

Office of the Superintendent of Schools
Board Meeting of April 18, 2006

April 4, 2006

Ofelia San Pedro, Deputy Superintendent
Business Operations

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD RULE:
INITIAL READING 6Gx13- 3E-1.103, ADVERTISING AND PUBLIC
SERVICE ANNOUNCEMENTS ON SCHOOL BUSES**

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

At the direction of the School Board, the Superintendent of Schools initiated rulemaking procedures to promulgate a new rule to establish procedures for approving all advertising materials, advertising content and manner of presentation of public service announcements and commercial advertising on the interior of school buses. At the Innovation, Efficiency and Governmental Relations Committee meeting of October 14, 2005, members of the committee recommended certain changes to the proposed rule. The committee also requested that the School Board Attorney's office review the recommended changes to the rule. Subsequently, the proposed rule scheduled for Final Reading at the October 19, 2005 School Board meeting was withdrawn from the agenda. These changes are reflected in Section II, D. 4., "Food products that are prohibited from being sold to students on school campuses by either Board Rule or policy shall not be advertised on school buses." Accordingly, the recommended changes have been incorporated into the rule and are being presented for the Board's consideration.

Advertising on the interior of school buses is intended to generate revenue to the district while maintaining complete control over the content of advertisements and announcements and to ensure consistency with all applicable laws, policies, and School Board Rules.

Attached are the Notice of Intended Action and the proposed new rule.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administration Procedures Act for the promulgation of new School Board Rule 6Gx13- 3E-1.103, Advertising and Public Service Announcements on School Buses.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new School Board Rule 6Gx13- 3E-1.103, Advertising and Public Service Announcements on School Buses.

**Revised 2
E-203**

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 18, 2006, its intention to promulgate new School Board Rule 6Gx13- 3E-1.103, Advertising and Public Service Announcements on School Buses, at its meeting of June 14, 2006.

PURPOSE AND EFFECT: To establish procedures for approving all content materials, and procedures related to advertising and public service announcements on the interior of school buses.

SUMMARY: Advertising on the interior of school buses is intended to generate revenue to the district while maintaining complete control over the content of advertisements and announcements and to ensure consistency with all applicable laws, policies, and School Board Rules.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42 (22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1006.21; 1006.22 F.S.

IF REQUESTED A HEARING WILL BE HELD DURING THE BOARD MEETING of June 14, 2006 which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541 (1) F.S., must do in writing by May 15, 2006 to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Robert B. Ingram
Date: April 4, 2006

Added

REVISED²
E-203

Non-Instructional Operations**ADVERTISING AND PUBLIC SERVICE ANNOUNCEMENTS ON SCHOOL BUSES****I. General Statement of Policy**

Miami-Dade County Public Schools (M-DCPS) provides quality transportation services for its students, in accordance with state law and School Board rules. For the purpose of raising additional revenue that will be used to support transportation and other M-DCPS programs, the School Board permits paid advertising and public service announcements, consistent with the requirements of this Rule, to appear on the interior of its school buses. By allowing these advertisements and announcements, the School Board does not intend to open, and specifically does not open, any forum for speech. The School Board maintains complete control, as delineated in this Rule, over the content of the advertisements and announcements to be placed within the buses, and may reject proposed advertisements or announcements that it deems to be inconsistent with any applicable laws or School Board rules, or with the mission of Miami-Dade County Public Schools or the purposes of advertising in school buses. The specific purposes of this Rule, and the advertisements that it permits, are to generate additional revenue for M-DCPS, and to provide public service announcements to M-DCPS students at no cost to the School Board, while recognizing and attempting to minimize the potential for imposition upon the impressionable bus-riding audience. Appearance of an advertisement on the interior of a Miami-Dade County Schools bus does not constitute endorsement of the advertiser or the advertisement by Miami-Dade County Public Schools.

II. Approval of Proposed Advertisements

- A. Pursuant to contract with the School Board, the selected approved vendor shall be responsible for installing, repairing, and maintaining display advertisements ("displays") on the interior of the Board's buses.
- B. Prior to installation, all displays shall be approved by a committee appointed by the Superintendent, with representatives as follows: Media Relations Specialist, Elementary School Principal, Middle School Principal, Senior High School Principal, Administrative Director, Department of Transportation, Administrative Director, Department of Food & Nutrition, School Operations Liaison, President (PTA/PTSA), and a designee from the Superintendent's Office.

- C. In order for any proposed display to be eligible for Committee review, the proposal must be accompanied by a verification, consistent with the requirements of §92.525 Fla. Stats., signed by the principal officer of the advertiser, and the principal officer of the advertising agency submitting the proposal, confirming that the officer has read this Board Rule and that the proposed display conforms to this Board Rule in its entirety.
- D. In determining whether to approve a proposed display, the Committee shall be bound by the following requirements, which shall be uniformly applied to all proposed displays, and shall reject any advertisements that do not comply with all below-listed requirements or are not consistent with the mission of Miami-Dade County Public Schools and the purposes of advertising in school buses:
1. All displays shall be consistent with applicable law and with the policies set forth in this and other School Board Rules, including but not limited to School Board Rule 6Gx13-1A-1.16, *Materials – Distribution Through Students*; School Board Rule 6Gx13-1A-1.161, *Materials Distribution – Through Students*; School Board Rule 6Gx13-1A-1.10, *Publications, Radio and Television*; School Board Rule 6Gx13-1A-1.06, *Student Publications*; School Board Rule 6Gx13-1C-1.05, *Free Materials – Acceptance*; School Board Rule 6Gx13-1C-1.06, *Politics – Participation of Staff*, and School Board Rule 6Gx13-1D-1.01, *School Facilities – Availability to Qualified Community Organizations and Commercial Enterprises*.
 2. At all times, the Committee shall consider the wide range of ages of students who use M-DCPS transportation, and shall reject proposed displays that are not appropriate for all age levels. Displays containing or promoting nudity, obscenity, vulgarity, sexual content, or violence are prohibited.
 3. Displays advertising entertainment products (movies, video games, music, television programs, etc.), must be appropriate for all ages. The Committee shall consider established industry ratings guidelines (such as movie ratings, electronic game ratings, etc.) in determining whether to accept a proposed display.

4. All displays advertising or promoting food products must be consistent with the guidelines of the District's Healthy School Environment Initiative, the Federal Child Nutrition Rules and Regulations, and the United States Department of Agriculture Dietary Guidelines for Healthy Americans. Food products that are prohibited from being sold to students on school campuses by either Board Rule or policy shall not be advertised on school buses.
5. Displays 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 a display (including a public service announcement) if the name of that organization or candidate indicates, reflects, or in any way suggests its political message or candidacy.
6. Displays indirectly or directly promoting products or establishments that school-aged children are legally prohibited from using or patronizing (such as alcoholic beverages, tobacco products, games of chance, and casinos) are prohibited.
7. Religious or sectarian displays are prohibited.
8. No display shall include content from which Florida statutes permit students or parents to "opt out" if that content were to be presented in a classroom curriculum context, or on school campus.] Revised

Specific Authority: 1001.41(1) (2); 1001.42 (22); 1001.43 (10) F.S.
Law Implemented, Interpreted, or Made Specific; 1006.21; 1006.22 F.S.

History:
New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA