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Statement of.....

## **Policy and Responsibility**

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SUBJECT: FUNDRAISING POLICY

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### **A. PURPOSE**

The purpose of this policy is to establish Murray City School District policy and procedures governing the initiation, authorization, and review of all fundraising activities of the district and individual schools. This policy is intended to create practices that adequately safeguard public funds, provide for accountability, and ensure compliance with state and federal laws.

The district encourages community and business partnerships that enhance and supplement the public education system. The district also desires to protect students, parents, teachers, and school administrators from over-commercialization and fundraising efforts that are coercive and disruptive to the education processes, threatening to the health and welfare of students, or lacking in educational merit.

### **B. SCOPE**

This policy applies to all Murray City School 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, district and school employees will act ethically and consistent with the district's ethics training, the Utah Educators Standards, the Public Officers' and Employees' Ethics Act, and State procurement law.

### **C. GENERAL POLICY STATEMENTS**

1. "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 state or any of its political subdivisions, including districts or other public bodies (Utah Code 51-7-3[26]).
2. Fundraising is permitted within the district to allow the district and schools to raise additional funds to supplement school-sponsored academic and co-curricular programs.
3. "School-sponsored" means activities, fundraising events, clubs, camps, clinics, programs, sports, etc., or events, or activities that are authorized by the district or individual school(s) that support the district or authorized curricular school clubs, activities, sports, classes or programs that also satisfy one or more of the following criteria. The activity:
  - a. Is managed or supervised by a district or public school, or district or public school

- employee.
- b. Uses the district or public school's facilities, equipment, or other school resources.
  - c. Is supported or subsidized, more than inconsequently, by public funds, including the public school's activity funds or minimum school program dollars.
  - d. Does not include non-curricular clubs specifically authorized and meeting all criteria of Utah Code 53A-11-1205 through 1208.
4. 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 that the educational opportunities of all students are equal and fair.
  5. Murray City School District is committed to principles of gender equity and compliance with Title IX guidance. The district commits to use all facilities, unrestricted gifts 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.
  6. All fees for school-sponsored activities must be properly noticed and approved by the local board of education and are subject to fee waiver provisions in R277-407.
  7. Principals, consistent with district policy, have the responsibility to waive fees, if appropriate. Individual teachers, coaches, advisors, etc. do not have the authority to waive board-approved fees.
  8. Annually, each district department or program and individual school will review all planned camps, clinics, activities, and fundraisers and determine those designated as school-sponsored. Those not designated as school-sponsored will follow the non-school-sponsored criteria in Section E.
  9. All monies raised through fundraisers for school-sponsored activities are considered public funds. The LEA and individual schools are ultimately responsible for the expenditure and allocation of all monies collected and expended through student, school-organized fundraising.
  10. The collection of money associated with fundraisers for school-sponsored activities will comply with the LEA cash receipting policies.
  11. The expenditure of any public funds associated with fundraisers for school-sponsored activities will comply with the LEA cash disbursement policies.
  12. Properly approved school-sponsored activities may:
    - a. Use the school's name, facilities, and equipment.
    - b. Utilize LEA employees and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
    - c. Be insured under the district's risk management policy (pending approval by the district Risk Manager) or general liability policy.
    - d. Provide additional compensation or stipends for district employees with the approval of the principal or immediate supervisor and under district payroll policies.
  13. School-sponsored activities must comply with all fee approval and fee waiver provisions established in Utah Code and Utah State Board of Education rules. Murray City School District may be responsible for providing student transportation for these activities.
  14. Authorization and supervision of fundraising for school-sponsored activities:
    - a. Fundraising at the district level shall be approved in writing, prior to the activity, by the superintendent or applicable assistant superintendent/director

and supervised by district employee(s) designated by the approver. The approver shall ensure that the activity is appropriately classified as a school- or district-sponsored activity.

- b. Fundraising at individual schools shall be approved in writing, prior to the activity, by the principal and supervised by a member of the faculty or other district employee designated by the principal. The approver shall ensure that the activity has been appropriately classified as a school-sponsored activity. Principals may approve fundraisers or activities where the expectation is to earn up to \$10,000. Fundraisers expected to earn more than \$10,000 and up to \$50,000 must be approved in writing by the superintendent. Fundraisers expected to earn more than \$50,000 must be approved by the LEA's board.
- c. Donations from individuals or organizations will follow the LEA's gift and donation policy.
- d. The sale of banners, advertising, signs, or other promotional material that will be displayed on school property must be approved by the principal before the items are initiated or printed, and must meet community standards. Partisan or political advertising and advertising for products that are prohibited by law for sale or use by minors, such as alcohol, tobacco, or other substances that are known to endanger the health and well-being of students, are prohibited.
- e. All fundraising projects for construction, maintenance, facilities renovation or improvement and other capital equipment purchases must be approved in writing by the business administrator, the superintendent, and the LEA board. (See capital fundraising section below.)

#### D. GENERAL FUNDRAISING STANDARDS FOR DISTRICT- AND SCHOOL-SPONSORED ACTIVITIES

1. Murray City School District reserves the right to prohibit, restrict or limit any fundraising activities associated with the district or individual schools.
2. Faculty and student participation in fundraisers is typically voluntary. However, employees may be directed to supervise specific activities as an employment assignment. Students, including fee-waiver-eligible students, may be required to participate fully in school, team, or group-wide fundraisers in order to benefit from fundraisers.
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 his/her participation time or standing on any team, club or group, except as to fee waiver requirements.
4. 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 district employee or volunteer.
5. Schools may not impose a sales quota (or the like) as part of fundraising efforts, and students or parents shall not be required to pay for any unsold items, or pay for goals not met.
6. Door-to-door sales are prohibited for all students in elementary and middle schools. High school students may participate in one door-to-door campaign per sport, club, or group per year. Suitable procedures must be used by the schools, administrators and supervising faculty to safeguard students and funds collected. Procedures must be clearly communicated to parents.

7. Approval may be denied for fundraising activities that would expose the school or Murray City School District to risk of financial loss or liability if the activity is not successful.
8. Fundraising activities shall be age appropriate, and shall maintain the highest standards of ethical responsibility and integrity.
9. Fundraising revenues should be accounted for at an individual contribution level or participation level. Participation logs should be retained and turned into the accounting office to be included with the deposit detail.
10. 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.
11. Records of all fundraising efforts shall be open to the parents, students and donors, including accurate reporting on participation levels and financial outcomes. This policy does not require the release of students' personally identifiable information protected by FERPA.

#### E. NON-SCHOOL-SPONSORED ACTIVITIES & FUNDRAISERS

1. Activities, clubs, groups and their associated fundraisers or other activities that are not school-sponsored or groups, clubs, sports, and programs that are not managed by Murray City School District employees are deemed to be non-school-sponsored. Non-school-sponsored activities may:
  - i. NOT use the school's or district's name without express district permission.
  - ii. NOT use the district's facilities, equipment, and other assets or staff unless a facilities use agreement is initiated and approved. These agreements should follow district policy for other facilities use agreements.
  - iii. NOT utilize district employees (in their official capacity) and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
  - iv. 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.
  - v. 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 employee's contract hours. (See district employee disclosure agreement below.)
  - vi. Not co-mingle public funds and private fundraising proceeds or expenditures.
  - vii. Not use school records to contact parents or students.
2. Parental notification by a district employee is required if district employees are involved in the planning, administration, 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. A copy of this form shall be submitted to the principal by the district employee prior to the event.
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's donations and gifts policy. (BU 714)
4. Non-school-sponsored activities may work in conjunction with the district or an individual school to raise funds. The district may allow these groups to use district facilities at little or no charge in exchange for contributions or percentages of proceeds. The district may choose to provide some level of support or pay for portions of these activities. These arrangements shall be set forth in a written

agreement or contract, and all transactions will be conducted as “arm’s-length transactions.” These agreements shall take into consideration the district’s fiduciary responsibility for the management and use of public funds and assets. The terms of these contracts will be approved by the principal, the facilities use agreement approver, and the business administrator. The district will consult with its insurer or legal counsel to ensure risks are adequately considered and managed.

5. Non-curricular clubs specifically authorized under Utah Code 53A–11–1205 through 1208 are not considered school-sponsored. (See the chart: “Is it School-Sponsored?”)

## F. EMPLOYEE RELATIONSHIPS & DISCLOSURE

### 1. Participation in Private or Non-School-Sponsored Events

#### i. Murray City School District Employees:

1. May participate in a private but public education-related activity, such as LDS seminary graduation and firesides, extracurricular travel, etc.
  2. Must ensure that personal participation in activities is separate and distinguishable from the employee’s public employment, official job title, or job duties.
  3. May not contact students in the LEA using education records or information obtained through public employment unless the records or information are available to the general public.
  4. May not use school time to discuss, promote, or prepare for a private or non- school-sponsored activity.
  5. 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.
  6. May use school or student publications available to the general public to advertise and promote the private or non-school-sponsored activity.
  7. May not require private or non-school-sponsored activities for credit or participation in school programs.
  8. Must satisfy all requirements of Utah Code 53A-1-402.5, regarding ethical conduct standards, and R277-107, regarding educational services outside of the educator’s regular employment.
2. Murray City School District employees may purchase advertising space to promote private or non-school- sponsored events in the same manner as the general public. The district employee’s employment and experience can be used to demonstrate qualifications. The advertisement must specifically state that the activity is not school-sponsored. (See R277-107-5 through 6.)
  3. Murray City School District employees may engage in outside employment with a private entity or other separate organizations that does 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. District employees may not set up bank accounts for activities or fundraisers associated with district responsibilities or job functions.
  6. District employees may not direct fees or fundraiser proceeds from school-sponsored activities to outside entities.
  7. District employees may not direct operating expenditures to outside funding sources or groups to avoid district procurement rules (such as equipment, uniforms, salaries,

- or stipends, improvements, maintenance for facilities, etc.)
8. District employees must comply with district procurement policies and procedures, including complying with competitive quotes; bid splitting; and not accepting gifts, gratuities, or kickbacks from vendors or other interested parties.

#### G. CAPITAL/LARGE FUNDRAISING PROJECTS

1. All fundraising projects for construction, maintenance, facilities renovation or improvement, and other capital equipment purchases must be approved in writing by the business administrator, the superintendent, and the Murray City School District Board of Education. Prior to the initiation of a large capital drive or specific fundraising drive, the following will be provided to the business administrator for evaluation and recommendation to the superintendent:
  - i. Prospective construction, maintenance or renovation plans and estimated costs
  - ii. Proposed naming opportunities
  - iii. Proposed fundraising timeline
  - iv. Loans or financing agreements
  - v. Maintenance or upkeep requirements and costs
  - vi. Assurances of compliance with Title IX (e.g., available for use by both male and female students and/or for several purposes or activities)
2. The superintendent will make a recommendation to the district's board. The board reserves the right to tentatively approve plans, pending fundraising, donations, equity, or other conditions.

#### H. CONTRIBUTIONS

Every fund raiser will include a component to allow for a fully recognized direct contribution in place of purchasing the product.

#### I. COMMERCIALISM

1. No individual or organization, public or private, shall be given the names, addresses and/or phone numbers of students or employees for and commercial or charitable use without approval from the board.
2. Sales representatives and agents shall not be permitted to contact students, teachers or other personnel at the school, without the knowledge and approval of the school [and district] administration.
3. Sales representatives cannot present sales information to students.

#### J. FUND RAISING FOR ELEMENTARY AND JUNIOR HIGH SCHOOLS

1. Student pictures will be used as a school fund raising project only once a year.
2. The sale of food items in the school will be in compliance with the Salt Lake County Board of Health.
3. Each school will be allowed one additional opportunity per academic year to participate in an activity that results in an income to the school.
4. Each school will be allowed one opportunity to fund raise for a charitable cause (Quarters for Christmas, Sub for Santa, Jump Rope for Life, etc.) The charitable fund raiser will be selected by the school community group.

5. Fund raising activities will remain sensitive to community needs. The principal will present a complete list (including PTA fund raisers) of fundraising activities to the school community group for approval.

K. FUND RAISING AT SENIOR HIGH SCHOOLS

1. All fund raising projects must be in compliance with the individual high school's Fund Raising Policy.
2. The Murray School Board will be informed of any additions or changes in the individual high school's Fund Raising Policy.

L. NONCOMPLIANCE TO ANY PORTION OF THE FUND RAISING POLICY WILL RESULT IN ACTION TAKEN AT THE APPROPRIATE LEVEL.