

Fundraising and Donations:

Private and Non-School-Sponsored Activities and Fundraising

Scope of Policy—

This policy applies to all 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; or receive, authorize, accept, value, or record donations, gifts, or sponsorships for the District or individual schools. It is expected that in all dealings, District and school employees will act ethically, consistent with the District's ethics training, the Utah Educators' Standards (R277-515), the Public Officers' and Employees' Ethics Act (Utah Code Ann. ' 67-16-1 et seq.), and State procurement law (Utah Code Ann. ' 63G-6a-101 et seq.).

Definitions—

"School-sponsored" for purposes of this policy 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 the 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.

Non-School-Sponsored Activities & Fundraisers—

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 District employees are deemed to be non-school-sponsored. Non-school-sponsored activities may:

- a. NOT use the school's or District's name without express District permission.
- b. 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.
- c. NOT utilize District employees (in their official capacity) and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
- d. NOT be insured under an District's risk management or insurance policy. Non-school-sponsored activities must provide their own insurance through a third-party insurer.
- e. NOT provide additional compensation or stipends for District employees, if the activity is not substantially different from an District employee's regular job functions and duties and outside of employee's contract hours. (See District employee disclosure agreement below.)
- f. Not co-mingle public funds and private fundraising proceeds or expenditures.
- g. Not use school records to contact parents or students.

Parental notification by an 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.

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.

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.

Non-curricular clubs specifically authorized under Utah Code 53A-11-1205 through 1208 are not considered school-sponsored. (See the USOE chart: "Is It School-sponsored?" on the web: <http://www.schools.utah.gov/main/INFORMATION/Internal-Audit/DOCS/DistrictSchoolSponsored.aspx>)

Participation in Private or Non-School-Sponsored Events—

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 District 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.

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.)

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.

Parental notification is required if District students are recruited to participate in these activities.

District employees may not set up bank accounts for activities or fundraisers associated with District responsibilities or job functions.

District employees may not direct fees or fundraiser proceeds from school-sponsored activities to outside entities.

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.).

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.