

Office of Superintendent of Schools
Board Meeting of September 7, 2016

August 24, 2016

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

**SUBJECT: FINAL READING: PROPOSED AMENDMENT TO POLICY 5830,
*STUDENT FUNDRAISING***

COMMITTEE: ACADEMICS, EVALUATION, AND TECHNOLOGY

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At its July 13, 2016, meeting, the Board approved Agenda Item G-1 (Student Fundraising), authorizing the Superintendent to initiate rulemaking procedures to amend Policy 5830; *Student Fundraising*, to prohibit students participating in all types of school-approved student fundraising from standing in roadways and roadway medians.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 18, 2016, posted in various places for public information and mailed to various organizations representing persons affected by the new and amended policies and to individuals requesting notification. The time to request a hearing or protest the adoption of these amendments has elapsed.

In accordance with the Administrative Procedure Act, the amended policy is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file in the official records of The School Board of Miami-Dade County, Florida.

Attached is the Notice of Intended Action and the proposed new policy and policy amendments. Changes are indicated by underscoring words to be added and ~~striking~~ through-words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, amend Policy 5830, *Student Fundraising*, and authorize the Superintendent to file the amended policy with The School Board of Miami-Dade County, Florida, to be effective September 7, 2106.

G-1

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 13, 2016, its intention to amend Board Policy 5830, *Student Fundraising*, at its meeting of September 7, 2016.

PURPOSE AND EFFECT: The proposed amendment prohibits students participating in all types of school-approved student fundraising from standing in roadways and roadway medians.

SUMMARY: The proposed amendment prohibits students participating in all types of school-approved student fundraising from standing in roadways and roadway medians.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), 1001.42(8)(a), 1001.43 (1), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1001.43 (1), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF September 7, 2016, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by August 8, 2016, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. Section 286.0105, F. S.

COPIES OF THE PROPOSED AMENDED POLICY is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Marta Perez-Wurtz, Board Member

1 | STUDENT FUNDRAISING*

2 Student fundraising by students is limited in order to prevent disruption and
3 includes student solicitation and collection of money for any purpose including
4 collection of money in exchange for tickets, papers, or any other goods or services.
5 Student fundraising in school, on school property, or at any school-sponsored event
6 is permitted only when the profit is to be used for school purposes or for an activity
7 connected with the schools.

8 School and student fundraising activities serve two (2) general purposes, to:

- 9 A. promote the education, general welfare, and morale of students; and
10 B. finance the legitimate extra-curricular activities of the student body
11 in order to augment, but not conflict with, the educational program
12 provided by the School Board.

13 Fundraising activities must be conducted during non-instructional class time,
14 preferably before and after school. At the principal's discretion, the collection of
15 money for pre-paid activities or pre-sale items only may be authorized at a specified
16 time during the school day (i.e., homeroom), as long as this process does not disrupt
17 classroom instruction.

18 The fundraising activities in each school shall be limited to two (2) weeks per
19 activity, except for the United Way campaign time period which may be determined
20 by the Superintendent (see below). Promotional activities shall be reasonable and
21 competition among schools, and among students in individual schools, shall not be
22 unduly stimulated.

23 A. It is the responsibility of the principal to follow the Manual of
24 Internal Fund Accounting for Elementary and Secondary Schools in
25 approving for school-sponsored fundraisers.

26 1. All allowable fundraising activities must be approved by the
27 principal.

28 2. Written authorization from the Region Superintendent is also
29 required for fundraising activities in the community.

*After Initial Reading on July 13, 2016, the hyphen was removed as a technical
change throughout the policy from the word "fund-raising."

- 1 3. All applications for approval of fundraising activities must
2 specify the following:
- 3 a. the times and places in which the fundraising activity
4 will be conducted;
- 5 b. the specific costs of the fundraising
6 merchandise/activity; and
- 7 c. the specific purpose intended for the funds being
8 raised.

9 B. Additional prohibitions are:

- 10 1. The sale of magazines shall be permitted by students in
11 grades 9, 10, 11, and 12 only. Solicitations shall be
12 permitted in homes only if a student is accompanied by an
13 adult. Soliciting in offices or businesses of any kind shall not
14 be permitted.
- 15 2. Participants in school approved ~~candy sales, car washes, and~~
16 ~~similar~~ fundraising activities are prohibited from standing in
17 roadways and/or medians of roadways.

18 No student, school organization, or member of the school staff may solicit funds in
19 the name of the school from the public for any purpose without prior approval of the
20 school principal and the Region Superintendent or his/her designee. All approvals
21 must be in writing using the approved District forms and must be retained at the
22 school for audit purposes.

23 The Board authorizes United Way solicitation of elementary and secondary school
24 students. The Superintendent may determine the period of time the student
25 campaign will be conducted in District schools, concurrent with the United Way
26 community-wide campaign.

1 At the discretion of the principal, schools may participate, in fundraising activities of
2 voluntary health agencies as follows:

3 A. Participation of the school is to be limited to publicizing the activity
4 through posters and making available materials for distribution at a
5 central location, but must not involve the handling of money in any
6 way unless formally approved by the Superintendent and
7 transmitted to the Board. This participation is to be approved, in
8 advance, by the Principal.

9 B. The school name may not be used in connection with fundraising
10 activities.

11 C. Staff members will not be responsible for organizing drives or
12 handling funds.

13 Also, at the discretion of the principal, senior high school clubs may participate in
14 fundraising activities for charitable purposes, as follows:

15 A. A senior high school club may fundraise or donate to the
16 national/State 501(C) (3) public charity supported by the club's
17 national/State sponsoring organization provided that the
18 fundraising involved follows all District guidelines as stated in the
19 Manual of Internal Fund Accounting for fundraising.

20 B. Such fundraising may not be conducted concurrently with the
21 United Way of Miami-Dade County student campaign in the District
22 schools except when the 501(C) (3) public charity fundraising drive
23 supported by the club's national/State sponsoring organization
24 occurs during the United Way student campaign.
25

26 Exceptions may be made on an individual basis, as determined by the specific
27 merits of each activity. Requests for exceptions must be approved by the
28 Superintendent and transmitted to the Board.

29 Fundraising activities organized and conducted by the PTA/PTSA and other
30 school-allied organizations are independently operated by those organizations.
31 Nevertheless, such activities must be submitted to the respective school principal for
32 approval, with those involving community solicitation also requiring written approval
33 from the Region Superintendent. All approvals must be retained for audit purposes.

- 1 School sponsors for approved school organizations shall not accept any form of
2 compensation from vendors that might influence their selection of a vendor that will
3 provide a fundraising activity or a product that will be sold as a fundraiser.
4 Sponsors for approved school organizations shall not accept any compensation from
5 a vendor after a decision has been made regarding a fundraising activity or a
6 product that will be sold as a fundraiser. In addition, sponsors for approved school
7 organizations who make the selection of a vendor that will provide a fundraising
8 activity or a product that will be sold as a fundraiser shall not enter into a
9 contractual arrangement that provides compensation to the sponsor in any form
10 from that vendor.
- 11 The Superintendent shall distribute this policy and the implementing procedures to
12 each student organization granted permission to solicit funds.
- 13 F.S. 1001.43