

Ofelia San Pedro, Deputy Superintendent
Business Operations

Freddie Woodson, Deputy Superintendent
School Operations

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD RULE: FINAL
READING 6Gx13- 1A-1.151, ADVERTISING ON SCHOOL
BOARD PROPERTY**

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

**LINK TO DISTRICT
STRATEGIC PLAN: STRENGTHEN BUSINESS AND OTHER COMMUNITY
PARTNERSHIPS FOR ASSISTANCE IN IMPLEMENTING
STRATEGIC PRIORITIES**

The School Board of Miami-Dade County, Florida, announced on June 18, 2008, its intention to promulgate new School Board Rule 6Gx13- 1A-1.151, Advertising on School Board Property, at its meeting of August 4, 2008. The proposed amendment was proffered by Dr. Martin Karp, Member, and approved by the Board, at the School Board meeting of January 16, 2008, Agenda Item H-10.

Advertising on School Board property is intended to generate revenue that will support interscholastic athletics and activities at the secondary level, special programs and activities at the elementary level, and other Miami-Dade County Public Schools programs. The use of advertising materials within school facilities and district athletic facilities should be in compliance with the rules established by the school principal or designated site administrator to ensure consistency with all applicable laws, policies, and School Board rules.

The Notice of Intended Action was published in the *Miami Daily Business Review* on June 23, 2008, posted in various places for public information and mailed to various organizations representing persons affected by the new rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this new rule has elapsed.

In accordance with provisions of the Administrative Procedure Act, this new rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed new School Board Rule.

D-45

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new School Board Rule 6Gx13- 1A-1.151, Advertising on School Board Property, and authorize the Superintendent to file the new rule with The School Board of Miami-Dade County, Florida, to be effective August 4, 2008.

FW/OSP:pra

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 18, 2008, its intention to promulgate new School Board Rule 6Gx13- 1A-1.151, Advertising on School Board Property, at its meeting of August 4, 2008.

PURPOSE AND EFFECT: To raise additional revenue that will be used to support interscholastic athletics and activities at the secondary level, special programs and activities at the elementary level, and other M-DCPS programs.

SUMMARY: Board approval of this rule will permit paid advertising and public service announcements to appear on school facilities, district athletic facilities, and Greater Miami Athletic Conference (GMAC) venues consistent with the requirements of this Rule.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.42(23); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.43(2) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of August 4, 2008, which begins at 1:00 p.m., in the School Board Administration Building, 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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., were requested to do so in writing by July 15, 2008, 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 at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 Northeast Second Avenue, Miami, Florida 33132.

Originator: Dr. Martin Karp
Date: June 13, 2008

Communication with the Public**ADVERTISING ON SCHOOL BOARD PROPERTY**

For the purpose of raising additional revenue that will be used to support interscholastic athletics and activities at the secondary level, special programs and activities at the elementary level, 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 school facilities, district-owned/leased athletic facilities, Greater Miami Athletic Conference (GMAC), and Middle School Athletic Program (MSAP) venues, or as otherwise specified in this Rule.

The use of advertising materials within schools, district-owned/leased athletic facilities, GMAC, and MSAP venues should be in compliance with the rules established by the school principal or designated site administrator.

- A. The school principal or designated site administrator shall establish procedures by which advertisements may be displayed. Principals or designated site administrators have the right to refuse advertising which is obscene or offends the morals and/or conscience of the school or site community.
- B. In considering the appropriateness of advertising, principals or designated site administrators shall adhere to the Code of Ethics for Public Officers and Employees. Principals or designated site administrators are subject to the provisions of Chapter 112 which prohibits the misuse of a public position and limits the use of information which is not available to members of the general public and which is used for a person's personal gain or benefit or that of any other person or business entity.

In determining whether to approve a proposed advertisement or public service announcement, the principal or designated site administrator shall be bound by the following requirements, which shall be uniformly applied to all proposed advertisements, 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 on School Board Property.

1. All advertisements shall be consistent with applicable law and with the policies set forth in this and other School Board Rules. Any Board Rules that may be inconsistent with the provisions of this Rule shall be superseded by this Rule.
2. At all times, the principal or designated site administrator shall consider the wide range of ages of students attending the school or venue, and shall reject proposed advertisements that are not appropriate for all age levels. Advertisements containing or

promoting nudity, obscenity, vulgarity, sexual content or violence are prohibited.

3. Advertising entertainment products (movies, video games, music, television programs, etc.) must be appropriate for all ages. The principal or designated site administrator shall consider established industry ratings guidelines (such as movie ratings, electronic game ratings, etc.) in determining whether to accept a proposed advertisement.
 4. All advertising of food products must be consistent with the guidelines of the District's Wellness Policy. 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 board property.
 5. 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.
 6. Advertisements 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 advertisements are prohibited.
 8. No advertisement 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.
 9. No advertisement shall obstruct or interfere with school activities.
- D. In those instances when advertising is permitted, the school principal or designated site administrator shall consider community input, local ordinances, rules and regulations governing outdoor advertising.
1. School officials may cooperate with governmental agencies provided that such cooperation does not restrict or interfere with the educational program of the school provided that school facilities are not used for partisan political activity.
 2. Advertisements may appear:
 - a. On school site property, if deemed appropriate by the principal or designated site administrator, for example, on

billboards, vending machines, vending enclosures, marquees and scoreboards located on school site property or district owned/leased athletic facilities.

- b. In publications, including, but not limited to school site websites, GMAC and MSAP websites, newsletters, newspapers, and yearbooks.
3. All appropriate School Board accounting procedures will be followed: School Board Rule 6Gx13- 3D-1.021 and 6Gx13- 5C-1.061 (Internal Funds) requires that all monies collected or disbursed by school personnel or by students within a school, in connection with the school program, for the benefit of that school, a class, department, shall be recorded in school's Internal Funds.
4. Funds raised through advertising on school facilities, district-owned/leased athletic facilities, GMAC and MSAP venues should be used to support student athletics and activities programs and competitions.
5. With respect to advertising, school district employees shall not give written or oral endorsement to any company representative for any periodical, book, or product which may be offered for sale to students, parents, or schools. (See Board Rule 6Gx13- 3C-1.05).

Miscellaneous Displays

1. The acceptance of a gift may justify the display of the donor's name on school site property, district-owned/leased athletic facilities, GMAC and MSAP venue, or any other medium as otherwise determined by the principal or designated site administrator.
2. For donations or gifts in excess of Fifteen Thousand Dollars (\$15,000.00), acknowledgments or advertisements of the donation or gift must be made in accordance with District guidelines established by the Superintendent.

Specific Authority: 1001.41(1), (2); 1001.42(23); 1001.43(10), F.S.
Law Implemented, Interpreted, or Made Specific: 1001.43(2), F.S.

History
00-00-08

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA