

## Policy Committee Meeting Minutes

Monday, August 26, 2019

5:00 p.m.

District Office

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

**Guests:** Superintendent Jose Carrion, Michelle Cardwell, Daren Lolkema, Kristen Crandall, Kurt Jesman, Maureen Myers, Joe Luzzi, Bonnie King, Attorney Pam Bass, Attorney Dan Petigrow

There was one community member present at the meeting. The meeting was called to order at 5:06 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 July 24, 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.

The purpose of this Policy Committee Meeting was to discuss revisions to the Booster Club policies, and seek the advice of legal counsel. The following provides a summary of current practices and attorney recommendations, as discussed at the meeting.

Fundraising - Is it allowable for a booster club to fundraise at a district-sponsored event? *Attorney response:* The important piece is that the District owns the event. Once that is established, the booster club can ask permission of the District to fundraise at the event and it has to be clear that money raised will go directly to the booster club. The District is trying to establish a method where before booster organizations fundraise for a specific purpose, they should have a conversation with the Principal, Athletic Director, and/or Superintendent where the District can say whether the purpose meets the needs or whether the donation would be better served on something else. There has to be communication and discussion between the fundraising organization and the District. Any money collected above the cost of holding the fundraiser from a booster club fundraising event must be donated to the District. The

District may designate where the money goes, at the Board's direction. You can take money from one booster club and apply it to a different purpose but it is recommended that the District deal with the donation on the front end when the initial fundraising request is being made and have that conversation. **Idea:** *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.*

Issue: Community members are being asked to pay admission to an athletic event or to attend a theatrical performance. Discussion: The District has some ticketed events. At non-ticketed events it is common to see a request for donations. **Idea:** *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. This would alleviate some of the misconception that the District is charging entrance fees to attend events.*

The District can charge admission to an athletic or theatre event. The money collected may be used to cover the expenses of the event. If someone can not pay the admission fee, the District can deny them entry. If the District does not man a ticket table, then it is not District money. Donations requested at the door are not done by District staff but by booster organizations.

Fundraising money should be collected by the booster club president or treasurer; not the District coach. Students and their families should not be given "quotas" of items to sell. In addition the Coach should not be privy to whether a student and his or her family participated in a fund raising event. This does not prohibit a Coach from attending an event (i.e car wash). Booster clubs are independent organizations and if District staff are involved in organizing the activity, it subjects the District to liability.

The perception from parents is that they are paying a lot of money to participate on a team when they are taxpayers. Booster clubs do a lot of good work supporting district activities and we don't want to discourage them from doing this because the budget would have to be increased significantly if they didn't do it. On the other hand, booster clubs are independent organizations and if the District provides too much oversight, it becomes potentially liable for any problems that arise (liability or financial dealings). We would like to have enough oversight to be able to say to our parents and our community that a booster club is in good standing with the District and following the policies and procedures. Through District policies and procedures we are trying to make sure there aren't abuses but we can't say too much because then we become liable. We want to provide the best oversight we can without making the District liable.

Q: Legally, what is the District's responsibility with the funds raised by booster clubs?

**Attorney response:** Booster clubs have their own accounts. If a booster club wants to raise money to offset the cost of something, that's up to them. But, if they buy equipment that is going to be sanctioned at a District sponsored sporting event then the District would want to ask the booster club to donate the money directly to the District so the District can purchase the equipment because the District will be responsible if a child is injured.

Extracurricular clubs are subject to Pamphlet 2 (e.g. Wappingers Crew). There is a need to be consistent between the different organizations.

What is the District's purview and what is it liable for? What authority does the District have over booster club organizations? Is there a difference between district sponsored clubs? **Attorney response:** First you have to determine if it is school sponsored. If it is school sponsored then you have two levels of equity - financial equity between the different schools in the District and gender equity pursuant to Title IX. If one team gets major donations, but there is nothing that happens comparably for a female sport, there is a concern. For example, if one male sport is sponsored at a premier level, then one female sport should be as well. Monies do not have to be equal, however, the opportunities and benefits should be equitable. Title IX does not compare baseball to softball or boys soccer to girls soccer. It looks at the overall athletic opportunities to see if the male athletes and female athletes are treated in an equitable manner.

**Idea:** *Create a booster club registration form to identify trustees, a signature line, and include language that they will act with a fiduciary responsibility to understand to turn that money over to the District.*

**Attorney comments:** The District should avoid situations where it reviews booster club account balances. The money (profit) raised has to be donated to the District. The key is communication by the booster club with staff to ensure that the money is used in a fair and equitable way and the District should ensure that a female sport is treated in the same manner or take from the athletic budget account to offset the disparity and give it to the female team. There is not a situation where the booster club can use money on behalf of WCSD. Booster clubs should not keep net income. The purpose is an educational one.

Q: Can a booster club use the fundraising money to offset the cost of an overnight trip like spring training, when the District does not cover any part of the trip. **Attorney response:** If the Board approves the overnight trip, it is District sponsored. If the trip is happening in season, it fits as a sponsored activity because a coach is coaching them, they are under the guise of being the high school team, and it could end up on their

overall record. Money could be donated to District and be used by the District for that trip. All details of the trip should be done by the District or a District employee (Coach) should be reimbursed in the same manner that a teacher/administrator would when he or she goes to a conference.

The current practice is that the District does not book hotel or travel. If a family can not afford to pay, in the past the booster club says they step up and pay for the trip or contribute to the cost of the trip. **Idea** - educate the booster club community that moving forward the booster club needs to come and say that if they want to go to Florida, how will it be funded and if they plan to fundraise, how do they plan to fundraise. The booster club will donate the money to the District. Either the District or a District employee will make the reservations. The District would want to provide guidelines to cover travel provisions District approved trips. This ensures equity and fairness between the clubs.

Q: If a booster club arranges a trip outside of season, must they open it up to all students? **Attorney response:** Once the Board approves the overnight trip, then the Athletic Director or the Coach makes the travel arrangements and collects the receipts. You don't have to use a district credit card but there should be procedures in place to handle the accounting of the trip. The Board should not be placed in the position to approve an out of season trip. Under NYSPHSAA Rules, any session held during the school year, but out of season needs to be 1) open to all students; 2) attendance is not mandatory, only voluntary; and 3) only supervision can occur—not coaching. In the summer athletic trips are not permissible under NYSPHSAA rules. Idea – the District should distribute a letter to parents explaining the rules and informing them that a trip that occurs out of season is not a District-sanctioned trip. Accordingly, District monies can not be used and Booster club dollars raised by an organization that works to benefit the educational mission of the District can not “pay” for such an event. Individual community members may pay for or sponsor a student to participate, however, this is separate from the Booster Club.

Q: Do we have a responsibility to find out how much booster clubs collect and what it was used for? **Attorney response:** Prior to raising money for a specific purpose, the booster club needs approval from administration. The money collected would then be donated to the District. In addition, Booster clubs can go out independently to raise funds in the community, however, if they are doing it under the guise of a District Booster Club the money needs to be donated to the District. In the summer time, if a student needs money to go to a camp, individual community members who may also be members of the Booster club may sponsor the student to help him or her participate in the camp. This is not considered Booster Club activity as the person is acting as an individual. Such “sponsorship” or support is beyond the District's control.

Q: Can a booster club make an autonomous donation based on the monies they fundraise at an event? *Attorney response:* Yes they can do that.

Q: Does the District have any right to see the financial records on the part of the booster clubs. *Attorney response:* No. The District can ask, but it can not compel.

Based on past practice in this District, the booster clubs control the money. The District needs to set up best practices and get back the confidence of the community and get a better understanding, while not risking liability of the District.

Right now the current practice is that the Board approves the overnight trips sponsored by the booster clubs. Outside of that, the District has no involvement with any of the travel arrangements, etc. Q: What does the attorney advice as far as the Board approving the trip with details to follow? *Attorney response:* When an athletic team asks the Board to approve a trip, the Board should be presented with a form from the Booster club president that affirms that the Booster club has raised or will raise the money for the trip by a date certain. In addition, a form should be completed by the Coach affirming the estimated cost of the trip, the number of people going, and a brief itinerary. Accordingly, the Board can approve the trip contingent on the Booster club donating the money to the District by a date certain and a formal itinerary being presented to the Board by a date certain.

The difference between booster clubs and PTA is athletic equity with Title IX, but a Title IX concern could arise if the PTA only gave money to the District to sponsor a "The Arts for Boys Event". PTA, Booster Clubs, Fine and Performing Arts should all be treated the same. There is a need to balance equity and not discourage booster clubs because we'd like them to keep raising money. We need to talk generically across the board because the same thing could apply to a PTA. We don't want to condone poor practices. At the end of the day, it is independent money outside of the general or federal funding.

Some schools were able to raise money for enhanced playgrounds for their schools. Others schools could not raise the money but the District has the responsibility to give them money due to equity.

Q: Do we legally have to organize the overnight field trips and collect the money or can they do that independently? *Attorney response:* If the event happens during the season, it is a school-sponsored trip and the District will be liable. The District has to set the minimum criteria when you decide to take a field trip. It is preferred to have a standard that is met for that trip such as type of hotel, location, number of chaperones in place, number of kids to a room. Payment should come through the District. Coach

could pay for it but should be reimbursed by the District so there is a record and the money has already been donated to the Board. There are not too many things the booster clubs can do on their own because they are using the District's name and they are out in the community saying they are raising money for a District team.

Q: The Toronto trip costs well over \$100,000. There are music accounts that follow Pamphlet 2. Is it advisable to tell the music boosters to donate directly to the student extracurricular account and then follow the Pamphlet 2, which the student account is in control of that money? **Attorney response:** Yes. The guidelines under Pamphlet 2 permit for two separate and independent sets of records of receipts and disbursements, one by the central treasurer and one by the student activity treasurer. Accordingly, there already exists a system of checks and balances for the funds raised, deposited into the account and the disbursement of the funds.

The community does not understand what is Pamphlet 2 or a booster club.

Once the Board approves any trip or donation, it has become a District responsibility. How do we best handle this in the optimum level of consistency to ensure it does not become a true burden to staff members?

The Policy Committee agreed that we are not ready to formulate a policy at this time. It was recommended that a second meeting be scheduled for **Wednesday, September 4, 2019 at 5:00 p.m. with invited guests Dr. Cardwell, Attorney Bass, and Superintendent Carrion.**

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