



Newport-Mesa Unified School District

Mandatory Procedures for Student Program Fundraising

The Newport-Mesa Unified School District recognizes the outstanding community support that helps to adequately fund many of our curricular and extra-curricular programs. Usually the costs for most of these programs exceed limited district funds, thus necessitating booster club fundraising support and requests for contributions from participants.

For many groups throughout California fundraising has involved assessing “participation fees” that are paid to the group by families. However, there is a significant impending change in the law that will require groups to stop assessing, or even requesting “fees,” and the law will hold the district responsible.

In September 2010, the ACLU filed a lawsuit against the State of California over charges and deposits that were being imposed on public school students as a requirement for them to participate in certain educational programs. A few months later, the case ended with a settlement agreement.

The agreement calls upon the legislature to approve statutory law that defines the agreement. The legislation will define “educational activity” as including both curricular and extracurricular activities, and will define “student fees” as required payment by students or parents as a condition to participate.

The law *prohibits* a school district, school, or any other entity working under the supervision of, or in coordination with, a district or school from imposing a student fee for participation. “Any other entity” refers to booster clubs, foundations, community organizations, and other support groups. *This means the school district will be required to regulate the fundraising activities of such organizations.*

Thus, California law **does not** allow school districts or their associated community support groups to charge or request fees to students for curricular or extracurricular activities, and the law prescribes an audit process and financial sanctions for school district and/or booster group violations.

These are the specific guidelines that must apply to voluntary donations and fundraising projects:

Requests for Donations

1. All donations must be completely voluntary, and must be advertised as such.
2. All students will be allowed to participate in the activity regardless of whether a donation is made.
3. No student or parent may be required or coerced to participate in fundraising activities.
4. No inquiry or public disclosure may be made as to who did or did not participate in fundraising.
5. A recommended donation may be stated but any donation is acceptable.
6. Donations must be made to the total program and may not be earmarked to individual students.

Fundraising Project Regulations

1. Fundraising projects must be approved by the school Principal (or designee) and questions about fundraising must be directed to the school Principal before a program is initiated.
2. No student or parent may be required or coerced to participate in fundraising activities.
3. No inquiry or public disclosure may be made as to who did or did not participate in a fundraising project.
4. No student may be excluded from participating in the school program because the student or their parent did not participate in fundraising projects.
5. The organization may not maintain individual student “accounts” of any kind; funds raised will be used to benefit the entire student group as a whole.
6. If sufficient funds are not raised to pay for all students who qualify to attend a performance team trip, then no member of the team will be able to (allowed to) participate in the trip.
7. No support organization may provide compensation directly to any district employee.