

School-Connected Organizations

The Governing Board recognizes that parents/guardians and community members may wish to organize parent-teacher organizations and/or booster clubs for the purpose of supporting the district's educational and extracurricular programs, including classroom activities, athletic teams, debate teams, and musical groups. The Board appreciates the contributions made by such organizations toward the Board's vision for student learning and for providing all district students with high-quality educational opportunities. A school-connected organization shall consult with the principal or other site representative to determine school needs and priorities.

(cf. 0200 - Goals for the School District)

(cf. 6020 - Parent Involvement)

Parent clubs, booster clubs, and other school-connected organizations are separate legal entities from the district and thus are not under the control or the responsibility of district personnel. Each school-connected organization shall be subject to its own bylaws and operational procedures or to the rules or bylaws of its affiliated state or national organization, as applicable. However, Education Code 51521 states that no person shall solicit any other person to contribute to any fund or to purchase any item of personal property, upon the representation that the money received is to be used wholly or in part for the benefit of any public school or the student body of any public school, unless such person obtains the prior written approval of either the governing board of the school district in which such solicitation is to be made or the governing board of the school district having jurisdiction over the school or student body represented to be benefited by such solicitation, or the designee of either of such boards. To aid the Board in compliance with this requirement and with fulfilling its legal and fiduciary responsibilities of managing district operations, any group wishing to operate a school-connected organization that will conduct fund-raising activity to benefit a school or its students shall submit a written application each school year to the site administration, who shall recommend approval or denial, and forward the application to the School Board for final approval. The request for this authorization shall contain:

1. The name of the organization (initial or renewal).
2. The school site or program name.
3. The date of the application.
4. Parent organization/booster club official mailing address.
5. The names, addresses and phone numbers of all officers.
6. A declaration that the organization is a tax-exempt organization (provide tax exemption documentation, including Federal tax I. D. number, if applicable).
7. The name of the bank where the group's account will be located and the names of those authorized to withdraw funds.
8. A brief description of the organization's purpose, and a list of specific annual objectives.
9. Constitution, bylaws, rules, and procedures under which the organization will operate.
10. Evidence of adequate liability insurance for sponsored events or activities, as required by Education Code 38134. The insurance documents must include a certificate of insurance with an endorsement naming TUSD as additional insured.
11. A statement of how the organization intends to use any money remaining at the end of the

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- year if the organization is not continued or authorized to continue in the future.
12. The signature of a site administrator, and his or her recommendation for approval or denial of the application.

School-connected organizations automatically grant the district the right to audit their financial records at any time, either by district personnel or by a public accountant. An annual financial report, signed and certified by an authorized agent of the organization shall be submitted and filed with the Superintendent from each community-connected organization by August 15.

Authorizations granted under this policy shall be valid for up to one year. However, when deemed necessary by the Board, the Superintendent, or designee, the authorization for a school-connected organization to conduct activities in the district may be revoked at any time. Requests for subsequent authorizations shall be presented to the principal annually, together with an annual financial statement showing all expenditures and all income from fund-raisers.

Any program, fund-raiser or other activity sponsored by school-connected organizations shall be authorized and conducted according to Board policy, administrative regulations and school rules. For example, food sales by outside organizations must not compete with the district's school nutrition program and must comply with state and/or federal nutritional standards (Education Code 49431-49431.7; 5 CCR 15500-15501, 15575-15578; 7 CFR 210.11, 220.12). Any participation in fund-raising activities by students and their parents/guardians and/or any donation of funds or property shall be voluntary (Education Code 49011). Also, the Governing Board is responsible for ensuring that the district's athletic program provides equivalent opportunities for both males and females. Booster club activities must be included in the district's analysis of the equivalent opportunities provided by each school.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 3290 - Gifts, Grants and Bequests)
- (cf. 3554 - Other Food Sales)
- (cf. 5030 - Student Wellness)
- (cf. 6145 - Extracurricular and Co-curricular Activities)
- (cf. 6145.2 - Athletic Competition)
- (cf. 1321 - Solicitation of Funds from and by Students)
- (cf. 1330 - Use of School Facilities)
- (cf. 3452 - Student Activity Funds)
- (cf. 3260 - Fees and Charges)

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination on the basis of sex
- 35160 Authority of governing boards

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38130-38138 Civic Center Act, use of school property for public purposes
48931 Authorization for sale of food by student organization
48932 Authorization for fund-raising activities by student organization
49011 Student fees
49431-49431.7 Nutritional standards
51520 Prohibited solicitation on school premises
51521 Fund-raising project

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Solicitations for charitable purposes
25608 Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs
15500 Food sales in elementary schools
15501 Food sales in high schools and junior high schools
15575-15578 Requirements for foods and beverages outside the federal meals program

CODE OF REGULATIONS, TITLE 11

300-312.1 Fund-raising for charitable purposes

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 7

210.11 Competitive food services
220.12 Competitive food services

COURT DECISIONS

Serrano v. Priest, (1976) 18 Cal. 3d 728

Management Resources:

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference

WEB SITES

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CSBA: <http://www.csba.org>

California Office of the Attorney General, charitable trust registry:

<http://caag.state.ca.us/charities>

California State PTA: <http://www.capta.org>

Fiscal Crisis and Management Assistance Team (FCMAT); <http://www.fcmat.org>

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Although school-connected organizations are separate legal entities and in some cases may be subject to the financial policies and bylaws of a state or national organization, districts have the authority to approve school-connected organization to operate within the district or a district school or to claim that proceeds from their fund-raising activities will benefit schools within a school district. Therefore, school-connected organizations that intend to conduct fund-raising activity to benefit a school or its students shall submit a written application each school year to the site administration, who shall recommend approval or denial, and forward the application to the School Board for final approval.

Authorization, Denial, Revocation, and Reauthorization

The request for initial authorization or reauthorization shall be **submitted to the site principal no later than May 10th** of the year prior to planned activities, and must contain:

1. The name of the organization (initial or renewal).
2. The school site or program name.
3. The date of the application.
4. Parent organization/booster club official mailing address.
5. The names, addresses and phone numbers of all officers.
6. A declaration that the organization is a tax-exempt organization (provide tax exemption documentation, including Federal tax I. D. number, if applicable).
7. The name of the bank where the group's account will be located and the names of those authorized to withdraw funds.
8. A brief description of the organization's purpose, and a list of specific annual objectives.
9. Constitution, bylaws, rules, and procedures under which the organization will operate, including:
 - a. Written procedures for maintaining the organization's finances,
 - b. Size and composition of executive board or council,
 - c. Number, term, eligibility, and duties of officers,
 - d. Procedures for electing, removing, and replacing officers,
 - e. Procedures for regular membership meetings, including frequency of general meetings, notification, agenda, and quorum,
 - f. Procedures for approving fund-raising activities and expenditures
 - g. Provisions for a periodic audit of the organization's financial statements, and
 - h. Written statement that the group will not engage in unlawful discrimination as required by Education Code 200; Government Code 11135; Code of Regulations, Title 5 4900-4965; and United States Code, Title 20 1681-1688.
10. Evidence of adequate liability insurance for sponsored events or activities, as required by Education Code 38134. The insurance documents must include a certificate of insurance with an endorsement naming TUSD as additional insured.
11. A statement of how the organization intends to use any money remaining at the end of the year if the organization is not continued or authorized to continue in the future.
12. The signature of a site administrator, and his or her recommendation for approval or denial of the application.

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If the Superintendent or designee proposes to deny the request for reauthorization, he/she shall present his/her recommendation to the governing board for approval.

School-connected organizations automatically grant the district the right to audit their financial records at any time, either by district personnel or by a public accountant. An **annual financial report summarizing completed activities**, signed and certified by an authorized agent of the organization shall be **submitted and filed with the Superintendent from each school-connected organization by August 15**.

Authorizations granted under this policy shall be valid for up to one year. However, when deemed necessary by the Board, the Superintendent, or designee, the authorization for a school-connected organization to conduct activities in the district may be revoked at any time. Requests for subsequent authorizations shall be presented to the principal annually, together with an annual financial statement showing all expenditures and all income from fund-raisers.

Rules

Each school-connected organization shall abide by the following rules:

1. The organization shall not act as an agent of the district or school.
2. The organization shall not use the district's tax-exempt status and identification number. It shall be responsible for its own tax status, accounting, internal controls, financial reporting, retention of records, and other operations.
3. The organization shall use a separate name and logo (if used). Any use of a name or logo affiliated with the district, a district school, or a school team shall require the prior consent of the Superintendent or designee.
4. Funds of the school-connected organization shall be deposited into an account established specifically for its own use, and shall not be co-mingled with district funds, including associated student body funds.
5. The organization shall not hire or directly pay any district employee. If a school-connected organization wishes to pay for additional and/or extracurricular services, the person to provide the services shall be hired through the district's personnel department, provided the Board approves the position. At their discretion, employees may volunteer to perform activities for school-connected organizations during nonworking hours.
6. When a school-connected organization wishes to donate to a school site or its Associated Student Body (ASB), and if the value of the donation is equal to or greater than \$500, the donation must be submitted to the School District governing board. A completed district donation form must be forwarded to the Secretary to the Associate Superintendent of Business Services along with the donation. If requested, the Secretary to the Associate Superintendent of Business Services will provide the organization with a copy of the donation form as well as the board policy regarding gifts, grants, and bequests.

Cash donations are preferred when the organization intends to purchase supplies or

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equipment. The purchase will be handled through the district or ASB purchasing system by a district-designated individual who is authorized to spend the funds, with the site administrator's approval.

Direct donations of books, instructional materials, furniture or equipment shall be accepted only if they meet regular district criteria. The same \$500 limit for governing board approval applies. After acceptance, the Director of School Business Support Services and Purchasing will coordinate any marking, inventory or distribution needs with the district warehouse. All items requiring marking must be delivered to the warehouse for handling. Items will not be picked up or marked at the site.

The use of any item or funds donated by a school-connected organization becomes the property of the District and will be used at the discretion of the District in accordance with District policy. It is the intent of the District that items donated to a specific site will be used at that site.

Internal Control and Fiscal Management Procedures

Each school-connected organization shall abide by the following internal control and fiscal management procedures.

1. As part of the annual application process, include an annual budget that includes carefully developed estimates of proposed income-producing activities for the year, as well as proposed expenditures for the year.
 - a. This allows the organization to determine if it will raise enough funds during the year to cover the anticipated costs.
 - b. It also allows the principal to monitor fund-raising activities and monitor donations and other expenditures.
 - c. Fund-raising activities should be conducted for a specific goal and not simply to raise money for the organization. All fund-raising activities conducted on school premises or associated with the school's name must adhere to the guidelines established by the board of education in this administrative regulation and other best practices.
2. The treasurer or designated officer must prepare monthly financial statements and present said statements to the organization and to the Director of School Business Support Services and Purchasing with a copy of the most current bank statement and reconciliation. Financial statements must include cash receipts, cancelled checks, checking account beginning and ending balances, and bank reconciliation. The financial statements may also include balance sheets, income statements and other relevant items.
 - a. **Authorization to operate as a school-connected organization shall be automatically revoked for any organization that fails to submit financial statements to the principal and the school district representative on two or more consecutive months. A list of authorized school-connected organizations shall be made public each month at a regularly scheduled school board meeting.**

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3. All expenditures must be approved by the board of the school-connected organization and the approval note in the board meeting minutes. Checks must require a minimum of two signatures.

TUSD Adopted: 9/23/97; Revised 3/27/18.