

Policy Committee Meeting Minutes

Wednesday, December 2, 2020

4:00 p.m.

Remote via Zoom

(the meeting was recorded and uploaded to the Policy Committee webpage for viewing by the public)

Attendees: Peggy Kelland, Linda Rappaport, Eddy Sloslower, John Lumia, Dwight Bonk, Alberta Pedro

Invited Guests: David Seipp, Principal of Roy C. Ketcham HS (left at 4:51 p.m.), David Kedzielawa, Principal of John Jay HS (left at 4:51 p.m.), and Kurt Jesman, Athletic Director (left at 4:51 p.m.)

The meeting was called to order at 4:03 p.m. by Chairman Peggy Kelland. Chairman Kelland introduced the committee members and invited guests.

Roll Call:

Peggy Kelland, Board Member

John Lumia, Board President, Ex-officio member of the committee

Linda Rappaport Board Member

Eddy Sloslower, Board Member

Dwight Bonk, Acting Superintendent & Deputy Superintendent of Human Resources

Alberta Pedro, District Clerk

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1. **Approval of Minutes** - Motion to approve the November 5, 2020 minutes.

Motion by John Lumia, second by Eddy Sloslower. Vote taken.

Yes: Peggy Kelland, Linda Rappaport, Eddy Sloslower, John Lumia, Alberta Pedro

Abstain: Dwight Bonk

Motion carried.

2. **Tabled from Last Meeting**

- a. **Update on use of district logo/image**

The Policy Committee discussed that there was a need to have a process in place for the approval of the use of the district's logo/branding.

The Policy Committee reviewed several items prior to the meeting, including:

- Three sample policies from school districts in New York State. It should be noted that NYSSBA did not have any sample policies on the use of district marks (trademarks);
- The May 2020 Bid Report showing the vendors approved for athletic uniforms;
- “School districts wonder who’s selling team merchandise,” by Steve Esack, Of The Morning Call (dated 11/17/2011);
- “Trademarks for Schools”, posted by Church, Church, Hittle & Antrim (dated 8/18/2016);
- NYS Department of State Original Application to Register a Trademark;
- Recommended Steps for the District - from Attorney Pam Bass;
- Policy, regulation, and consent form drafted by District Clerk Pedro;
- Draft Authorized Use of School-Owned Marks policy from Attorney Pam Bass; and
- Feedback on draft policy from Attorney Pam Bass.

Chairman Kelland received recommendations on this topic from board members, as follows:

- include that the logo(s) not be employed for the use or endorsement of illegal drugs or legal pharmaceuticals;
- include that district marks not be used for any political or controversial issue; and
- include the official marks as an appendix to the policy.

Chair Kelland read the five recommendations provided by the attorney:

Recommended Steps for the District

The District should consider the following:

1. *Determine what officially are the District’s and respective school’s marks.*
2. *Confirm that the District owns the marks.*
3. *Adopt a policy and procedure that limits the use of the marks to District/School Business and requires the authorized use via signature of a director, building principal or central administrator.*
4. *Ensure there is open competition and that the purchasing agent follows Policy 6700-R. (especially Section V(B)(1) regarding quotes). If a vendor will be given access to the mark for a purchasing purpose, the vendor will need to complete a form affirming (a) that they will only use the mark for the designated purpose; (b) will not use the mark for any other production or order; and (c) will not use the District on their website, as it may be confused as an endorsement by the District or that the vendor is an officially licensed vendor of the District.*

5. *The District may want to: (a) eliminate the use of a list being given to coaches or other extracurricular activities as it may be viewed in disregard for open competition; or (b) the District may seek vendors that agree to the appropriate use of the District's marks and then include those individuals on a list.*

Chair Kelland requested input from the two high school principals and the Athletic Director.

Principal Seipp (RCK) indicated that the current logo was created with the help of students and faculty. The apparel being sold in the stores has been a long time thing.

Principal Kedzielawa (John Jay) shared that he would like to see the continued use of the school logo. Each year the seniors create and design a shirt incorporating what they call themselves and a logo that involves John Jay. It is part of the culture and climate of the building.

Director Jesman (Athletics) indicated that there is a newer logo of the John Jay Patriots being used by a booster club. It was presented to Superintendent Carrion; however, Mr. Carrion agreed that the traditional logo was better than the newer version. There are no uniforms with the "newer" logo on it. The vendors who are awarded the bid specifically fulfill the order for the uniforms.

All schools will need to review their logos to ensure that they are original works of the district and not clipart or images taken from the internet. The main focus will be on registering the marks of the district, high schools, and middle schools. Many of the elementary schools may need to work on creating an original image, which could be a student contest, etc. Acting Superintendent Bonk indicated that the schools will need to research the origination of their images and provide confirmation.

The Board is not looking to take any fundraising opportunity away from the PTA, booster clubs, or interscholastic clubs/teams, but there needs to be some type of approval process in place, similar to the creation of the registration process for booster clubs.

There have been a number of issues with the use of District marks, for example:

- There are outside vendors who put images on mugs, apparel, etc. without consent of the District. There needs to be a process in place where if someone wants to use the District's marks, they would complete a use

consent form and submit it for approval. Profit-making groups would also require a license agreement, approved by the Board of Education.

- New information became available that there is an existing licensing agreement, which was signed by a previous Superintendent, in which products are being sold in local stores.
- What are the implications of accepting royalty checks from a group when there is no agreement? Does that constitute implied permission?
- Control and enforcement of use of the district's marks will be difficult because there is opportunity to sell on the internet and social media
- There are vendors using the district/school name and putting images that are not the official mark and do not represent the core values of the district.

Director Jesman mentioned that other districts sell items in "Fan Stores". This is a way to generate revenue and school pride. Committee members felt that we want to support school organizations, like booster clubs and PTAs, to create and sell merchandise. We want our organizations to promote our schools and use it for the benefit of our schools and students, not those who don't have authorization and just want to make a profit.

Motion to table for further discussion (administration to develop regulations and possibly invite Athletic Director Kurt Jesman to the next Policy Committee meeting) made by John Lumia, second by Eddy Sloshower.

Yes: Peggy Kelland, Linda Rappaport, Eddy Sloshower, John Lumia, Alberta Pedro

Abstain: Dwight Bonk

Motion carried.

President Kelland reminded the committee members that policies 5251-Student Fund Raising Activities and 8650-School District Compliance with Copyright Law will be reviewed at the next meeting, as they are associated with creating a trademark policy.

3. **Three Year Policy Review** - Please note the following policies will be discussed at the next committee meeting.

Policy	Discussion
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4810 - Teaching About Controversial Issues	The Committee is currently doing well with the three year policy review. We remain on schedule to finish up a review of the local policies in the 4000 and 5000 series by April. Chairman Kelland advised the committee members to review these policies for the next committee meeting.
4821 - School Ceremonies and Observances	
5220 - School-Sponsored Student Expression	
5225 - Student Personal Expression	

4. Recommendation - Second Reading

Chair Kelland received a request by a board member regarding Policy 4511 - Textbook Selection and Adoption, which is up for second reading and adoption by the Board on Monday, December 7. The request was to add “online digital resources” to bullet number 8 in the list for the criteria to be considered in the selection of textbooks.

The Committee reviewed the policy and agreed by consensus to add “, and when recommended, online/digital resources” to bullet number 8 in Policy 4511. District Clerk Pedro will note the revision in BoardDocs for Second Reading and approval.

5. Next Meeting Date

The Policy Committee will meet on **Wednesday, January 6 at 4:00 p.m.** It was requested that the Athletic Director and two high school principals be invited to attend the next committee meeting. A formal agenda will be forthcoming. Motion to adjourn made by Eddy Slosower, second by John Lumia.

Vote taken.

Yes: Peggy Kelland, Linda Rappaport, Eddy Slosower, John Lumia, Alberta Pedro

Abstain: Dwight Bonk

Motion carried.

The meeting was adjourned at 4:59 p.m.