

Millard School District School Transparency Packet

Updated 6/27/24

School Transparency Packet
Table of Contents

Documents	Section	Page #
Introduction and Expectation	1	2-3
R277-113	2	4-20
Camps and Clinics Procedures	3	21-23
Guidelines for School Sponsored Events.....		23-30
Guidelines for Non-School Sponsored Events		31-35
Questions and Answers		36-40
Fund Raising	4	41-46
Booster Clubs		43
Emoluments	5	47-50
Disclosure of Required/Optional Fees	6	51-67
R277-407 - School Fees.....		52-64
Approved Fee Schedule and Forms		65-68
Risk Management	7	69-70
Contracts	8	71-72
Music Programs	9	73-74
Athletics and Activities Acknowledgement	10	75-77

Section 1

Introduction and Expectation

With the increasing complexity of managing extra-curricular activities it will be the duty of the administration to annually train all head coaches and activity supervisors in proper procedures. Administration will meet with each head coach or activity supervisor to review the previous year/season and plan for the upcoming year/season. The “Procedures Handbook” may be used as a resource. Procedures to discuss with coaches and advisors include but are not limited to:

Utah Code 67-16 Ethics Act

USBE Rule 277-113 LEA Fiscal Policies and Accountability

MSD Policies and Procedures:

Camps and clinics (Procedures Handbook Camps and Clinics tab)

Booster Clubs (Booster Club Handbook)

Fundraisers (Procedures Handbook Secondary Acct. tab)

Accounting procedures (Procedures Handbook, Secondary Acct. tab)

Procurement procedures

Board approved fees (Procedure Handbook, Student Fees tab)

Building rentals (Procedures Handbook, Building Rental tab)

Out of State travel (Procedures Handbook, Other Procedures tab)

The intent of the training is to protect the employee from making mistakes that could be detrimental to themselves, the school, or the district and to be transparent to the public.

Section 2
R277-113

R277. Education, Administration.

R277-113. LEA Fiscal and Auditing Policies.

R277-113-1. Authority and Purpose.

(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;

(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;

(c) Subsection 53E-3-501(1)(e)(i), which directs the Board to establish rules and minimum standards for school productivity and cost effectiveness measures;

(d) Subsection 53E-3-501(1)(e)(iv), which allows the Board to adopt rules regarding financial, statistical, and student accounting requirements;

(e) Section 53E-3-602, which allows the Board to approve auditing standards for LEA governing boards;

(f) Section 53E-3-603, which requires the Board to verify accounting procedures of LEA governing boards for the purpose of determining the allocation of Uniform School Funds;

(g) Section 53E-5-202, which directs the Board to adopt rules to implement a statewide accountability system;

(h) Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools, including an annual financial audit report;

and

(i) ESSA, which requires states to revise and redesign school accountability systems.

(2) The purpose of this rule is to:

(a) require LEAs to formally adopt and implement policies regarding the management and use of public funds;

(b) provide minimum standards, procedures and definitions for LEA policies;

(c) direct that LEAs make policies, procedures and training materials available to the public and readily accessible on LEA or public school websites, to the extent of resources available;

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(d) require LEAs to train employees in:

(i) appropriate financial practices;

(ii) necessary accounting procedures; and

(iii) ethical financial practices;

(e) specify uniform budgeting, accounting, and auditing procedures for LEAs consistent with GAAP, GAAS, and GAGAS; and

(f) establish reporting and accounting requirements for LEAs to enable the Board to comply with ESSA.

R277-113-2. Definitions.

(1) "Accrual basis of accounting" means a basis of accounting that records: (a) revenue when earned and expenses when incurred; and
(b) transactions irrespective of the dates on which any associated cash flows occur.

(2) "Administration" means:

(a) an LEA superintendent or director;

(b) a deputy or associate superintendent or director; (c) a business administrator or manager; or

(d) another LEA educational administrator, designated staff, or a designated

educational service provider.

(3) "Arm's length transaction" means a transaction between two unrelated, independent, and unaffiliated parties or a transaction between two parties acting in their own self interest that is conducted as if the parties were strangers so that no conflict of interest exists.

(4) "Exclusive contract or arrangement" means an agreement requiring a buyer to purchase or exchange all needed goods or services from one seller.

(5) "FASB" means the Financial Accounting Standards Board whose purpose is to establish GAAP for nongovernmental entities within the United States.

(6) "GAAP" means Generally Accepted Accounting Principles or a common framework of accounting rules and standards for financial reporting promulgated by either FASB or GASB, as applicable to the reporting entity.

(7) "GAAS" means Generally Accepted Auditing Standards or a set of auditing standards and guidelines promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants.

(8) "GAGAS" means Generally Accepted Government Auditing Standards or a set of auditing standards and guidelines promulgated by the Government Accountability Office.

(9) "GASB" means the Governmental Accounting Standards Board whose purpose is to establish GAAP for state and local governments within the United States.

(10) "Internal controls" means a process, implemented by an entity's governing body, administration, or other personnel, designed to:

(a) provide reasonable assurance regarding the achievement of objectives in the following categories:

- (i) effectiveness and efficiency of operations;
- (ii) reliability of reporting for internal and external use; and
- (iii) compliance with applicable laws and regulations;

(b) provide reasonable assurance regarding the achievement of the following objectives over state and federal awards:

- (i) proper recording and accounting for transactions, in order to:
 - (A) permit the preparation of reliable financial statements and state and federal reports;
 - (B) maintain accountability over assets; and
 - (C) demonstrate compliance with state and federal statutes, regulations, and the terms and

conditions of state and federal awards; and

(ii) execution of transactions in compliance with:

(A) all state and federal statutes and regulations; and

(B) the terms and conditions of state or federal awards; and

(c) safeguard funds, property, and other against loss from unauthorized use or disposition.

(10) "Modified accrual basis of accounting" means a basis of accounting, commonly used by government agencies, that recognizes revenues when they become available and measurable and recognizes expenditures when liabilities are incurred.

(11) "Non-operating LEA" means an LEA that has not received minimum school program funds or federal funds and is not providing educational services during a fiscal year, such as an LEA in a start-up period.

(12) "N-size" means the minimum size necessary to disclose or display data to ensure maximum student group visibility while protecting student privacy.

(13) "Operating LEA" means an LEA that has received state minimum school program funds or federal funds and is providing educational services during a fiscal year.

(14)(a) "Provided, sponsored or supported by a school" has the same meaning as defined in Section R277-407-2.

(b) "Provided, sponsored, or supported by a school" does not apply to non-curricular clubs specifically authorized and meeting all criteria of Sections 53G-7-704 through 53G-7-707.

(15) "Public funds" has the same meaning as that term is defined in Subsection 51-7-3(26).

(16) "Title IX" refers to that portion of the United States Education Amendments of 1972 codified as 20 U.S.C. 1681 through 20 U.S.C. 1688.

(17) "Utah Public Officers' and Employees' Ethics Act," means Title 67, Chapter 16, which provides standards of conduct for officers and employees of the state of Utah and its political subdivisions in areas where there are actual or potential conflicts of interest between public duties and private interests.

R277-113-3. Superintendent Responsibilities.

(1) The Superintendent shall provide training, informational materials, and model policies for use by LEAs in developing LEA and public school-specific financial policies.

(2) The Superintendent shall provide online training and resources for LEAs regarding the use and

management of public funds and ethical practices for licensed Utah educators who manage, control, participate in fundraising, or expend public funds.

(3) The Superintendent shall provide training and informational materials for use by LEA governing boards in establishing their audit committees and internal audit programs in compliance with Section 53G-7-402.

(4) The Superintendent shall provide and establish a cycle for state review of LEA fiscal policies and standards.

(5) The Superintendent shall work with and provide information upon request to the Utah State Auditor's Office, the Legislative Fiscal Auditors, and other state agencies with the right to information from the Board.

R277-113-4. LEA Audit Responsibilities.

(1) The presiding officer of an LEA governing board shall ensure that the members of the governing board and audit committee are provided with training on the requirements of Title 53G, Chapter 7, Part 4, Internal Audits, and this Section R277-113-

4 as part of the member on-boarding process.

(2) The training described in Subsection (1) shall:

(a) comply with Title 63G, Chapter 22, State Training and Certification Requirements; and

(b) use the online training and informational materials provided by the Superintendent in accordance with Subsection R277-113-3(3). (3) An LEA

governing board shall:

(a) designate board members to serve on an audit committee, consistent with Subsection 53G-7-401(1); and

(b) maintain the following information on the LEA's website:

(i) names of the governing board members who serve on the audit committee; and

(ii) if required by Subsection 53G-7-402(2);

(A) the name and contact information of the internal audit director; and

(B) a copy of the LEA's annual audit plan.

(4) An LEA audit committee shall:

(a) ensure the LEA obtains all audits, agreed-upon procedures, engagements, and financial reports required by Section 51-2a-201 and Subsection 53G-5-404(4);

(b) provide an independent forum for internal auditors, internal audit contractors, and other regulatory bodies to report findings of fraud, waste, abuse, non-compliance, or control weaknesses, particularly if LEA administration is involved;

(c) ensure that corrective action on findings, concerns, issues and exceptions reported by independent external auditors, internal auditors, or other regulatory bodies are resolved in a timely manner by LEA administration;

(d) present, as appropriate, information and reports from the audit committee's meetings to the LEA board; and

(e) receive, as appropriate, reports of reviews, monitoring, or investigations conducted by LEA administration and ensure appropriate corrective action is taken in a timely manner.

(5) With regards to engagements completed by an independent external auditor, an LEA audit committee shall:

(a) manage the audit procurement and quality process in compliance with Title 63G, Chapter 6a, State Procurement Code and Rule R123-5;

(b) ensure that the independent external auditor has access to directly communicate with the audit committee;

(c) review disagreements between independent external auditors and LEA administration;

(d) consider LEA responses to audits or agreed-upon procedures; and

(e) determine the scope and objectives of other non-audit services, as necessary.

(6) An LEA audit committee shall if required by Section 53G-7-402:

(a) establish an internal audit program that provides internal audit services for the programs administered by the LEA;

(b) advise the LEA board in the appointment of an audit director or in contracting for internal audit services in accordance with Subsection 53G-7-402(3);

(c) conduct or advise the LEA board in an annual evaluation of the internal audit director or contractors providing internal audit services;

(d) prioritize the internal audit plan based on risk;

(e) receive regular updates on the internal audit plan and internal audit project progress; and

(f) receive final internal audit reports from internal auditors or contractors providing internal audit services.

R277-113-5. LEA Fiscal Responsibilities and Required Fiscal Policies.

(1) An LEA shall review the LEA's fiscal policies and procedures regularly.

(2) An LEA shall develop a plan for annual training of LEA and public school employees on policies and procedures enacted by the LEA specific to job function.

(3) LEA fiscal policies and procedures shall be available at each LEA main office, at individual public schools, and be publicly available on the LEA's website.

(4) LEA fiscal policies, procedures, and training may have different components, specificity, and levels of complexity for public elementary and secondary schools.

(5) An LEA may have one or more policies to satisfy the minimum requirements of this R277-113.

(6) An LEA fiscal policy may reference specific training manuals or other resources that provide detailed descriptions of business practices which are too lengthy or detailed to include in the LEA policy.

(7) A public education foundation established by an LEA shall follow the requirements set forth in Section 53E-3-403.

(8)(a) An LEA shall ensure that the LEA's written fiscal policies and procedures address all applicable state and federal statutes and regulations.

(b) The requirements set forth in this Section R277-113-5 are minimum requirements.

(c) An LEA may include other related items, provide LEA specific policy and guidance, and set policies that are more restrictive and inclusive than the minimum provisions established by Board rule.

(9) LEA fiscal policies shall include the following:

(a) a program accounting policy that establishes internal controls and procedures to record program revenues and expenditures in accordance with:

(i) GAAP; and

(ii) the school fee provisions in Section R277-407-13;

(b) a program accounting policy that:

(i) accurately reflects the use of funds for allowable costs and activities;

(ii) requires that transactions be recorded when they occur;

(iii) allows adjusting journal entries during the year and at the end of the year, in accordance with GAAP; and

(iv) requires that initial transactions, and adjusting entries if applicable, be recorded in the proper

program, utilizing the following codes as established by the Board approved chart of accounts:

- (A) fund;
- (B) function;
- (C) program;
- (D) location; and
- (E) object or revenue code, as applicable;

(c) a cash handling policy, which shall address cash receipts (cash, checks, credit cards, and other items) collected at the LEA and individual public schools and shall include:

(i) establishment of internal controls and procedures over the collection, deposit, and reconciliation of cash receipts received; and

(ii) compliance with Utah Code 51-4-2(2) regarding deposits.

(d) an expenditure policy, which shall address all expenditures made by the LEA and individual public schools and shall include:

(i) establishment of internal controls and procedures over the initiation, approval and monitoring of expenditures, including:

- (A) credit, debit, or purchase card transactions;
- (B) employee reimbursements;
- (C) travel; and
- (D) payroll;

(ii) directives regarding the appropriate use of the LEA's tax exempt status number;

(iii) compliance with Section 63G-6a-1204 regarding length of multi-year contracts;

(iv) compliance with:

- (A) Title 63G, Chapter 6a;
- (B) Board rule regarding construction and improvements; and
- (C) Title IX;

(v) requirements for LEA contracts, including:

- (A) inclusion of specific scope of work language;
- (B) inclusion of federal requirements;
- (C) inclusion of language regarding data privacy and use, where appropriate; and
- (D) legal review prior to LEA approval; and

(vi) procedures and documentation maintained by the LEA if the LEA chooses to enter into exclusive contracts or arrangements consistent with state procurement law and the LEA procurement policy; and

(vii) procedures for determining allowability of costs in accordance with relevant regulations and terms and conditions of awards;

(e) a fundraising policy that:

(i) establishes procedures for LEA and public school fundraising in general;

(ii) establishes an approval process for fundraising activities for school sponsored activities;

(iii) provides for compliance with school fee and fee waiver provisions outlined in

Rule R277-407; and

(iv) includes:

(A) specific designation of employees by title or job description who are authorized to approve fundraising, school sponsored activities, and grant fee waivers with appropriate attention to student and family confidentiality;

(B) establishment of internal controls and procedures over the approval of fundraising and school sponsored activities and compliance with associated cash handling and expenditure policies;

(C) directives regarding the appropriate use of the LEA's tax exempt status number and issuance of charitable donation written disclosure in accordance with IRS regulations;

(D) procedures governing LEA or public school employee interaction with parents, donors, and organizations doing fundraisers not provided, supported or sponsored, by a school or LEA;

(E) disclosure requirements for LEA and public school employees approving, managing, or overseeing fundraising activities, who also have a financial or controlling interest or access to bank accounts in the fundraising organization or company;

(F) Provisions establishing compliance with:

(I) Utah Constitution, Article X, Section 2, establishing a free public education system;

(II) R277-407; and

(III) Title IX;

(v) may include procedures governing:

(A) student participation and incentives offered to students;

(B) allowable types of individual or group fundraising activities; and

(C) participation in school sponsored activities by volunteer or outside organizations;

(f) an LEA donation and gift policy that includes: (i) an acceptance and approval process for:

(A) monetary donations;

(B) donations and gifts with donor restrictions;

- (C) donations of gifts, goods, materials, or equipment; and
- (D) donation of funds or items designated for construction or improvements of facilities;
- (ii) establishment of internal controls and procedures over the acceptance and approval of donations and gifts and compliance with associated cash handling and expenditure policies;
- (iii) directives regarding the appropriate use of the LEA's tax exempt status number, and issuance of charitable donation written disclosure in accordance with IRS regulations;
- (iv) procedures regarding the objective valuation of donations or gifts if advertising or other services are offered to the donor in exchange for a donation or gift;
- (v) procedures governing LEA or public school employee conduct with parents, donors, and nonschool sponsored organizations;
- (vi) procedures establishing provisions for direct donations or gifts to the LEA or LEA programs, individual public school or public school programs;
- (vii) provisions restricting donations from being directed at specific LEA employees, individual students, vendors, or brand name goods or services;
- (viii) compliance with:
 - (A) Title 63G, Chapter 6a;
 - (B) state law and Board rule regarding construction and improvements; (C) IRS regulations and tax deductible directives; and
 - (D) Title IX;
- (ix) procedures for:
 - (A) accepting donations and gifts through an LEA's legally organized foundation, if applicable;
 - (B) recognition of donors; or
 - (C) granting naming rights; and
 - (e) an LEA Financial Reporting policy, which shall include the following:
 - (i) a requirement that the LEA shall ensure external audits of LEA financial reporting, compliance, and performance, in accordance with GAAS and GAGAS;
 - (ii)(A) a requirement that the LEA shall provide financial reporting in a manner consistent with the basis of accounting as required by GAAP, as applicable to the entity;
 - (B) for state fiscal year 2020, if an LEA follows FASB standards, a requirement that the LEA shall provide reconciliation between the accrual basis of accounting and modified accrual basis of accounting; and
 - (C) beginning with state fiscal year 2021, a requirement that the basis of accounting will be GASB;

and

(iii) a requirement that the LEA shall provide data and information consistent with budgeting, accounting, including the uniform chart of accounts for LEAs, and auditing standards for Utah LEAs provided online annually by the Superintendent.

(10) The Superintendent shall maintain a School Finance website with applicable Utah statutes, Board rules, and uniform rules for: (a)

budgeting;

(b) financial accounting, including a chart of accounts required for an LEA;

(c) student membership and attendance accounting; (d)

indirect costs and proration;

(e) financial audits;

(f) statistical audits; and

(g) compliance and performance audits.

R277-113-6. LEA Governing Board Fiscal Responsibilities.

(1) An LEA governing board shall have the following responsibilities:

(a) approve written fiscal policies and procedures required by Section R277-113-5;

(b) ensure, considering guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission, that LEA administration establish, document, and maintain an effective internal control system for the LEA;

(c) develop a process to regularly discuss and review LEA: (i) budget and financial reporting practices;

(ii) financial statements and annual financial and program reports; (iii) financial position;

(iv) expenditure of restricted funds to ensure administration is complying with applicable laws, regulations, and award terms and conditions; and

(v) systems and software applications for compliance with financial and student privacy laws;

(d) receive the results of required annual audits from the external auditor in accordance with Section R123-5-5;

(e) oversee procurement processes in compliance with Title 63G, Chapter 6a, Utah Procurement Code, and Rule R277-115, including:

(i) reviewing the scope and objectives of LEA contracts or subawards with entities that provide business or educational services; and

(ii) receiving reports regarding the compliance and performance of entities with contracts or subawards;

(f) ensure the procurement process for an external auditor is in compliance with Section R123-5-4;

(g) ensure LEA administration implements sufficient internal controls over the functions of entities with contracts or subawards to perform services on behalf of the LEA;

(2) An LEA governing board shall:

(a)(i) provide a hotline independent from administration for stakeholders to report concerns of fraud, waste, abuse, or non-compliance; and

(ii) post on the school's website in a readily accessible location:

(A) a hotline phone number;

(B) a hotline email; or

(C) an online complaint form; or

(b) post a link on the school's website in a readily accessible location with contact information for the Board's hotline.

R277-113-7. Reporting of School Level Expenditures.

(1) In accordance with ESSA, the Superintendent shall make public the per pupil expenditures of federal, state, and local funds, for each LEA and each school in the state.

(a) The Superintendent shall exclude expenditures that:

(i) are non-current;

(ii) do not reflect the day-to-day operations of an LEA or school;

(iii) do not contribute to k-12 education; or

(iv) are significant, unique expenditures that may skew data in certain years and thwart year-to-year comparison.

(b) The Superintendent shall publish and make available a comprehensive list of expenditures that are excluded from per pupil expenditure information.

(2) The Superintendent's school level report for each school shall include:

(a) average daily membership for the fiscal year covered by the report;

(b) an indicator if the school is:

- (i) a Title I School; or
 - (ii) a Necessarily Existent Small School;
 - (c) grade levels served by each school;
 - (d) student demographics;
 - (e) expenditures recorded at the school level and central expenditures allocated to each school
- by:
- (i) federal program expenditures; and
 - (ii) state and local combined expenditures;
 - (f) calculated per pupil expenditures; and
 - (g) average teacher salary.
- (3) The Superintendent may not report expenditure data for a school with an n- size of less than 10.

R277-113-8. LEA Accounting Requirements.

- (1) Each LEA shall:
 - (a) record revenues and expenditures in compliance with the Board approved chart of accounts;
 - (b) record expenditures using school location codes that can be mapped to official school location codes used in the Board system of record;
 - (c) record expenditures using approved district and school codes in the Board system of record;
 - (d) submit expenditures using location codes in the UPEFS system; and
 - (e) perform program accounting in accordance with GAAP and this rule.
- (2) Each LEA shall record and report the following expenditures for each school annually:
 - (a) salaries;
 - (b) benefits;
 - (c) supplies;
 - (d) contracted services; and
 - (e) equipment.
- (3) If an LEA pays for contracted services that occur at the school level, the LEA shall record the payments to the contractors in the appropriate function and object codes established under Subsection (2) at the school level.

- (4)(a) An LEA shall record centralized administrative costs to the administrative location code.
- (b) The Superintendent shall allocate such costs to each school based on school enrollment.
- (5) The Superintendent shall present one expenditure report for a school receiving more than one report card under Subsection R277-497-4(8).
- (6) If an LEA reports expenditures in programs, the LEA shall report the expenditures to one or more schools.

R277-113-9. Activities Provided, Sponsored, or Supported by a School.

(1) An LEA or school shall comply with this Section R277-113-9 for all activities provided, sponsored, or supported by a school.

(2) An LEA shall ensure that revenues raised from or during activities provided, sponsored, or supported by a school are classified, recorded, and deposited as public funds in compliance with LEA cash handling, program accounting, and expenditure of funds policies as required by Section R277-113-5.

(3) An LEA shall:

(a) maintain records in sufficient detail to:

(i) track individual contributions and expenditures; (ii) track overall financial outcomes; and

(iii) verify compliance with relevant regulations; and

(b) make records of activities available to parents, students, and donors, except as restricted by state or federal law;

(4) An LEA may establish LEA-specific rules or policies:

(a) designating categories of activities or groups as provided, sponsored, or supported by the school; and

(b) regarding use of facilities or LEA resources.

(5) An LEA shall document their annual review of fundraising activities that support or subsidize LEA or public school-authorized clubs, activities, sports, classes, or programs to determine if the activities are provided, sponsored, or supported by a school.

(6)(a) An LEA may enter into contractual agreements to allow for fundraising and use of LEA facilities.

(b) An agreement under Subsection (6)(a) shall take into consideration the LEA's fiduciary responsibility for the management and use of public funds, resources, and assets.

(c) An LEA shall review an agreement under Subsection (6)(a) with the LEA's insurer or legal counsel to consider risk to the LEA.

(7) An LEA shall comply with this Subsection (7) for any activity not provided, sponsored, or supported by a school:

(a) An LEA shall conduct all transactions at arm's length;

(b) An LEA may not co-mingle revenue and expenditures with public funds; and

(c) A public school employee may only manage or hold funds consistent with Rule R277-107.

R277-113-10. LEA Policies and Compliance with State and Federal Law.

- (1) An LEA is responsible to ensure that its policies comply with the following:
 - (a) Utah Constitution Article X, Section 3;
 - (b) Title 63G, Chapter 6a, Utah Procurement Code; (c) Title 51, Chapter 4, Deposit of Funds Due State;
 - (d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; (e) Family Educational Rights and Privacy Act, 20 U.S.C. 1232g;
 - (f) Title 63G, Chapter 2, Government Records Access and Management Act; (g) Title 53G, Chapter 7, Student Fees;
 - (h) Title 53G, Chapter 6, Textbook Fees;
 - (i) Section 53E-3-403, Establishment of Public Education Foundations; (j) Title 53G, Chapter 7, Part 7, Student Clubs Act;
 - (k) Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
 - (l) Additional state legal compliance guides for operating LEAs and non-operating LEAs as published by the office of the state Auditor;
 - (m) Subsection 51-7-3(26), Definition of Public Funds;
 - (n) Title 53G, Chapter 7, Part 4, Internal Audits;
 - (o) Rule R277-407, School Fees;
 - (p) Rule R277-107, Educational Services Outside of Educator's Regular Employment;
 - (q) Rule R277-217, Utah Educator Standards;
 - (r) Rule R277-605, Coaching Standards and Athletic Clinics;
 - (s) Rule R123-5, Audit Requirements for Audits of Political Subdivisions and Governmental Nonprofit Corporations; and
 - (t) 2 C.F.R. 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- (2) An LEA shall include the following requirements of Title IX in LEA policies:
 - (a) Fundraising shall equitably benefit males and females;
 - (b) Males and females shall have reasonably equal access to facilities, fields, and equipment;
 - (c) School sponsored activities shall be reasonably equal for males and females.

KEY: school sponsored activities, public funds, fiscal policies and procedures, audit committee

Date of Enactment or Last Substantive Amendment: November 8, 2021

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); 53E-3-501(1)(e)

Section 3

Camps and Clinics Procedures

MILLARD SCHOOL DISTRICT GUIDELINES FOR CAMPS, CLINICS, NON-SPONSORED DISTRICT ACTIVITIES

District Guideline

The purpose of these guidelines is to provide direction and procedures for camps, clinics, and other extracurricular activities. These guidelines define when employees acting within the scope of employee duties with respect to school district activities (sponsored activities), and when an employee provides or participates in private but public education related (non-sponsored) activities outside of their public education employment. These guidelines also define the employee's responsibility whether these activities occur on or off school premises and identifies when an employee does not represent the school district, and provides notice to employees regarding disclosure duties (Utah State Board Rule R277 - 107).

The individual or company receiving the primary financial benefit of an activity must also have full financial responsibility and liability of the activity. It is unfair to the taxpayer to bear the financial burden of covering the expense while a private individual is the financial gain. Activities that benefit the school, a school program, or are sponsored by a state or nationally affiliated educational organization providing worthwhile learning experience for students that are in part or fully subsidized by taxpayer dollars are school sponsored. Other activities are non-sponsored.

School sponsored activities include activities, fundraising events, clubs, camps, clinics or other event or activity that is authorized by the specific school which supports the District or authorized school club, activity, sport, class or program that also satisfies at least one of the following conditions:

- It is managed or supervised by a District or public school, or District or public school employee;
- it uses the District or public school's facilities, equipment, or other school resources; or
- it is supported or subsidized by public funds, including the public school's activity funds or minimum school program dollars.

(Rule 277-113-1)

Any team camp is district sponsored and must follow district sponsored procedures.

Non-sponsored activities include activities in which a Millard School District employee participates and may/may not receive compensation directly from current or prospective students of the school district. Such activities include but are not limited to:

- A. Tutoring
- B. Lessons
- C. Travel Opportunities
- D. Independent Contractor
- E. Camps and Clinics (Non-team camps)

Off-Premises Camps and Clinic's

It is a violation of State rules to imply that non-sponsored activities are required for participation in school activities or programs. When the team attends the camp, it appears the event was required, whether stated or implied. As a result, if the team participates in the event it must follow school sponsored rules.

All checks from students to attend camp are written to the school with full disclosure to the parent of the distribution of the cost of camp such as coaching supervision, transportation, t-shirt, registration fee, etc.

Decision tree

The following decision tree is provided for clarification.

Is primary financial beneficiary of the activity a private individual or company, or could it be considered that taxpayer funds are inappropriately subsidizing a private individual or company, or is an individual receiving personal economic benefit because of their position at the school (using school/District assets for personal gain)? Can the District employee establish their own level of compensation utilizing all proceeds from the camps, lessons, or other activity without regard to established hourly rates of pay?

If yes to any of the above, then the activity should be listed as non-school sponsored, and must follow the non-sponsored guidelines.

If not, then the activity is school sponsored and must follow the sponsored guidelines. For school sponsored camps, private lessons, or other activities the employee must be compensated on an established hourly rate of pay through payroll.

GUIDELINES FOR SCHOOL SPONSORED EVENTS

Camps, clinics, and other activities involving school sanctioned groups such as teams, performing arts, or other school employee groups, must be handled as "District Sponsored Events". When an event is sponsored by a coach or instructor at the school, the public believes that the event is sponsored by the school.

- All district sponsored events must be pre-approved by school administration. Employees must submit planned events well in advance, preferably on an annual basis. Pre-approval must be obtained before any public or parent meetings.
- Merely having a key does not grant permission to use facilities.
- The school's **financial secretary** is assigned to collect all fees for camps or clinics or other activities sponsored by the district. Teachers or coaches should not generally collect fees. Exceptions may be made in emergency situations as long as coaches/advisors follow district accounting standard practices. All costs associated with camp clinic or other activity must also be submitted to the financial secretary for payment. Purchase cards may be used.
- Fee waiver procedures apply to all activities sponsored by the district.

- Coaches or teachers may be paid the summer school rate, curriculum rate, or contract teacher hourly rate based on lane and step, provided the money collected for the activity supports that rate. (Hourly rate effective July 1, 2023). Contracts teacher hourly rate is calculated by dividing the base annual salary (lane and step) by 186 days to calculate the daily rate. An employee may not claim more than eight hours of compensation a day for camps or clinics.
- Compensation received may not overlap (double-dip) District approved stipend for school sponsored activities.
- District employees must disclose compensation received from camp fees if district students are involved in the activity. The salaries must be disclosed by position. No compensation received may overlap any District approved stipend.
- The employee must submit a timecard to the payroll department indicating the actual hours worked to be paid. The school will be charged the coaches or teacher salary plus benefits. With prior written approval from the principal, the school may pay non-district employees as independent contractors through 1099. Non-district employees must complete the W-9 prior to payment. (See page 4) the district will issue a 1099 form at the end of the year.
- Compensation for outside clinicians should be reasonable; otherwise, the event should be classified as non-school sponsored.
- A roll with attendance must be kept for all camps and clinics. (See page 19)
- Attached worksheets must be completed.
- Out-of-state, overnight activities must have the approval of the Board of Education.
- For off premises and overnight sponsored events, all compensation, if any to coaches or advisors, must be processed through district payroll. Hours to be compensated are to be pre-approved by the administration. To prevent a conflict of interest no compensation can be received outside district payroll. Non-district employees must complete the IRS form W-9 before being compensated by the district. The district will issue an IRS form 1099 at the end of the year. Disclosure must be made itemizing how student fees are proposed to be used for the camp (i.e. room and board, t-shirt, supervision, transportation, etc.).
- Any non-district employee must be fingerprinted before performing services for the district if the employee will be working one on one with the students and must abide by district guidelines.
- Coaches, advisors, and other school personnel cannot increase vendor fees for camps, clinics, workshops, etc. To help increase personal remuneration.
- School sponsored activities shall be reasonably equal for boys and girls.

**Request for Taxpayer
Identification Number and Certification**

**Give Form to the
requester. Do not
send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	
	<input type="checkbox"/> Exempt payee	
	Address (number, street, and apt. or suite no.) City, state, and ZIP code List account number(s) here (optional)	Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								
				-				

Employer identification number								
				-				

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

**Millard School District
Financial Summary for Camps & Clinics**

School: _____ Camp/clinic for _____ group

Dates of camp/clinic: _____ Camp fee _____

Time schedule for camp/clinic: _____ Total hours of camp/clinic _____

District Employee in charge: _____

Total revenue (1) \$ _____

Total paid in wages & benefits (district employees) _____

Total paid in wages (non-district employees) _____

Materials & supplies _____

Total Cost \$ _____

Excess revenue \$ _____

Which school program will receive extra funds? _____

***The financial secretary must receipt all money collected.**

Signature of District employee in charge

Date

Signature of principal or assistant principal

Date

It is suggested that the principal does not approve more than one camp/clinic a year per department.

Camps & Clinics Payroll Expenses

Wages for District Employees

Name _____

Hours

Preparation _____

Teaching _____

Total hours _____

Name _____

Hours

Preparation _____

Teaching _____

Total hours _____

Name _____

Hours

Preparation _____

Teaching _____

Total hours _____

TOTAL HOURS FOR EMPLOYEES

Summer School Rate _____

Total Employee Wages _____

Total Benefits * _____

Total Charged to the School _____

Signature of District employee in charge

Date

Signature of principal or assistant principal

Date

*For planning purposes, employees receiving Utah State Retirement, use 30% benefit.

1099 Expenses Wages for Non-District Employees

Name	Amount
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total Non-District Employee Wages \$_____

Note: Copies of signed IRS form W-9 must be attached for all individuals listed above and submitted to district or school Accounts Payable Department before payment is issued.

Signature of District employee in charge

Date

Signature of principal or assistant principal

Date

Note: Copy must be placed in employee's personnel folder.

Millard School District Camps & Clinics Participants

Names of participants
(Use additional pages if needed)

Amount of fee paid or waived

[illegible]

Total number of participants _____ ** Total fees collected _____

Total number of fee waivers _____

**** School financial secretary must receipt all fees collected**

Millard School District Off-Campus District-Sponsored Activity

The purpose of this document is to provide full disclosure of student fees to the parents of the students attending off campus camp or activities. For school sponsored event outside of the usual duties and responsibilities of the coach/advisor, salaries related to student supervision are calculated on an hourly basis. Each student must return this signed document to participate in the activity.

School: _____ Camp/clinic for _____ (group)

Location of Camp _____ Dates of camp/clinic: _____

Time schedule for camp/clinic: _____ Total hours of camp/clinic _____

District Employee in charge: _____

*Financial Secretary must receipt all money collected.

Camp fee	\$ _____
Camp registration	\$ _____
Transportation	\$ _____
Room and Board	\$ _____
Food	\$ _____
Supervision	\$ _____

**Staff and positions of employees receiving salaries from the above supervision costs are listed below:
Head Coach, Assistant Coach, Staff

Other costs	
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Cost of camp	\$ _____

**When completing this form, coaches/advisors must customize the staff list to account for all who will be supervising.

Name of Student Participant _____

I acknowledge I have received and read this financial disclosure statement regarding the fees associated with this camp.

Parent Signature _____ Date _____

(Schools must retain this document, with other camp documentation for three years)

GUIDELINES FOR NON-SCHOOLS SPONSORED EVENTS

All measures must be taken to avoid the appearance that an activity is school sponsored when an employee is involved with the activity. Utah State Risk Management does not provide insurance coverage for non-district sponsored events. The building rental indemnity agreement states that those sponsoring the event are personally liable for any legal claims made pertaining to the event that exceed insurance coverage obtained for the event. If the event is not sponsored by the District, and the employee gives the impression that the event was school sponsored, those suing will look to the District as a deep pocket after the sponsor's assets are personally exhausted. To minimize/avoid district liability risks all Non-District Sponsored Events must follow these guidelines.

- Must obtain private insurance for the event naming the district as primary insured, excepting those activities which are designated as non-profit civic center uses;
- Required signed building rental indemnity agreement;
- Must rent facility and all requisite equipment at a fair market rental rate. This includes uniforms and practice gear. They cannot use actual school game jerseys;
- Funds from the activity must not be commingled with school funds;
- Required or voluntary participation in summer or other off-season clinics, workshops, leagues, or lessons shall not be used, stated, or implied as eligibility criteria for team membership, participation in extracurricular activities, or for the opportunity to try out for school-sponsored programs;
- Required informed consent stating that the school and school district is not a sponsor of the activity (see Parent Notification and Release of Liability Document pg. 23). These must be on file at the school;
- Advertising must follow State rule R277-107-4 as follows:
 - An employee may purchase advertising space to advertise an activity or service in a publication, whether or not sponsored by the public schools, that accepts paid or community advertising.
 - The advertisement may identify the activity participants and leaders or service providers by name and provide details of the employee's employment experience and qualification. Employees should provide personal contact information. Employees may not use school contact information for non-sponsored activities.
 - Posters or brochures may be posted or distributed in the same manner as could be done by a member of the general public, advertising an employee's services, consistent with District policy. Advertisements shall state clearly and distinctly that the activity is NOT sponsored by the District. The name of the District or school shall not be used in the advertisement except as the District's name may relate to the employee's employment history or if school facilities have been rented for the activity.
 - If the name of the employee offering the service or participating in the activity is stated in any advertisement sent to the employee's students, or is posted, distributed, or otherwise made available in the employee's school, the advertisement shall state that the activity is not school sponsored.
 - Education records or information obtained through employment with the District is not to be used to contact students or others regarding the activity. Employees may not use class time to promote the activity.

- Per rule R277-605-5 “School personnel, activity leaders, coaches, advisors, and other personnel shall not require students to attend out-of-school camps, clinics or workshops for which the personnel, activity leaders, coaches, or advisors receive remuneration from a source other than the school or district in which they are employed”
- The employee must provide the business administrator a signed copy of all contracts between him/her and the private activity sponsor. The employee who engages in any non-school sponsored activity shall provide a signed copy of the Millard School District Employee Involvement in Non-District Sponsored Activities disclosure statement (see pg. 24-25);
- If the employee is self-employed, sign the self-employed disclosure statement (see pg. 24).
- If the employee is an employee of an outside sponsor, the employee and the sponsor must sign the outside sponsor disclosure statement (see pg. 25) and provide it with a copy of the contract.
- The principal must approve all camps, clinics, and other activities such as private lessons or tutoring;
- Merely having a key does not grant permission to use facilities for private, non-sponsored activities.

MILLARD SCHOOL DISTRICT

Non-Sponsored Activities

PARENT NOTIFICATION AND RELEASE OF LIABILITY

I understand that the individual listed below will perform duties which are not sponsored, endorsed, or associated with Millard School District. Therefore, the District is not responsible for transportation, supervision of students or other costs associated with this activity. Liability will not be accepted nor provided by Millard School District, but must be assumed by the individual or sponsoring organization.

Name: _____

Sponsoring Organization _____

Activity(ies): _____

Parent/Guardian Signature: _____

Date: _____

Any financial benefit from the camp/clinic goes to the camp sponsor. Millard School District and _____ (school) are not affiliated with the camp/clinic and will not receive any financial benefit.

Description of Compensation	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total_____	\$ _____

*Additional compensation to instructor/district employee includes:_____

MILLARD SCHOOL DISTRICT
Non-Sponsored Activities

**EMPLOYEE INVOLVEMENT IN NON-DISTRICT SPONSORED INDEPENDENT
OR SELF EMPLOYED**

DISCLOSURE STATEMENT

Educator Name: _____

School: _____

Private Activity: _____

Private Activity Sponsor(s): _____

Travel Destination: _____

Dates of Activity: _____

As an educator in Millard School District, I understand that I may participate in a non-district sponsored activity if the activity is separate and distinguishable from employment in the school district and does not interfere with performing the duty of employment with the school district in any way. If Millard School District students are involved in my non-district sponsored activity, I will have parents sign the Parent Notification and Release of Liability form. I will disclose any form of remuneration I receive from the parent.

I agree to provide liability insurance where applicable. I understand that the school district will maintain a copy of these contracts and this disclosure statement in my school personnel file. I agree that the private activity is not sponsored by the school or school district and that my duties are outside the scope of and unrelated to any duties or responsibilities that I may have as an employee of Millard School District. I agree to abide by all laws and rules of the State of Utah pertaining to and consistent with Millard School District guidelines regarding my advertising and participation, including obtaining the Parent Notification and Release of Liability form for Employee Involvement in Non-District Sponsored Activities.

Employee Signature: _____

Date: _____

Principal Signature: _____

Date: _____

MILLARD SCHOOL DISTRICT
Non-Sponsored Activities

**EMPLOYEE INVOLVEMENT IN NON-DISTRICT SPONSORED
EMPLOYEE OF AN OUTSIDE SPONSOR DISCLOSURE STATEMENT**

Educator Name: _____

School: _____

Private Activity: _____

Private Activity Sponsor(s): _____

Travel Destination: _____

Dates of Activity: _____

As an educator in Millard School District, I understand that I may participate in a non-district sponsored activity if the activity is separate and distinguishable from employment in the school district and does not interfere with performing the duty of employment with the school district in any way. If Millard School District students are involved in my non-district sponsored activity, I will have parents sign the Parent Notification and Release of Liability form. I will disclose any form of remuneration I receive from the parent.

I have provided to the business administrator a copy of all contracts between myself and the private activity sponsor(s). I agree to provide liability insurance where applicable. I understand that the school district will maintain a copy of these contracts and this disclosure statement in the District business administrator's office and in the District personnel file. The contract between me and the activity sponsor must be signed by both parties, and shall state that I agree that the private activity is not sponsored by the school or school district and that my duties to the activity sponsor(s) are outside the scope of and unrelated to any duties or responsibilities that I may have as an employee of Millard School District. I agree to abide by all laws and rules of the State of Utah pertaining to and consistent with Millard School District guidelines regarding my advertising and participation, including obtaining the Parent Notification and Release of Liability form for Employee Involvement in Non-District Sponsored Activities.

Employee Signature: _____

Date: _____

Principal Signature: _____

Date: _____

QUESTIONS AND ANSWERS

1. What is the district's conflict of interest policy?

“It is the policy of Millard School District to protect public interest and to maintain the faith and confidence of citizens in the integrity of the public schools and school employees by setting standards of employee conduct which preclude actual or potential conflicts of interest between their public duties and their private interests. It is the district's intent to maintain high standards of employee conduct by prohibiting employees from improperly disclosing or using information, from using their positions to secure privileges or exemptions or from accepting employment which would impair independence of judgment or ethical performance.”

2. Can a district employee receive any compensation for any camp, clinic, lessons or workshop that their team participates in?

For any activity involving the team, the activity must be district sponsored. For district-sponsored events, the advisor or coach may be paid the summer school rate, curriculum rate, or contract teacher hourly rate provided the money collected for the activity supports that rate. The employee must submit a time card to the payroll department indicating the hours to be paid. An employee may not receive compensation for more than 8 hours a day for camps or clinics. If the team will be attending the camp, it must be District-Sponsored and all compensation run through payroll.

For non-district-sponsored events, an employee cannot require students to attend out-of-school camps, clinics, lessons or workshops where they would be receiving compensation from a source other than the school or district. The employee must sign the district indemnity agreement and the notice of Employee Involved in Non District Sponsored activities (pg. 12-13). If Millard School District students are involved in camps, clinics, lessons or workshops where the advisor or coach receives compensation, the employee must obtain the Parent Notification and Release of Liability form (pg. 11) and disclose any form of compensation received.

3. What must coaches or advisors disclose to parents for non-school sponsored activities that involve their students? (For example, a French teacher takes students to France, or a coach taking students to a camp outside the district where the coach will receive compensation, or a band teacher giving private lessons, etc.)

The coaches or advisors must have the parents sign the Parent Notification and Release Liability form. They must disclose on the Parent Notification and Release of Liability form (pg. 11) any compensation they will receive or special benefits (free transportation, lodging, etc). The parents must understand the activity is not sponsored by the district and the district will not be responsible for transportation, supervision or other associated costs. Liability will not be accepted nor provided by the district, but must be assumed by the participant or sponsoring organization. The Release of Liability form must be kept on file at the school.

4. What liabilities must be assumed and disclosures made to school administration by a coach or advisor when they are involved in a non-district sponsored camp, clinic or workshop?

The coach or advisor must sign the district indemnity agreement and the notice of “Employee Involved in Non District Sponsored” activities (pg. 34-35). If Millard School District students are involved in the

activity; the employee must also obtain and turn in the “Parent Notification and Release of Liability” form (pg. 33), disclosing any form of compensation received. The school must keep these documents on file for audit purposes.

5. May the school hire an employee or volunteer who received additional salary or compensation from outside business ventures that market training or instruction?

It is the district’s intent to prohibit employees from using their positions to secure privileges or promote any activity that would impair independence. Students must not be required to participate with any outside business that promotes training or instruction, or have an implied understanding that their chance to participate on school teams or organizations will be improved by attending the private business of the coach or instructor.

The school should not allow current employees or hire prospective employees who would have a conflict of interest where they receive any type of remuneration or school donation, based on the number of students participating in a private business venture relating to their position with the school.

A coach or instructor may be employed by an outside business venture on a salary or hourly basis. However, the compensation the employee receives from the outside source must not be based on the number of students participating in that venture relating to their position with the school.

6. What requirements must be met for summer activities for school sport teams to be considered non district-sponsored activities? (Example: Golf tournaments in St. George attended by the golf team.)

The school and/or the district name may not be used in any way associated with the activity. The coach or advisor must fully disclose all compensation including remuneration based on headcount participation. See question #16 for what is allowable promotion for non-sponsored district activities. The same rules apply to non-district employees. A booster club cannot be involved since it is associated with the school and its programs. The district cannot be responsible for transportation, supervision or other associated costs. Parent groups or clubs must assume all responsibility and provide insurance for all participants. It must be clear to all participants that it is not a district sponsored activity.

7. What records must coaches or advisors keep when conducting district-sponsored camps, clinics or workshops?

The coach or advisor must complete the following forms and keep them for three years. These forms are subject to audit.

- A. Financial Summary for Camps & Clinics
- B. Camps & Clinics Payroll Expenses
- C. 1099 Expense Wages for Non-District Employees
- D. Camps & Clinic Participants
- E. Copies of Time Cards indicating number of hours worked per day

8. Can a coach or advisor require their team to participate in any camp, clinic or workshop?

No. Participation in extracurricular activities cannot be used as eligibility requirements for team membership or participation.

9. What is required of a coach or advisor to hold a camp, clinic or workshop on school premises which is not a district-sponsored event?

The sponsor must follow the building and ground rental procedures and provide insurance for the participants. If the sponsor is an employee, they must sign the district indemnity agreement and the notice of individuals involved in non-district sponsored activities. If Millard School District students are involved in this activity, the employee must obtain the Parent Notification and Release of Liability form and disclose any form of compensation received.

10. What is required for a non-school employee group or organization to use school premises?

The sponsor must follow the building and ground rental procedures and provide insurance for the participants, a certificate of insurance and sign the indemnity agreement.

11. What approvals are necessary to have a coach or advisor's team attend a camp, clinic or workshop held out of state?

The Application for Student overnight and/or Extended Trip must be approved by the faculty advisor, principal and have board approval. Each school will receive a letter from the superintendent's office indicating which school trips have been approved.

12. Is inviting a special athlete or coach to conduct a camp, clinic or workshop considered a non-district event?

If the activity is planned, conducted and approved by the district, it will be considered a district sponsored event. Any non-employee helping in the activity will be considered a 1099 vendor. Otherwise the activity will be considered a non-sponsored district activity and will require the sponsor to follow the building and grounds rental procedures.

13. How can coaches or advisors pay those that help train and teach at their District sponsored camps, clinics or workshop? (Examples – coaching assistants, music tutors for band students, choreographers, etc.)

All payments to employees must be processed through the district's payroll systems which will then appear on the employee's W2 form. Non-district employees must be processed through the district's Accounts Payable system and be fingerprinted. The only exceptions are consultants that are used for a few hours to one or two days. Short-term consultants need not be fingerprinted if we can guarantee that they will never be one on one with a student. If there are any questions that they may be one on one with a student, they must be fingerprinted. Non-district employees must complete and sign the IRS W-9 form (pg. 4) before they can receive payment. The schools can issue a check to one or two day consultants with proper documentation.

14. Can members of a coach's or advisor's team or prospective team members use school facilities outside of the sport season?

Yes, if the employee does not receive any compensation and the activity is within the UHSAA by-laws and policies. All such arrangements must be approved by school administration prior to school facilities use.

15. Can employees tutor students on school premises for which they are receiving compensation?

No school facilities can be used if compensation is received.

16. What is a coach or advisor allowed to do to promote non-district activities?

In general, a coach or advisor can offer public educational services, programs or activities to students as long as they are not advertised or promoted during school time or in the classroom.

A coach or advisor cannot use education records or information obtained through employment with the district unless they are available to the general public. Posters and brochures can only be posted in areas of the school where members of the general public are allowed to advertise.

See the Guidelines for Camps, Clinics, Non-District Sponsored Activities procedure for more details.

17. What procedures must be followed for summer trips taken by athletic teams sponsored by booster clubs or parent groups?

Since these activities involve the coach or advisor, use the school name and involve members of the school team they are considered district-sponsored events. All district procedures and rules apply. All activities must conform to UHSAA by-laws and policies including dead time.

18. What transportation systems must be used for district-sponsored events?

Only District or chartered public transportation systems can be used. For out of state events there is no governmental immunity protecting the District, limiting the amount of liability. As a result, only public transportation may be used to transport students out of state. If out of state public transportation systems cannot be used, schools should not participate in the event.

The District does not want the liability associated with allowing private individuals to drive for district sponsored events. This increases the District liability in case of accident or injury. If parents or students were to provide transportation, their insurance would be primary and the District would be secondary creating unreasonable risk. Every effort should be taken to provide District transportation for all District Sponsored events.

19. What procedures and requirements must be met for community-sponsored programs that are not sanctioned by the UHSAA?

Community sponsored program events as indicated above are considered non-sponsored district activities. This must be clear to all participants. See question #16 for what is allowable promotion for non-sponsored district activities. The club or community program must be responsible for transportation, facilities rental, supervision or other associated costs. This also includes providing insurance for all participants.

20. What are the administrative responsibilities for school sponsored activities?

- Must provide adequate supervision.
- Ensure coaches and advisors have required forms as described in question 7.
- Collect money and paying coaches/supervisors through established systems at the school.

- Implementing reasonable and effective loss control measures to minimize injury claims.
- Verify the coaches/supervisors are submitting actual hours worked. Coaches should not submit hours not worked to use up available funds.

21. What are the administrative responsibilities for non-district sponsored activities?

- Ensure the sponsor provides insurance, rental, and indemnification agreements.
- Ensure Employees complete Employee Involvement in Non-District Sponsored form (pg. 33-34), and that district students complete the Parent notification and Release of Liability form (pg. 32).
- Provide guidance to employees in preparing advertising to meet requirements of R277-107-4 such as:
 - Flyers must indicate that it is not a sponsored activity;
 - Employee cannot recruit participation during class or school hours;
 - Cannot use actual school jerseys;
 - Cannot use educational information for advertising that is not available to the public.

22. What forms need to be provided to the business administrator before the event for non-sponsored activities?

- Building rental agreement (not applicable if camp or clinic is not on District property)
- Indemnity agreement
- Proof of Liability Insurance
- Flyer for the activity demonstrating the disassociation of the school and district from the activity
- Parent Notification and Release of Liability (pg. 32)
- Employee Involvement in Non-District sponsored Activities (pg. 33-34) (a copy must also be in the personnel file)
- Signed contract between the sponsoring organization and the District employee (a copy must also be in the personnel file)

Conclusion

For activities involving school sanctioned teams, groups and school employees, we would recommend they be handled as district-sponsored events. This would mean all district procedures and liability coverage would apply. This would reduce potential risks and conflict of interest issues. Liability insurance coverage alone is prohibitive. The district is not interested in sponsoring non-student activities or activities with high injury rates.

Section 4

Fund Raising

FUND RAISING

Fundraising Guidelines

The Board of Education states that education is free and “should be supported through revenues derived from statutory school finance programs and not by means of student and school fundraising projects.” However, the Board allows fundraising projects when necessary to provide nominal support but fundraising should be restricted. Board of Education Policy No. 2070 provides guidelines for fund raisers as follows:

Elementary Schools Fundraising

Each elementary school shall develop an annual fundraising plan and send such plan to the Superintendent.

1. Each school will be limited to one (1) fund raising activity per year.
2. In addition, the recognized parent teacher student organization, in consultation with the school principal, will be permitted to disseminate information about one (1) Parent Teacher Organization fund raising activity through the school e.g., newsletter, notes sent home with students, or other such uses of school resources or persons.
3. All fundraising activities involving students shall specifically, consistently, and emphatically insist students do not go door-to-door for any purpose. Fund raising instructions shall specify students’ involvement is to be limited to family and /or close, personal friends.
4. Activities that provide a benefit service to the school community such as book fairs, health fairs, annual school picture programs, etc. are not considered to be fundraisers. However, they still must be approved by the school principal and kept to a minimum.

Secondary Schools Fundraising

Each secondary school shall develop an annual fundraising plan and send such plan to the Superintendent.

1. Prior to initiating any fundraising activities, school groups, teams, the recognized parent/teacher/student organization, and auxiliary organizations shall submit their written plans, budgets, and program to the school principal or designee for approval. The principal or designee shall review the proposals and approve those, which are necessary and consistent with district policy. Those fund raising activities approved by the principal or designee constitute the annual fundraising plan that is forwarded to the Superintendent.
2. Approved fundraising projects shall be scheduled throughout the school year to avoid conflict and excessive fund raising at any given time.

3. Additionally, each community support group/booster club will be permitted to annually disseminate information about one (1) fund raising activity through the school e.g. newsletter, notes sent home with students, or other such uses of school resources or persons.

Booster Clubs

Booster Clubs are organized to help promote, support and improve the extracurricular activities of the school. Much of the booster club's responsibility involves fund raising. Booster Clubs should begin each year with specific goals in mind before determining the dollar amount needed in fund raising events. It is important that all funds collected through fund raising efforts are spent for the purposes they were collected. To ensure the taxability and appropriateness of all fund raisers, they must be approved in writing by the school administrator under direction of the superintendent.

Extreme care must be used when choosing a fund raising activity. The District is liable for any activity which appears to have the district's endorsement. Fund raisers should not obligate the club or school without prior approval from the school administrator. Fund raisers should not put children at risk. Proper supervision is always necessary. All donations (grants, gifts, contributions, etc.) should be processed through the Millard School District Foundation. The Foundation will provide a tax-deductible receipt for all donations. When cash is involved in fund raising, it is the responsibility of the club leadership to ensure proper controls are in place. Money should always be counted by more than one person. Activities involving ticket or product sales must be reconciled. A copy of these forms must be kept with the copy of the receipt. All cash should be deposited immediately to school accounts. To meet state guidelines, money received must be deposited at least every three business days.

All fund raisers meeting the Utah State Tax Commission's guidelines and those approved by district and/or school policies are considered non-taxable. Fund raisers that involve providing labor are not subject to sales tax (Car Washes, Walk-a-thons, etc.). The sale of coupon books is also not subject to sales tax because the tax is collected and charged at the time the coupon is redeemed. However, if funds raised are to pay salaries for additional coaches, then the fund raiser is NOT sales tax exempt.

Fund raisers meeting the following conditions are not subject to sales tax:

- The funds raised must be used to purchase equipment, material, or provide transportation.
- The activity must be in accordance with school and district policies and they must be approved by a school administrator.
- To be exempt from sales tax funds, a fund raiser cannot be used to compensate an individual teacher or other personnel.
- All funds received from the fund raiser must be deposited to an account that is controlled by the school.
- Activities specifically designated as taxable by the Utah State Tax Commission cannot be classified as a non-taxable fund raiser. (see Utah State Publication 35)

Student Participation in Fundraising Activities

There are two ways to organize a fund raising activity involving students: (1) all funds are pooled and shared collectively to benefit the program or activity or (2) fundraising funds will benefit individual students and are applied to specific students' accounts.

Fundraising for the Benefit of the Program or Activity

For team/member fund raising activities the funds raised are pooled and shared collectively over the entire group. All funds raised and donated become public funds and are to be used by the program for

the purpose they were collected. It is the District's preference that fundraising projects benefit the entire program. Under this method, all money raised is to be put in the programs account for the benefit of the program as a whole and not earmarked to individual students to reduce their personal costs. Money can be used to decrease the over-all cost of the program, thereby decreasing the individual student costs.

Fee waiver students are required to help to same extent that paying students are helping. The State poster from the Utah State Office of Education states the following: "If fee waivers are sought for activities where students are required to participate in fund-raisers, all students will be expected to participate in group fund-raisers to the same extent for fees to be waived." If the fee waiver student does not participate, the school is not obligated to waive the portion of the fee that would have been covered by the fundraising event. The attorney for the State Office of Education has also provided verbal assurance that fee waiver students are required to fully participate in group fund raisers in order to receive the benefit of the group fundraiser activity.

Fee waivers will be granted with appropriate attention to student and family confidentiality.

The method of fundraising for the organization (club, team, etc.) rather than fundraising for the individual eliminates IRS requirements to provide IRS Forms 1099 to any student who was individually 'credited' more than \$600 to their 'account'.

Fundraising for the Benefit of Individual Students

For some fund raising activities, the donated funds are allotted to the specific individual. Students have the option to earn money to offset their personal expenses through fundraisers such as cookie dough sales, school discount card sales, etc. For this type of fundraiser, the IRS categorizes the student as an independent contractor. If there is a potential that a student may earn more than \$600.00 during the calendar year (January through December), IRS form W-9 must be submitted in advance of crediting the funds to the individual account. IRS form W-9 is the IRS document where employees provides their social security number and other taxing information for purpose of preparing IRS form 1099 which is used to supply IRS with earning in the calendar year. The \$600.00 threshold is the total for all school programs in a given calendar year, not individual programs.

IRS form 1099 for each applicable student must be submitted in January for tax purposes.

The school has the responsibility to provide the completed forms. The IRS form W-9 will be kept on file at the school. If IRS form W-9 has not been completed at the time of the fundraising activity, the school is responsible to locate those students and retrieve the needed IRS form W-9. In some cases, the student may have moved or refuse to complete the form. Income less than \$600.00 does not need to be reported. If the student does not complete the IRS form W-9, all funds raised will be credited to the general program account. This method is not recommended because of the additional responsibility and requirements associated with 1099 reporting.

The method also potentially places a tax liability on students.

Salaries

The District provides a schedule for Extra Curricular Addenda annually as published in the Millard School District High School Coaching and Extra Duty Pay Schedule. Those receiving the published rates may not receive additional subsidy or compensation beyond this schedule. The District strongly discourages fundraising for any type of salary because of the temporary nature of donated funds.

Outside Fundraising Sponsors

School administration should not bypass fair market rental rates by allowing programs within their school to work directly with outside groups, calling it a “fundraiser for a school program”. By allowing this practice, the cost of facilities and utilities would be subsidized by the taxpayer.

For example:

- A private dance company bypasses fair market rental fees for a performance by teaming with the cheer squad to collect admission and retain the proceeds as a fundraiser. The dance company receives financial benefit from the event without paying the rental fee and other associated costs.
- An outside clinician receives substantially more compensation than standard hourly rates of pay. The school program bypasses the fair market value of the building rental rate and receives a “kick-back” to the school program.

These types of activities are examples of misclassification of events that should be a non-sponsored, fair market building rental event. This misclassification inappropriately uses taxpayer funds and increases the risk to the school since this event should not be covered by Risk Management.

Donations and Gifts

The Millard School District Foundation is the official 501(c)(3) fundraising and donation organization of the district. It establishes the procedures governing donations. It is equipped with the tools to comply with state and federal law regarding charitable donations. 100 percent of donations through the Foundation are used for the purpose designated (there are no overhead costs).

All donations must run through the Foundation to comply with internal controls regarding acceptance and approval of:

- Monetary contributions,
- Donations and gifts with donor restrictions,
- Donations of gifts, goods, materials or equipment, and
- Funds or items designated for construction or improvements of facilities. (See STP Supporting Document, Rule 63G)

All funds and materials donated become the property of the District and are managed by District administration, and are not to be used or removed without express permission.

Donations given to the Foundation cannot be directed to specific employees, individual students, vendors, or brand name goods or services. Donations can be directed to a specific classroom, program, or purpose. The Foundation will use the donations in accordance with the donors’ instructions as long as the instructions comply with the District policy, procedures or mission.

Funds raised for additional coaches or classroom aides may be used for a specific position (assistant coach or aide) paid through payroll, but not designated for hiring a specific individual (John Doe). The donor relinquishes control when funds are earmarked for salaries, stipends, bonuses, etc. Funds raised or donated for additional coaches or classroom aides may be diverted to a greater need in the program, if identified by the principal and head coach. The District strongly discourages fundraising or donations for any type of ongoing salary because of the temporary nature of donated funds.

Individuals who give donations in excess of fair market value for any product or service received qualify for a tax deduction and will be provided charitable donation receipts. (For example, a spaghetti dinner fund raiser charges \$100. The actual meal may be worth \$5. The charitable donation is \$95.) The receipts must be issued from the Foundation. Schools or other District organizations cannot issue charitable donation receipts. Donors are responsible to determine the fair market value of the product or service received (i.e. advertising banners, gift baskets, etc.).

Donations that typically do not need to be run through the Foundation include:

- Teacher requests for specific dollar donations at the beginning of the year for classroom activities, special projects, and class magazines as outlined in the disclosure document;
- Donated funds that do not exceed the fair market of the item purchased (wrapping paper, cookie dough) and other school fundraisers that sell products or services; and
- Fundraising dinners.

Donations and construction projects will be in compliance with Rule 63G regarding the procurement code (see STP Supporting Document), state law and Board rules regarding construction and improvements, IRS regulations and tax deductible directives, and in compliance with Title IX.

Outside groups or donors cannot purchase items to circumvent using the school donation or purchasing procedures.

For example, a donor cannot:

- Purchase helmets,
- uniform items,
- costumes, or any equipment directly from a vendor;
- Directly fund construction projects or field improvements (turf);
- Directly provide lighting or other technical equipment or props; or
- Directly pay a vendor for items purchased for a program.

In kind donations need to meet District code (building code and educational standards).

Any questions regarding donations should be directed to the Foundation, (435) 864-1000.

Section 5

Emoluments

EMOLUMENTS

Emolument: profit arising from an office, position or employment, usually in the form of fees, wages, bonuses, or kick-backs.

It is unlawful for an employee engaging in obtaining a procurement item to ask, receive, offer to receive, accept, or ask for a promise to receive, an emolument, gratuity, contribution, loan, or reward for the employee's own use or benefit. It is unlawful to accept, take, seek, or solicit directly or indirectly for himself or another a gift of substantial value or a substantial benefit tantamount to a gift:

- (a) That would tend improperly to influence a reasonable person in the discharge of their duties;
- (b) That a reasonable person in that position should know is primarily for the purpose of rewarding the public employee for official action taken;
- (c) If the public employee may be involved in any government action affecting the donor or lender.

This section does not apply to a nonpecuniary gift, having a value of not in excess of \$50. (Utah Code 67-16-5).

Utah Code Ann. Section 76-8-105, provides that “A person is guilty of receiving or soliciting a bribe if that understanding or agreement that the purpose or intent is to influence an action, decision, opinion, person asks for, solicits, accepts, or receives, directly or indirectly, any benefit with the recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter.”

It should be noted that receiving or soliciting a bribe or receiving personal benefit through procurement activities, gratuity, or bribe is criminal. Violation of the rules is:

- (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or less; and
- (b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred exceeds \$1,000. (76-8-105)

The Millard School District has established the following administrative guidelines to assist in the interpretation and application of the rules and codes.

1. Acceptance of gratuities in the form of cash, checks, merchandise, merchandise certificates, services of monetary value, or trips is prohibited.
2. Promotional items or advertising items of nominal value may be accepted provided the item is widely distributed to other individuals, districts and firms having essentially the same business relationship with the offerer.
3. When any reasonable doubt or question exists about the acceptance of a gratuity, it should not be accepted.
4. If a gratuity which should not be accepted is received, it should be returned to the donor along with a courteous explanation of District policy.
5. When a gratuity is offered under circumstances which might reasonably be interpreted as an attempt to influence the conduct of District business, it shall immediately be reported to the Superintendent

TRAVEL

Teachers, supervisors and coaches are expected to accompany their group and therefore should not bear the financial burden of paying for their associated trip expenses. Supervisors and coaches may choose to bring their own immediate family members on these trips. This may be allowed provided there is sufficient space without sacrificing the ability of any team or program members to attend. However, the advisor/coach must pay for any expense related to their family members.

District Travel guidelines are published in the District Procedures Handbook under MSD Policy 6050.

Travel guideline examples are as follows:

- It is the responsibility of the coach/advisor to cover any and all incremental costs of having family members attending student trips.
 - For example, if attending a school sponsored conference and the school is paying for the room, the spouse may attend but the incremental cost of going from a single room to a double occupancy must be covered by the employee and spouse.
 - If the trip uses public transportation and there is an extra seat on the bus, the family must cover the prorated cost of the seat at the same rate as other participants on the bus.
 - If family members are attending as chaperones, they are expected to pay the same travel costs other chaperones are expected to pay.
- If the marching band participates in a parade and the parade committee provides a check, the check must be deposited in the school account and used for the purposes designated by the school administrator.
- On overnight student trips, the coach and advisors may be allotted a daily per diem for meals. District procedures do not allow the use of the purchase card for meals when a daily per diem is given.
 - If an employee on overnight travel is receiving per diem, and the hotel or conference offers a free meal, the fair market value of the meal should be subtracted from the per diem reimbursement.
 - The coach and advisors may decide to eat with the team instead of receiving per diem reimbursements.
 - Because of limited budgets, an agreement may be made in advance for a reimbursement that is less than the State/District published per diem rate.
- Often, travel agencies will offer complimentary tickets and passes. The cost of the free tickets should be worked into the bid to reduce the overall cost of the tickets. The coach/advisor cannot use the tickets for family.
- The district employee may not use any money raised by student fundraisers, travel agency vouchers, amusement park incentives or other means to obtain a partial or entire free trip for a family member.

EXAMPLES OF UNETHICAL SITUATIONS AND PERSONAL EMOLUMENT

To avoid the appearance of impropriety and misuse of district assets, employees must be cautious about using facilities and services available through the schools. The following examples identify some unethical situations that may arise.

- A wood shop teacher cannot use school facilities to make projects for additional income.
- A school may decide to provide athletic gear for a coach. However, if the same gear is provided by a vendor as bonus for purchases, the gift is unlawful and violates purchasing guidelines.
- Rewards received from merchants for purchases (i.e. rebate or gift cards) must be turned over to the school and used to benefit school programs and students.
 - Free books offered from “Books are Fun” for high volume sales should be property of the school.
 - Target gift cards from purchase of iPads should be used for school use.
 - Use of a personal credit card for reimbursement rather than a District credit card in order to receive Reward points/ frequent flyer points for personal use.
- A coach or teacher may not accept a gift in any form from students, team members or their families in excess of \$50 per incident. This may appear to be a bribe or “pay for play”.
- A coach cannot go on a family vacation with the family team member.
- If the family of a team member offers the use of a boat or other property, the coach may not accept the offer.
- District employees may not use the District as a purchasing agent for personal purchases even if the employee reimburses the District.
- Lunches provided by vendors to discuss products or services may appear to outside individuals or competing vendors as influencing District business practices.

EXAMPLES OF NON-EMOLUMENT SITUATIONS

Exceptions to emoluments are limited to:

- Nominal teacher appreciation gifts from parents/students are acceptable.
 - Teacher may accept an apple or other incidental gift from a parent/student provided the value of the gift is under \$50.
 - The coach or advisor may accept an end of season or event appreciation gift from the entire team/performing group.
 - Gift baskets provided with the intent to be shared with the entire faculty or department are allowed, provided the gift baskets are reasonable and do not appear to exert undue influence.
- Hospitality gifts (associated with a conference, or event but not a sales meeting or associated with any direct purchasing activity)
 - Hospitality gifts are promotional or hospitality items including trinkets, nonalcoholic beverages, snacks, and appetizers.
 - Hospitality gifts do not include money, meals, tickets, events or entertainment, travel, or lodging.
 - Total value of the hospitality gift must be less than \$10 and may not exceed \$50 in any calendar year.
- A woodshop teacher may use facilities to work on incidental personal items to improve personal teaching skills and keep them familiar with the equipment.
- Contributions and donations
 - Contributions include a voluntary gift or donation to a public entity for the public entity's use, including philanthropic donations or services.
 - Admission to seminars, vendor fairs, charitable or fundraising or similar events related to the function of the public entity.
 - Sponsorship of an event organized by the public entity or a booth at an event sponsored by an entity or organization of which the public entity is a member.
 - An example would be a vendor contributing to or sponsoring an event for Utah Association of Secondary School Principals (UASSP).
 - Vendor contributing toward door prizes or awards for a professional organization.
- A contribution may not be offered or given with the intent to induce a procurement decision or contract.
- Unlike hospitality gifts, there is no limitation on the amount of a contribution.

Educator discounts at vendors (restaurants) are allowable to the extent that the discount is offered to all educators in a similar manner as military or senior discounts. In a similar fashion, educator discounts and coupons for free or reduced services or products are not considered emoluments if:

- The coupons are provided to all educators without regard to purchases,
- The discounts are not available to only a specific person, and
- The discounts do not influence personal judgment regarding purchases.

Section 6

Disclosure of Student Fees

R277. Education, Administration.

R277-407. School Fees.

R277-407-1. Authority and Purpose.

- (1) This rule is authorized under:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Article X, Section 2 of the Utah Constitution, which provides that:
 - (i) public elementary schools shall be free; and
 - (ii) secondary schools shall be free, unless the Legislature authorizes the imposition of fees;
 - (c) 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;
 - (d) Subsection 53G-7-503(2), which requires the Board to adopt rules regarding student fees; and (e) Section 53G-7-504 which authorizes waiver of fees for eligible students with appropriate documentation.
- (2) The purpose of this rule is to:
 - (a) permit the orderly establishment of a system of reasonable fees;
 - (b) provide adequate notice to students and families of fees and fee waiver requirements; and
 - (c) prohibit practices that would:
 - (i) exclude those unable to pay from participation in school-sponsored activities; or
 - (ii) create a burden on a student or family as to have a detrimental impact on participation.

R277-407-2. Definitions.

- (1) "Co-curricular activity" means the same as that term is defined in Section 53G-7-501.
- (2) "Curricular activity" means the same as that term is defined in Section 53G7-501. ADA Compliant 7/17/23
- (3) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
- (4)(a) "Fee" means something of monetary value requested or required by an LEA as a condition to a student's participation in an activity, class, or program provided, sponsored, or supported by a school.
- (b) "Fee" includes money or something of monetary value raised by a student or the student's family through fundraising.
- (5)(a) "Fundraiser," "fundraising," or "fundraising activity" means an activity or event provided, sponsored, or supported by a school that uses students to generate funds to 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 that use students to generate funds.
- (c) "Fundraiser," "fundraising," or "fundraising activity" does not include an alternative method of raising revenue without students.
- (6) "Group fundraiser" or "group fundraising" means a fundraising activity where the money raised is used for the benefit of the group, team, or organization.

- (7) "Individual fundraiser" or "individual fundraising" means a fundraising activity where money is raised by each individual student to pay the individual student's fees.
- (8)(a) "Instructional equipment" means an activity, course, or program-related tool or instrument that:
- (i) is required for a student to use as part of an activity, course, or program in a secondary school;
 - (ii) typically becomes the property of the student upon exiting the activity, course, or program; and
 - (iii) is subject to fee waiver.
- (b) "Instructional equipment" includes:
- (i) shears or styling tools;
 - (ii) a band instrument;
 - (iii) a camera;
 - (iv) a stethoscope; and
 - (v) sports equipment, including a bat, mitt, or tennis racket.
- (c) "Instructional equipment" does not include school equipment.
- (9)(a) "Instructional supply" means a consumable or non-reusable supply that is necessary for a student to use as part of an activity, course, or program in a secondary school.
- (b) "Instructional supply" includes:
- (i) prescriptive footwear;
 - (ii) brushes or other art supplies, including clay, paint, or art canvas;
 - (iii) wood for wood shop;
 - (iv) Legos for Lego robotics;
 - (v) film; and
 - (vi) filament used for 3D printing.
- (10) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind. (11)(a) "Maintenance of school equipment" means a cost, payment, or expenditure related to storing, repairing or keeping school equipment in good working condition.
- (b) "Maintenance of school equipment" does not include the cost related to end-of-life replacement.
- (12) "Noncurricular club" has the same meaning as that term is defined in Section 53G-7-701. (13) "Non-waivable charge" means a cost, payment, or expenditure that:
- (a) is a personal discretionary charge or purchase, including:
 - (i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;
 - (ii) a charge for college credit related to the successful completion of:
 - (A) a concurrent enrollment class; or
 - (B) an advanced placement examination; or
 - (iii) except when requested or required by an LEA, a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item;
 - (b) is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary Schools; or
 - (c) by Utah Code, federal law, or Board rule is designated not to be a fee, including:
 - (i) a school uniform as provided in Section 53G-7-801;
 - (ii) a school lunch; or
 - (iii) a charge for a replacement for damaged or lost school equipment or supplies.
- (14)(a) "Provided, sponsored, or supported by a school" means an activity, class, program, fundraiser, club, camp, clinic, or other event that:
- (i) is authorized by an LEA or school, according to local education board policy; or
 - (ii) satisfies at least one of the following conditions:
 - (A) the activity, class, program, fundraiser, club, camp, clinic, or other event is managed or supervised by an LEA or school, or an LEA or school employee in the employee's school employment capacity;
 - (B) the activity, class, program, fundraiser, club, camp, clinic, or other event uses, more than inconsequentially, the LEA or school's facilities, equipment, or other school resources; or

- (C) the activity, class, program, fundraising event, club, camp, clinic, or other event is supported or subsidized, more than inconsequentially, by public funds, including the school's activity funds or minimum school program dollars.
- (b) "Provided, sponsored, or supported by a school" does not include an activity, class, or program that meets the criteria of a noncurricular club as described in Title 53G, Chapter 7, Part 7, Student Clubs.
- (15)(a) "Provision in lieu of fee waiver" means an alternative to fee payment or waiver of fee payment.
- (b) "Provision in lieu of fee waiver" does not include a plan under which fees are paid in installments or under some other delayed payment arrangement.
- (16) "Regular school day" has the same meaning as the term "school day" described in Section R277-419-2.
- (17) "Requested or required by an LEA as a condition to a student's participation" means something of monetary value that is impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:
- (a) fully participate in school or in a school activity, class, or program;
 - (b) successfully complete a school class for the highest grade; or
 - (c) avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by:
 - (i) peer pressure, shaming, stigmatizing, bullying, or the like; or
 - (ii) withholding or curtailing any privilege that is otherwise provided to any other student.
- (18) "School day" has the same meaning as defined in Section R277-419-2.
- (19)(a) "School equipment" means a durable school-owned machine, equipment, or tool used by a student as part of an activity, course, or program in a secondary school.
- (b) "School equipment" includes a saw or 3D printer.
- (20)(a) "Something of monetary value" means a charge, expense, deposit, rental, fine, or payment, regardless of how the payment is termed, described, requested or required directly or indirectly, in the form of money, goods or services.
- (b) "Something of monetary value" includes:
- (i) charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;
 - (ii) payments made to a third party that provide a part of a school activity, class, or program;
 - (iii) classroom supplies or materials; and
 - (iv) a fine, except for a student fine specifically approved by an LEA for:
 - (A) failing to return school property;
 - (B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior; or
 - (C) improper use of school property, including a parking violation.
- (c) "Something of monetary value" does not include a payment or charge for damages, which may reasonably be attributed to normal wear and tear.
- (21)(a) "Student supplies" means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities.
- (b) "Student supplies" include:
- (i) pencils;
 - (ii) paper;
 - (iii) notebooks;
 - (iv) crayons;
 - (v) scissors;
 - (vi) basic clothing for healthy lifestyle classes; and
 - (vii) similar personal or consumable items over which a student retains ownership.

- (c) "Student supplies" does not include items listed in Subsection (20)(b) if the requirement from the school for the student supply includes specific requirements such as brand, color, or a special imprint to create a uniform appearance not related to basic function.
- (22) "Supplemental Nutrition Assistance Program" or "SNAP" means a program, formerly known as food stamps, which provides nutrition benefits to supplement the food budget of low income families through the Utah Department of Workforce Services.
- (23) "Supplemental Security Income for children with disabilities" or "SSI" means a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low income families.
- (24) "Temporary Assistance for Needy Families" or "TANF," means a program, formerly known as AFDC, which provides monthly cash assistance and food stamps to low income families with children under age 18 through the Utah Department of Workforce Services.
- (25)(a) "Textbook" means instructional material necessary for participation in an activity, course or program, regardless of the format of the material.
- (b) "Textbook" includes:
- (i) hard copy book or printed pages of instructional material, including a consumable workbook;
 - (ii) computer hardware, software, or digital content; and
 - (iii) the maintenance costs of school equipment.
- (c) "Textbook" does not include:
- (i) instructional equipment; or
 - (ii) instructional supplies.
- (26) "Waiver" means a full release from the requirement of payment of a fee and from any provision in lieu of fee payment.

R277-407-3. Classes and Activities During the Regular School Day.

- (1) No fee may be charged in kindergarten through grade six for:
- (a) materials;
 - (b) textbooks;
 - (c) supplies, except for student supplies described in Subsection (6); or
 - (d) any class or regular school day activity, including assemblies and field trips.
- (2)(a) An LEA may charge a fee in connection with an activity, class, or program provided, sponsored, or supported by a school for a student in a secondary school that takes place during the regular school day if the fee is approved as provided in this rule.
- (b) All fees are subject to the fee waiver requirements of Section R277-407-8.
- (3)(a) Notwithstanding, Subsection (1) and except as provided in Subsection (3)(b), a school may charge a fee to a student in grade six if the student attends a school that includes any of grades seven through twelve.
- (b) A school that provides instruction to students in grades other than grades six through twelve may not charge fees for grade six unless the school follows a secondary model of delivering instruction to the school's grade six students.
- (c) If a school charges fees in accordance with Subsection (3)(a), the school shall annually provide notice to parents that the school will collect fees from grade six students and that the fees are subject to waiver.
- (4) If a class is established or approved, which requires payment of fees or purchase of items in order for students to participate fully and to have the opportunity to acquire all skills and knowledge required for full credit and highest grades, the fees or costs for the class shall be subject to the fee waiver requirements of Section R277-407-8.
- (5)(a) In project related courses, projects required for course completion shall be included in the course fee.

(b) A school may require a student at any grade level to provide materials or pay for an additional discretionary project if the student chooses a project in lieu of, or in addition to a required classroom project.

(c) A school shall avoid allowing high cost additional projects, particularly if authorization of an additional discretionary project results in pressure on a student by teachers or peers to also complete a similar high cost project.

(d) A school may not require a student to select an additional project as a condition to enrolling, completing, or receiving the highest possible grade for a course.

(6) An elementary school or elementary school teacher may provide to a student's parent or guardian, a suggested list of student supplies for use during the regular school day so that a parent or guardian may furnish, on a voluntary basis, student supplies for student use, provided that, in accordance with Section 53G-7-503, the following notice is provided with the list: "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

(7) A school may require a secondary student to provide student supplies, subject to the requirements of Section R277-407-8.

(8) Except as provided in Subsection (9), if a school requires special shoes or items of clothing that meet specific requirements, including requesting a specific brand, fabric, or imprints, the cost of the special shoes or items of clothing are:

(a) considered a fee; and

(b) subject to fee waiver.

(9) As provided in Subsection 53G-7-802(4), an LEA's school uniform policy, including a requirement for a student to wear a school uniform, is not considered a fee for either an elementary or a secondary school if the LEA's school uniform policy is consistent with the requirements of Title 53G, Chapter 7, Part 8, School Uniforms.

R277-407-4. School Activities Outside of the Regular School Day.

(1) A school may charge a fee, subject to the requirements of Section R277-4078, in connection with any school-sponsored activity, that does not take place during the regular school day, regardless of the age or grade level of the student, if participation in the activity is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.

(2) A fee related to a co-curricular or extracurricular activity may not exceed the maximum fee amounts for the co-curricular or extracurricular activity adopted by the LEA governing board as described in Subsection R277-407-6(2).

(3) A school may only collect a fee for an activity, class, or program provided, sponsored, or supported by a school consistent with LEA policies and state law.

(4) An LEA that provides, sponsors, or supports an activity, class, or program outside of the regular school day or school calendar is subject to the requirements of this rule regardless of the time or season of the activity, class, or program.

R277-407-5. Fee-Waivable Activities, Classes, or Programs Provided, Sponsored, or Supported by a School.

Fees for the following are waivable:

(1) an activity, class, or program that is:

(a) primarily intended to serve school-age children; and

(b) taught or administered, more than inconsequentially, by a school employee as part of the employee's assignment;

- (2) an activity, class, or program that is explicitly or implicitly required:
 - (a) as a condition to receive a higher grade, or for successful completion of a school class or to receive credit, including a requirement for a student to attend a concert or museum as part of a music or art class for extra credit; or
 - (b) as a condition to participate in a school activity, class, program, or team, including, a requirement for a student to participate in a summer camp or clinic for students who seek to participate on a school team, such as cheerleading, football, soccer, dance, or another team;
- (3) an activity or program that is promoted by a school employee, such as a coach, advisor, teacher, school-recognized volunteer, or similar person, during school hours where it could be reasonably understood that the school employee is acting in the employee's official capacity;
- (4) an activity or program where full participation in the activity or program includes:
 - (a) travel for state or national educational experiences or competitions;
 - (b) debate camps or competitions; or
 - (c) music camps or competitions;
- (5) a concurrent enrollment, CTE, or AP course; and
- (6) the cost to access software, digital content, or other instructional materials required as part of an activity, course or program.

R277-407-6. LEA Requirements to Establish a Fee Schedule -- Maximum Fee Amounts -- Notice to Parents.

- (1) An LEA, school, school official, or employee may not charge or assess a fee or request or require something of monetary value in connection with an activity, class, or program provided, sponsored, or supported by, and including for a co-curricular or extracurricular activity, unless the fee:
 - (a) has been set and approved by the LEA's governing board;
 - (b) is equal to or less than the maximum fee amount established by the LEA governing board as described in Subsection (4); and
 - (c) is included in an approved fee schedule.
- (2)(a) If an LEA charges a fee, on or before April 1 and in consultation with stakeholders, the LEA governing board shall annually adopt a fee schedule and fee policies for the LEA in a regularly scheduled public meeting.
- (b) Before approving the LEA's fee schedule described in this section, an LEA shall provide an opportunity for the public to comment on the proposed fee schedule during a minimum of two public LEA governing board meetings.
- (c) An LEA shall:
 - (i) provide public notice of the meetings described in Subsections (2)(a) and (b) in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and
 - (ii) encourage public participation in the development of fee schedules and waiver policies.
- (d) In addition to the notice requirements of Subsection (2)(c), an LEA shall provide notice to parents and students of the meetings described in Subsections (2)(a) and (b) using the same form of communication regularly used by the LEA to communicate with parents, including notice by email, text, flyer, or phone call.
- (e) An LEA shall keep minutes of meetings during which fee and waiver policies are developed or adopted, together with copies of approved policies, in accordance with Section 52-4-203.
- (3) After the fee schedule described in Subsection (2)(a) is adopted, an LEA may amend the LEA's fee schedule if the LEA follows the process described in Subsection (2) before approving the amended fee schedule.
- (4)(a) As part of an LEA's fee setting process, an LEA shall establish:
 - (i) a maximum fee amount per student for each activity; and
 - (ii) a maximum total aggregate fee amount per student per school year.

- (b) The amount of revenue raised by a student through an individual fundraiser shall be included as part of the maximum fee amount per student for the activity and maximum total aggregate fee amount per student.
- (c) An LEA shall include the total per student amount expected to be received through required group fundraising as part of the maximum fee amount for an activity described in Subsection (4)(b)(i).
- (d) An LEA may establish a reasonable number of activities, courses, or programs that will be covered by the annual maximum fee amount described in Subsection (4)(a).
- (5) As part of an LEA's fee setting process described in this section, the LEA may review and consider the following per school:
- (a) the school's cost to provide the activity, class, or program;
 - (b) the school's student enrollment;
 - (c) the median income of families:
 - (i) within the school's boundary; or
 - (ii) enrolled in the school;
 - (d) the number and monetary amount of fee waivers, designated by individual fee, annually granted within the prior three years;
 - (e) the historical participation and school interest in certain activities;
 - (f) the prior year fee schedule;
 - (g) the amount of revenue collected from each fee in the prior year;
 - (h) fundraising capacity;
 - (i) prior year community donors; and
 - (j) other resources available, including through donations and fundraising.
- (6)(a) If an LEA charges a fee, the LEA shall:
- (i) annually publish the following on each of the LEA's schools' publicly available websites:
 - (A) the LEA's fee waiver policies and fee schedule, including the fee maximums described in Subsection (4);
 - (B) the LEA's fee waiver application;
 - (C) the LEA's fee waiver decision and appeals form; and
 - (D) the LEA's school fee notice for families;
 - (ii) annually include a copy of the LEA's fee schedule and fee waiver policies with the LEA's registration materials; and
 - (iii) provide a copy of the LEA's fee schedule and fee waiver policies to a student's parent who enrolls a student after the initial enrollment period.
- (b) If an LEA's student or parent population in a single written language other than English exceeds 20%, the LEA shall also publish the LEA's fee schedule and fee waiver policies in the language of those families.
- (c) An LEA representative shall meet personally with each student's parent or family and make available an interpreter for the parent to understand the LEA's fee waiver schedules and policies if:
- (i) the student or parent's first language is a language other than English; and
 - (ii) the LEA has not published the LEA's fee schedule and fee waiver policies in the parent's first language.
- (7)(a) An LEA policy shall include easily understandable procedures for obtaining a fee waiver and for appealing an LEA's denial of a fee waiver, as soon as possible before the fee becomes due.
- (b) If an LEA denies a student or parent request for a fee waiver, the LEA shall provide the student or parent:
- (i) the LEA's decision to deny a waiver; and
 - (ii) the procedure for the appeal in the form approved by the Board.
- (8)(a) A school may not deny a present or former student receipt of transcripts or a diploma, nor may a school refuse to issue a grade for a course for failure to pay school fees.

- (b) A school may impose a reasonable charge to cover the cost of duplicating, mailing, or transmitting transcripts and other school records.
- (c) A school may not charge for duplicating, mailing, or transmitting copies of school records to an elementary or secondary school in which a former student is enrolled or intends to enroll.
- (9) To preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, each LEA's fee policies shall be designed to limit student expenditures for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national.

R277-407-7. Donations in Lieu of Fees.

- (1)(a) A school may not request or accept a donation in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise be fully funded by the LEA and receipt of the donation will not affect participation by an individual student.
- (b) A donation is a fee if a student or parent is required to make the donation as a condition to the student's participation in an activity, class, or program.
- (c) An LEA may solicit and accept a donation or contribution in accordance with the LEA's policies, but all such requests must clearly state that donations and contributions by a student or parent are voluntary.
- (2) If an LEA solicits donations, the LEA:
 - (a) shall solicit and handle donations in accordance with policies established by the LEA; and
 - (b) may not place any undue burden on a student or family in relation to a donation.
- (3) An LEA may raise money to offset the cost to the LEA attributed to fee waivers granted to students through the LEA's foundation.
- (4) An LEA shall direct donations provided to the LEA through the LEA's foundation in accordance with the LEA's policies governing the foundation.
- (5) If an LEA accepts a donation, the LEA shall prevent potential inequities in schools within the LEA when distributing the donation.

R277-407-8. Fee Waivers.

- (1)(a) All fees are subject to waiver.
- (b) Fees charged for an activity, class, or program held outside of the regular school day, during the summer, or outside of an LEA's regular school year are subject to waiver.
- (c) Non-waivable charges are not subject to waiver.
- (2)(a) Except as provided in Subsection (2)(b), an LEA may not use revenue collected through fees to offset the cost of fee waivers by requiring students and families who do not qualify for fee waivers to pay an increased fee amount to cover the costs of students and families who qualify for fee waivers.
- (b) An LEA may notify students and families that the students and families may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families.
- (3) An LEA shall provide, as part of any fee policy or schedule, for adequate waivers or other provisions in lieu of fee waivers to ensure that no student is denied the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee.
- (4) An LEA shall designate at least one person at an appropriate administrative level in each school to review and grant fee waiver requests.
- (5) An LEA shall administer the process for obtaining a fee waiver or pursuing an alternative fairly, objectively, without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents.
- (6) An LEA may not treat a student receiving a fee waiver or provision in lieu of a fee waiver differently from other students.

(7) A school may not identify a student on fee waiver to students, staff members, or other persons who do not need to know.

(8)(a) An LEA shall ensure that a fee waiver or other provision in lieu of fee waiver is available to any student whose parent cannot pay a fee.

(b) A school or LEA administrator shall verify fee waivers consistent with this rule.

(9) An LEA shall adopt a fee waiver policy for review and appeal of fee waiver requests which:

(a) provides parents the opportunity to review proposed alternatives to fee waivers;

(b) establishes a timely appeal process, which shall include the opportunity to appeal to the LEA or its designee; and

(c) suspends any requirement that a given student pay a fee during any period for which the student's eligibility for waiver is under consideration or during which an appeal of denial of a fee waiver is in process.

(10) An LEA may pursue reasonable methods for collecting student fees, but may not, as a result of unpaid fees:

(a) exclude a student from a school, an activity, class, or program that is provided, sponsored, or supported by a school during the regular school day;

(b) refuse to issue a course grade; or

(c) withhold official student records, including written or electronic grade reports, class schedules, diplomas or transcripts.

(11)(a) A school may withhold student records in accordance with Subsection 53G-8-212(2)(a).

(b) Notwithstanding Subsection (12)(a), a school may not withhold any records required for student enrollment or placement in a subsequent school.

(12) A school is not required to waive a non-waivable charge.

R277-407-9. Service In Lieu of Fees -- Voluntary Requests for Installment Plans.

(1) Subject to the requirements of Subsection (2), an LEA may allow a student to perform service in lieu of a fee, but service in lieu of a fee may not be required.

(2) An LEA may allow a student to perform service in lieu of a fee if:

(a) the LEA establishes a service policy that ensures that a service assignment is appropriate to the:

(i) age of the student;

(ii) physical condition of the student; and

(iii) maturity of the student;

(b) the LEA's service policy is consistent with state and federal laws, including:

(i) Section 53G-7-504; and

(ii) the Federal Fair Labor Standards Act, 29 U.S.C. 201;

(c) the service can be performed within a reasonable period; and

(d) the service is at least equal to the minimum wage for each hour of service.

(3)(a) A student who performs service may not be treated differently than other students who pay a fee.

(b) The service may not create an unreasonable burden for a student or parent and may not be of such a nature as to demean or stigmatize the student. (

4) An LEA shall transfer a student's service credit to:

(a) another school within the LEA; or

(b) another LEA upon request of the student.

(5)(a) An LEA may make an installment payment plan available to a parent or student to pay for a fee.

(b) An installment payment plan described in Subsection (5)(a) may not be required in lieu of a fee waiver.

(6) An LEA that charges fees shall adopt policies that include at least the following:

(a) a process for obtaining waivers or pursuing alternatives that is administered fairly, objectively, and without delay, and avoids stigma and unreasonable burdens on students and families;

(b) a process with no visible indicators that could lead to identification of fee waiver applicants;

- (c) a process that complies with the privacy requirements of The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA);
- (d) a student may not collect fees or assist in the fee waiver approval process;
- (e) a standard written decision and appeal form is provided to every applicant; and
- (f) during an appeal the requirement that the fee be paid is suspended.

R277-407-10. Individual and Group Fundraising Requirements.

- (1) An LEA governing board shall establish a fundraising policy that includes a fundraising activity approval process.
- (2) An LEA's fundraising policy described in Subsection (1):
 - (a) may not authorize, establish, or allow for required individual 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, based on the student's non-participation in a fundraiser;
 - (e) shall require compliance with the requirements of Rule R277-113 when using alternative methods of raising revenue that do not include students; and
 - (f) 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 (3), will be provided.
- (3) The specific details described in Subsection (2)(f) 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.

R277-407-11. Fee Waiver Eligibility.

- (1) A student is eligible for fee waiver if an LEA receives verification that:
 - (a) in accordance with Subsection 53G-7-504(4), based on the family income levels established by the Superintendent as described in Subsection (2);
 - (b) the student to whom the fee applies receives SSI;
 - (c) the family receives TANF or SNAP funding;
 - (d) the student is in foster care through the Division of Child and Family Services; or
 - (e) the student is in state custody.
- (2) The Superintendent shall annually establish income levels for fee waiver eligibility and publish the income levels on the Board's website.
- (3) In lieu of income verification, an LEA may require alternative verification under the following circumstances:
 - (a) If a student's family receives TANF or SNAP, an LEA may require the student's family to provide to the LEA an electronic copy or screenshot of the student's family's eligibility determination or eligibility status covering the period for which a fee waiver is sought from the Utah Department of Workforce Services;
 - (b) If a student receives SSI, an LEA may require a benefit verification letter from the Social Security Administration;
 - (c) If a student is in state custody or foster care, an LEA may rely on the youth in care required intake form and school enrollment letter or both provided by a case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department.
 - (d) An LEA may not subject a family to unreasonable demands for requalification.
- (4) A school may grant a fee waiver to a student, on a case by case basis, who does not qualify for a fee waiver under Subsection (1), but who, because of extenuating circumstances is not reasonably capable of paying the fee.

(5) An LEA may charge a proportional share of a fee or reduced fee if circumstances change for a student or family so that fee waiver eligibility no longer exists.

(6) An LEA may retroactively waive fees if eligibility can be determined to exist before the date of the fee waiver application.

R277-407-12. Fees for Textbooks.

(1) An LEA may not charge a fee for a textbook as provided in Section 53G-7603, except for a textbook used for a concurrent enrollment or advanced placement course as described in Subsection (2).

(2)(a) An LEA may charge a fee for a textbook used for a concurrent enrollment or advanced placement.

(b) A fee for a textbook used for a concurrent enrollment or advanced placement course is fee waivable as described in Section R277-407-8.

R277-407-13. Budgeting and Spending Revenue Collected Through Fees -- Fee Revenue Sharing Requirements.

(1) An LEA shall follow the general accounting standards described in Rule R277-113 for treatment of fee revenue.

(2) An LEA shall establish a spend plan for the revenue collected from each fee charged.

(3)(a) A spend plan described in Subsection (2)(a) provides students, parents, and employees transparency by identifying a fee's funding uses.

(b) An LEA or school's spend plan shall identify the needs of the activity, course, or program for the fee being charged and shall include a list or description of anticipated types of expenditures, for the current fiscal year or as carryover for use in a future fiscal year, funded by the fee charged.

(4)(a) An LEA that has multiple schools shall establish a procedure to identify and address potential inequities due to the impact of the number of students who receive fee waivers within each of the LEA's schools.

(b) For an LEA with multiple schools, the LEA shall distribute the impact of fee waivers across the LEA so that no school carries a disproportionate share of the LEA's total fee waiver burden.

R277-407-14. Fee Waiver Reporting Requirements.

An LEA shall collect the following information, which may be requested by the Superintendent as part of the Superintendent's monitoring of the LEA's school fees practices:

(1) a summary of:

(a) the number of students in the LEA given fee waivers;

(b) the number of students who worked in lieu of a waiver;

(c) the number of students denied fee waivers; and

(d) the total dollar value of student fees waived by the LEA; and

(2) the total dollar amount of all fees charged to students within all schools within the LEA.

R277-407-15. Superintendent and LEA Policy and Training Requirements.

(1) The Superintendent shall provide ongoing training, informational materials, and model policies, as available, for use by LEAs.

(2) The Superintendent shall provide online training and resources for LEAs regarding:

(a) an LEA's fee approval process;

(b) LEA notification requirements;

(c) LEA requirements to establish maximum fees;

- (d) fundraising practices;
 - (e) fee waiver eligibility requirements, including requirements to maintain student and family confidentiality; and
 - (f) community service or fundraising alternatives for students and families who qualify for fee waivers.
- (3) An LEA governing board shall annually review the LEA's policies on school fees, fee waivers, fundraising, and donations.
- (4) An LEA shall develop a plan for, at a minimum, annual training of LEA and school employees on fee related policies enacted by the LEA specific to each employee's job function.

R277-407-16. Enforcement.

- (1) The Superintendent shall monitor LEA compliance with this rule.
- (2) If an LEA fails to comply with the terms of this rule or request of the Superintendent, the Superintendent shall send the LEA a first written notice of noncompliance, which shall include a proposed corrective action plan.
- (3) Within 45 days of the LEA's receipt of a notice of non-compliance, the LEA shall:
 - (a) respond to the allegations of noncompliance described in Subsection (2); and
 - (b) work with the Superintendent on the Superintendent's proposed corrective action plan to remedy the LEA's noncompliance.
- (4)(a) Within 15 days after receipt of a proposed corrective action plan described in Subsection (3)(b), an LEA may request an informal hearing with the Superintendent to respond to allegations of noncompliance or to address the appropriateness of the proposed corrective action plan.
- (b) The form of an informal hearing described in Subsection (4)(a) shall be as directed by the Superintendent.
- (5) The Superintendent shall send an LEA a second written notice of noncompliance and request for the LEA to appear before a Board standing committee if:
 - (a) the LEA fails to respond to the first notice of non-compliance within 60 days; or
 - (b) the LEA fails to comply with a corrective action plan described in Subsection (3)(b) within the time period established in the LEA's corrective action plan.
- (6) If an LEA receives a second written notice of non-compliance, the LEA may:
 - (a)(i) respond to the notice of non-compliance described in Subsection (5); and
 - (ii) work with the Superintendent on a corrective action plan within 30 days of receiving the second written notice of non-compliance; or
 - (b) within 15 days after receipt of the second notice seek an appeal before a Board standing committee.
- (7) If an LEA that fails to respond to a first notice of non-compliance, and fails to respond to a second notice of non-compliance, nor seeks an appeal as described in Subsection (6)(b), the Superintendent shall impose one of the financial consequences described in Subsection (10).
- (8)(a) Before imposing a financial consequence described in Subsection (10), the Superintendent shall provide an LEA 30 days' notice of any proposed action.
- (b) The LEA may, within 15 days after receipt of a notice described in Subsection (8)(a), request an appeal before a Board standing committee.
- (9) If the LEA does not request an appeal described in Subsection (8)(b), or if after the appeal the Board finds that the allegations of noncompliance are substantially true, the Superintendent may continue with the suggested corrective action, formulate a new form of corrective action or additional terms and conditions which must be met and may proceed with the appropriate remedy which may include an order to return funds improperly collected.
- (10) A financial consequence may include:
 - (a) requiring an LEA to repay an improperly charged fee, commensurate with the level of non-compliance;

(b) withholding all or part of an LEA's monthly Minimum School Program funds until the LEA comes into full compliance with the corrective action plan; and

(c) suspending the LEA's authority to charge fees for an amount of time specified by the Superintendent or Board in the determination.

(11) The Board's decision described in Subsection (9) is final and no further appeals are provided.

KEY: education, school fees

Date of Last Change: July 11, 2023

Notice of Continuation: August 19, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 2; Art X Sec 3; 53E3-401(4); 53G-7-503

FULL DISCLOSURE OF SCHOOL PARTICIPATION FEES

It is the District's intent to provide full disclosure of all fees. Parents should know the full annual cost of an activity before their student participates. This should include all required fees and all optional fees for participating in extracurricular activities. For instance, the total cost for participating in football or marching band should include uniform rental or purchase, spirit packs, costs for participating in fund raising events, tour and tournament costs, value of items expected to be donated for auction or garage sales, camps, clinics, lessons, and any other expense. The parent should not receive any "surprise" fees later in the year. Full transparency also requires that parents are aware of proposed program expenses and extracurricular compensation paid to District employees to support the activity.

Board approved fees are subject to fee waiver. In addition, a fee that is classified as "optional" but is required for participation, or fees that students feel compelled to pay by social pressure for team inclusion should also be subject to fee waiver. As a result, teams should refrain from requiring or suggesting that team members purchase optional clothing or other items that are not required for participation. These additional costs may add undue financial strain and social pressure on students. Every effort should be made to keep the cost of participation as low as possible.

See samples of disclosure documents on following pages.

*****SAMPLE FORM*****

Sample High School
Athletic / Activity Fees

Sport or Extra-Curricular Activity _____

Board Approved Fees:

- ☐ Participation Fee: \$60
 - ☐ Practice uniform/equipment Fee \$30
-

Non board approved, necessary for participation:

- ☐ Tournament / Travel \$_____
-

Other Optional Fees:

Please select the optional items you wish to purchase. *Please note that 6.75% sales tax will be added to each item purchased.*

- ☐ Spirit Pack (specialized equipment) \$_____
- ☐ Bag \$_____
- ☐ Warm-ups / Sweats \$_____
- ☐ Sparkle Shirt \$_____

Add up the above optional items and calculate 6.75% \$_____

TOTAL DUE: \$_____

(Participant's Name)

(Parent's Signature)

(Date)

Please bring this sheet to the Finance Office when you pay your fees.

Additional Costs/Expense

- ☐ In kind items required for auction \$_____
- ☐ Fundraising/ donations \$_____
- ☐ Expected Sales of various fundraising items (Discount cards, bricks, cookie dough, etc.) \$_____

Total Additional Costs \$_____

Optional Suggested camps, clinics, workshops, private instruction

- ☐ High valley camp \$_____
- ☐ Private Lessons \$_____

Attached is the projected budget for the program including extracurricular compensation to advisors/coaches supported by student fees.

Millard School District Approved School Fee Schedule 2024-2025

FEE WAIVERS:

All fees listed are subject to the policy on Waiver of Fees.

OUT-OF-POCKET MAXIMUM:

The Millard School District has established a maximum total aggregate fee amount of \$7,500 that a student may be required to pay in a school year. The Board of Education appreciates the incredible opportunities for participation that are afforded by our schools. Whereas students in large schools may be forced to choose between one or two activities, our students often participate in numerous sports, clubs, activities. These are costly, and yet are entered into at the discretion of parents and students. When the fees for participation in all activities surpasses the total aggregate fee amount, the district will assume the costs of additional participation.

GENERAL STUDENT FEES:

Activity Fees (includes activity card)	\$27.00
Lost Books	(Replacement Cost)

CLASS FEES:

Accapella Choir	\$15.00
Advanced Choir/Bone Voce	\$25.00
Advanced Lifetime Activities	\$25.00
Anatomy	\$15.00
Art (Creativity) (per semester)	\$25.00
Art (Drawing) (per semester)	\$30.00
Art (Painting) (per semester)	\$50.00
Art (Studio)	\$50.00
Art Foundations (9-12)	\$25.00
Art Foundations (7-8)	\$15.00
Band (7-8)	\$15.00
Band (9-12)	\$15.00
Basic Electronics	\$25.00
Biology	\$15.00
Chemistry	\$15.00
Chorus (Advanced)	\$15.00
Chorus (7-12)	\$5.00
College & Career Readiness (7th grade)	\$6.00
Concurrent Enrollment (per credit)*	\$5.00
Crafts (7-8)	\$20.00
Creative Coding (7-8)	\$10.00
CTE Introduction (7-8)	\$6.00
Dance Class (7-8)	\$15.00
Discovering STEM (7-8)	\$10.00
Drama (7-12)	\$15.00
Drivers Education**	\$100.00
Earth Systems	\$15.00
Exploring Technology (7-8)	\$15.00
FACS Education Course (7-8)	\$15.00
Fitness for Life	\$25.00
Graphic Arts (7-8)	\$10.00
Guitar Class	\$10.00
Keyboarding (7-8)	\$3.00
Math	\$7.00
Musical Theatre (7-8)	\$10.00
Orchestra (7-12)	\$15.00
Physical Education (7-12)	\$25.00
Physics	\$15.00
Weight Lifting	\$25.00
Writing Lab (6-12)	\$6.00

*Paid to participating college/university

**A birth certificate is required before a Driver's License can be issued.

EXTRA-CURRICULAR PARTICIPATION FEES:

The costs listed below are considered **maximum** out-of-pocket and may be lower depending on the individual school and fund raisers. Please follow the [link](#) to the individual activity at your child's school to see the disclosure of fees.

USAA SANCTIONED ACTIVITIES:

Baseball	\$485.00
Basketball (Boys')	\$680.00
Basketball (Girls')	\$825.00
Cheerleading	\$1,792.00
Cross Country	\$670.00
Drill Team	\$1,985.00
Football	\$625.00
Golf (Boys')	\$535.00
Golf (Girls')	\$535.00
Soccer (Boys')	\$325.00
Soccer (Girls')	\$660.00
Softball	\$720.00
Speech & Debate	\$100.00
Swimming	\$542.00
Tennis (Boys')	\$505.00
Tennis (Girls')	\$505.00
Track & Field (Boys')	\$380.00
Track & Field (Girls')	\$380.00
Volleyball	\$1,050.00
Wrestling (Boys')	\$865.00
Wrestling (Girls')	\$465.00

OTHER ACTIVITIES:

Instruments – Students must have an instrument to participate in band and/or orchestra. If a student cannot afford an instrument, the school will provide them with an available instrument.

Band (High School)	\$1,235.00
Choir	\$1,165.00
Color Guard	\$130.00
Drama	\$175.00
E-Sports	\$175.00
Musical	\$70.00
Orchestra (High School)	\$220.00

FIELD TRIPS:

End of Year Activity	\$5.00
Field Trips (5th-7th grades) - varied	\$15.00
Lagoon Field Trip (8th grade)	\$75.00
Senior Trip	\$100.00

CLUBS:

FACS	\$500.00
FBLA	\$2,315.00
FCCLA	\$2,505.00
FFA	\$2,718.00
HOSA	\$1,780.00
National Honor Society	\$45.00
Junior National Honor Society	\$10.00
Photography	\$115.00
Rabbit Pack	\$14.00
SKILLS USA	\$1,915.00
Studentbody Office	\$615.00
TSA	\$1,980.00

SCHOOL MEALS:

(Schools may make available additional goods and services for purchase. These goods and services will be offered as a convenience to students and do not constitute a fee.)

BREAKFAST

Breakfast for Students (daily)	\$1.75
Breakfast for Staff Adults (daily)	\$2.00

LUNCH FOR ELEMENTARY SCHOOLS

Daily	\$2.25
Monthly	\$45.00
Yearly	\$405.00

LUNCH FOR MIDDLE SCHOOLS

Daily	\$2.50
Monthly	\$50.00
Yearly	\$450.00

LUNCH FOR HIGH SCHOOLS

Daily	\$2.75
Monthly	\$55.00
Yearly	\$495.00

Staff Adults (daily lunch)	\$3.50
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OPTIONAL COSTS:

Dance Tickets	(variable)
Field Trips	(variable)
School Pictures	(variable)
Yearbook	(variable)

GRADUATION EXPENSES:

Students wishing to participate in graduation exercises will be required to obtain the approved cap and gown. Cost for the cap and gown is approximately \$35.00.

BAND INSTRUMENTS:

A rental fee may be charged on small school band or orchestra instruments, such as clarinets, trumpets, saxophones, which are school property.

CTE CLASS FIELD TRIPS & STUDENT PROJECTS:

A minimum fee for a basic project is listed. Additional costs to the project are based on the student's individual preference.

Entrepreneurship Project	\$100.00
Metals Project	\$260.00
Small Engine Project	\$2,500.00
Sports & Entertainment Marketing	\$65.00
Woods, Drafting, & Construction	\$340.00

Section 7

Risk Management

FREQUENTLY ASKED QUESTIONS – SUMMER CAMPS AND SPORTS LEAGUES

Risk Management was asked, what liabilities are associated with a school district lending its name, equipment, coach and/or buses to a summer sports league? Here is general guidance on that topic as well as summer camps for sports or other activities:

- May a school district run a summer sports league, sports camp or other type of camp?
 - Yes, if there is a legitimate, school related reason for doing so. A summer camp may be related to the school's mission. For example, a science camp may aid or extend the teaching of science in the school while motivating kids with a less traditional, fun activity. A sports camp may be related to a high school recognized and supported league. Examples of non-legitimate activities would be a sports camp that exists to produce extra income for the coach.
- If a school district elects to do this, what does it need to do to minimize risk and liability?
 - The school district needs to take full responsibility for the activity and treat it like other school activities.
 - This would include adequate supervision.
 - Issuing and collecting signed informed consents detailing for the participants and their parents/guardians what will occur during the activity.
 - Collecting money and paying coaches/supervisors through an established system at the school, not letting the coaches/supervisors collect and keep money.
 - Implementing reasonable and effective loss control measures to minimize claims. As with other school sponsored activities, Risk Management loss control professionals are available to help identify and address potential hazards.
- What if the school district does not want to run a summer sports league, sports camp or other type of camp, can it just provide indirect support and let the coach or other sponsor run it?
 - If the school district is unwilling to directly run these programs, it must have a clear separation of itself from the activity.
 - The school district may allow these programs to use school facilities but it should do so on the same basis it allows other third parties to use facilities including: requiring the signing of use agreements and requiring indemnification and insurance; charge rent if other users would pay rent.
 - Similarly, the school district may allow these programs to use school supplies and equipment if it would allow others to do so or if a fair rental is charged. Non-consumable items like bats, helmets, footballs, pads, etc. may be lent but have a signed agreement setting forth the terms of the use and be prepared to offer the same equipment on the same terms to other third parties who ask for it.

- It would be a good idea to require an informed consent stating that the school district and school are not sponsors of the program.
- The school district should not:
 - Do not allow the program to be advertised with the implication the school district or school is sponsoring it.
 - Do not let the coach recruit during school or make it an implied or explicit requirement to be on the school team.
 - Do not let the program use school owned baseball or football jerseys with the school's name on them. It is okay for the team itself to be called "Alta." "Brighton" or "Skyview" but don't let them use your actual jerseys

Section 8

Contracts

CONTRACTS

Only the office of the business administrator is authorized to enter in and sign multiple year contracts or any type of contract involving incentives or kickbacks. It is a criminal offense and may be subject to termination to accept gifts, food, clothing or payment from a vendor or potential vendor in excess of \$50 at any one time (Utah Code 67-16-5). Utah law also establishes many constraints associated with multiple year contracts that require special consideration.

Section 9

Music Program

SECONDARY MUSIC

The purpose of this guideline is to establish correct procedures for secondary music programs for compensation.

Tutoring-Lessons

Employees or Non-employees of the District may not accept direct payments from parents of students on District premises unless building rental procedures are strictly followed. District employees must follow all non-sponsored guidelines for lessons given to students off District premises including the “PARENT NOTIFICATION AND RELEASE OF LIABILITY” document, and the “EMPLOYEE INVOLVEMENT IN NON DISTRICT SPONSORED INDEPENDENT OR SELF EMPLOYED” document.

Rates of Pay

Hourly rates of pay may not be given in addition to the “NON-ATHLETIC ADDENDAS” for work that is expected to be included in the addenda. Camps may only be paid for periods of time outside of the time frame covered by the addenda. Certified employees may receive less than published rates of pay if funds are not available to support the published rates. “Curriculum” hourly rates apply to work performed by certified staff without students.

Non-Employee Consultants

Non-Employee consultants may be hired as a 1099 vendor. These consultants act as independent contractors for short periods of time where they are not under the direct supervision of District employees. Consultants may not have unsupervised access to students unless they are fingerprinted.

A person who gives instruction to students on a regular basis under the direction of a District employee using District facilities and equipment would be considered an employee and may not be classified as an independent contractor.

Section 10

Athletics and Activities Acknowledgement

ATHLETICS AND ACTIVITIES ANNUAL FINANCIAL ACKNOWLEDGEMENT

All Principals, Assistant Principals, Athletic Directors, Coaches, and Activity Advisors must review and sign this form annually as they evaluate the previous year/season and plan for the upcoming year/season. Signed forms should be sent to and retained indefinitely by the principal.

1. All funds must be deposited through the main office into the school bank account within three days of receipt. Outside bank accounts are not allowed, even for parent-led boosters.
2. The financial office should collect money from parents or students. Coaches/advisors may collect money for the financial office provided standard accounting practices are followed, i.e., appropriate documentation of all transactions, two people accounting for funds, etc. Students should be asked to bring their office receipt to show proof of payment. Fundraisers, ticket sales, etc. must be coordinated with the front office.
3. All expenses must be recorded by the main office. It is not appropriate to use cash proceeds from the sale of items to buy things for the team, club, or school. Outside groups should not purchase items to circumvent using the school purchasing procedures.
4. The coach or advisor is responsible for monitoring school, club and booster accounts within the school financial system to ensure the program is charging and collecting sufficient fees to cover expenses. Reports may be requested from the school's financial secretary.
5. The coach or advisor is responsible for ensuring students have paid the applicable fees prior to participation in the first contest. Fee waiver students must obtain a receipt from the office before they are considered "paid." Students who have purchased clothing, packs, or other items should pay in full before distribution of these items.
6. Booster clubs are expected to comply with District policies and procedures.
7. Purchases, including travel, require the following quotes. Dollar limits are per order, not per item and may not be divided into multiple orders in order to come in below the threshold. Utah law states that splitting orders may result in criminal penalties.
 - \$1,000 or more - require three documented verbal quotes. Quotes may be obtained over the phone. Catalogs, on-line information or other printed price sheets cannot substitute a verbal quote; many times companies will give a better price than those printed in catalogs or web sites. A "Bid authorization form" must be filled out and filed with a purchase order or purchase card.
 - Over \$10,000 - require three written quotes and must be on a District Purchase Order.
8. Student travel must comply with policy 6050.
9. The tax exemption form should be used anytime the school is directly paying for an item. The tax exemption form should not be used when the school indirectly pays for an item (e.g. teacher reimbursement, booster parent purchase, etc.). The tax exemption form should never be used for personal purchases. The District Federal tax ID number may not be used without permission from the business administrator.
10. Anytime school facilities are used for non-school sponsored events (i.e. club team practices, private lessons, tournaments, leagues, etc.) use of the facilities must comply with facilities use policy 2020 and other published building rental procedures. All camps and clinics held at Millard School District facilities are to be scheduled through the school under the direction of the District. Building keys do not authorize access to school facilities at any time for any purpose.
11. Required fees charged to students must be approved by the Board of Education. Any fee not approved by the Board of Education must be communicated to parents as "optional." Parents should know in advance

of all costs (Board approved and optional) associated with any activity (before taking into account fund raising).

12. Fundraisers must be pre-approved in writing by your administrator under direction of the superintendent. Fundraised revenues may be used to offset or reduce student fees only if the coach/advisor has clearly documented how the revenues were fairly applied to all students who participate in the fundraiser. Such documentation and written pre-approval should be retained and available for audit for three years.

13. It is unlawful to accept gifts, food, clothing or payment from a vendor or potential vendor in excess of \$50 at any one time. (Utah Code 67-16-5).

14. Faculty and staff, including the signee of this document, may not solicit students or parents to purchase equipment, supplies or services or to participate in activities from which the employee personally benefits except as outlined in the School Transparency Packet (STP).

15. It is inappropriate to purchase items for personal use with school money, even if the intent is to reimburse the school.

16. The District Business Administrator is the only person authorized to sign contracts on behalf of the school or District.

17. Employees are not allowed to accept emolument, bonuses, stipends, gifts, etc. from any outside source (such as but not limited to boosters, parents, or vendors) for duties related to employment with Millard School District.

18. Employees must submit a plan to the administrator outlining all proposed school sponsored or non-school sponsored activities for the upcoming season including camps or clinics, summer programs or other off season activities.

19. Administrators will fulfill their duties to properly supervise the process as outlined in the camps and clinics document. (see Q&A #21 and #22)

20. I have read and understand procedures outlined in the online School Transparency Packet (STP) and STP Support document.

I acknowledge I have read the above summary of rules; I agree to abide by them as a condition of my employment with Millard School District. If I have questions, I will contact my principal and/or appropriate District department. I understand I will not receive compensation for any school sponsored events unless this document is signed and on file.

In addition, this form must be completed by the Principal, Assistant Principal and Athletic Director before any employee receives compensation from the school.

_____ Signature	_____ Date	_____ Printed Name
_____ School		_____ Activity
_____ Principal		_____ Date