

35-1km #17

## Palisades Charter High School Fundraising Policy

### I. Purpose

The purpose of this policy is to set forth the terms and conditions for the operation of fundraising by school-related organizations.

### II. General Statement of Policy

Palisades Charter High School ("PCHS") recognizes the financial contribution and support that it receives from generous school-related organizations. This policy is adopted to define the relationship between the PCHS and PCHS-related organizations in order to ensure our students' needs are maximized.

### III. Relationship

PCHS and the PCHS-related organizations enjoy a mutually beneficial relationship which fosters the continuous improvement of our students through an incredible outreach throughout our community. While the relationship is one of trust and support, PCHS-related organizations such as booster clubs and parent-teacher organizations are not PCHS sponsored organizations. PCHS related organizations must meet the terms and conditions of this policy to use the PCHS name, mascot, logo, PCHS facilities or to represent any affiliation with PCHS. PCHS related organizations shall not represent or imply that activities, contracts, purchases or financial commitments are made on behalf of or are legally binding upon the PCHS.

### IV. Terms and Conditions

#### A) Conditions for Non-Profit 501 (c) (3) Corporations:

- 1) Palisades High School Booster Club, Inc. ("Boosters")  
The Boosters will provide the following to the Executive Director and Principal:
  - a) Letter from Dept. of Treasury verifying tax exempt status by approximately August 15, 2016.
  - b) Articles of Incorporation by approximately August 15, 2016.
  - c) Current Bylaws by approximately August 15, 2016, and any amendments thereto within a month of adoption.
  - d) Evidence of Liability insurance by approximately August 15 of each year.
  - e) Annual Registration with Attorney General (RRF-1) by approximately November 15 of each year.
  - f) Current Statement of Information (S1-100) by approximately August 15, 2016 and biennially thereafter by approximately November 15<sup>th</sup>.
  - g) Copies of the most recent Federal and State tax returns by approximately November 15 of each year.
- 2) By no later than August 15, 2016, and annually thereafter if the documents are updated or revised, all Sports Related Booster Clubs formed as non-profit 501(c)(3) corporations will provide to the Executive Director Principal the following documents:

- a) Letter from Dept. of Treasury verifying tax exempt status.
- b) Articles of Incorporation.
- c) Current Bylaws.
- d) Evidence of Liability Insurance.
- e) Annual Registration with Attorney General (RRF-1).
- f) Current Statement of Information (S1-100).
- g) Copies of the most recent Federal and State Tax Returns.

**B) Conditions for Unincorporated PCHS-Related Organizations:**

1) In order to determine all PCHS-related organizations a Request for Authorization must be submitted to and approved by the Executive Director Principal no later than August 15 of each year. Requests for authorization as a PCHS-related organization shall contain:

- a) The name of the organization.
- b) The date of application.
- c) Membership quotas or qualifications.
- d) The names, addresses and phone numbers of all officers, updated annually.
- e) A brief description of the organization's purpose.
- f) Any bylaws of the organization along with any amendments.
- g) A list of specific annual goals and objectives with meeting minutes.
- h) The names of those authorized to request funds from the organizations school account.
- i) The signature of the Executive Director Principal.
- j) Desired use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future.
- k) Evidence of liability insurance as required by law.
- l) If applicable, any documentation from the State of California or the Federal Government identifying the legal status of the PCHS-related organization, including Tax Identification Number.

2) Any program, fundraiser, or other activity sponsored by a PCHS-related organization shall be authorized and conducted according to Board policy, procedures, and PCHS rules. Announcements of events and related parent/guardian permission slips shall clearly indicate that the activity or event is sponsored by the PCHS-related organization, not by the PCHS.

**3) Fundraising**

- a) All fundraising communications and events shall be organized with prior written approval of the Executive Director Principal. PCHS should be advised of fundraising activities prior to events to prevent overlapping efforts.
- b) All requests for fundraising shall include a specific purpose for the fundraising activity.
- c) As soon as practicable, upon the completion of the fundraising event, a

fundraising report shall be provided to the Executive Director Principal. The fundraising report shall contain:

- i) The name of the organization.
- ii) The date of the fundraising event.
- iii) A description of the fundraising event.
- iv) The expenses incurred by the organization and a copy of the receipts for the fundraising event.
- v) The amount of funds raised by the event.

d) In the interest of strategic planning and budget analysis, no later than the end of the PCHS year, a fundraising plan for the next PCHS year must be submitted to the Executive Director Principal for review and approval.

#### 4) Accounting

a) Audits: A PCHS-related organization must conduct an annual accounting or audit of its receipts and disbursements and submit a financial or audit report, performed in accordance with generally accepted auditing principles, to the Executive Director Principal by October 1 of each calendar year. A PCHS-related organization shall permit the PCHS's Chief Business Officer or designee to at least annually audit all bank accounts maintained by the PCHS-related organization at the PCHS's discretion.

b) The PCHS-related organization's bylaws must specify a reasonable procedure for internal financial control that shall be reviewed and approved by the PCHS's Chief Business Officer.

#### 5) Website

a) A PCHS-related organization may operate a website that is accessed through PCHS website if the following conditions are met:

- i) Written permission from the Executive Director and Principal is granted for the PCHS related organization to create a link to the organization's website.
- ii) The content of the website is approved by the Board of Directors.
- iii) Sites, pages and/or other material that have not been actively maintained for six (6) months may be removed without notice.
- iv) Information published will not contain advertising, sponsored links, or the endorsement of any products or services without the written approval of the Executive Director Principal.
- v) No names, images, work or other information about specific students shall be published on the Internet without the written consent of the parent or legal guardian.
- vi) If any photograph, video, or other published image contains individually identifiable students, permission to use the image must be on file from all students in the image.
- vii) Each PCHS-related organization shall maintain a file of permission forms. It is the responsibility of the person publishing

the content to verify written parent or legal guardian consent before using any student name, image, work or other information on the Internet

viii) Web pages may not be used to promote political positions, personal agendas, non-PCHS related activities, or other uses that jeopardize the PCHS's tax-exempt status or be deemed inappropriate by the Board of Trustees.

ix) Sites may not contain links to any questionable material or anything that can be deemed to be in violation of any PCHS policy or any applicable law.

x) The PCHS name, mascot and/or logo may not be used without the written permission of the Executive Director and Principal.

**6) Prohibited Activities:**

a) PCHS-related organizations should not make any direct purchases or payments, including, but not limited to, purchasing uniforms and payment of fees associated with any student activity without obtaining the Executive Director and Principal's approval of such purchase. Representatives from the PCHS-related organization should meet and confer with the Executive Director Principal prior to the organization's general meetings to determine if such approval for purchases are authorized.

b) PCHS-related organizations cannot hire employees or independent contractors employed at PCHS without prior written approval from the Executive Director and Principal and without adhering to required background checks.

c) All fundraising organizations described-above shall not solicit funds directly from perspective student participants and/or their families until a roster or the equivalent has been established for said activity.

d) All PCHS fundraising entities are prohibited from requiring students or families pay to participate in any school activities. Pursuant to Education Code Section 49010 and 49011 supplies, materials, activities fees and equipment must be provided to students free of charge (Please see Section 49010 and 49011 attached hereto).

Adopted [DATE]

Revised [DATE]

Created on 4/16/2012 and revised on 4/14/16

### **Education Code Section 49010**

For purposes of this article, the following terms have the following meanings:

(a) “Educational activity” means an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.

(b) “Pupil fee” means a fee, deposit, or other charge imposed on pupils, or a pupil’s parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

(1) A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

(2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment.

(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.

### **Education Code Section 49011**

(a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

(b) All of the following requirements apply to the prohibition identified in subdivision (a):

(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.

(2) A fee waiver policy shall not make a pupil fee permissible.

(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.

(4) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil’s parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or

otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

(c) This article shall not be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

(d) This article applies to all public schools, including, but not limited to, charter schools and alternative schools.

(e) This article is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.