

## Booster Clubs, Foundations, Parent-Teacher Associations and Other Auxiliary Organizations

- Formed to contribute financial support to a school, club, sports team, or other district organization
- Unlike student organizations (i.e., Associated Student Bodies), these community supporters are separate from the district and maintain their own Taxpayer Identification Number and tax-exempt status
- Must follow the district's governing board guidelines for fundraising activities and obtain approval in advance
- Must adhere to the "free school guarantee"



## RESOURCES

California Attorney General Opinion No. 04-501 (September 2004) <http://ag.ca.gov/opinions/pdfs/04-501.pdf>

California Constitution, Article IX, Sec. 5 [http://www.leginfo.ca.gov/const/article\\_9](http://www.leginfo.ca.gov/const/article_9)

California Dept. of Education Fiscal Management Advisory 12-02 <http://www.cde.ca.gov/re/lr/fm/fma1202.asp>

Fiscal Crisis & Management Assistance Team (FCMAT) ASB Manual <http://fcmat.org/wp-content/uploads/sites/4/2014/02/ASBManual2012finalinteractiv.pdf>

"Guidelines for Student Fees," Tulare County Counsel <http://wwwstatic.kern.org/gems/fcmat/StudentfeesguidelinesTulareC.pdf>

Hartzell v. Connell (CA State Supreme Court decision) <http://law.justia.com/cases/california/cal3d/35/899.html>

San Diego Unified School District "Student Fees" website <http://www.sandi.net/Page/3087>

**If you have any questions, please contact the Rowland USD at 626.965.2541**

## Fees, Donations and Fundraising

### Guidelines for the Rowland Unified School District, Parents and Community Supporters



*"Once the community has decided that a particular educational program is important enough to be offered by its public schools, a student's participation in that program cannot be made to depend upon his or her family's decision whether to pay a fee or buy a toaster."*

From 1984 California Supreme Court decision

## Rowland Unified School District



# FREE PUBLIC EDUCATION

- The California Constitution requires that we provide a free public education, unless a charge is specifically authorized by law.
- Since 1894, the California Supreme Court has interpreted “free school system” to mean that students are entitled to be educated at the public’s expense.
- In 1984, the Supreme Court ruled in the case of *Hartzell v. Connell* that “free school” extended to all educational activities, both curricular and extracurricular.

## Permissible Fees

Fees specifically authorized by law:

- Transportation to and from school (except special education)
- Transportation to places of summer employment
- Charges for food (limited by free and reduced meal program)
- Medical or hospital insurance for field trips and for athletic team members (as long as there is a waiver for financial hardship for the latter)
- Charges for lost or damaged books or school supplies
- Direct cost of materials for property the student has made and keeps
- Deposits for band instruments, music & uniforms taken on excursions to foreign countries

## Permissible Fees (cont.)

Fees specifically authorized by law:

- Charges for optional attendance as a spectator at a school/district activity
- Charges for eye safety devices
- Actual cost of duplication of public and student records
- Optional fingerprinting program for kindergarten or new students
- Fees for summer camp programs\*\*\*
- Fees for field trips & excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities\*\*\*

**\*\*\*NO STUDENT CAN BE DENIED THE OPPORTUNITY TO PARTICIPATE DUE TO LACK OF SUFFICIENT FUNDS**

## Permissible Actions

Fundraising and solicitation of donations are allowed as long as they are not required for participation—

Some examples:

- ASB Cards
- Entertainment/Dances
- Car Washes, Book Fairs, Silent Auctions
- Advertising, Publications
- Cultural Events
- Jog-a-Thons, Lift-a-Thons
- Team/Group Sponsorships

## Non-Permissible Fees

California public schools—including charter schools—cannot charge fees in order for students to participate in any required “educational” program (curricular, co-curricular, extra-curricular), which includes:

- Security deposits for locks, lockers, uniforms and instruments
- Participation fees for classes, athletic programs, and clubs
- School supplies that are “necessary” for participation in the class
- Gym or physical education clothes
- Fees paid by the district to rent graduation caps and gowns (but students may *choose* to purchase a cap and gown from a vendor)

## Non-Permissible Actions

- Mandating fees, donations, or requiring students to fundraise as a condition for participation
  - Cannot set fundraising quote
  - Must be voluntary
- Excluding, “punishing,” or singling out students due to lack of funds or fundraising participation
- Stating a required “donation” amount
- Tracking individual fundraising activity in individual accounts
  - Fundraising must be done for the group as a whole