

Palmyra Area School District

SECTION: FACILITIES, GROUNDS,
EQUIPMENT & SUPPLIES

TITLE: COMMERCIAL
ADVERTISING ON SCHOOL
DISTRICT PROPERTY

ADOPTED: December 7, 2000

REVISED: August 11, 2005
October 13, 2011

716. COMMERCIAL ADVERTISING ON SCHOOL DISTRICT PROPERTY	
1. Purpose	At the sole discretion of the Board of School Directors, the Palmyra Area School District shall permit business entities that have contributed to permanent improvements or property at one or more Palmyra Area School athletic facilities and which agree to abide by the policies and regulations of the School District to enter into advertising agreements on School District facilities in accordance with the terms of this Policy.
2. Definitions	None
3. Guidelines	<ol style="list-style-type: none">1. All requests for commercial advertisements to be displayed or published on School District property must be submitted to the Board of School Directors and approved by the School District.2. All proceeds from the sale of advertising shall be used for permanent improvements or property that contribute to the athletic, extracurricular or academic programs of the Palmyra Area School District.3. All advertising revenues shall be deposited into the General Fund of the School District. The Board may approve transfers to the Capital Reserve Fund to be held until such time as the expenditure for permanent improvements or property is made. The Board shall approve designation as Committed Fund Balance within the Capital Reserve Fund for the specific capital improvement or property acquisition.4. Mode of Advertising – This policy statement acknowledges that a wide variety of advertising media can be used. The list of media may include but not be limited to fences, billboards, posters, banners, score boards, publications, clothing, book bags, web pages, and promotional items of a disposable nature (i.e. pens, water bottles).

5. Access to School District property for the purpose of commercial advertising under this Policy shall be limited and reserved, subject to the following:
- a. Access to School District property for the purposes of advertising shall be limited to commercial businesses approved pursuant to this Policy.
 - b. The content of all commercial advertising to be published or displayed on permanent or semi-permanent fixtures or structures belonging to or located on School District property shall be approved by the Board of School Directors.
 - c. The content of all commercial advertising shall be subject to approval by the School District as permitted by Paragraph 4 of this Policy.
 - d. Any signs permitted under this Policy shall be placed only at locations approved by the School District.
 - e. Advertising will not be displayed inside school buildings in areas where students in class may view the advertisement, or in any other area that may be disruptive to student learning. The School District may limit the total number and size of signs that may be erected at any one time, so as to minimize distractions for athletes and spectators who use the facility. The School District may impose design restrictions.
 - f. The School District is not responsible for any costs and expenses associated with the procurement, erection, maintenance and removal of the sign(s). It shall be the sole and exclusive responsibility of the business entity or the organization engaging in the sale of advertising. In the event that the School District becomes aware of a sign requiring repair or removal, the School District shall notify the business entity or the organization engaging in the sale of advertising. The applicable entity must repair or remove the sign within 72 hours of notification. If the applicable entity does not repair or remove the sign as required, the School District will remove the sign and the business entity shall be responsible to pay the cost of such removal.
 - g. The School District may limit the period of time during the year when advertising signs may be posted. The School District will assist with storage of temporary signs.
 - h. The business entity shall comply with all applicable zoning regulations. Any sign that is determined by the applicable zoning officer to be in violation of the applicable zoning ordinance shall not be permitted and, if erected, shall be removed by the business entity at its costs.
 - i. The presence of advertising signs shall not be construed as an endorsement by the School District of the business entity.

- j. The business entity shall agree to indemnify and hold the School District harmless from any and all claims, damages or causes of actions of any kind, including those that may involve the negligence of the School District, that may arise from the placement, maintenance and removal of the sign.
 - k. To further the purposes of the Policy, the School District shall utilize an appropriate sponsorship agreement with organizations, which shall be developed by the School District's solicitor. The term of the contract shall correspond with the useful life of the donated property with provision for renewal.
 - l. The organization engaging in the procurement of the sponsorship agreement shall have the responsibility to ensure compliance with the terms of the agreement and the provisions of this policy.
6. Sponsorship and advertising activities may include exclusive advertising and/or sale, lease or use of any product or service in exchange for good, services, or financial consideration (e.g. scoreboards, electronic message boards, athletic gear, exclusive rights to sell beverages, bottled water, snacks, meals, etc).
7. The School District reserves the right to screen and exclude commercial advertisements that involve subject matter deemed sensitive and inappropriate in the public school context. The School District may exclude advertisements that disrupt or are inconsistent with the School District's educational mission, or advertisements that generate controversy, abuse, the appearance of favoritism or endorsement, or the risk of imposing upon a captive audience.

First Amendment/Free Speech

To the extent that the School District permits commercial advertising on District property but excludes specific advertisements based on topic or content, the School District is likely to be deemed to have established a nonpublic forum for expression that is open for a limited purpose. The United States Supreme Court has labeled this type of forum as a "limited public forum." According to relevant case law, the School District can impose restrictions on the type of speech expressed in this limited public forum without violating the First Amendment's right of free speech, provided that such restrictions are viewpoint neutral (e.g., the restrictions are based on the general topic and content of the advertisement rather than on the speaker's particular viewpoint) and are reasonable in light of the purpose served by the forum (to avoid disruption, controversy, violation of Establishment Clause, etc., in a public school context).