

SOUTHERN LEHIGH SCHOOL DISTRICT

SECTION: COMMUNITY

TITLE: COMMERCIAL ACTIVITIES

ADOPTED: 12/03/07

REVISED: 04/28/14

918. COMMERCIAL ACTIVITIES	
1. Purpose	The Board of School Directors recognizes that public schools provide a potential market for commercial activities. Therefore, it is important the district protect students and parents/guardians from exploitation and ensures that commercial activities do not interfere with the educational program. It also recognizes that for-profit advertising has always been part of school to a limited extent in the form of advertising in yearbooks, student newspapers, and sport programs and in the sale of products by student and parent groups for fundraising purposes. The Board of School Directors recognizes its responsibility to protect students from an excessive amount of commercialism in district schools and from intrusion of commercial interests in the classroom, when such intrusion would influence curriculum or instruction, or become a distraction to the school's primary purpose.
2. Authority	It is the policy of the district that all partnerships and advertising arrangements shall require prior approval, as set forth herein. School organizations, sponsors, and advertisers must agree to abide by the policies and regulations of the school district at all times.
3. Delegation of Responsibility	Except as otherwise set forth herein, the Superintendent or designee shall have the authority to review and approve, consistent with the guidelines set forth herein, all partnership or advertising arrangements from a single source that are valued at less than \$2,500 in annual consideration. All partnership or advertising arrangements from a single source that are valued at \$2,500 or more in annual consideration, or which involve permanent or semi-permanent installation of a sign, name, or logo on any district structure of facility shall require Board approval. All exclusivity agreements shall require Board approval regardless of value.
4. Definitions	<p>Advertisement - any payment of money or other economic benefit to a school or to the district that requires visual, audio, video, or electronic placement of a name, slogan, or product message on school district property or in a school district publication. The term advertisement does not include traditional fundraising activities, nor does it apply to outright gifts to which no quid pro quo is attached. (traditional fundraising activities like the sale of a product or service are governed by Board Policy 915 and PTA/PTG governance rules and are subject to pre-approval by the district.</p> <p>Partnerships - any payment of money or other economic benefit to a school or to the</p>

<p>5. Guidelines</p>	<p>district in exchange for recognition.</p> <p>Exclusivity - an exclusive arrangement to sell, vend, or advertise a product or service in schools is one where a school or a school district enters into a contract to make one (1) product or service available to students and such contract specifically forbids the sale of a competitor's product or service in the same school or school district.</p> <p>All proceeds from the sale of district advertising and partnerships must be deposited into a designated fund. All proceeds from the sale of specific organizations advertising and partnerships must be utilized to directly benefit students. (e.g. all proceeds from a booster club must go to benefit the students in that particular sport) Usage of funds must be pre-approved by the appropriate district personnel.</p> <p>Students shall not be required to read, listen, or intentionally view commercial advertising during the school day in the classroom, SLSD district website, on SLSD transportation or in school-provided materials in curriculum-related activities, except in those instances where commercial advertising materials are germane to the curriculum for instructional purposes and incidental exposure to advertising when accessing public websites.</p> <p>Advertising/Partnership opportunities for the Southern Lehigh School District will be subject to certain restrictions in keeping with the standards of good taste, law and Board policies and will model and promote positive values for our students, especially those embraced through character education.</p> <p>No advertisement or partnership shall be permitted that will:</p> <ol style="list-style-type: none"> 1. Promote or be associated in any way with the sale of or use of tobacco, alcohol, illegal substances, or paraphernalia. 2. Promote or encourage hostility, disorder, violence, or disregard for violation of legal obligations. 3. Contain vulgar or offensive, obscene, or sexually explicit language. 4. Advocate the violation of law or district policy. 5. Advocate or campaign for a particular political candidate or party. 6. Be associated with any company or individual whose actions are otherwise in violation of law. 7. Invade the privacy of any person. 8. Violate applicable copyrights, trademarks, or other protected interests. 9. Be noncompliant with any applicable statutes, regulations, ordinances or orders of any governmental authority. 10. Be derogatory based on gender or toward any ethnic, religious, or racial group.
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11. Be libelous.
12. Interfere or advocate interference with the rights of any individual or the operation of the district.
13. Promote or reference gambling, pari-mutual betting, lottery, or games of chance whether by name, likeness, or implication or promote or reference providing such service or activities of a related or similar nature.
14. Interfere with or violate exclusive agreements between the district and their products or service providers.
15. Be contrary to the best interests of the district students, staff or schools, in the sole discretion of the Superintendent and/or designee upon consultation with the solicitor or other district legal counsel in order to ensure legality.
16. No partnership or sponsorship arrangement shall result in any direct pecuniary benefit to any district employees or Board member, members of their immediate family, or businesses with which they are associated, in violation of the Public Official and Employee Ethics Act (State Ethics Act).

All partnership and advertising agreements shall be subject to the following terms and conditions:

1. The use of district facilities or grounds for advertising in exchange for products, services, or financial considerations.
2. Where the partnership involves signage, the organization that erects the sign(s) bears full responsibility for all maintenance, costs and expenses associated with the procurement, erection, and dismantling of the sign(s).
3. Any partnership or advertising proposals contemplating affixing a permanent or semi-permanent sign, name, or logo to any district facility (e.g. building, press box, scoreboard, etc.) must be set forth in writing and shall require Board approval. The Board may limit the total number of signs that may be erected at any one time so as to minimize distractions or the over-commercialization of the school environment.
4. All signs may be posted only at locations approved by the district. All signs must conform to specifications established by the school district, including but not limited to, the material composition, size, and appearance.
5. All signs shall be authorized for specified durations. The district may limit the period of time during the year when advertising signs may be posted. The district may also require that signs be removed after each event. (e.g. signs for a basketball event would come down after the event was over and would be posted again immediately prior to the next event.) If the signs are not removed in a timely manner by the organization or advertiser, the district will remove the signs at a cost to the organization or advertiser.
6. Any sign that is determined by a township zoning officer to be out of compliance

<p>65 Pa. C.S.A. Sec. 1101 et seq</p>	<p>with local zoning ordinances shall not be permitted to be erected, and, if erected, shall be removed by the responsible organization at its own cost.</p> <ol style="list-style-type: none"> 7. Advertising or sponsorship agreements shall include a statement that advertising on school property should not be construed as an endorsement by the school district of the product or service being advertised. 8. All contracts with the district and advertisers for the placement of advertising signs must include a provision that the sponsor waive in advance, and indemnify the school district for, any claims which may arise as a result of the erection, maintenance, or removal of signs. 9. Contracts and/or lease agreements shall include a provision allowing the Board to terminate the contract and/or lease agreement on a prorated basis if it is determined by the district to have an adverse impact on the district's image, reputation, programs, services, or activities. 10. Any advertising or partnership arrangements that are less than \$2,500 must be submitted to the Superintendent who will have the authority to approve/disapprove such arrangements. 11. If the economic benefit from any advertising or partnership arrangements to the school or the district exceeds \$2,500, the agreement must be set forth in writing and approved by the School Board at a public meeting, where the community is given adequate notice and has the opportunity to provide input and feedback. 12. All public-private sector partnership/advertising arrangements must be consistent with all labor contracts, competitive bid requirements and all applicable federal, state and local laws, rules and regulations. 13. Unless, under special circumstances, the Board considers an exemption, a partnership/advertising written agreement shall not have a term greater than two (2) years or provide for automatic renewals or extensions, nor shall it allow for payments to the district during periods beyond the term of the contract or in excess of the prorated benefit in the event of early termination. 14. Any agreement that may result in an exclusivity arrangement must be presented to the Board of School Directors for approval. <p>No partnership or advertising arrangement shall result in any direct pecuniary benefit to any district employee or School Board member, member of their immediate family, or businesses with which they are associated, in violation of the Public Official and Employee Ethics Act (State Ethics Act), 65 Pa. C.S.A. Sec. 1101 et seq.</p> <p><u>Media Advertising</u></p> <ol style="list-style-type: none"> 1. Except for courses of study that have specific lessons related to advertising, the students of this district shall not be required to observe, listen to, or read commercial advertising in the classroom.
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<p>20 U.S.C. Sec. 1232h</p>	<ol style="list-style-type: none"> 2. The school district shall not enter into any contract to obtain any media equipment or software that will obligate the district to expose students to advertising directed at young people during school time or at home while completing school assignments. The Board reserves the right to approve exceptions on a case-by-case basis. 3. The school district shall not enter into any contract to obtain any media equipment or software that will obligate the school to post information about school procedures or events utilizing media that contain advertising directed at students. Scoreboards are excluded. 4. The school district will not enter into any contract for media services where personal information will be collected from the students by the providers of the services in question. Personal information includes, but is not limited to, the student's name, Social Security number, telephone number, e-mail, and home address. <p><u>Student Marketing Surveys And Protection Of Student Privacy</u></p> <ol style="list-style-type: none"> 1. Students shall not be required under any circumstances to fill out surveys to provide marketing information about their interests and preferences for particular vendors, businesses, and products. 2. A list of students' or parents'/guardians' names, addresses, e-mail, or telephone numbers may not be released by the district for the purpose of advertising brand name products or telemarketing. Similarly, participation in any venture that provides any vendor with the information necessary to generate a list is prohibited. <p><u>Site-Based Recordkeeping</u></p> <p>The Superintendent/designee is responsible for maintaining the following records:</p> <ol style="list-style-type: none"> 1. An annual list prepared of groups and sites for which the partnerships/advertising were accepted and those that will be accepted for the next fiscal year. The list will be made available to the public upon request and annually reviewed by the Policy Committee. 2. A log of all partnership/advertising contracts/lease agreements in effect during the school year. The log shall include the following information from each partnership/advertising agreement: <ol style="list-style-type: none"> a. Name and address of the partner/advertiser. b. Date of the partnership/advertising/contract lease agreement executed and location of the advertisement. c. Authorized signatures which appear on the agreement. d. Contract medium/service. e. List of benefits received by the district, including dollar amounts.
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f. List of partnerships/advertising activities.

g. Amount of money involved.

h. Term of contract.

3. All other records required by Board policies for contract execution and procurement of goods and services.

Any permit shall be subject to termination and revocation without cause at the complete discretion of the district without liability or financial penalty of any kind.

Exceptions And Exemptions

Nothing in this policy shall be interpreted to prohibit nor require authorization for any of the following:

1. Merchant or government identification, logos or trademarks appearing upon property acquired, installed or used in the construction or renovation of any of the district facilities.
2. Public service announcement or announcements of events directly related to services of the district.
3. 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.

Amendments To Policy

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

References:

School Code – 24 P.S. Sec. 510

Public Officials and Employee Ethics Act – 65 Pa. C.S.A. Sec. 1101 et seq. Protection of Pupil Rights – 20 U.S.C. Sec. 1232g