

HOUSE No. 451

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act creating a commission to regulate commercialism in the public schools..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 15 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by inserting the following new section:--

3 Section 1H. There shall be established within the board of education, but not
4 under its jurisdiction, a special unpaid commission to be known as the commission to regulate
5 commercialism in the public schools, consisting of the commissioner of education and a
6 representative of each of the following groups: the Massachusetts Association of School
7 Superintendents, the Massachusetts Association of School Committees, the American Federation
8 of Teachers - Massachusetts, the Massachusetts Teachers Association, the Massachusetts
9 Elementary School Principals, the Massachusetts Secondary School Administrators Association,
10 the Massachusetts Parent Teacher Association, the Massachusetts Municipal Association, the
11 Massachusetts Academy of Pediatrics, the Massachusetts Public Health Association, the
12 Campaign for a Commercial-Free Childhood and Citizens for Public Schools, the Massachusetts
13 Business Roundtable; and, two state representatives appointed by the speaker of the house and
14 two state senators appointed by the senate president.

15 The commission shall develop guidelines and standards for the use of
16 commercial ventures in the public schools, including standards for advertising and marketing in
17 the public schools, as well as for the privatization of the duties, responsibilities or services
18 provided by the public schools, and including guidelines and standards to address issues related
19 to corporate-sponsored curricula, field trips or assemblies, naming rights and product placement
20 in textbooks or other materials, including, but not limited to, the selling or marketing of
21 unhealthy foods or drinks in the public schools. The term “commercial ventures” shall include,
22 but not be limited to, entering into agreements to broadcast in school buildings film, video or
23 television which include advertising, and entering into agreements to sell, advertise or market
24 certain products within the public schools, including on school buses or at school related events,

25 The commission shall be provided with suitable offices and may, subject to
26 appropriation, incur expenses for research and consultation and to appoint an executive director
27 who shall be the executive and administrative head thereof and who shall not be subject to the
28 provisions of chapter thirty-one. The commission may empower the executive director to
29 appoint such employees as may be necessary to administer the provisions of this section. There
30 shall be paid by the commonwealth to each appointive member of said commission the necessary
31 expenses actually incurred in the discharge of her or her official duties. The commission shall
32 adopt such reasonable rules and regulations as may be necessary for the administration of this
33 section and shall made an annual report to the governor and the general court regarding the
34 nature and extent of commercial ventures in the public schools, with recommendations, if any, of
35 legislative action to further regulate or prohibit certain commercial ventures or privatization
36 practices in the public schools.