

SAN LORENZO UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATIONS

Business and Noninstructional Operations

AR 3312 (a)

CONTRACTS

The Superintendent or her/his designee is responsible for purchasing the goods and services necessary for the efficient operation and maintenance of the district.

Definitions

Commercial Purposes- actions with an aim toward profit or success or that will result in the publicity, marketing, or brand-name recognition of businesses through the use of logos, designs, slogans, advertisements, or endorsements through electronic, print, and audio mediums.

Corporate Sponsorship- incorporates any and all forms of direct and indirect advertising within the district by private sector businesses. Such direct and indirect advertising includes, but is not limited to logos, promotional items, billboards, commercials, contests, donations, educational materials, scholarships and grants.

Market Research Studies or Surveys- includes, but is not limited to, any type of questionnaire, survey, focus group, solicitation, e-mail, or testing that is used to determine effective marketing, or publicity strategies, or to examine consumer preferences, biases, opinions, likes, dislikes, or other personal information to be used for commercial purposes.

Product Sales- means the purchase of goods or services from private sector business that are necessary for the continued management, operation and maintenance of the district. This includes goods and services needed for students, employees, and facilities. Product sales also encompass exclusive contracts for advertising or for products or services, for example, those for beverages or computers.

I. Product Sales

A. Non-Exclusive Contract

1. The District is permitted to sell products, services or advertisements on a nonexclusive basis.
2. The District is permitted to enter into non-exclusive contracts as needed pursuant sound business practices and in accordance with the procedures outlined in Board Policy Nos. 604, 605, 606, 607, and 608, and Rules & Regulations (Finance) No. 2.

B. Exclusive Contracts

The District shall not enter into any contract that grants the exclusive right to advertising in the District or grants the exclusive right to the sale of carbonated beverages without adhering to the following guidelines which are required to

maintain the integrity of public funds and to ensure that funds generated by exclusive contracts are utilized to benefit the education of students in the District. (Education Code §35182.5)

1. Contracts must be awarded on the basis of a competitive process pursuant to Board Policy 3311 and Board Policy 3312.
2. No exclusive contract may prohibit employees from criticizing or disparaging the goods or services of the business entity contracting with the District.
3. The District may not contract for the electronic products or services that require the dissemination of advertising to students unless the Board of Education does all of the following [See E.C. 35182.5(a)(3)]:
 - a. Enters into the contract at a noticed public hearing;
 - b. Makes a finding that the electronic product or service in question is or would be an integral component of the education of students;
 - c. Makes a finding that the District cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students;
 - d. Provides written notice to the parents or guardians of students that the advertising will be used in the classroom or other learning centers. It will be sufficient for this information to be included in the annual notice to parents required by Education Code §48980;
 - e. Offers the parent the opportunity to request in writing that the student not be exposed to the program that contains advertising. Any parent request will be honored for the school year in which it is submitted or longer if specified, but may be withdrawn by the parents or guardians at any time. Any logos or distinguishing names on products purchased by the District will not be considered advertising for purposes of this regulation.
4. Exclusive contracts may not be entered into for longer than three (3) years without approval of the Board of Education or designee.
5. Any exclusive contract must include a provision that gives the Board or the Superintendent the discretion to cancel the contract at any time without cause.
6. All exclusive contracts must be approved by the Board of Education at a lawfully conducted meeting before such contracts shall be enforceable. [See E.C. 35182.5(a)(3)(A)]

C. Procedure for Purchases & Contracts

1. Purchases Subject to Bid

Any materials, supplies, equipment, or services with an aggregate value

greater than the amount allowed by Public Contract Code section 20111 (subject to annual adjustments by the Superintendent of Public Instruction) shall be purchased or leased from the lowest responsible bidder pursuant to a competitive process. The Superintendent or his/her designee is authorized to advertise for bids without prior approval of the Board, but shall inform the Board of such action at the next regularly scheduled Board meeting. Records of the bidding process shall be kept in sufficient detail to show that a reasonable number of qualified vendors were invited to bid.

2. Purchases Not Subject to Bid
 - a. Any purchases that are not subject to competitive bid, or that are specifically exempt from competitive bid by law, shall be made in a manner that promotes the District's educational mission and ensures the responsible expenditure of public funds in accordance with sound business practices.
 - b. All purchases shall be made pursuant to the procedures established by the Business Services Division and only by personnel authorized to make such purchases by the Assistant Superintendent of Business Services.
3. The Board prefers that, to the extent allowed by law, the District should support local businesses, merchants or distributors when purchasing or contracting for goods or services.
4. The district shall only purchase quality goods and services in a fiscally responsible manner. No purchases shall be made for which funds are not appropriated in the District's budget without approval of 2/3 of the members of the Board.

II. Sponsorships, Fundraisers, and Advertisements

1. Private businesses are encouraged to support and sponsor contests, programs or fundraisers that are intended to benefit the District's educational mission.
2. Fundraisers conducted by on-campus student groups are exempt from the provisions of this regulation unless the fundraiser is sponsored in whole or in part by a business or other for-profit organization.
3. Fundraisers by the Student Body or Student Groups must be conducted in accordance with the District's Board Policy (Students) No. 531 (Competitive Food Sales) and No. 534 (Student Fund Raising) and Board Policy (Finances) No. 3452 (Student Body Funds) and Rules and Regulations (Finances) No. 5 (AR 3452).
4. In order to sponsor a contest or school program, businesses must adhere to the process outline in the District's Rules and Regulations (Relations) No. 2.

5. If a business seeks to sponsor a contest or program or fundraiser that would require it to distribute materials to students with business logos or publicity, the business must complete the District's Private Industry-School Participation Form to ensure that no inappropriate materials or solicitations are distributed to students. The Private Industry-School Participation Form is incorporated into the District's Rules and Regulations (Relations) No. 3 which describes the approval process for distribution of notices in schools.
6. Direct advertising for the sole purpose of promoting a product of service with no educational value is prohibited unless the advertisement is intended to identify a product or service that has been approved by the District for sale to students in the schools (i.e., logos on vending machines, school pictures, or class rings). Direct advertising includes, but is not limited to, space on scoreboards, billboards, banners, fliers, posters, or stickers.
7. Any logos or other distinguishing marks or slogans appearing on promotional products that are distributed to students for free must be approved by the Assistant Superintendent Business Services or designee. The types of promotional products that are contemplated by this regulation include, but are not limited to, book covers, pencils, pens, rulers, student planners, t-shirts, bookmarks, CDs, hats, etc..

III. Market Research Studies or Surveys

The District shall not disclose any personally identifiable information of students, employees, or their families to any business or organization for commercial purposes. Market research studies or surveys of students or employees shall not be conducted in the District's schools. Research studies by government agencies or educational institutions will be permitted only if they are intended to serve a legitimate educational purpose and are not intended to promote any commercial activities and the government agency or educational institution has received permission from the Superintendent or designee.