



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: K – School / Community Relations
POLICY TITLE: PTAs, PTOs, Booster Clubs, and Other Parent Support Groups
FILE NO.: KAB
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Note: When reviewing this policy, the following interrelated policies may need to be referenced:

- KA – School Facility Use
- KAA – Community Education
- KABA – Donations
- KAC – School Fundraising Activities
- KACA – School Advertising Restrictions
- KAD – Summer/Out-of-Season Activities

1. PURPOSE AND PHILOSOPHY

- 1.1 The Board of Education of Nebo School District appreciates the efforts of parents, citizens, businesses, and other community organizations to promote, strengthen, and enhance school programs. The Board of Education encourages a climate of participation and cooperation between the District and members of the community.
- 1.2 The Board of Education also recognizes the importance of assuring that public funds be safeguarded and properly accounted for, and that fundraising efforts be approved and conducted in accordance with Utah law and Nebo School District policies and procedures.
- 1.3 Organizations such as the Parent Teacher Association (PTA), parent teacher organizations (PTOs), booster clubs, and other parent support groups can play an important role in the promotion and success of school programs, often through service and monetary donations. However, clear distinctions must be made between public and private funds and between District-sponsored activities and independent or privately sponsored activities. This policy sets forth the manner in which the District and its schools, employees, and students may interact with the PTA, PTOs, booster clubs, and other parent support groups seeking to promote and enhance school programs.

2. DEFINITIONS

- 2.1 **“Arm’s Length Transaction”** means a transaction between two unrelated, independent and unaffiliated parties, or a transaction between two parties acting in their own self-interest that is conducted as if the parties were strangers so that no conflict of interest exists.
- 2.2 **“External Support Group”** is a group of parents or other members of the community (whether known as a parent support group, booster club, or by some other name) which is not sponsored by the District (e.g., PTA, external PTOs, external booster clubs, and parent support groups independent of the District or its schools).
- 2.3 **“Internal Support Group”** is a group of parents or other members of the community, (whether known as a parent support group, booster club, or by some other name) which is sponsored by the District (e.g., internal PTOs, internal booster clubs, and parent support groups sponsored by the District or its schools).

- 2.4** “**Public Funds**” means money, funds, and accounts, regardless of the source from which the money, funds, and accounts are derived, that are owned, held, or administered by the state or any of its political subdivisions including school districts or other public bodies.
- 2.5** “**School Support Organization (SSO)**” is an “External Support Group” that consists of individuals, groups, entities, or organizations, and exists for the primary purpose of benefitting and supporting the District, its schools, and its officially sanctioned school teams, groups, clubs, classes, or student programs.

3. RECOGNITION OF SCHOOL SUPPORT ORGANIZATION

- 3.1** An elementary school may recognize only one SSO per school year. A secondary school may recognize one or more SSOs per school year to support the entire school and may recognize one SSO per team/performing group per school year to support that team/performing group.
- 3.1.1** In the event that multiple groups seek recognition, the principal and director have sole discretion to choose which SSO to recognize. This decision may not be appealed.
- 3.1.2** The principal may indicate recognition of an SSO in writing.
- 3.1.3** If the officers or members of an SSO intend to change the entity type of the SSO, such as from a PTA to a PTO, the officers of the SSO should follow the entity’s bylaws and any other rules or procedures for dissolution or conversion. Failure to do so may result in the school being unable to recognize the new entity as an SSO.
- 3.1.4** A school may not recognize a new entity as an SSO more than once every three years except under exceptional circumstances as determined by the principal and director.
- 3.2** Groups that may qualify as an SSO include the PTA, PTOs, booster clubs, and other organized groups formed to support a school or its programs.
- 3.3** Groups that are officially recognized as an SSO are eligible to rent school facilities under Classification III of the Fee Schedule as per Nebo School District Policy KA, *School Facility Use*.
- 3.4** To be officially recognized as an SSO, the group must: (a) meet the above definition of an SSO; AND (b) provide annually to the District an executed SSO Assurance Document containing the following:
- 3.4.1** A statement identifying the primary purpose of the SSO, the projected scope of its activities, and the anticipated use of any funds generated by the SSO.
- 3.4.2** An agreement to follow the District’s accounting policies and procedures which must include, at a minimum, a process of recording receipts and expenditures and depositing all revenue through an account established with a reputable financial institution.
- 3.4.3** An agreement to provide financial statements upon request to the District, which at a minimum consists of a balance sheet and income statement.
- 3.4.4** An agreement not to receive, hold, or use public funds including, but not limited to, student fees.
- 3.4.5** An agreement to comply with all applicable federal and state laws, rules, and regulations including, but not limited to, filing appropriate income and sales tax returns, registering and maintaining proper business entity filings, and applying for necessary permits.

- 3.4.6 An agreement not to use the District's federal Employer Identification Number and/or any tax exempt number or status for any purpose.
- 3.4.7 When utilizing school facilities, to execute an Application for Use of School Facilities and a Facility Use Agreement; and provide a Certificate of Insurance (including applicable endorsements) naming Nebo School District as an additional insured.
- 3.4.8 An agreement to abide by all other applicable District policies related to the SSO's activities, events, or use of school facilities.

4. DESIGNATION AS INTERNAL OR EXTERNAL SUPPORT GROUP

- 4.1 Any third-party group (parents, alumni, boosters, businesses, etc.) wishing to support a school or any of its programs must first be identified by the school administration as either an Internal Support Group or an External Support Group as defined in this policy.
- 4.2 To be designated as an External Support Group, the group must be established by law as a legal entity such as a non-profit corporation or other charitable organization. To make a determination, the school administrator should review or confirm the existence and validity of the organization's business documents, including enough of the following to satisfy the school administrator that the organization is a legally established entity in good standing.
 - 4.2.1 Articles of incorporation;
 - 4.2.2 Bylaws;
 - 4.2.3 Minutes of meetings;
 - 4.2.4 Financial statements;
 - 4.2.5 Certificate of existence, renewal, or registration from the Utah Department of Commerce Division of Corporations & Commercial Code;
 - 4.2.6 Insurance policy;
 - 4.2.7 IRS filings;
 - 4.2.8 Federal Employer Identification Number (EIN);
 - 4.2.9 Utah state tax exemption number or sales tax license number;
 - 4.2.10 Bank and type of account.

5. INTERNAL SUPPORT GROUPS

- 5.1 A group that does not meet the criteria to be designated an External Support Group is an Internal Support Group. Likewise, a group using any of the following to raise money or promote a school or any of its programs is an Internal Support Group.
 - 5.1.1 District students, identified as such.
 - 5.1.2 District employees, identified as such.
 - 5.1.3 District or school name.
 - 5.1.4 School mascot.
 - 5.1.5 School logo, unless authorized by a license agreement with the District.
 - 5.1.6 Uniforms, costumes, or clothing of any school-sponsored program, team, or organization.
 - 5.1.7 District or school funds.

- 5.1.8 District or school facilities, property, or equipment not properly rented under Nebo School District Policy KA - *School Facility Use*.
- 5.1.9 Any combination of the above or other indicators that would create a reasonable perception of District or school sponsorship.
- 5.2 Internal Support Groups are sponsored by the District or its schools and fall under the supervision and control of the school administration. The following provisions apply to Internal Support Groups, including internal PTOs, internal booster clubs, and parent support groups which are sponsored by the District or its schools.
 - 5.2.1 Internal Support Groups may be organized, and group leadership may be selected, as deemed appropriate by the school administration. However, no group members, including any group leadership, may exhibit any authority or control over students, employees, activities, school facilities or equipment, or funds.
 - 5.2.2 Internal Support Groups may not maintain their own bank accounts but must use District or school accounts. Only authorized District employees may access and control the accounts.
 - 5.2.3 All funds raised by Internal Support Groups are public funds and must be deposited directly into a District or school account in accordance with District policies and procedures. No funds may be held by parents or other members of the group.
 - 5.2.4 All fundraising activities engaged in by the group must be approved by school administration and must comply with Nebo School District Policy KAC, *School Fundraising Activities*.

6. EXTERNAL SUPPORT GROUPS

The following provisions apply to any External Support Group, including PTAs, external PTOs, external booster clubs, and parent support groups which are independent of Nebo School District and are not sponsored by the District or any of its schools.

- 6.1 External Support Groups may not use the name, nickname, logo, or mascot of any school or the District itself except as authorized through a properly executed license agreement with the District.
- 6.2 External Support Groups may not use any District students, identified as such.
- 6.3 External Support Groups may not use any District employees, identified as such.
- 6.4 External Support Groups may not use District or school facilities, property, or equipment unless such facilities, property, or equipment are properly rented in accordance with Nebo School District Policy KA – *School Facility Use*. External Support Groups may rent school facilities under Classification IV, V, VI, or VII, as applicable, of the Fee Schedule (Nebo School District Policy KA). External Support Groups who qualify and are recognized by the District as a School Support Organization (SSO) may rent school facilities under Classification III of the Fee Schedule (Nebo School District Policy KA).
- 6.5 External Support Groups may not use District or school funds.
- 6.6 External Support Groups are not insured by Utah State Risk Management.
- 6.7 Donations by External Support Groups:
 - 6.7.1 Schools may accept monetary donations made by External Support Groups, including external booster clubs and their members in accordance with District policies and procedures.
 - 6.7.2 Once donations have been accepted by a school, they become public funds and shall be used at the discretion of the school. The District will attempt to accommodate

the desires of the donor in putting the funds to use, but the District ultimately has complete discretion as to how the funds are used.

6.7.3 Requests that donations be used as financial support for coaches, advisors, and contracted services may be considered, but the decision lies exclusively with the District. If the District approves use of donated funds to support a contracted service, a written contract for such service must be approved by District Legal Counsel and the school principal. In cases where donations are used to hire coaches or advisors, the following provisions apply:

6.7.3.1 The selection of coaches and advisors is in the sole and absolute discretion of the District.

6.7.3.2 Financial support for coaches or advisors must be donated to the District, and the coach or advisor must be hired as a District employee and paid through the District payroll office. External Support Groups may not, under any circumstances, make direct payments to individuals who work with students in any recognized school capacity.

6.7.3.3 Coaches or advisors hired under the provisions of this policy become District employees. They must be hired in accordance with approved hiring practices, participate in required training, and undergo a criminal background check.

7. DISTRICT SPONSORED ACTIVITIES v. NON-DISTRICT SPONSORED ACTIVITIES

7.1 Individual activities and events shall be designated as either District sponsored (under the authorization, supervision, and direction of the school administration) or non-District sponsored (under the authorization, supervision, and direction of the independent sponsoring group).

7.2 Under Utah law, a school-sponsored activity is a “fundraising event, club, camp, clinic, or other event or activity that is authorized by” the District or a specific school under this policy and that “satisfies at least one of the following conditions:”

7.2.1 The activity is managed or supervised by the District, school, or an employee;

7.2.2 The activity uses District or school facilities, equipment, or other school resources; or

7.2.3 The activity is supported or subsidized, more than inconsequentially, by public funds, including the school’s activity funds or minimum school program dollars.

7.3 District or school-sponsored activities fall under the authorization, supervision, direction, and control of the school administration. Such sponsored activities and events shall comply with the provisions set forth in Section 4 of this policy and all other District policies and procedures applicable to the activity or event. All money proceeds from the activity or event are considered Public Funds and shall be deposited into school accounts in accordance with District accounting policies and procedures. Activities that are “sponsored” by the District means that the activity is organized, conducted, and supervised under the control of the school administration. Such District sponsored activities may involve the use of: (a) school facilities; (b) District transportation (vehicles and buses); (c) District funds; (d) uniforms and equipment; and (e) District personnel and students. District sponsored activities may also involve financial responsibilities in regards to student fees and fee waivers. All sponsored activities are under the responsibility, risk, and liability of the District regardless of assistance by Internal Support Groups, External Support Groups, or other volunteers.

7.4 Activities and events managed or supervised by an External Support Group, the revenues from which are held by the External Support Group, are not sponsored by the District or its schools. The External Support Group is responsible for the authorization, supervision, direction, and control of the non-District sponsored activity or event. Such non-sponsored activities and events shall be conducted at Arm’s Length and shall comply with the provisions

set forth in Section 5 of this policy and all other District policies and procedures applicable to the activity or event. All money proceeds from the activity or event are considered private funds and shall not be deposited into school accounts or be comingled with Public Funds. Activities that are “not sponsored” by the District means that the activity is not organized, conducted, or supervised under the control of the District. Such non-sponsored activities may not use: (a) school facilities or equipment (unless properly rented under Nebo School District Policy KA, *School Facility Use*); (b) District transportation (vehicles and buses); or (c) District funds. The District is not responsible (financially or otherwise) for any risks or liabilities associated with non-sponsored activities. District employees may not be required to participate in a non-sponsored event or activity and may participate only as private citizens.

- 7.5** External Support Groups may propose to the school administration that a particular activity or event be District-sponsored. If the school administration, in its sole and absolute discretion, decides to conduct the particular activity or event as District-sponsored, then the activity or event shall be managed as per Section 6.2 above. The External Support Group may assist in such District-sponsored activities or events by providing individual school volunteers who are under the direction and supervision of school administration.

EXHIBITS

None

REFERENCES

UTAH ADMIN. CODE, R277-113
Nebo School District Policy KA, *School Facility Use*
Nebo School District Policy KAC, *School Fundraising Activities*

FORMS

SSO Assurance Document

HISTORY

Revised – March 14, 2018. Added definition of school-sponsored; added provision for recognizing SSO; added criteria for designation as external support group; made technical changes.

Revised – August 14, 2013. Added definitions and requirements from R277-113; added definition of school support organization (SSO); permitted SSOs to rent facilities under classification III of policy KA; distinguished district-sponsored from non-district-sponsored.

Adopted September 12, 2012.
