

Policy Committee Meeting Minutes
Wednesday, September 4, 2019
5:00 p.m.
District Office

Attendees: Peggy Kelland, Michael Lopez, Eddy Slosower, John Lumia, Dwight Bonk, Alberta Pedro

Guests: Michelle Cardwell, Attorney Pam Bass

There were no community members present at the meeting. The meeting was called to order at 5:05 p.m. by Chairman Peggy Kelland.

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1. **Approval of Minutes** - Motion made by John Lumia to approve the Policy Committee Minutes of August 26, 2019. The motion was seconded by Eddy Slosower. Vote taken.

Yes: Peggy Kelland, Eddy Slosower, Michael Lopez, John Lumia, Dwight Bonk, Alberta Pedro

Motion carried. Unanimous.

Overnight Field Trips

The Committee reviewed the booster club overnight field trips. Some expressed that the Athletic Department should be responsible for making all the travel arrangements for booster club trips which occur during the season. Dr. Cardwell recommended that the same process should be followed for music and athletic booster organizations. The reason why the district did not request travel accommodations or funding arrangements from the booster clubs is because it was our understanding that the District had nothing to do with any booster club activities.

Attorney recommendation: There is nothing to say that this is a “booster club event” when it is our students representing the District. It is a booster club when they are raising money. If there are coaches involved, it is a District event. The issue is not who is making the travel plans. Under New York State law, the money should be donated to the District and the District sponsors the trip. The Board has taken full responsibility for the trip when they approve the overnight field trip but has no control over the trip. On a national level there are instances when teens get in trouble on a trip and the District is held liable. The key decision the Committee

needs to make is do you want to say to those booster clubs that you have to donate the money to the District first, the Board approves the donation with an itinerary, and then the District makes the travel arrangements. 99% of schools in New York don't want to touch this issue and do not take control over it.

The Committee discussed that parents are making a check out to a booster club and not the District. It is a parental donation to a booster club. A booster club with 501(c)(3) status is able to give the donor a receipt of a tax donation from the booster club. Only a few organizations in the district are 501(c)(3) organizations. If this filing is required many booster clubs will cease to exist. Some decide to create a foundation with booster clubs in it. It is not proper for booster clubs to go out and say they are tax exempt, without the proper Department of State status, or use the District tax exempt ID.

Attorney recommendation: It may be helpful for the clubs to be aware of the potential strengths and weaknesses of being a 501(c)(3) organization. For example 501(c)(3) provides exemption from federal tax for organizations organized and operated exclusively for educational, charitable or other exempt purposes. Having a booster club be a 501(c)(3) gives the public impression that individuals are not reaping a private benefit from the club, as 501(c)(3) status is only given to clubs who are exclusively for educational, charitable or other exempt purposes. In addition, there have been instances where the IRS has ordered booster clubs to pay back taxes. See, IRS Private Letter Ruling PLR 201507023 (2015). Accordingly, it may be in a club's best interest to be a 501(c)(3) organization.

The District created several documents to supplement the booster club policy including a Fundraising Form, a Registration Form, and a tri-fold pamphlet.

Attorney recommendation: Add a fiduciary duty sign off page to the Registration Form.

There is a difference between how booster clubs handle fundraising and how extracurricular clubs handle fundraising. Extracurricular clubs are under Pamphlet 2 and are student driven. The Internal Auditor reviews the account activity for clubs. Booster clubs are community driven. They do the sales and raise the money. It is not proper for students to have a quota to pay for something. The concept should be that as a booster club we need to sell 500 t-shirts to raise money to donate the money to the District.

Under law, if it is a school-sponsored trip, the money raised will be donated to the District and the District makes the arrangements for the trip. The Committee agreed

that we need to follow the law. It was suggested that taking full and total control for at least 28 booster organizations, where they are held to separate standards than the PTA or a Pamphlet 2 - club with different requirements, is not fair. It may eventually pit kids against kids, department against department, and parents against parents.

If money is raised for endeavors such as music or athletics then that money should then be donated to the District. Ideally, the District and the booster club should have a conversation and must understand that the money may not be used for that specific purpose. The current policy says that the District is responsible for economic equity. The correct way is to accept the donation and then readjust by budget transfers.

Attorney recommendation: Another option is you don't need to do the away trips.

There were 10 overnight away trips last year (baseball, wrestling, cheer, basketball, cross country) by 8 athletic booster clubs plus music so that's 9. The Board can ask for a trip itinerary with estimated expenses for trip. The Board could approve the trip contingent upon 100% or 80% of the money being donated to the district by x date.

Review of Policy

Policy 1222 - Relationship with Booster Organizations - The committee agreed with the addition of the following language.

Fundraising activities must be approved in advance by the Superintendent or designee by completing a Fundraising form. Groups wishing to use District facilities for fundraising activities need to present a certificate of insurance and follow the District's facilities use policy 1500 and regulation.

Booster organizations must register with the School District and must operate in a manner consistent with Board Policy and New York State Education Law. The Booster Club Registration Form must be completed annually in July and submitted no later than October 1 of the school year.

Additional revision: The Committee agreed that coaches should not have any involvement in fundraising. The attorney will assist with providing language to address the interaction between the coach and the booster club president (e.g. not accepting any money on behalf of a booster club) to include in Policy 1222.

Protocols & Guidelines for Booster Clubs Pamphlet

The Committee agreed with the draft pamphlet. The attorney will assist in adding language which was recommended at the last Policy Committee meeting including:

Booster clubs should set up posters requesting a donation stating that the money raised will benefit the particular booster club and that under New York State Education Law all monies are to be donated to the Board of Education.

Permit booster clubs to only be allowed a certain time and a specific designated area for donations that does not block the entrance, with proper signage.

Attorney recommendation: consider adding language “at a reasonable rate” to pay coaches for summer camps. Many camps are run by booster clubs and they are employing coaches and staff to run the camp.

Booster Club Registration Form

The Committee agreed to add language to the booster club registration form with a signature line that they will act with a fiduciary responsibility.

Fundraising Form

The Committee recommended for First Reading.

Policy 1510 - Public Sales on School Property and General Fund Raising

The Committee agreed to add the following language:

No unauthorized sale of items will be permitted on school premises. Any organization who sells items in a school should identify the organization to which the sale of the items benefit.

Attorney Bass will assist by expanding that sentence to include time, place and manner.

Policy 1500-R - Public Use of School Facilities Regulation

The Committee agreed to the following changes:

Under Schedule for Applications

B. The general term of indoor permits is from mid-September to mid-June with the exception of winter recess, spring break, and the summer months, when special permission is needed as school buildings will be closed for necessary repairs and cleaning;

Under School Kitchens

Any group that plans to prepare or serve food on Wappingers Central School District property must obtain and display a Temporary Food Service permit from Dutchess County Department of Health. This applies to use of any of the District’s kitchens,

including the concession stand at any athletic field campus. Contact the Dutchess County Department of Health to obtain the Temporary Food Service Permit: <https://www.dutchessny.gov/Departments/DBCH/Food-Service-Permit-Application-Requirements.htm>

Under Athletic Fields/Facilities

7. Travel or club teams, even if coached by a District employee, must go through the proper facilities rental procedures. Such teams may not use the fields following a District practice or training session, without requesting such use of the athletic fields, including premier artificial turf fields, or other athletic facilities.

Policy 1500-E.1 - Tiers for Assignment of Space and Fees

The Committee agreed to keep booster club organizations a Tier 2, with no cost for facility usage other than custodial overtime, if incurred. There is no change to this exhibit.

Policy 1800 - Donations, Gifts, and Grants to the District

Attorney Bass will review this policy to ensure that it is aligned for booster club donations.

The Committee requested the edits be provided to the committee members by email with First Reading scheduled for Monday's Board meeting agenda.

Motion to adjourn the meeting made by John Lumia, seconded by Michael Lopez.
Yes: Peggy Kelland, Eddy Slosower, Michael Lopez, John Lumia, Dwight Bonk, Alberta Pedro
Motion carried. Unanimous.

The meeting was adjourned at 6:30 p.m.