

Policy

ADVERTISEMENTS ON SCHOOL BUSES

The Bordentown Board of Education may enter into a contract for the sale of advertising space on the exterior sides of school buses owned or leased by the district. All advertisements shall require prior board approval and shall comply with the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq.

Limitations on Content of Advertisements

The board shall not allow any of its school buses to become a public forum for dissemination, debate, or discussion of public issues and shall not accept advertisements to be displayed or maintained on school buses owned or leased by the district if the advertisement or information contained in the advertisements:

- A. Is false, misleading, deceptive, disrespectful, fraudulent or libelous;
- B. Contains material or language that is obscene, profane, vulgar, offensive, or reasonably determined not 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. Resembles a traffic control device;
- H. Declares or implies an endorsement by the board of education; or
- I. Is political, religious, issues-related, controversial in nature, or not age appropriate.

The board of education 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, school district or pupils and reserves the right, at its absolute 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.

Funds generated from the placement of advertisements on the outside of school buses owned or leased by a board of education are limited to the following uses:

- A. Fifty percent of the revenue shall be used to offset fuel costs associated with the provision of pupil transportation services; and
- B. Fifty percent of the revenue shall be used to support any programs or services deemed appropriate by the board of education.

Advertiser Responsibilities

The advertiser will be considered an independent contractor and shall not be deemed to be an agent, servant, employee, or representative of the board of education.

ADVERTISEMENTS ON SCHOOL BUSES (continued)

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.

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.

Reporting Requirements

The board of education shall submit a report to the Commissioner of Education no later than June 30th each year in which advertisements on school buses are permitted in the district. That report shall include the following information:

- A. The number of district-owned school buses upon which advertising has been placed;
- B. The length of time the advertisements have been on the school buses; and
- C. The total revenue earned by the school district as a result of the advertisements.

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Key Words

Advertising on School Buses, Limitation on School Bus Advertisements

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:39-31	Contract for sale of advertng 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

<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.