

Eastern Lancaster County School District

Policy No. \_\_\_\_\_

COMMERCIAL SPONSORSHIP AGREEMENTS

I. Purpose

The Board of School Directors (“School Board”) for Eastern Lancaster County School District (the “School District”) recognizes that public school facilities and events provide a potential market for commercial sponsorships, that financial payments generated from commercial sponsorships can benefit students and taxpayers by generating support for the School District and its educational programs, and that commercial sponsors should receive special recognition for supporting the School District in such manner.

Therefore, the School Board establishes a program whereby commercial groups, businesses and companies may voluntarily enter into written agreements (“Sponsorship Agreements”) to provide private financial support for School District programs and activities in exchange for public recognition that may include advertising, signage, announcements and other promotional opportunities at School District activities.

For the purpose of this policy, Sponsorship or Sponsor is defined as an advertising opportunity for a commercial enterprise through the use of banners in specifically defined areas of certain athletic facilities on the School District campus.

II. Authority

The School District may enter into Sponsorship Agreements with commercial groups, businesses, companies or individuals that allow for advertising to take place on School District property pursuant to restrictions outlined in this policy. The goal of such Sponsorship Agreements is to benefit students and taxpayers by generating private financial support for the School District and its educational programs.

This policy does not create a forum for all types of advertising or provide a general public forum for purposes of communication. Rather, the intent is to make use of a limited portion of the School District’s property in order to generate financial support from commercial sponsors for School District programs and activities. *See, Lehman v. City of Shaker Heights*, 418 U.S. 299 (1974); *International Society for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672 (1992); *DiLorento v. Downey Unified School District*, 196 F.3d 139 (9<sup>th</sup> Cir. 1999); *Ridley v. Massachusetts Bay Transportation*, 390 F.3d 65 (1<sup>st</sup> Cir. 2004).

Noncommercial advertising is not permitted under this policy in order to ensure a professional advertising atmosphere that is conducive to maximizing revenues from the School District’s sponsorship program, and to maintain the School District’s position of

neutrality on political, religious and other public issues. For purposes of this policy, the term “commercial advertising” shall include signage that contains a message to express support for a School District interscholastic high school sport team or a School District student-athlete participating on such team paid for by a School District booster organization or the student-athlete’s parent or family.

To ensure compliance with Section 9528 of the No Child Left Behind Act of 2001, 20 U.S.C. § 7908(a)(3), which requires the School District to provide Armed Forces military recruiters the same access to secondary school students as is provided generally to post secondary educational institutions or to prospective employers of those students, sponsorships associated with Armed Forces military recruitment of secondary students shall be considered commercial advertising and is permitted under this policy.

### III. Sponsorship Program

The School District is authorized to solicit or receive contracts from commercial groups, businesses or companies for sponsorship agreements. All Sponsorship Agreements must be submitted on the approved sponsorship contract form and must comply with this policy.

The Superintendent of Schools, or his designee, is responsible for overseeing the solicitation and/or receipt of sponsorship contracts under this policy. The School Board may also enter into written contracts with individuals or companies that have expertise in advertising and marketing, for purposes of identifying potential sponsors and/or negotiating the terms of Sponsorship Agreements to be approved by the School Board.

Revenues generated from Sponsorship Agreements may, after payment of production costs, be divided between a School District booster group who solicited the contract and the School District. The School District revenues shall be utilized for the sole benefit of the School District and its interscholastic athletic program.

A sponsor may be permitted to advertise or engage in promotional activity on School District property as is stated in the Sponsorship Agreement.

Conditions stated in Sponsorship Agreements shall include the following:

1. Advertising will not be displayed inside classrooms, in areas where students in class may view the advertisement, or in any other area that may be disruptive to student learning. For purposes of this policy, the term “classroom” is not intended to include any school’s auditorium, cafeteria, gymnasium, library, performing arts center or athletic fields/facilities.
2. Students will not be required to listen to, read or be subjected to commercial advertising in the classroom, except when the classroom instruction by the teacher is related to advertising.

3. Advertisements shall not be disruptive or jeopardize the safety of students, staff and/or the public by their content or physical properties.
4. No student, staff or taxpayer information (e.g., names, addresses, telephone numbers or e-mail addresses) shall be made available to sponsors for purposes of distribution or dissemination of advertising.
5. Advertising must comply with all laws, regulations and administrative agency rules of the federal, state and local governments, including all laws, regulations and administrative agency rules applicable to copyrights, trademarks, trade names and patents.
6. No sponsor shall be permitted to use the School District's intellectual property (e.g., team names, slogans, logos, or designs constituting trademark or services marks whether or not registered) unless such use is identified in an approved Sponsorship Agreement or approved in writing by the School District.
7. Any advertising signage proposed for installation by a sponsor shall comply with any local ordinances that may apply.

#### IV. Certain Advertising Prohibited

All advertising by sponsors pursuant to this Policy shall be commercial in nature, in keeping with standards of good taste, appropriate for school-aged children, and not seek to promote, encourage or engage in any of the following:

1. support any non-commercial message or position, with the exception of a parent, relative or Garden Spot booster organization positively supporting a student athlete or high school interscholastic sports team;
2. make false, misleading, deceptive or unwarranted statements or claims;
3. infringe upon another person's rights through plagiarism, unfair imitation of another person's program idea or copy, or any other unfair competition;
4. disparage a competitor or a competitor's products or services;
5. advertise lotteries or other games of chance;
6. contain slanderous, obscene, sexual, profane, vulgar, repulsive, or offensive matters, either in theme or in treatment;
7. appeal for funds;
8. contain testimonials that cannot be authenticated;

9. declare or imply an endorsement by the School District of any service, product or point of view;
10. promote the sale or use of alcohol or tobacco products;
11. promote unlawful or illegal goods, services or activities; or
12. constitute advertising which violates local, state or federal law when done on School District property.

V. Steps for the Approval of Sponsorship Agreements

The following steps shall apply to the approval of Sponsorship Agreements:

1. Sponsorship Agreements should be on a form developed by the School District.
2. All terms and conditions of a Sponsorship Agreement must be submitted on the approved application form. The School District shall not be bound by any oral agreements purportedly made by any employee or marketing agent.
3. All Sponsorship Agreements must be approved by the School Board, or its designee, before any commercial advertising is installed.

VI. Booster Clubs, Parent-Teacher Organizations and Sanctioned Student Groups

This policy is not intended to regulate booster clubs, parent-teacher organizations or student extracurricular, co-curricular or athletic groups recognized by the School District for fundraising activities unrelated to commercial advertising. Any fundraising activities by such groups other than commercial advertising shall be done in compliance with other applicable School District policies and any understandings or agreements that exist between those organizations and the School Board.

No booster club, parent-teacher organization or student group is authorized to solicit or enter into any agreement or understanding with commercial groups, businesses or companies to distribute, broadcast or display any type of advertising on School District property without prior authorization by the Superintendent of Schools, or his designee, and the entry of any agreement or understanding must be done in compliance with this policy.

VII. Naming Facilities or School Buildings for Individuals

This policy is not intended to regulate or impair the ability of the School Board to dedicate or name any school building, school property or portion thereof, for a person as it may deem appropriate. The School Board shall comply with any requirements set forth

in the Public School Code and State Board of Education regulations when dedicating or naming any School District-owned building, facility, property or portion thereof in honor of a person.

VIII. Severability

The provisions of this policy are severable, and if any of its provisions shall be held invalid or unconstitutional to any extent, such decision shall not affect or impair any of the remaining provisions of the policy. It is hereby declared to be the intention of the School Board that this policy would have been adopted if such invalid or unconstitutional provision had not been included herein.