

# Fundraising Policy

## A. Purpose

The purpose of this policy is to establish policy and procedures governing the initiation, authorization, and review of all fundraising activities of Vista School. This policy is intended to create practices that adequately safeguard public funds, provide for accountability, and ensure compliance with state and federal laws.

Vista School encourages community and business partnerships that enhance and supplement the public education system. Vista School also desires to protect students, parents, teachers, and school administrators from over-commercialization and fundraising efforts that are coercive and disruptive to the education processes, threatening to the health and welfare of students, or lacking in educational merit.

## B. Scope

This policy applies to all VISTA SCHOOL administrators, licensed educators, staff members, students, organizations, volunteers and individuals who initiate, authorize, or participate in fundraising events or activities for school-sponsored events. It is expected that in all dealings, VISTA SCHOOL and school employees will act ethically and consistent with Vista School's ethics training, the Utah Educators Standards, the Public Officers' and Employees' Ethics Act, and State procurement law.

## C. General Policy Statement for School-sponsored Activities

1. "Public funds" are money, funds, and accounts, regardless of the source from which the funds are derived, that are owned, held, or administered by the state or any of its political subdivisions, including LEAs or other public bodies (Utah Code 51-7-3[26]).
2. Fundraising is permitted within VISTA SCHOOL to raise additional funds to supplement school-sponsored academic and co-curricular programs.
3. "School-sponsored" means activities, fundraising events, clubs, camps, clinics, programs, sports, etc., or events, or activities that are authorized by VISTA SCHOOL that support Vista School 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 a VISTA SCHOOL, employee.
- b. Uses Vista 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.

4. VISTA SCHOOL recognizes that fundraising efforts, donations, and public support vary among schools. VISTA SCHOOL is committed to appropriate distribution of unrestricted funds and the management of fundraising to ensure that the educational opportunities of all students are equal and fair.
5. VISTA SCHOOL is committed to principles of gender equity and compliance with Title IX guidance. VISTA SCHOOL commits to use all facilities, unrestricted gifts and other available funds in harmony with these principles. VISTA SCHOOL reserves the right to decline or restrict donations, gifts, and fundraising proceeds, including those that might result in gender inequity or a violation of Title IX. Fundraising opportunities should be equitable for all students, comply with Title IX, and be in harmony with Article X of the Utah Constitution.
6. All fees for school-sponsored activities must be properly noticed and approved by the local board of education and are subject to fee waiver provisions in R277–407.
7. The Principal, consistent with VISTA SCHOOL policy, have the responsibility to waive fees, if appropriate. Individual teachers, coaches, advisors, etc. do not have the authority to waive board-approved fees.
8. Annually, each VISTA SCHOOL, department, or program will review all planned camps, clinics, activities, and fundraisers and determine those designated as school-sponsored. Those not designated as school-sponsored will follow the non-school-sponsored criteria in Section E.
9. All monies raised through fundraisers for school-sponsored activities are considered public funds. Vista School and individual schools are ultimately responsible for the expenditure and allocation of all monies collected and expended through student, school-organized fundraising.
10. The collection of money associated with fundraisers for school-sponsored activities will comply with Vista School cash receipting policies.
11. The expenditure of any public funds associated with fundraisers for school-sponsored activities will comply with Vista School cash disbursement policies.
12. Properly approved school-sponsored activities may:
  - a. Use the school’s name, facilities, and equipment.
  - b. Utilize VISTA SCHOOL employees and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
  - c. Be insured under Vista School’s risk management policy Provide additional compensation or stipends for VISTA SCHOOL employees with the approval of the principal or immediate supervisor and under VISTA SCHOOL payroll policies.
13. School-sponsored activities must comply with all fee approval and fee waiver provisions established in Utah Code and Utah State Board of Education rules.
14. Authorization and supervision of fundraising for school-sponsored activities:
  - a. Fundraising at VISTA SCHOOL shall be approved in writing, prior to the activity, by the director and supervised by VISTA SCHOOL employee(s). The director shall ensure that the activity is appropriately classified as a VISTA SCHOOL-sponsored activity.

- b. The Director may approve fundraisers or activities where the expectation is to earn up to \$10,000. Fundraisers expected to earn more than \$10,000 and up must be approved by the Board.
- c. Donations from individuals or organizations will follow Vista School's gift and donation policy.
- d. The sale of banners, advertising, signs, or other promotional material that will be displayed on school property must be approved by the principal before the items are initiated or printed, and must meet community standards. Partisan or political advertising and advertising for products that are prohibited by law for sale or use by minors, such as alcohol, tobacco, or other substances that are known to endanger the health and well-being of students, are prohibited.
- e. All fundraising projects for construction, maintenance, facilities renovation or improvement and other capital equipment purchases must be approved in writing by the business administrator, the Director, and Vista School board. (See capital fundraising section below.)

#### **D. General Fundraising Standards for School-sponsored Activities**

1. VISTA SCHOOL reserves the right to prohibit, restrict or limit any fundraising activities associated with Vista School.
2. Faculty and student participation in fundraisers is typically voluntary. However, employees may be directed to supervise specific activities as an employment assignment. Students, including fee-waiver-eligible and scholarship students, may be required to participate fully in school, team, or group-wide fundraisers in order to benefit from fundraisers.
3. Participation in fundraising shall not affect a student's grade. Students shall not be required to participate in fundraising activities as a condition of belonging to a team, club or group, nor shall a student's fundraising effort affect his/her participation time or standing on any team, club or group, except as to fee waiver or scholarship requirements.
4. Competitive enticements for participation in fundraisers are discouraged. If prizes or rewards are offered by a selected fundraising vendor, they should only be awarded to groups, classes or students, and must be disclosed and approved prior to the fundraiser. Rewards, prizes, commissions, or other direct or indirect compensation shall not be received by any teacher, activity, club or group director, or any other VISTA SCHOOL employee or volunteer.
5. Schools may not impose a sales quota (or the like) as part of fundraising efforts, and students or parents shall not be required to pay for any unsold items, or pay for goals not met.
6. Door-to-door sales are prohibited for all students at Vista School (elementary and middle schools).
7. Approval may be denied for fundraising activities that would expose VISTA SCHOOL to risk of financial loss or liability if the activity is not successful.
8. Fundraising activities shall be age appropriate, and shall maintain the highest standards of ethical responsibility and integrity.

9. Fundraising revenues should be accounted for at an individual contribution level or participation level. Participation logs should be retained and turned into the accounting office to be included with the deposit detail.
10. Employees who approve, manage, or oversee fundraising activities are required to disclose if they have a financial or controlling interest or access to bank accounts in a fundraising organization or company.
11. Records of all fundraising efforts shall be open to the parents, students and donors, including accurate reporting on participation levels and financial outcomes. This policy does not require the release of students' personally identifiable information protected by FERPA.

### **E. Non-school-sponsored Activities & Fundraisers**

1. 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 VISTA SCHOOL employees are deemed to be non-school-sponsored.

Non-school-sponsored activities may:

- a. NOT use the school's name without express VISTA SCHOOL permission.
  - b. NOT use Vista School's facilities, equipment, and other assets or staff unless a facilities use agreement is initiated and approved. These agreements should follow VISTA SCHOOL policy for other facilities use agreements.
  - c. NOT utilize VISTA SCHOOL employees (in their official capacity) and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
  - d. NOT be insured under a VISTA SCHOOL's risk management insurance policy. Non-school-sponsored activities must provide their own insurance through a third-party insurer.
  - e. NOT provide additional compensation or stipends for VISTA SCHOOL employees, if the activity is not substantially different from a VISTA SCHOOL employee's regular job functions and duties and outside of employee's contract hours.
  - f. Not co-mingle public funds and private fundraising proceeds or expenditures.
  - g. Not use school records to contact parents or students.
2. Parental notification by a VISTA SCHOOL employee is required if VISTA SCHOOL employees are involved in the planning, administration, advertising, or serving as staff for a non-school-sponsored activity and if VISTA SCHOOL students are involved.
  3. Funds, donations, or gifts generated through non-school-sponsored activities or events may be donated to Vista School or to an individual school to support specific programs, teams, groups, clubs, etc. All donations or gifts shall follow the guidance established in Vista School's donations and gifts policy.

4. Non-school-sponsored activities may work in conjunction with Vista School to raise funds. Vista School may allow these groups to use VISTA SCHOOL facilities at little or no charge in exchange for contributions or percentages of proceeds. Vista School 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 Vista School’s fiduciary responsibility for the management and use of public funds and assets. The principal will approve the terms of these contracts and the business administrator. Vista School will consult with its insurer or legal counsel to ensure risks are adequately considered and managed.

5. Non-curricular clubs specifically authorized under Utah Code 53A-11-1205 through 1208 are not considered school-sponsored. (See the chart: “Is It School-sponsored?”)

## **F. Employee Relationships & Disclosure**

### **1. Participation in Private or Non-School-Sponsored Events**

#### **a. VISTA SCHOOL 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 Vista School 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.

2. VISTA SCHOOL employees may purchase advertising space to promote private or non-school-sponsored events in the same manner as the general public. Vista School 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.)

3. VISTA SCHOOL employees may engage in outside employment with a private entity or other separate organizations that does not interfere with VISTA SCHOOL duties or job functions. Employees must complete Vista School disclosure agreement annually when engaging in outside employment that is similar to the employee's official job duties or functions.
4. Parental notification is required if VISTA SCHOOL students are recruited to participate in these activities.
5. VISTA SCHOOL employees may not set up bank accounts for activities or fundraisers associated with VISTA SCHOOL responsibilities or job functions.
6. VISTA SCHOOL employees may not direct fees or fundraiser proceeds from school-sponsored activities to outside entities.
7. VISTA SCHOOL employees may not direct operating expenditures to outside funding sources or groups to avoid VISTA SCHOOL procurement rules (such as equipment, uniforms, salaries or stipends, improvements, maintenance for facilities, etc.).
8. VISTA SCHOOL employees must comply with VISTA SCHOOL procurement policies and procedures, including complying with competitive quotes; bid splitting; and not accepting gifts, gratuities, or kickbacks from vendors or other interested parties.

#### **G. Capital Fundraising/Large Fundraising Projects**

1. All fundraising projects for construction, maintenance, facilities renovation or improvement, and other capital equipment purchases must be approved in writing by the business administrator, the Director, and Vista School's board. Prior to the initiation of a large capital drive or specific fundraising drive, the following will be provided to the business administrator for evaluation and recommendation to the Director:
  - a. Prospective construction, maintenance or renovation plans and estimated costs
  - b. Proposed naming opportunities
  - c. Proposed fundraising timeline
  - d. Loans or financing agreements
  - e. Maintenance or upkeep requirements and costs
  - f. Assurances of compliance with Title IX (e.g., available for use by both male and female students and/or for several purposes or activities)
2. The Director will make a recommendation to Vista School's board. The board reserves the right to tentatively approve plans, pending fundraising, donations, equity, or other conditions.

*Approved by the Vista School Board 3/19/2014*