

# POLICY

## BOARD OF EDUCATION DENVER

### FINANCES 6164 ADVERTISING ON SCHOOL BUSES

#### 6164 ADVERTISING ON SCHOOL BUSES

The Board of Education authorizes the sale of advertising space on the exterior of school buses that are owned or leased by the Board in accordance with the provisions of N.J.S.A. 18A:39-31 and N.J.A.C. 6A:27-7.10, 7.11, and 7.12.

The 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 placing advertisements on school buses.

All advertisements shall require the prior approval of the Board of Education. The 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 the 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 of Education 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 save harmless the Board of Education from any suits or actions of every nature and description brought against it by reason of the advertisement.

Fifty percent of the funds generated from the placement of advertisements on the outside of school buses shall be used to offset fuel costs associated with the provision of pupil transportation services and fifty percent shall be used to support any programs or services deemed appropriate by the Board.

The Board of Education will approve the specifications for advertisements on school buses that will include: advertisement material, including paint, decals, or magnetic material; approved advertisement colors; advertisement mounting procedures, if applicable; location of advertisements on school buses; advertisement size(s); duration of advertisement contracts; and any other specifications for advertisements the Board deems appropriate. All advertisements

shall be in accordance with New Jersey Motor Vehicle Commission (NJMVC) regulations and shall not prevent the school bus from passing the NJMVC required inspections for school buses.

In accordance with the provisions of N.J.A.C. 6A:27-7.11, the Board will not accept advertisements to be displayed or maintained on school buses if the advertisement or information contained in the advertisement:

1. Is false, misleading, deceptive, disrespectful, fraudulent, or libelous;
2. Contains material or language that is obscene, profane, vulgar, offensive, or reasonably determined not to be in good taste;
3. Promotes unlawful or illegal goods, services, or activities;
4. Promotes gambling, the sale or use of tobacco or tobacco-related products, or the sale or use of alcoholic beverages;
5. Promotes the sale or use of products designed for use in connection with sexual activity;
6. Depicts or glamorizes violent or antisocial behavior, or sexual conduct;
7. Resembles a traffic control device;
8. Declares or implies an endorsement by the Board of Education; or
9. Is political, religious, issue-related, controversial in nature, or not age appropriate.

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

A Board of Education that permits advertisements on school buses shall submit a report to the Commissioner of Education no later than June 30 each year. The report shall include the number of district-owned school buses upon which advertising has been placed, the length of time the advertisements have been on the school buses; and the total revenue earned by the school district as a result of the advertisements.

N.J.S.A. 18A:39-31

N.J.A.C. 6A:27-7.10; 6A:27-7.11; 6A:27-7.12

Adopted: October 22, 2012