

## POLICY 5312

### Non-School and Private Fundraising and Donations

#### A. Scope of Policy

1. This policy applies to all District administrators, licensed educators, staff members, students, organizations, volunteers and individuals who initiate, authorize, or participate in fundraising events or activities for events or activities which are provided, sponsored, or supported by a school; or receive, authorize, accept, value, or record donations, gifts, or record donations, gifts, or sponsorships for the District or individual schools. It is expected that in all dealings, District and school employees will act ethically, consistent with the District's ethics training, the Utah Educator Standards ([R277-217](#)), the [Public Officers' and Employees' Ethics Act \(Utah Code § 67-16-1 et seq.\)](#), and [State procurement law \(Utah Code § 63G-6a-101 et seq.\)](#).

#### B. Definitions

1. "Provided, sponsored, or supported by a school" means activities, fundraising events, clubs, camps, clinics, or other events, or activities that are authorized by the District or individual school(s) that also satisfy one or more of the following criteria. (See [Policy 5310 Fundraising and Donations](#)) ~~The activity:~~
  - ~~a. Is managed or supervised by the District or a District school, or District or District school employee.~~
  - ~~b. Uses the District's or a District school's facilities, equipment, or other school resources.~~
  - ~~c. Is supported or subsidized, more than inconsequently, by public funds, including the District's activity funds or minimum school program dollars.~~
  - ~~d. May include up to one club and one general "service" fundraiser per secondary, and two general "service" fundraisers per elementary per year sponsored by the school. Any additional general "service" fundraisers shall be approved through the Business Administrator.~~
  - ~~e. Does not include non-curricular clubs specifically authorized and meeting all criteria of [Utah Code §§ 53G-7-704 through 707](#).~~

~~Utah Admin. Rules R277-113-2(15) (August 7, 2024)~~  
~~Utah Admin. Rules R277-113-2(11) (August 7, 2024)~~

C. District Interaction with Non-School-Sponsored Activities

1. In interacting with any activity which is not provided, sponsored, or supported by a school, the District shall conduct all transactions at arm's length and may not co-mingle revenue or expenditures of such activities with public (District) funds.

Utah Admin. Rules R277-113-9(7) (August 7, 2024)

D. School Sponsored Service Activities

1. The school board recognizes the importance of service and giving to the overall education of students. Each secondary school is allowed one general fundraiser per year. The school will carefully select a general non-profit organization for the donation. The donation may not go toward an individual or family.

E. Non-School Sponsored Activities and Fundraisers

1. Activities, clubs, groups and their associated fundraisers or other activities, sports, or programs that are not provided, sponsored, or supported by a school MAY NOT:
  - a. use the school's or District's name without express District permission.
  - b. use the District's facilities, equipment, and other assets or staff unless a facilities use agreement is initiated and approved. These agreements follow District policy for other facilities use agreements.
  - c. utilize District employees (in their official capacity) and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
  - d. be insured under a District's risk management or insurance policy. Non-school-sponsored activities must provide their own insurance through a third-party insurer.
  - e. provide additional compensation or stipends for District employees, if the activity is not substantially different from a District employee's regular job functions and

duties and outside of employee's contract hours. (See District employee disclosure agreement below.)

- f. co-mingle public funds and private fundraising proceeds or expenditures.
  - g. use school records to contact parents or students.
2. Parental notification by a District employee is required if district employees are involved in the planning, administration, advertising, or serving as staff for a non-school-sponsored activity and if District students are involved. This notification shall occur using the "Non-School-Sponsored Parent Notification" form. A copy of this form shall be submitted to the principal by the District employee prior to the event.
  3. Funds, donations, or gifts generated through non-school-sponsored activities or events may be donated to the District or to an individual school to support specific programs, teams, groups, clubs, etc. All donations or gifts shall follow the guidance established in the District's [Policy 2100 Gifts, Donations, and Bequests - Acceptance](#).
  4. Non-school-sponsored activities may work in conjunction with the District or an individual school to raise funds. The District may allow these groups to use District facilities at little or no charge in exchange for contributions or percentages of proceeds. The District may choose to provide some level of support or pay for portions of these activities. These arrangements shall be set forth in a written agreement or contract, and all transactions will be conducted as "arm's-length transactions." These agreements shall take into consideration the District's fiduciary responsibility for the management and use of public funds and assets. The terms of these contracts will be approved by the principal, the facilities use agreement approver, and the business administrator. The District will consult with its insurer or legal counsel to ensure risks are adequately considered and managed.

[Utah Admin. Rules R277-113-9\(6\), \(7\) \(August 7, 2024\)](#)

5. Non-curricular clubs specifically authorized under [Utah Code § 53G-7-704 through 707](#) are not considered school-sponsored.

#### F. Participation in Private or Non-School-Sponsored Events

1. District employees
  - a. May participate in a private but public education-related activity, such as ecclesiastical graduation and firesides, extracurricular travel, etc.

- b. Must ensure that personal participation in activities is separate and distinguishable from the employee's public employment, official job title, or job duties.
  - c. May not contact students in the District using education records or information obtained through public employment unless the records or information are available to the general public.
  - d. May not use school time to discuss, promote, or prepare for a private or non-school-sponsored activity.
  - e. May offer public education-related services, programs or activities to students, provided they are not advertised or promoted during school time or using any type or amount of school resources.
  - f. May use school or student publications available to the general public to advertise and promote the private or non-school-sponsored activity.
  - g. May not require private or non-school-sponsored activities for credit or participation in school programs.
  - h. Must satisfy all requirements of [Utah Code § 53E-3-512](#), regarding ethical conduct standards, and [R277-107](#), regarding educational services outside of the educator's regular employment.
2. District employees may purchase advertising space to promote private or non-school-sponsored events in the same manner as the general public. The District employee's employment and experience can be used to demonstrate qualifications. The advertisement must specifically state that the activity is not school-sponsored. (See [R277-107-4](#).)
  3. District employees may engage in outside employment with a private entity or other separate organizations that does not interfere with District duties or job functions. Employees must complete the District disclosure agreement annually when engaging in outside employment that is similar to the employee's official job duties or functions.
  4. Parental notification is required if District students are recruited to participate in these activities.

5. District employees may not set up bank accounts for activities or fundraisers associated with District responsibilities or job functions.
6. District employees may not direct fees or fundraiser proceeds from school-sponsored activities to outside entities.
7. District employees may not direct operating expenditures to outside funding sources or groups to avoid District procurement rules (such as equipment, uniforms, salaries or stipends, improvements, maintenance for facilities, etc.).
8. District employees must comply with District procurement policies and procedures, including complying with competitive quotes; bid splitting; and not accepting gifts, gratuities, or kickbacks from vendors or other interested parties.

Non-School Sponsored Event  
(Date letter is sent)

Dear Parent,

On \_\_\_\_\_ (date) your student will have the opportunity to participate in

\_\_\_\_\_ .

Please be aware that this is a Non-School Sponsored ~~event~~ ~~Trip~~ that is being offered by a Box Elder School District employee but is not an activity planned or provided for by the school district. Please also be aware that any communication regarding the Non-School Sponsored Event should only be directed to the person responsible for planning the trip. Box Elder School District assumes no responsibility or liability for any activity or action related to this Non-School Sponsored activity. Moreover, Box Elder School District has no insurance coverage that is applicable to the event and its activities.

Sincerely,

Principal

Box Elder School District

NON-SCHOOL SPONSORED EVENT VERIFICATION NOTICE

As the parent of \_\_\_\_\_, I understand that by receiving and signing this form that I am aware the **event trip** my student is going on is a non-school sponsored trip. I also understand that it is my responsibility to communicate only with the sponsor of this trip and not other Box Elder School District personnel concerning this trip. Box Elder School District assumes no responsibility or liability for any activity or action related to this non-school sponsored **event activity**. Moreover, Box Elder School District has no insurance coverage that is applicable to the trip and its activities.

Parent Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Student Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Sponsor Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

\*This form must be returned by the parent to the sponsor and the school principal at least 30 days before the trip begins.

Box Elder School District

Non-School Sponsored Parental Notification Form  
Policy 5312

School \_\_\_\_\_

Teacher or Employee \_\_\_\_\_

Event \_\_\_\_\_

Date \_\_\_\_\_

Number of Students Attending \_\_\_\_\_

I certify:

All Parents have been notified and Notification Forms Received have been filed with School Principals Office. All approvals have been secured from school principal. I understand that I may not use the District's name, facilities, or employees, without express District permission. I also understand that this event will not be insured under the District's risk management or insurance policy. There will not be any compensation paid to District employees by the District or other means if the activity is not substantially different from the District employee's regular job functions and duties and outside of employee's contract hours. That I have not used school records to contact parents or students.

Signature of Person Responsible \_\_\_\_\_

Print Name \_\_\_\_\_