may participate in car washes, sport clinics/camps, shoot-a-thons, PTA/PTO activities and community events.

3.1.2. Sales of Products: Sales of products, discount cards, cookie dough, chocolates, books, discount coupons, services, or any other product or advertising intended to be sold as a fundraiser activity, through or using any business, organization, individual, to include

fundraising sales organized by employees (hereafter referred to as vendor) must be pre-approved by the WCSD Foundation and must comply with the following requirements:

- Utah Code Annotated § 13-22-5: Vendors must not solicit, request, promote, advertise, or sponsor a charitable solicitation unless the vendor is registered with the Utah Division of Consumer Protection. Additional information is available on line at: <http://www.dcp.utah.gov/>. It is unlawful for any vendor to knowingly plan, manage, advise, counsel, consult, or prepare material for, or with respect to, or for solicitation unless the organization is registered.
- Approval Process: All fundraiser vendors must complete and submit a Fundraising Application along with all relevant supporting documents and marketing materials that explain programs and services offered to the WCSD Foundation. The application must include:
  - Washington County School District Foundation Fundraiser Application (WCSD Form 410)
  - At least three references
  - Proposed commission, products and program marketing literature
  - Photocopy or scan of a valid business license
  - Photocopy or scan of Utah Division of Consumer Protection Professional Fund Raiser Permit or Commercial Co-venturer letter, reference UCA § 13-22-11.
  - The WCSD Foundation will review and assess applications using the provisions of this policy and post a list of approved vendors on the WCSD Foundation webpage within two weeks of receiving the completed application package.
  - District organizations and schools may use vendors identified on the approved list for fundraising activities. District organizations or schools **MUST NOT** participate in the sale of products, discount cards, cookie dough, chocolates, books, discount coupons, services, or any other product or advertising intended to be sold as a fundraiser activity unless it is pre-approved and listed on the WCSD Foundation webpage.

### **3.2. Distribution of Advertising Materials:**

3.2.1. ALL Non-governmental, nonprofit organization information, and for profit advertisements, and business promotional materials, to include employee businesses or financial interests, must be approved by and distributed through the Washington County School District Foundation. Alternative promotional material distribution methods using school or district resources must not be established by school employees, administrators, parent-teacher organizations or associations.

- The decision to distribute any flyer or display any poster is solely at the discretion of the District and its representatives.
- All requests to distribute or display advertising emails, electronic flyers, flyers, posters or materials must be reviewed and approved by the Washington County School District Foundation Director or designee.
- Unless approved under this policy, Schools must not distribute or display non-governmental flyers, posters, advertising material, or advertisements.

- All flyers or posters must be pre-approved. Interested individuals must email a sample to Washington County School District Foundation (WCSD Foundation) office for approval BEFORE printing. Email to: [distribution@washk12.org](mailto:distribution@washk12.org)
- The following disclaimer must be printed in at least a 10 point font size, and displayed clearly at the bottom of the flier:

**"These materials are neither sponsored nor endorsed by Washington County School District. Washington County School District Foundation has received direct financial benefit for distribution of this flyer."**

- After approval, interested businesses or vendors must deliver payment to Washington County School District Foundation, 121 W Tabernacle Street, St. George with check made payable to Washington County School District Foundation. Payments are also accepted electronically.
- Flier distribution fee payable to the WCSD Foundation:
  - \$100 per school; or
  - \$1500 district-wide
  - \$500 employees
- If physical flyers, the flyers must be bundled in the following manner;
  - Approved flyers must be divided into groups of 30 and packaged per school according to the official distribution list.
  - Label each school bundle with the school name in the upper right corner.
- If electronic flyers, advertisers must create a user interface with our Sendout Distribution Portal by visiting [sendout.washk12.org](http://sendout.washk12.org). Once created, advertisers will be able to upload their ADA compliant PDF advertisement for approval.
  - Flyers will be distributed electronically to parents in the District.

### 3.2.2. Governmental, college, or university information, flyers, and event materials:

In keeping with the intent of the Board to distribute information about governmental events or information and college/university events or information, governmental organizations and college/universities may email a copy of the promotional information to [distribution@washk12.org](mailto:distribution@washk12.org). If approved, the governmental requestor may deliver the PDF of the flyer to the Foundation via [distribution@washk12.org](mailto:distribution@washk12.org). A signed approval slip from the Superintendent must be given to the school with the promotional material or the flyers will be discarded. The requestor should allow up to 14 days for the approval process and the signed approval slip to be returned.

This information MUST NOT include advertisements or promotional material for third parties, non-profit organizations, or any other organization not specifically designated as governmental, college, university. School parent-teacher organizations are not restricted under this paragraph. If the information or material contains or is supplemented with commercial advertising or other non-governmental promotional information or material it will be discarded.

3.2.3. The provisions of this policy do not apply to businesses donating coupons or gift certificates that are used as incentives awards to motivate students, provided the incentive does not require the recipient(s) to pay a portion of the coupon or gift. For example, a 50% off coupon is regarded as "promotional material" while a coupon for a free item, sufficiently

significant to be regarded as an award, is not subject to the limitations of this policy. Incentive awards are often donated by businesses to encourage and support reading programs or other educational objectives. Incentive awards are only given if clear objectives or requirements have been satisfied; otherwise the coupon or certificate is "promotional material." All incentives must be pre-approved by the WCSD Foundation.

3.2.4. All certificates or incentive gifts intended for employees must be approved and distributed from the WCSD Foundation.

3.2.5. The District will not approve the distribution of any advertising materials during the first week or last week of the school year.

### 3.3. Sales Representatives and Agents

- Because sales activities have the potential to disrupt the educational program, representatives, agents, and other individuals, are prohibited from promoting or selling individual products such as tax-sheltered annuities, insurance programs, investment opportunities, life insurance programs, accident insurance, etc, in classrooms, schools, break rooms, or at work site locations during school or business hours (to include 30 minutes before and 30 minutes after school time). This limitation includes the use of lunch breaks and prep time. Sales agents and representatives promoting products specific to the operation of the school or District are not subject to this limitation and may visit with administration or authorized personnel during work hours.
- Except as approved for by the Washington County School District Superintendent for group benefits, sales representatives and agents must not be given time in faculty meetings or other group meetings.
- With the exception of authorized group insurance benefits, sales agents are not to be provided with lists of employee names, addresses or phone numbers.

3.4. The Superintendent may approve special arrangements for distribution of promotional material for significant events such as the Dixie Escalante Kite Festival, that otherwise meet the intent of this policy.

3.5. Individual parents, businesses, or citizens wishing to donate cash, materials, equipment, or other property to a specific school or program may submit the donation through the Washington County School District Foundation (Foundation). The Foundation is a non-profit 501(c)(3) organization established to improve community support and increase resources to schools to enhance the quality of public education in Washington County. Upon receiving a donation with a value above \$250, the Foundation will issue a receipt and acknowledgment, which complies with Internal Revenue Service (IRS) regulations.