

QUESTIONS AND ANSWERS ON SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

1. Q. What types of charitable fund-raising activities are prohibited by Regents Rule 19.6?

A. The direct solicitation of charitable donations from public school students on school property during school hours, i.e., asking school children directly to contribute money or goods for the benefit of charity during the hours in which they are compelled to be on school premises.
2. Q. Under Rule 19.6, may a school district allow charitable organizations to recruit school children during school hours to participate in charitable fund-raising activities to be conducted off school premises and/or when school is not in session?

A. Yes. Rule 19.6 does not prohibit the recruitment of children to participate as fund raisers for the benefit of charity on a voluntary basis when they are not attending school. School personnel may distribute flyers or other literature, put up posters or otherwise notify students of out-of-school fund-raising activities. However, school personnel may not act as a conduit and collect funds from students on behalf of a charity for which they recruited, even though the funds were raised by students off school property and not during school hours.
3. Q. May a school district allow school children to participate in fund-raising athletic events, such as walk-a-thons, in which children perform and receive pledges from parents and members of the community at large?

A. Yes, as long as the school itself is not used as a conduit to collect the money earned on behalf of the organization.
4. Q. Under what circumstances may a school district allow students to participate during the school day in a food drive or clothing drive or similar activity involving the donation of goods for the needy?

A. Only where the food, clothing, other goods or funds are collected in a non coercive and passive fashion, such as through a bin or receptacle placed in a hallway or other common area, so that the identities of students making and not making donations are not revealed. Collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.
5. Q. Does Rule 19.6 prohibit the participation of students in fund-raising activities off school premises as part of a community service program?

A. No. Rule 19.6 does not apply to a community service program in which students receive high school credit for providing services to a charitable organization, provided that there is no solicitation of donations from students while they are attending school.
6. Q. Does the prohibition against solicitation of charitable donations "during school hours" extend to homerooms, lunch periods or periods reserved for extracurricular activities?

A. Homerooms and lunch periods are during school hours for purposes of Rule 19.6 and are covered by the prohibition against soliciting charitable donations from students. School hours end when students are released from compulsory attendance, which means that Rule 19.6 does not apply to after-school or before-school extracurricular periods.
7. Q. May a student organization, such as a key club, engage in fund raising for

charitable purposes as an extracurricular activity?

- A. Yes, provided that the student organization does not solicit funds directly from students during school hours.
8. Q. Does Rule 19.6 prohibit the solicitation of charitable donations during school hours by students and by school-related organizations?
- A. Yes. As amended, Rule 19.6 does not contain any exceptions for charitable fund raising by students or for school-related organizations, such as parent-teacher associations. Direct solicitation of students during school hours is prohibited regardless of the nature of the person or organization soliciting donations.
9. Q. Does Rule 19.6 prohibit the direct solicitation of charitable donations from students where the object is to raise money to defray medical expenses for a fellow student or other member of the school community who is ill or to raise money for a scholarship fund in memory of a deceased member of the school community?
- A. Yes. However, Rule 19.6 would not prohibit the distribution of flyers requesting that students make contributions outside of school to a fund established for such purposes. Alternatively, funds could be collected for this purpose on school property through the establishment of a collection box or receptacle in a hallway or common area.
10. Q. Does Rule 19.6 prohibit the sale of tickets to students for a social, musical, theatrical or athletic event where a portion of the proceeds go to a charitable purpose?
- A. No. Rule 19.6 does not apply to the purchase of a ticket to a dance to raise money for a student trip or scholarship fund or for a ticket to a concert or play or charity basketball game or similar event where a portion of the proceeds go to charity. In this situation, the student is receiving consideration for the purchase of the ticket and the risk of coercion of economically disadvantaged students is diminished, since there are many reasons for declining to attend an event. Moreover, Education Law §414(1)(d) explicitly authorizes the use of school property for meetings, entertainments and occasions where admission is charged and the proceeds go to charity. However, Rule 19.6 would prohibit the sale on school grounds during school hours of lottery tickets or tickets for chance, because there is no benefit received by the purchaser in consideration of his/her purchase. In any case, the conduct of a lottery or other game of chance that is not specifically authorized by law constitutes a gambling offense proscribed by Article 225 of the Penal Law.
11. Q. Does Rule 19.6 prescribe the kinds of organizations that can engage in fund raising activities?
- A. No. The Rule leaves to local school boards the decision of which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities otherwise comply with Rule 19.6.
12. Q. Does Rule 19.6 apply to nonpublic schools?
- A. No.