

ROWLAND UNIFIED SCHOOL DISTRICT



*Handbook for School-Connected, Parent/Guardian,
and/or Booster Club Organizations*

The guidelines in this *Handbook for School-Connected, Parent/Guardian, and/or Booster Club Organizations*, were developed to clarify and define policies related to Rowland Unified School District's correlation with Booster Clubs and other supportive organizations. School Principals as well as parent leaders are expected to be familiar with this handbook's contents. References to the Education Code and other laws that govern the operation of educational institutions, *Frequently Asked Questions (FAQ)*, and other pertinent information are included in this guide to provide school staff, parents, and community members with a common framework for planning and decision-making.

The *Handbook* will be updated annually and published on our website for transparency. In order to facilitate questions and, wherever possible, centralize the flow of paperwork linked to the operation of co-curricular activities, please direct communications to:

Assistant Superintendent
Administrative Services
Rowland Unified School District
1830 S. Nogales Street
Rowland Heights, CA 91748
(626) 854-8308

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I. OVERVIEW

The Governing Board recognizes that parents/guardians may wish to organize parent organizations and/or booster clubs for the purpose of supporting the educational program and/or extracurricular programs such as athletic teams, debate teams, and musical groups. The Governing Board supports such activities and welcomes parental interest and participation. The Board recognizes that these organizations are separate entities, independent of the District. However, the School District Governing Board and Administration have, and must maintain, exclusive control and management of its public school system. Education Code, Sections 51520 and 51521, require that any school-connected organization and/or activity be one that is authorized by law and permitted by Board Policy.

Generally, school-connected organizations fall into four (4) categories:

1. School-wide parent support organizations such as PTA.
2. Booster club organizations that support a specific sport, activity, or program.
3. District-wide program support groups. RUSD Board Policy 1260 outlines the relationship between the school district and the District's educational foundation.
4. Informal or temporary groups formed to support a single activity, event, or need. (These guidelines are not intended to be applied to informal groups.)

Prior to the beginning of the school year, or within the first three weeks of the school year, principals or their designees are to meet with booster club/parent and community organization presidents and the faculty advisors to those clubs/organizations to explain the school calendar, regulations on the use of school facilities, fundraising procedures, etc. At this time, the school principals shall also explain policy and procedures regarding access to the school sites and students.

School principals, coaches, band directors, ASB directors, and similar school personnel are not to serve as officers in parent groups or booster clubs, or to sign checks on behalf of these organizations.

Since booster clubs and other types of parent organizations are legally separate from the school district, booster groups and other types of parent organizations are responsible for establishing and maintaining their own financial records. A properly established booster club must have its own tax identification (I. D.) number and an Exemption Letter from the Franchise Tax Board and the Internal Revenue Service before it can accept tax-deductible donations. Booster/parent organizations are responsible for their own tax status and accounting. All booster/parent organization tax I.D. numbers must be on file with the Rowland Unified School District Administrative Services Division office.

In addition, Education Code, Section 51520, prohibits the solicitation of pupils by outside organizations on school property during school hours. Solicitation is defined as, "to subscribe or contribute to the funds of, to become members of, or to work for any organization not directly under the control of the school authorities." A clear separation of responsibilities between the ASB and the various booster and parent organizations must be maintained.

I. OVERVIEW (Continued)

Booster/parent organizations should serve as auxiliaries to the school programs and should conduct activities and fundraising events involving the primary participation of parents and other adult community members. Funds raised by booster/parent organizations are to be used to support established school programs and activities. No student, however, will be required to raise funds in order to participate in school programs and events. Booster/parent funds so raised should then be donated to the District for specific purposes, such as the purchase of specific items of equipment or to provide financial assistance to students with need in relation to uniforms, tours, field trips. This is the preferred method. However, if particular items are purchased by the booster/parent organizations, these items must then be donated to the school for use by the designated group in accordance with District policies and procedures.

All booster clubs are required to file Facility Use Permits each time they use a school's facility/facilities.

Associated Student Body (ASB)

Associated Student Body (ASB) organizations are composed of students for the purpose of conducting activities on behalf of students. Education Code, Section 48930, defines the purpose of an ASB organization as, "the conduct of activities on behalf of the students approved by the school authorities and not in conflict with the authority and responsibility of the public school officials." As such, ASB groups have been given the authority to conduct fundraisers and to spend money for the benefit of students.

Student organizations, unlike booster clubs and parent organizations, legally are considered part of the School District, are included in the annual audit of the District, and have benefit of the District's tax-exempt status under the Internal Revenue Code. Because student organizations operate under the tax-exempt status of the School District, the funds deposited in bank accounts are not subject to state or federal taxes. For this reason, the funds raised by booster clubs and parent groups may not be deposited into the student organization's bank accounts. Booster clubs and parent groups may not open bank accounts using the Districts' tax identification number. Organizations formed by teachers also are not part of the ASB and may not deposit funds into the school's ASB accounts or use the District's tax identification number.

All activities and fundraising events that involve the primary participation of students should be conducted through the ASB. These procedures cover all student performances for which gate receipts or honorariums are received, all student-conducted fundraisers, all collections from students for uniforms and/or t-shirts, and all collections of funds in relation to District-sanctioned student tours, science camps, and other education off-campus activities.

II. OPERATIONAL REQUIREMENTS FOR SCHOOL-CONNECTED ORGANIZATIONS, BOOSTER CLUBS, AND PARENT ORGANIZATIONS

Application for Board Approval

In order to fulfill its legal and fiduciary requirements, the School Board must require school-connected organizations to submit an Application (if new) or a Request for Continuance (if previously approved). Authorization shall be granted for a period of one (1) year. Requests for subsequent authorization must be presented by October 1st. Any request for approval must include the following information as required by Rowland Unified School District, Board Policy, and Administrative Regulation 1230:

1. The name and purpose of the organization.
2. The date of application.
3. Qualifications for membership in the organization. The principal or his/her designee may attend any meeting of the organization.
4. The names, addresses, and phone numbers of all officers.
5. By-Laws, 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.
6. A projected budget and list of objectives, which is to be updated and submitted annually to the principal or his/her designee.
7. The name of the bank where the group's account will be located and a list of those officers authorized to withdraw funds, whose names are to be submitted annually to the principal or his/her designee.
8. A provision that, prior to the purchase of item(s), expenditures directly related to a co-curricular/instructional program must be communicated with the principal or his/her designee. Expenditures relating to the operating costs of the organization are exempt from this provision.
9. An agreement to provide evidence of liability insurance as required by law.
10. Description of the procedures the organization will use to prepare an annual audit or financial statement. The Articles of Incorporation and By-Laws of a 501c3 organization are sufficient to meet this requirement.

Note: A booster group that will receive \$5,000 or more in annual revenues or gross receipts is required to file IRS Form 1023, "Application for Recognition of Exemption Under Section 501(c) (3) of the Internal Revenue Code." California non profit, tax-exempt status is similar and requires the completion of Form 3500, "Exemption Application."

11. 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.
12. The signature of the principal, supporting the Request for Authorization to organize or continue.
13. A requirement that, if an organization ceases to exist, all funds remaining in the account after the organization closes down will be transferred to the respective school's general student body funds.

(cf. 1330 - Use of School Facilities)

Minimal Elements of a Constitution and By-Laws

Minimally, a constitution should include the following five (5) elements:

1. Name and purpose of the organization.
2. Membership requirements.
3. Executive Board or Officers
 - a. Positions and duties of each position defined.
 - b. Position and term limitations.
4. Method of amending the constitution.
 - a. By whom.
 - b. By petition of which percentage of members.
 - c. By ballot.
5. Adoptions or ratification of constitution and any subsequent amendments.
 - a. Shall require what percentage vote of Executive Board/Membership.

Minimally, the By-Laws should include the following six (6) elements:

1. Duties and powers of Executive Board and Officers.
2. The composition and membership of committees.
3. Successions.
4. Elections and qualification for office.
5. Finances:
 - a. Statement of internal controls, authorization of financial activities.
 - b. Who shall approve prior to any commitment.
6. Meeting schedule:
 - a. For regular and special sessions.
 - b. Time, manner, frequency?
 - c. What constitutes a quorum?
 - d. Who shall conduct meetings?

Membership

1. Parents, community members, and staff may be members of any booster club or parent organization.
2. The principal or designee shall maintain on-going communications with the organizations.
3. Membership fees may be used for raising funds for specific projects for the schools but school fees may not be a requirement of parents or students to participate in school organizations.

Liability

District liability for conduct and activities of an organization established for the purpose of supporting the District may be based upon the nature of the relationship between the two entities. That relationship may be contractual or based on the amount of District control or on the fact that the District is the beneficiary of the organization's activities. Therefore, it is likely that a lawsuit based upon an activity of the organization will also name the District and seek a finding of joint liability. Whether the District is appropriately named or not, the District will incur legal expenses in defending the lawsuit.

The District requires booster and parent organizations to provide proof of liability insurance in the minimum amount of \$1,000,000 combined single limit, with the District named as an additional insured endorsement. When using school facilities, the District may, at its discretion, require a higher level of coverage based on the type of use requested, such as athletic activities and large events.

A district may more effectively limit its exposure by adequately supervising and monitoring the activities of a school-connected organization. Familiarization with applicable statutes, regulations, and reporting requirements will assist the District in ensuring the proper conduct of the group's activities; and therefore, lessen the amount of District exposure.

Obtaining Tax Exempt Status / Annual Filing IRS

Because booster and parent organizations are not legal components of the School District, each organization must have its own tax identification numbers, and bank account. The organization is directly responsible for compliance with the IRS and state reporting and disclosure requirements. Organizations that provide receipts to donors as a, "charitable tax deductible donation" must be officially approved by the IRS as a 501 (c) (3) tax-exempt organization. It is the organization's responsibility to be both knowledgeable and compliant with all state and federal laws.

Booster and parent groups are encouraged to contact the Internal Revenue Service and the Franchise Tax Board in order to obtain a tax-exempt status for their organization. State and Federal forms and further information can be found at the following Web sites:

Federal (IRS) Tax Identification Number

- Form SS-4, "Application for Employer Identification Number."
- Instructions: <http://www.irs.gov/pub/irs-bdf/iss44.pdf>.
- Fill-in form: <http://www.irs.gov/pub/irs-fill/fss4.pdf>.

Non-Profit Status

- Publication 557, “Tax-Exempt Status for Your Organization.”
- <http://www.irs.gov/pub/irs-pdf/p557.pdf>
- Package 1023, “Application for Recognition of Exemption Under Section 501 (c) (3) of the Internal Revenue Code”
 - Includes fill-in Form 1023, Instructions for Form 1023, and Form 872-C
- <http://www.irs.gov/pub/irs-fill/k1023.pdf>
- Form 8718, “User Fee For Exempt Organization.”
- <http://www.irs.gov/pub/irs-fill/f8718.pdf>

State of California

- California Forms and Instructions Form 3500 Booklet, “Exemption Application Booklet.”
 - Includes instructions and two copies of form 3500.
- http://www.ftb.ca.gov/forms/02_forms/02_3500Bk.pdf
- Consult Tax Tips Pamphlet No. 18, “Sales and Use Tax Guide for Volunteer and Nonprofit Fundraising Organizations” to determine what may and may not be taxable.
- <http://www.boe.ca.gov/pdf/pub18.pdf>

Tax Filing

School-connected organizations are required to file Form 990-N, 990, or 990-EZ annually with the IRS. Beginning with the 2008 tax year, all tax-exempt organizations are required to file regardless of the amount of gross receipts generated.

Fundraising Activities

In accordance with Education Code, Section 51521, programs, fundraisers, or other activities sponsored by booster and parent organizations must be authorized and conducted according to local board policy, laws, and school rules. At the beginning of each school year, each booster and parent organization shall submit to the principal/designee a list of the fundraising events that each organization proposes to hold that year. The principal/designee shall review the proposed events and determine whether or not the events are in conflict with, or detract from, the school's educational program.

The following are guidelines for booster/parent organization fundraising activities within the Rowland Unified School District:

- A. Use of the District's/school's name in fundraising activities must be approved by the school principal/designee and will comply with District policies and state law.
- B. Students shall not be involved in fundraising activities except as volunteers for the booster organization.
- C. Penal Code, Sections 320 and 320.5, authorize, under defined circumstances, eligible organizations to conduct raffles which require the payment of a fee for a chance to win a prize. Raffles may include 50/50 raffles, donation drawings, duck derby, and cow chip bingo. Public schools are not "eligible organizations," but parent organizations with a 501 (c) (3) status are. Information on how to conduct a legal raffle can be obtained at the California Attorney General's website: www.ag.ca.gov.
- D. All booster funds will be collected and maintained by the organization. The District's tax identification number cannot and will not be used. No booster funds shall be kept or co-mingled within ASB accounts.

Use of School Facilities

State law and Board Policy and Administrative Regulation 1330 regulate community programs on District property. District Use of Facility forms should be submitted at least one month before the intended activity along with a Certificate of Insurance, covering liability and property damage, endorsing the District as an additional insured.

School-Connected Food Sales

Booster and parent organizations must comply with state law as well as District Policies and Administrative Regulations on the sale of food on school premises. Booster and parent organizations are encouraged to review and become knowledgeable of applicable laws, including Los Angeles County food handling requirements, State and Federal nutritional standards, and the District's Wellness Policy. Additional information is available from the office of the Director of Food Services (626-854-8313).

Administration and Expenditure of Funds

1. To ensure strong internal financial controls, each school-connected parent group shall have among its officers, the office of auditor. The auditor shall have the following as part of his/her duties:
 - A. Direct receipt of bank statements and monthly reconciliation of bank accounts.
 - B. Annual audit of records and transactions.
 1. For a school-connected parent group, where annual gross receipts are \$25,000 or less, the auditor performs the audit. An audit report, signed by both the organization president and the auditor, shall be submitted annually to the school principal within ninety (90) days after the close of the fiscal year. The annual report shall include the Audit Questionnaire as shown in the Parent Group Accounting Guidelines.
 2. For a school-connected group, where annual gross receipts are in excess of \$25,000, the annual audit is to be performed by a licensed auditor. The audit report shall be submitted annually to both the school principal and the Assistant Superintendent, Administrative Services Division, within ninety (90) days after the close of the fiscal year. The audit report shall include the Audit Questionnaire as shown in the Parent Group Accounting Guidelines.
 3. In lieu of a licensed auditor, school-connected organization auditors may perform audits according to the following guidelines:
 - a. Annual gross receipts are less than \$100,000.
 - b. The school-connected organization's auditor attends the District-sponsored audit in-service program for the parent group. This in-service program will review the steps necessary to complete the audit of school-connected organizations' books.
 - c. The school-connected organization's auditor agrees to perform the necessary audit steps as shown in the in-service program. The auditor shall be authorized to serve in place of the licensed auditor for a period not to exceed two (2) years.
- School-connected organizations with annual gross receipts in excess of \$100,000 are required to contract with a professional, State-licensed auditor.
2. Upon dissolution of the group, all funds shall be transferred to the respective school's general student body funds. The District's Administrative Services Division office shall be advised in writing of the dissolution.
 3. Gifts to the student body of money or of approved materials may be made when approved by the principal or designee.

Purchases for Schools

1. All purchases shall be donated to the school in accordance with Board approved policies and procedures.
2. Staff may make requests through their principal or designee to the booster club or parent organization for desired donations.
3. Donations may be made in cash to allow the Purchasing Department to buy items that are in line with District Purchasing guidelines and statutory laws.
4. The Maintenance Department must be consulted, prior to purchase, on all items requiring installation. The Administrative Services Division must be consulted on purchase of items requiring a maintenance contract.
5. Capital improvements, equipment (over \$5,000), and uniforms may be purchased only with the prior approval of the principal and District-authorized designee. These purchases must be processed through the District Purchasing Department to ensure compliance with statutory laws. Organizations “donate” the funds to the District for purchase of such capital outlay items.

Support Personnel

The Rowland Unified School District does not allow parent or booster clubs to hire staff to perform services for the Rowland Unified School District. If a booster or parent organization wishes or *agrees* to pay for additional and/or extra-curricular services, the person to provide the services must be hired through the Human Resources Division of the Rowland Unified School District. The booster or parent organization will deposit such funds into a District account for the proposed expenses. The funds must be sufficient to pay for the actual services and benefits due the employee.

Procedure

1. A Personnel Requisition will be completed by the principal of the school receiving the services and submitted to the Administrative Services Division, which will verify deposit of the booster or parent organization donation and forward the Requisition to the Human Resources Division.
2. The employee will be hired through normal channels and will be subject to all rules and regulations imposed by the Human Resources Division and the State of California.
3. The employee is not authorized to perform services until after Board approval and District receipt of the donated funds.
4. The employee will be paid after the above procedure is completed and after signing the appropriate time card at the site.

Retention of Records

Voluntary organizations often suffer from the constant turnover of officers and members. Therefore, it is important that the activities of the organization be clearly documented and that a procedure for retaining those documents be established. Among the documents that should be retained by the organization are:

1. Cash receipts;
2. Cash disbursements and general ledger;
3. Bank records;
4. Income tax returns; and
5. Minutes of meetings as defined by the organization by-laws.

It is recommended that the organization obtain a safety deposit box or a similar storage facility to ensure security of important documents.

Limit of Liability

1. School personnel should not try to manage or direct booster clubs. Appropriate advice on use of the school name by a booster or parent organization is recommended.
2. The school should not cause others to believe that it is in charge or has any legal responsibility for a booster or parent organization.
3. The school should send a letter of understanding to each booster or parent organization which explains that the organization is not authorized to act as an agent, or represent itself as an agent, of the school or District.
 - a. The same letter should clarify that booster or parent organizations should not use District or school letterhead for conducting business.
 - b. The school should require the booster or parent organization to acknowledge receipt of the letter and to agree to abide by its terms.

III. APPROVED SCHOOL-WIDE PARENT ORGANIZATIONS OTHER THAN PTA

An approved parent group is a group of organized parents (in absence of local PTA) co-sponsored by a school, whose objective and purpose relate to the health and welfare needs and other student body financial activities of the sponsoring school.

Such a group shall be required to conform to the regulation indicated below.

Procedure

1. The proposed parent organization will follow all policies and procedures of the Rowland Unified School District including those referenced above.
2. The following stipulations are to be observed and should be included in the constitution and by-laws of the organization:
 - a. The group shall be nonpartisan and nonsectarian in membership and purpose.
 - b. Once approved, membership in the group must be open to all parents who have pupils in the school, as well as to teachers and administrators.
 - c. Any membership fee shall be a reasonable amount.
 - d. The officers of the group shall be elected annually by popular vote.
 - e. The principal or designee of the school shall be a member of the executive committee of the parent organization.
 - f. The procedures of the parent organization shall be governed by *Robert's Rules of Order*, or a similar code. Minutes of the meetings shall be kept and read for approval at succeeding meetings. Actions taken by the executive committee shall be reported to the membership at large.
 - g. All regular meetings, executive board meetings, and committee meetings of local parent groups, which involve the participation of the principal and/or other school personnel, shall be held at the school. Any exceptions shall be approved by the principal or designee.

IV. GENERAL DO'S AND DON'TS OF BOOSTER/PARENT ORGANIZATIONS

WHAT TO DO:

- Obtain tax identification number and tax-exempt status, if applicable.
- Open financial account under the above criteria. Maintain records for continued status.
- Create logo and name to be used; the school or District is separate. High school or District logos should not be used without specific authorization of the Superintendent/designee; booster and parent organizations have their own identity.
- Raise funds by using adult membership. Special projects may include students who volunteer.
- Maintain relationship with principal and his/her designee for input of needs.
- Donate all purchases to the school district in accordance with District policy.
- Donate funds to ASB accounts for specific student teams/groups.
- Consult District maintenance department prior to purchasing items that require installation. Contact District Administrative Services Division before purchasing goods or services that require on-going maintenance contracts.
- All capitalized expenditures over \$5,000 must be processed through the District's Purchasing Services Department.

WHAT NOT TO DO:

- Conduct fundraiser activities requiring students to participate.
- Co-mingle booster or parent organization funds with ASB funds.
- Represent booster or parent organization activities as those of the Rowland Unified School District or one of its schools.

V. REQUIRED FORMS FOR SCHOOL-CONNECTED ORGANIZATIONS

(Follow)



ROWLAND UNIFIED SCHOOL DISTRICT

PARENT ORGANIZATION/BOOSTER CLUB APPLICATION

NEW

RENEWAL (Note additional documents required – Financial Summary, IRS 990, and Audit Questionnaire)

The parents / supporters of _____ hereby request the formation/renewal of an approved School-Connected parent / booster organization.

Name of Organization: _____

The objectives/purposes of the group are:

We, the parents / supporters of _____ have read the *Handbook for School-Connected, Parent, and Booster Club Organizations* and agree to abide by it. We will submit two (2) copies of this form, together with items listed on the attached checklist, to the Principal/Designee who will submit the documents for Board approval.

Signature of Parent Representative

Date

APPROVED BY:

Signature of Principal

Date

SCHOOL

APPROVAL BY GOVERNING BOARD:
(New organizations only)

Meeting Date: _____

Signature of Superintendent/Designee

Date



ROWLAND UNIFIED SCHOOL DISTRICT
PARENT ORGANIZATION/BOOSTER CLUB APPROVAL CHECKLIST

- Completed and Approved Application/Renewal form.
- Constitution and Bylaws.
- Names, address, and phone numbers of all officers.
- A brief description of the organization's purpose, including a list of specific annual objectives and a projected budget.
- List of fundraising activities for the year.
- Name of the bank and names of those authorized to withdraw funds.
- Evidence of liability insurance.
- Signature of school principal.
- Tax identification number.
- Evidence of tax-exempt status – IRS Section 501(c)(3).

RENEWALS:

- End of the year financial report.
- IRS Form 990.
- Completed Audit Questionnaire.



Rowland Unified School District
SCHOOL-CONNECTED ORGANIZATIONS
ANNUAL FINANCIAL SUMMARY

DIRECTIONS: As a condition of reauthorization by the Rowland Unified School District Board of Education, school-connected groups are required to provide the following information.

NOTE: *Organizations using Quicken (or similar software) are encouraged to submit a Quicken (or other) Income/Expense by Category Report in lieu of this form.*

ORGANIZATION: _____

REPORTING PERIOD: _____

REVENUE: (IRS Form 990, Part VII)

Income Producing Activities: <i>(List specific fund raisers and gross revenues generated.)</i>	Amount

TOTAL REVENUE

EXPENSES: (IRS Form 990, Part II, Column B)

Program Services: <i>(List donations to the school/program/District. If the donation was in the form of equipment, materials, or activity, list specifics and amount expended on the item or activity.)</i>	Amount

EXPENSES – SUB-TOTAL

Management and General: (IRS Form 990, Part II, Column C) <i>(List the total operational costs for the year – includes fees, taxes, postage, stationary, rentals, etc.)</i>	
Fundraising Costs: (IRS Form 990, Part II, Column D) <i>(List the total overhead costs for all fundraisers held during the year)</i>	

TOTAL FUNCTIONAL EXPENSES

EXCESS or (DEFICIT) for the year: (Revenue minus Total Expenses)	
FUND BALANCE at beginning of the year.	

FUND BALANCE AT THE END OF THE YEAR (IRS Form 990, Part I, Line 21) _____

Signature of Organization President

Date



ROWLAND UNIFIED SCHOOL DISTRICT
REQUEST FOR APPROVAL: FUNDRAISING EVENT

BOOSTER CLUB/ORGANIZATION: _____

ADDRESS: _____

CONTACT NAME/PHONE NUMBERS: _____

Today's Date: _____ Proposed Event: _____

Description: _____

Raffles must comply with State law and be registered with the California Attorney General's Office.

Proposed Date(s) of Event: _____

Location of Proposed Event _____

Budget Plan for Event/ Activity Attached (*Attach Description, cost, projected goal.*)

Revenue generated will be donated for purpose of _____

Other background information (*such as other schools or clubs that have held similar events*)

Club Representative (name, title): _____

Signature of Club Representative _____ *Date*

OFFICE USE:

SITE APPROVAL: _____ Date: _____

BOARD OF EDUCATION APPROVAL: Yes: No: Date of Board Action: _____

NOTE: ***“On-going”* Fundraisers, such as weekly Swap Meets, Bingo, etc., will be subject to additional requirements.**

Alcohol cannot be served as part of a Board-approved fundraiser, whether the event is hosted on-site or off-site.



ROWLAND UNIFIED SCHOOL DISTRICT REVENUE POTENTIAL/FUNDRAISING RECAP

ORGANIZATION _____ DATE _____

DATE(S) OF ACTIVITY _____ ADVISOR: _____

DESCRIPTION OF ITEM(S) SOLD: _____

PURPOSE OF ACTIVITY: _____

BEFORE the activity begins, RECORD this basic information for each item:

1. Purchase Cost of Item _____
2. Number/Description of Items Purchased _____
3. Selling Price of Item _____
4. Potential Income _____

Describe your fundraising activity if it does not involve purchased items:

DURING and AFTER the activity, RECORD the MONIES collected:

_____ sold @ \$ _____ = \$ _____

_____ sold @ \$ _____ = \$ _____

TOTAL RECEIPTS = \$ _____

RECAP:

Expenditures: (Invoices + Other Expenses) = \$ _____

Quantity Sold _____ X Sales Price = \$ _____

PROFIT/LOSS TOTAL REVENUE MINUS EXPENSES = \$ _____

NOTE: IF THERE WAS A LOSS, ATTACH A STATEMENT FULLY EXPLAINING THE LOSS!

Advisor/Coach

Student Club Representative

Principal

Organization President/Treasurer

NEW REVENUE POTENTIAL FUNDRAISER STATEMENTS WILL NOT BE APPROVED IF YOU HAVE OUTSTANDING REPORTS FROM A PRIOR FUNDRAISER.



ROWLAND UNIFIED SCHOOL DISTRICT

REQUEST FOR ACCEPTANCE OF GIFT / DONATION

I. SCHOOL: _____ DATE: _____

II. DONOR NAME: _____

ADDRESS: _____

III. GIFTS / DONATIONS:

A. **MONEY DONATION ONLY** Amount: _____

Designated for: _____

B. **ITEM DONATION:**

DESCRIPTION: _____

MODEL NO.: _____ CONDITION: NEW: USED:

VALUE (ESTIMATED): _____

PURPOSE: _____

Will item be PURCHASED through the Purchasing Services Department? YES: NO:

Equipment with a cost in excess of \$5,000 will be considered a capital asset and must be assigned an RUSD inventory number.

DONOR CONDITIONS OF ACCEPTANCE: _____

IV. INSTALLATION AND OPERATION

A. Will gift require installation? YES: NO: (If answer to A is YES, answer B and C.)

B. What type of installation is required? _____

(Any installation taller than 8' will require Division of State Architect (DSA) approval.)

C. Will donor pay installation cost? YES: NO:

D. Will there be operating costs? YES: NO:

If yes, what type? _____

V. ACCEPTANCE REQUESTED BY SITE ADMINISTRATOR: _____

VI. APPROVED: _____

(Assistant Superintendent, Administrative Services Division, or Director of Building Services)

BOARD ACTION

DATE ACCEPTED: _____

DATE DENIED: _____



ROWLAND UNIFIED SCHOOL DISTRICT

PERMITTED ACTIVITIES / FUNDRAISERS

The following information is based upon PTA liability policies. It is intended to provide school-connected organizations guidance when considering holding a fundraising event or activity.

The following listed activities and/or events are not approved (RED LIGHT); require approval by the District's Risk Manager (YELLOW LIGHT); or require approval by the school principal (GREEN LIGHT).

The Rowland Unified School District has adopted certain policies regarding permissible activities in order to minimize the risk of exposure. It is the policy of the Rowland Unified School District that certain activities be prohibited because they are dangerous and jeopardize the safety of our children, parents, and/or members of the community.

RED LIGHT

(ACTIVITIES AND OR EVENTS ARE NOT APPROVED.)

THESE ACTIVITIES ARE NOT ALLOWED, EVEN IF VENDOR HAS OWN INSURANCE.

- Alcohol Sales
- Aircraft Demonstrations
- Animal Rides
- Block Parent
- Blood Testing (Blood Drives are Acceptable)
- Bungee Jumping
- Cosmetic Services
- Donkey Baseball/Basketball
- Enrichment Programs: These activities are prohibited:
 Martial Arts, Gymnastics, Physical Education Classes,
 Contact Sports, Skateboarding,
 Roller-Blading, Other Athletic-type Activities
- Health Services
- Hot Air Balloons/Balloon Rides (on ground, or in the air)
- Human Canon Balls (or any variation)
- Monster Truck
- Paint Ball Guns
- Safe House
- Slam-Dancing (Moshing, Stage Diving)
- Surfing Contests
- Swap Meets Where You Sell Used Sports Equipment
- Trampolines
- Transportation (except by Chartered Service, refer to YELLOW LIGHT list)
- Watercraft (except commercial craft of 26 feet or more, operated by a qualified vendor with evidence of insurance.)

YELLOW LIGHT

(REQUIRE APPROVAL BY THE DISTRICT'S RISK MANAGER)

Occasionally, ASBs and school-connected organizations want to sponsor activities which may require additional insurance coverage, waivers of liability, certificates of insurance, or other special arrangements. All conditions must be met, and/or the Rowland Unified School District Risk Manager consulted, before undertaking any activities listed.

Under no circumstances should any ASB or school-connected organization sign a *Hold Harmless Agreement* for a vendor/concessionaire/service provider, or agree in any way, that the ASB, District, or school-connected organization will be held responsible for liability. Review all contractual arrangements very carefully to be sure that they do not contain such provisions.

*The numbers [e.g., (1)] following each activity refer to the **CONDITION(S)** that must be met before an ASB or school-connected organization sponsors an activity or event.*

- After Prom (2)
- Astro Walk (1), (11), and (17)
- Athletic Events (2), (3), (4), and (18)
- Babysitting at Meetings (5)
- Bingo and Raffles (7) and (8)
- Camps – Outdoor Enrichment and Science (2)
- Carnivals with Powered Rides and Amusement Vendors (1), (2), and (11)
- Castle Bounce (1), (11), and (17)
- Chartered Services, Limousine Services, Any For-Hire Transportation (1) and (14)
- Childcare (2), (5), and (9)
- Climbing Walls (19)
- Craft Fairs, Holiday Boutiques, and Swap Meets (1) and (2)
- Dart Games (1)
- Dunk Tanks (1), (11), and (17)
- Enrichment Classes (16)
- Field Trips (2)
- Fireworks Sales (1), (2), (20)
- Go-Carts (1) and (11)
- Hayrides (1) and (11)
- Helmet Fairs (12)
- Jog-A-Thon or Walk-A-Thon (1), (4)
- Grad Night (1), (2), and (3)
- Limousine or Bus Service (1) and (14)
- Litter Cleanups (10)
- Opportunity Drawing Tickets (7) and (8)
- Petting Zoos (1) and (15)
- Purchase of Playground Equipment (13)
- Pyrotechnic Displays (1), (2), (21)
- Snack Food Concessionaire – Hired (1) and (2)
- Swim Classes (6)
- Swim Parties (6)
- Virtual Realities (1)
- Water Slides (1), (2) (11) and (17)

YELLOW LIGHT

(REQUIRE APPROVAL BY THE DISTRICT'S RISK MANAGER)

(Continued)

CONDITIONS:

- (1) Obtain a Certificate of Insurance with an endorsement naming Rowland Unified School District as an Additional Insured on the policy. The vendor/concessionaire/service provider must also sign the Hold Harmless Agreement. The Hold Harmless Agreement, Part (b), spells out the insurance requirements for the vendor/concessionaire/service provider. Advise your vendor to give a copy of the Agreement to their insurance broker.
- (2) Call the **Risk Manager** at **(626) 854-8308** with details of the event.
- (3) This pertains to non-school or CIF athletic events. If an organization chooses to sponsor an athletic event, it must purchase the necessary additional **participant** liability insurance for that activity with the Rowland Unified School District named as an Additional Insured. Please contact the Risk Management Department for requirements for additional insurance and to confirm if your event would be covered.
- (4) The only exception for which additional insurance need not be purchased is a Jog- or Walk-A-Thon. Parents and teachers may participate, but must sign a Participant's Waiver for themselves.
- (5) The only babysitting that is allowed is at meetings where parents are continually on campus **AND** the following conditions are met: the babysitters do not change diapers; there are at least two (2) unrelated adults (18 years or older) in attendance at all times; and coffee or other hot fluids are kept outside of the babysitting room or area. An additional person, who can be a high school student, is required for each additional ten (10) children in the room.
- (6) Certified lifeguard required for all swim events.
- (7) Penal Code, Sections 320 and 320.5, authorize, under defined circumstances, eligible organizations to conduct raffles which require the payment of a fee for a chance to win a prize. Raffles may include 50/50 raffles, donation drawings, duck derby, and cow chip bingo. Public schools are not "eligible organizations," but parent organizations with a 501(c) (3) status are. Information on how to conduct a legal raffle can be obtained from the California Attorney General's website: www.ag.ca.gov.
- (8) Please consult local government ordinances.
- (9) If you provide Child Care or Day Care Services, you are required to be licensed by the State of California. You will also need to obtain a separate policy of insurance. Please call the Rowland Unified School District's Insurance Broker or the Risk Manager.
- (10) Adequate supervision must be provided. Reflective vests and rubber gloves must be used. Freeway clean-up is prohibited.

YELLOW LIGHT

(REQUIRE APPROVAL BY THE DISTRICT'S RISK MANAGER)

(Continued)

CONDITIONS: (continued)

- (11) If you are required to sign a contract by the vendor/concessionaire/service provider, you **must** FAX a copy of the contract to the Rowland Unified School District's Risk Manager.
- (12) If you sponsor a helmet fair, have the payment for purchases be made directly to the vendor. Do not accept payments for the helmets.
- (13) When you want to purchase playground equipment, it is best to gift the money to the District and allow the District to purchase and install the equipment.
- (14) School-connected organizations do not typically have excess coverage over the bus companies' insurance. We recommend that you gift the money to the school and allow the school to arrange and pay for the bus when sponsoring field trips.
- (15) Children are at risk of exposure to dangerous *E. coli* bacteria at petting zoos and fairs. Children pet the animals and then put their hands in their mouths or touch the food they are going to eat. Have your children wash their hands and/or use antibacterial hand gel, immediately after touching any animals and prior to eating.
- (16) You are required to have two (2) unrelated adults in all classrooms. One can be the teacher and the other, a parent volunteer. Refer to the RED LIGHT page for restricted activities. **Call the broker/Risk Manager** with questions.
- (17) No homemade dunk tanks, bounce houses, or slides. You must rent from a vendor who has appropriate insurance.
- (18) No team sports with a roster.
- (19) Climbing walls need harnesses.
- (20) The sale of fire works is against the law in unincorporated areas of Los Angeles County (including Rowland Heights), and the cities of La Puente, Walnut, and West Covina.
- (21) Must be approved by the Los Angeles County Fire Marshal, RUSD Risk Manager, and RUSD Police Chief.

GREEN LIGHT

(REQUIRE APPROVAL BY THE SCHOOL PRINCIPAL)

The following activities are considered low risk and may be approved by the school principal.

Under no circumstances should any ASB or school-connected organization sign a *Hold Harmless Agreement* for a vendor/concessionaire/service provider, or agree in any way, that the ASB, Rowland Unified School District, or school-connected organization will be held responsible for liability. Review all contractual arrangements very carefully to make sure that they do not contain such provisions.

If a contract includes a *Hold Harmless Agreement*, contact the Rowland Unified School District Risk Manager before signing. Vendors for these activities are still required to sign the Rowland Unified School District *Hold Harmless Agreement* and provide the necessary proofs of insurance.

- After-School Treats
- Apple Bobbing
- Art & Craft Activities
- Auctions/Silent Auctions
- Bake Sales
- Balloon Artists (blow balloons up by mouth – no gases used, makes hats, animals, etc.)
- Band Concerts
- Baseball Toss through Target
- Bean Bag Toss
- Bike Displays
- Book Fairs
- Bowling
- Broom Hockey
- Cake Walks
- Calendar Sales
- Candy Sales
- Carnivals without Powered Rides and Amusement Vendors
(refer to YELLOW LIGHT List)
- Christmas Tree Sales (No cutting)
- Colored Sand Paintings
- Community Forums
- Confetti Eggs
- Cookbook Sales
- Costume Carnivals and Costume Rentals
- Cow Chip Bingo
- Craft Fairs, Holiday Boutiques, and Swap Meets (operated by PTA members with all receipts going to PTA) (No selling used Sports Equipment)
- Craft Workshops
- DJs
- Dances and Dance-Dance Revolutions
- Dinners (pasta, crab, international, barbecue, etc.)
- Enrichment – Academic only (refer to exclusions on RED LIGHT List)

GREEN LIGHT

(REQUIRE APPROVAL BY THE SCHOOL PRINCIPAL)

(Continued)

- Egg Tosses
- Face Paintings
- Family Portraits
- Fashion Shows
- Fish Ping Pong
- Food Sales
- Football Throws through Target
- Fortune-Telling
- Gift Wrap Sales
- Gift Wrapping
- Golf Tournaments
- Greeting Card Sales
- Haunted Houses
- Hobby Shows
- Hypnotists
- Ice Cream Socials
- I.D. Bracelets
- Jail Auctions
- Karaoke Events
- Leg-A-Thons
- Line Dancing
- Life Time Fitness
- Magazine Sales
- Magic Shows
- Math Fairs
- Mouse Trap Mazes (Wear Velcro suits, move through Velcro maze, and try not to touch sides. No launching devices.)
- Movie Nights
- “Nerf” Bow and Arrow
- Parent Education Workshops
- Pee Wee Golf
- Performing Arts
- Pencil Sales
- Picnic-Type Games (Not competing against other schools or classes)
- 3-Legged Race Puzzle Races
- Basketball Shoot Sack Races
- Bowling Softball Throw
- Jump Rope Tugs-of-War
- Obstacle Course Volleyball
- Potato Races
- Pizza Nights
- Plant Boutiques

GREEN LIGHT

(REQUIRE APPROVAL BY THE SCHOOL PRINCIPAL)

(Continued)

- Popcorn Sales
- Reading Nights
- Ring Tosses
- Roll Reversal Plays
- Rummage Sales (ALL sales receipts going to PTA)
- White Elephant Sales
- Flea Markets
- Sales of Logo Items
- Scarecrow Competitions
- School Plays
- Science Fairs
- Silhouettes
- Skate Nights
- Snack Food Sales
- Snow Days
- Spelling Bees
- Sponge Tosses Using Goggles
- Storytellers/Performers
- Taffy/Sucker Tugs-of-War
- T-shirt Sales, Sweatshirt, Jacket, etc.
- Talent Shows
- Water Balloon Tosses
- Water Bottle Sales
- Yearbook Sales



ROWLAND UNIFIED SCHOOL DISTRICT

VI. FREQUENTLY ASKED QUESTIONS School-Connected Organizations

Q. Can school-connected organizations/booster groups pay salaries or stipends?

As the employer of all paid individuals working on school sites, the Rowland Unified School District is responsible for all payments made to District employees, coaches, and walk-on coaches. The payment of salaries or stipends requires responsibility for fingerprinting, Worker's Compensation insurance, and compliance with all federal and California information-reporting requirements, including Form W-2 and Form 1099, where applicable.

School-connected organizations/booster clubs are NOT allowed to directly pay salaries, bonuses, stipends, or to supplement the income of District employees.

Q. Can school-connected organizations/booster groups hire coaches and/or "walk-on" coaches?

School-connected organizations/booster clubs may **NOT** hire walk-on coaches directly. Only the Rowland Unified School District can hire District employees, coaches, walk-on coaches, and assistant coaches.

Q. Is there a way for school-connected organizations/booster groups to pay for a walk-on coach?

School-connected organizations/booster groups can request and fund a walk-on coach and/or assistant coach. However, the following procedure must be adhered to **PRIOR** to his/her work with students:

1. A written request for a walk-on coach ("Coach Application Packet") must be signed by the school Principal and the Athletic Director and must be submitted to the District's Human Resources Division. This form must be received by the District's Human Resources Division no later than six (6) weeks before the start of the athletic season.
2. After the request has been reviewed and approved by the Human Resources Division, funds to support the walk-on position must be submitted to the District's Fiscal Services Department. Funds must be received by the District's Fiscal Services Department no later than three (3) weeks prior to the close of the payroll cycle for the first month of the athletic season.
3. A school-connected organization/booster group-funded walk-on coach or assistant coach must be paid at the same rate as a District-funded walk-on coach/assistant coach.
4. Walk-on coaches are hired for an increment of one (1) season. Their contracts are renewed on a season-by-season basis. Walk-on coaches hired by the District on behalf of a school-connected organization/booster group will be paid by the District in equal amounts for each month of the athletic season, which is consistent with the policy that affects all District walk-on coaches.



ROWLAND UNIFIED SCHOOL DISTRICT

VI. FREQUENTLY ASKED QUESTIONS (CONTINUED) School-Connected Organizations

Q. What steps must be completed in order for a walk-on coach to begin work?

Prior to working with students, a walk-on coach must complete all of the District's employment-related paperwork. The employment process includes fingerprint clearance, tuberculosis clearance, and verification of CPR/First Aid certification.

Walk-on coaches will NOT be paid until the District's Human Resources Division employment process has been completed. **Allowing a walk-on coach to work before employment is authorized by the District's Human Resources Division may jeopardize the employee's receipt of payment for hours worked.**

It is the responsibility of the site administration/Athletic Director to inform coaches that they must make an appointment with the Human Resources Division to complete the required paperwork. It is also the responsibility of the site administrator/Athletic Director to verify that all coaches have been cleared through the Human Resources Division PRIOR to beginning a coaching assignment. Additionally, all volunteer coaches must be fingerprinted and cleared by the District's Human Resources Division.

Q. Is it okay for a school-connected organization, foundation, fundraising group, or booster group to use a school's/the District's tax identification numbers? Or, do they need to have a separate number as a non-profit 501(c) (3) organization? If so, where is the paperwork obtained?

A school-connected organization, foundation, fundraising group, or booster group, **CANNOT** use a school's/the District's tax identification numbers. As governmental agencies, the schools and the District have different types of tax statuses and separate numbers that are specific to each school and the District. Each school-connected organization must have its own tax identification number(s). Refer to pages 5 and 6 of this Handbook for further information on obtaining these numbers and the required paperwork.

Q. Can District staff serve on the board of a school-connected organization/booster club?

It is not the role of staff to be involved in the establishment of, or direct participation in, or become a bank account signer, of a school-connected/booster organization. School-connected organizations/booster clubs are to seek outside legal advice.



ROWLAND UNIFIED SCHOOL DISTRICT

VI. FREQUENTLY ASKED QUESTIONS (CONTINUED) School-Connected Organizations

Q. Why does my school-connected organization/booster group need to file a fundraising plan? What if the cause is time-sensitive and I don't have time to go to the Board of Education?

All fundraising plans by any school-connected organization need to be approved by the Board of Education, per Education Code, Section 51521. (See page 7 of this Handbook.)

If there is not time to receive governing Board approval, the school fundraiser is not to be held.

Q. When should school fundraising plans be turned in?

School fundraising plans are turned in at the beginning of each school year. Once school is underway, additions to the school's fundraising plan should be turned in as a Request to the Superintendent or designee as soon as possible. In order to be placed as an item on a Board of Education Meeting Agenda, **a request must be submitted no later than noon on Monday of the week before a Board meeting.**

Q. For Board approval, what information is needed about the school fundraising plan?

- a. Who will be conducting the fundraiser.
- b. Location of the fundraiser.
- c. The cost of the fundraiser.
- d. Type of fundraiser (e.g., penny drive, walk-a-thon).
- e. The projected goal (in dollar amount) of the fundraiser.
- f. Date(s) and time of day of the fundraiser.
- g. Funds raised are to be donated to (*fill in the blank*) for the purpose of (*fill in the blank*).

NOTE: Alcohol cannot be served as part of a Board-approved fundraiser, regardless of whether or not the event is hosted on-site or off-site.

Q. How does a school receive donations from outside individuals or groups?

A donation to any school site is only fully-received when the Board of Education formally accepts it as a Donation Agenda item at a regularly scheduled Board Meeting. Donations made to the District are to be entered onto a "Request for Acceptance of Gift" and submitted to the Administrative Services Division office.

NOTE: The District is not required to accept every donation. The Request form is reviewed by appropriate administrative staff. Sometimes a donation is reviewed and determined as unacceptable for submission to the Board. For example, if there are restrictions on the donation such as obsolete computer equipment, the donation might not be accepted. Once accepted, the donated item is then listed on the next regular Board Meeting Agenda requesting the Board's formal acceptance.



ROWLAND UNIFIED SCHOOL DISTRICT

VI. FREQUENTLY ASKED QUESTIONS (CONTINUED) School-Connected Organizations

Q. How should all funds received by a school site be handled?

Per Education Code, Section 48933, all funds must be deposited into Education Code-authorized bank accounts.

The funds may be for Associated Student Body (ASB)-established club activities and must be accounted for by the ASB bookkeepers pursuant to the FCMAT *Associated Student Body Accounting Manual & Desk Reference*.

If the funds are for other than ASB activities, such as funds donated to the school site and **Board-approved** as a Donation Agenda item, or through a Fundraiser Request, then the funds **are to be deposited into the District's County Treasury Account** and maintained in a separate budget account set up through the Fiscal Services Department. The budget account will have the name of the intended use of the funds and can be expended through the submission of purchase orders.

School site administration is encouraged to use the funds in a timely manner as the donor intended. Unexpended funds will be carried over into subsequent fiscal years and will be reserved for the fund's original purpose.

ROWLAND UNIFIED SCHOOL DISTRICT



VII. BOARD OF EDUCATION POLICIES AND ADMINISTRATIVE REGULATIONS

BOARD POLICY 1230 – SCHOOL-CONNECTED ORGANIZATIONS

Community Relations

BP 1230

SCHOOL-CONNECTED ORGANIZATIONS

The Governing Board recognizes the value of Parent Groups, which are dedicated to the welfare of all students, and supports the establishment of PTA's, PTO's, and Booster Clubs.

The parents, faculty, and principal at each school shall determine the type of organization or organizations which they feel will meet the needs of the students in their school.

In order to become a legally constituted organization, the constitution and bylaws of each organizing group shall be submitted to the Board upon the recommendation of the Superintendent.

It shall be the prerogative of the Superintendent, upon the recommendation of the principal, to recommend to the Board the disassociation of the school from any organization at such time as he/she determines that the organization no longer functions in the best interests of the students, the school, and/or the District.

The Superintendent shall establish appropriate financial controls for the Parent Groups who enter into fundraising activities on behalf of the school students.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

38131 Use of civic center by public

38134 Groups which may use school facilities without charge

Management Resources:

CDE LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

Policy
adopted: July 7, 2009

ROWLAND UNIFIED SCHOOL DISTRICT
Rowland Heights, California

ADMINISTRATIVE REGULATION 1230 – SCHOOL-CONNECTED ORGANIZATIONS

Community Relations

AR 1230(a)

SCHOOL-CONNECTED ORGANIZATIONS

- A. Each school-connected, parent/guardian, and/or booster club organization, whether separate or member of an umbrella organization, must have a written statement of purpose (or constitution) and bylaws enabling it to function as an organization. The Request for Authorization shall contain the following:
1. The name and purpose of the organization.
 2. The date of application.
 3. Qualifications for membership in the organization.
 - a. The principal or his/her designee may attend any meeting of the organization.
 - b. School principals, coaches, band directors, ASB directors, and similar school personnel are not to serve as officers in parent groups or booster clubs, or to sign checks on behalf of these organizations, when the school or the team they manage will benefit directly from the parent organizations. This does not restrict other school employees from performing these functions.
 4. The names, addresses, and phone numbers of all officers.
 5. 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.
 6. A projected budget and list of objectives, which is to be updated and submitted to the principal or his/her designee annually.
 7. The name of the bank where the group's account will be located and a list of those officers authorized to withdraw funds; whose names are to be submitted annually to the principal or his/her designee.
 8. A provision that expenditures directly related to a co-curricular/instructional program must be communicated with the principal or his/her designee prior to the purchase of item(s). Expenditures relating to the operating costs of the organization are exempt from this provision.
 9. An agreement to provide evidence of liability insurance as required by law.
 10. Description of the procedures the organization will use to prepare an annual audit or financial statement. The Articles of Incorporation and By-laws of a 501c3 organization are sufficient to meet this requirement.
 11. 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.
 12. The signature of the principal, supporting the request for authorization to organize.
 13. A requirement that, if an organization ceases to exist, all funds remaining in the account after the organization closes down will be transferred to the respective school's general student body funds.

SCHOOL-CONNECTED ORGANIZATIONS

- B. Requests for subsequent authorization shall be presented to the Superintendent or designee annually, by October 1st of the new school year, along with the prior year's Balance Sheet and Income Statement showing all income and expenditures from fundraisers. Organizations that operated only in relation to a season of sport, or other specified co-curricular period, must submit their requests and previous season's financial reports thirty (30) days prior to the first scheduled activity in the program if they do not request annual continuing authorization.
- C. Funds raised by any of the organizations governed by this policy are to be used only to finance the program(s) supported by that organization.
- D. If a designee is necessary, the principal will appoint someone who will serve consistently for that organization.
- E. It shall be the prerogative of the Superintendent, upon the recommendation of the principal, to recommend to the Board the disassociation of the school from any organization at such time as he/she determines that the organization no longer functions in the best interests of the students, the school, and/or the District.
- F. Any school-connected, parent/guardian, and/or booster club organization's programs, fundraisers, or other activities, which use school facilities shall be authorized by the principal or his/her designee and conducted according to Board of Education policy, Administrative Regulations, rules of the sponsoring school, and District Civic Center procedures. (EC 51521)
- G. In addition to the requirements listed above, all school-connected, parent/guardian, and/or booster club organization shall comply with the following:
 - 1. School-connected, parent/guardian, and/or booster club organization funds are not to be co-mingled with student body funds.
 - 2. Student participation in fundraising activities will be governed by provisions of Education Code, Section 51520.
 - 3. The proceeds of fundraising may not be used for any expenditure prohibited by the Education Code provisions.
 - 4. 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 of Education. At their discretion, employees may volunteer to perform activities for school-connected organizations during non-working hours.
 - 5. All school-connected, parent/guardian, and/or booster club organizations are expected to comply with the reporting requirements of the Internal Revenue Service and the State Franchise Tax Board.

SCHOOL-CONNECTED ORGANIZATIONS

6. Each school-connected, parent/guardian, and/or booster club organization shall have among their officers, the office of auditor. The auditor shall have as part of his/her duties the following:
 - a. Receipt of bank statements directly from the bank and monthly reconciliation of bank accounts.
 - b. Annual audit of records and transactions.
 - (1) For school-connected organizations where annual gross receipts are \$25,000 or less, the auditor performs this function. An audit report, signed by both the club president and auditor, shall be submitted annually to the school principal within ninety (90) days after the close of the fiscal year. The annual report shall include the Audit Questionnaire as shown in the *Handbook for School-Connected, Parent/Guardian, and/or Booster Club Organizations*.
 - (2) For school-connected organizations where annual gross receipts are in excess of \$25,000, the annual audit is to be performed by a licensed auditor. The audit report shall be submitted annually to both the school principal and the Assistant Superintendent, Administrative Services within ninety (90) days after the close of the fiscal year. The audit report shall include the Audit Questionnaire as shown in the School-Connected Organizations Accounting Guidelines.
 - (3) In lieu of a licensed auditor, school-connected organization auditors may perform audits according to the following guidelines:
 - Annual gross receipts are less than \$100,000.
 - The school-connected organization's auditor attends the District-sponsored audit in-service program for the organization. This in-service program will review the steps necessary to complete the audit of school-connected organization's accounting records.
 - The school-connected organization's auditor agrees to perform the necessary audit steps as shown in the in-service program. The auditor shall then be authorized to serve in place of the licensed Auditor for a period not to exceed two (2) years.
 - (4) School-connected organizations with annual gross receipts in excess of \$100,000 are required to contract with a professional State-licensed auditor.
- H. The Director of Fiscal Services will provide an annual workshop on student body and school-connected, parent group, and booster club organizations' accounting procedures. PTA Officers attend this District training and/or financial training.

SCHOOL-CONNECTED ORGANIZATIONS

- I. All parent/guardian/booster organizations must have the following insurance coverage:
1. Liability Insurance: The District requires school-connected/ parent/ guardian/ booster organizations to provide proof of general liability insurance in the minimum amount of \$1,500,000, combined single limit, with the endorsement naming the District as an additional insured, when conducting activities on District property. (Ed Code 38134).
 2. Worker's Compensation: The organization must provide Worker's Compensation insurance if the organization has hired any employees.
 3. In addition, the following may be desirable, as the District does not provide this coverage:
 - a. Fire and/or Theft Insurance.
 - b. Bond Protection Insurance.
- J. Purchased items or equipment must be donated to the school for District inventory, meeting the District's donation policy stipulations.
- K. All transportation arrangements for students shall be made in accordance with Board of Education policy and administrative regulations, and approved by the principal or his/her designee.
- (cf. 3541.1 Transportation: School - Related Trips)*
- L. School-connected/parent/guardian/booster organizations shall secure approval from the District Human Resources Office for any individuals brought in to work directly with District students.
- M. If a school-connected/parent/guardian/booster organization does not agree with a decision relating to any of the provisions contained in this Regulation, the organization may appeal this decision, in writing, to the Superintendent or his/her designee.
- N. One-time fundraising activities: Any individual(s) wishing to sponsor a one-time fundraising event, for the benefit of the District or its students, will be required to comply with the District's Civic Center Permit procedures. No other provisions of this Regulation will apply.
- Should the same individual(s) decide to organize further fundraising activities, during the same school year, on behalf of the District or its students, they will need to meet the provisions of this Regulation.
- O. The District, on an annual basis, shall post on its website an updated copy of the District's, *Handbook for School-Connected, Parent/Guardian, and/or Booster Club Organizations*; which is considered a part of this Regulation.

SCHOOL-CONNECTED ORGANIZATIONS

- P. Within the first three (3) weeks of the school year, Principals or designees, shall meet with their Board-approved School-Connected Organizations, Parent Groups, and Booster Clubs and the faculty advisers to these groups to:
1. Review District Policy and Regulations 1230.
 2. Explain how the school's calendar of activities operates; who must be contacted to place events on the calendar; and when and how events are placed on the calendar.
 3. Distribute copies of:
 - a. *Handbook for School-Connected, Parent/Guardian, and/or Booster Club Organizations.*
 - b. Parent Group Accounting Guidelines.
 4. Explain District/school regulations on use of facilities.
 5. Indicate the type of activities and student trips that require administration and/or Board approval.
 6. Obtain a copy of the organization's constitution and bylaws.
 7. Affirm that the fundraising activities do not conflict with the operation of Food Services.

Regulation approved: **ROWLAND UNIFIED SCHOOL DISTRICT**
Rowland Heights, California

BOARD POLICY 1260 – EDUCATIONAL FOUNDATION

Community Relations

BP 1260

EDUCATIONAL FOUNDATION

Because demands on the educational system exceed available public funding, the Governing Board recognizes that members of the community are often willing to make voluntary contributions that will provide needed additional funds for the School District. The Board, therefore, approves and encourages the creation of an independent educational foundation to actively raise funds that will enhance educational opportunities for our students.

The Board desires to work cooperatively with the foundation in determining the purposes for which funds may be used to meet the changing needs of the District and its students.

(cf. 3290 - Gifts, Grants, and Bequests)

(cf. 9140 - Board Representatives)

The Board supports foundation allocations that serve all District schools equitably.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Bylaws of the FOR US Foundation may be viewed in the "FOR US" file, office, or the Superintendent's office.

Legal Reference:

COURT DECISIONS

Serrano v. Priest (1976) 18 Cal. 3d 728

MANAGEMENT RESOURCES:

California Consortium of Education Foundations, @cceflink.org

Policy
adopted: July 7, 2009

ROWLAND UNIFIED SCHOOL DISTRICT
Rowland Heights, California

BOARD POLICY 1330 – USE OF SCHOOL FACILITIES

Community Relations

BP 1330(a)

USE OF SCHOOL FACILITIES

The Governing Board recognizes that District facilities and grounds are a community resource, and authorizes their use by community groups, for purposes provided for in the Civic Center Act, when such use does not interfere with school activities.

(cf. 6145.5 - Student Organizations and Equal Access)

All school-related activities shall be given priority in the use of facilities and grounds under the Civic Center Act. Thereafter, the use shall be on a first-come, first-served basis.

The Superintendent or designee shall maintain procedures and regulations for the use of school facilities and grounds (Education Code 38133) that:

1. Encourage and assist groups desiring to use school facilities for approved activities.
2. Preserve order in school buildings and on school grounds, and protect school facilities; designating a person or persons to supervise this task, if necessary.
3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes, and does not interfere with the regular conduct of school work.

Fees

The Board shall grant the use of school facilities or grounds, without charge, to school-related organizations whose activities are directly related to, or for the benefit of, District schools. Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings, where admission is charged or contributions solicited; and net receipts are not to be expended for charitable purposes or for the welfare of the District's students. (Education Code 38134).

Prohibited Uses

Any use by individual, society, group, or organization, for the commission of any act intended to further any program or movement, the purpose of which is to accomplish the overthrow of the government of the United States, or of the State, by force, violence, or other unlawful means, shall not be permitted.

The use of playground facilities for riding of bicycles, motorcycles, go-carts, skateboards, and roller blades/skates is prohibited. Model airplanes, other power equipment, and all livestock that might endanger others using the grounds are also prohibited. Other activities designated by the Superintendent which may endanger others or cause damage to District property are also prohibited.

USE OF SCHOOL FACILITIES (continued)

Specialized school facilities such as family and consumer science rooms, industrial technology laboratories, offices, computer labs, science labs, and libraries, shall not be available at any time unless it is determined by the Superintendent or his/her designee that there is no danger to others or to District property in the use of these facilities. Special groups and events require adequate time for staff and Board review and approval.

*Legal Reference:*EDUCATION CODE*10900-10914.5 Community recreation programs**32282 School safety plan**38130-38138 Civic Center Act: use of school property for public purposes*BUSINESS AND PROFESSIONS CODE*25608 Alcoholic beverages on school premises*UNITED STATES CODE, TITLE 20*7905 Equal access to public school facilities*COURT DECISIONS*Good News Club v. Milford Central School, (2001) 533 U.S. 98**Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384**Cole v. Richardson, (1972) 405 U.S. 676**Connell v. Higgenbotham, (1971) 403 U.S. 207**ACLU of So. Calif. v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167**Ellis v. Board of Education, (1945) 27 Cal. 2d 322*ATTORNEY GENERAL OPINIONS*82 Ops. Cal. Atty. Gen. 90 (1999)**79 Ops .Cal. Atty. Gen. 248 (1996)**Management Resources:*CDE LEGAL ADVISORIES*1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89*

Policy
adopted: November 8, 2007

ROWLAND UNIFIED SCHOOL DISTRICT
Rowland Heights, California

ADMINISTRATIVE REGULATION 1330 – USE OF SCHOOL FACILITIES

Community Relations

AR 1330(a)

USE OF SCHOOL FACILITIES

Civic Center Use

Subject to District Policies and Regulations, school facilities and grounds shall be available to citizens and community groups as a Civic Center for the following purposes: (Education Code 32282, 38131)

1. Public, literary, scientific, recreational, educational, or public agency meetings.
2. The discussion of matters of general or public interest.
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization.
4. Child care programs to provide supervision and activities for children of preschool and elementary school ages.

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6300 - Preschool/Early Childhood Education)

5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.
6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for, and supervised by, entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination.
7. A community youth center.

(cf. 1020 - Youth Services)

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

9. Other purposes deemed appropriate by the Governing Board.

USE OF SCHOOL FACILITIES (continued)**Restrictions**

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law.
2. Any use which is inconsistent with the use of the school facility for school purposes, or which interferes with the regular conduct of school or school work.

(cf. E1330(i-j) SIGNAGE; Rowland Unified School District AR 1330 – USE OF SCHOOL FACILITIES)

3. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including tobacco use.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131.6 - Alcohol and Other Drugs)

The District may exclude certain school facilities from non-school use for safety or security reasons, including but not limited to:

1. Offices or computer rooms containing records and confidential information.
2. Science rooms and other rooms containing hazardous chemicals or equipment that cannot be used safely without special knowledge or skills.
3. Specialized school facilities such as family and consumer science rooms, industrial technology laboratories, offices, computer labs, science labs, and libraries.

Application for Use and Scheduling of Facilities

Application for use of school facilities and grounds shall be obtained at the site where the facilities to be used are located. All scheduling of facility use shall be made by the site administrator, with the exception of athletic fields. Athletic fields shall be scheduled at the school site subject to approval by the District Director of Building Services. Use and scheduling of high school stadiums will be addressed under, "Special Facilities Use and Scheduling" at the bottom/top of page AR 1330(f) of this Regulation. Care shall be taken not to interfere with school or co-curricular activities, and to schedule time when fields can be renovated and maintained.

USE OF SCHOOL FACILITIES (continued)

While the District encourages widespread use of all District facilities by the community, it desires to curtail usage during those periods when the facilities are not used for their normal purposes. Curtailed usage will facilitate cleaning programs, and will result in significant energy savings. School facility use will be curtailed during summer, spring, and winter vacation periods; and other times as determined by the District Director of Building Services and the site administrator. Rental agreements should discourage competition with existing Rowland services (e.g. Recreation or Adult Education).

Any persons applying for the use of any school facility or ground on behalf of any society, group, or organization, shall present written authorization [Exhibit 1330(a)] from the group or organization to make the application.

Additionally, persons or organizations applying for the use of school facilities or grounds shall submit a Statement of Information [Exhibit 1330(b)] indicating that the organization upholds the State and Federal Constitutions, and does not intend to use school premises to commit unlawful acts.

The District also requires the following be obtained from individuals, organizations, clubs, or associations who apply for use of school facilities:

1. Completion of Application for Use of School Property [Exhibit 1330(c)] - (Form #00020).
2. Authorized signatures on Hold Harmless Agreement [Exhibit 1330(d)] – (Form #00053).
3. Certificate of Insurance [Exhibit 1330(e)] – (Form 25-S).

Definition of Certificate of Insurance

The District requires facility users to provide Proof of Bodily Injury and Property Damage Liability Coverage or Financial Responsibility in the amount of at least one-million dollars (\$1,000,000.00) combined, single-limit with the District as additional named insured (The additional named insured requirement shall not conflict with existing State law). High risk events may require significantly higher coverage. The Policy must include that, in event of cancellation, a minimum of ten (10) days written notification will be provided to the District by mail, with no restrictions.

There may be several informal parent support groups that are sanctioned by the school who find it impossible to obtain insurance coverage. In these isolated situations, the Certificate of Insurance may be waived by the Superintendent or Superintendent's designee.

USE OF SCHOOL FACILITIES (continued)

4. Lease Agreement [Exhibit 1330(f)] – (Form rev. 3-99)

When a specific applicant requests use of facilities for an extended period of time, it is advisable to enter into a Lease Agreement, in addition to requiring a Completion of Application for Use of School Property, a Hold Harmless Agreement, and a Certificate of Insurance. When creating this Lease Agreement, administrators shall use the Site Administrators' Checklist for Rental Agreement [Exhibit 1330(g)] to make certain all contract provisions have been considered.

Civic Center Fees*Civic Center Use – Without Fees*

Education Code, Section 38134, specifies that a, "school district shall authorize the use of any school facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations, and clubs or associations, organized to promote youth and school activities, including, but not limited to:

- Girl Scouts, Boy Scouts, Camp Fire, Inc.
- Parent-Teachers' Associations.
- School-community advisory groups.

The Board may charge those organizations an amount not to exceed the direct costs to the District, including costs of supplies, utilities, custodial services, service of other District employees, and salaries paid to school District employees necessitated by the organizations' use of the school facilities and grounds of the District.

It is the intent of the Board to allow those organizations noted in this section to use the facilities without charge. However, where direct costs occur as a result of the organizations' use of the facilities, a charge will be made to recover the direct costs to the District. It is not intended for the District to subsidize the use of facilities by other organizations.

This shall not apply to any group which uses school facilities or grounds for fundraising activities which are not beneficial to youth or public school activities of the District, as determined by the Board.

USE OF SCHOOL FACILITIES (continued)*Civic Center Use - With Fees*

Organizations and activities other than those noted above may be charged direct costs, as determined by the Superintendent or Superintendent's designee. As used in this section, direct costs are those costs of supplies, utilities, custodial services, services of any other District employees, and salaries and benefits paid to District personnel necessitated by the organizations' use of school facilities. These are incremental costs and include, but are not limited to:

- The cost of opening and closing the facilities, necessitated by the organization's use of the school facilities and grounds.
- The cost of custodial services, necessitated by the organization's use of the school facilities and grounds.
- The cost of utilities directly attributable to the organization's use of the school facilities and grounds.
- The cost of a school employee's presence, if it is determined that, that presence is necessary for supervision or security; and where the employee would not otherwise be present in the normal function of his/her duties.

In the case of entertainment functions or meetings where admission fees are charged, or contributions are solicited, and the net proceeds are not expended for the welfare of the students of the District, or for charitable purposes, a charge shall be levied for the use of school facilities or grounds, which charge shall be equal to the fair rental value. It is advisable for the site administrator to complete a pre-event walk-through to make certain the current condition of the facility is fully documented.

As used in this section, fair rental value means the direct costs (as defined above), plus the amortized costs, including wear and tear of the school facilities or grounds. Fair rental value amounts are distributed to all school sites and District facilities annually through the Administrative Services Division. The District will recalculate the amortization and direct costs for fees charged on an annual basis.

Rates for specialized facilities at the Intermediate and High Schools vary. Interested parties should contact the individual school administrator directly for site availability.

USE OF SCHOOL FACILITIES (continued)**Other Agreements**

By mutual agreement, the District and another party may enter into a contract agreement to use District facilities, which include the following costs:

1. Fees for compensatory fair rental values.
2. Direct costs.
3. Amortized cost of facilities.

Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damages caused by the activity. The Board may charge the amount necessary to repair the damages, and may deny the group further use of school facilities or grounds.

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of District facilities or grounds. The group shall bear the cost of insuring against this risk, and defending itself against claims arising from this risk (Education Code 38134).

Groups or organizations shall provide the District with evidence of insurance against claims arising out of the group's own negligence. Groups or organizations shall also be required to include the District as an additional insured on their liability policies for claims arising out of the negligence of the group.

As permitted, the Superintendent or designee may require a Hold Harmless Agreement, and Indemnification when warranted by the type of activity, or the specific facility being used.

Stadiums, Tracks, and Fields

The District recognizes that particular attention needs to be given to facilities of special interest to the school community. Furthermore, the Board of Education recognizes that high school stadiums represent community assets, which use needs to be preserved, protected, and monitored, in accordance with State and Federal guidelines. As a result, the following guidelines have been developed to assist in the use of high school stadiums and their accompanying tracks and fields.

USE OF SCHOOL FACILITIES (continued)**General Public**

1. The synthetic track is open to the general public for walking and jogging from 3:00 P.M. through sunset, daily; and from 6:00 A.M. to 8:30 P.M., daily, during the summer months; unless school related or District-approved events have been scheduled.
2. Dedicated walking and jogging lanes will be alternated on a regular basis – please watch for signs.
3. The stadiums, tracks, and fields, may be closed for public use for scheduled events, tournaments, maintenance, scheduled practices, games, and other school related events. Please check the events log available at the site's main office for a list of scheduled events and facility closures.
4. The stadiums and synthetic fields must be pre-booked for use, at all times, through the use of facility's procedures detailed in this Regulation except for use under item number 1.
5. No high-heeled shoes or long-spike track shoes are permitted on the tracks or synthetic field surfaces. All appropriate athletic footwear on the tracks or synthetic field surfaces must be free of mud and debris. If you are uncertain of the appropriate footwear, please check with the site administrator.
6. No motorized vehicles, bicycles, skateboards, rollerblades, or scooters are allowed on the tracks or fields.
7. Chewing gum and sunflower seeds are strictly prohibited and should be placed in garbage containers located throughout the facilities.
8. With the exception of bottled water, food and beverages are not allowed on the synthetic tracks and fields. Glass and metal beverage containers are prohibited.
9. Smoking and chewing tobacco is strictly prohibited.
10. Pets are not allowed in the stadiums, on the tracks, nor on the artificial playing fields; with the exception of service animals or those in training for guests with disabilities.
11. No open flames or fireworks are allowed on the tracks or fields.
12. No golfing, shot putting, javelin, or discus throwing are allowed on the tracks or fields.

USE OF SCHOOL FACILITIES (continued)

13. Any pre-approved tent structures must be free-standing. No stakes may be used to support any type of tent area.
14. Any chairs used on the synthetic tracks must have rubber end tips. Chairs used on the synthetic field should be limited and must be set on an additional surface which prevents puncturing and/or substantial indentations.
15. Any pre-approved staging materials must be set on top of at least 3/4-inch, 4 x 8-foot plywood.
16. No storage of any materials or equipment is allowed on the tracks or fields.
17. Use of profanity, racial, sexist, or other abusive comments or actions will not be tolerated; and are grounds for removal from the District facility.
18. All patrons of the stadiums must adhere to this Regulation, and written signage [see Exhibit 1330 (g)] posted throughout the facility; or risk removal from the premises.

Other uses and equipment may not be suitable for use at this facility. Please check with the site administrator for further information.

Athletic Events or General Purpose Performances

In addition to the regulations detailed above [General Public], the following regulations must be adhered to while in attendance or participating in an athletic or general purpose performance event:

1. No throwing of objects.
2. No unruly or disruptive behavior.
3. No obscene gestures.
4. No intoxication or other signs of impairment related to alcohol consumption or drug use.
5. No artificial noisemakers (horns, whistles, etc.) or weapons of any kind.
6. A visual inspection may be made at the gate. This is a voluntary search. If a patron does not volunteer for a search, and there is reasonable suspicion that they possess banned items, they may be denied entry.
7. Hand-held photography cameras for personal use are allowed at all athletic facilities.
8. Hand-held banners are permitted, if they are in good taste, contain no profanity or derogatory statements, and do not block the view of other patrons.

USE OF SCHOOL FACILITIES (continued)**Special Groups and Events**

Special groups and events are defined as those events which require facility use approval, are either fee based or non-fee based, include a significant number of participants, and have the possibility of impacting the school or surrounding community due to the number of participants, the scope of the event, the level of noise, or the impact on traffic and parking at the school site or in the community. In the development of guidelines regarding special events, the Board will adhere to all Civic Center laws, Federal, State, and local laws as described in this Regulation, and accompanying Board Policy (BP 1330).

All individuals, groups, or organizations wishing to use the District stadiums, tracks, or fields are subject to the guidelines detailed in Board Policy 1330, and Administrative Regulation 1330, including, but not limited to, the following:

- Civic Center Act - AR 1330(a)
- Restrictions – AR 1330(b)
- Application for Use and Scheduling of Facilities – AR 1330(b-d)
- Civic Center Fees – AR 1330(d-e)
- Damage and Liability – AR 1330(e-f)

In addition, the following guidelines must be adhered to:

1. Applications for special events with anticipated involvement of five-hundred (500) or more individuals must be approved by the Board of Education. Additionally, the Board of Education must be provided a minimum of six (6) months lead time to process the request, from the time the Board receives the request at their regularly scheduled Board Meeting to the event date.
2. The Special Events Checklist [Exhibit 1330(k)] must be completed and approved by the Superintendent or Superintendent's designee. Please note that fees, deposits, and completed applications for use of facilities must be received in advance of scheduled events as determined by the Administrative Services Division Office.

Legal Reference: (see next page)

USE OF SCHOOL FACILITIES (continued)

Legal Reference:

EDUCATION CODE

10900-10914.5 *Community recreation programs*

32282 *School safety plan*

38130-38138 *Civic Center Act: use of school property for public purposes*

BUSINESS AND PROFESSIONS CODE

25608 *Alcoholic beverages on school premises*

UNITED STATES CODE, TITLE 20

7905 *Equal access to public school facilities*

COURT DECISIONS

Good News Club v. Milford Central School, (2001) 533 U.S. 98

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384

Cole v. Richardson, (1972) 405 U.S. 676

Connell v. Higgenbotham, (1971) 403 U.S. 207

ACLU of So. Calif. v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167

Ellis v. Board of Education, (1945) 27 Cal. 2d 322

ATTORNEY GENERAL OPINIONS

82 *Ops. Cal. Atty. Gen.* 90 (1999)

79 *Ops. Cal. Atty. Gen.* 248 (1996)

Management Resources:

CDE LEGAL ADVISORIES

1101.89 *School District Liability and "Hold Harmless" Agreements, LO: 4-89*

EXHIBITS 1 – 9 – USE OF SCHOOL FACILITIES

E 1330(a)

USE OF SCHOOL FACILITIES

EXHIBIT 1

**WRITTEN AUTHORIZATION TO FILE AN
APPLICATION FOR FACILITIES USE FORM**

I, _____
Name/Title/Organization

hereby give permission to _____
Name/Title/Organization

to apply for the use of school property in the Rowland Unified School District.

If you have any questions, please contact me at () _____ – _____.

Signature of Authorizing Individual

Date

Tax Identification Number

Exhibit
version: November 8, 2007

ROWLAND UNIFIED SCHOOL DISTRICT
Rowland Heights, California

USE OF SCHOOL FACILITIES

EXHIBIT 2

STATEMENT OF INFORMATION FORM

The undersigned, as duly authorized representative for _____ , states that, to the best of his/her knowledge, the school property for use of which Application is hereby made, will not be used for the commission of any crime or any act which is prohibited by law.

The undersigned further declares that _____ , the organization on whose behalf he/she is applying for the use of school property, upholds and defends the Constitutions of the United States and the State of California.

Signed

Date

Organization, if applicable.

USE OF SCHOOL FACILITIES

EXHIBIT 3

ROWLAND UNIFIED SCHOOL DISTRICT
 1830 S. Nogales Street
 Rowland Heights, California 91748

APPLICATION FOR USE OF SCHOOL PROPERTY FORM

Date of Application: _____

REQUEST FOR USE OF: Cafetorium _____ Multipurpose _____ Teachers' Lounge _____ Kitchen _____
 Room# _____ Library _____ Other _____

School: _____ Fields: _____

Purpose: _____

Name of Organization: _____

*Date(s) of Use: _____

Admission Charge, Solicitation, Collection: _____ Hours: From: _____ To: _____

Number of People: _____
 (Yes) (No) (Approximate)

PLEASE INDICATE AUDIO-VISUAL EQUIPMENT NEEDED: Television _____ VCR _____ P.A. System _____

Other _____

CERTIFICATE OF INSURANCE:

The District requires facility users to provide proof of Bodily Injury and Property Damage Liability coverage, or financial responsibility in the amount of \$1,000,000.00 C. S. L. (Combined Single Limit) with the District as additional named insured.** The policy must include that, in the event of cancellation, a minimum of ten (10) days 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. The processing of your Application cannot be completed until evidence of coverage is provided. ALL SPORTS GROUPS USING FIELDS MUST HAVE INSURANCE HOLD HARMLESS AGREEMENT LETTER.

THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO COMPLY WITH ALL RULES AND REGULATIONS OF THE ROWLAND UNIFIED SCHOOL DISTRICT, INCLUDING POLICIES RELATED TO STUDENT DISCIPLINE, IF THIS APPLICATION IS APPROVED, AND GUARANTEES THE PAYMENT OF ALL CHARGES IF AND WHEN MADE.

Signature of person requesting reservation: _____
 (Name) (Title)

 (Street) (City) (Telephone No.)

Room or Facility Assigned: _____ Fields: _____

Date(s) Assigned: _____

Approved: _____

PERSONNEL REQUIRED

	(Site Manager)			(Sports Council)
Custodian		From _____	To _____	
Cafeteria Worker		From _____	To _____	
Other/CPO		From _____	To _____	

ALL RENTAL FEES MUST BE PAID IN ADVANCE: Rental Fee \$ _____ Exempt _____

Date Paid _____

* For a series of meetings, all dates must be listed.

** The additional name insured requirement shall not conflict with existing state law.

White – Principal's Copy	Yellow - Custodian	Pink – Applicant's Copy
--------------------------	--------------------	-------------------------

FORM #00020

USE OF SCHOOL FACILITIES

EXHIBIT 4

Rowland Unified School District

HOLD HARMLESS AGREEMENT FORM

The facility user agrees to defend, indemnify, and save harmless the District, its officers, agents, and employees from and against any and all claims, demands, losses, defense costs, or liability of any kind or nature which the District, its officers, agents, and employees may sustain or incur, or which may be imposed upon them for injury to, or death of, persons or damage to property as a result of, arising out of, or in any manner connected with, the user's performance under the terms of this contract, except for liability resulting from the sole negligence of the District, its officers, employees, or agents.

Signature

Title

Date

FORM #00053

Revised: 10/10/2007 yap

Exhibit
version: November 8, 2007

ROWLAND UNIFIED SCHOOL DISTRICT
Rowland Heights, California

USE OF SCHOOL FACILITIES

EXHIBIT 5

ACORD™	CERTIFICATE OF LIABILITY INSURANCE	DATE (MM/DD/YYYY)
PRODUCER		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY, AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND, OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED		
INSURERS AFFORDING COVERAGE		
●●● INSURER A INSURER B INSURER C INSURER D INSURER E		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM, OR CONDITION OF ANY CONTRACT, OR OTHER DOCUMENT, WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED, OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY				EACH OCCURRENCE \$
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Anyone fire) \$
	CLAIMS MADE OCCUR				MED EXP (Anyone person) \$
A					PERSONAL & ADV INJURY \$
					GENERAL AGGREGATE \$
	GEN L AGGREGATE LIMIT APPLIES PER POLICY PROJECT LOC				PRODUCTS-COMBYOP AGG \$
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Per accident) \$
	ANY AUTO				BODILY INJURY (Per person) \$
	ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	HIREN AUTOS				
	NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY EA ACCIDENT \$
	ANY AUTO				OTHER THAN AUTO ONLY AGG \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	OCCUR CLAIMS MADE				AGGREGATE \$
	DEDUCTIBLE				\$
	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTHER
					E L EACH ACCIDENT \$
					E L DISEASE- E L EMPLOYEE \$
					E L DISEASE- POLICY LIMIT \$
	OTHER				
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS					

CERTIFICATE HOLDER	ADDITIONAL INSURED; INSURER LETTER: _____	CANCELLATION
Rowland Unified School District 1830 S. Nogales Street Rowland Heights, CA 91748		SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT, FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS, OR REPRESENTATIVES.
		AUTHORIZED REPRESENTATIVE: _____

ACORD 25-S (7/97)
ACORD CORPORATION 1988

Revised: 10/11/2007 yap

Exhibit
version: November 8, 2007

ROWLAND UNIFIED SCHOOL DISTRICT
Rowland Heights, California

USE OF SCHOOL FACILITIES

EXHIBIT 6

LEASE FORM

1. **PARTIES:**

This Lease is made and entered into this _____ day of _____ 20 _____ by and between _____ School (hereinafter referred to as "School") and _____ (hereinafter referred to as "Tenant").

2. **PREMISES:**

School hereby leases to Tenant, and Tenant hereby leases from School, on the terms and conditions hereinafter set forth, that certain real property, and the buildings and other improvements located thereon, situated in the City of _____, State of California, commonly known as (insert address of site) _____. (Said real property is hereinafter called the, "Premises.")

3. **TERM:**

The term of this Lease shall be for _____ commencing on _____ and ending on _____.

4. **RENT:**

Tenant shall pay to School, as rent for the Premises, the sum of \$ _____ per month, in advance, on the First day of each month during the term hereof. Rental shall include all items shown in Schedule A, attached to this Lease.

5. **ALTERATIONS AND ADDITIONS:**

Tenant shall not, without the School's prior written consent, make any alterations, improvements, or additions, in or about the Premises.

6. **HOLD HARMLESS:**

Tenant agrees to defend, indemnify, and save harmless the Rowland Unified School District, its officers, agents, and employees, from and against any and all claims, demands, losses, defense costs, or liability of any kind or nature which the District, its officers, agents, and employees may sustain or incur or which may be imposed upon them for injury to, or death of, persons or damage to property as a result of, arising out of, or in any manner connected with the user's performance under the terms of this contract, except for liability resulting from the sole negligence of the District, its officers, employees, or agents.

USE OF SCHOOL FACILITIES

EXHIBIT 6 (continued)

7. **INSURANCE:**

Tenant agrees to provide proof of Bodily Injury and Property Damage Liability coverage, or financial responsibility in the amount of \$1,000,000.00 C. S. L. (Combined Single Limit) with the Rowland Unified School District as additional named insured. (The additional named insured requirement shall not conflict with existing State law.) The policy must include that in the event of cancellation, a minimum of ten (10) days 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.

8. **LOSS AND DAMAGES:**

Tenant agrees to reimburse School for any and all damage to, or loss of, School property during the period that Tenant occupies the premises.

9. **POSSESSORY INTEREST:**

The parties acknowledge that by leasing District property, a possessory interest in the property may be created in Lessee, which may require Lessee to pay possessory interest taxes in the County of Los Angeles, pursuant to California Revenue and Taxation Code, Section 107, *et seq.* Payment of such taxes, if levied, is the sole responsibility of the Lessee.

10. **TERMINATION:**

Either party to this Agreement may terminate the Lease by providing thirty (30) days written notice.

The parties hereto have executed this lease on the date first above written.

By: _____
School Principal or Designee

By: _____
Tenant

Distribution: Original – School/Site Yellow – Tenant Pink – Administrative Services Office

USE OF SCHOOL FACILITIES

EXHIBIT 7

SITE ADMINISTRATOR'S CHECKLIST FOR RENTAL AGREEMENT FORM

Extended rental agreements may necessitate a rental agreement, or contract. The contract must include both the hold harmless clause and provision for a certificate of insurance. In addition, consideration needs to be given to the following items:

1. Utilities. This is a significant cost that needs to be covered in the contract. Contact the Director of Building Services for estimated costs.
2. Custodial. Who will perform the cleaning functions? What happens when it is not done to our standards? What is the estimated number of hours required?
3. Security. Who will be responsible for opening and closing the facility? What happens if doors are not locked properly? Will you give a room key to the user? (Do not give master keys.) Who to call for security problems when no one is available at school?
4. Equipment Usage. What equipment will be needed and at what cost? Include a provision for reimbursement of missing items. Will they need the copy machines, the public address system, VCR's, etc.?
5. Communications. The success of these arrangements depend on establishing good working relationships and good communications. Who are the contact people and how will communications be established? It is best to spell out lines of communication in the contract.
6. Billing. Who will do the billings and collections? Experience tells us that it is better for the school to assume these functions rather than the District Office. This allows the school to make changes as conditions change. Contact Fiscal Services regarding proper billing procedures.
7. How Much to Charge. Be sure all costs are recovered. The fair rental value described under Civic Center Use – With Fees is a starting point only. Consider all of the items included herein.
8. Review of Contract. The Assistant Superintendent, Administrative Services, is available to review the contract. A copy of the signed contract should be sent to the Assistant Superintendent, Administrative Services.
9. Disaster Preparedness. It may be helpful to give the applicants a copy of your current disaster preparedness plan.

USE OF SCHOOL FACILITIES

EXHIBIT 8

SIGNAGE FORM

The following is recommended language for signage to be placed at high school stadiums and accompanying track and fields:

Rowland Unified School District

USE OF SCHOOL FACILITIES and GROUNDS

Code of Conduct

The Board recognizes that school and District-sponsored events exceeding five-hundred (500) individuals do not have the same requirements. As a result, approval from the Superintendent or Superintendent's designee to waive the requirements above for school or District-sponsored events is permissible.

It is the goal of the Rowland Unified School District to provide a safe, enjoyable, and positive environment for all users of our facilities. Please help us maintain a fun and safe environment for athletes, students, families, and all patrons, by complying with all high school stadium regulations. Rowland Unified School District has assigned a high priority to assure that the public's use of the tracks and fields, and all athletic events conducted in our stadiums are conducted in a safe and enjoyable atmosphere. We request your cooperation by supporting these regulations. Failure to adhere to these regulations will result in your removal from the facilities.

General Public

1. The synthetic track is open to the general public for walking and jogging from 3:00 P.M. through sunset, daily; and from 6:00 A.M. to 8:30 P.M., daily, during the summer months; unless school related or District-approved events have been scheduled.
2. Dedicated walking and jogging lanes will be alternated on a regular basis – please watch for signs.
3. The stadiums, tracks, and fields, may be closed for public use for scheduled events, tournaments, maintenance, scheduled practices, games, and other school related events. Please check the events log available in the site's main office for a list of scheduled events and facility closures.
4. The stadiums and synthetic fields must be pre-booked for use, at all times, through the use of facility procedures detailed in this Regulation except for use under item 1 above.
5. No high-heeled shoes or long-spike track shoes are permitted on the tracks or synthetic field surfaces. All appropriate athletic footwear on the tracks or synthetic turf surfaces must be free of mud and debris. If you are uncertain of appropriate footwear for use on tracks and synthetic fields, please check with the site administrator.
6. No motorized vehicles, bicycles, skateboards, rollerblades, or scooters are allowed on the tracks or fields.
7. Chewing gum and sunflower seeds are strictly prohibited and should be placed in garbage containers located throughout the facilities.
8. With the exception of bottled water, food and beverages are not allowed on the synthetic tracks and fields. Glass and metal beverage containers are prohibited.
9. Smoking and chewing tobacco is strictly prohibited.
10. Pets are not allowed in the stadiums, on the tracks, nor on the artificial playing fields; with the exception of service animals or those in training for guests with disabilities.
11. No open flames or fireworks are allowed on the tracks or fields.
12. No golfing, shot putting, javelin, or discus throwing are allowed on the tracks or fields.
13. Any pre-approved tent structures must be free-standing. No stakes may be used to support any type of tent area.
14. Metal chair legs must be protected by rubber end tips.
15. Any pre-approved staging materials must be set on top of at least 3/4-inch, 4 x 8-foot plywood.
16. No storage of any materials or equipment is allowed on the tracks or fields.
17. Use of profanity, racial, sexist, or other abusive comments or actions will not be tolerated; and are grounds for removal from the District facility.
18. All patrons of the stadiums must adhere to this Regulation, and written signage [see Exhibit 1330 (g)] posted throughout the facility; or risk removal from the premises.

USE OF SCHOOL FACILITIES

EXHIBIT 8 (continued)

Athletic Events or General Purpose Performances

In addition to the regulations detailed above [General Public], the following regulations must be adhered to while in attendance or participating in an athletic or general purpose performance event:

1. No throwing of objects.
2. No unruly or disruptive behavior.
3. No obscene gestures.
4. No intoxication or other signs of impairment related to alcohol consumption or drug use.
5. No artificial noisemakers (horns, whistles, etc.) or weapons of any kind.
6. A visual inspection may be made at the gate. This is a voluntary search. If a patron does not volunteer for a search, and there is reasonable suspicion that they possess banned items, they may be denied entry.
7. Hand-held photography cameras for personal use are allowed at all athletic facilities.
8. Hand-held banners are permitted, if they are in good taste, contain no profanity or derogatory statements, and do not block the view of other patrons.

USE OF SCHOOL FACILITIES

EXHIBIT 9

SPECIAL EVENT CHECKLIST

The following checklist must be completed and approved by the Superintendent or Superintendent's designee, per AR 1330(i), prior to approval of Special Events at the stadiums, tracks, and fields. Specifically, please mark each box to make certain each item has been addressed and considered. Use additional line to add comments, if necessary.

- Use of restrooms: _____
- Use of storage: _____
- Use of tarps: _____
- Use of security for event: _____
- Use of additional security _____
- Use of additional law enforcement: _____
- Fire department notification: _____
- Use of custodial services: _____
- Clean-up of surrounding community: _____
- Use of other district employees: _____
- Access to facility (gates): _____
- Special clean-up for other events (football game): _____
- Rain plan contingencies: _____
- Use of chairs: _____
- Use of lights (Must be turned-off by 10:00 P.M.): _____
- Other electrical needs: _____
- Call phone usage (noise compliance): _____
- Parking, and Ushers: _____
- Parking on streets: _____
- Shuttle service: _____
- Handicap seating: _____
- Food and beverage use: _____
- Contact persons for district and event holders: _____
- Evacuation plan: _____
- Medical emergency plan: _____
- Other considerations: _____

Please use additional sheets of paper, if necessary.

Superintendent's or Designee's Signature

Date

Exhibit
version: November 8, 2007

ROWLAND UNIFIED SCHOOL DISTRICT
Rowland Heights, California

VIII. LEGAL REFERENCES

BOARD POLICIES

(cf. 3290 - Gifts, Grants and Bequests)
(cf. 3554 - Other Food Sales)
(cf. 5030 - Student Wellness)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

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
49431.2 Sale of food to middle, junior, or high school students
49431.5 Sale of beverages at elementary, middle, or junior high schools
51520 Prohibited solicitation on school premises
51521 Fund-raising project

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

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

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