

**JHA-R Student Activities Fundraising**

7/1/22

GSBA Reference: JHA (Student Activities Fees)

**RATIONALE/OBJECTIVE:**

The Cobb County School District (District) recognizes concerns for the welfare of students from their entry on a school bus or school property to their return to the bus stop or when they leave school property. Part of that goal is not to distract students and staff from the task of learning by activities that inappropriately encroach upon instructional time.

Further, the District recognizes its public image is partially dependent upon sound fiscal management. Revenues generated through fundraisers and/or community fund drives must have a designated purpose which must be clearly communicated in the dissemination of information to students, parents/guardians, and the school community. The profits generated through fundraisers must be expended for the designated purpose.

**RULE:****A. GENERAL PROVISIONS:****1. Authority:**

The Cobb County Board of Education (Board) authorizes the Superintendent and Principals to act on the Board's behalf concerning:

- a. Student fundraising activities; and
- b. Student participation in community agency fund drives.

**2. Guidelines:****a. Sponsor:**

Fundraising activities may be sponsored/conducted by:

- (1) The school itself;
- (2) Organizations within the school, such as performance groups, school clubs and student organizations;
- (3) A Partner in Education or Partner at Large as recognized through the Partners in Education program of the Cobb County Chamber of Commerce; and/or
- (4) A school support organization (e.g., recognized parent/teacher association, booster organization, and foundation).

**b. Approval:****(1) Proposal:**

Prior to conducting a fundraiser, Form JHA-1 (Fundraiser Proposal and Approval) must be completed by the fundraiser sponsor and submitted to the Principal, except as provided in Form JHA-1, and maintained in the school's records.

**(2) Prior Approval:**

The Principal must approve all fundraising activities including fundraising activities conducted by school support organizations.

- (a) The Principal should refer to Administrative Rule LEC-R (Booster Organizations) when considering booster organization-sponsored fundraising activities.
- (b) Additional approval is required for online fundraising activities (see Section B.1.e. below).

**(3) Fundraising Screening Committee:**

Principals are encouraged to establish a Fundraising Screening Committee, which may be composed of representatives of administration, faculty and school support organizations, to assist the Principal with:

- (a) The determination of which fundraising, community fund drives or charitable activities the school will support;

- (b) The coordination of the school's fundraising activities with those of school support organizations and other fundraising, community fund drives or charitable activities.

c. **Guidelines:**

Regardless of who is sponsoring/conducting the fundraiser, the following guidelines apply unless noted otherwise:

- (1) All fundraising activities must comply with all Board Policies and District Rules (specifically including, but not limited to, Administrative Rule EEE-R), procedures and guidelines including but not limited to Financial Services and Human Resources procedures. These Policies, Rules, guidelines, and procedures are available on the District Web site or through Financial Services, or Human Resources;
- (2) Schools are prohibited from conducting door-to-door fundraising by students in activities sponsored by the school in which students would be selling items or soliciting advertisements, contributions, pledges, or orders;
- (3) Students may participate in the collection or accounting for monies received for fundraising purposes:
  - (a) **If School-Sponsored Fundraiser:**  
Under the direct supervision of a District employee;
  - (b) **If a School Support Organization Sponsored Fundraiser:**  
Under the direct supervision of an adult volunteer;
- (4) Fundraising activities, regardless of sponsor, may not involve any student during instructional time except for:
  - (a) Activities approved by the Principal when students are involved in curriculum-related exercises such as:
    - 1) Reviewing/purchasing book fair offerings;
    - 2) Jumping rope for Jump Rope for Heart; and
    - 3) Participating in a privilege, such as "hat day."
  - (b) The above activities do not include an exception to collect funds during instructional time.
- (5) **If School-Sponsored Fundraiser:**
  - (a) Only District employees shall be responsible for the accounting of funds.
  - (b) Prior to conducting an online fundraiser, Form JHA-3 (Online Fundraiser Request) should be completed by the fundraiser sponsor and submitted to the Principal for routing according to the Online Fundraiser Guidelines (Form JHA-3).
  - (c) Financial Services must give prior final approval for online fundraising activities conducted by schools, including approval of the proposed contract.
  - (d) School should avoid contracting school-sponsored fundraisers that utilize school facilities but provide minimal return to the school and could be characterized as attempts to avoid the requirements and/or limitations of Administrative Rule KG-R (Use of School Facilities).
- (6) **If School Support Organization Sponsored Fundraiser:**
  - (a) Adult volunteers shall be responsible for the accounting of funds resulting from approved fundraising activities sponsored by school support organizations.
  - (b) Profits resulting from fundraisers sponsored/conducted by school support organizations shall become the property of the school support organization. All expenses related to the fundraiser shall be the responsibility of the school support organization.
- (7) All fundraising activities must comply with state law. The policy office must be consulted if there is any question as to the legality of an activity.

**B. SPECIFIC REQUIREMENTS:**

Approved fundraising procedures and activities shall conform to the following:

1. **Contracts:**

All referenced contracts must comply with the following Financial Services requirements:

- a. Only the Principal may sign the contract on the District/school's behalf;
- b. The contract may not extend beyond the signing Principal's contractual employment period;

- c. The contract wording must include the statement that if the signing Principal leaves the school or District during the contract period, the contract is void unless signed by the new Principal;
  - d. The contract:
    - (1) Must be construed under Georgia law;
    - (2) Must not include any indemnification or hold harmless provisions;
    - (3) Must not require the school to make an advance payment to the vendor;
    - (4) Must provide for the agreed upon distribution of proceeds between the vendor and school within two months of the conclusion of the fundraiser;
    - (5) May require legal review for approval;
  - e. Each contract must comply with approved procurement requirements and procedures. Contracts for online fundraising activities will be submitted for legal review prior to approval; and
  - f. In the case of Media Usage of School Facilities contracts (see Section B.2.k. below), Principals must contact their Leadership and Learning Assistant Superintendent and the Communications Office for review of the contract before agreeing to usage of their school facilities.
2. **Activities:**
- a. **Advertisement:**  
Refer to Administrative Rule KJ-R (Advertising in the Schools) and Administrative Rule JG(1)-R (Monitoring-Recording Staff and Students).
  - b. **Annua1s/Yearbooks:**  
The production of a school annual or yearbook shall be at the option of the school.
  - c. **Book Fairs:**  
School-sponsored book fairs shall operate as an extension of the school media program and, therefore, may be conducted during the instructional day. The book fair sale shall be by contract between the District/school and the book fair company. (For school support organization sponsored book fairs, refer to Section A.2.c.6 above.)
  - d. **Clubs:**  
The following guidelines are applicable to both school clubs and student organizations as defined in Administrative Rule JHC-R (Student Organizations):
    - (1) **School Clubs:**
      - (a) Sections A.2.b and A.2.c above apply to fundraisers conduct by school clubs;
      - (b) Dues shall be determined by the sponsor with approval of the Principal;
      - (c) Fundraisers sponsored by the club must be approved by the sponsor who must then obtain the approval of the Principal prior to committing to holding the fundraiser.
    - (2) **Student Organizations:**
      - (a) Sections A.2.b and A.2.c. above apply to fundraisers conducted by student organizations;
      - (b) Dues shall be determined by the student leadership of the organization;
      - (c) Fundraisers sponsored by a student organization must be approved by the organization's student leadership who must obtain the approval of the Principal prior to committing to holding the fundraiser;
      - (d) Funds collected and used by student organizations which are not school clubs must not be handled as part of the school financial procedures or accounted for through the school books.
  - e. **Community Agency Fund Drives:**  
(Also see Administrative Rule GAHA-R [Staff Participation in Community Activities]) Schools may conduct community agency fund drives in compliance with Financial Services' approved requirements and procedures and within the following guidelines:
    - (1) Activities involving community agency funds and drives shall be based on and emphasize humanitarian motives. Proceeds associated with the donation shall be for a purpose/program determined in advance and publicized prior to the collection of funds;
    - (2) Door-to-door solicitations of these funds by students are prohibited;
    - (3) Community Agency Fund Drives shall not be approved which involve the collection of funds by District employees during their instructional day;

- (4) Charitable organizations shall provide the means to collect and transport donations unless the sponsoring employee is voluntarily willing to do so outside his/her instructional day. Parent volunteers may also be used to collect and/or transport donations (Administrative Rule GAHA-R);
  - (5) Funds collected for community agency fund drives should not be accounted for in the school records (exceptions may be requested through Financial Services) (Administrative Rule GAHA-R);
  - (6) Participation by students and/or employees is voluntary.
- f. **Competitive Food:**
- (1) Competitive food is defined as all food and beverages other than meals reimbursed under programs authorized by the Richard B Russell National School Lunch Act and the Child Nutrition Act of 1966 available for sale to students on the School campus during the School day. Competitive foods include, but are not limited to, foods sold in vending machines, snack bars, student stores, a la carte, at school activities, fundraisers and other venues during the school day.
  - (2) A Competitive Food Fundraiser is defined as an event that includes any activity during which currency, tokens, tickets, etc. are exchanged for the sale/purchase of a product in support of the school or school-related activities. This includes giving away food but suggesting a donation, since funds may be raised as a result.
    - (a) If the Principal approves the sale of competitive foods by the school, student clubs/organizations or school support organizations all income from the sale of such foods must accrue to the benefit of the school, student club/organization or school support organization.
    - (b) The sale of competitive foods must be in locations other than the dining, serving and kitchen areas.
    - (c) The school should promote an overall school environment that encourages students to make healthy food choices.
    - (d) Nutrition standards for all foods sold to students on school campuses during the school day shall comply with the Healthy, Hunger-Free Kids Act of 2010 (see Form EEE-2) including competitive foods sold through fundraising activities to students on school campus, during the school day.
      - 1) The standards do not apply to food and beverages sold to students outside of the school day, on weekends, and at off-campus fundraising events. The standards also do not apply to fundraisers in which food or beverage is clearly not for consumption on the school campus during the school day.
    - (e) Per State Board of Education guidelines, principals may approve up to 30 fundraisers for their school per school year that are exempt from the competitive food standards (see Form JHA-2).
      - 1) Exempt fundraisers may operate no longer than three (3) days each, including sale of and delivery of items. Accordingly, exempt fundraisers may operate no more than 90 days total, per school and school year.
      - 2) These exempted fundraisers can only operate 30 or more minutes before the beginning of breakfast meal services, 30 or more minutes after the end of breakfast meal services, 30 or more minutes before the beginning of lunch meal services, or 30 minutes after the end of lunch meal services. The sale of competitive foods must be in areas other than the dining, serving and kitchen areas.
      - 3) During the exempted fundraiser, food and/or drinks cannot be placed in vending machines, school stores, snack bars, or be made available via a *la carte* sales.
- g. **Newspapers:**  
The production of a school, grade, or class newspaper shall be at the option of the school with the approval of the Principal and in compliance with Administrative Rule ICFA-R (Curriculum Guides and Course Outlines). No instructional time may be used for sales.
- h. **Purchasing Cards/Commitment Cards:**  
Schools may participate in purchasing card/commitment card agreements where the school receives a designated percent of the monetary amount of the purchases incurred at the sponsoring business:

- (1) The purchasing agreements shall be by contract between the school and the sponsoring business.
  - (2) The school shall not appropriate pre-existing purchasing agreements between school support organizations and sponsoring businesses.
- i. **Recycling Activities:**  
Recycling activities may be operated by the school, school sponsored clubs and organizations, student organizations, or a school support organization as a service and educational activity for students, parents/guardians, and staff.
  - j. **Media Usage of School Facilities:**  
Media Production Companies may use school facilities for filming/recording/photographing (see Administrative Rule JG(1)-R [Monitoring-Recording Staff and Students]) where the school receives a monetary amount.
    - (1) The terms of the use of the facility shall be by contract between the school Principal and the Media Production Company in compliance with Financial Services requirements and District procedures (see Section B.1. above).
    - (2) Funds or in kind contributions donated to the school shall be designated in the contract and may be used for a specific purpose or at the principal's discretion.
  - k. **Sale or Product Oriented Fundraisers:**
    - (1) The sale of products, such as wrapping paper or candy, to the school community shall be by contract between the school or sponsoring school support organization and the fundraising company.
      - (a) Form JHA-1 must be completed by the fundraiser sponsor, approved by the Principal and maintained with the school's financial records.
      - (b) If the school is sponsoring the fundraiser, Principals should negotiate with the fundraising company to provide to the school preferably a forty percent or greater return but should not accept less than a twenty-five per cent return on total proceeds of the sale.
      - (c) If a school support organization is sponsoring the fundraiser, the Principal should consider the percentage of return the school support organization is receiving as part of the fundraiser approval process. The above percentages may be used as guidelines.
    - (2) The above provisions are not intended to apply to or limit school sponsored sale of products to staff and/or students. However, sales of applicable products to students on school campus, during the school day are subject to the provisions of the "Competitive Food" section of this rule.
  - l. **Sale-of-Service Oriented Fundraisers:**
    - (1) The offering of services, such as driver education or SAT preparation classes, to the school community shall be in accordance with Administrative Rule KG-R (Facility Use).
      - (a) Form JHA-1 must be completed by the fundraiser sponsor, approved by the Principal and maintained with the school's financial records.
      - (b) If the school is sponsoring the fundraiser and the majority of participants are:
        - 1) Students enrolled in the sponsoring school, Principals should consider the service's educational return to the school as he/she negotiates with the service provider for the most favorable financial return possible but should not accept less than a twenty per cent return on total proceeds; or
        - 2) Not students enrolled in the sponsoring school, Principals should negotiate with the service provider to provide to the school preferably a forty percent or greater return but shall not accept less than twenty-five percent return on total proceeds of the sale.
      - (c) If a school support organization is sponsoring the fundraiser, the Principal should consider the percentage of return the school support organization is receiving as part of the fundraiser approval process.
    - (2) The above provisions are not intended to apply to or limit school sponsored clubs and/or programs held after school hours.
  - m. **School Spirit Items:**  
School spirit items may be sold to students/parents/guardians. No instructional time may be used for sales.

n. **School Stores:**

School stores may be operated:

- (1) As an extension of the instructional program under the provisions of Administrative Rule IKF-R (School Stores);
- (2) By the school or a school support organization as a service for students, parents/guardians, and staff.

o. **Tickets:**

Tickets for student concerts, plays or other activities shall be sold before or after school hours and/or during the student lunch periods.

Adopted: 7/22/82

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Legal Reference

O.C.G.A. 20-02-0411 School fund kept separate; use of funds; separation of school taxes; investments