

SCHOOL COMMUNITY RELATIONS

SERIES 800

Policy Title ... ADVERTISING ACTIVITIES

Code No. 890

This policy provides guidance for the appropriate and inappropriate use of advertising or promotion of commercial products or services to the students and parents in our schools.

“Advertising” comes in many different categories and forums and is defined as an oral, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public’s attention to arouse a desire to buy, use or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos or tags for product or service identification purposes are not considered advertising.

The School Board may permit paid commercial advertising in school district facilities or on school district property in the following categories or forums in accordance with the parameters set forth herein:

A. Product Sales

1. Product sales benefiting the district, school or student activity (e.g. the sale of beverages or food within schools);
2. Exclusive agreements between the district and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g. pouring rights contracts with soda companies);
3. Fundraising activities (e.g. short-term sales of promotional items, etc.) to benefit a specific student population, club or activity.

B. Direct Advertising/Appropriation of Space

1. Electronic billboards in schools and school facilities except in educational areas.
2. Corporate logos or brand names on school equipment (e.g. marquees, message boards or score boards) must be able to be removed without changing the function of the school equipment.
3. Ads in school publications (newspapers and yearbooks and event programs);
4. Media-based electronic advertising (e.g. Channel 20, Internet, or web-based sponsorship);
5. Free samples (e.g. of food or personal hygiene products).

C. Indirect Advertising

1. Corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants or gifts;
2. The School Board approves the use of instructional materials developed by commercial organizations such as films and videos, only if the education value of the materials outweighs their commercial nature.

Films, software, Internet websites and written material shall be carefully evaluated by the school administration for classroom use to determine whether these materials contain undesirable propaganda or unnecessary commercial context and to determine whether the materials are in compliance with the guidelines as set in this policy.

It is further the policy of the School Board that its name, students, staff members and District facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit or other non-school agency or organization, public, or private, without the approval of the School Board or its designee.

Any commercial advertising shall be structured in accordance with the General Advertising guidelines set forth below.

GENERAL ADVERTISING GUIDELINES

The following guidelines shall be followed with respect to any form of advertising on school grounds. These guidelines are subject to review and approval of the designated parties.

- A. When working together, schools and businesses must protect educational values. All commercial or corporate involvement should be consistent with the District's educational standards and goals.
- B. The School Board reserves the right to consider requests for advertising in the schools on a case-by-case basis and reserves the right to reject any sponsorship/advertisement for any reason.
- C. No advertisement shall promote and contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic, or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.
- D. No advertisement may contain libelous material and shall not promote hostility, disorder, violence, illegal activity or antisocial behavior.
- E. No advertisement will be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.
- F. No advertisement shall be false, misleading or deceptive.

- G. Each advertisement must be reviewed in advance for age appropriateness.
- H. Advertisements may be rejected by the District if determined to be inconsistent with the educational objectives of the District, inappropriate, or inconsistent with the guidelines set forth in this policy.
- I. All corporate support or activity must be consistent with the Board's policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and must be age-appropriate.
- J. Students shall not be required to advertise a product, service, company or industry.
- K. Superintendent or designee is responsible for screening all advertising.
- L. Superintendent or designee may require that samples of advertising be made available for inspection.
- M. In event of dispute final discretion regarding advertisement and the content and value of the materials will be with the School Board.
- N. No individual staff member shall personally benefit from any advertising in the school district.

ADVERTISING CRITERIA

Advertising shall be regulated by Administrative Rules to ensure compliance with the criteria listed below and ultimately to ensure that it shall not negatively impact learning environments within the District.

1. No advertisement shall be construed as an endorsement of the goods or services ideologies or philosophies by the School Board or the Burlington Area School District.
2. The Superintendent/Business Manager shall provide an annual review to the School Board that assesses the budgetary and educational impact of advertising within the District.
3. The organization and distribution of materials shall be funded by the advertiser not the District operational funds.
4. All advertising agreements shall be in writing and specify relevant terms, including the requirement that the goods, services or money be given to the school or District prior to placement of the appropriate acknowledgement.
5. If at any time the School Board deems that the advertisement is no longer advantageous or appropriate for the District, the School Board may return or dispose of any unused portion of the revenue in a manner that will best serve the interests of the District.

6. The District shall not discriminate in the acceptance and administration of gifts, bequests, scholarships and other aids, benefits or services to students from private agencies, organizations or individuals on the basis of sex, color, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, physical, mental, emotional or learning disability.
7. Discrimination complaints shall be processed in accordance with established procedures.
8. Shall not promote tobacco, alcohol, drugs, drug paraphernalia, or weapons. However this does not prohibit advertising enterprises (e.g., grocery stores, restaurants, or bowling alleys), which sell alcohol or tobacco products as an ancillary part of a business.
9. Shall not contain material that exploits or demeans a person, including a person's protected status.
10. Shall not be in conflict with, or supersede, any provision of board policy, philosophy, or public law.
11. Shall not provide any contingencies; bring special privileges or considerations to any individual.
12. Shall not raise funds in the name of the School District or use the name of any individual school in the District if the School Board objects to such fund-raising.
13. Must be consistent with the District's Wellness Policy.
14. Shall not promote organizations that are in competition with the school district.
15. Shall not negatively affect the fiscal condition of the District and/or places any financial or other limitations on the District. Shall not obligate the district to an expenditure of funds. Shall not bring undesirable or hidden costs to the District.
16. Shall not adversely affect the District's reputation or image, as determined by Superintendent/School Board.
17. Shall not create an endorsement of a political cause, activity, candidate or political position or office.
18. Shall not place restrictions on any school program or curriculum.
19. Advertising shall not be displayed inside areas of learning, or in any other area or manner that may be disruptive to student learning.
20. Shall not be disruptive or jeopardize the safety of students, staff, and/or the public by their content or physical properties.
21. Shall not provide for solicitation of funds from students attending the District schools.

22. Shall not use any student or staff information (e.g., names, addresses, telephone numbers or email addresses) Such information shall not be made available to advertiser for purposes of distribution or disseminating of advertising.
23. Shall comply with all laws, regulations applicable to copyrights, trademarks, trade names, and patents. Shall not infringe upon another person's rights through plagiarism, unfair limitations of another person's program idea or copy, or any other unfair competition. Shall not be permitted to use the school district's intellectual property (e.g., team names, slogans, logos, or designs constituting trademark or service marks whether or not registered) unless such use is identified in an approved Advertisement Agreement or approved in writing by the school district.
24. Shall not contain testimonials.
25. Shall not disparage a competitor or a competitor's products or services.
26. Shall not support any non-commercial message or position without School Board or designee approval.
27. Shall not promote any religion, but allow religious organizations to promote their events.

WRITTEN CONTRACT FOR PLACEMENT

All advertising agreements between the District and an outside entity shall be in writing, shall specify all relevant terms, and must be approved by the Superintendent or designee prior to placement of advertisements. Any advertising agreements beyond \$10,000 or one year in length must go to the Finance Committee and School Board for approval.

The contracts shall contain at a minimum the following clauses:

- A. District authority over content and placement of advertisement;
- B. Authority of District administration to view and approve all materials prior to actual placement;
- C. Specific provisions regarding financial terms, timing of payment, hold harmless clause in the event of a lawsuit against advertiser that requires removal of advertisement prior to expiration of contract.;
- D. Warranty regarding intellectual property and indemnification against alleged violations of trademark or copyright protections by third parties.

The Superintendent or designee shall negotiate all such agreements with the advertiser.

DIRECT ADVERTISING REQUIREMENTS

- A. Advertising will be done on electronic reader board and billboards so that they can be turned off during non event times.
- B. Electronic devices and their maintenance will be paid for through proceeds from advertising.
- C. Electronic reader boards and video walls will be limited to areas at schools that are public spaces.
- D. Size and numbers of electronic devices will be determined by superintendent or designee.
- E. Advertisers would be responsible for supplying ad materials.
- F. Room rental does not rent advertising boards.

ACCOUNTING

- A. Advertising revenues must be properly reported and accounted for.
- B. Advertising revenue is deposited in account and distributed by the School Board.

Date of Adoption:
February 9, 2015

Legal Reference: Code of WI