

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PROPERTY

TITLE: COMMERCIAL SPONSORSHIPS
AND ADVERTISING

ADOPTED: September 17, 2018

REVISED: June 24, 2019

702.1 COMMERCIAL SPONSORSHIPS AND ADVERTISING	
1. Purpose	<p>The Board recognizes that public school facilities, events, and programs provide a potential market for commercial sponsorships, that financial payments from commercial sponsorships can benefit students and taxpayers by generating support for the school district and its programs, and that commercial sponsors should receive special recognition for supporting the school district in such manner.</p> <p>Therefore, the Board establishes this policy whereby commercial groups, businesses and companies may voluntarily enter into written agreements (sponsorship agreements) to provide financial support for school district programs and activities in exchange for public recognition that may include the sale of “sponsored by” rights for school district events as well as advertising, signage, announcements and other promotional opportunities at school district activities.</p>
2. Authority	<p>The school district may enter into sponsorship agreements with commercial groups, businesses or companies that allow advertising to take place on school district property pursuant to restrictions outlined in this policy. The goal of such sponsorship agreements is solely to benefit students and taxpayers by generating private financial support for the school district and its educational programs.</p> <p>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 revenue from commercial sponsors for school district programs and activities.</p> <p>Noncommercial advertising is not permitted under this policy.</p> <p>Pursuant to this policy, the school district generally intends to receive financial payments from sponsors, but may consider proposals that include in-kind contributions by sponsors as deemed appropriate by the School Board.</p>
3. Guidelines	<p><u>Advertising Program</u></p> <ol style="list-style-type: none"> 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

	<p>is not intended to include any school's auditorium, cafeteria, gymnasium, library, or athletic fields/facilities.</p> <ol style="list-style-type: none">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 teachers is related to advertising, as referenced in the district curriculum.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 email 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 advertiser/commercial 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 approved in writing by the school district.7. Any advertising signage shall comply with school district Administrative Regulations and any local zoning ordinances that may apply.8. All advertising in areas used for athletic purposes shall be approved by the School Board and shall be in accordance with Pennsylvania Interscholastic Athletic Association (P.I.A.A.) policies and guidelines related to advertising and/or sponsorship.9. The Superintendent or designee shall monitor advertising fees which are directed to individual sports to ensure equity among programs in keeping with the guidelines of Title IX and to protect the athletes from potential violations of P.I.A.A. regulations concerning amateur status.10. The advertiser/commercial sponsor shall be responsible for and indemnify the district against any legal action taken against the district for the contents of an advertisement, including, but not limited to, allegations of intellectual property infringement and any and all tort claims.11. The Board may terminate commercial sponsorships at any time, for any reason. Where the termination is a result of the commercial sponsor's failure to adhere to this policy, the terms of the Commercial Sponsorship
--	--

Agreement, or district or school building rules, the district is under no obligation to reimburse the sponsor for the portion of the agreed-upon sponsorship period.

Construction and Maintenance of Advertising on District Property

The District shall not be responsible for the construction, maintenance, or repair of any signs, poster or other advertising materials or media approved for display on District property, including but not limited to repair or maintenance necessitated by acts of vandalism. Except for advertisement displayed on the High School Stadium Scoreboard, advertisers shall be responsible for the storage, installation and/or reinstallation of periodic or seasonal advertisements.

Advertisements that are not maintained to standards acceptable by the District must be repaired or removed by the advertising organization within the time period designated by the District, the advertisement will be removed by the District at the expense of the advertising organization.

The Superintendent or designee will establish Administrative Regulations with regard to signage type, size, the installation/reinstallation of advertisements, maintenance and advertising duration.

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 noncommercial message or position, including personal, religious and/or political viewpoints.
2. Make false, misleading, deceptive or unwarranted statements or claims. The Superintendent or designee retains the right to ban forms of commercial communication that are more likely to deceive or mislead the public than to inform it.
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, with the exception of advertising by fully-licensed entities authorized under the Race Horse Development and Gaming Act of 2004 (Act 71).

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. Contrary or adverse to the mission and purpose of the school district.
11. Promote the sale or use of alcohol, tobacco or illegal drugs. Full-service restaurants that serve alcoholic beverages may advertise under this policy where the specific advertisement, itself, does not expressly promote alcohol or tobacco products.
12. Promote the sale or use of firearms or other weapons.
13. Promote unlawful or illegal goods, services or activities.
14. Constitute advertising which violates local, state or federal law when done on school district property.

Steps for the Approval of Corporate Sponsorships/Donations Containing Advertisement

The following steps shall apply:

1. Sponsorship agreement requests must be made in writing to the Superintendent.
2. Approval by the School Board shall be required for any sponsorship, and such financial payments are not accepted 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.

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. Any fundraising activities by such groups 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 School Board and the entry of any agreement or understanding is done in compliance with this policy.

District Non-Endorsement of Advertisements

Advertisements from sponsors permitted by the district do not indicate the district's endorsement or approval of the matters presented in the advertisements. The district reserves the right to clearly communicate that the School District does not endorse the organization, and the district may require advertisers to clearly state such within the advertisement. At the district's discretion, such communication may be placed within, below, or near any or all advertisements in addition to or in lieu of in-add disclaimers.

Facilities/Property Naming Rights Not Permitted Through This Policy

This policy does not authorize commercial sponsorships to be used to obtain naming rights to any district facility or to district property.

Legal Compliance

The district shall comply with all applicable state and federal laws in its approval and/or denial of advertisement requests and/or removal of advertisements from district facilities or events.

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:

20 U.S.C. 1681 et seq.
20 U.S.C. 7908
Pol. 913