

San Rafael City Schools

**School-Connected Organizations –
Proposed Updates to Board Policies & Regulations**

Proposed BP 1230

Proposed BP 1230

San Rafael City Schools | BP 1230 Community Relations

School-Connected Organizations

The Board of Education recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting district co-curricular and extracurricular programs ("school-connected organizations"), such as athletic teams, debate teams, musical groups, and other activities that provide a positive source of involvement for students consistent with the district's vision for student learning. The Board appreciates the contributions made by such organizations and encourages their interest and participation in supporting district activities. All contributions to or participation by students/parents/guardians in fundraising activities by a school-connected organization shall be completely voluntary.

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The Board recognizes that school-connected organizations are separate legal entities, independent of the district. As such, school-connected organizations shall not attempt to utilize the district's tax exempt status or federal identification number.

In order to help the Board fulfill its legal and fiduciary responsibility to manage district operations, and pursuant to Education Code section 51521, any school-connected organization that desires to raise money to benefit any district school(s) or students shall first request and obtain authorization from the Board, in accordance with Board policy and administrative regulation. School-connected organizations shall submit subsequent requests for authorization annually. In addition, the Superintendent or designee shall establish appropriate internal controls for the relationship between school-connected organizations and the district.

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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.

The Board recognizes its responsibility to ensure that equivalent opportunities are provided to students of both sexes. Therefore, if a school-connected organization intends to provide benefits, services, or property only for teams or programs of one sex, the Board shall take appropriate action to ensure equivalency for both sexes.

Activities by school-connected organizations shall not conflict with federal, state, or local law, Board policies and administrative regulations, or any rules of the sponsoring school. No student shall be required to fundraise, or pay any fees, deposits, or charges, except as specifically authorized by law, for his/her participation in an educational activity sponsored by a school-connected organization that constitutes an integral part of the district's education program, including co-curricular and extracurricular activities.

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The district shall maintain a list of all school-connected organizations. Additionally, once a year, all teachers, coaches, and school site staff will be provided with information on the requirements for school-connected organizations.

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

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51520 Prohibited solicitation on school premises

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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

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319-329 Lottery, raffle

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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>

Policy SAN RAFAEL CITY SCHOOL DISTRICT

adopted: December 8, 2008 San Rafael, California

revised: [_____](#), 2016 San Rafael, California

Proposed AR 1230

Proposed AR 1230

San Rafael City Schools | AR 1230 Community Relations

School-Connected Organizations

Initial Request for Authorization

Persons proposing to establish a school-connected organization shall request and obtain prior written authorization from the Board of Education. The request for authorization shall be submitted on the district's form (E 1230), and shall contain, at least, the following:

1. The name of the organization.
2. The date of the request for authorization.
3. A brief description of the purpose of the organization, including the school(s) and program(s) the organization intends to support.
4. A copy of the bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership guidelines/qualifications, if any, and an agreement that the organization will not engage in unlawful discrimination.
5. The names, titles, addresses, and phone numbers of all officers.
6. A list of specific objectives.
7. A list of planned fundraising activities for the school year, if any, including for each fundraising activity:
 - a. Description of any services/goods to be sold;
 - b. Anticipated dates and locations;
 - c. Target amount of funds to be raised; and
 - d. Planned use of funds raised.
8. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds.
9. An agreement to grant the district the right to audit the organization's financial records at any time, either by district personnel or a certified public accountant.
10. Planned use for any money remaining at the end of the school year if the organization is not continued or authorized to continue in the future.

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Deleted: <#>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¶

Deleted: <#>The signature of the principal of the supporting school¶

11. Evidence of liability insurance as required by law in the form of an attached original certificate of insurance.

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An agreement to provide e

12. If the organization seeks to fundraise more than \$25,000 annually, documentation of independent legal status (e.g., articles of incorporation).

13. If the organization has tax exempt status (e.g., IRS 501(c)(3)), copies of an IRS affirmation letter and most recent IRS form 990.

14. If the organization is required to register with the State Attorney General's Registry of Charitable Trusts, proof of current registration.

15. Acknowledgment of and agreement to comply with the terms set forth in BP 1230 and AR 1230.

16. The signature of the principal of the supporting school.

The request for authorization must be executed by an officer of the organization over the age of eighteen (18).

Subsequent Request for Authorization

Authorized school-connected organization status shall expire on June 30th of each year. A school-connected organization desiring to continue its operations must annually request and obtain written authorization from the Board. Each subsequent request for authorization shall be submitted on the district form (E 1230), and shall contain, at least, the following:

Deleted: ; the organization lacks the means or expertise to manage the activities or funds;; or the organization's prior or proposed activities Authorization may be revoked by the Board at any time if it finds that a school-connected organization's activities have deviated from the information presented in the request for authorization, or that

1. A new and complete request for authorization (E 1230) for the coming school year, with current information.

2. A financial statement for the previous school year showing the funds raised and spent by the school-connected organization, and an explanation of the expenditures made by the school-connected organization and the purpose of each expenditure.

Board Evaluation and Authorization

Each completed initial or subsequent request for authorization must be submitted to the Board through the Superintendent or designee. The Superintendent or designee shall return any request for authorization that is incomplete or not on the district form to the organization without consideration. The Superintendent or designee shall present his/her recommendation to the Board to approve or deny a request for authorization.

Deleted: Requests for subsequent authorization shall be presented to the Superintendent or designee annually, along with a financial statement showing all income and expenditures from fund-raisers. If the Superintendent or designee proposes to deny the request for reauthorization, he/she shall present his recommendation to the Board for approval.

The Board may deny an initial or subsequent request for authorization if it fails to contain all required information, if the organization's membership is limited so as to be discriminatory on the basis of a protected category, or if the Board determines, in its sole discretion, that: the organization lacks the means or expertise to manage the activities or funds; the organization's fundraising methods are inappropriate for the educational standards of the district; the organization's goals can be expected to unbalance the district's or school's programs to a

harmful degree; authorization would negatively impact the district, school, students, or school activity/program in any way; or the organization's prior or proposed activities conflict with federal, state, or local law, Board policies and administrative regulations, or any rules of the sponsoring school. Authorization may be revoked by the Board at any time if it makes any of the foregoing determinations or finds that a school-connected organization's activities have deviated from the information presented in the request for authorization.

An authorized school-connected organization is not and shall not purport to act as an agent of the district or school. The school-connected organization shall use a separate name and logo, but, upon consent of the Superintendent or designee, may also include or reference the school's name, school team's name, or any logo attributable to the school or district.

Once authorized, the school-connected organization may not conduct fundraising activities that were not included in its request for authorization, unless the school-connected organization amends and re-submits its request for authorization and obtains prior authorization from the Board for the additional fundraising activities.

Moved down [1]: Upon consent of the Superintendent or designee, school-connected organizations may use the school's name, school team's name, or any logo attributable to the school or district.

Fiscal Requirements

Each school-connected organization shall be solely responsible for its own tax status and compliance, accounting, internal controls, financial reporting, retention of records, and other operations. School-connected organizations shall not use the district's tax exempt status or federal identification number.

Funds of the school-connected organization shall not be co-mingled with district funds, including associated student body funds. District employees shall not be authorized signatories on any bank accounts used by the school-connected organization. Additionally, district employees shall not serve as an officer or in a fiduciary capacity for a school-connected organization without the prior written permission of the Superintendent or designee.

School-connected organizations automatically grant the district the right to audit the organization's financial records at any time, either by district personnel or a certified public accountant.

Activities and Events

All announcements, permission slips, and publicity materials for events or fundraising activities by the organization will clearly indicate that the event or activity is sponsored by the school-connected organization and not by the school or district.

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Deleted: Upon consent of the Superintendent or designee, school-connected organizations may use the school's name, school team's name, or any logo attributable to the school or district.

All contributions to or participation by students, parents/guardians, and district employees in fundraising activities by a school-connected organization will be completely voluntary, and a student's ability to participate in district programs will not depend on his/her contribution to or participation in fundraising.

Food and Beverages

Food and beverage sales by school-connected organizations shall not compete with the district's school nutrition program and shall comply with The Pupil Nutrition, Health, and Achievement Act of 2001, Education Code section 49430 et seq.

No alcoholic beverages shall be sold, served, or consumed at any event or activity of a school-connected organization at which students attend or are invited to attend or that occurs on district property.

District Employees

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 and hired through the district's personnel department. At their discretion, exempt employees may volunteer to perform activities for school-connected organizations during non-working hours.

District Facilities and Insurance

School-connected organizations desiring to use district facilities or grounds shall comply with Board Policy 1330 and Administrative Regulation 1330. No use shall be permitted without prior approval.

In order to maintain eligibility to use district facilities and grounds, a school-connected organization shall, at its sole cost and expense, furnish and maintain, at all times during operation as a school-connected organization, Bodily Injury and Property Damage Liability Coverage or financial responsibility in the amount of at least One Million Dollars (\$1,000,000) combined single limit naming the district and its Board as additional insureds. The Board may at any time require more than such minimum coverage. The school-connected organization must provide a separate endorsement: naming district and its Board as additional insureds; stating the school-connected organization's coverage is primary to any insurance or self-insurance maintained by the district; and stating there shall be a waiver of any subrogation. The policy must provide that in the event of cancellation, alteration, or reduction of coverage, a minimum of thirty (30) days prior written notification will be provided to the district by mail with no restrictions. The standard cancellation clause which states that "failure to mail such notice shall impose no obligation or liability" is not acceptable. At least ten (10) days prior to the expiration of any certificate, the school-connected organization shall deliver to the district a new certificate of insurance consistent with all of the terms and conditions set forth herein.

Regulation SAN RAFAEL CITY SCHOOL DISTRICT

approved: December 8, 2008 San Rafael, California

revised: _____, 2016 San Rafael, California

Proposed E 1230

Request No. _____

E 1230

Proposed E 1230

Request No. _____
For District Use Only

SAN RAFAEL CITY SCHOOLS
Superintendent's Office – 310 Nova Albion Way, San Rafael, CA 94901
Telephone (415) 485-3798

Request for Authorization as a School-Connected Organization

Instructions: Persons proposing to establish or continue a school-connected organization must annually request authorization from the Board of Education by completing this form (E 1230) and submitting it to the Superintendent's Office at above-listed address. Please read this form carefully and ensure that all questions are answered in full and all required documentation is attached. Incomplete forms will not be considered. If additional space is needed respond to a question, please attach additional sheets. The completed form must be signed by an officer of the organization over the age of eighteen (18) and the principal of the supporting school.

1. Name of organization: _____
2. Date of request for authorization: _____
3. Please briefly describe the purpose of the organization, including the school(s) and program(s) the organization intends to support:

4. **Attach** a copy of the bylaws, rules, and procedures under which the organization will operate, including, but not limited to, procedures for maintaining the organization's finances and any membership guidelines/qualifications.

School-connected organizations shall not engage in unlawful discrimination. By submitting this request for authorization, the organization acknowledges and agrees that its membership requirements do not and will not discriminate on the basis of a protected category. **Initial:** _____

5. List the names, titles, addresses, and phone numbers of the organization's current officers:

Name: _____
Title: _____
Address: _____
Telephone: _____

Name: _____
Title: _____
Address: _____
Telephone: _____

Name: _____
Title: _____
Address: _____
Telephone: _____

Name: _____
Title: _____
Address: _____
Telephone: _____

6. State the organization's specific goals/objectives:

7. For each fundraising activity or event that the organization plans to hold this school year, please provide: (a) description of any goods or services to be sold; (b) anticipated date and location; (c) target amount of funds to be raised; and (d) planned use of funds raised.

8. Identify the bank the organization will use: _____, and the names of each person that will be authorized to withdraw funds from the organization's bank account(s): _____.

9. If this request for authorization is granted by the Board of Education, the organization will and hereby does automatically grant the District the right to audit the organization's financial records at any time, either by District personnel or a certified public accountant. **Initial:** _____

10. Describe the organization's plan for use of funds remaining at the end of the school year if the organization is not continued or authorized to continue.

11. **Attach** evidence of insurance coverage in the form of an **original** certificate of insurance for bodily injury and property damage liability coverage in the amount of at least One Million Dollars (\$1,000,000) combined single limit naming San Rafael City Schools and its Board of Education as additional insureds. Please see AR 1230 for complete insurance requirements, which are incorporated herein.
12. If the organization seeks to raise more than Twenty-Five Thousand Dollars (\$25,000), **attach** documentation of independent legal status (e.g., articles of incorporation).
13. If the organization has federal tax exempt status (e.g., IRS 510(c)(3)), **attach** copies of an IRS affirmation letter and most recent IRS form 990.
14. If the organization is required to register with the State Attorney General's Registry of Charitable Trusts, **attach** proof of current registration.

15. The undersigned is an officer of the organization, over the age of eighteen (18), with authority to submit this request for authorization and to bind the organization, and hereby certifies that he/she has read and understands, and that the organization agrees to and will abide by, all policies, regulations, terms, and conditions set forth in the current versions **Board Policy 1230** and **Administrative Regulation 1230**, which are available at online at <http://www.srca.org/policies> and incorporated herein by this reference.

The undersigned further certifies that all information provided herein and attached hereto is true and correct to the best of his/her personal knowledge.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

To be completed by the principal of the sponsoring school:

16. I, _____, am the principal of _____ School. I have reviewed this request for authorization in its entirety, and do not oppose authorization of this organization as a school-connected organization.

Signature: _____

Date: _____

To be completed if this is a subsequent request for authorization by an existing school-connected organization:

17. **Attach** both (i) a financial statement for the previous school year showing the funds raised and spent by the school-connected organization, and (ii) an explanation of the expenditures made by the school-connected organization and the purpose of each expenditure.

END OF DOCUMENT

Existing BP/AR 1230

Existing BP 1230

San Rafael City Schools | BP 1230 Community Relations

School-Connected Organizations

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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.

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.

Legal Reference:

EDUCATION CODE

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California State PTA: <http://www.capta.org>

Policy SAN RAFAEL CITY SCHOOL DISTRICT

adopted: December 8, 2008 San Rafael, California

Existing AR 1230

San Rafael City Schools | AR 1230 Community Relations

School-Connected Organizations

Persons proposing to establish a school-connected organization shall submit a request to the Board of Education for authorization to operate at the school. The request for authorization shall contain:

1. The name and purpose of the organization
2. The date of application
3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination
4. The names, addresses, and phone numbers of all officers
5. A list of specific objectives
6. 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
7. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds
8. The signature of the principal of the supporting school
9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future
10. An agreement to provide evidence of liability insurance as required by law

Requests for subsequent authorization shall be presented to the Superintendent or designee annually, along with a financial statement showing all income and expenditures from fund-raisers. If the Superintendent or designee proposes to deny the request for reauthorization, he/she shall present his recommendation to the Board for approval.

Upon consent of the Superintendent or designee, school-connected organizations may use the school's name, school team's name, or any logo attributable to the school or district.

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

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approved: December 8, 2008 San Rafael, California