



Book	Policy Manual
Section	900 Community
Title	Commercial Partnerships and Sponsorships
Code	913.1
Status	First Reading

Purpose

The Board of School Directors (“School Board”) of the Millville Area School District (“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 recognition for supporting the School District in an appropriate manner.

Therefore, the School Board hereby 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 the sale of “naming” or “sponsored by” rights for School District venues and events as well as advertising, signage and announcements. In so doing, the School Board shall make a conscious and consistent effort to assure that the School District’s educational mission is not compromised.

Definitions

Advertisement - Any payment of money or other economic benefit to the School District that requires visual, audio or video placement of a name, slogan or product message on the School District’s property or publication. The term advertisement does not include traditional fundraising activities such as jump-a-thons, magazine sales or food sales. It also does not apply to outright gifts to which no quid-pro-quo is attached.

Sponsorship - Any payment of money or other economic benefit to the School District in exchange for recognition as negotiated by the parties.

Exclusive Rights Contract - Any payment of a premium or provision of some economic benefit to the School 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 provider may supply the same or similar service or product.

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

Authority

School property shall not be used for commercial advertising purposes without the approval of the School Board on a case by case basis. The school property subject to this policy shall be limited to stadiums, athletic fields, tracks, and gymnasiums, as well as the School District's official website and any related official websites for School District programs, in its sole discretion (hereinafter "Designated Premises").

The School District may enter into Sponsorship Agreements with commercial groups, businesses or companies that allow for advertising to take place of 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 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. Specifically, the Designated Premises are hereby declared to be nonpublic forums limited to commercial advertisements in conformity with this policy for purposes of generating revenue for the School District. The overall goal is to achieve additional revenue to support School District programs and projects in a manner that limits commercial advertisements to stadiums, athletic fields, tracks and gymnasiums, as well as the School District's official website and any related official website for School District programs.

Use of the name, nickname, and/or logo of the School District in any advertisement is not permitted.

Noncommercial advertising is not permitted under this policy in order to ensure a professional advertising atmosphere and to maintain the School District's position of neutrality on political, religious, social and other public issues. This prohibition on noncommercial advertising also extends to potential advertisers or sponsors that by their name, identity, public positions or reputations are linked to non-neutral positions on such issues.

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 these students, sponsorships associated with Armed Forces military recruitment of secondary students shall be considered commercial advertising and is permitted under this policy.

The School District intends generally to receive financial payments from sponsors, but will consider proposals that include in-kind contributions by sponsors so long as the proposal includes adequate financial payments to satisfy any sales commission earned by any marketing agent of the School District.

Corporate Sponsorship Proposals

A potential corporate sponsor must submit a written corporate sponsorship proposal to the Superintendent. An organization's sponsorship activity may include, but is not limited to, financial support to a school curricular or co-curricular activity or program, a school facility improvement, and/or a school assembly program. No pupil or staff member will be required to participate in surveys and/or focus groups as a condition of a corporate sponsorship.

In appreciation for such sponsorship, the school district will appropriately acknowledge the organization's contribution to the school district. The acknowledgment may include a public address announcement at an activity, signage at the activity or on school grounds, or through other reasonable means. Posting of signs identifying the sponsor shall not be considered the district's endorsement of the product or service of a company.

The Board reserves the right to terminate the sponsorship at any time. Therefore, all corporate sponsorship proposals must include provisions for such termination, which may include the return of any funding, goods, and/or services provided to the district.

The corporate sponsorship proposal shall include the specific sponsorship activity, the proposed time period/duration of the activity, the requested acknowledgement, and the terms of termination in the event the Board decides to terminate such corporate sponsorship. The return of any benefits provided to the district as a result of the Board's termination will be limited to and in accordance with the provisions of the written corporate sponsorship proposal approved by the Board.

Board Approval of Corporate Sponsorship Activities

All corporate sponsorship proposals are required to be approved by the Board upon the recommendation of the Superintendent.

Any corporate sponsorship proposal for a one-time activity, less than \$500.00 with no request for acknowledgment may be approved by the Superintendent. All other proposals shall be presented to the Board upon the Superintendent's recommendation for Board approval.

In the event there are competing proposals for the same or similar sponsorship, the Board President will designate an Ad Hoc Board Committee to review the Superintendent's recommendation to the Board. All corporate sponsorship proposals recommended by the Superintendent will be discussed at a public Board meeting with the proposal being included on the Board Meeting agenda in accordance with Bylaw 9323 - Board Meetings Agendas.

Duration of Corporate Sponsorship Activities

A corporate sponsorship shall not exceed sixty months in duration and will not be approved by the Board in excess of sixty months unless an extended contract has been awarded. At the conclusion of this approved period, and if the sponsor desires to continue the sponsorship, an updated sponsorship proposal must be prepared by the sponsor and submitted to the Superintendent for approval by the Board for another sixty month period. There shall be no expectation a corporate sponsorship will be renewed beyond the Board approval dates. There shall be no limit to the number of times the Board approves the updated sponsorship proposal.

Acceptance of Corporate Sponsorships

Any sponsored or donated material, equipment, personal property or other benefit derived by the district through corporate sponsorships will be held to the same standards used for district purchases. Corporate sponsorship proposals that provide gifts, grants, and donations to the school district shall be accepted in accordance with the provisions of Policy 3280 - Gifts, Grants and Bequests.

Applicable Laws

All corporate sponsorship proposals presented and approved by the Board shall be consistent with all district collective bargaining agreements, competitive bidding and purchasing laws, district policy and regulations, and all applicable federal and State laws, administrative codes, rules, and regulations.

Agreement With Marketing Agent

The School Board may enter into written contracts with individuals or companies that have expertise in advertising and marketing, for purposes of identifying potential sponsors and negotiating the terms of Sponsorship Agreements to be approved by the School Board.

Sponsorship Agreement

The School District is authorized to solicit or receive proposals from commercial groups, businesses or companies for Sponsorship Agreements. All Sponsorship agreements must be in writing and comply with this policy.

Revenues generated from Sponsorship Agreements shall be utilized for the sole benefit of the School District and be deposited into the General Fund.

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

Conditions stated in Sponsorship Agreements may include the following:

1. Locations in which advertising is permitted shall be limited to stadiums, athletic fields, tracks and gymnasiums, as well as the School District's official website and any related official website for School District programs. Advertising may also be allowed as a link from the School District's website and in School District publications.
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 or staff information (e.g., names, addresses, telephone numbers, email addresses or other identifying information) 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 (without limitation) all laws, regulations and administrative agency rules applicable to copy rights, 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, mascots, emblems or designs constituting trademark or services marks whether or not registered).
7. Any sponsorship agreement that involves advertising of any kind will be required to adhere to the following additional conditions:
 - a. The School 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.
 - b. The Superintendent or designee shall review the content of the advertisement, including any images or words. No sign shall be erected unless and until the School Board has approved it.
8. Accordingly, for an Advertisement to be approved, it must comply with all required restrictions of the Board which shall include, but not be limited to the following:
 - a. It must not create a material or substantial disruption to school operations.
 - b. It must not attack ethnic, racial or religious groups.
 - c. It must not discriminate, demean, harass or ridicule any person or group of persons.
 - d. It must not be libelous.
 - e. It must not promote hostility, disorder or violence.
 - f. It must not be contrary to the School District's educational mission or goals or be inconsistent with community values.
 - g. It must not promote, favor or oppose any political party or the candidacy of any candidate for election, adoption of any bond issue or any public questions submitted at any general, county, municipal or school election.
 - h. It must not be obscene, pornographic or sexually explicit as defined by prevailing community standard throughout the School District.
 - i. It must not promote the sale or use of drugs, alcohol, tobacco or firearms.
 - j. It must not promote any religious or political organization or party.
 - k. It must not use any School District logo.

- i. It must not reflect poorly or negatively on the School District or community as determined by the School District in its sole discretion.

Certain Advertising Prohibited

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

1. Support or convey any non-commercial message or position, including (without limitation) any message or position relating to political, religious, social or other public issues, whether from the message(s) or image(s) contained therein or the name, identity, reputation or public position(s) of the advertiser/sponsor;
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 or matter/materials harmful to minors, 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 company, organization, person, 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. Promote goods, services or activities harmful to minors.

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 and approved by the solicitor.
2. All terms and conditions of a sponsorship agreement must be in writing, approval by the School Board shall be required for any Sponsorship Agreement and Sponsorship Agreements shall not be valid until approved by the School Board at a public meeting.
3. The School District shall not be bound by any oral agreements purportedly made by any employee or marketing agent or by any written agreements not approved by the School Board at a public meeting.

Site-Based Recordkeeping

A log of all sponsorship agreements in effect during the school year shall be provided annually to the School Board.

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.