

ORCUTT UNION SCHOOL DISTRICT



Fundraising Guidelines

Fundraising is an important component of community support that helps enrich the Orcutt Union School District's educational program at every level. The Board of Trustees appreciates such contributions and encourages the participation of parents and community members in helping achieve the district's vision for student learning.

An important goal of fundraising is to secure equitable opportunities for all OUSD students, regardless of ability to pay. The district has worked to develop fundraising guidelines consistent with the laws governing public education and with state-recognized best practices. These guidelines appear below.

Following election of officers or appointment of lead parent(s), organizations desiring to raise money to support OUSD student programs or activities annually submit a request for authorization to operate as a school-connected organization. The authorization form is available by clicking this link [District Fundraising Activity Petition Form.pdf](#). Directions for completing the form are contained within the guidelines below.

Questions and suggestions may be directed to the office of the
Assistant Superintendent of Business Services at 938-8916

Orcutt Union School
District
Fundraising Guidelines
Board Approved: September 11, 2013

- Introduction
- Board Policy and Administrative Regulations
- Definitions
- Annual Application for Authorization as a School-Connected Organization
- Forming a School-Connected Organization
- Frequently Asked Questions

Introduction:

Fundraising is an important component of community support that helps enrich the Orcutt Union School District's (OUSD) educational program at every level. The Board of Trustees appreciates such contributions and encourages the interests and participation of parents and community members in supporting district activities and helping to achieve the district's vision for student learning.

The Board of Trustees desires equitable programs and opportunities for all district students, and for fundraising activities to conform to law, Board policy and best practice. This handbook explains the district's fundraising procedures, and provides guidelines for best practices.

Board Policy and Administrative Regulations:

Board policy (BP) establishes the Board of Education's expectations for the activities of school-connected organizations. Administrative regulations (AR) describe how these expectations will be met. All OUSD Board policies are posted on our school website at: <http://www.orcutt-schools.net> under School Board/Board Policies

District administrative regulations are in development and will be linked when available.)

Those relevant to fundraising activities include, but are not limited to:

- 1230: [AR] [BP] Organizations
- 1260: [] [BP] Educational Foundations
- 1321: [AR] [BP] Solicitation of Funds From and By Students
- 1330: [AR] [BP] Use of School Facilities
- 3260: [AR] [BP] Fees and Charges
- 3290: [] [BP] Gifts, Grants and Bequests
- 3452: [] [BP] Student Activity Funds
- 3554: [] [BP] Other Food Sales
- 4136: [] [BP] Non-school Employment
- 5030: [] [BP] Student Wellness
- 6145: [AR] [BP] Extracurricular and Co-curricular Activities
- 6153: [AR] [BP] School-Sponsored Trips

Individuals and organizations fundraising on behalf of OUSD students should be familiar with the content of these policies and regulations.

Definitions

- Associated Student Body

Associated Student Body (ASB) organizations are composed of students only. Education Code Section 48930 defines the purpose of an ASB organization as "the conduct of activities on behalf of the students, approved by the school authorities and not in conflict with the authority and responsibility of the public school officials." As such, ASB groups have been given the authority to conduct fundraisers and to spend money for the benefit of students. All activities and fundraising events that involve the primary participation of and organization by students should be conducted through the ASB. The finance office, along with the advisors/coaches and students, must follow the procedures as set by the ASB. These procedures cover all student performances for which gate receipts or honorariums are received, all student conducted fundraisers, all collections from students for uniforms and/or t-shirts, and all collections of funds in relation to district sanctioned student tours. These fundraising activities are primarily on campus.

Best practices for ASB groups are detailed In The Associated Student Body Accounting Manual produced by the Fiscal Crisis Management Assistant Team (FCMAT) and available online at:

<http://wwwstatic.kern.org/gems/fcmat/asbmanual2009.pdf>

The remainder of this handbook does not apply to ASB activities.

Charter School and ASB

The State statutes governing K-12 organizations and ASB funds (Education Code 48930 through 48938) address "laws governing school districts." While Charter Schools are likely exempt from being required to have an ASB, they have a trusteeship responsibility to safeguard those funds for the benefit of students. In addition they are expected to follow best business practices and comply with Education Code sections 48930 through 48939 and any other statues guiding ASB operations.

• Informal Support Groups

Informal support groups are those formed for student support during the season of a particular sport or activity. Support groups, generally, do not have Tax Identification Numbers (TIN) and tend to be composed of interested parents and others with shorter term interest in a particular student activity. Informal groups usually provide refreshments for coaches/players; provide food, decorations or awards for end of season celebrations; and provide general support during games or activities. Informal support groups are not district-sanctioned, which may limit their use of school facilities. These groups may not associate the name of the school or district with their activities. Equipment purchased or funds raised by the informal booster organization and subsequently donated to a particular sport or activity must follow regular school board approved policies and procedures for gifts, grants and bequests.

• **Booster Clubs and Parent Organizations**

Booster and parent organizations are composed of parents, community members, and/or staff volunteers coming together for the purpose of supporting specific school activities to benefit students, for example athletic teams, debate teams, and musical groups. This type of organization is known as a school-connected organization.

The most common school-connected organization is Parent Teachers Association (PTA). The California State PTA publishes governance, fundraising, and financial guidance for members available at: <http://capta.org/> School-connected organizations are separate from the school districts with which they are associated and are not governed by California Education Code. However, booster and parent organizations do not have free access to schools and their students.

The Board of Trustees and administration have, and must maintain, exclusive control and management of its public school system. Education Code Section 51520 and 51521 require that any school-connected organization and/or activity be one that is authorized by law and permitted by Board policy. In addition, Education Code Section 51520 prohibits the solicitation of pupils by outside organizations on school property during school hours. Solicitation is defined as "to subscribe or contribute to the funds of, to become members of, or to work for any organization not directly under the control of the school authorities." A clear separation of responsibilities between ASB and school-connected organizations should be maintained. School-connected organizations serve as auxiliaries to the school program and conduct activities and fundraising events involving the primary participation of parents and other adult community members. School-connected organization funds will not be co-mingled with ASB funds.

Funds raised by school-connected organizations are used to support programs. The preferred method is to direct funds to the district for specific purposes, such as the purchase of specific items of equipment or to provide financial assistance to students with need in relation to uniforms or trips. Students are not required to raise funds in order to participate in school programs and events.

Annual application for authorization as a school-connected organization following election of officers or appointment of lead parent(s), organizations desiring to raise money to support OUSD student programs or activities will annually submit a request for authorization to operate as a school-connected organization. Click here for the Fundraising Authorization Form PDF (click here for PDF form) 1. It is to be signed by the organization's president and treasurer (or Individual designated to write checks on behalf of the organization), the coach or lead teacher advising the program, and the school principal (or Assistant Superintendent of Business Services for programs spanning multiple sites). The principal will submit the completed form to the Assistant Superintendent of Business Services. The Board of Trustees will annually approve these requests for authorization at a public meeting. Forming a School-Connected Organization Best practices for school-connected organizations are described within Chapter 20 of The Associated Student Body Accounting Manual produced by the Fiscal Crisis Management Assistant Team <http://wwwstatic.kern.org/gems/fcmat/asbmanual2009.pdf>

The officers of school-connected organizations are encouraged to annually review this resource. The following are specific considerations for establishing or continuing a school-connected organization.

• **Purpose and Officers**

Define school(s) and/or sport or activity the group will support.

Designate a board of at least three people, one of whom will be in charge of maintaining the financial records (treasurer). Two year, overlapping terms will maintain year-to-year continuity. Contact information for board members should be updated as needed and easily accessible to all members of the organization, e.g. coaches, parents, students, staff, etc.

• **Communication with Membership**

Establish an e-mail account, list serve(s) and website for facilitating communication. Information on obtaining free resources and training for OUSD non-profits can be found at: ??????? Involve the membership in annual goal setting and adopting a budget. Provide regular financial updates.

• **Bylaws**

A template for bylaws appears below. Organizations may use these as a starting point but should edit carefully to reflect individual goals and objectives. Bylaws should be reviewed periodically by the officers and available for anyone to view upon request.

Bylaws of the XYZ Organization

Preamble: brief statement of the aims and purposes of the organization

Article I/Name: state the name of the organization; if the preamble is omitted, this section contains a short statement of the purpose(s) of the organization

Article I/Membership and Officers: define the general requirements necessary for membership; list the officers of the organization, their duties and the length of term in office

Article III: define how officers will be elected and the qualifications of office

Article IV/Meetings: state the time for regular meetings; provide a method by which special meetings may be called

Article V/Amendments: state the method of amending the bylaws and the vote required for such amendments

Article VI/Schedule: state date on which bylaws become effective

• **Bank Account**

School-connected organizations are not legal components of the district. Each organization has its own tax identification number, own bank account, and is directly responsible for compliance with IRS and state reporting and disclosure requirements. A Tax Identification Number (TIN) or an Employer Identification Number (EIN) Issued by the IRS will be required to open an account in the organization's name. OUSD's Tax Identification Number (TIN) may not be used by a school-connected organization. For reasons of privacy and continuity, the use of an individual's Social Security Number (SSN) is discouraged.

Accurate records are kept of those officers with authority to sign checks and withdraw funds. This information is updated annually and regular financial reports made available to members. It is highly recommended that two signatures be required to withdraw funds. As part of the organization's application, the district requests to know where the primary account is held. This does not grant the district access the organization's funds.

-**Tax Exempt Status**

School-connected organizations are not required to be 501(c)(3) non-profit organizations. However, organizations providing receipts to donors as a "charitable tax deductible donation" must be officially approved by IRS as a 501 (c) (3) tax-exempt organization. It is the organization's responsibility to be both knowledgeable and compliant with all state and federal laws. There are separate procedures for obtaining federal and state tax-exempt status. Information on establishing and maintaining tax exempt status can be found at:

- <http://irs.gov/charities/charitable/index.html>
- http://ag.ca.gov/charities/publications/guide_for_charities.pdf
- <http://ag.ca.gov/charities/resources.php>
- <http://www.stayexempt.irs.gov>

For more detailed information, contact a tax adviser or attorney.

• **Liability**

The district is not responsible for and assumes no liability for the programs, fundraising or other activities of a school-connected organization. Announcements of events and related parent/guardian permission slips clearly indicate that the activity or event is sponsored by the school-connected organization and not by the school or district. Organizations purchase a liability insurance policy in order to protect their members from personal liability.

There are many companies that offer coverage and a number of informative websites explaining why proper liability coverage is important. Activities sponsored by school-connected organizations are not covered under the district liability policies even when conducted on school property.

Therefore, when organizations use school facilities the district will require proof of liability coverage in an amount appropriate to the type of request. The district may more effectively limit its exposure by additionally supervising and/or monitoring events.

• Fundraising Activities

The school principal verifies that a school-connected organization's fundraising activities align with law, Board policy, administrative regulations and rules of the school.

It is recommended that the full membership of the organization be surveyed prior to setting annual fundraising goals and activities.

Students are involved in fundraising activities only as volunteers. School-connected organizations may not discriminate in making grants to students on the basis of membership in or funding to the organization, or the family's fundraising or time put into organization-sponsored activities.

The following suggested template may be used when a school-connected organization solicits donations for an activity/program. Organizations may modify as needed.

Contact information
Date
Dear XYZ Organization families and friends,
Following a survey of our supporting members, the XYZ Organization has chosen to fundraise this year for [activity/program]. The cost for all [number in program] students to participate will be \$[amount]. This includes [fees/travel expenses/uniforms/materials/etc.]. Fundraising needs to be completed by [date].
Every student wanting to participate will be included.
<input type="checkbox"/> Yes, my child will [attend/participate] in [activity/program]
<input type="checkbox"/> No, my child will not [attend/participate] in [program/activity]
We will contribute \$ _____
<input type="checkbox"/> Payment is attached. (Please make checks to XYZ Organization.)
<input type="checkbox"/> We would like to contribute in installments. Please send us [specify period, e.g. monthly/quarterly] reminders.
Students and families are encouraged to participate in the following fundraising activities to help us reach our goal:
• [Schedule of fundraisers for activity/program]
All participants in these efforts are volunteers. Please join us in supporting our students. We will keep you posted on progress toward our goal.
Signed, XYZ president or lead parent

• Raffles

Penal Code Sections 320 and 320.5 authorize, under defined circumstances, eligible organizations to conduct raffles which require the payment of a fee for a chance to win a prize. Public schools are not "eligible organizations" but school-connected organizations with 501(c)(3) status are. Information on conducting a legal raffle can be obtained by going to the California Attorney

General's website at: <http://www.ag.ca.gov/>

- **Use of School Facilities**

State law and Board policy (BP 1330) regulate community programs on district property. A *Facility Use Permit* is submitted by the school-connected organization generally one month before the intended activity, together with a *Certificate of Insurance proving* the organization has

liability protection against claims arising from bodily and personal injury and damage to property resulting from the activities contemplated.

In the policy or policies providing such insurance, the district, its officers, agents and employees are named as additionally insured. The policy contains a standard cross-liability endorsement. Additionally, the certificate includes the specific dates of coverage and the following statement: "All operations and/or activities conducted on Orcutt Union School District property are summarily covered at all times during any period of occupancy."

- **School-Connected Food Sales**

School-connected organizations comply with law as well as district policies and regulations on the sale of food on school premises. Organizations are encouraged to review applicable laws including county food handling requirements, state and federal nutritional standards, as well as the district's Student Wellness Policy (BP 5030).

- **Funding Support Personnel**

In order to help maintain public trust in the integrity of district operations, the Board of Trustees expects all employees to give the responsibility of their positions precedence over any other outside employment. A district employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties consistent with BP 4136: Non-school Employment.

District personnel may serve as volunteers to a school-connected organization. When they do so, it is best practice that they not serve as officers or retain signing authority for bank accounts, invoices, or purchase authorizations.

School-connected organizations do not directly hire district employee(s) for additional and/or extracurricular services. Rather, following approval of the Superintendent or designee, the employee is hired through Human Resources and paid through the district.

The school-connected organization works with the appropriate district designee (principal, Athletic Director or district administrator) to begin the hiring process through Human Resources. The organization may request a specific person to fill the position; however the district must adhere to hiring policies.

The employee to be hired will work with his/her direct supervisor to ensure the employment will not conflict with the duties within the district. Once approved by the Board of Trustees, the employee is authorized to perform the service.

The school-connected organization pays the district sufficient funds to cover both salary and benefits due the employee. Payment to the district by the organization is made prior to services rendered. The employee is paid upon completion of the job.

Certificated employees cannot accept compensation or any other benefit for tutoring a student enrolled in his/her class (es).

Frequently Asked Questions:

We've operated fine for many years without any problems. Why is OUSD now requiring parent organizations to apply for authorization?

The Board of Trustees is fulfilling its legal and fiduciary responsibility to manage district operations by requiring organizations fundraising on behalf of students to be officially recognized and familiar with applicable laws and district policies and procedures. In difficult economic times, it is particularly important that school-connected organizations are aware of these policies and procedures and of best practice, so that all students have equitable access to programs and opportunities.

Can we avoid the need for liability insurance?

Not without assuming individual financial risk. Liability risks exist for any fundraising activity, whether it is conducted by an authorized school-connected organization or simply a group of individuals. The district assumes no liability for these activities. If the group has no liability coverage, those participating may be individually liable.

How do we determine whether a fundraiser qualifies as an ASB or school-connected organization activity?

If the activity involves the primary participation of and organization by students, it should be conducted by ASB. If the activity is primarily organized by parents or other community members on behalf of the students, it should be conducted by a school-connected organization.

Can an organization request or charge a fee to a student as a deposit on equipment or uniforms to ensure they are returned?

No, the school-connected organization cannot, but in some cases the district may. See BP 3260: Fees and Charges.

What are the consequences of our organization failing to comply with law, Board policy, administrative regulation or the rules of a sponsoring school?

When the activities of an organization appear to conflict with law, Board policy, administrative regulation or the rules of the school, the Superintendent or designee shall request information necessary for a review of the situation. If needed, the Superintendent or designee shall specify how the organization may remedy concerns.

The organization has thirty days to respond to the request for information and an additional thirty days to implement remedy, if needed. If the organization fails to comply with request for information and/or remedy within those timeframes, the Superintendent will recommend that the Board of Trustees revoke authorization for the organization to act as a school connected organization. The organization may appeal the recommendation prior to revocation.

Orcutt Union School District
SCHOOL-CONNECTED ORGANIZATION AUTHORIZATION FORM

Organization Name: _____

Name of the School(s): _____

As parents, guardians, and/or community members within the Orcutt Union School District, we hereby request:

- ___ approval for formation as a school-connected organization
- ___ annual renewal of authorization as a school-connected organization

Tax ID # _____ is your organization a 501 (c) ___ (3) ___?

Name of bank where the organization's account will be located _____

Please attach a copy of the bylaws under which the organization operates.

Purposes of the organization are (specifically, what program or student groups will be supported): _____

Note: School-connected organizations are organized and operate independent of OUSD. Accordingly, OUSD is not responsible for and assumes no liability for the programs, fundraising or other activities of any school-connected organization. Announcements of events and related parent/guardian permission slips shall clearly indicate that the activity or event is sponsored by the school-connected and not by the school or district.

We have read applicable OUSD Board policies and administrative regulations for forming and conducting this organization and agree to abide by them. Specifically, we agree:

- our fundraising activities shall not conflict with law, Board policies, administrative regulations, or any rules of the sponsoring school;
- our organization will not discriminate in making grants to students on the basis of their families membership in or funding to the organization, or the family's fundraising or time put into organization sponsored activities;
- to maintain a record of funds collected and expended; and
- to grant the district the right to audit the organization's financial records when the activities of the organization appear to conflict with law, Board policy, administrative regulations or rules of the school. If an audit is requested for a state chartered PTA, the district shall work with the State PTA.

President's name-printed	Signature	Date
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E-mail address-printed	Telephone number
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Vice president's name-printed	Signature (not required)	Date
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E-mail address -printed	Telephone number
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Treasurer's name-printed	Signature	Date
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E-mail address-printed	Telephone number
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Coach or lead teacher name (if applicable) -printed	Signature	Date
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E-mail address-printed	Telephone number
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I support this request for authorization, _____
Principal's signature Date

Date Approved by the Board of Education _____



Orcutt Union School District

Fundraising/Activity Petition

No fundraising items can be ordered without an approved purchase order!

All fundraising and/or activities, whether on or off campus, must be approved by the district Superintendent or School Board **prior** to the start of the activity. This procedure will help avoid scheduling conflicts between groups and schools.

***Petition must be turned in at least 5 days prior to activity date requested to be eligible for approval ***

Today's Date: _____

Organization: _____

Advisor's Signature: _____

Principal's Signature: _____

Type of Request (check one only): Dance Concession Fundraiser Activity

Name of Activity: _____

Event/Activity Date: _____ Alternate Date: _____

Pre-Sale Dates: _____

Item/Items for Sale: _____

Location of Sale: On Campus Off Campus Both

Method of Sales: Pre-sale Door Sale Cash Sale

Price of item/items: _____

Name of Company: _____

Address: _____

Purpose or need for activity requested: _____

For Bookkeepers Use:

Date petition received: _____ Date petition approved: _____

Superintendent or School Board Signature of approval: _____