

Shelby County Board of Education

1007

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NAMING DISTRICT REAL ESTATE

I. PURPOSE

To establish guidelines for the appropriate selection of names for all district facilities and land.

II. SCOPE

This policy applies to the naming or renaming of all district real estate.

III. DEFINITIONS

District Real Estate – buildings, components of buildings, grounds and land, inclusive of specific areas within a building and on a campus, including but not limited to libraries, auditoriums, stadiums, cafeterias, gymnasiums, laboratories, athletic fields, playgrounds, practice fields, and streets.

IV. POLICY STATEMENT

It is the responsibility of the Shelby County School Board of Education to select names of district real estate. In fulfilling this responsibility, the Board of Education recognizes the importance and significance of maintaining an appropriate balance between educational, community and commercial considerations and the role names of building and space play in contributing to the District's sense of identity and purpose. The Board of Education recognizes that the official names of its facilities and land are vital to the District's public image. Therefore, when selecting names, the Board of Education will consider the honor, integrity, dignity and status that the name will reflect upon the district facility or land. As such, the naming and/or renaming of any district real estate requires the prior approval of the Board of Education.

A. New or Existing Name

1. New Name

When new real estate is acquired or facility constructed, or when an existing real estate is named for the first time, the Board may appoint a committee, in consultation with the Superintendent (or designee), consisting of community members, students and employees to recommend appropriate names in accordance with the provisions of this policy. The committee will provide two or three possible names to the Board for consideration.

2. Renaming

Once real estate is named, that name will remain unless changed or removed by the Board or otherwise provided in accordance with Board policy and/or a naming rights agreement. Names will be changed using the same process outlined above. Names may be changed when the specific program or theme for which the real estate was named changes, when the current name no longer supports the objective of the real estate, or due to additions or renovations to existing real estate. Names may be removed at the discretion of the Board in accordance with the provisions of this policy.

B. Naming

The District recognizes that there are two (2) circumstances in which naming rights may be considered: Naming Rights in Recognition and Naming Rights in Consideration.

1. Naming in Recognition

The Board may name real estate to recognize outstanding contributions to the District. Naming Rights in Recognition for such contributions is at the Board's discretion and in support of its goals, mission and vision. When naming real estate after an individual, consideration will be given to persons that have significance to students, employees and/or the community. One of the following criteria must be met for naming in recognition under this section:

- a. Recognition of the geographic locations in which the school facility/district real estate serves (i.e., the area, community, or street in/on which the school/district real estate is located or a significant and distinguishable landmark that identifies the location of the school/district real estate); or
- b. Recognition of deceased distinguished persons who have made an outstanding contribution to the field of education, community, county, state, or nation; or
- c. Recognition of outstanding service to the District while serving in an academic, administrative or service capacity; or
- d. Recognition of the achievements of distinguished alumni; or
- e. Recognition of a generous financial or other contribution from a donor (be it by way of donation, bequest, sponsorship, etc.) that was not made in exchange for naming district real estate.

2. Naming in Consideration

The Board recognizes that circumstances exist when the District may enter into an agreement for the specific naming of District real estate in consideration of financial contributions, sponsorships or other commercial transactions. Naming rights may be granted in return for provision to the District of an appropriate financial contribution or sponsorship, including provision or supply of equipment, materials, land, or services.

A specific agreement regarding the nature of the Naming Rights in Consideration shall be executed. Any agreement shall be governed by the provisions of this policy as well as applicable state and/or federal laws and regulations, and Board policies.

3. Naming – General Provisions

Naming Rights in Recognition and Naming Rights in Consideration are subject, where applicable, to the following provisions:

- a. **Appropriateness** – Due regard should be taken of the need to maintain an appropriate balance between commercial considerations and how names of buildings and spaces contribute to the District’s intended purpose as well as their role in assisting staff, students and visitors to orient themselves within a campus;

- b. **Consistent with the District’s Mission, Goals and Vision** – the granting of Naming Rights in Consideration must always be consistent with the District’s mission, goals and vision. The long-term effects of the naming must be considered. The department/school affected by the naming right to be granted shall be consulted before any decision is made.
- c. **Naming after an Individual** – any real estate named after an individual shall be of exemplary moral character; have made an outstanding contribution to education, humanity or community; have displayed outstanding leadership; or be a person of historical significance. However, no real estate shall be named after a currently enrolled student; current employees; or elected officials currently holding office. In these instances, a student shall have exited from the District, an employee shall be retired or a public official shall be retired from public office for a minimum of five (5) years.
- d. **Physical Display of Naming Rights** – Whether there is a physical display of the naming rights is decided or negotiated on a case-by-case basis. In the case of buildings, the physical display of the naming rights will take into account the identification of the school district. Plaques memorializing the name may be installed in buildings with the approval of the Board and informed consent of the named party or representative.
- e. **Change or Removal of Name** – the District reserves the right to remove or change the name of a facility or space, at its discretion, under any of the following circumstances:
 - i. If the Named party is subsequently convicted of a crime or otherwise engages in conduct that, in the District’s determination, is injurious to the reputation of the District. Any financial or other consideration received from the Donor may be subject to forfeiture to the District.
 - ii. Unless otherwise provided in a specific agreement or mutually agreed to by all parties, the Named party’s name changes. Any financial or other **consideration**

received from the Donor may be subject to forfeiture to the District.

- iii. Unless otherwise provided in a specific agreement, the district real estate is demolished, replaced, closed, sold, transferred or otherwise disposed of. Any financial or other consideration received from the Donor may be subject to forfeiture to the District.

- f. **Transferability** – Naming Rights in Consideration may be transferred by mutual agreement. Naming Rights in Recognition may not be transferred. The District may, as it deems necessary, require the company/group to provide compensation for the costs of any such change. If the company/group refuses to or does not provide compensation for such costs, the District reserves the right to remove the name due to the fact that it no longer represents the company/group/product that received the naming rights. Any financial or other consideration received by the District may be subject to forfeiture.
- g. All agreements are subject to the District’s requirements for contracts (see policy 2012 Contract Requirements, Approval and Signatory Authority)
- h. Financial contribution to the District shall not impact, restrict or limit the Board’s ability to purchase, sell, trade or otherwise dispose of property and award contracts in the best interest of the District.
- i. **Informed Consent** – the District shall not grant a naming right without the informed consent of the named party or his/her/its representative.
- j. **Monetary Valuation of Naming Rights** – may be assigned to proposed naming rights (in consideration) on a case-by-case basis based on review of the market for naming rights.
- k. **Duration of Naming Rights** – is decided or negotiated on a case-by-case basis.
- l. **Limit of Naming Rights**
 - i. On the Part of the District

The District's right to use the name and other brand elements of the named party is permitted by express agreement with the named party and/or their representative.

ii. On the Part of the Named Party

The named party, after whom District real estate is named, has no decision-making rights as to the purpose of the real estate or part of the real estate unless specifically provided for in the written agreement between the parties. The District will not agree to any condition in an agreement that could unnecessarily limit progress toward the District's mission, purpose, statutory obligations, or the local authority of the Board. In turn, the named party has no liability with respect to the real estate unless specifically provided in the naming rights agreement. Any such limits shall be included in the agreement.

- m. **Additional Provisions** – Naming rights agreements are subject to additional provisions as required by the Board or agreed to by the parties on case-by-case basis.

C. **General Disclaimer**

Nothing in this policy shall be construed as to grant a provider of goods, services, or financial contributions automatic naming right. Additionally, any permanent or nonpermanent fixtures shall become the sole property of Shelby County Schools.

V. **RESPONSIBILITY**

- A. The Board shall have the authority to approve the naming of a school facility or a portion of a school facility or district real estate.
- B. The Superintendent is responsible for
1. obtaining recommendations for the name of school facilities/district real estate as deemed appropriate;
 2. submitting recommendations for the name of school facilities/district real estate to the Board; and
 3. ensuring that this policy is followed.

C. The department responsible for business operations is responsible for developing a process to implement this policy.

Legal References:

1. T.C.A. 49-2-203
 2. T.C.A. 49-6-2006
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Cross References:

1. 2012 Contract Requirements, Approval and Signatory Authority
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