

SALEM SCHOOL DISTRICT  
Salem, Connecticut

COMMUNITY RELATIONS

ADVERTISING, PROMOTION AND COMMERCIAL ACTIVITIES

Purpose

The Board of Education recognizes that public schools provide a potential market for commercial activities. Therefore, it is important that the District protects students and parents/guardians from exploitation and ensures that commercial activities do not interfere with the educational program. Except for instruction relating to advertising, students shall not be required to listen to, read, or be subjected to commercial advertising in the classroom or in school-provided materials in curriculum-related activities, except as provided by this policy.

Definitions

Advertisement - any payment of money or other economic benefit to a school or to the District that requires visual, audio, voice, data, electronic, online, and/or video placement of a name, slogan or product message on a school District property or publication. The term advertisement does not include traditional fundraising, activities such as walk-a-thons, magazine sales, or food sales, nor does it apply to outright gifts to which no quid pro quo is attached.

Sponsorship - any payment of money or other economic benefit to a school or to the District in exchange for recognition.

Exclusive Rights Contracts - any payment of a premium or provision of some economic benefit to a school or to the District for the right to be a sole provider of a service or product. This term includes limited exclusive rights contracts where more than one (1) provider may supply the same or similar service or product.

Purchase of Goods and Services - purchase of services or goods by the District for a product or service required by the District.

Delegation of Responsibility

The Superintendent and/or his/her designee shall approve or deny the publication of the submitted and requested advertisement and may establish procedures for commercial activities within the District. The Superintendent and/or his/her designee shall also designate the recipient of the commercial activity.

## Advertisements

No advertisements, as defined by this policy, shall be allowed unless they fit one or more of the following categories, and are approved by the Superintendent and/or his/her designee:

1. Paid advertisements in student publications or other District publications.
2. Instructional aids furnished by private sources when the advertising is reasonable, nonintrusive, and non-inherent to the content; such instructional aids must be used in a manner that is consistent with the District's policies and practices related to curriculum and instruction, controversial issues, and the use of District property.
3. Signs on athletic fields must meet the municipality's sign code and school District approval.
4. Advertising in the program for an extracurricular activity.
5. A pro-school advertisement for an organization approved by the Superintendent.
6. The display of product names on vending machines that have been placed in the school for the use of students, staff, and the public.
7. Incidental advertisements that appear when students are using various Internet services.

## Advertising Procedure

All organizations wishing to use facilities to advertise in accordance with this policy must submit a written application and be approved by the Superintendent or his/her designee. The Superintendent or his/her designee shall be solely responsible for the processing of applications.

The request to advertise must include a description of the location requested, an accurate color representation of the advertisement with size and materials indicated, and the period during which the advertising will remain in place.

The Superintendent may consult with the Facilities Department before granting approval for advertising on District-owned or leased real property. If requested, the Facilities Department shall verify that the proposed advertising is in compliance with District safety and maintenance standards.

## Business Advertising

Business advertising under this policy shall be subject to the following:

1. Business advertising shall be permitted only pursuant to an approved fundraising program.
2. The content of all business advertising shall be limited to the name, business address, logo and telephone number of the business entity.

3. All requests to raise funds through the solicitation of business advertisements must be submitted to the appropriate Principal, and approved by the Superintendent or his/her designee.

### Mode of Advertising

This policy statement acknowledges that a wide variety of advertising media can be used. The list of media may include but not be limited to fences, billboards, posters, flags, score boards, publications, clothing, book bags, school supplies, web pages, TV, radio, and audiovisual materials.

### Construction and Maintenance of Advertising on Real Property

It will be the responsibility of the requesting organization to construct, install, and maintain the advertising under the supervision of school District facilities personnel. The District will not be responsible for construction, installation, maintenance, and repair, including repair of damage from vandalism. The District will not be responsible for storage or periodic reinstallation. All advertisements that are not maintained to acceptable standards must be repaired or removed upon notification. Upon failure to remove within the time of notification designated by the Superintendent or his/her designee, the advertisement will be removed by the District at the expense of the requesting organization.

### Termination

The Superintendent has the authority to terminate all advertising as set forth in this policy at no financial penalty to the Board. In this event, the requesting organization must remove all advertisements in accordance with policy set forth by the District.

### Exclusions

The District reserves the right to exclude businesses whose advertising is inappropriate in the public school context (for example, manufacturers and distributors of tobacco or alcohol products, etc.) or whose advertising is inconsistent with the obligations of a public school district.

### Sponsor

The Board encourages District staff to seek sponsorship to help support District programs and services, but no sponsorship agreement shall require that the District's programs and services be delivered in a specific manner.

A sponsor may be acknowledged in school District publications. The acknowledgement should be tasteful and may not minimize or take away from the District's role or responsibility for the activity or service.

### Exclusive Rights Contracts

The Board of Education (Board) may, from time to time, consider the approval of an exclusive rights contract if it will result in substantial benefit to the District, its schools and their respective students, and is not inconsistent with the District's mission, policies, and goals. The Board's consideration of such

benefit may include but is not limited to the impact on students, as well as the amount of funds that will be generated, how the funds will be used, and what alternative sources of funding are available.

All such contracts must be issued in conformance with purchasing procedures established by law and Board policy. Only those sites approved by the Board shall participate in an exclusive rights contract.

Exclusive rights contracts shall not include provisions that would allow marketing activities, including advertising, to take place in District classrooms, hallways, or lunchrooms, except that vending machines at all District schools may display product names.

Prior to approving an exclusive rights contract, the Board shall, after conducting a public hearing, determine whether the substantial benefit of the contract justifies the required advertising, sale of products, or other contract provisions.

#### Purchase of Goods and Services

From time to time, the District may contract for goods and services, particularly in its food service program, where the display of product names is necessary. Such arrangements shall be issued in conformance with purchasing procedures established by law and Board policy, and be necessary to the economical use of the goods and services, and shall not include provisions that would allow marketing activities, including advertising, to take place in District facilities other than where the product is being utilized.

#### Prohibited Commercial Activities

No commercial activity as defined or allowed by this policy shall be associated in any way with the sale of tobacco, alcohol, illegal drugs, or weapons; contain vulgar and plainly offensive, obscene, or sexually explicit language; advocate the violation of law or District policy; advance any religious or political organization; promote, favor, or oppose a candidate for elected office or a ballot measure; or be associated with any company or individual whose actions are otherwise in violation of law.

The District shall provide no personally identifiable data about a student to the sponsor of a commercial activity without the consent of a parent/guardian and in conformance with the Protection of Pupil Rights Act (PPRA) and Family Educational Rights and Privacy Act (FERPA). Likewise, no student, in order to participate in a school program or school-sponsored activity, shall be required to provide personally identifiable data to the sponsor of a commercial activity without the consent of a parent/guardian, unless approved by the Superintendent and/or his/her designee, and in conformance with the PPRA and FERPA.

Students shall not be required to complete any survey or questionnaire that is designed to provide marketing information to a vendor or business about their interests and preferences for a particular vendor, business, or product.

Any commercial activity allowed by this policy shall be respectful of all people without regard to their race, color, religion, creed, national origin, ancestry, sex, sexual orientation, gender identity or expression, marital

status, age, physical or mental disability, genetic predisposition or carrier status, veteran status, or any other basis prohibited by local, state and federal laws.

Legal References: CGS 7-194 Powers. 10-9 Bequests for educational purposes. 10-21a Accredited courses offered by employers. 10-21b Programs offered jointly by Boards of Education and business firms; neighborhood assistance. Title IX of the Educational Amendments of 1972. Family and Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g. Protection of Pupil Rights Act – 20 U.S.C. Sec 1232h.

(cf. 1324 Soliciting Funds from and by Students)  
(cf. 3280 Gifts, Grants and Bequests)  
(cf. 5125 Student Records/Confidentiality)  
(cf. 7551 Naming of Facilities)

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