

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

To: Superintendents of Schools
District Superintendents
Date: July 10, 2006

From: Charles Szuberla, Coordinator

Subject: Prohibition of Commercialism on School Buses

In reply to:

It has recently come to our attention that at least one vendor is actively marketing a “free” radio product for installation on school buses; and that some school districts have agreed to use this service. The vendor has asserted that it will “electronically deliver age appropriate music, safety messages and public service announcements to school buses and the age appropriate programming will provide a better environment for students resulting in a safe, more enjoyable bus ride.” The radio equipment will be supplied “free of charge” to help school bus drivers better manage the behavior of their passengers.

In 1990, the Board of Regents adopted rules prohibiting commercial promotional activity on school premises, including school buses (8 NYCRR Part 23). Commercial promotional activity is defined to mean any activity, designed to induce the purchase of a particular product or service by students, or to extol the benefits of such product or service to students for the purpose of making its purchase more attractive, that is conveyed to students electronically through such media as, but not limited to, television and radio (8 NYCRR §23.1[b]). Boards of education may not enter into contracts or arrangements, which permit commercial promotional activity on school premises (8 NYCRR §23.2). Any bus radio service that includes commercial promotional activity, as defined above, would thus be prohibited.

Boards of education should consult with their legal counsel prior to entering into any prospective bus radio contracts or agreements to ensure compliance with the prohibition against commercial promotional activity.