



STATE OF HAWAII
DEPARTMENT OF EDUCATION
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OFFICE OF THE SUPERINTENDENT

October 20, 2015

TO: The Honorable Grant Chun
Chairperson, Committee on Finance and Infrastructure

FROM: *for* Kathryn S. Matayoshi
Superintendent

SUBJECT: **Committee Action on Recommendation concerning
Board of Education Policy 303.12, Commercialism**

1. RECOMMENDATION

The Department recommends that the current policy on commercialism, Board Policy 303.12, be clarified. The recommended policy language is provided in Exhibit A.

2. RECOMMENDED EFFECTIVE DATE

Upon approval.

3. RECOMMENDED COMPLIANCE DATE (if different from the effective date)

March 15, 2016. An end of third quarter compliance date will allow schools to document current agreements in conformance with the revised board policy.

4. DISCUSSION (if different from the effective date)

a. Conditions leading to the recommendation

Cultivating generations of engaged learners and active, caring citizens requires a network of government, business and community relationships. These partnerships contribute to preparing children for school, college and careers.

Public schools and public school students benefit from sponsorships and public-private partnerships which often includes receiving resources—financial and in-kind—to support schools' educational programs. In recognition of the contribution, schools acknowledge the donors. Many schools have long standing partnerships or would like to enter into partnerships with corporations or private businesses (including non-profit organizations and community organizations) to sponsor resources for the school. The schools would like to recognize the partners to express appreciation for their contributions. Common forms of recognition include but are not limited to a banner or sign with a company logo acknowledging a gift, and a t-shirt containing logos of event sponsors.

However, a strict interpretation of Board Policy 303.12, Commercialism, would prohibit all "commercial advertising signs, logos, and any other endorsement of corporate or business promotions or interests." This would make some common forms of recognizing public-private partnerships out of compliance with the current policy. In addition, there remains a question of whether other common locations to recognize of sponsor's contribution, such as sports uniforms or other clothing, equipment, items used in fundraising, and newsletters, would be considered a "school facility and property"; if so, then an acknowledgement through display of a company's logo on a school-related item would make the school out of compliance under the current policy.

Consequently, the Department recommends that the Board clarify the policy.

b. Previous action of the Board on the same or similar matter

As part of the Board's policy audit, Board Policy 303.12 was approved by the full Board on February 17, 2015. Adoption of Policy 303.12 was included in a motion to approve the Finance and Infrastructure Committee's recommendation to approve all policies in the proposed 300 series, with specified exceptions; Policy 303.12 had been anticipated to be an exception to allow for further review but was not excepted and thus approved by the full board.

Board Policy 303.12, approved on February 17, 2015, replaced Board Policy 6340 which is included as Exhibit B.

c. Other policies affected

Board Policy 301.8, Naming of Schools and School Facilities, addresses naming opportunities for schools or school facilities when recommended by the school community council and Superintendent and approved by Board of Education. Board Policy 301.8 would apply when partnerships and sponsorships involve "significant contributions" and the school would like

to recognize the “major benefactor” through naming of a school or school facility.

d. Arguments in support of the recommendation

The Department has long understood the benefit of sponsorships and public-private partnerships that support public education and many schools have partnerships and sponsorships that engage the larger school community and provide resources that benefit our students. Private partners and sponsors have been instrumental in assisting the Department through the provision of financial support and goods and services that directly benefit public school students.

For example, schools have engaged in sponsorship relationships with private companies or community organizations under which the school receives items such as mobile devices for students, science lab cart, or labor and materials for pouring a sidewalk. In response, schools provided acknowledgement of the sponsor's contributions; examples of the acknowledgements have been display of the sponsor's logo on t-shirts or on a small plaque displayed in a prominent area.

Furthermore, these public-private partnerships allow schools to pursue extended learning opportunities through project-based learning. Many schools have also benefited from gifts and donations from corporate- and business-affiliated alumni who are honored to give back to the schools that gave so much to them.

At the same time, the Department recognizes its responsibility to provide a safe and secure educational environment for students who are a captive audience in school and who may be more susceptible to the sway of advertising. While the Department feels that sponsorships and public-private partnerships are immensely beneficial to students, care must be taken to prevent the use of such relationships as advertising for private interests, particularly since compulsory attendance requirements confer schools' obligation to protect the welfare of all students as well as the integrity of the learning environment.

The recommended policy balances these two interests by prohibiting commercial advertising and endorsement of corporate and private business interests on school facilities and properties, while allowing the acceptance of gifts made without conditions for benefit to the corporation or business and for the establishment of sponsorship agreements with appropriate acknowledgment for the sponsor. As additional protection for public school students, the recommended language requires the Department to establish guidelines that protect the welfare of students and are consistent with state law and the Department's mission, programs, purposes, and standards.

The Department solicited internal feedback on the current policy and on the Department's recommended clarification. Feedback from principals indicates that the current policy is too restrictive and that they value the opportunity to pursue community and business partnerships, appropriate for their community and school, to provide vital resources for their schools' educational programs to benefit students since the budget to support their educational programs are not adequate to meet students' needs. They feel that acknowledging partners for their sponsorship is an important way to say mahalo and further encourage additional community contributions to our schools.

e. Arguments against the recommendation

Some internal stakeholders felt that "commercial activity" on school campuses which involved sponsorships or display of business logos was inappropriate.

f. Other agencies or departments of the State of Hawaii involved in the action

N/A

g. Possible reaction of the public, professional organizations, unions, DOE staff and/or others to the recommendation

Access to schools by private business interests is a topic that can generate both passionate support and passionate opposition. Public schools hold a captive audience of minors that is susceptible to the sway of advertising. At the same time, sponsorships and public-private partnerships are a useful mechanism to direct much-needed services and resources into our schools.

The recommended policy balances protection of students against advertising and commercial interests with providing flexibility for schools to take advantage of sponsorship opportunities and public-private partnerships when available.

h. Educational implications

Sponsorships can provide important resources to support the educational program in schools. Resources may include but are not limited to technology, financial support, equipment and personnel to support instruction and student learning.

i. Personnel implications

Implementation of the recommended policy amendments would require that the state office issue guidelines and provide support for implementation (e.g., provide information, respond to questions, provide oversight); this would be an additional responsibility for the Department's Corporate and Community Partnerships Educational Specialist.

Also, principals will need to complete and maintain additional documentation related to gifts and sponsorships received by the school. Complex area superintendents will be required to approve sponsorship agreements of greater value, duration and/or visibility.

j. Facilities implications

Sponsorships may include improvements to a school's physical plant (e.g., sidewalk, installation of PV AC).

k. Financial implications

Sponsorships and public-private partnerships are an important supplemental resource for our schools, providing access to resources and services that would otherwise be unavailable through the Department's budget. Adoption of the Department's recommended language would have a positive financial and community relations impact on our schools.

KSM:TOC:scn

Attachments: Exhibit A (Policy 303.12 – Commercialism)
Exhibit B (Board Policy 6340)

c: Office of Strategy, Innovation, and Performance
Communications and Community Affairs Office

EXHIBIT A

POLICY 303.12

COMMERCIALISM

~~There shall be no commercial advertising signs, logos or any other endorsement of corporate promotion/interest on any school facilities and properties.~~

Commercial advertising and endorsement of a corporate or private business interest shall be prohibited on school facilities and properties. State offices, complex areas, or schools may accept a gift from a corporation or private business, provided that the gift is made without conditions for any benefit to the corporation or business.

The Department may establish sponsorship agreements with a corporation or private business. The Department may acknowledge the corporation or private business's contribution through appropriate recognition, publicity, or other acknowledgement. A corporation or private business's logo may be used for sponsor recognition.

The Department shall establish guidelines for sponsorships that protect the welfare of students and that are consistent with state law, including but not limited to Chapter 84, Hawaii Revised Statutes, and the Department's mission, programs, purposes, and standards.

Rationale: The Board of Education recognizes that it has a responsibility to provide a safe and secure environment for all students entrusted to the care of public schools. As publicly funded educational institutions with a captive audience, schools must not be vehicles for the circulation, promotion, or distribution of materials primarily intended for commercial gain. However, the Board also recognizes that corporate involvement that provides financial support or goods or services for schools is important in engaging the community and providing resources and opportunities for students and educators.

EXHIBIT B

Board Policy 6340

COMMERCIALISM

The Board of Education believes that corporate involvement in the school and library systems can be a positive and welcome contribution to public education and library services. Business-education and business-library partnerships based on sound principles can contribute to high quality education and library services. However, in the case of schools, compulsory attendance confers an obligation to protect the welfare of all students as well as the integrity of the learning environment. And in the case of the public libraries, it is important to maintain the unaligned, democratic nature of publicly funded institutions.

When considering corporate opportunities, schools, districts, and libraries shall focus on their educational mission and engage in decision-making practices that facilitate, in the case of schools, student attainment of the Hawaii Content and Performance Standards, and in the case of libraries, the open and unbiased provision of services and access to information.

Positive business-education and business-library partnerships, in order to be ethical, should be structured in accordance with the following principles:

- (1) Corporate involvement shall support the educational mission, goals and objectives of the schools and libraries;
- (2) Programs of corporate involvement shall be structured to meet an educational or instructional need identified by the school, district, or library system, not a commercial motive, and shall be evaluated for effectiveness by the Department of Education or the Hawaii State Public Library System, as appropriate;
- (3) Schools, educators, and library staff shall hold sponsored or donated materials to the same standards used for selection and purchase of curriculum or library materials;
- (4) Corporate programs and materials shall be used at the discretion of the schools or libraries;
- (5) Selling or providing access to a captive audience in the classroom or library for commercial purposes is prohibited;
- (6) Corporate involvement shall not require students or library patrons to observe, listen to or read commercial advertising;
- (7) Selling or providing free access to advertising on school or library property is prohibited, except for approved school or library fundraisers or activities; and
- (8) Corporate logos are permissible for sponsor recognition.

Approved: 11/01; Revised: 12/07

Replaced by Board Policy 303.12: 2/15