Student Fees, ASB and Boosters: Do's, Don't's, and Best Practices

Kern High School District
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What's Ahead

- Student Fee Laws
- ASB and Boosters

Student Fee Laws

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Free School Guarantee

The State is obliged to "provide for a system of common schools by which a free school shall be kept up and supported in each district."

- California Const., Art. IX, sec. 5.

Free School Guarantee

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

- Ed. Code 49011
Free School Guarantee

“*A pupil enrolled in a school shall not be required to pay any fee, deposit or other charge not specifically authorized by law*”

-Title 5, CCR, sec. 350

What is an “Educational Activity”? 

“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.”

-Ed. Code 49010(a)
What is an “Educational Activity”? 

Examples of Extra-Curricular Activities:
- Football
- Baseball
- Soccer
- Track
- Band
- Cheer
- Choir
- Orchestra

What Must Be Provided for Free?

- “All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.”
- “A fee waiver policy shall not make a pupil fee permissible.”

-Ed. Code 49011(b)(1)&(2)
What Must Be Provided for Free?

- Writing and drawing paper, pens, inks, blackboards, blackboard erasers, crayons, lead pencils, and other necessary supplies for the use of the schools, shall be furnished under direction of the governing boards of the school districts.

- Ed, Code 38118

P.E. Uniforms

HYPOTHETICAL

School requires all students to wear “white t-shirts, green athletic shorts or pants, white or black socks, and closed-toed shoes” in order to participate in P.E. Must the District provide any or all of these items free of charge?
P.E. Uniforms

Physical Education & Athletics

Clothes of general design vs. Specific brand or school logo

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P.E. Uniforms

No grade of a pupil participating in a physical education class . . . may be adversely affected due to the fact that the pupil does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the pupil.

- Ed. Code 49066(c)
Cheer

- Students on pep and cheer teams cannot be required to pay a fee, or incur a charge, for required uniforms.
- What about a fee for summer cheer camp?

Cheer

HYPOTHETICAL

- School delegates all cheer activities to a booster, which imposes a fee. The fee can be paid directly or through fundraising activities. The fee covers uniforms, training, equipment, and transportation costs. Is this permissible?
- Students participating in cheer tryouts are required to wear specific clothing for safety reasons - black shorts, white t-shirts, and white shoes and socks. Must the school provide?
Band

Must provide required uniforms.

Band

- May require fee for deposit for band instruments, music and uniforms, and other regalia for use on an excursion to a foreign country. (Ed. Code 38120)

- Fee OK if loaned band instrument is returned in a condition exceeding normal wear and tear. (Ed. Code 48204)
Band

HYPOTHETICALS

- Summer marching band training is operated by a nonprofit foundation (not by the District) for $250 per student. Fees are collected by the foundation. Students receive PE credit for participating in this program, but it is not required to participate in the District marching band during the regular school year. Is this OK?

- School jazz band recommends students wear black pants/skirt and a white shirt for its annual concert. The concert is mandatory and graded. Is this a uniform? Must it be provided free of charge?

Athletics

- Necessary elements of a uniform required for participation must be provided free of charge.

- Even if the element will not be returned.

- This includes all equipment needed for participating in the sport.
**Personal Effect or Uniform?**

1. All members of the golf team must wear a specific polo shirt with the school’s logo on the chest during matches and at school on match days.

2. Members of the baseball team must wear a cap, shorts, and a t-shirt to practice.

3. Members of the girls water polo team must wear a red swimsuit during games. Boys must wear red Speedos.

4. Football players may wear a team sweatshirt they receive in a spirit pack they voluntarily purchased.

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**Personal Effects**

**Personal Effect or Uniform?**

- A flyer is sent out to all parents that states, “Soccer players are required to wear shin guards and cleats to try out for the soccer team.”
  - Are these personal effects?
  - Must the District provide these items?
**Spirit Pack**

**HYPOTHETICALS**

- A volleyball booster club sends out a notice/order form to all players/parents that the "required team gear pack" is $129. The pack includes knee pads, team socks, a uniform, and a sweatshirt. School administration reviews and approves the notice/form. A booster club representative clarifies at a pre-season team meeting that the pack is not actually required for participation.

- Is this lawful?

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**Spirit Pack**

- "This article shall not be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities . . ."
  - Ed. Code 49011.(c)

- If purchase by students is purely voluntary, the sale of spirit packs in relation to athletic programs is lawful.

- Required elements of a student athlete's uniform cannot be contained exclusively in a spirit pack.
  - Ed. Code 49010(b)(2)-(3)
Complaints and Appeals

- Uniform Complaint Procedures
- Annual Notice Required
- Appeal to the CDE

Problems
Solutions

ASB & Boosters
Overview

Booster Clubs/ Parent Organizations

Associated Student Body (“ASB”)

Booster Clubs/Parent Organizations: What are they?

Parents, community members, and staff members coming together for the purpose of supporting specific school activities for the benefit of students.
Booster Clubs/Parent Organizations: Tips for Formation

- Booster Clubs and Parent Organizations are separate legal entities from school districts.

- Sample articles and bylaws (http://downloads.capta.org/toolkit/print/Toolkit.pdf)

- They should have a separate tax identification number.

Booster Clubs/Parent Organizations: Tips for Formation

- School employees should not hold any official position in a booster club organization.

- Employees may volunteer to perform activities for booster clubs/parent organizations during non-working hours.
Booster Clubs/Parent Organizations: AR 1230

- Booster clubs or parent organizations must follow District policy:

1. Get prior approval before using District/school name or sites.
2. Submit organization's bylaws.
3. Submit list of members primarily responsibility for finances.
4. Provide an annual accounting of financial activities.
5. Provide copies of all government reports and reports.
6. Maintain all financial source documents for four years.
7. Consent to financial audits by the District.

Booster Club – Getting Started

District Approval

- New Booster Club must obtain District approval and submit required documents.

- Each year, Booster Clubs must Submit an Annual Application to school Principal's office prior to start of year.

- Work with school, team, or program to establish priorities.
Financial Requirements

- Bank Accounts
  - In name of Booster Club
  - Accounts and checks require two signatures
    - Not from a District employee
- Non-profit status required
- Required to submit tax forms
- Must provide District with a Certificate of General Liability Insurance for sponsored events

Tracking Funds

- Annual financial statement
- Budgeting
- Receipt and management procedures
- Disbursement management and procedures
- Prohibited Expenditures
**Booster Clubs/Parent Organizations: Accounting**

- Where do they keep their money?
  - Responsible for ensuring the proper internal controls exist for all of their financial activities.
  - Booster club/Parent organization-run bank account, separate and apart from any District-run bank accounts.

**Booster Clubs/Parent Organizations: Fundraising**

**Solicitation Do’s and Don’ts**

- **YES**
- **NO**
Booster Clubs/Parent Organizations: Fundraising

- May fundraise if:
  - Approved by the Board through prior consent; or
  - The entire amount of funds raised is delivered to the District.

Ed. Code, § 51521

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Approved

Signature

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Booster Clubs/Parent Organizations: Fundraising

Booster clubs and parent organizations should carefully consider the effects on the school and program when fundraising, and consult with the principal to determine school and program needs and priorities.

- BP 1230 (a)
Booster Clubs/Parent Organizations: Fundraising

- When can they fundraise?

  Cannot fundraise on school grounds within one hour before the time of opening and within one hour after the time of closing of school.

  - Ed. Code, § 51520

Booster Club Fundraising

- Must follow District rules and procedures on student fees and donations.

- Booster Club communications related to a school activity must include a statement indicating that no student will be denied participation due to lack of funds or the ability to pay for the activity.

- Sample Solicitation Language/Letters.
**Fundraising Raffles**

- Booster Clubs/Parent Organizations may participate in and conduct raffles so long as they have the proper tax exempt status
- ASB may **not** participate in or conduct raffles
- Must be for beneficial or charitable purpose
- Annual registration required prior to September 1 or 60 days before raffle

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**Pay to Play Raffles**

- **What:** Raffles where person pays a certain amount to be entered into the raffle

- **Legal if:**
  - Run by eligible Booster Club/Parent Organization
  - Organization does not use more than 10% of proceeds to help pay expenses/operating costs associated with conducting the raffle
  - At least 90% of gross receipts generated from ticket sales used to benefit the District

  Pen. Code 320.5
50/50 Raffles

Donation Raffles

- **What**: Raffle that does not require any of the participants to pay for a chance to win

- **Acceptable if**:
  - Run by eligible Booster Club/Parent Organization
  - Involves a general and indiscriminate distribution of tickets
  - Tickets are offered on the same terms and conditions as the tickets for which a donation is given

Pen Code 320.5
Booster Clubs/Parent Organizations: Donations

- Where can they donate their money?
  - As a separate legal entity, booster clubs and parent organizations have fairly broad discretion.
  - However, may not hire or directly pay district employees.

Paying for Services

- Services of employees
  - District employee remains employee of the District when performing extra duties for Booster Club
  - Must receive District permission Employee cannot perform work for Booster during work hours
Paying for Services

- Services of Consultants or Independent Contractors
  - May be appropriate depending on the situation
  - If appropriate, follow recommended procedure

Paying for Supplies and Donations

- Paying for school supplies
- Donations of equipment
- Donations for transportation/field trips
Booster Clubs/Parent Organizations

Audits

- Should be performed by school connected organization not school district.
- However AR 1230 reserves the District's right to review and/or audit booster clubs’ financial statements to ensure the clubs’ financial integrity.

THE BOOSTER CLUB HANDBOOK

- Booster structure
- Approval process
- Booster operations
- Fundraising
- Resources
- Appendix
Associated Student Body ("ASB"): What is it?

- Student organization established to raise and spend money on behalf of students.
- Organized with the approval of the governing board of the school district.
ASB: Roles

• **Advisor:** certificated employee who works directly with students on a day-to-day basis, supervising the activities of the ASB and serving as a link from the ASB to the ASB bookkeeper and the principal.

• **Bookkeeper:** school-site staff member responsible for financial tasks related to ASB and maintaining adequate records of ASB activities.

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ASB: Roles

• **Student Council:** group of students that represents the student body as a whole and has primary authority over student funds.

• Election process is dictated by the ASB bylaws
**ASB: Fundraising Best Practice**

- The ASB advisor should fill out documentation at the beginning of each school year indicating the number and types of fundraising events that each school's student organization will hold that school year.

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**ASB: Fundraising**

**Typical Fundraising Events**

- Concession sales
- Car washes
- Book fairs
- Cultural events
- Merchandise sales
- Sale of surplus items
- Dances
Concession Stands: ASB or Booster Club?

- ASB, District, or Booster Club can receive funds generated from a concessions stand
- Can go to one, both, or all three
- Board must approve either way
  - Check ASB constitution and bylaws first

Limits on Fundraising

- Students cannot be required to participate in fundraising events.
- Fundraising proceeds cannot be attributed to specific students based on what they raised.
- Students cannot be excluded from an activity funded by ASB funds because they did not participate in raising the funds.
**Associated Student Body Funds**

- At a minimum, each ASB organization will need a checking account at a local bank.
- A savings account or money market fund may also be established.
- Signatures of two authorized employees shall be required on a check disbursement of ASB money. (AR 6145.5)

**ASB: Expenditures**

Where can they spend their money?

- Money must be expended for the benefit of students (AR 6145.5.)
- Must have a approval from the following three persons, each time any funds are expended:
  - an employee or official of the school district designated by the governing board,
  - the certificated employee who is the designated adviser of the particular student body organization, and
  - a representative of the particular student body organization.

- Education Code 48933
ASB: Expenditures

Examples of Permissible Expenditures

- Magazine subscription for student use
- "Letters" or C.I.F. rings
- Supplemental equipment for student use that is not normally provided by school entity (telescopes etc.)
- Field trips
- Costs for student social events
- Scholarships
- Library books

ASB: Expenditures

Examples of Prohibited Purchases

- Salaries or supplies that are the responsibility of the District
- Permanent buildings
- Expenses for staff or faculty meetings
- Employee appreciation gifts or meals, including gift cards
- Large awards (over $200), unless board policy states otherwise
- Donations to families or students in need
- Articles for personal use of district employees
ASB: Best Practices

- Bank accounts should be held in the name of the ASB organization and not an individual.
- Have at least two adult signatories on any ASB bank account.
- Segregate duties so one person does not have complete control over the funds.
- Establish accounting system-ledger or electronic.

ASB: Best Practices

- Establish internal controls for cash management at fundraising events.
  - Cash should always be counted in the presence of another person (and at least one adult).
  - Create receipts.
  - Immediately notify ASB advisor of any discrepancies.
ASB: Supervision

- The governing board **shall provide for the supervision** of the following:
  - Funds raised by ASB using the name of the school.
  - A **continuing audit** of student body funds with school district personnel.
  - Cost of supervision may constitute a proper charge against the funds of the district.

  - Education Code, § 48937

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ASB: Audits
Online Fundraising

- GoFundMe, DonorsChoose, Kickstarter, etc.
- Governed by the same rules and restrictions as traditional fund-raising
  - Parent Organization
    - Board approval unless entire amount fundraised is delivered to the District
  - ASB:
    - Board approval
    - District responsible for overseeing management of group funds

Fee Resources

- District Booster Club Handbook
- CDE, Fiscal Management Advisory 12-02
  (http://www.cde.ca.gov/re/lr/fm/fma1202.asp)
- FCMAT, Associated Student Body Manual
Questions

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