

## ADVERTISING

**FILE: KHB**

**TITLE: Advertising**

**POLICY:**

- (1) Property owned or operated by The School Board of Orange County, Florida ("Board Property") shall not be used for advertising or otherwise promoting the interests of any commercial, religious, political, or other non-district agency or organization except by contractual agreement for "Advertising" as defined in this policy.
- (2) For purposes of this policy, "Advertising" shall mean an oral, visual, written, electronic, or graphic statement made by the producer, manufacturer, or seller of products, equipment, services, or ideas which is intended to compel the public to buy, use, or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos, or tags for product or service identification purposes are not considered advertising. The following are exceptions:
  - (a) A principal or work location supervisor may permit advertising on Board Property to cooperate with other governmental agencies in promoting activities in the general public's interest, or may cooperate in furthering the work of any nonprofit organization or communitywide social service agency, provided that such cooperation does not restrict or interfere with the educational program of the school or the operation of Board Property.
  - (b) A principal or work location supervisor may authorize the placement of the name of an individual, family, or entity, the brand name, or the logo of a third party donor of an item of equipment (such as a scoreboard or an auditorium light board) on that item of equipment to recognize the donor; provided the value of such donation does not exceed \$25,000.00. For donations by a third party that exceed \$25,000.00 in value, notification of the donation shall be provided by the principal or Board Property supervisor to the Marketing and Events Department.
  - (c) To raise revenue for support of interscholastic athletics, performing arts, and other programs and activities at the middle and high school level, special programs and activities at the elementary level, and other programs run by The School Board of Orange County, Florida ("Board"), the sale of display advertising in or on Board Property to third parties is permitted subject to the following procedure:
    - (i) Display Advertising Agreements.
      1. All third parties ("Third Party Advertisers") wishing to effect short-term display advertising on Board Property, real property, or a district asset shall enter into a written agreement ("Display Advertising Agreement") with Board to secure the advertisement rights and address all other necessary terms, as determined by the Board;. Such Display Advertising

Agreement shall be provided through and assisted by the Marketing and Events Department.

(ii) Naming Rights Agreements.

1. All Third Party Advertisers wishing to secure naming rights on Board Property affixed to a permanent structure shall enter into a written agreement (“Naming Rights Agreement”) with the Board to include the scope of the facility naming rights, applicable or appropriate display advertising, provisions governing the installation and maintenance of the displays, and all other necessary terms as determined by the Board. Such Naming Rights Agreement shall be negotiated by the Superintendent or designee in conjunction with the Office of Legal Services.
2. All Naming Rights Agreements shall be for a minimum term of five (5) years.
3. Compensation to the Board may be based on a set fee, commission, percentage, or other financial arrangement in the best interest of the Board. All net compensation received by the Board pursuant to this policy, shall be distributed as follows: seventy-five percent (75%) to the school or other Board Property where such advertisement is located and twenty-five percent (25%) to the Board’s general fund. The twenty-five percent (25%) distribution to the Board’s general fund shall apply only to the first \$200,000.00 raised through a Naming Rights Agreement in any campaign. Notwithstanding the foregoing, for purposes of this policy, in-kind services or the value of merchandise received by a school or other Board Property as part of a Naming Rights Agreement shall not be included in the net compensation distribution.

(d) All display advertisement shall comply with applicable ordinances, rules, regulations, and standards promulgated by the Board. Third Party Advertisers shall submit all plans and material specifications for permanent structural improvements to the Board for review and approval prior to installation, and if necessary, to all applicable local jurisdictions.

(e) Only licensed professionals approved by the Board will be permitted to oversee the planning, designing, and construction modifications of Board Property.

(3) Non-district educational materials, films, and videos. Advertising through non-district educational materials, films, and videos may be distributed as follows:

(a) The primary aim of the materials shall be to fulfill a legitimate purpose of the school curriculum or a legitimate school need. The material must not violate the ideals of the Board.

- (b) The advertising elements should be secondary and comprise no more than twenty-five percent (25%) of the materials, films, and videos. Films and videos may be used that bear only simple mention of the producing firm at the open or close of the film or video.
  - (c) All such materials, films, and videos shall be approved in advance by the principal for use in the school and classroom.
- (4) Demonstrations of Educational Materials and Equipment. Demonstrations of educational materials and equipment shall be permitted only with the approval and arrangement by the principal or work location supervisor.
- (5) Commercial Presentations. Commercial presentations made to employees shall be permitted only before or after duty hours and with the written approval and arrangement by the principal or work location supervisor. No employee shall be required to attend any such meeting.
- (6) Advertising Guidelines. The following guidelines shall be followed with respect to any form of advertising on Board Property:
  - (a) All commercial or corporate involvement should be consistent with the Board's educational standards and goals.
  - (b) No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, movies rated stronger than PG-13, or gambling aids.
  - (c) No advertisement shall promote any specific religion or religious, ethnic, or racial group and shall be non-proselytizing; provided, however, religious groups leasing Board Property shall be permitted to advertise the dates and times such groups hold events on Board Property.
  - (d) Advertisements containing a campaign or other political message supporting or opposing a political candidate for public office, a political platform, or a political issue are prohibited. Consistent with this prohibition, no organization or political candidate may sponsor an advertisement (including public service announcement) if the name of that organization or candidate indicates, reflects, or in any way suggests its political message or candidacy.
  - (e) No advertisement may contain libelous material.
  - (f) No advertisement may be approved which would tend to create a substantial disruption in the school or work environment or inhibit the functioning of any school or facility.
  - (g) No advertisement shall include content from which state law permits students or parents to "opt out" if that content were to be presented in a classroom curriculum context, or on school campus.

- (h) No advertisement shall be false, misleading, or deceptive.
- (i) Each advertisement must be reviewed in advance for age appropriateness. The Superintendent or designee shall screen all advertising and may prohibit the same at his/her discretion.
- (j) Advertisements may be rejected if determined to be inconsistent with the educational objectives of the Board, if inappropriate, or if inconsistent with the guidelines set forth in this policy.
- (k) The Superintendent or designee may require that samples of advertising be made available for inspection.
- (l) The inclusion of advertisements in Board-promulgated publications, online advertising, web applications, and in or on Board Property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.

**SPECIFIC AUTHORITY:** Sections 1001.41; 1001.42; 1001.43;  
1001.49; 1001.51, Florida Statutes

**TITLE:** Online Advertising

**POLICY:**

- (1) Online advertising shall be allowed on the [www.ocps.net](http://www.ocps.net) website, web application sites, and any of the individual school websites.
  - (a) Types of advertising that will be permissible are:
    - (i) Medium Rectangle
    - (ii) Leaderboard
    - (iii) Web-page sponsorships
  - (b) All website advertisements must be approved by the Superintendent or designee.
  - (c) Advertising subject matter, form, size, wording, illustration, and typography shall be subject to the approval of the Superintendent or designee and the Orange County Public Schools (“OCPS”) Marketing and Events Department. OCPS shall have the right to reject or omit any advertisement which, in its sole discretion, it considers unsuitable for any reason or contrary to the policies of the School Board of Orange County, Florida (“Board”).
  - (d) The Board reserves the right to cancel any contract with third parties at any time upon default by the third party in either payment of bills or unsuitable subject matter. All links from [www.ocps.net](http://www.ocps.net) webpages to third party websites are also cause for cancellation by the Superintendent or designee, and the OCPS Marketing and Events Department, if it is determined that the contents

of the website are considered unsuitable for any reason or contrary to the policies of the Board.

- (2) Online advertising shall be permitted to use as a revenue generating resource. The online advertising will be limited to four ads per page.
  - (a) Online advertising can only be sold through OCPS Marketing and Events Department.
  - (b) The Board will execute a "Display Advertising Agreement" with third-parties, including pricing that is subject to change.
  - (c) Revenues acquired from website advertising will be deposited into the Orange County Public Schools ("OCPS") general fund.
  - (d) Sixty percent (60%) of school website revenues will be allocated for distribution and paid semi-annually to schools that host advertising on their websites.
- (3) The standards contained in this policy, and any other applicable Board policies, shall apply to all online advertisements that involve OCPS, including, but not limited to, advertisements procured by third party advertisers.
- (4) Third party advertisements shall not collect or share any confidential student information, including tracking student online behaviors. Student information includes any information protected under the Family Educational Rights and Privacy Act ("FERPA") and/or the Children's Online Privacy Protection Act ("COPPA").

**SPECIFIC AUTHORITY:**

Sections 1001.41; 1001.42; 1001.43; 1001.49; 1001.51, Florida Statutes

15 U.S.C. §§ 6501-6508; 16 CFR Part 312

ADOPTED: 8/25/09

REVISED: 4/23/13; 9/26/17