

# Emery County School District



## Policy: JJE—Fundraising

Date Adopted: 11 December 1997  
Current Review / Revision: 17 June 2020

This policy is to establish District procedures governing the initiation, authorization, and review of all fundraising activities. This policy is intended to create practices that adequately safeguard public funds, provide for accountability, and ensure compliance with State and Federal laws.

The Board of Education recognizes the demands on limited district financial resources and that alternate funding sources may be sought in order to meet the needs of schools and school-sponsored groups, and to provide expanded opportunities for students. The Board of Education desires to protect students, parents, teachers, and school administrators from over-commercialization and fundraising efforts that are coercive and disruptive to the educational process, threatening to the welfare of students, or lacking in educational merit. The Board also wishes to minimize the impact of fundraising efforts on local citizens, businesses, and other organizations. Accordingly, the Board encourages schools and school-sponsored organizations to responsibly limit fundraising activities, especially involving students.

### Scope

This policy applies to all District administrators, licensed educators, staff members, students, organizations, volunteers and individuals who initiate, authorize, or participate in fundraising events or activities for school sponsored events.

It is expected that in all dealings, employees will act ethically and consistent with District ethics policies, the Utah Educator Standards, the Public Officers and Employees Ethics Act, and State procurement law.

### Definitions

1. "Fundraiser," "fundraising," or "fundraising activity" means an activity or event provided, sponsored, or supported by a school that uses students to generate funds to raise money to:
  - o provide financial support to a school or any of the school's classes, groups, teams, or programs; or
  - o benefit a particular charity or for other charitable purposes.
2. "Fundraiser," "fundraising," or "fundraising activity" may include:
  - o the sale of goods or services;
  - o the solicitation of monetary contributions from individuals or businesses; or
  - o other lawful means or methods that use students to generate funds.
3. "Group fundraiser" means a fundraising activity where the money raised is used for the mutual benefit of the group, team, or organization. Proceeds from a group fundraiser are used to pay equally among participants toward individual student's fees.
4. "Individual fundraiser" means a fundraising activity where money is raised by each individual student to pay the individual student's fees.
5. "Public funds" are money, funds, and accounts, regardless of the source from which the funds are derived, that are owned, held, or administered by the District.

6. "School-sponsored" means activities, fundraising events, clubs, camps, clinics, programs, sports, etc., or events or activities that are authorized by the District or individual schools that support schools or authorized curricular school clubs, activities, sports, classes or programs, and also satisfy one or more of the following criteria. The activity:
  - a. Is managed or supervised by the district or a school, or a district or school employee.
  - b. Uses the district or school's facilities, equipment, or other resources.
  - c. Is supported or subsidized, more than inconsequently, by public funds, including the school's activity funds or minimum school program dollars.

## Policy Statements

1. Fundraising is permitted, on the limited basis described in this policy, to allow schools to raise additional funds to supplement the fees paid by participating students, or in the case of donations & sponsorships, to supplement school-sponsored academic, cocurricular, and extracurricular programs.
2. A school may allow for group fundraisers. A school may not authorize, establish, or allow for required individual fundraising. A school may allow optional individual fundraising opportunities for students to raise money to offset the cost of the student's fees.
3. The district recognizes that fundraising efforts, donations, and public support vary among schools. The district is committed to appropriate distribution of unrestricted funds and the management of fundraising to ensure, inasmuch as is reasonable, that the educational opportunities of all students are equal and fair.
4. The district is committed to principles of gender equity and compliance with Title IX guidance. The district commits to use all facilities, unrestricted gifts or donations and other available funds in harmony with these principles. The district reserves the right to decline or restrict donations, gifts, and fundraising proceeds, including those that might result in gender inequity or a violation of Title IX. Fundraising opportunities should be equitable for all students, comply with Title IX, and be in harmony with Article X of the Utah Constitution.
5. Schools will review all planned camps, clinics, activities, and fundraisers and determine those designated as school-sponsored. Those not designated as such will follow the non-school-sponsored criteria in this policy.
6. Properly approved school-sponsored activities may:
  - a. Use the school's name, facilities, and equipment.
  - b. Use district employees and other resources to supervise, promote, and staff the activity or fundraiser.
  - c. Be insured under the district's risk management policy
7. All monies raised through fundraisers for school-sponsored activities are considered public funds and must be used to offset the amount of fees paid by student and parents for the corresponding activity. Monies raised through donations or sponsorships may be used to supplement program needs. Schools are responsible for the accounting of all monies collected and expended through school-sponsored fundraising.
  - a. The collection of money associated with fundraisers for school-sponsored activities will comply with the District cash receipting policy.
  - b. The expenditure of any public funds associated with fundraisers for school-sponsored activities will comply with the District cash disbursement policy.

## **Donations**

The allocation of funds donated from individuals or organizations will follow the district's gifts and donations policy and shall comply with principles of equity and fairness. Donated funds can be used to supplement program needs.

## **Sponsorships**

The sale of sponsorship banners, advertising, signs or similar materials is approved for secondary schools. School sponsorships are directed by the school principal. A school-wide system should be implemented to ensure that sponsoring organizations or individuals are contacted only once per school per year. Principal approval must be given before advertising is initiated. Advertising that is partisan, political, or for products that are prohibited by law for sale or use by minors, is prohibited. Principals are authorized to determine the fair and equitable allocation of funds raised through sponsorships. Sponsorship funds can be used to supplement program needs.

## **Approval and Supervision of School-Sponsored Fundraising Activities**

1. All school-level fundraisers shall be pre-approved in writing:
  - a. Principals may approve fundraisers where the expectation is to earn up to \$2,500.
  - b. The Superintendent shall approve fundraisers expecting to earn more than \$2,500 and up to \$10,000.
  - c. Fundraisers expecting to earn more than \$10,000 must be approved by the Board of Education.
2. Each team, club, organization, or group may hold a maximum of one fundraiser per school year. Exceptions for groups with extenuating circumstances may be approved by the principal on the basis of demonstrated need.
3. Each fundraiser shall be supervised by a school faculty member or other employee designated by the approver.
4. The approver shall ensure that the activity has been appropriately classified as a school-sponsored activity.
5. The approver shall designate the fundraiser as a "group" or "individual" fundraiser.

## **Fundraising Standards for School-Sponsored Activities**

1. The District reserves the right to prohibit, restrict or limit any district or school fundraising activities.
2. Faculty participation in fundraisers is typically voluntary; however, employees may be directed to supervise specific activities as an employment assignment. For group fundraisers, students may be required to participate in order to benefit from the fundraiser.
3. Participation in fundraising shall not affect a student's grade. Students shall not be required to participate in fundraising activities as a condition of belonging to a team, club or group, nor shall a student's fundraising effort affect their participation time or standing on any team, club or group.
4. The Board encourages schools to thoroughly scrutinize commercially sponsored fundraising activities to ensure that they are not exploitive of children, do not sell products or services at highly inflated prices, and do not unfairly pressure children to participate by offering attractive rewards for high levels of sales performance. Competitive enticements for participation in fundraisers are discouraged. If prizes or rewards are offered by a selected fundraising vendor, they should only be awarded to groups, classes or students, and must be disclosed and approved prior to the fundraiser. Rewards, prizes, commissions, or other direct or indirect compensation shall not be received by any teacher, activity, club or group director, or any other employee or volunteer.
5. Schools may not impose a sales quota (or the like) as part of fundraising efforts. Students or parents shall not be required to pay for any unsold items, or pay for goals not met.

6. Elementary and middle schools shall not require, encourage, promote or sponsor door-to-door soliciting on the part of students. Door-to-door sales are prohibited for all students in elementary and middle schools.
7. High schools and school organizations may sponsor limited door-to-door fund raising activities involving students in grades 9-12. Such fundraising activities must meet the overall intent of this policy and students must adhere to the following requirements:
  - a) Participation must be in groups of two or more students.
  - b) Door-to-door fundraising must be done during daylight hours only
  - c) Students are to remain at the door and not enter any home.
8. Schools and school organizations shall avoid fundraising activities which directly compete with local businesses. The Board encourages activities which provide a needed service or product, avoiding activities which create a nuisance to or a burden on families, businesses or community members.
9. Approval may be denied for fundraising activities that would expose the school or district to risk of financial loss or liability if the activity is not successful.
10. Fundraising activities shall be age appropriate, and shall maintain standards of ethical responsibility & integrity.
11. Fundraising revenues are accounted for at an individual contribution level or participation level. Participation logs should be retained and turned into the school accounting office to be included with the deposit detail.
12. Employees who approve, manage, or oversee fundraising activities are required to disclose if they have a financial or controlling interest or access to bank accounts in a fundraising organization or company.
13. Records of fundraising efforts are open to parents, students and donors, including reporting on participation levels and financial outcomes. FERPA requirements prevail when disclosing identifying information.

#### **Non School-Sponsored Activities and Fundraisers**

1. Activities, clubs, groups and associated fundraisers that are not school-sponsored, or groups, clubs, sports, and programs that are not managed by employees are non-school-sponsored. Non-school-sponsored activities may:
  - a. Not use the school's or district's name without express district permission.
  - b. Not use the district's facilities, equipment, and other assets or staff unless a facilities use agreement is executed. These agreements shall follow district policy for facilities use.
  - c. Not utilize District employees (in their official capacity) and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
  - d. Not be insured under the District's risk management or insurance policy. Non-school-sponsored activities must provide their own insurance through a third-party insurer.
  - e. Not provide additional compensation or stipends for District employees, if the activity is not substantially different from a District employee's regular job functions and duties and outside of the employee's contract hours.
  - f. Not co-mingle public funds and private fundraising proceeds or expenditures.
  - g. Not use school records to contact parents or students.

2. Parental notification by a District employee is required if the employee is involved in planning, advertising, or serving as staff for a non-school-sponsored activity, and if district students are involved. This notification shall occur using the “Non-School-Sponsored Parent Notification” form.
3. Funds, donations, or gifts generated through non-school-sponsored activities or events may be donated to the district or to an individual school to support specific programs, teams, groups, clubs, etc. All donations or gifts shall follow the guidance established in the district donations and gifts policy.
4. Non-curricular clubs specifically authorized under Utah Code 53G-7-704 through 707 are not considered school-sponsored.

## **Employee Relationships and Disclosure**

1. Employee Participation in Private or Non-School-Sponsored Events—District employees:
  - a. May participate in a private but public education-related activity.
  - b. Must ensure that personal participation in these activities is separate and distinguishable from the employee’s public employment, official job title, or job duties.
  - c. May not contact district students using education records or information obtained through public employment unless the records or information are available to the general public.
  - d. May not use school time to discuss, promote, or prepare for a private or non-school-sponsored activity.
  - e. May offer public education-related services, programs or activities to students, provided they are not advertised or promoted during school time or using any type or amount of school resources.
  - f. May not require private or non-school-sponsored activities for credit or participation in school.
  - g. Must satisfy all requirements of Utah Code 53E-3-512, regarding ethical conduct standards, and R277-107, regarding educational services outside of the educator’s regular employment.
2. Employees may purchase advertising space to promote private or non-school-sponsored events in the same manner as the general public. The employee’s employment and experience can be used to demonstrate qualifications. The advertisement must specifically state that the activity is not school-sponsored.
3. Employees may engage in outside employment with a private entity or other separate organizations that do not interfere with district duties or job functions. Employees must complete the District disclosure agreement annually when engaging in outside employment that is similar to the employee’s official job duties or functions.
4. Parental notification is required if district students are recruited to participate in these activities.
5. Employees may not set up bank accounts for fundraisers associated with district duties or job functions.
6. Employees may not direct fees or fundraiser proceeds from school-sponsored activities to outside entities.
7. Employees may not direct operating expenditures to outside funding sources in order to avoid district procurement rules (such as equipment, uniforms, salaries or stipends, improvements, maintenance, etc.).
8. Employees must comply with district procurement policies, including complying with competitive quotes; bid splitting; and not accepting gifts, gratuities, or kickbacks from vendors or other interested parties.

# Emery County School District

## Fundraising Application



Is this Fundraising Activity school-sponsored? (as defined in policy JJE): \_\_\_\_\_

Is this an Individual or Group Fundraiser? (as defined in policy JJE): \_\_\_\_\_

Proceeds from group fundraisers benefit all participants equally. Proceeds from individual fundraisers benefit participants individually. All proceeds offset student fees.

School: \_\_\_\_\_ Application Date: \_\_\_\_\_

Organization: \_\_\_\_\_ Teacher / Advisor: \_\_\_\_\_

Purpose of Fundraising Activity: \_\_\_\_\_

Fundraising Activities (please describe): \_\_\_\_\_

Beginning date: \_\_\_\_\_ Ending date: \_\_\_\_\_

How will Students be involved? \_\_\_\_\_

Number of Participating Students (Appx): \_\_\_\_\_ Anticipated Revenue: \$ \_\_\_\_\_

Comments: \_\_\_\_\_

*I have read and understand the Emery County School District Board policy (JJE), Fundraising Activities and hereby agree to conduct the fundraiser in accordance with Board policy.*

Teacher/Advisor: \_\_\_\_\_ Date: \_\_\_\_\_

Principal: \_\_\_\_\_ Date: \_\_\_\_\_

Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

*Required when anticipated revenues are above \$2,500*

Board President's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Required when anticipated revenues are above \$10,000*

*(Please send a copy of all school-approved application forms to the Superintendent)*