

5
6 **School-Support Organizations, Boosters and Fundraising**

7
8 The Board recognizes that parent, teacher, and student organizations are an invaluable resource
9 to District schools and supports their formation and vitality. While parent, teacher, and student
10 organizations have no administrative authority and cannot determine District policy, their
11 suggestions and assistance are always welcome.

12
13 **School-Support Organizations**

14
15 Parent or booster organizations are recognized by the Board and permitted to use the District's
16 name, a District school's name, or a District school's team name or any logo attributable to the
17 District, provided they first receive the Board's approval during a duly constituted Board
18 meeting. Unauthorized use of the District school's team name, logo, or imagery is strictly
19 prohibited. The District reserves the right to seek all available legal remedies for unauthorized
20 use of the District school's name, logo, or imagery.

21
22 In order for the School District to comply with the federal law, state law and MHS A By-Laws,
23 Rules and Regulations, Board recognition as a parent or booster organization along with consent
24 to use one of the above-mentioned names or logos will be granted if the organization has
25 approved and submitted bylaws containing the following:

- 26
- 27 1. The organization's name and purpose. Acceptable purposes may include enhancement of
28 students' educational experiences, assistance to meet educational needs of students,
29 support of academic clubs, or enrichment of extracurricular activities.
 - 30
31 2. The rules and procedures under which it operates.
 - 32
33 3. A statement that the membership will adhere to applicable Board policies and
34 administrative procedures when working on District premises or with District officials or
35 programs.
 - 36
37 4. A statement that membership is open and unrestricted and the organization will not
38 engage in discrimination based on someone's innate characteristics or membership in a
39 protected classification.
 - 40
41 5. A statement that the District is not, and will not be, responsible for the organization's
42 business or the conduct of its members.
 - 43
44 6. A designation of the organization's treasurer. A statement that the organization will
45 maintain finances consistent with General Finance Principles in a manner open to review
46 by any member of the organization or the school district.

1
2
3
4 7. A recognition that money given to a school cannot be earmarked for any particular
5 expense. Booster organizations may make recommendations, but cash or other valuable
6 consideration must be given to the District to use at its discretion. The Board's legal
7 obligation to comply with Title IX by providing equal athletic opportunity for members
8 of both genders will supersede an organizations recommendation.¹
9

10 8. A recognition that the School District reserves the right to reject any and all donations.
11

12 Permission to use one of the above-mentioned names, logos or imagery may be suspended by the
13 administration and rescinded by the Board for failure to comply with this policy. Authorization
14 to use one of the above-mentioned names, logos, or imagery does not constitute permission to act
15 as the District's representative. At no time does the District accept responsibility for the actions
16 of any parent or booster organization, regardless of whether it was recognized and/or permitted
17 to use any of the above-mentioned names or logos.² The Superintendent shall designate an
18 administrative staff member to serve as the liaison to parent or booster organization. The liaison
19 will serve as a resource person and provide information about school programs, resources,
20 policies, problems, concerns, and emerging issues. Building staff may be encouraged to
21 participate in the organizations.
22

23 Individual Boosters or Donors 24

25 Individual boosters or donors not covered by the bylaws of an organization governed by this
26 policy may still assist in school operations. The Board encourages the involvement of local
27 communities in school activities and operations. In order for the School District to comply with
28 the federal law, state law and MHS A By-Laws, Rules and Regulations, individual boosters or
29 donors must honor the following provisions:
30

- 31 1. The individual must have prior approval must be granted by the Board for use of the
32 District's name, logo, or imagery.
33
- 34 2. The individual must comply with Board policies and administrative procedures when
35 submitting donations.
36

¹ The School District may not accept booster organization assistance that creates vast gender differences or a school board may face claims that it has violated Title IX. Title IX's focus is on equal funding opportunities, equal facility availability, similar travel and transportation treatment, comparable coaching, and comparable publicity (34 C.F.R. Part 106).

² Booster organizations present potential liabilities to a school district beyond loss of funds, because they seldom are properly organized (they generally are not incorporated or otherwise legally recognized), carry no insurance, raise and handle large sums of money, and organization members hold themselves out as agents of the school (after all, no funds could be raised but for the school connection). A disclaimer, such as the one presented here, may not be sufficient. A district may take several actions, after discussion with its attorney, to minimize liability, such as adding a requirement to item 6 above that the organization: (1) operate under the school's authority (activity accounts); or (2) be properly organized and demonstrate fiscal responsibility by being a 501(c)(3) organization, obtaining a bond, and/or arranging regular audits. Ultimately, the best way to minimize liability is to be sure that the district's errors-and-omissions insurance covers parent organizations and booster organizations.

3. The individual may not violate federal law, state law, District policy or MHSB By-Laws, Rules and Regulations.
4. The individual acknowledges the District is not, and will not be, responsible for the individual booster or donor's business or their conduct.
5. The individual acknowledges that donations cannot be earmarked for any particular expense. Individual boosters or donors may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion in accordance with applicable laws. The Board's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede any individual's recommendation.
6. The District reserves the right to reject any and all donations.

Fundraising

All donations completed by recognized organizations are subject to applicable School District policies regarding financial management. Funding endeavors are generally viewed as beneficial when coordinated with district goals, initiatives, and existing plans. The District reserves the right to reject any and all donations.

All funds raised by recognized organizations that are donated to the School District become public funds when placed in a School District account. All public funds must be monitored in accordance with state law. Donations must be reviewed to ensure compliance with equity rules, amateur rules and appropriateness under district policy. Donations may be conditional under state law if conditions are in compliance.

Funds spent by the School District will be done in accordance with District purchase order policy and spending limits regardless of the source of the donation. All expenditures should be preapproved to ensure equity and auditing standards are met.

Legal Reference:	§ 20-6-601, MCA	Power to accept gifts
	§ 2-2-103-2(3), MCA	Definitions
	§ 2-2-104, MCA	Rules of conduct for public officers, legislators, and public employees

Policy History:

Adopted on: Fall 2004

Reviewed on:

Revised on: 2/25/08, 8/9/17