



POLICY 2.16

5-B I recommend that the Board approve development of the proposed revised Policy 2.16, to be entitled "Fund-Raising Activities Relating to Schools."

[Contact: Barbara Terembes, PX 48118.]

Development

CONSENT ITEM

- This revision will update the Policy with amendments such as: prohibiting solicitations that call upon students to donate money without receiving a product or service; allowing a school to sponsor a fundraiser or solicit funds for the victim (or victim's family) of a tragedy within the school community; allowing product collections for charitable causes; requiring a school to purchase sufficient liability insurance to protect the District from potential claims that might arise from fund-raising events of an unusual nature involving potential extraordinary liability or large numbers of participants and/or spectators, and raise significant funds well above the cost of coverage; and requiring District approval of such insurance; and deleting a provision about auxiliary enterprises and District-level fundraising, as these subject are covered by another Policy.

- The content of Policy 2.15 (which is recommended for repeal) is being updated and transferred to this Policy.

POLICY 2.16

FUND-RAISING ACTIVITIES RELATING TO SCHOOLS

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3 1. All fund-raising projects and activities by school or groups within the school shall
4 contribute to the educational and extracurricular experiences of the students and
5 shall not be in conflict with the overall instructional program. If there is a tragedy
6 within the school community, however, the school may sponsor a fundraiser or
7 solicit funds to benefit the victim or the victim's family. The determination of fund-
8 raising projects and activities for a school shall be the responsibility of the principal
9 and instructional staff ~~and shall conform to any directives established by the~~
10 ~~superintendent.~~
- 11 2. Fund-raising activities and projects within all schools shall be kept within a
12 reasonable limit. The principal shall approve in writing all fund-raising activities in
13 the school in accordance with established procedures ~~and directives~~. Each school
14 shall continuously evaluate its fund-raising projects and extracurricular activities as
15 they relate to the promotion of educational experiences, the time involved for
16 students and teachers, and the additional demands made on the school
17 community.
- 18 3. Solicitations of funds that call upon students to give money without receiving a
19 product or service are prohibited in schools. However, product collections for
20 charitable causes (i.e. used toys, canned goods, etc.) may be solicited.
- 21 4. Because of possible safety hazards to the individual student involved in such fund
22 solicitation, the following standards shall be observed:
- 23 a. Sale of magazines shall be permitted by all students. However, door-to-door
24 solicitation shall be prohibited for elementary students and strongly
25 discouraged for middle and high school students.
- 26 b. Participants in school approved candy sales, car washes and similar fund-
27 raising activities are prohibited from standing in roadways and/or medians of
28 roadways.
- 29 c. For fund-raising events of an unusual nature that expose the School Board to
30 a potential extraordinary liability or are of an unusual nature that involve large
31 numbers of participants and/or spectators, and raise significant funds well
32 above the cost of coverage, such as basketball tournaments and school flea
33 markets, the sponsoring school will purchase sufficient liability insurance
34 coverage to protect the District from potential claims at these events. The
35 individual school will contact the District's Risk & Benefits Management
36 Department for assistance and approval for this insurance.

- 37 d. If an outside individual or organization, such as the PTA, is conducting a
38 fundraising activity on school grounds, the individual or organization shall
39 purchase sufficient liability insurance coverage to protect the District from
40 potential claims, as required under School Board Policy 7.18.
- 41 5. Principals have the right to prohibit any organization from directly soliciting from
42 students in the school during instructional time. However, nothing in this policy
43 prohibits students from fund-raising as individuals or as part of extracurricular
44 groups, as long as such activities are conducted outside school hours and with the
45 prior approval of the principal. Participation in such activities shall be on a
46 voluntary basis, and no student shall be compelled to make a purchase or
47 contribution.
- 48 6. Students may participate in charitable fund-raising drives as individuals or as part
49 of extracurricular groups. However, such activities must be conducted outside the
50 academic day and must be approved in advance by the principal. Participation in
51 such activities shall be on a voluntary basis, and no student shall be compelled to
52 make a contribution.
- 53 7. Money derived from any school fund-raising project or activity shall be deposited in
54 the school's internal funds account and shall be disbursed as prescribed by District
55 policy and State Board of Education Rules.
- 56 a. Merchandising projects shall be kept to a minimum.
- 57 b. ~~Door-to-door solicitation shall be prohibited for elementary students and~~
58 ~~strongly discouraged for middle and high school students.~~
- 59 c. Schools are discouraged from using instructional time to plan, promote or
60 execute fund-raising projects unless the project directly relates to a planned
61 curriculum component.
- 62 d. ~~Street median solicitation is prohibited for all students.~~
- 63 8. At the school level, a parent-teacher association or other community or school
64 related organization may sponsor fund-raising projects and activities provided
65 school work and instructional time are not negatively impacted. Such activities
66 shall be conducted in accordance with district policy and shall be approved by the
67 principal.
- 68 9. ~~Fund-raising events for the district may be sponsored by district administrators with~~
69 ~~the written approval of the superintendent, and the district may likewise generate~~
70 ~~funds through auxiliary enterprises such as vending machines, supply stores, or~~
71 ~~other internal-account fund profits.~~

- 72 10. Gambling in violation of Fla. Stat. § 849.04, ~~Fla. Stat.~~ shall be prohibited.
- 73 11. Schools may not have drawings of chance; however, organizations qualified under
74 26 U.S.C. §501(c)(3), (4), (7), (8), (10), or (19) are authorized to conduct raffles or
75 drawings by chance pursuant to Fla. Stat. § 849.0935, ~~Fla. Stat.~~ provided the
76 organization has complied with all provisions of Ch. 496, Fla. Stat.
- 77 a. It is unlawful for any organization that is authorized to conduct a drawing by
78 chance to require an entry ~~free~~ fee donation, substantial consideration,
79 payment, proof of purchase, or contribution as a condition of either entering
80 the drawing or being selected to win a prize.
- 81 b. The organization distributing the raffle tickets may not require a contribution or
82 donation in order to participate in the raffle; nor may it arbitrarily disqualify or
83 reject any entry or discriminate in any manner between entrants who
84 contribute to the organization and those who do not.
- 85 c. It is also unlawful to fail to notify the person whose entry is selected to win that
86 they have won, or fail to award the prizes in the manner and at the time stated.
- 87 d. If a raffle or drawing by chance is held, all brochures, advertisements, notices,
88 tickets, or entry blanks used for such drawings must conspicuously disclose:
- 89 i. ~~The~~ the rules governing the conduct and operation of the drawing;
90 ii. ~~The~~ the full name of the organization or operator, and its principal place of
91 business;
92 iii. ~~The~~ the source of the funds used to award cash prizes or to purchase
93 proxies; ~~and~~
- 94 iv. ~~The~~ the date, hour, and place where the winner will be chosen, unless the
95 brochures, advertisements, notices, tickets, or entry blanks are not
96 offered to the public more than three (3) days prior to a drawing; ~~and~~ and
- 97 v. ~~That~~ that no purchase or contribution is necessary, which means that the
98 organization cannot require an entry fee, donation, substantial
99 consideration, payment, proof of purchase, or contribution as a condition
100 of entering the drawing or of being selected to win a prize. However, this
101 provision shall not prohibit an organization from suggesting a minimum
102 donation or from including a statement of such suggested minimum
103 donation on any printed material utilized in connection with the
104 fundraising event or drawing.

105 STATUTORY AUTHORITY: Fla. Stat. §§ ~~§§ 230.22(2); 2300.23(17)(a);~~
106 ~~230.23005(2)(b), (e), (5);~~ 1001.32(2); 1001.41(1) & (2); 1001.42(4), (6), (10).

107 (17) & (23); 1001.43(1), (2) & (5)

108 LAWS IMPLEMENTED: Fla. Stat. §§ ~~Ch. 496 §§ 230.23(6), (10); 230.33(12); 231.085;~~
109 ~~237.01; 237.02(4); 237.046,~~ §§ 1001.43(2)(b) & (e); 1001.42(10); 1006.07(1);
110 1001.51(11); 1001.54; 1012.28; 1010.01; 1011.07; 1010.08; 849.08; 849.04;
111 849.0935, Ch. 496

112 RULES SUPPLEMENTED: Fla. Admin. Code 6A-1.0143, 6A-1.085

113 HISTORY: 2/18/72; 7/21/82; 9/3/97; 7/1/98; 3/26/01; / /07

Legal Signoff:

The Legal Department has reviewed proposed Policy 2.16 and finds it legally sufficient for development by the Board.

Attorney

Date