

<p>20 U.S.C. Sec. 7908</p> <p>3. Guidelines</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p><u>Agreement With Marketing Agent</u></p> <p>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.</p> <p><u>Sponsorship Program</u></p> <p>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.</p> <p>Revenues generated from Sponsorship Agreements shall be utilized for the sole benefit of the school district and be deposited into the General Fund.</p> <p>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.</p>
---	---

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 or staff 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.

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.
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.

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. 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. All terms and conditions of a Sponsorship Agreements must be in writing. The school district shall not be bound by any oral agreements purportedly made by any employee or marketing agent.

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 effect 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.

References:

No Child Left Behind – 20 U.S.C. Sec. 7908

Board Policy – 913