

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT



Guidelines for Booster Clubs and Other Organizations

2010 – 2011

This booklet, *Guidelines for Booster Clubs and Other Organizations*, was developed to clarify and define policies related to the school district's relationship with Booster Clubs and other supportive organizations. References to the Education Code and other laws that govern the operation of educational institutions, Frequently Asked Questions (FAQ), and other pertinent information is included in this guide to provide school staff and parents with a common framework for planning and decision making.

The guidelines are updated frequently and published on our website for transparency. In order to facilitate questions and, wherever possible, centralize the flow of paperwork linked to the operation of co-curricular activities, please direct communication to:

Mrs. Nicole Evenson

Business Manager

Santa Ynez Valley Union High School District

(805) 686-3560

nevenson@syvuhd.org

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BOOSTER CLUB, PARENT ORGANIZATION, AND SCHOOL FOUNDATION INTERACTIONS

Parent support groups such as booster clubs, school foundations, PTAs, PTOs, or PTSAs as well as community support groups are separate organizations and are not part of the operations of the Santa Ynez Valley Union High School District. These groups may raise funds and donate the funds to the district or purchase items with the funds for the districts. These groups are not legally considered part of the school district. Because booster clubs and other types of parent organizations are separate from the school district, they are not under the direct control or the responsibility of the school principal, superintendent, or board of education. **Booster clubs are responsible for establishing and maintaining their own financial records. A properly established booster club must have its own tax identification number and an exemption letter from the Franchise Tax Board and the Internal Revenue Service before it can accept tax-deductible donations.**

Prior to the beginning of the school year, or within the first three weeks of the school year, principals or their designees, are to meet with booster club/parent and community organization presidents and the faculty advisors to those clubs/organizations to explain the school calendar, regulations on the use of school facilities, fundraising procedures, etc.

Booster Clubs

All booster clubs and parent organizations must be independent of both the Santa Ynez Valley Union High School District and a school's Associated Student Body (ASB). They must function as totally a separate entity and have nonprofit (501c3 organization) status. The clubs must not "piggy-back" on the ASB and must keep their fiscal operations separate from ASB.

For example, if community donations have been made to a booster club by way of ASB and ASB has been issuing letters of appreciation for these donations (referencing their own tax identification number); the practice must be discontinued immediately.

Booster Club Use of School Facilities

All booster clubs are required to file facility use permits each time they use a school facility/facilities.

Student organizations are legally considered part of the school district and are included in the annual audit of the district and have benefit of the district's tax-exempt status under the Internal Revenue Code.

Because student organizations operate under the tax-exempt status of the school district, the funds deposited in bank accounts are not subject to state or federal taxes. For this reason, the funds raised by booster clubs or parent groups may not be deposited into the student organization's bank accounts. These groups may not open bank accounts using the districts' tax identification number. Organizations formed by teachers, also are not part of the ASB and may not deposit funds into the school's ASB accounts or use the district's tax identification number.

Q. Can booster groups pay salaries or stipends?

As the employer of all paid individuals working on school sites, the Santa Ynez Valley Union High School District is responsible for making all payments made to district employees, coaches and walk-on coaches. The payment of salaries or stipends requires responsibility for fingerprinting, worker's compensation insurance, and compliance with all federal and California information reporting requirements, including Form W-2 and Form 1099, where applicable.

Booster clubs are NOT allowed to directly pay salaries, bonuses, stipends, or supplement the income of district employees.

Q. Can booster groups hire coaches and/or "walk-on" coaches?

Booster clubs may **NOT** hire walk-on coaches directly; only the Santa Ynez Valley Union High School District can hire district employees, coaches, walk-on coaches, and assistant coaches.

Q. Is there a way for booster groups to pay for a walk-on coach?

Booster clubs can request and fund a walk-on coach and/or assistant coach. However, the following procedure must be adhered to **PRIOR** to his/her work with students:

1. A written request for a walk-on coach ("Coach Application Packet") must be signed by the school principal and the athletic director and must be submitted to the districts' Personnel Office. This form must be received by the District's Personnel Office no later than 6 weeks before the start of the athletic season.
2. After the request has been reviewed and approved by the Personnel Office, funds to support the walk-on position must be submitted to the districts' Business Office. Funds must be received by the District's Business Office no later than 3 weeks prior to the close of the payroll cycle for the first month of the athletic season.
3. Booster-funded walk-on coaches or assistant coaches must be paid at the same rate as a district-funded walk-on coach.
4. Walk-on coaches are hired for an increment of one season. Their contracts are renewed on a season-by-season basis. Walk-on coaches hired by the district on behalf of a booster club will be paid by the district equal amounts for each month of the athletic season, which is consistent with the policy that affects all district walk-on coaches.

Q. What steps must be completed in order for a walk-on coach to begin work?

Prior to working with students, a walk-on coach must complete all of the districts employment-related paperwork. The employment process includes fingerprint clearance, tuberculosis clearance, and CPR/First Aid verification.

Walk-on coaches will NOT be paid until the districts' Personnel Office employment process has been completed. **Putting a walk-on coach to work before employment is authorized by the districts' Personnel Office may jeopardize the employee's receipt of payment for hours worked.** It is the responsibility of site administration/athletic director to inform coaches that they must make an appointment with the Personnel Office to complete the required paperwork. It is also the responsibility of the site administrator/athletic director to verify that all coaches have been cleared through the Personnel Office PRIOR to beginning a coaching assignment.

Additionally, all volunteer coaches must be fingerprinted and cleared by the districts' Personnel Office.

IMPORTANT Regulation – Booster Group Financial Reports.

Although booster clubs are separate entities from the district, the governing board of the district requires these clubs to follow the guidelines established by the board policy and the administrative regulation, in addition to the procedures outlined in this handbook. Booster clubs are required to submit to the district an annual financial report for the fiscal year just ended, including all expenditures and all revenues for all events and fundraisers (see Administrative Regulation 1230).

APPLICATION FOR BOARD APPROVAL

In order to fulfill its legal and fiduciary requirements, the school board must require school-connected organizations to submit an application (if new) or request for continuance (if previously approved).

Any request for approval must include information as required by Board Policy and Administrative Regulation 1230. Authorization shall be granted for a period of one year. Requests for subsequent authorization must be presented annually.

Board Policy and Administrative Regulation 1230 are attached at the end of this guide.

Minimum Elements of a Constitution and By-Laws

Minimally a constitution should include the following five elements:

1. Name and purpose of the organization
2. Membership
3. Executive Board or Officers
 - a. Positions and duties of each position defined
 - b. Position and term limitations
4. Method of amendments to the constitution
 - a. By who
 - b. By petition of ___ percent of members
 - c. By ballot
5. Adoptions or ratification of constitution and any subsequent amendments
 - a. Shall require (percentage) vote of (Executive Board)

Minimally the by-laws should include the following six elements:

1. Duties and powers of Executive Board and Officers
2. The composition and membership of committees
3. Successions
4. Elections and qualification for office
5. Finances
 - a. Statement of internal controls, authorization of financial activities
 - i. Who shall approve prior to any commitment
6. Meeting schedule
 - a. For regular and special sessions
 - b. Time, manner, frequency
 - c. What constitutes a quorum
 - d. Who shall conduct meetings

Membership

1. Parents, community members, and staff may be members of any booster club or parent organization.
2. The principal or designee shall maintain on-going communication with the organization.
3. Membership fees may be used for raising funds for specific projects for the schools but school fees may not be a requirement of parents or students to participate in school activities.

LIABILITY

District liability for conduct and activities of an organization established for the purpose of supporting the district may be based upon the nature of the relationship between the two entities. That relationship may be contractual or based on the amount of district control or on the fact that the district is the beneficiary of the organization's activities. Therefore, it is likely that a lawsuit based upon an activity of the organization will also name the district and seek a finding of joint liability. Whether the district is appropriately named or not, the district will incur legal expenses in defending the lawsuit.

The district strongly encourages booster and parent organizations to provide proof of liability insurance in the minimum amount of \$1,500,000 combined single limit with the district named as an additional insured endorsement for activities conducted off school district property.

When using school facilities, booster and parent organizations are required to provide proof of liability insurance in the minimum amount of \$1,500,000 combined single limit with the district named as an additional insured endorsement. The district may, at its discretion, require a higher level of coverage based on the type of use requested, such as athletic activities and large events.

A district may more effectively limit its exposure by adequately supervising and monitoring the activities of a school-connected organization. Familiarization with applicable statutes, regulations and reporting requirements will assist the district in ensuring the proper conduct of the group's activities and therefore lessen the amount of district exposure.

OBTAINING TAX EXEMPT STATUS

Booster and parent organizations are not legal components of a school district. If a booster club is generating tax-deductible donation letters, it must have its own tax identification number, own bank account, and is directly responsible for compliance with IRS and state reporting and disclosure requirements. Organizations who provide 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. Booster and parent groups are encouraged to contact the Internal Revenue Service and the Franchise Tax Board in order to obtain a tax-exempt status for their organization.

State and Federal forms and further information can be found at the following Web sites:

Tax Identification Number

Form SS-4, "*Application for Employer Identification Number*"

Instructions: <http://www.irs.gov/pub/irs-bdf/iss44.pdf>

Fill-in form: <http://www.irs.gov/pub/irs-fill/fss4.pdf>

Non-Profit Status

Publication 557, "*Tax-Exempt Status for Your Organization*"

<http://www.irs.gov/pub/irs-pdf/p557.pdf>

Package 1023, "*Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code*" Includes fill-in form 1023, instructions for form 1023, and form 872-C:

<http://www.irs.gov/pub/irs-fill/k1023.pdf>

Form 8718, "*User Fee For Exempt Organization*"

<http://www.irs.gov/pub/irs-fill/f8718.pdf>

California Forms and Instructions Form 3500 Booklet, "*Exemption Application Booklet*" Includes instructions and two copies of form 3500.

http://www.ftb.ca.gov/forms/02_forms/02_3500Bk.pdf

Consult Tax Tips Pamphlet No. 18, "*Sales and Use Tax Guide for Volunteer and Nonprofit Fundraising Organizations*" to determine what may and may not be taxable.

<http://www.boe.ca.gov/pdf/pub18.pdf>

FUNDRAISING ACTIVITIES

In accordance with Education Code Section 51521, programs, fundraisers or other activities sponsored by booster and parent organizations must be authorized and conducted according to local board policy, laws, and school rules. At the beginning of each school year, each booster and parent organization shall submit to the principal/designee a list of the fundraising events that each organization proposes to hold that year. The principal/designee shall review the proposed events and determine whether the events are in conflict with or detract from the school's educational program.

There are generally two types of fundraisers that benefit schools in our districts: school-based fundraisers (e.g. ASB) and booster club-school foundation-parent club fundraisers. School-based fundraisers require board approval PRIOR to the beginning of any solicitations. Booster-club fundraisers that use the district or school name or logo in fundraising activities must first be approved by the school principal or designee before being authorized by the governing board. All fundraising activities will comply with district policies and state law.

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. Raffles may include 50/50 raffles, donation drawings, duck derby and cow chip bingo. **Public schools are not “eligible organizations” but parent organizations with a 501(c)(3) status are.** Information on how to conduct a legal raffle can be obtained by going to the California Attorney General’s Web site: www.ag.ca.gov.

All booster funds are collected and maintained by the organization. The district’s tax identification number cannot and will not be used. No booster funds shall be kept in ASB accounts.

Board of Education Approval

Solicitations on behalf of any public school or their student body require prior approval by the board of education. Board approval is required prior to fundraising for the benefit of charitable organizations (Education Code 51520) **as well as** for school-related purposes (Education Code 51521):

Education Code 51520. During school hours, and within one hour before the time of opening and within one hour after the time of closing of school, pupils of the public school shall not be solicited on school premises by teachers or others...to contribute to the funds of, to become members of, or to work for, any organization not directly under the control of the school authorities, unless the organization is a nonpartisan, charitable organization organized for charitable purposes by an act of Congress or under the laws of the state, the purpose of the solicitation is nonpartisan and charitable, **and the solicitation has been approved by...the governing board of the school district in which the school is located.**

Education Code 51521. 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 the governing board of the school district...**

The term “solicitation” means that no person shall request of another person monetary contributions or the purchase of any item. Without said authorization, solicitations cannot incorporate the school/department name (e.g., letterhead), require class and/or staff time, or utilize school facilities.

Problems that arise as the result of unauthorized activities or projects can place the responsible party in the position of having to incur personal liability.

Activity Calendar, Summary, and Budget

Booster clubs and parent and community organizations must provide the principal with the following information on school-related fundraising projects:

- annual calendar of events;
- type of activity and indication of how the funds will be used;
- name of the contact person(s);
- summary of anticipated on-campus/off-campus fundraisers, including the time of day;
- a projected budget, outlining a basic plan of income and expenditures;
- a copy of the completed, signed “Booster Club, Parent and Community Organization Information” form shall be submitted with the booster club’s (or other nonprofit organization) annual fundraising plan.

Q. Is it ok for a foundation, fundraising group, or booster group to use the school’s tax identification number or do they need to have a separate non-profit 501(c)(3)? If so, where do we get the paperwork?

NO, booster groups, foundations, or outside fundraising groups, cannot use the districts’ tax identification numbers. As a governmental agency the districts have a different type of tax status and separate number that is specific to each district.

Q. Can district staff serve on the board of a school booster club?

It is not the role of staff to be involved in the establishment of, or direct participation in, or become a bank account signer of a school booster organization. Booster clubs are to seek outside legal advice.

Q. Why does my school need to file a fundraising plan? What if the cause is time-sensitive and I don’t have time to go to the board?

If there is not time to receive governing board approval, the school fundraiser is not to be held. All school fundraising plans by any organization need to be approved by the board of education, per Education Code 51520 or 51521 (see above).

Q. When should school fundraising plans be turned in?

School fundraising plans are turned in at the beginning of each school year. Once school is underway, additions to the school's fundraising plan should be turned in to the superintendent or designee as soon as possible. In order to make it on an agenda, **the superintendent must turn in board agenda items no later than noon on Wednesday of the week before a board meeting.**

Q. For board approval, what information is needed about the school fundraising plan?

1. Who will be conducting the fundraiser?
2. Location of the fundraiser?
3. How much will the fundraiser cost?
4. Type of fundraiser (e.g., penny drive, walk-a-thon)?
5. What is the projected goal (in dollar amount) from the fundraiser?
6. Date(s) and time of day of the fundraiser?
7. Funds raised are to be donated to (fill in the blank) for the purpose of (fill in the blank)?

Note: Alcohol cannot be served as part of a board-approved fundraiser, whether the event is hosted on-site or off-site

Q. How does the school receive donations from outside individuals or groups?

A donation to any school site is only fully received when the board formally accepts it in a donation agenda item at a regularly scheduled meeting. Donations made to the district are to be entered onto a "Request for Acceptance of Gift" and submitted to the Business Office.

Note: The district is not required to accept every donation. The form is reviewed and the donation item is then listed on the next board regular meeting agenda requesting formal acceptance. Sometimes the donation form is reviewed and the item may be determined as not acceptable for submission to the board by appropriate administrative staff. For example, if there are restrictions on the donation, such as obsolete computer equipment, the donation might not be accepted.

Q. How should all funds received by the school site be handled?

All funds must be deposited into Education Code authorized bank accounts. (Per Education Code 48933).

The funds may be for Associated Student Body (ASB) established club activities and must be accounted for by the ASB bookkeepers pursuant to the FCMAT ***Associated Student Body Accounting Manual & Desk Reference***.

If the funds are for other than ASB activities, such as funds donated to the school site and **board approved** through a donation agenda item or through a fundraiser request, **are to be deposited to the district's County Treasury account** and maintained in a separate budget account set up through the Business Office. The budget account will have the name of the intended use and can be expended through the submission of purchase orders. School site administration is encouraged to use the funds in a timely manner as the donor intended; however, unexpended funds will be carried over into subsequent fiscal years and reserved for the fund's original purpose.

FLIERS / ADVERTISING AND PROMOTIONAL MATERIALS

The board recognizes the many worthwhile organizations that seek to inform the school community about events and activities of interest to children. The districts' mission and the board of education's focus goals are on improving academic achievement and the districts' resources must be directed to providing the highest quality educational programs to all students.

Because flier distribution requires clerical support and teacher time, non-school flier distribution is limited to:

- joint-use partners as established in a memo of understanding (flier content must be focused on the joint-use partner's program for youth conducted for district students).
- contracted programs (e.g. district grants) approved by the board (flier content must be focused on contracted programs conducted primarily on district campuses for district students);
- parent-teacher organization promotion of school site-related events, activities, and programs (not the events of other agencies organizations);
- governmental agencies, such as police and fire, that wish to distribute materials pertaining to students and community health and safety.

Such printed notice must be submitted to the superintendent or designee for prior approval at least two weeks prior to distribution. If approved, a flier must be translated, copied, and bundled according to school specifications.

The superintendent or designee shall not approve distribution or posting of promotional materials of a religious or political nature, such as those that publicize services, special events, or public meetings. This includes fliers, coupons, discount cards, or other forms of advertising or promotional materials related to vendor services or opportunities. (Board Policy 1325, "Advertising and Promotion")

FOOD SALES

The sales of food and beverages at school during the school day should be aligned with the districts' goals to promote student wellness. Any food sales conducted outside the districts' nutrition service program shall meet nutritional standards specified in law, board policy, and administrative regulation and shall not reduce student participation in the districts' nutrition services program.

Food sales are prohibited during school hours, and within one hour before and after school hours, unless the organization is legally organized as a nonpartisan, charitable organization, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved in accordance with board policy. (Education Code 51520)

DONATIONS TO SCHOOL PROGRAMS AND PROPER DISBURSEMENT

Donations to school programs can be made directly to the school through the procedure listed below or, if the donor so chooses, to a school program through an independent nonprofit 501(c)(3) organization. A public school/school district is viewed as a charity by the Internal Revenue Service. A donation of money, goods and/or services can be directed as follows:

- All purchases shall be donated to the school in accordance with board approved policies and procedures.
- Staff may make requests through their principal or designee to the booster club or parent organization for desired donations.
- Donations may be made in cash to allow the purchasing department to buy items that are in line with district purchasing guidelines and statutory laws.

District/School Donation. Monetary donations to individual schools or programs are greatly appreciated. There are, however, times when the district is unable to accept donations of certain goods or services. When considering whether or not to accept a **donation of services or equipment** (e.g., computers, digital cameras, projectors, furniture, vehicles), it is important for the prospective donor or site personnel to include district administrative staff in the decision-making process as an equipment donation may require certain maintenance, compatibility, and/or insurance considerations. When in doubt, check with the Business Office (686-3560).

- The maintenance department must be consulted, prior to purchase, on all items requiring installation. The business office must be consulted on the purchase of items requiring a maintenance contract.
- Capital improvements, equipment (over \$5,000), may only be purchased with the prior approval of the business manager and district authorized designee. Uniforms may only be purchased with the prior approval of the principal and district authorized designee. Organizations must donate funds or approved items to the district.
- A “Request for Acceptance of Gift” must be completed upon school or District Office acceptance of a donation. In the case of equipment donations valued in excess of \$500 (per item), it is particularly important to include thorough descriptive information and a dollar value.

The completed “Request for Acceptance of Gift” is forwarded by the Principal’s Office (or District Office) to the Business Office, where it is recorded. Then, the donation is noted on a board of education meeting agenda, where it is officially accepted and acknowledged. A letter of appreciation, signed by the superintendent, is sent to the donor.

- **Donation to a Booster Organization, PTSA, Public Education Foundation, or Other Nonprofit School-Affiliated Group.** An individual or business may also choose to donate to a school program through a school-affiliated nonprofit group. The donor is encouraged to gather information on the group’s nonprofit 501(c)(3) status and communicate directly with the organization’s representatives.

- **Disbursement.** When a donated item is accepted by the board of education, the donation becomes the property of the Santa Ynez Valley Union High School District. Said item does not belong to an individual staff member, it belongs to the district. The donor may indicate that they prefer the funds to be restricted. Once the item is accepted by the board, the principal may honor the donor's request and direct that the item be used in a certain classroom or, if the donation is unrestricted, use the donated item elsewhere on site, as needed.

Employees should not accept any equipment as a donation for their personal use. For example, a digital camera donated to a school belongs to the school district, not the person.

RETENTION OF RECORDS

Since voluntary organizations often suffer from the constant turnover of officers and members, it is important that the activities of the organization be clearly documented and that a procedure for retaining those documents be established. Among the documents that should be retained by the organization are:

1. Cash receipts
2. Cash disbursements and general ledger
3. Bank records
4. Income tax returns
5. Minutes of meetings as defined by the organization by-laws

It is recommended that the organization obtain a safety deposit box or a similar storage facility to ensure security of important documents.

USE OF SCHOOL FACILITIES

State law and Board Policy and Administrative Regulation 1330 regulate community programs on district property. District *Application and Agreement for use of District Facilities* form should be submitted generally one month before the intended activity with a *Certificate of Insurance*, covering liability and property damage endorsing the district as additionally insured.

Civic Center Use on School Property

When planning activities that take place on school property, all non-school individuals/groups, including booster groups, must submit the "Santa Ynez Valley Union High School District Application and Agreement for Use of District Facilities." The application can be obtained from:

Mr. Richard Perez
Maintenance & Operations Manager
Santa Ynez Valley Union High School District
2975 E. Hwy 246, P.O. Box 398
Santa Ynez, CA 93460
(805)688-6487 ext. 3572
cell (805) 895-9386
rperez@syvuhsd.org

Availability of School Space for Civic Center Use

The school principal or designee will determine the availability of site space for community use of school facilities. **Only the districts' Maintenance & Operations Office or Business Office is authorized to process and approve civic center use of school facilities.** There are no exceptions.

All outside agencies are required to have an approved "Santa Ynez Valley Union High School District Application and Agreement for Use of District Facilities" prior to using district property. In the case of meetings of school community advisory councils, and foundations, an application and agreement is required. If the activity is a fundraiser, principals must make sure that the fundraiser is Board approved.

District Application and Agreement for Use of District Facilities are required for commercial use of facilities and school grounds, irrespective of classes being in session or not.

IMPORTANT NOTE: Prior to agreeing to availability for civic center use of school facilities, the Maintenance & Operations Office shall ensure that the user is aware of all regulations and restrictions regarding an event (e.g., hours of use, noise considerations, opening and closing of the facility, supervision).

Following are the five steps in the application process:

- Step 1:** Completely fill out the application form (non-profit organizations need to include a copy of their Internal Revenue Service letter, indicating their status).
- Step 2:** Submit the application to the Santa Ynez Valley Union High School District Maintenance & Operations Manager at the address noted above.
- Step 3:** Then, the Santa Ynez Valley Union High School District's Maintenance & Operations Manager or Business Manager, or designee, must sign the application form. *It is that signature that indicates application approval.*

Step 4: The Maintenance & Operations Manager will notify the applicant after his/her request has been processed and approved, at which point the applicant will receive a copy of the “approved” application/permit.

Use of a school facility may NOT begin until the application and agreement for use of district facilities is processed, approved, and signed by the Maintenance and Operations Manager or the Business. Without that signature, the application is not approved.

A civic center request applies to the use of a district property. Authorization for civic center use of a school property does not entitle the user to distribute or post fliers on any of the districts’ campuses regarding an event/activity conducted on a district property.

For the required review of qualifications under the law, applicable charges, dates and location, an “Application and Agreement for Use of District Facilities” form should be submitted to the Maintenance & Operations Manager, at least one month prior to the event. The district’s insurance company requires a Certificate of Insurance naming the Santa Ynez Valley Union High School District as “additional insured.” The Certificate of Insurance, which must be provided with each application, must be in the amount of \$1,500,000 (\$5,000,000 if requesting use of any district swimming pool).

User group classifications are divided into three categories:

- free use/custodial costs;
- direct cost use;
- fair rental value use.

The fee schedule for use of district facilities is subject to change, per Santa Ynez Valley Union High School District Board of Education revision of Administrative Regulation 1330. **Contact the districts’ Maintenance & Operations Manager (805) 688-6487, ext. 3572, for up-to-date information.**

GENERAL DO'S AND DON'TS OF BOOSTER/PARENT ORGANIZATIONS

What to do:

- Obtain tax identification number and tax-exempt status, if applicable.
- Open financial account under the above criteria. Maintain records for continued status.
- Create logo and name to be used; the school or district is separate. High school or district logos should not be used without specific authorization of the Superintendent/designee; booster and parent organizations have their own identity.
- Raise funds by using adult membership. Special projects may include students who volunteer.
- Maintain relationship with principal and his/her designee for input of needs.
- Donate all purchases to the school district in accordance with District policy.
- Donate funds to ASB accounts for specific student teams/groups.
- Consult district maintenance department prior to purchasing items that require installation or business division prior to purchasing goods or services that require on-going maintenance contracts.
- All capitalized expenditures over \$5,000 must be approved by the Business Manager and processed through the district's purchasing department.

What NOT to do:

- Conduct fundraiser activities requiring student(s) to participate.
- Co-mingle booster or parent organization funds with ASB funds.
- Represent booster or parent organization activities as those of the Santa Ynez Valley Union High School District or one of its schools.

Santa Ynez Valley Union High School District Parent Organization/Booster Club Application

New Renewal

The parents of _____ hereby request the formation/renewal of an approved parent group.

Name of Organization

The objectives/purposes of the group are:

We, the parents of _____ have read Guidelines for Parent/Booster Club Organizations and agree to abide by them. We will submit two copies, together with items listed on the attached checklist to the Principal/Designee who will obtain approval from the District.

Signature of Parent Representative Date

Approved by:

Signature of Principal Date

School

Approval by Governing Board: Meeting Date:
(New organizations only)

Signature of Superintendent/Designee Date

Santa Ynez Valley Union High School District Parent Organization/Booster Club Approval Checklist

- Completed Application/Renewal form

- Constitution and Bylaws

- Names, address, and phone numbers of all officers

- A brief description of the organization's purpose including a list of specific annual objectives

- List of fundraising activities for the year

- Name of the bank and names of those authorized to withdraw funds

- Evidence of Liability Insurance (strongly encouraged)

- Signature of school principal

- Tax identification number (strongly encouraged)

- Evidence of tax-exempt status – IRS Section 501©(3) (strongly encouraged)

REQUEST FOR ACCEPTANCE OF GIFT
Santa Ynez Valley Union High School District

I. School: Santa Ynez Valley Union High School Date: _____

II. Donor: A. Name: _____

B. Address: _____

C. _____

III. Gift: A. Money Donation Only Amount: _____

Designated for: _____

B. General Description: _____

C. Model No.: _____ Condition: New Used

D. Value (estimated): _____

E. Purpose of Gift: _____

F. Will gift be purchased through Business Services Office? Yes No

G. Donor Conditions of Acceptance: _____

IV. INSTALLATION AND OPERATION (If answer to A is yes, answer B and C)

A. Will gift require installation? Yes No

B. What type of installation is required? _____

C. Will donor pay installation cost? Yes No

D. Will there be operating costs? Yes No

If yes, what type? _____

V. Acceptance Requested By (SYVUHS Staff Member): Susan Godé

VI. Acceptance Approved By (Business Manager or Supervisor of Maintenance):

RECOMMENDATIONS: Principal or District Representative

By: _____

BOARD ACTION

Date Accepted: _____

Date Denied: _____



SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Request for Approval: Fund-raising Event

Booster Club _____

Address _____ Contact _____

Date _____ Proposed Event _____

Description _____

Proposed Date(s) of Event _____

Location of Proposed Event _____

Budget Plan for Event/ Activity (Attach Description, cost, projected goal)

Donated for purpose of _____

Other background information (such as other schools or clubs that have held similar events)

Club Representative (name, signature, date) _____

Office use:

Board of Education approval ____ Yes ____ No Date _____

Note: Alcohol cannot be served as part of a board –approved fundraiser, whether the event is hosted on-site of off-site.

SANTA YNEZ VALLEY UNION HIGH SCHOOL
REVENUE POTENTIAL/FUND RAISING RECAP

Organization _____ Date _____

Date(s) of Activity _____ Advisor: _____

Description of Item(s) sold: _____

Purpose of Activity: _____

BEFORE the activity begins, RECORD this basic information:

- | | |
|--------------------------|-------|
| 1. Purchase Cost of Item | _____ |
| 2. #1 of Items Purchased | _____ |
| 3. Selling Price | _____ |
| 4. Potential Income | _____ |

Describe your fundraising activity if it does not involve purchased items:

DURING and AFTER the activity, RECORD the MONIES collected:

_____ sold @ _____ = \$ _____

_____ sold @ \$ _____ = _____

Total Receipts = \$ _____

RECAP:

Expenditures: (Invoices + Other Expenses) = \$ _____

Quality Sold _____ X Sales Price = \$ _____

PROFIT/LOSS Total Revenue Minus Expenses = \$ _____

NOTE: IF THERE WAS A LOSS YOU MUST FULLY EXPLAIN!

Advisor/Coach

Student Club Representative

Principal

ASB Club President/Treasurer.

NO FUNDRAISER REVENUE POTENTIAL WILL BE APPROVED IF YOU HAVE NOT FILLED OUT YOUR LAST ONE COMPLETELY.

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT
Application And Agreement For Use Of District Facilities
(Please Fill This Form Out Completely Using a Ball-point Pen or Typewriter)

Name of Organization or Sponsor: _____

Address: _____

Billing Address (if different): _____

Organization Representative: _____ Title: _____ Date Submitted: _____

Phone (Daytime): _____ (Evening): _____ (FAX): _____

Adult On-Site Contact(s): _____

FACILITY REQUESTED (Complete separate form for each facility): _____

Purpose of activity: _____

Expected Attendance: Is Event Open to the Public? **YES NO** Admission Charged? **YES NO**

If Admission Charged/Donations Made, How Much?: _____

How Will the Proceeds be Used?: _____

Are Participants being Charged a Fee/Membership Fee? **YES NO** If Yes, How Much?: _____

Classification of Organization: Private Public *Non-Profit [*State Domestic Nonprofit ID Number:]

Required Documents (All must be in place prior to application being reviewed and approved):

- Certificate of Insurance naming SYVUHSD as additional insured in the amount of \$1,500,000.00.
- State of California Certificate of Status: *Statement by Domestic Nonprofit Corporation.*
- Any special licensing certifications for ALL on-site contacts(i.e., CPR certificate, lifesaving certificate, etc.)

INDICATE DESIRED DATE(S) AND TIME(S) OF USE (Include set-up and break-down time)

| DAY OF WEEK | DATES (MM\DD\YY) | HOURS OF USE (Specify A.M. or P.M.) | | NUMBER OF HOURS |
|-------------|---------------------|--|----|-----------------|
| | | From | To | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

*Special Needs & Set-up Request (Please specify if you need to have the facility unlocked

School-Connected Organizations

Community Relations

The Governing Board recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting district and extracurricular programs, such as athletic teams, debate teams, or musical groups. The Board appreciates the contributions made by such organizations and encourages their interest and participation in supporting district activities and helping to achieve the district's vision for student learning.

(cf. 0200 - Goals for the School District)

(cf. 6020 - Parent Involvement)

The Board recognizes that school-connected organizations are separate legal entities, independent of the district. However, in order to help the Board fulfill its legal and fiduciary responsibility to manage district operations, any school-connected organization that desires to raise money to benefit any district student shall submit a request for authorization to the Board, in accordance with Board policy and administrative regulation. In addition, the Superintendent or designee shall establish appropriate internal controls for the relationship between school-connected organizations and the district.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 1330 - Use of School Facilities)

(cf. 3452 - Student Activity Funds)

Pursuant to Education Code 51520, food sales by outside organizations may not compete with the district's school nutrition program and must comply with the nutritional standards specified in Education Code 49431 and 49431.2.

The Board encourages school-connected organizations to consider the impact of fund-raising activities on the overall school and district program. School-connected organizations may consult with the principal to determine school needs and priorities. Activities by school-connected organizations shall not conflict with law, Board policies, administrative regulations, or any rules of the sponsoring school.

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex
35160 Authority of governing boards
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
49431 Sale of food to elementary students during the school day
49431.2 Sale of food to middle, junior, or high school students
49431.5 Sale of beverages at elementary, middle, or junior high schools
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

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

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

COURT DECISIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

WEB SITES

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>

School-Connected OrganizationsCommunity Relations

A. Each parent/guardian/booster organization, whether separate or member of an umbrella organization, must have written statement of purpose (or constitution) and bylaws enabling it to function as an organization. The request for authorization shall contain the following:

1. The name of the organization
2. The date of application
3. Qualifications for membership in the organization. The principal or his/her designee may attend any meeting of the organization.
4. The names, addresses and phone numbers of all officers
5. Bylaws, rules and procedures under which the organization will operated, including procedures for maintaining the organization's finances, membership qualifications, if any and an agreement that the group will not engage in unlawful discrimination.
6. A projected budget and list of objectives, which is to be updated and submitted to the principal or his/her designee annually.
7. The name of the bank where the group's account will be located and a list of those officers authorized to withdraw funds, whose names are to be submitted annually to the principal or his/her designee.
8. A provision that expenditures directly related to a co-curricular/instructional program must be communicated with the principal or his/her designee prior to the purchase of item(s). Expenditures relating to the operating costs of the organization are exempt from this provision.
9. Description of the procedures the organization will use to prepare an annual audit or financial statement. The Articles of Incorporations and By-laws of a 501c3 organization are sufficient to meet this requirement.
10. An agreement to grant the district the right to audit the group's financial records at any time, either by district personnel or a certified public accountant.
11. The signature of the principal, supporting the request for authorization to organize.
12. A requirement that if an organization ceases to exist, funds remaining in the account after the organization winds up will be distributed to the program the organization supported or to any other school program designated by the organization.

(cf. 1330-Use of School Facilities)

School-Connected Organizations (continued)

- B. Requests for subsequent authorization shall be presented to the Superintendent or designee annually by June 30 of the prior school year, along with a **Balance Sheet and Income Statement** showing all income and expenditures from fund-raisers. Organizations that operated only in relation to a season of sport or other specified co-curricular period must submit their requests and previous season's financial reports 30 days prior to the first scheduled activity in the program if they do not request annual continuing authorization.
- C. Funds raised by any of the organizations governed by this policy are to be used only to finance the program(s) supported by that organization.
- D. If a designee is necessary, the principal will appoint someone who will serve consistently for that organization.
- E. It shall be the prerogative of the Superintendent, upon the recommendation of the principal to recommend to the Board that disassociation of the school from any organization at such time as he/she determines that the organization no longer functions in the best interests of the students, the school, and/or the District.
- F. Any parent/guardian/booster organization's programs, fundraisers, or other activities which use school facilities shall be authorized by the principal or his/her designee and conducted according to Board of Education policy, administrative regulations, and the rules of sponsoring school, and District Civic Center procedures. (EC 51521)
- G. All parent/guardian/booster organizations shall comply with the following:
 - 1. Parent/guardian/booster organization funds are not to be co-mingled with student body funds.
 - 2. Student participation in fundraising activities will be governed by provisions of Education Code 51520
 - 3. The proceeds of fundraising may not be used for any expenditure prohibited by the Education Code provisions.
 - 4. School-connected organizations are prohibited from hiring or directly paying district employees. Organizations may make donations to the district to cover the costs of additional employees, but only if such positions are approved in advance by the Board. At their discretion, employees may volunteer to perform activities for school-connected organizations during non-working hours.
- H. All parent/guardian/booster organizations must have the following insurance coverage:
 - 1. Liability Insurance: The District requires parent/guardian/booster organizations to provide proof of general liability insurance in the minimum amount of \$1,500,000 combined single limit with the district named as an additional insured endorsement when conducting activities on District property (Ed Code 38134).

School-Connected Organizations (continued)

Approved parent/guardian/booster organizations may apply for General Liability coverage as an extension of the coverage provided to the District for on- and off-campus coverage. Parent/ guardian/booster organizations choosing this option are required to submit an application to the District no later than May 1 of the year prior to the requested year of coverage. Upon District approval, application will be forwarded to SISC II prior to June 1 of the year prior to the requested year of coverage. Each parent/guardian/booster organization is required to pay a flat fee of \$500 per year and meet the requirements of SISC II in order to participate. See attached Exhibit for eligibility requirements (E 1230).

2. Worker's Compensation: The organization must provide worker's compensation insurance if the organization has hired any employees.

In addition, the following may be desirable, as the District does not provide this coverage:

3. Fire and/or Theft Insurance
 4. Bond Protection Insurance
- I. Purchased items or equipment must be donated to the school for District inventory, meeting the District's donation policy stipulations.
 - J. All transportation arrangements for students shall be made in accordance with Board of Education policy and administrative regulations and approved by the principal or his/her designee.

(cf. 3541.1 Transportation: School-Related Trips)

- K. Parent/guardian/booster organizations shall secure approval from the District Personnel Office for any individuals brought in to work directly with District students.
- L. If a parent/guardian/booster organization does not agree with a decision relating to any of the provisions contained in this policy, the organization may appeal this decision in writing to the Superintendent or his/her designee.
- M. One-time fundraising activities:
Any individual(s) wishing to sponsor a one-time fundraising event for the benefit of the District or its students will be required to comply with the District's Civic Center permit procedures. No other provisions of this policy will apply. Should the same individual(s) decide to organize further fundraising activities during the same school year on behalf of the District or its students, they will need to meet the provisions of this policy.

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT
Santa Ynez, California

Regulation Approved: February 18, 1998
Revised: **February 22, 2010**

Summary of Recommended Changes to Booster Club Policies and Practices

| | Required (Board Policy & Ed Code) | Recommended (FCMAT, SSC, SISC) | Standard Practice? (Districts, SSC, SISC) | Federal/State Government Requirement? |
|--|--------------------------------------|-----------------------------------|--|--|
| Annual Board Approval of Booster Clubs | ✓ | ✓ | ✓ | STATE |
| Liability Insurance (on campus) | ✓ | ✓ | ✓ | CA ED CODE (38130) |
| Liability Insurance (off campus)* | X | ✓ | Depending on Carrier | N/A |
| Articles of Incorporation (non-profit status) | X | ✓ | Majority | FEDERAL/STATE** |
| Booster Club Tax ID Number (TIN) | X | ✓ | Majority | FEDERAL/STATE** |
| District Tax ID number IS NOT for use by Booster Clubs | ✓ | ✓ | ✓ | N/A |
| Fund Raising Approval by Board of Education or Designee | ✓ | ✓ | ✓ | N/A |
| Stipends Paid to Walk-on Coaches at Contractual Rate (Association Contract) | ✓ | ✓ | ✓ | N/A |

* Liability Insurance coverage = \$1.5 million with District named as Additional Insured. SISC offers coverage for SCOs approved by the District through District policy for an additional cost of \$500. If SCO chooses to opt in on District's liability policy, SCO will be responsible for \$500 premium. A SCO must be an approved 501 (c)(3) non-profit organization to qualify.

** According to FCMAT, a booster club that will receive \$5,000 or more in annual revenues or gross receipts is required to file IRS Form 1023, "Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code". California nonprofit, tax-exempt status is similar and requires the completion of Form 3500, "Exemption Application".