

Selected Topics, Booster Clubs and Approved Parent Groups

General Overview: While schools are encouraged to partner with outside groups to bring much-needed additional resources to the school community, school administrators must keep in mind some basic legal principles.

1. **Schools must ensure equity on campus.** Board Rule 1721 notes that “It is the intent of the Board that no donation shall provide a substantial advantage in educational benefits to a school if such benefits cannot be balanced in all schools.” For example, if a group of parents wishes to form a booster club to only benefit the magnet program, or one team sport, the school should consider having parents work with the existing booster club on a subcommittee for this purpose and note that the booster club should have other subcommittees to support other programs/activities to ensure equity across the school. A lack of equity may result in claims of civil rights violations, such as Title IX.
2. **Students may not be charged fees to participate in school-sponsored activities.** Schools must ensure that this message is clear to students and parents/guardians. While booster clubs and approved parent groups may solicit donations, these solicitations must be clearly separate from the school (separate web page, separate letterhead, separate address, etc.).

Approved Parent Groups—PTA or PTSA or PTO

There can be only one organization in a school cooperating with the student body on fund-raising activities – either the school PTA or Approved Parent Group (PTO). A cooperative activity is one in which the students participate with the PTA or approved parent group (PTO) in a fund-raiser through joint planning and implementation of the event and/or the sharing of proceeds. Please see

An Approved Parent Group (PTA or PTO) must abide by the following guidelines:

- a. The group shall be non-partisan and non-sectarian in membership and purpose.
- b. Membership in the group must be open to all parents who have children in the school, to school staff, and school site administrators.
- c. Any membership fee must be a reasonable amount.
- d. The officers of the group must be elected annually by popular vote.
- e. The principal of the school shall be a member of the group’s Executive Committee.
- f. Robert’s Rules of Order or a similar code shall govern the procedures of the group. Minutes of the meeting must be kept and read for approval at succeeding meetings. Action taken by the Executive Committee shall be reported to the membership at large.
- g. All Regular, Executive Committee, or Committee meetings which involve the participation of any school personnel shall be held at the school. The principal must approve any exceptions. A Civic Center Permit should be obtained for these meetings.
- h. The principal shall approve speakers and entertainers who are invited to appear before the Approved Parent Group and/or students.
- i. New schools are required to observe a six-month waiting period prior to the formal organization of an Approved Parent Group.
- j. Approved Parent Groups shall be subject to standards and procedures with regard to finance as are stipulated by the Student Body Finance Section.

Booster Clubs

Booster clubs are separate legal entities. Prior to operation, and annually thereafter, a booster club should provide the principal with the following information:

- ✓ Articles of Incorporation filed with the state
- ✓ Proof of nonprofit status (e.g., 501(c) (3) status)
- ✓ Names and contact information for all board members

- ✓ Proof of insurance
- ✓ Fully executed license agreement (see Partnerships Office web page)
- ✓ Independent audit
- ✓ At any point, within a reasonable timeframe of the request, inspection of business records related to work with the school (could include accounting books, tax documents, etc.)

Best practices:

- ✓ Set up a regular schedule to review any independent audits or large revenue/expenditure items
- ✓ Request a plan for the proposed activities for the school year so that you can plan ahead for any special events/leasing requirements
- ✓ Go over the License Agreement with the officers, emphasizing the value and good will associated with the school's name and the need for the booster club to adhere to the District's and school's mission in any activities carried out with the school's name
- ✓ See notes above regarding guidelines for PTAs and PTOs—booster clubs should follow similar guidelines, except that the principal should not be a member/officer of the booster club and membership is generally open to more individuals, depending on bylaws.

Hiring/Paying for Staff by Booster Clubs or Approved Parent Group

A booster club or approved parent group (APG) may offer to hire directly or fund through the District enrichment staff position(s) for a school. However, any employee hired by the District must follow donation policies and all hiring procedures, including, for example, collective bargaining agreement provisions. Staff hired by a booster club or APG are not District employees so all insurance, benefits, and work-related costs are the responsibility of the booster club/APG. In addition, if these individuals are at the school during school-sponsored activities, they must meet all school visitor/volunteer requirements. Also, they may not displace District staff. For more information, contact Staff Relations.

RESOURCES (all available through www.lausd.net and Inside LAUSD):

- Board Rules 1255-1258 (fundraising), 1317.1-1317.8 (PTAs), 1721-1722 (donations), 2525-2561 (student body fundraisers)
- BUL 1633—Policies Governing School Fundraising Activities of PTA, Approved Parent Group/PTO, and Booster Clubs
- BUL C-66, Donations
- Publication 464, Student Body Policies and Accounting Procedures—Elementary (see pp. 47-50)
- Publication 465, Student Body Policies and Accounting Procedures—Secondary (see pp. 57-60)
- BUL 4591—Secondary Student Body Organizations Prohibited and Permitted Expenditures and BUL 4624—Elementary Student Body Organizations Prohibited and Permitted Expenditures
- Documents on the Partnerships webpage (www.lausd.net, Offices, Partnerships, “Do you have more information about starting a booster club?”) Includes sample articles of incorporation, sample bylaws, license agreement template that spells out use of name, inspection authority, etc.

*This **LAUSD Legal Brief** is for information only and does not constitute legal advice. Please contact the Office of the General Counsel to determine how this information may apply to your school's specific facts and circumstances.*