

R277. Education, Administration.

R277-408. School Fundraising.

R277-408-1. Authority, Purpose, and Oversight Category.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Subsection 53E-3-501(1)(e), which allows the Board to adopt rules regarding financial, statistical, and student accounting requirements.
- (2) The purpose of this rule is to establish fundraising requirements for LEAs.
- (3) Rule R277-408 is categorized as Category 2 as described in Rule R277-111.

R277-408-2. Definitions.

- (1) "Cash" or "cash receipts" means the same as that term is defined in Rule R277-113.
- (2)(a) "Fundraiser," "fundraising," or "fundraising activity" means an activity or event provided, sponsored, or supported by a school to generate funds or raise money to:
 - (i) provide financial support to a school or any of the school's classes, groups, teams, or programs; or
 - (ii) benefit a particular charity or for other charitable purposes.
- (b) "Fundraiser," "fundraising," or "fundraising activity" may include:
 - (i) the sale of goods or services;
 - (ii) the solicitation of monetary contributions from individuals or businesses; or
 - (iii) other lawful means or methods to generate funds.
- (3) "Group fundraiser" or "group fundraising" means a fundraising activity where the money raised is used for the benefit of a group, team, or organization.
- (4) "Individual fundraiser" or "individual fundraising" means a fundraising activity where money is raised by an individual student to pay the individual student's fees.

R277-408-3. LEA Fundraising Requirements.

(1) An LEA may use funds raised through fundraising or donations to offset the cost of waivers and to offset the cost of program expenses for the program for which the funds were raised.

(2) An individual or private organization, including a booster club, that engages in fundraising or collects a donation on behalf of a school shall comply with the requirements of this Rule R277-408 and Rule R277-113.

(3) If an LEA allows a booster club, a parent organization, employee, coach, or volunteer, to fundraise or collect a donation related to the school, the LEA shall have a policy that:

(a) establishes requirements and guidance for the booster club, parent organization, employee, coach, or volunteer;

(b) requires a booster club, parent organization, employee, coach, or volunteer to comply with requirements of this Rule R277-408 and Rule R277-113, including following the LEA's cash handling policy required in Section R277-113-5; and

(c) complies with federal Title IX requirements, found in 20 U.S.C. 1681, et seq.

(4)(a) An LEA shall ensure that a booster club, parent organization, employee, coach, or volunteer deposits money received by the employee, booster club, or parent organization within 3 days of receiving the money.

(b) An LEA shall establish a policy regarding the requirements in Subsection (4)(a).

R277-408-4. LEA Fundraising Policies.

(1) An LEA governing board shall establish a fundraising policy that includes a process for approving a fundraising activity.

(2) An LEA's fundraising policy described in Subsection (1):

(a) may not authorize, establish, or allow for required individual student fundraising;

(b) may provide optional individual fundraising opportunities for students to raise money to offset the cost of the student's fees;

(c) may allow for required group fundraisers;

(d) may not deny a student membership on a team or group nor impact a student's grade for a course, based on the student's effort or non-participation in a fundraiser;

(e) shall require compliance with Rule R277-113;

(f) shall comply with federal Title IX requirements, found in 20 U.S.C. 1681, et seq.; and

(g) shall include a requirement that a school notify parents of required group fundraising, letting parents and students know how and when specific details, as described in Subsection (4), will be provided.

(3) Notwithstanding Subsection (2)(d) and except as provided in Section 53G-10-205, an LEA may reduce a student's participation in a program or activity if the student does not participate in the related activity or program's required group fundraiser.

(4) The specific details described in Subsection (2)(g) shall include a description of the nature of the required group fundraiser and the estimated participation time required of the student or parent for the required group fundraiser.

(5) An LEA governing board shall annually review the LEA's policies on fundraising and donations.

KEY: fundraising; policies; donation; booster

Date of Last Change: August 7, 2024

Authorizing, and Implemented, or Interpreted Law: 53E-3-401; 53E-3-501(1)(e)