

Policy

ADVERTISEMENTS ON SCHOOL PROPERTY

The Little Silver Board of Education recognizes and appreciates the financial support received from Federal and State funding sources and from local taxpayers. The board desires to expand revenue sources for the financial needs of the school district and authorizes advertising on school property consistent with applicable State and local laws, codes, and ordinances. "School property" for the purposes of this policy includes, but is not limited to: school district owned real estate, school district owned or leased buildings, school district owned or leased vehicles, excluding school buses, school district electronic communication medium including the school district's website, school district electronic communications, school district television, and media productions, school district sponsored content on mass media outlets, and any other method of electronic or print communications published or used by the school district.

The board of education may enter into a contract for the sale of

- A. Signage on school district property which may also include, but is not limited to, areas in and around athletic fields and grounds, on fences, on school vehicles, and in and on school buildings;
- B. Advertising space in school district publications and print media;
- C. Advertising space on the school district's website; and
- D. Advertisements to be included in school district productions and programs that are aired on media outlets such as television stations, internet, radio, etc.

The New Jersey Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., shall apply to any contract or agreement entered into by the Board for the purpose of advertising on school property. The board will award a contract for advertising on school property after advertising for bids and bidding in accordance with the provisions of N.J.S.A. 18A:18A-4 or through the use of requests for proposals and competitive contracting in accordance with the provisions of N.J.S.A. 18A:18A-4.1 through N.J.S.A. 18A:18A-4.5. The board may award advertising contracts that are under the bid threshold in accordance with the provisions of N.J.S.A. 18A:18A-1 et seq. All contracts for advertising on school property must be approved by the board.

All bid specifications shall be in accordance with the provisions of N.J.S.A. 18A:18A-4 and all requests for proposals shall be in accordance with the provisions of N.J.S.A. 18A:18A-4.4 and shall be approved by the board prior to advertising for bids or providing a request for proposals to potential vendors.

The bid specifications or requests for proposals for advertising on school property will include detailed requirements regarding advertising opportunities on school property.

Limitations on the content of advertisements on school property shall be consistent with the limitation provisions of N.J.A.C. 6A:27-7.11 – Limitations on Content of Advertisement on School Buses. The board will not approve specifications or award an advertisement on school property contract if the advertisement or information contained in the advertisement:

- A. Is false, misleading, deceptive, disrespectful, fraudulent, or libelous;
- B. Contains material or language that is obscene, profane, vulgar, offensive, or reasonably determined not

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to be in good taste;

- C. Promotes unlawful or illegal goods, services, or activities;
- D. Promotes gambling, the sale or use of tobacco or tobacco-related products, or the sale or use of alcoholic beverages;
- E. Promotes the sale or use of products designed for use in connection with sexual activity;
- F. Depicts or glamorizes violent or antisocial behavior, or sexual conduct;
- G. Declares or implies an endorsement by the board of education; or
- H. Is political, religious, issue-related, controversial in nature, or not age appropriate.

The board of education will not allow any advertising on school property to become a public forum for dissemination, debate, or discussion of public issues. The Board has the authority to reject any and all bids or proposals for advertising on school property that it deems to be inappropriate or not in the best interest of the board of education, the school district, or pupils.

An advertiser will be considered an independent contractor and shall not be deemed to be an agent, servant, employee, or representative of the Board. In the event an advertiser fails to provide service in accordance with the bid specifications and contract for advertisements, the advertiser shall be considered in breach of contract. Cancellation of the advertisement and/or enforcement of advertiser's performance bond may result.

The board reserves the right, at its discretion and at any time, to reject any advertising copy, whether or not it has previously acknowledged and/or advertised the exact or similar copy. No advertising space may be used or re-sold by the advertiser for the promotion, either directly or indirectly, of any business, organization, or enterprise other than the one defined in the original contract for advertisement.

The advertiser will protect, defend, and hold harmless the board of education from any suits or actions of every nature and description brought against it by reason of the advertisement.

Adopted: February 21, 2013
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Key Words

Advertising on School Property, Limitation on School Bus Advertisements

Legal References:	<u>N.J.S.A.</u> 18A:39-31	Contract for sale of adverting space on school buses, use of revenue
	<u>N.J.A.C.</u> 6A:27-7.10	Contracting for advertisements on school buses
	<u>N.J.A.C.</u> 6A:27-7.11	Limitations on content of advertisements on school buses
	<u>N.J.A.C.</u> 6A:27-7.12	Reporting requirements for advertisements on school buses

Possible

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<u>Cross References:</u>	*3320	Purchasing Procedures
	*3326	Payment for goods and services
	*3327	Relations with vendors
	3541	Transportation

*Indicates policy is included in the Critical Policy Reference Manual.