

#205-11 ALD. SANGIOLO, GENTILE, HARNEY, LINSKY requesting a discussion with the School Committee regarding a proposal to enter into contractual relationships with the Newton Schools Foundation to sell naming rights on behalf of the Newton Public Schools. [06/22/2011 @ 8:32AM]

ACTION: **HELD 6-0**

INTRODUCTION: This was a continuation of a discussion that has taken place over several meetings of the Programs and Services Committee. The Newton Public Schools (NPS) and the City of Newton – through the Mayor, have entered into a contractual agreement with the Newton Schools Foundation (NSF) for the sale of naming rights for certain spaces contained within the two high schools for the purposes of funding technology through the Newton Schools Foundation 21st Century Classroom campaign. The Inspector General's Office is currently reviewing whether the contract for the sale of naming rights falls under Public Bidding Laws. There are two related docket items: the first is a discussion about the proposal to enter into contractual relationships with the NSF to sell naming rights and the second is a request to create a revolving account to receive proceeds from the sale of those rights.

The Chair was particularly impressed with the high level of passion and discourse that took place that evening and has opted to include a detailed account of the discussion and public comments received at the meeting because there were so many compelling and thought-provoking arguments expressed on both sides of the issue. The Chair has taken the liberty of highlighting what she believes are some key issues for consideration.

Please note that two documents are attached to this report that were referenced in Ald. Baker's remarks. The full text of the NEPC article will be available online.

SHORT SUMMARY: There appeared to be no disagreement on the following:

- 1) The school system as a whole is underfunded;
- 2) Technology is a priority that has been underfunded;
- 3) All appear to share the wish that they didn't have to engage in this endeavor but disagree on whether the benefits outweigh any detriments

The issues expressed at the meeting appear to fall into several distinct categories:

- 1) Are the proceeds from the sale of naming rights a donation?
- 2) Is it appropriate to give a perpetual property right to a city building or rooms or spaces within city buildings for a price as opposed to the traditional reservation of naming public spaces for?
- 3) Should we allow commercialism in our schools in order to raise money?
- 4) Should there be a distinction between private individual naming rights vs. corporate naming rights?
- 5) Is technology an appropriate item to be funded through the sale of naming rights?

6) Is the Newton Schools Foundation the appropriate body to undertake this sale?

Information requested to be provided prior to the next scheduled discussion and potential vote on the item:

- 1) Response to the memo from Aids. Baker and Sangiolo
- 2) Copy of opinion from IRS provided to NSF regarding treatment of proceeds from sale of naming rights as fully tax deductible donations
- 3) Copy of proposed contracts or contract language associated with sale of naming rights for both individual sales and corporate sales
- 4) Information and documentation regarding Library's sale of naming rights
- 5) Confirmation on whether technology funding for the Newton Public Schools is contained within our Capital Improvement Plan
- 6) More detailed information on the process by which donors will be solicited and what the "naming right" will look like.

DISCUSSION: The Chair invited members of the School Committee and the Presidents of the Newton Schools Foundation to join them within the rail. She asked former School Committee member Kurt Kusiak to provide a brief summary of their proposal and what they seek. **Mr. Kusiak explained that they are asking the Committee to approve the creation of a revolving account to deposit funds donated for naming rights and use those funds for the stated purpose of the account**

The Chair recognized Ald. Baker. **He disagreed with the characterization that the proceeds from the sale of naming rights are donations.** If exchanging something for something – that is a sale. In fact, the proposal is about the sale of naming rights and the City's Comptroller has deemed naming rights as a city asset which is the basis for the need to create a revolving fund. He added that it is hard to argue that this is a donation when a giving a perpetual right to put their name on a school.

The counter argument offered by Mr. Kusiak as well as the Newton Schools Foundation Board Members and the Newton School Committee is that these naming rights aren't giving away ownership of the area and are not advertisements for a company. Mr. Kusiak explained that the most individuals receive are simple plaques that would be placed in certain locations to give acknowledgement of the contribution from a family. Kurt Kusiak explained that all that is being sold is the right to have the name associated with a part of the building. Corporations are only receiving an opportunity to have their name associated with their donation for a specified term – not in perpetuity. Mr. Kusiak equates it more to a lease and not a sale.

Ald. Baker argued that it is still a property right – an opportunity to have the name advertised in public space. He added that all public resources have gone into buildings. His concern is that we are effectively selling real assets of the city to go towards technology which is a very laudable purposes but not for the building itself. ***The process in the past is that individuals were recognized and identified with specific spaces because of quality and examples they set.*** He used the recent naming of the Mayor's conference room (room 209) as an example of a civic gesture and that is a value and tradition of Newton. He reminded the advocates for the proposal

that there are questions from the memo from himself and Ald. Sangiolo that need to be answered.

Liz Richardson explained that the Public Library has raised over \$1 million by using naming rights – a revolving fund was created at that time for the exclusive use of that building. She asked how that was set up and why it was acceptable at that time. She noted that 70% of the names will be reserved for the purpose of honoring people. They are not setting a precedent and considers the Library important as public schools.

Ald. Baker continued to express his concern. From his personal perspective, schools are different than the Library. He referenced a University of Colorado Boulder article, “The Educational Cost of Schoolhouse Commercialism”(Executive Summary is attached to this report) which outlines concerns about commercialism in our schools..

Mr. Kusiak outlined what he things are the two broad categories of objections: 1) worry that someone donating money gains undue influence over programs or curriculum and 2) worry that there will be advertising of some kind of goods or services that would be unseemly or unhealthy. Mr. Kusiak explained that the NSD Board Members and the School Committee have put policies into play to vet companies coming forward with donations and have agreed upon standards in order to avoid donations from inappropriate or questionable company names from placement in the schools.

Specifically, he stated that there are three shields of protection:

- 1) NSF has no interest in anyone or anything controversial
- 2) The School Committee has a strong interest in not putting name on facility that would undermine student health
- 3) There is a public meeting process where the public and the Aldermen may raise objections

He stated that there are strong safeguards in place to prevent the two harms that could occur from naming and commercialism in public schools. ***Mr. Kusiak added that at some time we have to weigh the metaphysical and highly speculative doubts relating to tradition against the real and concrete budget problems that we're faced with in public schools – cutting programs, firing teachers, etc. He reminded the Committee that a few years ago, the principals at the two high schools stated that we're on the precipice of very serious debilitation of school programs. He is asking to let us not fall behind the many, many communities out there who are already doing what they propose to do and help us to save teacher jobs and improve education through much need funds in the schools. He has yet to hear cogent arguments that the metaphysical or speculative doubts that people have will cause concrete harm to students.***

Ald. Baker referred again to his understanding of the literature (University of Colorado article) that there are a couple of issues:

- 1) the implicit endorsement for a specific kind of donor, and
- 2) the endorsement itself has the potential adverse effects on well being and critical thinking.

Beyond those issues, are the following what if someone doesn't work out – referencing the Enron situation. The fact that other communities are doing it doesn't mean it should be done here. ***Alderman Baker stressed that he supports any request they make***

for conventional ways of increasing funds to our schools – whether it be in the form of an override or increase in budget allocation.

Mr. Kusiak agreed that he would support the same thing but added that we are not going to have an override soon. Every year that doesn't happen is another generation of students that will have inadequate resources.

The Chair interjected adding that she was not certain that Mr. Kusiak's statement regarding future overrides was true. She then recognized the Executive Director of NSF, Rick Iacobucci who wanted to respond to Alderman Baker's concerns particularly with regard to whether they are selling naming rights as opposed to receiving donations. He informed the Committee that he received an opinion from the IRS Exempt Organizations Department on his inquiry as to whether providing naming rights was a sale or donation. He said they stated that it is a donation because the entire amount of the gift is tax deductible whether from an individual, corporation or otherwise.

Alderman Baker responded stating the interpretation/opinion presumes it is deductible upfront. Here there is a publicly funded asset for sale. There is a whole line of cases which suggest that even parties or functions hosted by organizations such as NSF – that the value of the dinner is not deductible.

Mr. Iacobucci countered stating that it is a donation and is tax deductible and the donator is not receiving value at all – just recognition for donation they made suggesting that a plaque on a wall is similar to an acknowledgment in a program book. Alderman Baker responded that a plaque on the wall is perpetual for individuals. Ald. Baker stressed that it is one thing to say that an individual is making a donation without recognition or plaque on the wall but another if someone is not willing to make a donation UNLESS their name is on the wall – in that case, it is a bargain for exchange and that may be deductible for some purposes but it is still a sale of city assets.

Mr. Iacobucci offered a distinction with regard to a corporation. He views the sale of city assets as if the corporation making the donation had the right to use the physical space to sell or promote its product similar to a bank's ATM where they are deriving actual cash by its physical presence.

Ald. Baker countered using TD Bank North as an example – the name means something and they are not selling a product in the building. The Garden is an example of selling public space for a private donor.

A second issue Mr. Iacobucci wanted to address was Ald. Baker's fear of having someone make a donation and get recognition for that donation and an issue with the donor later arises. He stated that those issues will be addressed in each of the contracts. In the case of individuals, if there is a problem, the plaque will be removed and that would be understood by the donor making the gift.

Ald. Johnson noted that it would be worthwhile to take a look at the process the library took when handling naming rights and use that as a guide. She stated her support for this proposal and explained that we need to find creative ways to

raise funds. From a process standpoint, if we already have a precedent and process in place, we should see how it was done and make sure they are aligned for consistency. She disagrees with Ald. Baker, is in favor of naming rights and said that some people need the acknowledgement.

Ald. Blazer agrees with Ald. Baker and did not appreciate hearing that the concerns or harms are speculative or metaphysical. He said it has never been done in Newton – at least not in the public schools. He makes a distinction with the library and doesn't think the library is sponsored by corporations. He shared his concern that the general commercialization in public schools is what's bothering him. ***Our entire society is based on commercialism and he doesn't feel that public schools should stoop to that level and bombard children with this in the classroom and finds it distasteful.*** He acknowledges that raising funds for schools is difficult but this is not the way to go to raise funds.

Mr. Kusiak responded stating that he understands the feeling of distaste about it. He said we can dream up all sorts of scenarios whether it be corporations we don't like or would somehow effect students in a bad way – example of a Coca-Cola cafeteria – putting something we don't think is good for kids in our schools – but he reiterated that was not going to happen. They have three levels of safeguards to ensure it won't happen. He added that he understands the bauge feeling of distastefulness. They all have had similar discussions/debates internally but he explained his position:

- 1) They won't allow those types of names that have real negative effect on the educational system or students and***
- 2) On the other side of the equation, there is the far more distasteful result of not having the kind of resources that we need to support our education in Newton at the level we are accustomed to having here and if we have to pump more public resources into technology to keep up, then that means fewer dollars resulting in firing teachers, eliminating programs which is exactly what we have been doing for the last 7 or 8 years.***

Ald. Blazer responded that it is not about whether he likes or dislikes a corporation or a business. It is the commercialization in and of itself that is the problem.

Mr. Kusiak then asked what is the harm? ***To which, Ald. Blazer responded that the harm is that the entire society is so commercialized with everything and the last place they need it is in the public schools.*** The kids get it all the time no matter where they go and he finds it offensive to see this City which has been a leader for so many years – we're not in a position that we have to commercialize everything.

Ald. Albright stated that many of the Board members work in universities and suggested that Ald. Baker referenced on example that went wrong. The reality is that seats and auditoriums are named. ***She stated that people are donating money to make the universities work better not with the expectation that people who buy plaques for these chairs would own the chairs. She said that argument is "specious" at best.*** She added that it is terrible we are in a place where we have to think of those things but

this is where we are. Not just where Newton is; this is where everyone in the United States and the world is in. ***If we have people who are willing to donate then we have to look beyond these concerns and address the needs of our city.***

Technology is something we need and it's only going to cost more money not less. She is in favor of this proposal.

Ald. Kalis offered his views raising three points. He wanted to make clear that just because something hasn't been done in the past doesn't mean it can't be done in the future. He is more of a traditionalist but he is becoming more comfortable with this proposal. He said there is a difference between a Kraft Foods versus a Village Bank that is part of the fabric of this community. ***He asked if we are building community here? He added with 70% of the spaces to honor people living in Newton or have contributed to Newton is a big learning opportunity for our children and sees it as a benefit.*** The third point for Ald. Kalis is that he disagrees with Ald. Baker when Ald. Baker expressed concern for the brand of Newton. ***For Ald. Kalis, the brand of Newton are the teachers, the buildings are not the brand. If we don't find ways to fundraise we're going to lose teachers in the future because there isn't enough funding right now to accomplish everything.***

Ald. Kalis also had two questions. The first is whether naming can be revoked at some point. He wants to be assured that we can reserve space for great teachers, etc. in the future. Julie Sall, co-President of NSF, responded. In terms of revocation, that would be addressed in the contract they have with the individuals and corporations. There will be a right of review as part of the contract. In terms of reserving space, she explained that the school committee can override a Newton Schools Foundation decision to accept a donation and reserve a naming right to a specific space. The NSF doesn't have full reign over this process.

Ald. Kalis' other question was whether those who we want to hold space for would have to buy into it or would they just assign it? Liz Richardson, co-President of NSF said they could do either. ***She pointed out that about 50% or more of the spaces will be named in honor of people. She said that people are thinking that there will be a big company or brand name. She also tried to give some perspective as to the scale of the names displayed in exchange for donations. She explained that there wouldn't be broad company names, there would be plaques.*** She used the example of the bridge at the library, sharing that that plaque has the name of a bank on it since they donated money to the library, but few people even notice this. ***She also clarified that the NSF is approaching local companies that have already donated to the Newton Public Schools or NSF or are CEOs and residents of Newton whose kids have gone to the Newton Public Schools and they have already made an investment in the City in one way or another. They are not going beyond Newton when they are talking about approaching companies.***

School Committee member Matt Hills was recognized. He said he acknowledges and understands the gut feeling that people in the community and the Board have about naming rights. But he doesn't agree with the visceral reaction that Aids. Blazer and Baker have. The issue for him as a School Committee member is what are the alternatives? When he looks at the School Department and the financial situation it faces – a situation where budgetary issues have been brought to heel. We have a

backlog of needs that have to be funded out of the budget. On the capital side, we also have a backlog of needs. When we look at the financial progress that has been made over the last 2 or 3 years and still see a backlog of pent-up demands and look at technology needs that can be funded through the sale of naming rights we have to say realistically that we are not going to fund that at \$4 – 5 – 6 million unless we have an alternative source of revenue. That is why they are looking at naming rights primarily for technology. That's also a reason why they are looking at donations from alumni, something they have never done before. Look at the trade-off – the alternative of not funding technology that is identified as a priority. He said, as a School Committee member, he is faced with a sense of not being sure what damage is done other than it doesn't feel right. On the other hand there is a tangible something that's not going to happen. He stated, ***“The Core value of Newton in terms of the school system, is providing high quality education that continues to progress and to move forward. The core value of Newton is not keeping the name off of room 304 in the lobby of Newton North.” In a perfect world, we wouldn't be having this conversation. The alternative is not making a badly needed investment in technology. It's a shame that we're hit with names everywhere you go but that's why he doesn't think it would result in irreparable harm.”***

Alderman Rice was recognized and wished to utilize the first portion of his comments to relay (and channel) comments from Ald. Gentile who was unable to stay for the meeting. He stated that Ald. Gentile wanted to make sure that the Committee and the proponents were aware that he is of the opinion that if we are to embark on the sale of naming rights, we need to go out to bid and get the best qualified company. Ald. Rice, now speaking for himself, said he supports this project. He offered several reasons for his support. As a former PTO President at Oak Hill Middle School, he saw the deficiency in technology and PTOs running bake sales and getting every last dollar to put that small amount towards technology into the system. ***Having a larger professional operation that can bring a significant amount of dollars that will sustain itself longer is really important because it's our children and teachers that form the basis of public schools.***

He reminded Committee members that we had discussion during the budget sessions and unanimously passed a resolution that we as a Board want to reduce fees and recognized that we need more revenue into the system. This will bring more revenue into the system. It's a balancing act that the whole community does about how to take the money into the system and use it wisely to benefit the community. His final point referred to the renovation of the Hyde Playground. They bought benches and all have plaques with names on them – like Baker's Best and Lincoln Street Coffee. Neighbors even donated funds for a plaque for Ald. Rice. The City of Newton owns the benches and donating this to the City of Newton is not impacting anyone. He believes we can have the same kind of acknowledgements in Newton School buildings.

The Chair, before recognizing Ald. Schwarz, reminded the Committee that they are waiting for an opinion from the Inspector General on whether or not the contract falls within public bidding laws and that the City Comptroller has deemed the naming right as a city asset.

Ald. Schwarz shared that he has some of the same concerns and gut reactions that have been raised by previous speakers. However, like Ald. Kalis, he has been reassured by the three levels of protection that are in place. **He does, have a separate concern regarding School Committee member, Matt Hills statement that they don't love doing this but it is better than the alternative. He questioned whether there were any efforts to raise funds without offering naming rights. Obviously, that has been what they've been doing up until now. What are the limitations? Is there a marginal increase that they can quantify or assess that comes from naming rights? What order of magnitude are they talking about?**

Liz Richardson deferred to Mr. Iacobucci, Helaine Miller or Madeleine Bell to respond. Helaine Miller came to the podium and identified herself as one of the two professional fundraisers working on this project. **She said there is a huge difference – probably could raise a few hundred thousands of dollars without naming rights. With naming rights, she thinks they can raise in the millions. She said she has heard from people who have named things, that they want to show their children and grandchildren that they mattered in their life and that they can take them to see what they've done.** She said they are doing this pro-bono because they both live in Newton, had children go through the Newton School system, and in her case, have grandchildren at Mason-Rice. In the best possible worlds, they wouldn't have this conversation but we are not in the best possible world. **They offered their services because they believe you cannot send the 13,000 children who are now in the 21 schools across our fine city, out into the world being technologically in-ept. They will therefore be unable to operate in the 21st century. "There's a reason they grow up tuned into everything in the world. We're talking about having a school system that does not have technology that is comparable to probably what they were playing with in the kitchen when they were 2 years old."**

Ald. Schwarz said he appreciates the need. However, he is asking about the marginal increase in donations. Ms. Madeleine Bell responded. She said they have been involved in dozens of capital campaigns – some in the hundreds of millions of dollars. **They cannot raise serious dollars unless they have naming and names on everything.** She suggests that when people sit on a bench from Bakers Best that they don't see the advertising, they see that Bakers Best cares about schools in the City and that's why they gave the money – to make that bench possible. Regarding the issue of putting this out to bid, she wanted to share that NSF had done a lot of research before they came into the picture, to see how public schools raised funds. They discovered there are national fundraising organizations across the country who do this but they solicit from across the country – not locally and charge about 30 – 40 % of what they raise to do the job. Because Helaine and Madeleine are doing this pro-bono, they will probably run the entire campaign at a cost of about 5%. She added that Helaine was Vice President of Development for Beth Israel Hospital and that no one would come in with better credentials.

Ald. Schwarz said he was still trying to get the question answered. **He's talking about the marginal difference – how much from corporations versus individuals.**

Liz Richardson responded that it is similar to the 80-20 rule. Approximately 20% will come from companies but will provide about 80% of the funds that come in. The

differential is about 90% between naming and non-naming. That is significant. If don't have naming, they will have to build a new campaign and may only be able to raise about \$500K tops versus the anticipated and estimated \$5 million.

Ald. Schwarz had some final questions regarding CEOs and individuals who have already donated. Are we going to see a loss of donations once naming rights become available?

Liz Richardson responded that what happens after the campaign is over is that every year thereafter, they will go back and ask for a donation. Everyone will be approached with a different format. They will be careful after doing the campaign as they don't want to put the donors in a corner where they are hounded but they do become part of the donor baseline.

The Chair recognized Liz Richardson to provide comments but Liz deferred to Julie Sall. Julie Sall described her years of participation with the Newton Public Schools – her kids attended the schools, she was PTO President at Countryside, Brown and South. She said her kids will be very successful but that doesn't mean we can't continue to improve. She agrees with Ald. Baker that Newton is our schools but thinks we're not doing enough. One of the things they are hoping to bring in our schools is technology. She referred to an earlier statement by Ms. Miller that kids are already playing with technology starting at 2 years old and when they walk into the classroom, there is nothing there. She stated ***"Then they go home or go to work and the first thing they do is open their computer. So are we teaching kids critical thinking in a way that they need to be successful in the world. The answer is no. Kids with parents who are very computer literate – they have a leg up in the world. Why shouldn't they be learning that in school? The way the world integrates through technology and teaching and learning is changing. We need to be at the forefront the way Newton schools are at the forefront and always have been at the forefront and that's why many people move here. I think that the community gives back by supporting our schools through rights – not commercialization – it's a way to say we respect our schools, we want to participate."***

She referred to a statement made by Ald. Albright – that it was something negative – that most people don't even notice the names. She said, different names stick in different ways. She added, ***"Maybe we'll name something that doesn't feel comfortable but it's something the kids get value from in the form of improved teaching and learning. NSF has gone through a lot of ups and downs and talked to other foundations. They have raised several hundreds of thousands of dollars and give out grants that aren't followed through because there is no follow up funding. This is why they were asked by the School Department to do something new, something bigger and better. They are thinking outside the box. The need the support of the community and board to make them successful and Newton successful as a community."***

The Chair had several more Aldermen wishing to speak but asked for their indulgence in order to commence public comment. The Committee agreed.

The first speaker was Arnold Lasker who is Henry Lasker's son. He came to the meeting to thank NSF for their having come up with a great compromise. He said he thought about this issue 5 years ago when he heard there would be a new Newton North and thought about how to keep his father's legacy in the new high school. His father was an innovative music teacher. **He is please with the current proposal, the name is kept and they can still raise funds.** About three weeks ago, he was approached by Mr. Iacobucci who presented the current proposal to him and he thinks it is the best of both worlds - continue to honor people who were influential in Newton Public Schools. He urged the Committee not to lose sight of the end game if we become too concerned about process. He understands the issue with commercialization but stated there are ways to present that in the community. Education is very important too.

Before leaving the podium, the Chair informed Mr. Lasker and the rest of the Committee, that Connie Kantar had come earlier to the meeting but could not stay but did want to make known her view that the City must keep the name – Lasker Auditorium.

The next speaker was Walter Devine of 289 Cherry Street. Both his parents studied under Henry Lasker. He addressed Matt Hills' comments saying there is a reason for having that feeling in the gut – it is because of an acknowledgement cognitively something is not right about this. He fully supports NSF. He grew up in Newton and his kids go to Newton public schools and all benefit from the good work of NSF. **He appreciates all that they do but does not believe NSF should be charged with funding the money to support what needs to be going on in our public schools. It's the people that have to do it.** He was on the PTO of Franklin and has given time but will never have a plaque. **He mentioned that people like the Pullmans, Carol Stapleton, Rev. Hayward and Lillian Jefferson are the kinds of people we should acknowledge - people within our community putting public service for decades as the industry that we should acknowledge in our public buildings.** He stated that Ald. Baker put his finger on it, there is a quid pro quo – something being gotten for having their name there. People said they would give but for the naming right, they would not give the funds. He applauds the work of NSF and will continue to support it to the best of his ability but thinks this isn't the way it should be done. It is putting a band-aid over something instead of addressing the underlying problem.

Dan Proskauer of 240 Derby Street addressed the Committee. He did not want to address the question of selling naming rights. He wanted to make a few points. **First, he is disappointed to hear former public officials who were deeply involved in the process, citing past instances of firing teachers and implying this is a solution to that problem.** He is gratified to hear School Committee member Matt Hills talk about the fact that they have made progress and it is possible to make progress. **His real objection is to the stated purpose of this effort – technology. He asked if technology is a core part of our fundamental educational mission or not? If it is, then why isn't it part of the budget? It should be. He stated that every time he writes a check to support technology for the PTOs he later regrets it. Everytime he does the same for NSF for technology he regrets it. He feels like an enabler-enabling the school system to not fund something they should be funding.**

Josh Weiss of 62 Gammons Road was the next speaker. He has been involved with Zervas and Oak Hill as PTO President and the technology representative for the PTO Council and is a board member of NSF. He spent lots of time analyzing schools and going back to the issue of the budget. **He agrees that the City should have funding in the budget for technology. Unfortunately, the tradeoffs are teachers against capital. He said we are forced into an area where have to raise funds in alternative ways. Naming rights are one way. As being part of PTOs – he has seen how hard it is to raise \$10K. Other schools can't do that have have a hard time raising \$2K. Technology in the schools – at Oak Hill and others is equivalent to driving a 12 year old car. It is unfortunate how bad they've become – computers, networking and wireless. There's not enough bandwidth in the schools. The ability to raise 2 – 3 – 4 million will have a huge impact – at least raising the infrastructure up and hopefully in the next four years, we can fix the capital budget and get it funded and get the word out and recognition that technology is being used and being used effectively and helping learning and collaborating in the way kids are interacting at home with their friends but not in the schools.**

He added that NPS used to be one of the renowned names but now we are riding on past legacy. If naming rights helps and making sure it is done appropriately, he thinks it is the best way to go. Relying on parents and PTOs is not the way to fund technology. Fundamentally, technology needs to be part of the capital budget of the City and not taking it from the schools and firing teachers.

The Chair informed the speaker on the point about technology being part of the capital budget that it is not part of the capital budget submitted by the School Committee. Ald, Albright disagreed with the Chair saying that the School Department put in a request for wireless infrastructure. Mr. Weiss agreed with Ald. Albright that the School Department was looking for \$1.5 million for technology going forward.

Former Alderman Brooke Lipsitt, 54 Kirkstall Road, came to the podium to address the Committee. She shared that she was troubled on several levels. She said there is no question that we need technology, but we must realize that technology is a rapidly evolving piece of infrastructure and when you think about offering the right to put names on rooms in perpetuity in exchange for what is essentially an operating necessity. She thinks it should be a capital expense and should be in the operating budget every year to upgrade technology. She said there is certainly the need to put in wireless capability and in 5 years it will no longer be what we need and will need to put in the next whatever it is and have some concern in giving the rights to naming spaces for life of a building in exchange for supporting that because in 5 years will need to raise more funds to upgrade and what are we going to sell then? Further concerned, heard Ald. Albright's representation with what has happened in universities and in hospitals and in many places we have sold names. She agrees with previous speakers that schools are different.

“The mission of the schools is the most pure public purpose we have and is the one place where I find the institutionalization of memorializing sponsors as the most inappropriate. In particular, I have some concern about the idea that some grandfather can come in with a grandchild and say I matter because I gave money

to put my name on some piece of the schools and I think that theoretically and maybe really it perpetuates the distinction we have in this community between people who have and people who have not. This is an egalitarian society. It is the mission of Newton Public Schools to educate every child; to make every child feel proud of who he or she is and to feel valued and to feel that his family is valued just as every other child. And finally, I think that opportunities to make distinctions between families or among families because of their capacity and willingness to give money to put their names on schools is in conflict with the values that we and you as members of the School Committee are trying to instill in our children. Finally, I want to applaud Ald. Blazar for his early passionate remarks in this evening's discussion about making a distinction between private and foundation gifts and commercial gifts. If this Board determines it is appropriate to institute this practice and if the School Committee and NSF go forward with this, I strongly believe we should allow for individual and maybe non-profit foundations. Do not want to see a New Balance School and do not want to see Kraft's Culinary program. I am fearful that although Garelick Chocolate milk might be lovely today, in 2 years, chocolate may be an allergen and may not want children to eat chocolate any more. I know I am being facetious but I am really worried about promoting commercial messages in our schools when we are working really hard to get candy and sweets out of our school buildings. I do not think promoting commercialization – even for what we consider good commercials in the schools. I think it's quite inappropriate and urges the Board to guard strongly against it”

Karen Pansarella of 88 Dana Road was the next speaker and introduced herself as having just completed her first year on the Board of NSF. She works with the Department of Energy's Research Lab. She said she understands the cost of technology and the impact it has on the world. She related her own personal experience in high school with technology. Now as a mother of kids in the schools – she has seen that kids use computer at home, homework collaboration with classmates, email teachers, textbooks and use the worldwide web for subjects. The teacher use laptops and smartboards in creative ways. Children use powerpoint and imovies in elementary school to present information. ***She went on to state that Newton schools must continue to provide access to this information for every student in all 21 schools from K – 12 and that it is not just about technology but also about teachers being able to use it in innovative ways to educate our children. Newton cannot be left behind. The money raised through this campaign will integrate technology equitably into the schools. She added that this is the only plan in place to generate large amounts of money and that the campaign will be thoughtful and respectful to Newton Schools and values of the community.***

Rick Iacobucci, the Executive Director for NSF wanted to address Alderman Gentile's concern about going out to bid. He wanted to point out that if it went out to bid and a for-profit corporation is the lowest bidder, he wasn't sure what the medium is for someone who makes a donation to receive a tax write-off. His second point was if it went out to bid, what other non-profit would have the mission to raise funds for NPS like they do? ***“At face value putting it out to bid sounds nice, what company would work harder? Or have the mechanism or the ability to do what we're doing?”*** He recognizes that we are waiting to hear back from the IG's office.

The Chair responded that she didn't want to speak on behalf of Alderman Gentile but certainly, these issues would come up when it gets to Finance. She did say that she thought his focus was on the bidding and that this would not impact the Newton Schools Foundation from continuing to do what they are currently doing or embarking on their campaign to reach out to alumni – recognizing that the alumni campaign seems to be overlapping with the naming rights campaign.

Assistant City Solicitor Ouida Young addressed the Committee to make it clear that the sale of naming rights was not subject to state bidding laws. ***The IG's office is looking at the arrangement between the City, the School Department and the Newton Schools Foundation and the contract for services and whether the foundation is the appropriate body to conduct these services.***

Seeing no one else waiting to make public comment, the Chair returned to the Committee and visiting Board members.

Alderman Linsky wanted to take this opportunity to reinforce his prior statements for conceptual support for the campaign. In terms of the issue of using names, he thinks we can get past that through recognition and not just naming (Julia Childs dining hall sponsored by Krafts Food). He recognized that there are obvious philosophical differences but the item does have to go before another committee and wanted the Committee to consider taking this up jointly with Finance where there will be more questions on exactly how this program will work.

Alderman Fuller acknowledged there were a lot of thoughtful questions and comments made this evening. She made several comments. The first was on whether the proposal should go out to bid. Normally, she would be in favor of going out to bid, but this is an unusual situation. ***She said, people give to people, we give to our neighbors, we give to our friends.*** This won't be effective if another non-profit gets it. Her second point was about noticing whose name is on a plaque. ***She thinks those who give should be acknowledged and it is good for kids to notice that someone was generous to donate funds to support school systems. She added that people give for a lot of different reasons. Some give anonymously, others give to honor a revered teacher and some will give for a sense of legacy for themselves and she doesn't think we should judge these people harshly and sees that as a good and human instinct.*** Her third point was that words matter and it is unfortunate that we devolved into calling this a sale of naming rights. ***Soliciting donations and acknowledging and honoring these people for their willingness to give by putting a plaque on a wall is different than selling naming rights.*** She added that this was a good example of public/private partnerships. This is it and it feels right for her. She thought Dan Proskauer spoke very thoughtfully about technology and that he's right. Technology isn't in our budget and it's a new and growing line item that absolutely has to be embedded in our municipal and school budgets going forward. We are short on money and this has been underfunded but this is a bridge in the meantime.

Alderman Fischman stated that he liked the concept in general but the devil is in the details. With regard to the whole technology issue, he is always struck when people say other countries are farther ahead of us. He thought the questions that

Alderman Baker has raised are important and the questions that Alderman Gentile is expected to raise are also important. He added that he's not necessarily suggesting that these (NSF) are not the right people (to carry out the campaign) but maybe we need to know if we have to spend more to get more. He asked about the proposed technology budget (network, bandwidth) and what the projected \$2 million per year will be spent on – adding that people (donors) will want to know what they will be spending their money for). He also asked if they are successful in raising \$6 million over a 3 year period and if they have exhausted all of the available funding sources, will the city be left to pick up where they left off and left with something that is not sustainable. **With regard to the concerns raised about corporate donors, he suggested that they consider starting off limiting the campaign to individuals in order to get more support.**

Alderman Baker wanted to be clear on a few things. First, was that the premise here is that this is basically a corporate funding vehicle because 80% of the funds are coming from corporations. Liz Richardson said it was not. Corporations would provide larger donations. **Alderman Baker suggested that while there may be fewer corporate names (on the walls or on plaques), it will still be 80% of the revenue.** Liz Richardson wanted to clarify that there may be individuals who have companies in Newton but the name (on the plaque or the room) is of the CEO and not the company. She added 80% of the names we will see are people being honored. Alderman Baker's responded stating that still 80% of the revenue is coming from businesses. **He added that his concern is that there are many people worthy of being honored (referring even to the people in the chamber that evening) and if the process were only limited to be a solicitation to alums to honor those people or for a revered teacher, etc., he would be more comfortable with that type of campaign.** Liz Richardson responded saying that is also a part of the campaign but cited an example where the Class of 1965 is considering donating \$30K to honor classmates who have passed on to point out that we won't get the same amount of money.

Alderman Baker then said there are certain distinctions between public and private partnerships and places where that is appropriate. Certain public assets are not appropriate (using the Statue of Liberty sponsored by the Amalgamated Cheese Company as an example). Part of the problem is that Newton Public Schools are part of a process that is commercialization. **The need of the schools is paramount but this particular means is what he is troubled by.**

Liz Richardson stated that she has spent over 10 years advocating for funding for public education at the State House. School systems that are maintained at a high level are being funded by public funds or by private foundations. **Newton is a conundrum because it is not appropriate for public grants or for private foundations. Communities like ours are being told to take care of the problem ourselves. She said the Community should ask the Board, if this is not passed, what is the plan? There is no other funding source.** This is a new model that they are proposing. They have one of the most comprehensive policies and it is brand new and not the way naming rights is usually done. This is not just about technology but it is teaching and learning.

School Committee member Margie Ross Decter asked to be recognized. She wanted to elevate the conversation and summarize what she has heard. She said, "There isn't one person in the room who doesn't care about Newton Public Schools and doesn't understand the conundrum faces with respect to revenue. This week, the Board passed a resolution for everyone to get together to come up with some alternative means to raise revenue to supplement fees in NPS". She said NPS is a success – more families, more kids – which make it vibrant and view public schools as an asset. Because of its success, they've had to wrestle with budget issues. In terms of revenue, they had to pass a gap of \$1 million in fees to people who have the means and those who do not have the means. In light of spirit of what they passed, she suggested that raising (funds for) technology is no different from those fees. When they go to the schools, they ask parents to dig into their pockets for many different reasons – pay for buses, pay for activities and pay for technology. Many students and families can't afford that. The Equity Policy that they try so hard to uphold is difficult because each individual schools have different means of fundraising. She said some schools can raise \$100K , others can't and are at the bottom. Some of what they have been able to do is through their partnerships and reaching out to people committed to the City of Newton. She cited the most publicized example has been the BC partnership. It's the one partnership everyone seems to revere. The donation by BC was specifically for technology. She added that many other corporations and companies in Newton are generous – the School Committee reviews all – gifts, and donations. PTC, Legal Seafoods, Whole Foods have all contributed. They partnered with NSF not only in curriculum and services but in terms of being real resources to the schools. She added that the Governor and a Council of Mayors came to see the Innovation Lab and touted it as a great example how public/private partnerships can work and how businesses with ties to Newton can support our programs. She views this as an opportunity to take it to the next level because more than just time and partnership that we need – we need to catch up. She remarked that Ald. Fuller's comment about the bridge. She said they're not talking about perpetuity – right now they are talking about a very real gap that has accumulated over the last many years that has to be spread evenly across the She entire school system. She said right now we don't have a ballot out to raise taxes which is really an equitable way of doing it. ***"Now we have an opportunity to go to our own – the people that we really value and build our own community – to what Ald. Kalis said "...building community to have businesses (which I think are not a dirty word) they are partners in our community who want to support our schools. To the extent they have a plaque that says – "Whole Foods supports NPS – that is not commercialism – that is support, building community; an opportunity for us right now to move forward and fill a gap we need today; a stop gap. I hope we have the courage as a community to do more for our public schools, to educate the community and bring along all partners – whether individuals and companies" "... to have a real sustainable solution going forward. This is a good proposal – it has public oversight and checks and balances."***

Claire Sokoloff was recognized. She said one of the things that strikes her is that everybody in the room has the best of intention and everybody cares deeply about the schools and kids and though we may all have different ideas about the best ways about getting the best resources that are sorely needed, she really appreciates the quality of this conversation as it has been respectful and thought provoking. A couple of things to she wanted to share is that they have been grappling with this issue - some have been grappling with it a little longer. As Mr.Lasker pointed out, they've been grappling with this for years – it's been heart wrenching – they want to honor our educators that is paramount and they love our teachers but they struggle with some of the issues that have come up – put technology in the operating budget or put it in the CIP but then they also have roofs and boilers in our CIP. Even though lots of good things that happened this year with the budget, there is no question that the pie has to get bigger. It's not going to be one thing to make this pie big enough. She asks people to be open minded and understand that we're all a little uncomfortable in varying degrees. She urged the Committee to take a leap of faith - we're not going to get all things addressed. This (proposal) is untried, we're on the cutting edge – people are looking at us. Reinforcing a point made by Ald. Fuller, she said, people will give because they know the folks here in the NSF. If we get a big fancy company and they want to go beyond Newton – that will never go over well - We're trying to hold on to our values but also think out of the box. She said they're saying let's give it a try and if it doesn't work out – they can stop it any time along the way. She reiterated that we need the money now and wants closure in the not too distant future.

The Chair took the opportunity to offer a few words. She shared her concerns and said she was struck by the comments made by former Ald. Lipsitt - the idea that this would further distinguish the haves and the have nots. Kids have to deal with that now on a daily basis but the idea that they will have to deal with it because it is memorialized on a wall in school leaves her uncomfortable. In addition, she is concerned about the process - that the NSF folks would be targeting specific people for funds. She used the example of one kid's father – though having the same amount of money as another's may not have been asked and therefore not have the same opportunity to participate in the program. Those are just some of the issues she would like to be considered.

Ald. Baker made a motion to hold. The Committee unanimously voted to hold the item until the next meeting on June 6th when the Chair expects to have received an opinion from the IG.



NEPC

NATIONAL EDUCATION
POLICY CENTER

THE EDUCATIONAL COST OF SCHOOLHOUSE COMMERCIALISM

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November 2011

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CERU COMMERCIALISM IN
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THE EDUCATIONAL COST OF SCHOOLHOUSE COMMERCIALISM

THE FOURTEENTH ANNUAL REPORT ON SCHOOLHOUSE COMMERCIALIZING TRENDS: 2010-2011

Alex Molnar and Faith Boninger, University of Colorado Boulder

Joseph Fogarty, Corballa National School, County Sligo, Ireland

Executive Summary

Over the past several decades, schools have faced increasing pressure to “partner” with businesses, both to be seen as responsive to the business community and out of the hope that partnerships would help make up budget shortfalls as states reduced public funding for education.

Often, school-business partnerships are little more than marketing arrangements with little if any educational benefit and the potential to harm to children in a variety of ways. The 2010-2011 Annual Report on Schoolhouse Commercializing Trends considers how commercializing activities in schools harm children educationally.

It is relatively easy to understand how corporate commercializing activities harm children educationally by undermining curricular messages (as when candy and soft drink ads contradict nutrition lessons) or by displacing educational activities (as when students spend time focused on a corporate contest rather than the curriculum). A less obvious, though perhaps more serious, educational harm associated with school commercialism is the threat it poses to critical thinking.

Researchers generally agree that thinking critically requires abilities, such as problem-solving, decision-making, inductive and deductive inference-making, divergent thinking, evaluative thinking, and reasoning. According to the research literature, critical thinking is best cultivated in a school environment that encourages students to ask questions, to think about their thought processes, and thus to develop habits of mind that enable them to transfer the critical thinking skills they learn in class to other, unrelated, situations.

It is not in the interest of corporate sponsors to promote critical thinking. Far from it: their interest is in selling their products or services or “telling their story.” Encouraging children to learn to identify and critically evaluate a sponsor’s point of view and biases, to consider alternative points of view or products and services, or to generate and consider solutions to problems other than the ones sponsors offer would, from a corporate point of

view, be self-defeating. For this reason, sponsored messages will necessarily avoid touching on anything that might lead to thinking inconsistent with the intended message.

Although commercializing activities channel student thinking into a corporate-friendly track, the impact on critical thinking of doing so is rarely considered. In part this is because some commercializing activities, such as sponsored educational materials, may, on the surface, appear to have educational benefit. They may, for example, claim to address national standards for basic skills, or to encourage analytic thinking about contemporary issues such as energy policy. Moreover, since marketing is often framed as a “partnership” with schools, even when teachers might want to engage students in thinking critically about the message being marketed, doing so would mean “biting the hand that feeds” the school. Thus, to understand the educational harms of school marketing, it is necessary to understand both how commercial activities cause some things to happen in schools and classrooms and how they prevent or discourage other things from happening.

It's All in a Name

It used to be that the names of places mirrored deeper meanings, values, and our past.

By Jonathan Rowe

Published January 26, 2006 Christian Science Monitor

The news that a town in Texas has changed its name to that of a corporation, in exchange for free TV, made me think about my elementary school, which was named for a local man who died in World War I. I'm not going to pretend that I sat at my desk each day and pondered his bravery, as opposed to, say, the little League Game that evening.

But I still remember the awe I felt when I looked up at the plaque in the main corridor. Somehow the message penetrated my unruly mind, that I was supposed to be brave and unselfish, and to serve my community and my country, the way young Albert Edgar Angier had done.

America once was full of messages like that. Schools, arenas, and public places bore the names of civic leaders and national and local heroes. A Washington Square Park, a Martin Luther King Jr. Boulevard, was not just a memorial to a dead person. It was a testament to the qualities of character that the nation purports to stand for and to pass along to its young.

Have you ever heard of Joel Elias Spingarn? He was a professor of comparative literature at Columbia University, a founder of the Harcourt Brace publishing company, and for many years an executive of the NAACP. His memory lives on in part because Spingarn High School in Washington, D.C., is named after him. His achievements are an example to every student who walks through its doors.

It's not the kind of message that young Americans are getting much these days. Increasingly the Spingarns and Angiers are giving way to corporations eager for yet another hook into the minds of kids. Buses, hallways, classrooms, and even textbooks are filling up with come-ons for junk food and the like. A high school football field in Illinois has become Rust-Oleum Field. In New Jersey, an elementary school now has a ShopRite gym.

It's not just the schools. Piece by piece the civic landscape is collapsing under a deluge of commercial self-promotion. Sports stadiums, parks, and other spaces all are dropping civic names for corporate ones. Ballparks once were a kind of lyric poetry of place. Crosley Field meant Cincinnati. Briggs Stadium meant Detroit. Candlestick conjured up

the San Francisco fog, and the wondrous Willie Mays. Now you hear Cinergy, Comerica, SBC, and you are everywhere and nowhere.

Then there's Clark, Texas. This hamlet of 125 residents has agreed to change its name to DISH, which is a satellite TV system owned by Echo-Star Communications. In exchange, the residents will get free satellite TV for 10 years. When a locality sells its name – its identity – to a corporation, it is both the logical culmination of the trend, and an object lesson in what's at stake.

In scriptural times, the bestowal of a name was an event of great significance. A name was an expression of character; and humans earned new ones in accordance with their inner growth. Jacob, after he spent the night wrestling with his demons, became Israel. His old name means “to seize by the heel.” His new one, “God will rule.” The places where such events occurred acquired new names, too. Jacob called the place of his trial Peniel, which means the “face of God.”

Places had meanings. Their names connected the outer landscape to the inner – to the shared identity of the people, and to that which they most valued. For most of its history, our nation followed a civic version of this same tradition. Our outer landscape mirrored our character, our values, and our past.

The strange part is, it's not the “godless liberals” who have brought about this change. For the most part, it's the same ideologues who lecture us about traditional values on other days. They cut taxes to the point that schools and the rest are desperate for funds. Colorado Springs District 11 was one of the first to sell ads on school buses. It was in a “fiscal crisis” a spokeswoman there explained. “They couldn't pass a bond or any kind of tax increase.”

Ergo, the Coke ads in schools. Across the nation, plaques to the young men and women who give their lives in Iraq now will have to share space with those.

Next time ideologues bemoan the decline in traditional values in America today, and how young people choose self-indulgence over service, they might look at the propaganda they have invited into the schools, and into the culture at large. Character comes with a price; and if you aren't willing to pay for it, don't blame others when it is gone.

Memorandum

To: Members of the Programs and Services Committee
From: Alderman Amy Sangiolo
Subject: Docket item #170-12
Date: June 4, 2012

Several members of the Board and I have docketed the following item which has been referred to Programs and Services as well as Public Facilities:

#170-12 ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

I would like to have a preliminary discussion of this item at our next meeting, and may have some language to consider at that time that would help focus on the following issues:

1. What policies or ordinances now exist to control how City assets are named?
2. What policies or ordinances now exist to control the sale of city assets, including the rights to name facilities?
3. What policies or procedures now exist regarding the acceptance of gifts by the City that may affect naming of City assets?
4. What ordinances might be shaped to control how City assets are named, including
 - (a) What naming of what assets for what durations should require approval by the Board of Aldermen and what should require approval of a separate Agency, Board or Commission otherwise holding jurisdiction over such an asset? (For example, see Wellesley by-law, attached).
 - (b) What provisions should be allowed for the control of the sale of naming rights in return for gifts of money or other property to the City, and should it make distinctions by kinds of property involved?
 - (c) What provisions should be followed for the acceptance of gifts that may affect naming of City assets?

Since the Board of Aldermen may already have some authority in this area, I will invite the Law Department to participate in our discussion.



Wellesley

MASSACHUSETTS

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Article 5 Policies and Procedures

5.1. Policies and Procedures. "Policies and procedures" include only policies and procedures regarding services provided to the public.

5.2. Copies of Policies and Procedures. Each Board, the Department of Financial Services, the Town Clerk, and the persons named in Article 23 shall make available copies of any of their written policies and procedures to the public upon request. Reasonable fees may be charged for the cost of reproduction.

5.3. Public Participation. Each board shall establish a written procedure which allows members of the public to comment orally at a public meeting or a public hearing of the board on policies, procedures and agenda items being discussed or considered for adoption, amendment, or repeal by the board.

5.4. Books of Policies and Procedures. Each Board, the Department of Financial Services, the Town Clerk, and the persons named in Article 23 are encouraged to put their policies and procedures into written form, to keep their policies and procedures in a usefully organized and up-to-date book, and to make the book available to the public during regular business hours. Boards which do not have offices shall keep their books of policies and procedures in the office of the Town Clerk.

5.5 Naming of Public Assets. It is the policy of the Town of Wellesley to reserve the naming or renaming of public assets for circumstances that will best serve the interests of the town and ensure a worthy and enduring legacy for the town's physical spaces. *(Added ATM 2008, Approved by Attorney General 7/8/2008, Effective 10/30/2008)*

- a. No Town assets shall be named or renamed except in accordance with this bylaw.
- b. Assets that are considered to be major physical assets of the Town of Wellesley, such as buildings, recreational facilities, parks, water bodies, and conservation land shall be named only after the board with jurisdiction over the asset shall approve a name; and Town Meeting, by majority vote, shall concur in such naming.
- c. All other Town assets that are portions of a larger whole, such as: interior spaces of buildings; features within parks, conservation land, and recreational areas; driveways or parking lots; or furniture or other small fixtures of any description shall be named by the Board having jurisdiction over the asset pursuant to a policy adopted under section (g) herein.
- d. The naming of town assets shall be considered with the following categories in mind:
 - i. Historic Events, People, and Places. The Town may preserve and honor the history of the Town, State, or Country; prominent historical figures; and local landmarks, neighborhoods, or prominent geographical locations.
 - ii. Outstanding Individuals. The Town may acknowledge individuals who have contributed in a significant way to the public life and well-being of the Town.
 - iii. Major Gifts. The Town may acknowledge certain major gifts (as defined in each Board's policy) to the Town by individuals, organizations or corporations by naming a public asset in connection with such a gift.
- e. The board with jurisdiction over an asset to be named shall consider whether a naming agreement, or other documentation, is appropriate in each situation.
- f. In situations where no naming agreement or documentation exists, names shall not be changed without consideration of the historical significance of the name, impact on the individual or organization previously named and the costs associated with such renaming.
- g. No board shall name any public asset unless the board shall have adopted a naming policy. All policies on the naming of public assets shall be consistent with the intent of this bylaw. Any such policy or amendment thereto shall be adopted only after at least one public hearing. All such policies shall be on file with the Town Clerk and posted on the town website.

5.6. Acceptance of Gifts. The purpose of this section is to authorize the acceptance of Gifts for any

public purpose, and to specify policies and procedures for doing so. *(Section added ATM 2009)*

- a. Town Boards authorized to accept Gifts (money, tangible property, real estate) It is the Town's policy to respect the authority in Town boards and committees to accept gifts as provided by statute. This includes, but may not necessarily be limited to the following Town boards which are authorized to accept gifts of money, tangible property and/or real estate to the extent hereinafter set forth.
- i. The Board of Selectmen is authorized to accept gifts of money and tangible property on behalf of the Town (G.L. c.44 §§53A, 53A1/2).
 - ii. The School Committee is authorized to accept gifts of money for educational purposes. (G.L. c. 44, §53A, and c.71, Section 37A), and of tangible property as a matter of town policy.
 - iii. The Board of Trustees of the Wellesley Free Library is authorized to accept gifts of money for library purposes (G.L. c.78 § 7, 11) and for purposes of library construction or renovations (G.L. c.78 §19K), and of tangible property as a matter of town policy.
 - iv. The Natural Resources Commission is authorized to accept gifts of money and tangible property for conservation and parkland purposes, subject to the approval of the Board of Selectmen (G.L. c.40, §8C)
 - v. Gifts of real estate, or interests in real estate, may only be accepted by Town Meeting on the recommendation of the Board of Selectmen.
- b. Protocol for accepting gifts.
- i. Any town board accepting, recommending the acceptance of, or declining a gift shall adopt a written policy consistent with this bylaw. Any such policy or amendment thereto shall be adopted only after at least one public hearing. All such policies shall be on file with the Town Clerk and posted on the Town website.
 - ii. All Town boards and officers not specifically authorized hereinabove to accept a gift on behalf of the Town shall refer the proffered gift to the Board of Selectmen if it recommends that the gift be accepted. (The Town recognizes that G.L. c.44, §53A provides that a Town officer or department may accept a gift of money, but the statute also stipulates any expenditure of such a gift must be approved by the Board of Selectmen. Therefore, it is Town policy to require the acceptance be voted by the Board of Selectmen at the outset of the gift). Any Town board not hereinabove provided for, believing it is authorized to accept gifts, may ask the advice of the Board of Selectmen and/or Town Counsel.
 - iii. The donee board shall have the discretion to approve or decline any proposed gift, whether restricted or not, subject to the provisions of this section. In the event a board declines a gift that decision shall be dispositive of the matter.

In considering a gift, boards should make the following determinations:

1. Whether the gift is appropriate to the mission and needs of the Town and the particular board;
2. Whether the gift is unrestricted or, if restricted, given in reasonably broad and flexible terms to maximize usefulness;
3. Whether the gift is irrevocable;
4. Whether the gift imposes undue financial burden on the Town;
5. Whether the the long-term impacts of the gift, particularly where there could be significant future or ongoing operations and maintenance or capital costs associated with the gift have been accounted for;
6. Whether the terms of the gift permit the Town to apply the gift to related purposes in the event the designated purpose is fully funded or is no longer practical, necessary or able to be performed.

In the event a board has reason to believe a gift could cause or result in an appearance of impropriety, the board shall consult with the Town Counsel prior to accepting the gift.

Restricted gifts shall be assigned to a project or existing account consistent with the donor's desired use, as long as such restriction(s) do not conflict with Town by-laws or state or federal law, in which case the Town shall ask that the restriction(s) be removed or decline the gift.

- c. Grants. Any Town department is authorized to apply for grants, and to accept grant funds, provided the board or committee of such Town department has authorized the filing of grant application, or in the case of no application having been required, has authorized acceptance of the grant funds.

d. Accounting. All funds received by any board shall be deposited with the Treasurer. The Town of Wellesley Financial Services Department is responsible for providing for the financial administration of any gift to the town. If necessary, Financial Services shall track the proposed use of any such gift and shall maintain separate records of accounts showing receipts and disbursements.

Interest, if any, generated by a gift shall accrue to the Town's general fund unless expressly provided otherwise by the terms of the gift.

The donee board shall be responsible for acknowledgement of gifts and shall provide receipts as needed for stocktucker/IRS purposes.

e. Reporting. All donee boards shall prepare an annual report of such gifts including amounts, purposes and such other details as required by the Finance Director. These reports shall include both restricted and unrestricted funds. Reports on gifts shall be filed with the Finance Director, and included in the Town's Annual Report. The report shall cover gifts received in the prior fiscal year and shall be submitted in time to be included in the annual report.

TOWN OF WELLESLEY



**REPORTS TO THE
ANNUAL TOWN MEETING
MONDAY, MARCH 31, 2008
7:30 P.M.**

WELLESLEY MIDDLE SCHOOL AUDITORIUM

by the

ADVISORY COMMITTEE

**SCHOOL BUILDING COMMITTEE
COMMUNITY PRESERVATION COMMITTEE
WELLESLEY HISTORICAL COMMISSION
ADVISORY COMMITTEE ON NAMING PUBLIC ASSETS
AD HOC GREEN COMMITTEE
TOWN BYLAW STUDY COMMITTEE
BOARD OF SELECTMEN**

**Please read this book and bring it with
you to the Annual Town Meeting.**

In the event that it becomes necessary to cancel any session of Town Meeting,
notice will be given between 6 and 6:30 p.m. on
Wellesley Cable TV: Comcast Channel 9 and Verizon Channel 39
For more information and updates, please visit www.wellesleyma.gov.

Report of the Advisory Committee on Naming Public Assets

The **Advisory Committee on Naming Public Assets** is pleased to submit this report of its process and recommendations to the Board of Selectmen (BOS). Members of the Committee are: Kathleen Nagle, Chair (Town Clerk), Katherine L. Babson, Jr. (BOS), Linda Buffum (Historical Commission), Heidi Gross (Natural Resources Commission), Ann Howley (Development Consultant), Christopher Guiffre (School Committee), Marla Robinson (Library Board of Trustees), and Katherine Rooks (Recreation Commission).

Introduction

The Advisory Committee on Naming Public Assets, an ad hoc committee created by the Board of Selectmen in October 2007, was asked to propose a town-wide policy on naming of major town assets. Prior to this action, Ms. Babson, as a member of the BOS, had requested that Albert Robinson, Esq. (Town Counsel) provide information on any existing Town naming policy, including any stated authority given to Town officials to "name" new (or renovated) portions of major town assets.

In his response, Mr. Robinson advised that 1) "statutes are silent on the specific question and there are no judicial cases on point"; 2) there is no town bylaw or even a town wide set of guidelines covering the point, though several Town departments do have their own. He further advised that historically, the majority of the naming or renaming of major town assets has been done for honorific purposes and only rarely as public acknowledgment of a financial or in-kind contribution (e.g., Hunnewell Field, Sawyer Park). Often, actual naming authority has been assumed by Town Meeting (e.g. David G. Ouelette Memorial Playground, Hardy, Kingsbury, Brown and Sprague Schools). Individual Town boards and departments have occasionally exercised naming rights for particular assets over which they have jurisdiction (e.g. Carisbrooke Reservation (NRC) and Felix Juliani Room and Wakelin Way at Town Hall (BOS), D'Auria Drive at the Middle School (School Department), Arnold Wakelin and Peg Arnold Rooms at the Library (Library Trustees). This issue has arisen again recently with a conditional gift from an estate for a senior center (Tolles), which includes a naming request as part of the gift.

Pointing out that partnering public need with private support is a growing trend in municipal life, Mr. Robinson suggested "a policy be proposed for Town-wide application, to be adopted by Town Meeting for the guidance of all Town boards and officials." Developing "a carefully crafted policy" would be prudent now as we approach potential situations (e.g. the High School) where the issue of naming, whether honorific or in exchange for financial contributions, will certainly arise.

In an effort to bring clarity and process to a Town issue, the BOS agreed that it would be prudent to have a policy on naming public assets in place. This would provide a point of reference as individual boards and committees consider potential naming opportunities.

It is clear that the naming or renaming of major Wellesley town assets (e.g. schools, town buildings, streets, parks, bodies of water and recreational facilities) is complex and sometimes emotionally evocative since assigning a name is a powerful and permanent identity for a public place and/or facility. The naming or renaming of town fixtures often requires significant resources in terms of changing names on signs, maps and literature. In the case of a newly named asset that is accompanied by a physical structure or piece of land, there is also the cost to the town to accept, integrate and maintain the gift. In addition, excessive and constant name changing can be the source of confusion to the public.

Process

The Advisory Committee on Naming Public Assets met throughout December and January. The group compiled an inventory of named assets within Wellesley and any known history about the process used to adopt the names. This included naming that had been done for both "large" assets (Hunnewell Field, Centennial Park, Fiske School, Morses Pond etc.) and for parts of large assets (e.g. Arnold and Wakelin

Finally, as follow up to Town Meeting, it is recommended that the Board of Selectmen reconstitute this interboard committee (or name its replacement) to review the naming policy of each board. This would ensure that a policy is sound and written in the spirit of the proposed bylaw. The new committee would report back to the 2009 Annual Town Meeting.

It is important to note that this bylaw in no way advocates for solicitation of private funds or public acknowledgement of gifts received. Rather, it is an effort to establish a commonly accepted practice for use should a situation of this nature arise. Based on the experience of Committee members with established policies, the Committee agreed that having a process in place was extremely helpful in handling potential questions.

Summary

The bylaw as approved by the Advisory Committee on Naming Public Assets is appended to the end of this report.

Should this bylaw be adopted, each board would be required to adopt a naming policy as a minimum requirement. The policy guidelines in this bylaw are an effort to outline a broad process to determine appropriate public acknowledgement for gifts accepted as well as for honorific purposes. While these guidelines are intended to apply to the asset in its entirety (e.g. building name), it is anticipated that Town boards and committees will use relevant sections in determining naming/renaming policies for interior spaces or portions of the total asset.

The purpose of the proposed naming of public assets policy, which is designed to unify and supersede any existing policies currently in use in the Town of Wellesley, is to provide guidance to those that have an interest in the naming or renaming of the Town's major physical assets. This is an appropriate time to bring this bylaw forward as municipalities like Wellesley begin to explore opportunities for public/private partnerships to provide enhancement funds for public services. This policy can help ensure appropriate public acknowledgement in keeping with Wellesley's historical and community character.

Recommended Follow Up

A naming policy generally covers both honorific naming as well as naming done in exchange for or to acknowledge a gift of some type. This naming policy is therefore, a useful first step for Wellesley since it covers both opportunities. However, as the Town begins to think seriously about "partnering public need with private support", the Committee strongly recommends that the Town consider adopting a general gift acceptance policy in conjunction with this naming bylaw. Immediately following Town Meeting, the Board of Selectmen can reconstitute this interboard committee (or its replacement) to draft an umbrella gift acceptance policy to cover gifts to the Town as a whole. This would be reported back to the BOS for their future action. In addition, it is further recommended that each board review and/or adopt a gift acceptance policy, which is tailored to its particular circumstances.

A gift acceptance policy supports the naming policy as it provides the basis for the initial review of the potential gift. This policy allows gifts to be reviewed on a consistent basis each time and prevents the "glittering" appeal of a gift from overcoming good judgment when it is not a fit with the approved policy. This policy provides the basis for declining gifts when this is thought prudent. Both the gift acceptance and naming policies serve as guidelines to boards, staff, donors and the public at large as these groups seek common ground on private support of programs and projects. However, the gift acceptance policy is much more detailed. It provides an outline of the mission of the group; the purpose of the guidelines; donor conflict of interest; restrictions on gifts; types of gifts (cash, property, marketable securities etc.) that will be accepted; and any other provisions that are thought necessary by the establishing board in conjunction with legal counsel.

**Naming Policy
Wellesley Public Schools
Approved March 31, 2008**

Proposed Revisions (February 23, 2010) appear in red

Pursuant to the Town's policy, Naming of Public Assets (Town of Wellesley Bylaws, Article 6.21), the Wellesley School Committee (the "Committee") shall have the authority to name or rename assets under its jurisdiction, provided, however, that the Committee shall not name any major physical assets, as more fully described in Section 6.21 (b) of the Bylaws. Major physical assets under the jurisdiction of the Committee shall be named or renamed only by majority vote of Town Meeting after such name has been approved by the Committee.

Assets under the jurisdiction of the Committee that can be named or renamed exclusively by the Committee, include, but are not limited to, rooms, furniture, areas, parts of fields, roadways, parking lots, and other features of the physical environment of the schools.

Assets under the jurisdiction of the Committee that cannot be named or renamed without Town Meeting approval include school buildings and fields.

No assets under the jurisdiction of the Committee shall be named or renamed by the Superintendent of Schools, any principals, any other school employees, or any parent organization without the approval of the Committee.

Naming shall be limited as follows:

- Historic events, people and places – to preserve and honor the history of the town, state, or country; prominent historical figures; local landmarks, neighborhoods, or prominent geographical locations.
- Outstanding individuals – to acknowledge citizens who have contributed in a significant way to the public life and wellbeing of the town.
- Major gifts – to acknowledge major gifts, as defined in the School Committee gift acceptance policy, from individuals, organizations, or corporations, by naming a public asset in recognition of said gift. The committee will generally not entertain major gift naming proposals, using the donor's name, by donors associated with donations of funds or equipment by citizens with children currently or prospectively enrolled in the Wellesley Public Schools, except in the extraordinary case of the death of a student. However, a gift may be submitted for consideration if the posting of the name is deferred until after the donor's children have graduated from the Wellesley Public Schools.

In naming or renaming an asset, The Committee shall give consideration to equitable treatment of similar assets in similar situations.

Committee shall rely on the superintendent of schools to undertake a process of consultation and consideration and review of any given naming proposal before making a recommendation for action by the Committee.

**Gift and Bequest Policy
Wellesley Public Schools
Approved June 12, 1989**

Proposed Revisions (February 23, 2010) appear in red

The Wellesley School Committee recognizes the benefits accrued through active citizen involvement and support of the public schools. The Wellesley School Committee further acknowledges the value of individual or group donations on behalf of the public schools which, particularly in times of fiscal constraints, may be helpful to maintain, augment or initiate programs. All such donations are accepted and utilized at the discretion of the School Committee. The School Committee may decline to accept gifts which it deems not to be in the best educational interests of the system.

In compliance with the Town Gift policy adopted by Town Meeting on April 7, 2009, the School Committee recognizes the annual reporting requirements for gifts which are now in place.

A MAJOR GIFT, as referenced in the Naming Rights Policy, is defined as a gift in excess of \$50,000.