COMMUNICATIONS SERVICES

Commercial Advertising

In order to ensure that individual schools and departments do not conflict with Divisionwide plans to raise supplemental revenues through approved fund-raising activities, including commercial advertising, and to further ensure that commercial advertising practices throughout Prince William County Public Schools (PWCS) are uniform, equitable, and limited to approved school purposes, the following requirements are established:

I. Definition of Commercial Advertising

This regulation applies to all commercial advertising in any way connected with PWCS, or with any PWCS schools, departments, facilities, programs, teams, extracurricular, or school-sponsored activities, whereby PWCS venues are leased for such advertising purposes in exchange for the provision of funds, goods, or services to PWCS. The distribution of all other written or electronic communications in school venues is subject to the procedures set forth in Regulation 925-1, “Distribution of Communications from Outside Sources.”

II. Prior Approval

All advertising in any way connected with PWCS or any PWCS schools, departments, facilities, programs, teams, extracurricular, or school-sponsored activities requires prior approval by PWCS to determine compliance with the requirements set forth in this regulation, and, in the case of any advertising on school or department websites or the PWCS network, compliance with the requirements set forth in Regulations 295-1, “Computer Systems and Network Services – PWCS Responsible Use and Internet Safety Policy” and 295-2, “Website Development and Implementation.”

Approval of revenues paid or owed by any advertiser go as follows:

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<tbody>
<tr>
<td>Superintendent</td>
<td>$200,000 +</td>
</tr>
<tr>
<td>Associate Superintendent for Communications and Technology Services</td>
<td>$15,000–$200,000</td>
</tr>
<tr>
<td>Principal</td>
<td>$15,000 and below</td>
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<tr>
<td>Non-Principal Designee</td>
<td>$5,000 and below</td>
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III. Commercial Advertising Leasing Agreement

All commercial advertisers must lease a designated venue for the display of a pre-approved advertisement where advertising or paid revenues due to the school from that advertiser will reach or exceed $5,000 for any school year or any multi-year agreement. Leases are not required where the person or other entity placing the advertisement is not so
obligated for amounts above $5,000. However, such advertising is subject to all other provisions of this regulation, and must be approved by the school principal, or designee.

Advertising agreements which generate revenues for any school year or any multi-year term not exceeding $15,000 shall be approved by the school principal, using the PWCS Commercial Advertising Leasing Agreement, which is Attachment A to this regulation. PWCS will not recognize any other lease/contract for such agreements.

All commercial advertising leases which exceed $15,000 for any school year or for any multi-year agreement shall be on a form provided by the Associate Superintendent for Communications and Technology Services, or designee, and must be approved as set forth in Section II of this regulation. A copy of all signed PWCS Commercial Advertising Leasing Agreements which do not exceed $15,000 must be maintained by the principal or department head approving the advertising, and a copy of all Commercial Advertising Lease Agreements for which revenues owed or paid PWCS exceed $15,000 for any school year or any multi-year term shall also be provided to, and maintained by, the Associate Superintendent for Communications and Technology Services, or designee.

IV. Revenues Used Only for Approved School Purposes

All revenues produced by commercial advertising connected with PWCS or any PWCS school, department, program, team, or extracurricular activity shall be used only for approved school purposes and only as supplemental funds, rather than as a means for supplanting funds appropriated for the standard educational program. Such revenues shall be the property of PWCS and shall be treated as Student Activity Funds under Regulation 341-1, “Guidelines for School Fund-Raising Activities,” unless generated by an approved booster club or other approved parent organization to which PWCS has granted limited rights to commercial advertising under Regulation 951-2, “Booster Clubs and Other Approved Parent Organizations.” No advertising shall be approved where revenues generated are not used for legitimate school purposes.

V. Exclusive Advertising and/or Marketing Rights

Exclusive advertising (any agreement whereby an individual, business or other entity is granted the exclusive right to lease a school venue to advertise a product or service) may not be granted to any entity. Marketing rights (any agreement by which an advertiser is granted the right to market his or her product in PWCS, on school property, to PWCS students or staff, or during PWCS sponsored activities) may also not be granted. Exclusive advertising agreements and agreements granting marketing rights are reserved for the consideration and approval of the School Board.
VI. Naming Rights

Naming rights for any PWCS school, department, program, facility, property, or improvement/addition thereto, may not be granted to any advertiser, donor, partner, sponsor, or other entity, except as provided in Policy 854, “Naming of School Facilities,” and Regulations 854-1, “Naming of School Facilities and Buildings,” and 854-2, “Naming of School Facility Components.”

VII. Prior Approval for Improvements or Additions to School Property and Athletic Facilities

Funds raised through advertising, either directly by PWCS schools, departments, or programs, or indirectly, through booster clubs and/or other parent organizations, or school foundations, sponsors, partners, or donors, may not be used for any improvement or addition to school buildings, facilities, fields, or other school property without the prior approval of the director of Facilities Services. Improvements or additions to athletic facilities, fields, or other PWCS property used for athletic or other extracurricular activities, whose total value exceeds $15,000 must also have the approval of the director of Student Learning, or designee, to assure compliance with Title IX.

VIII. PWCS and SPARK, the Education Foundation for PWCS Sponsors, Partners, and Donors

Advertising approved by the PWCS Office of Business and Community Engagement (for PWCS) or SPARK sponsors, partners, or donors shall be exempt from Sections I - III of this regulation.

IX. Permissible Subjects of Advertising Messages

Commercial advertising is not intended to open any PWCS school, school property or facility, school-sponsored publication, school-related activity or program, the PWCS internet or any PWCS website, or any other school venue, as a public forum for expressive activity. Nor is it the intent of PWCS to create a venue or forum for the expression of political, religious, or controversial subjects which are inconsistent with the educational mission of the School Division, or which could be perceived as bearing the imprimatur of PWCS.

It is the intent of PWCS to permit commercial advertising for the sole purpose of generating supplemental revenues through the promotion of the advertiser’s commercial goods and services to the school community and/or through the advertiser’s publicized support of PWCS students, schools, and programs. Thus, all commercial advertising, regardless of speaker or venue, is restricted to such subject matter.
All commercial advertising, regardless of venue, shall include only the name, phone number, and address (including website addresses) of the advertiser (or other identifying information, such as the advertiser’s logo), and a message which is limited to the promotion of the advertiser’s commercial goods or services and/or the advertiser’s support of PWCS students, schools, and programs.

Any advertising message which exceeds the permissible subject matter designated above, or is plainly offensive, lewd, vulgar, obscene, or otherwise inconsistent with the curricula or educational mission of PWCS, is prohibited. All messages shall be approved under the guidelines set forth in this regulation before publication. PWCS retains the right to cancel and remove any advertising which violates this regulation, or any other applicable PWCS policy, regulation, or curricula. The advertiser may appeal the cancellation and removal of advertising by the Associate Superintendent for Communications and Technology Services, or designee.

X. Permissible Advertisers

Advertisers are limited to the following groups, whose sole message is the promotion/sale of commercial goods and services to the school community, and/or to publicize their support of PWCS schools, students, and programs:

A. PWCS partners, sponsors, and donors approved by the PWCS Office of Community and Business Engagement through formal agreements.

B. Partners, sponsors, and donors of SPARK, as approved by the PWCS Office of Community and Business Engagement.

C. Businesses whose goods or services are:
   1. Not illegal if possessed by or sold to a minor (i.e., alcohol, tobacco, etc.);
   2. Not prohibited by the PWCS “Code of Behavior” nor inconsistent with the curriculum or educational mission of the Division; or
   3. Are not otherwise inappropriate for a school community audience.

However, businesses which sell alcoholic beverages, tobacco, or other products or services which are unacceptable for student use, incidental to the sale or delivery of other non-objectionable products or services, may advertise if the advertising does not feature the objectionable product or service (i.e., restaurants which sell alcohol incidental to the sale of food products).

D. Community and civic organizations.
E. Faith-based organizations and churches, provided, however, that such advertising is confined to the promotion of PWCS schools, students, and programs, and does not contain messages of a religious nature.

F. Individuals, parents, guardians, family members, and friends of PWCS students whose sole message is the promotion of PWCS students, teams, activities, or schools.

G. Individuals who are duly elected or appointed public officials, or candidates for political office, provided however, that such advertising is confined to the promotion of PWCS schools, students, and programs and contains no political message. Such advertising may not include any reference to an individual’s political campaign or fundraising activities. Consistent with Va. Code § 22.1-79.3, such advertising may not contain a reference to an individual’s candidacy, political campaign, the election or defeat of any candidate for public office, the passage or defeat of any referendum question, or a matter pending before the School Board, the Prince William Board of County Supervisors, the General Assembly of Virginia, or the Congress of the United States.

H. Student clubs and groups shall only be permitted to advertise in those venues listed in Regulations 646-1, “School Sponsored Curriculum – Related Student Clubs, Teams, and Organizations,” and 646-2, “Equal Access – Public Secondary Schools.”

XI. Permissible Advertising Venues

A. Athletic and Other Extracurricular Venues
Commercial advertising which otherwise complies with the requirements of this regulation shall be permitted in publications traditionally associated with athletic and other extracurricular activities (i.e., athletic programs, bulletins, schedules, playbills, etc.), and in school buildings, on school properties, or at off-site locations while being used for school-sponsored athletic and extracurricular activities (i.e., banners, signage, scoreboards, etc.), subject to prior approval.

B. School-Sponsored Publications
Commercial advertising which otherwise complies with the requirements of this regulation shall be permitted in school-sponsored online or print publications (such as yearbooks, student newspapers and magazines, programs, bulletins, etc.), subject to prior approval.

C. School Buildings and School Property
Advertising on or in school buildings or other school facilities, or on other school
property which is not associated with athletic or extracurricular activities, and which advertising otherwise complies with this regulation, is permitted, subject to prior approval.

D. **PWCS Internet and Websites**
Commercial advertising utilizing the PWCS network and/or any PWCS website, including any school, departmental, or program website or page, shall be permitted only as set forth in this regulation and Regulations 295-1, “Computer Systems and Network Services – PWCS Responsible Use and Internet Safety Policy” and 295-2, “Website Development and Implementation.” All such commercial advertising and linkages must bear the external link disclaimer language (these materials are neither sponsored nor endorsed by PWCS) set forth in Regulation 295-2 and may not occupy any venue reserved for SPARK.

E. **Prohibited Venues**
Commercial advertising is strictly prohibited on school buses at any time and on public announcement systems during instructional time.

F. **Distribution of Commercial Messages**
Distribution of commercial messages to students and staff is also subject to Regulation 925-1, “Distribution of Materials and Communications in the Schools by Outside Sources.”

G. **Advertising During Instructional Time**
Advertising which is disruptive or is likely to result in disruption to the education of students or the operation of the School Division, or which in any way conflicts with the Division’s curricula or educational mission, is also prohibited and may be immediately discontinued at the direction of the Division Superintendent or designee.

XII. **Advertising by Booster Clubs and Other Approved Parent Organizations**
Booster clubs and other approved parent organizations have been granted the right to limited use of certain PWCS facilities and venues for commercial advertising, the sole purpose of which is raising funds to support PWCS schools, school-sponsored programs, teams, and/or other extracurricular activities. Advertising by such groups is subject to the guidelines and restrictions set forth in this regulation and Regulation 951-2, “Booster Clubs and Other Approved Parent Groups.”

The Associate Superintendent for Communications and Technology Services (or designee) is responsible for implementing and monitoring this regulation.

This regulation and related policy shall be reviewed at least every five years and revised as needed.
COMMERCIAL ADVERTISING LEASE AGREEMENT

This Lease Agreement between (Name of PWCS School) ________________________________ (hereinafter referred to as “PWCS”) and (Name of Lessee/Advertiser) ________________________________ (hereinafter referred to as Lessee/Advertiser”) becomes effective on the date the Lease Agreement is signed by both parties.

For and in consideration of the monetary amounts set forth herein, PWCS will lease to Lessee/Advertiser the venue(s) described herein which shall be used solely for the display of an advertising message which complies with the requirements of PWCS Regulation 923-1, “Commercial Advertising” and other applicable School Board policies or regulations, as determined by PWCS.

I. Leased Venue: (list exact location and placement of advertising message(s)) __________

II. Term/Duration of Lease: This Lease Agreement shall terminate at the end (June 30th) of the __________ school year.

III. Consideration: Lessee/Advertiser shall pay the amount of $__________ at or by the time of signing to lease the stipulated venue which may be used solely for display of the advertisement(s) which is/are the subject of this Lease Agreement. Failure of Lessee/Advertiser to timely pay such consideration shall result in the cancellation of this Lease Agreement and immediate removal of the advertisement(s).

IV. Content/Design of Advertising Message: A copy of the message and description/design layout of any sign, banner, insert, circular, or other display of said message which shall be located in the leased venue shall be attached and incorporated into this Lease Agreement. Such description, which shall include the colors, logo, lettering, full message, and dimensions, must be provided, approved, and initialed by PWCS prior to entering into this Lease Agreement. The subject of such advertising must comply with the Requirements of PWCS Regulation 923-1.

If the designated and approved advertisement is to be placed upon any PWCS website or internet location, it must comply fully with Regulations 295-1, “Computer Systems and Network Services – PWCS Responsible Use and Internet Safety Policy,” and 295-2, “Website Development and Implementation,” and include all disclaimers required by those regulations.
V. School Board Policies and Regulations: Lessee agrees to abide by all applicable School Board policies and regulations and agrees that PWCS reserves the right to determine whether Lessee/Advertiser is, and/or remains in, compliance with the same.

VI. Right to Suspend or Cancel Lease and Remove Advertisement: PWCS shall have the right, at any time and without prior notice, to suspend or cancel this Lease Agreement and immediately remove any advertisement from PWCS venues, should, in the sole judgment of PWCS:

(a) Lessee/Advertiser violates applicable School Board policies and regulations;
(b) The content or design of the advertisement varies from the content or design previously approved by PWCS;
(c) Sufficient cause exists, as determined by PWCS, that the advertisement may cause disruption to the operation of PWCS or any of its programs, or may generate controversy which is inappropriate to a school audience or inconsistent with the curricula and educational mission of PWCS; or
(d) Sufficient cause exists, as determined by PWCS, to suspend or cancel this Agreement when the individual, corporation, foundation, association, or entity entering into this Lease Agreement, or any principal, agent, or employee thereof, is charged with a felony or a crime of moral turpitude, or has participated in any other disreputable behavior which would have a negative reflection or would bring discredit upon PWCS, its students, or staff.

Any decision by the school principal to suspend or cancel this Lease Agreement and/or to remove advertising may be appealed to the appropriate Associate Superintendent.

VII. Use of PWCS Name, Logo, and/or Mascot: Lessee/Advertiser shall have the right to use the name, mascot, and logo of PWCS, or a PWCS school, department, team, program, club, or other extracurricular activity in the content of the advertisement which is the subject of this Lease Agreement, during the term of the Lease Agreement only, and as approved by PWCS. However, Lessee/Advertiser shall not manufacture, promote, or sell any merchandise, goods, or services which bear the name of PWCS, or any PWCS school, department, team, program, club, or other extracurricular activity, or which bear the logo, mascot, or other identifying information unique to PWCS or to any PWCS school, department, team, program, club, or other extracurricular activity. Nor shall Lessee/Advertiser promote the sale of any merchandise, goods, or services in any manner which suggests that Lessee/Advertiser or Lessee/Advertiser’s merchandise, goods, or services are approved or endorsed by PWCS or any PWCS school, department, team, program, club, or other extracurricular activity.
VIII. Cancellation of Events: In the event that any regularly scheduled event organized by PWCS does not take place for any reason, this Lease Agreement shall remain in full force and effect.

IX. Condition of Leased Venue: Lessee/Advertiser agrees to leave the leased venue in the same condition as when the venue was first leased, normal wear and tear excepted.

X. Miscellany:

(a) No Joint Venture: This Agreement shall not be deemed to create a joint venture, partnership, principal-agent, employer-employee, or similar relationship between PWCS and Advertiser.

(b) Invalidity: The determination that any provision of this Lease Agreement is invalid or unenforceable shall not invalidate this Lease Agreement, which shall then be construed and performed in all respects as if such invalid or unenforceable provision(s) were omitted.

(c) Governing Law: This Lease Agreement is subject to and shall be construed in accordance with the laws of the Commonwealth of Virginia. Both parties agree that jurisdiction shall lie only in the state and federal courts located in Virginia.

(d) Non-Assignment: This Lease Agreement may not be assigned to any other party, including any successor-in-interest to Lessee/Advertiser.

(e) Complete Agreement: This Lease Agreement represents the entire agreement between the parties and supersedes all other agreements, express or implied, whether written or oral.

Lessee/Advertiser:                     Lessor:

__________________________________________________________________________
[Name of Business or Entity]                    PRINCE WILLIAM COUNTY
                                                       PUBLIC SCHOOLS

By: ________________________________               By: ________________________________
Name: ________________________________             Name: ________________________________
Title: ________________________________            Principal of: ________________________________
                                            [Insert School Name]