

## Assembly Bill No. 117

### CHAPTER 374

An act to add Section 35182.5 to the Education Code, relating to school district governing boards.

[Approved by Governor September 15, 1999. Filed  
with Secretary of State September 15, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 117, Mazzoni. School district governing boards: contracts.

Under existing law, the governing board of a school district may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which school districts are established.

This bill would prohibit the governing board of a school district from entering into a contract that grants exclusive advertising rights, or grants the right to the exclusive sale of carbonated beverages, throughout the district to a person, business, or corporation unless the governing board of the school district has adopted a policy after a public hearing to ensure that the district has internal controls in place regarding the expenditure of public funds. The bill would also prohibit the governing board from entering a contract that prohibits a school district employee from disparaging the goods or services of the party contracting with the board. The bill would prohibit the governing board of a school district from entering into a contract, or from permitting a school within the school district from entering into a contract, for an electronic product or service that requires the dissemination of advertising to pupils unless the governing board of the school district enters into the contract at a noticed public hearing, provides written notice to parents or guardians of pupils regarding that the advertising will be used in the classroom, permits a parent to request that the pupil not be exposed to the program containing the advertising, and makes certain findings that the electronic product or service is or would be an integral component of the education of pupils and that the school district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to pupils.

This bill would allow a school district to sell advertising products, or services on a nonexclusive basis.

*The people of the State of California do enact as follows:*

SECTION 1. Section 35182.5 is added to the Education Code, to read:

35182.5. (a) The governing board of a school district may not do any of the following:

(1) Enter into a contract that grants exclusive advertising or grants the right to the exclusive sale of carbonated beverages throughout the district to a person, business, or corporation unless the governing board of the school district has adopted a policy after a public hearing of the governing board to ensure that the district has internal controls in place to protect the integrity of the public funds and to ensure that funds raised benefit public education, and that the contracts are entered into on a competitive basis pursuant to procedures contained in Section 20111 of the Public Contract Code or through the issuance of a Request for Proposal.

(2) Enter into a contract that prohibits a school district employee from disparaging the goods or services of the party contracting with the school board.

(3) Enter into a contract or permit a school within the district to enter into a contract for electronic products or services that requires the dissemination of advertising to pupils unless the governing board of the school district does all of the following:

(A) Enters into the contract at a noticed public hearing of the governing board.

(B) Makes a finding that the electronic product or service in question is or would be an integral component of the education of pupils.

(C) Makes a finding that the school district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to pupils.

(D) Provides written notice to the parents or guardians of pupils that the advertising will be used in the classroom or other learning centers. This notice shall be part of the district's normal ongoing communication to parents or guardians.

(E) Offers the parents the opportunity to request in writing that the pupil not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents or guardians at any time.

(b) The governing board of a school district may sell advertising, products, or services on a nonexclusive basis.

(c) The governing board of a school district may post public signs indicating the district's appreciation for the support of a person or business for the district's education program.



(d) Contracts entered into prior to the operative date of this section may remain in effect, but may not be renewed if they are in conflict with this section.

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