

COMMERCIAL ADVERTISING AND SPONSORSHIPS

In recognition that public schools may provide a potential market for commercial activities and that money derived from paid advertisements or sponsorships may benefit educational programs of the district, the Board of Education authorizes paid advertising and sponsorships in accordance with this policy. In application of this policy the superintendent shall ensure such advertising does not interfere with educational programming and that students will not be required to listen to, read or be subjected to commercial advertising in the classroom, in school-provided materials, in curriculum related activities or in district sponsored events. Nothing in the above shall be construed to limit or otherwise prohibit instruction relating to advertising.

Advertisement, for purposes of this policy, means any payment or money or other economic benefit to a school or the district that requires visual, audio or video placement of a name, slogan, or product message on a school district property, publication or broadcast. Advertisement does not include traditional fund raising activities or outright gifts or other economic benefit for which no quid pro quo is attached. Sponsorship means any payment of money or economic benefit to a school or the district in exchange for recognition.

It is the intent of the Board of Education that the determination of acceptance of any advertisement or sponsorship and the content of such will be under the discretion and control of the Board and the Board's representative, the superintendent, or designee, whose decisions shall be final. The District shall not permit any advertisement or sponsorship that is materially or substantively disruptive to the school or the educational process, pervasively vulgar or harmful to students. Specifically, the district will not permit any form of advertisement or sponsorship that:

- Promotes alcohol; tobacco; drugs or drug paraphernalia; weapons; lewd, vulgar, obscene, pornographic or illegal materials or activities; gambling; violence; hatred; sexual conduct; sexually explicit materials; or X – or R- rated movies,
- May contain libelous material,
- Is false, misleading or deceptive,
- Is inconsistent with the educational objectives of the district,
- Attacks, demeans, ridicules or disparages based on membership in any group identified in the district's non-discrimination policy,
- Endorses a political cause, political activity, political party or candidate for a political office or position, or
- Endorses any religious organization.

Acceptance of advertisements or sponsorship does not constitute or imply approval and / or endorsement of any product, service, organization or activity. This policy is intended solely to sell paid advertisements or sponsorships to raise revenue and expressly does not create a public forum for public expression.

The superintendent, or designee, shall consider the age appropriateness of any accepted advertisement and shall ensure that students, employees and volunteers will not be required to advertise, distribute, purchase or support any product, service, company or industry.

Advertisements

Subject to approval, paid advertising may be allowed in School District of New Berlin athletic facilities or fields, auditoriums, program pamphlets, school publications (e.g. programs, yearbook, newspapers) or other venues (e.g. banners, fixed signage) where such paid advertising would be directed primarily to members of the public. The superintendent, or designee, shall not approve paid advertising in classroom or other venues where such would be primarily directed toward students instead of the public. Advertising will not be permitted on the exterior of a school building or cause the erection of any apparatus on school grounds without approval of the Director of Buildings and Grounds.

The use in the schools of curriculum related materials, school supplies or equipment bearing the name, trademark, or logo of a business, publisher or manufacturer not the distribution of awards for students donated by a business enterprise and approved by the building principal shall not be construed as advertising under this policy.

Sponsorships

Sponsorships with governmental, non-profit as well as commercial organizations may be approved by the superintendent, or designee, when such will promote activities of general interest to the public and that are non-partisan and promote the educational or best interests of students. No sponsorship agreement shall be approved that requires the district's programs and services be delivered in a specific manner.

All advertisements and sponsorships must be documented with a written contract approved by the superintendent, or designee, except as otherwise provided herein. The written contract shall, at a minimum, contain:

- Language indicating the district has authority over content and the placement of advertising.
- Language specifying the superintendent, or designee, has authority to view and approve all materials and the content therein prior to actual placement.
- Specific provisions regarding the financial terms and timing of payments.
- A hold harmless clause that requires removal of advertisements prior to expiration of the contract if a lawsuit is brought against the advertiser.
- A warranty regarding intellectual property and indemnification against alleged violations of trademark or copyright protections by third parties.

Contracts for a duration of greater than 24 months and sponsorships in an amount greater than \$10,000 shall be submitted to the Board of Education for approval.

LEGAL REFERENCE:

Wis. Statutes §118.12 (1), §118.12 (4)

CROSS REFERENCE:

Policy 3280, Gifts, Grants and Bequests

Adopted: 4/25/16