



# NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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**SECTION:** K – School-Community Relations  
**POLICY TITLE:** School Advertising Restrictions  
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### **1. PURPOSE AND PHILOSOPHY**

Nebo School District schools, grounds, and buildings are not public forums for the display or distribution of non-school information. Except as specifically authorized by this policy, no company, organization, group, or individual from outside the District may use the schools or other District facilities, property, or resources for the posting, display, or distribution of signs, banners, fliers, advertisements, bulletins, newspapers, posters, coupons, or other materials.

### **2. DEFINITIONS**

- 2.1.** “Advertising” and its derivative forms mean the use of school or District facilities or resources to describe, notify, or draw attention to a product, service, or event sponsored or offered by an outside entity such as a business. Students may not be used to solicit or sell advertising except as an authorized fundraiser under [Nebo School District Policy KAC, School Fundraising Activities](#).
- 2.2.** “Fundraiser” means an activity or event provided, sponsored, or supported by a school that uses students to solicit funds. A fundraiser may involve the sale of goods or services, the solicitation of monetary contributions from individuals and/or businesses, or any other lawful means or methods using students to generate funds.

### **3. PROHIBITED AREAS**

- 3.1.** Unless specifically authorized under Section 7 of this policy, no school or District building, structure, vehicle, or other property, facility, or resource may be used for advertising, speech, or other communication of any kind that may constitute a public forum, limited or otherwise. Such District property and resources may not contain any sign, flier, banner, name, logo, message, or other marking or material, whether permanent or temporary, of an individual, business, or other group from outside the District unless explicitly authorized by Section 7 of this policy.
- 3.2.** Advertising for outside entities using the following facilities or resources is expressly prohibited:

- 3.2.1. School marquees;
- 3.2.2. Fences, retaining walls, and other landscaping structures, except those forming the perimeter of an athletic field as permitted in Section 7.14;
- 3.2.3. The exterior of any building, structure, or facility;
- 3.2.4. Except as provided in Section 7.7.5 below, the grounds surrounding any District building, including but not limited to lawns, trees, sidewalks, parking lots, playgrounds, or any other areas of real property.
- 3.2.5. Any mass communication system that uses student, parent, or employee telephone numbers to push notifications either through calls or text messages. Such systems may be used only to communicate consistent with this policy.

#### **4. FLIERS AND OTHER MATERIALS GIVEN TO STUDENTS**

- 4.1. Nebo School District and its schools receive an overwhelming number of requests to have students take home printed material to advertise various programs and products. Some are from profit organizations and others are from non-profit organizations. As a general rule, the schools and departments in Nebo School District are to allow only District- and school-related literature, material, and information to be sent home with students. Students are not to be used as a means for individuals or organizations to distribute their advertising material. It is the intent of the District that only literature, material, and information that is appropriate and educationally relevant be distributed to students. All literature, material, and information to be distributed to students shall be approved by the school administrator. Aside from homework and other curriculum-related materials, schools are permitted to distribute to their students only the following types of literature, material, and information.
  - 4.1.1. Official District and school newsletters;
  - 4.1.2. Literature and material containing District and school news, programs, activities, and events;
  - 4.1.3. Appropriate and approved Parent Teacher Association (PTA), Parent Teacher Student Association (PTSA), and Parent Teacher Organization (PTO) literature;
  - 4.1.4. Literature and material concerning the District's community education programs;
  - 4.1.5. Literature and material from the Nebo Education Foundation;
  - 4.1.6. Literature and material concerning authorized school/business partnerships, programs, or fundraisers; and
  - 4.1.7. Literature and material regarding government programs, activities, and events.
- 4.2. Except as specifically authorized above, all other types of literature and material are prohibited and shall not be distributed to students. All literature and material must be in compliance with, and shall not violate, applicable state and federal laws, rules, and District policies and procedures. Specifically, any materials containing the following are expressly prohibited.
  - 4.2.1. Indecent, vulgar, or lewd material or obscenity as defined in reference to minors;
  - 4.2.2. Libelous material;
  - 4.2.3. Material that invades the privacy of others;
  - 4.2.4. Material that promotes illegal activities for minors;

- 4.2.5. Material that infringes upon another’s copyright or other intellectual property rights;
- 4.2.6. Advertising or commercial material from profit and non-profit organizations; and
- 4.2.7. Material from non-student sponsored organizations.

## 5. RECOGNITION FOR DONATIONS

- 5.1. Consistent with [Nebo School District Policy KABA, Donations](#), the District and its schools may accept financial and other donations for use in the District or individual schools or programs. Donating does not create an exception to the advertising restrictions outlined in this policy, and administrators should reject donations that do more to advertise a business or product than provide for the needs of the school. Consistent with this paragraph, donations may be recognized as provided in this section.
- 5.2. School administrators may choose to recognize generous financial donations to the District by placing small plaques in a central location at the school site.
  - 5.2.1. Plaques recognizing all financial donations shall be uniform in size and design.
  - 5.2.2. The size, design, and wording on the plaques will be determined by the school administrator and must serve the purpose of recognizing the donations rather than advertising any product or service of the donors.
  - 5.2.3. Plaques remain the property of the District and may be moved or removed at any time at the discretion of the school administrator.
- 5.3. School administrators may choose to recognize donations of equipment, fixtures, or other items such as trophy cases, statues, or furniture by placing or allowing a small plaque or other marking on or near the donated item. Such plaques and markings must be small, unobtrusive, and similar in design and wording to other plaques recognizing donated items at the school. As with plaques recognizing financial donations, plaques and other markings recognizing donated equipment, fixtures, or other items remain the property of the District and may be moved or removed at any time at the discretion of the school administrator.
- 5.4. School administrators may choose to recognize donations by briefly announcing the name of the donor at an assembly or activity. No assembly or activity should be held for the sole purpose of recognizing donations, and donors should not be said to have “sponsored” any school activity or event.
- 5.5. School administrators may choose to recognize donations by discreetly listing the name of the donor in a program or other document printed for some other purpose. Fliers, programs, or other documents should not be printed for the sole purpose of recognizing a donation. Logos, coupons, or other advertising of the donor should not be included in the recognition. Printed materials should not indicate that a school event or activity was “sponsored” by a donor.
- 5.6. Donations such as coupons or items intended for individual student use may be distributed to students only in accordance with Sections 7.6.2 and 7.6.3.
- 5.7. Consistent with [Nebo School District Policy FA, Naming Rights](#), naming rights may not be sold or given in exchange for donations. Recognition for donations may not give the impression that any equipment, fixture, building, facility, or other District resource has been named in exchange for any donation.

## 6. DONATED EQUIPMENT, CLOTHING, AND OTHER MATERIALS

- 6.1. Any donated equipment, clothing, or other materials must comply with this policy and with [Nebo School District Policy KABA, Donations](#).
- 6.2. Except as provided in Section 7 of this policy, donations of clothing, equipment, or materials may not contain advertising of any kind, including the name, logo, or other marking of the donor or other affiliated entity, except that a small logo of the manufacturer incident to the manufactured product and commonly found on such products may be allowed.

## 7. PERMITTED ADVERTISING

- 7.1. Limited advertising is permitted only in the locations specified in this section and only under the conditions outlined in this policy. Nebo School District and its board members, administrators, officers, employees, agents, and representatives neither sponsor nor endorse any individual, entity, or organization, or their respective goods, products, services, activities, messages, or events whose advertisement or other content is displayed on District property.
- 7.2. In general, the District operates its schools as non-public forums. The advertising permitted by this section is intended to create a limited public forum for the advertisement of goods, products, services, activities, and events of outside individuals, entities, and organizations, subject to this policy and applicable individual contracts. The District may redefine or close the limited public forum at any time and for any or no reason.
- 7.3. Advertisements and other speech shall not do any of the following:
  - 7.3.1. Contain any content or offer to perform any conduct that may be illegal, false, inaccurate, threatening, harmful, hateful, abusive, harassing, stalking, tortious, defamatory, libelous, vulgar, obscene, indecent, lewd, profane, or invasive of a person's privacy.
  - 7.3.2. Violate any state or federal laws, rules, regulations, or District policies and procedures.
  - 7.3.3. Promote illegal discrimination on the basis of gender, race, color, religion, age, national origin, disability, or any other legally protected classification.
  - 7.3.4. Promote activity that is illegal or unsuitable for minors.
  - 7.3.5. Defame a person or organization.
  - 7.3.6. Threaten or cause a disruption of a school or school-sponsored activity.
  - 7.3.7. Impersonate or misrepresent any other person, entity, or organization, or forge or otherwise seek to conceal or misrepresent the origin of any content provided by the advertiser.
  - 7.3.8. Contain any content that may give rise to the District's civil or criminal liability, or which may constitute or be considered a violation of any state, federal, or international law, including, but not limited to, laws relating to copyrights, trademarks, patents, or trade secrets.
  - 7.3.9. Except as allowed under Subsection 7.7 below, contain any political advertising.
    - 7.3.9.1. "Political advertising" means advertising that influences or intends to influence, directly or indirectly, any person to refrain from voting or to vote for or against any

**7.3.9.1.1.** candidate for municipal, county, state, or national public office at any caucus, political convention, or election, including a primary, regular, or special election; or

**7.3.9.1.2.** judge standing for retention at any election; or

**7.3.9.1.3.** ballot proposition.

**7.3.9.2.** “Political advertising” does not include objective information about a ballot proposition such as a bond.

**7.3.9.3.** Individuals, including candidates for public office, shall not be permitted to disrupt student learning by accessing students or facilities to engage in, prepare for, or create political advertising, either for photo opportunities or otherwise.

**7.3.9.4.** School and District names and logos shall not be used for political advertising.

**7.3.9.5.** No political sign may be posted on school or district property, which means real property, buildings, or other structures owned or leased by the District. A political sign means any sign or document that advocates for the election or defeat of a candidate for public office or the approval or defeat of a ballot proposition. [UTAH CODE ANN. § 20A-17-103](#).

#### **7.4. School Visitation Pass Required**

**7.4.1.** Vendors and other third parties may not contact individual schools to solicit advertising or other opportunities without a School Visitation Pass signed by the Director of Operations. A [School Visitation Pass Application](#) must be completed and submitted to the Operations Department for approval.

**7.4.2.** The Operations Department will assure that the vendor is aware of the provisions of this and other applicable District policies and procedures and that the vendor has satisfied all licensing and registration requirements in accordance with Utah law.

**7.4.3.** When an individual or entity contacts a school employee to solicit advertising opportunities, the employee should not engage in negotiations or enter into any agreement for advertising unless the individual or entity has been issued a School Visitation Pass during the current school year.

#### **7.5. Contracted Vendors for Student Purchases**

**7.5.1.** The District enters into contracts with vendors of merchandise intended for student purchase such as yearbooks, school photos, graduation materials, items in vending machines, etc. Such contracted vendors may advertise their products as authorized by the school administrator and this policy. In no event shall such advertising infringe upon instructional time.

**7.5.2.** Contracted vendors must be approved as required by applicable District policies, including but not limited to [Nebo School District Policy DJB, Purchasing](#).

**7.5.3.** All advertising by contracted vendors must conform to this Policy KACA, in particular the restrictions outlined in Section 7.3 above.

#### **7.6. School-Business Partnerships, Events, and Student Incentives**

**7.6.1.** A school administrator may authorize a partnership between the school and an individual or entity to facilitate or satisfy a Utah Core Standard and/or Objective or other curricular requirement. Individuals or entities with whom the school has partnered may

advertise their products as authorized by the school administrator and this policy. In no event shall such advertising infringe upon instructional time. Any advertising in connection with a partnership must conform to the limitations set forth in Subsection 7.6.4.

- 7.6.1.1.** Individuals or entities wishing to enter into a partnership with the District must complete a [written application](#) for approved partnership.
  - 7.6.1.2.** The application must outline the parameters of the partnership, including duration and responsibilities, and indicate one or more Utah Core Standards and/or Objectives or other curricular requirement the applicant will help satisfy through the partnership. Applications that do not satisfy a specific curricular requirement as determined by the administrator will be denied. Partnerships may not extend beyond the school year in which they are entered.
  - 7.6.1.3.** Applications for partnership with an individual school will be approved or denied by the school principal. In the event there are multiple applicants competing for partnership to accomplish the same curricular requirement, the school principal may select the applicant best qualified to meet the school's needs. The school administrator may also place competing applicants on a rotating schedule.
  - 7.6.1.4.** Each school will maintain a list of approved partners and notify the Operations Department of updates to the list.
- 7.6.2.** A school administrator may distribute to students donated items in connection with a school event held during the school day, such as the elementary track meet, field day, spelling bees, and other similar events. The donated item must be useful to student participation in, or otherwise related to, the school event. Items donated for purely marketing reasons will not be accepted or distributed to students. Any advertising contained on the donated items must conform to the limitations set forth in Subsection 7.6.4. The donated items may not contain coupons, fliers, or other advertising material.
- 7.6.3.** A school administrator may distribute to students small coupons donated by businesses as an incentive for student achievement. Any advertising contained on the coupons must conform to the limitations set forth in Subsection 7.6.4.
- 7.6.4.** All advertising under Subsections 7.6.1, 7.6.2, and 7.6.3 must conform to this Policy KACA, in particular the restrictions outlined in Sections 4 and 7.3 above. In addition, it must conform to the following limitations.
- 7.6.4.1.** Coupons, donated items, and other materials must be delivered by the donor to the school office or other location designated by the school administrator. The donor may not distribute directly to students.
  - 7.6.4.2.** The advertising on a donated item under this Subsection 7.6, including the name and logo of the donor, must be no larger than two inches by two inches.
  - 7.6.4.3.** Advertising under these subsections may not contain offers to win goods or services, except as included in a program recognized by the Utah State Board of Education, Utah School Boards Association, or Utah Governor's office, such as the Success in Education Foundation, the Road to Success program, and the Keys to Success program.
  - 7.6.4.4.** Delivery and distribution of donated items, coupons, and other materials under this subsection may not impose an undue burden on students or

employees nor take away from work or instructional time. School employees are not required to provide donors with detailed information about the school, such as the number of students in a particular class or grade, to facilitate distribution.

- 7.6.4.5.** Once coupons, items, or other materials are donated to a school or the District, they become property of the District. The District has no obligation to distribute them as requested by the donor. Distribution to students is at the discretion of school and District administrators and must be done only for the benefit of students. Advertising in connection with distribution to students is incidental, and distribution does not create a forum for commercial or other speech.
- 7.6.4.6.** Donations do not create sponsorship, and donors may not be said to have “sponsored” any school event, program, or activity. School events, programs, and activities may not be referred to using the name of any business or donor.

## **7.7 Facility Use Agreements**

- 7.7.1** Individuals or entities using District facilities under a Facility Use Agreement consistent with [Nebo School District Policy KA, School Facility Use](#) may use the rented facility for advertising related to the use for which the facility is rented.
- 7.7.2** All advertising pursuant to a facility use agreement must conform to the requirements in Section 7.3 above.
- 7.7.3** All advertising pursuant to a facility use agreement must first be approved by the school administration.
- 7.7.4** All advertising pursuant to a facility use agreement must be temporary and is permitted only for the duration of the rental period outlined in the Facility Use Agreement.
- 7.7.5** Advertising pursuant to a facility use agreement may be allowed on a school’s lawns subject to approval by the school administration and provided that the advertising causes no damage to the lawn.
- 7.7.6** School and District administrators may refuse, delete, or remove any advertisements or content, including names, logos, or any other material, if continued display reflects negatively on the District or in any way violates this or other District policy.

## **7.8 School Websites, Social Media, and Email**

- 7.8.1** In exchange for revenue as described in Section 8, schools may include advertising on their websites. Advertising on a school website must comply with the following:
  - 7.8.1.1** All advertised information must conform to the requirements in Section 7.3 above.
  - 7.8.1.2** No advertising is allowed on a school’s homepage. Any advertising on a school website must be on a secondary page dedicated specifically to financially benefitting the school under a heading such as “Support Our School” or “Online Offers” or something similar. The secondary page may be accessible through a link on the homepage.
  - 7.8.1.3** All advertised information must first be approved by the school administration.

**7.8.1.4** School and District administrators may refuse, delete, or remove any advertisements or content, including names, logos, or any other material, if continued display reflects negatively on the District or in any way violates this or other District policy.

**7.8.2** In exchange for revenue as described in Section 8, a school may use District email and social media to invite others, including parents and students, to patronize a business or event on a specified date. Such advertising is subject to the following limitations.

**7.8.2.1** Email messages and social media posts that contain advertising, together with any attachments or links, must be composed or approved by a school administrator;

**7.8.2.2** The content of the advertising message, posts, links, and attachments must conform to the requirements in Section 7.3 above;

**7.8.2.3** District email and social media may be used to advertise no more than one event under this subsection per term during the school year. Principals may determine a schedule to ensure fair treatment of businesses and a variety of advertisements rather than a single business or entity advertising multiple times per school year; and

**7.8.2.4** Principals must ensure that use of email and social media to advertise for a business or event is limited and does not undermine or detract from the school's ability to communicate with parents about the education of their children.

## **7.9** School Publications

**7.9.1** Schools may include advertising within printed or electronic materials such as playbills, concert or athletic event programs, newspapers, yearbooks, literature, and other materials.

**7.9.2** Advertising in school publications must comply with the following:

**7.9.2.1** All advertising in a school publication must conform to the requirements in Section 7.3 above.

**7.9.2.2** All advertising in a school publication must first be approved by the school administration.

**7.9.2.3** All advertising given to students must comply with the requirements in Section 4 above.

**7.9.2.4** School and District administrators may refuse, delete, or remove any advertisements or content, including names, logos, or any other material, if continued display reflects negatively on the District or in any way violates this or other District policy.

## **7.10** Bulletin Boards

**7.10.1** Schools may contain a single school-wide bulletin board located on a wall inside the building where notices, bulletins, fliers, advertisements, and other approved materials



may be placed on a temporary basis. Outside advertising via electronic bulletin boards is prohibited.

**7.10.1.1** All materials posted on a school bulletin board must conform to the requirements in Section 7.3 above.

**7.10.1.2** All materials posted on a school bulletin board must first be approved by the school administration.

**7.10.1.3** School and District administrators may refuse, delete, or remove any advertisements or content, including names, logos, or any other material, if continued display reflects negatively on the District or in any way violates this or other District policy.

## **7.11 Advertising to Faculty and Staff**

**7.11.1** School faculty rooms may contain a single bulletin board and/or table where notices, bulletins, fliers, advertisements, and other approved materials may be placed on a temporary basis.

**7.11.1.1** All materials placed in the faculty room must conform to the requirements in Section 7.3 above.

**7.11.1.2** All materials placed in the faculty room must first be approved by the school administration.

**7.11.1.3** School and District administrators may refuse, delete, or remove any advertisements or content, including names, logos, or any other material, if continued display reflects negatively on the District or in any way violates this or other District policy.

**7.11.2** School administrators may allow individuals or representatives from businesses or other entities to visit the school for purposes of advertising their products or services to faculty and staff members in a room designated by the administrator away from students. Such visits may not occur more than two (2) times in any thirty (30) day period, and such visits must not interrupt instructional time or take employees away from their employment responsibilities. Employees may not be required to attend or listen to advertisers.

**7.11.3** Faculty and staff inboxes may be used at the discretion of the school principal for the dissemination of advertisements for products or services that would benefit a school, class, or program. Inboxes may not be used to disseminate advertisements meant to benefit only the faculty or staff member personally. Individuals wishing to advertise their products or services to individuals may do so on the “Offers” sections of the District website, consistent with the Website Advertisement Terms and Conditions of Use.

## **7.12 Benefits Fair**

A District Benefits Fair organized by the District may be held at a school or other District building each year. Vendors may attend and advertise their services and products through an approval process developed by the District and consistent with this policy.

## **7.13 District Administration Buildings**

Advertising materials consistent with Section 7.3 above may be placed on bulletin boards and in other designated areas at District administration buildings. District administrators may allow individuals or representatives from businesses or other entities to visit the administration

buildings for purposes of advertising their products or services to employees in a room designated by the administrator. Employees may not be required to attend or listen to advertisers.

#### **7.14 Athletic Facilities**

**7.14.1** In accordance with the terms of this policy, advertising is permitted within high school athletic facilities where interscholastic competitions take place, including athletic marquees and scoreboards, athletic field fences, and gymnasiums.

**7.14.2** All advertising must conform to Section 7.3 above.

**7.14.3** Advertising within District athletic facilities is allowed only through individual contract.

**7.14.3.1** Contracts for advertising must preserve the right of the District, in its sole and absolute discretion, to refuse, delete, or remove any advertisements or content, including names, logos, or any other material, if continued display reflects negatively on the District or in any way violates state or federal law or District policy.

**7.14.3.2** Contracts and/or contract forms for advertising must be approved by the school administrator. School administrators are encouraged to seek counsel and advice regarding advertising contracts from their respective director and/or the Legal Department.

**7.14.3.3** Contract amounts may be set by the school administrator.

**7.14.3.4** Contracts may not extend for more than one (1) calendar year unless approved by the superintendent or his/her designee.

#### **7.15 School Buses**

**7.15.1** In accordance with the terms of this policy and Utah law, advertising is permitted on the exterior of school buses owned or operated by Nebo School District. See [UTAH CODE ANN. § 41-6a-1309](#).

**7.15.2** All advertising on buses must conform to Section 7.3 above.

**7.15.3** Advertising on buses shall reflect the standards and values of Nebo School District and:

**7.15.3.1** shall be age appropriate;

**7.15.3.2** shall be consistent with the instructional requirements of [UTAH CODE ANN. § 53G-10-402](#); and

**7.15.3.3** may not promote:

**7.15.3.3.1** any substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling;

**7.15.3.3.2** any political party, candidate, or issue;

**7.15.3.3.3** sexual material; or

**7.15.3.3.4** any competing educational organization, including but not limited to charter schools, private schools, or any other non-Nebo School District K-12 school entity.

- 7.15.3.4** Advertising on buses may not jeopardize the safety of students. Specifically, advertising on buses may not:
- 7.15.3.4.1** resemble a traffic-control device as defined in [UTAH CODE ANN. § 41-6a-102](#);
  - 7.15.3.4.2** cover, obscure, or interfere with the operation of any required lighting, reflective tape, emergency exits, or any other safety equipment;
  - 7.15.3.4.3** be placed within six inches of any required markings, lighting, or other required safety equipment;
  - 7.15.3.4.4** be illuminated or be constructed of reflective material;
  - 7.15.3.4.5** be placed on the front or back of a school bus; or
  - 7.15.3.4.6** cover more than 35% of the area of the side of a school bus.
- 7.15.3.5** Advertising on buses shall be affixed by removable decal only. No advertising may be permanent or leave any damage, markings, or other visible evidence once removed.
- 7.15.3.6** Advertising on buses is allowed only through contract with a commercial advertising agency.
- 7.15.3.6.1** Contracts for advertising must preserve the right of the District, in its sole and absolute discretion, to refuse, delete, or remove any advertisements or content, including names, logos, or any other material, if continued display reflects negatively on the District or in any way violates state or federal law or District policy.
  - 7.15.3.6.2** Contracts and/or contract forms for advertising, including the amount of revenue allocated to the District, must be approved by the Director of Operations. The Director of Operations should seek counsel and advice regarding advertising contracts from the Legal Department.
  - 7.15.3.6.3** Contracts may not extend for more than two (2) years or contain renewal provisions allowing for a total contract term of more than five (5) years.
  - 7.15.3.6.4** Contracts shall require the commercial advertising agency to pay the labor and cost of creating and placing the advertisement on a school bus and for the removal of the advertisement.
  - 7.15.3.6.5** Contracts shall require that all advertisements be reviewed and approved by District administrative personnel for compliance with law and District policy before being placed on a bus.
  - 7.15.3.6.6** Contracts shall include a statement affirming that the District has no duties, liabilities, or responsibilities to individual advertisers who have contracted with the commercial advertising agency. Contracts shall also include a provision affirming that the commercial advertising agency will indemnify and hold harmless the District for claims by individual advertisers.

**7.15.3.6.7** Contracts shall include a statement prohibiting interference with normal school operations or the transportation of students. The commercial advertising agency's access to buses for the purpose of placing or removing advertisements shall be granted only during such times as the buses are not in use or needed for District purposes.

**7.15.3.7** Revenue from the sale of advertising space on school buses shall be used for expenditures made within accounting function classification 2700, School Transportation Services, of the Financial Accounting for Local and State School Systems guidelines developed by the National Center for Education Statistics.

## **7.16 Audio / Video School Announcements**

In exchange for revenue as described in Section 8, a school may use its public address (PA) system or other means of broadcasting a video or audio message throughout the school to invite others to patronize a business or event on a specified date. Such use of the school's PA system or audiovisual equipment is subject to the following limitations.

**7.16.1** The script of the advertising message must be composed or approved by a school administrator;

**7.16.2** The advertising message must be delivered by an employee or student of the school;

**7.16.3** A school's PA system or audiovisual equipment may be used for advertising no more than one event under this subsection per term during the school year. Principals may determine a schedule to ensure fair treatment of businesses and a variety of advertisements rather than a single business or entity advertising multiple times per school year.

**7.16.4** Principals must ensure that use of the PA system and audiovisual equipment to advertise for a business or event is limited, brief, and does not undermine or detract from the school's obligation to educate students.

## **8. REVENUE FROM THE SALE OF ADVERTISING**

**8.1.** Schools may receive revenue through the sale of advertising. The sale of advertising may be conducted either as a fundraiser or an alternative revenue stream, as follows:

### **8.1.1. Alternative Revenue Stream**

**8.1.1.1.** When the sale of advertising does not involve students, it is considered an alternative revenue stream. Coaches, advisers, and other employees may sell advertising space consistent with this policy. Businesses may also approach school officials, consistent with the Visitation Pass requirement described in subsection 7.4, and offer to purchase advertising space consistent with this policy.

**8.1.1.2.** Revenue generated through the sale of advertising as an alternative revenue stream is considered public funds and must be accounted for in accordance with [Nebo School District Policy DJA, Accounting Procedures](#). It must be deposited into a school account and may be used at the discretion of the school administration. It is not deposited into an individual program account unless directed by the school principal.

### **8.1.2. Fundraiser**

- 8.1.2.1.** If students are used to solicit or conduct the advertising, such as by contacting businesses, selling banners, etc., the activity is a Fundraiser under [Nebo School District Policy KAC, \*Student Fundraising Activities\*](#). No student may be asked or directed to contact businesses or sell advertising unless all fundraiser requirements of Policy KAC have been met, including the approval and disclosure requirements and the limitation on the number of permitted fundraisers
- 8.1.2.2.** Revenue generated through the sale of advertising as a fundraiser must be used consistent with Policy KAC. As an individual fundraiser, all proceeds must be used to offset the selling student's fees or travel expenses. No part of the revenue may be deposited into a general program account. No fundraiser may be conducted in which a student is asked to sell a certain number of banners for the program, after which the student may sell additional banners to offset that student's fees. Such hybrid fundraisers are prohibited.
- 8.2.** Advertising under this section may be accomplished only through a written agreement detailing the revenue, either as a percent or an amount, to be received by the school. The agreement must be signed by the school principal.
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#### **EXHIBITS**

None

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#### **REFERENCES**

[UTAH CODE ANN. § 20A-17-103](#)

[UTAH CODE ANN. § 41-6A-102](#)

[UTAH CODE ANN. § 41-6a-1309](#)

[UTAH CODE ANN. § 53G-10-402](#)

[UTAH ADMIN. CODE R909-3](#)

[Nebo School District Policy DJA, \*Accounting Procedures\*](#)

[Nebo School District Policy DJB, \*Purchasing\*](#)

[Nebo School District Policy FA, \*Naming Rights\*](#)

[Nebo School District Policy KA, \*School Facility Use\*](#)

[Nebo School District Policy KAB, \*PTAs, PTOs, Booster Clubs, and Other Parent Support Groups\*](#)

[Nebo School District Policy KABA, \*Donations\*](#)

[Nebo School District Policy KAC, \*School Fundraising Activities\*](#)

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#### **FORMS**

[Application for School-Business Partnership](#)

[School Visitation Pass Application](#)

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#### **HISTORY**

**Revised 8 March 2023** – updated language on political advertising per HB119 (2019); added distinction between alternative revenue stream and fundraiser; made technical changes.

**Revised 13 December 2017** – Expanded and clarified prohibition against political advertising.

**Revised 14 December 2016** – Added definitions of *advertising* and *fundraiser*; revised section on prohibited areas, including by adding mass communication systems; expanded section on websites to include social media and email, and permitted limited advertising via such media; specified that employees are not required to listen to advertisers; permitted limited advertising via audio/visual announcements at schools; added section on revenue from sale of advertising; made technical changes.

**Revised 10 August 2016** – Expanded permissions for recognizing donations; added requirement for school visitation pass; expanded section on partnerships to include events and student incentives.

**Revised 13 January 2016** – Permitted advertising on school buses.

**Revised 14 January 2015** – Reinforced prohibition against District resources as speech forums; prohibited selling of naming rights; permitted advertising under a facility use agreement; permitted advertising in school publications; made technical changes.

**Revised 14 May 2014** – Permitted advertising on school websites.

**Revised 9 December 2013** – added requirements for vendor advertising; permitted advertising under school-business partnerships, to faculty and staff, during the benefits fair, and at administration buildings.

**Adopted 14 August 2013.**

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