

LOS ANGELES UNIFIED SCHOOL DISTRICT
STUDENT BODY POLICIES FOR
PILOT SCHOOLS, NEW TECH HIGH SCHOOLS, SMALL LEARNING
COMMUNITIES, AND SMALL SCHOOLS SHARING A CAMPUS (Updated)

Education Code Section 48937 states that, “The governing board of any school district shall provide for the supervision of all funds raised by any student body or student organization using the name of the school.” The policies contained in Publication 465, and other Board of Education communications, were developed so that Education Code 48937 and other State and Federal laws related to student body activities occurring on District campuses are followed. With the establishment of Pilot Schools, New Tech High Schools, Small Learning Communities (SLCs), and Small Schools on middle and senior high school campuses, it is necessary to provide the following policies with regard to student body activities as an addendum to Publication 465, “Student Body Policies and Accounting Procedures – Secondary Schools”. These policies operationalize the legal requirements for student body organizations. Please see FAQ’s for a listing of laws and regulations impacting student body organizations. For any questions or additional information, please contact Jeanne Marmalefsky, Director of School Fiscal Services at Jeanne.Marmalefsky@lausd.net.

General Background on Secondary Student Body Funds:

Student Body Funds are used to promote the general welfare and morale of students and to conduct activities on behalf of the students. Student Body funds at secondary schools cannot be used to augment or enrich the instructional program. Some of the activities/expenses that general student body funds support at our campuses are: band, drama, drill team, cheerleaders, choir, orientation, graduation, campus beautification, earthquake supplies, athletic programs such as football, baseball, basketball, soccer, track, cross-country, tennis, golf, and several other sports. These activities are usually open to all students on campus, including those at a SLC, New Tech High School, Pilot School, or Small School (sharing a campus). Since these activities support all students on campus, most revenues raised by the general student body, such as activities associated with the campus student store, should remain in the general student body account.

Organization of the Student Body

There will continue to be a student council for the entire “host” school to oversee activities such as athletics, school wide dances, etc. that benefit the entire campus. It is highly recommended and encouraged that the existing student council be modified to allow for a representative of each SLC, New Tech High School, Pilot School, or Small School.

A SLC, New Tech High School, Pilot School, or Small School that wishes to hold its own student body fundraising or other activities must be properly organized following the guidelines in Publication 465, “Student Body Funds – What Are They...and How Can My School Get Them? (page1), and “Student Clubs and Classes.....How Do They Work” (page36).

Accounting for Pilot School, New Tech, Small School, and SLC Student Body Funds

At this time, due to the limitations of the existing secondary student body accounting program, the accounting for a properly organized New Tech High School, Pilot School, or Small School (sharing a campus) that decides to hold student body fundraising activities, will be done by the financial manager using the elementary student body accounting program. This will provide the principal and the students of these schools with independent access to their student body funds, and since these schools have their own CDS codes (i.e. are recognized by the State as a separate school) it will provide for an independent accounting record of their activities.

A trust account on the secondary student body books will be established by the financial manager for a properly organized SLC that wants to conduct independent fundraising activities.

Depending upon the amount and complexity of fundraising activity that a SLC, New Tech High School, Pilot School, or Small School does, it may become appropriate for them to provide some funding to provide additional assistance to the financial manager.

FREQUENTLY ASKED QUESTIONS

Question:

What are the laws and regulations that state what a student body organization can and can't do?

Answer:

Laws and regulations affecting the District's student body organizations are varied and complex. Publication 465 and other written documentation issued by the District operationalize the legal requirements for student body organizations. A listing of some of the most common laws and regulations affecting student body operations follows:

General - Education Code Sections 48930, 48933, 48934, 48936, 48937, 48938, 35564

Fundraising – Education Code Sections 48931, 48932, 51520, 51521; Penal Code Sections 319, 319.3, 319.5, 320, 320.5, 321-326, 321.5; Business and Professions Code Sections 1325, 4135, 4235, 4335, 5022, 6142.4, 17510.2, 17510.3;

Food Sales – Education Code Sections 48931, 35182.5, 49431, 49431.2, 49431.5;

California Administrative Code, Title 5, Sections 15500-15501, Title 8 Section 11706;

Code of Federal Regulations (CFR) Sections 210.11, 215.1, 220.12; United States Code, Title 42 1751-1769h – National School Lunch Act (Local wellness policy)

Sales – Revenue and Taxation Code Sections 6361; Board of Equalization, Sales and Use Tax Regulations Sections 1597, 1603

Utilizing Publication 465 and other documentation issued by the District will assist student body organizations in remaining in compliance with these laws and regulations.

Question:

I am the principal of a Pilot School and have been told that I do not need to abide by District policies as long as the Education Code or other laws are followed. Does my school need to follow the policies in Publication 465, or other written communications published by the District?

Answer:

Yes. Education Code 48937 states that, "The governing board of any school district shall provide for the supervision of all funds raised by any student body or student organization using the name of the school." District policies on student body activities have been developed to ensure that the District is able to fulfill its fiduciary responsibilities as well as to ensure compliance with other laws governing student body activities.

Question:

A student body activity is scheduled for my Pilot School, New Tech High School, Small School or SLC. Can I collect money from the students, pay any associated expenses with the cash collected, and then turn in the remaining cash to the financial manager for deposit to our account?

Answer:

No. All funds collected must follow the procedures in Publication 465, "Collections of Monies" on page 22, and the payment of expenditures associated with the activity must follow the procedures on page 25. In addition, fundraising activities must follow the guidelines found in Publication 465.

The financial manager must be informed of any proposed student body activity of a Pilot School, New Tech High School, SLC, or Small School so that the proper handling of cash, tickets, etc. as specified in Publication 465 can be followed.

Question:

Will a Small Learning Community (SLC), New Tech High School, Pilot School, or Small School (sharing a campus) be able to keep 100% of the net profit if they plan and execute any fundraising activities?

Answer:

If the SLC, New Tech High School, Pilot School, or Small School raises funds off-campus, and the sale is limited to SLC, New Tech High School, Pilot School, or Small School students and their immediate families, it may keep 100% of the funds. If the other students of the school, friends, community, etc. participate in their fundraiser, it becomes a public appeal fundraiser and the general student body of the "host" school must receive 50% of the proceeds, regardless of whether it is held off-campus.

If an SLC, New Tech High School, Pilot School, or Small School holds a dance or fundraising activity on-campus during the school day, in an area that is **accessible** to all students (not just students at a Pilot, SLC, New Tech, Small School) the profits from the dance or fundraising activity must be split 50/50 with the "host" school's general student body. If the dance or fundraising activity is held in an area **accessible only** to students of the Pilot, SLC, New Tech, or Small School, then 100% of the profits can be retained by the Pilot, SLC, New Tech, or Small School.

If the dance or activity is held either off-campus or after school, and **only** students of the Pilot School, SLC, New Tech, or Small School, were involved in the planning and production of the activity, and no student body funds from the "host" school were used related to the activity, then 100% of the profits from the activity can be retained by the

Pilot, SLC, New Tech, or Small School, even if it is open to all students, community etc. If any general student body funds of the “host” school were used in the activity, then the profits of the activity must be split 50/50 with the “host” school’s general student body fund.

The financial manager must be informed of any proposed student body activity of a Pilot School, New Tech High School, SLC, or Small School so that the proper handling of cash, tickets, etc. as specified in Publication 465 can be followed.

Question:

A Pilot School, Small Learning Community (SLC), New Tech High School, or Small School that is sharing a campus with other schools, would like to offer spirit clothes that can also be worn during their students’ PE class for sale at the student store. Can they keep 100% of the profits?

Answer:

Yes, provided that the Pilot School, SLC, New Tech High School, or Small School purchases the inventory with their own general student body money held in their account. Depending on the amount of fundraising activity that a SLC, New Tech High School, Pilot School, or Small School does, it may become appropriate for them to provide some funding to provide additional assistance to the financial manager to help with the accounting of funds.

Please be aware that some schools that have multiple SLC’s have decided to have spirit clothes with the names of all SLC’s imprinted on the item. This simplifies the accounting, inventory, and management processes at the school site, and provides for a feeling of unity among SLC’s.

If the Pilot School, SLC, New Tech High School, or Small School decides to have a vendor come to their part of the campus to sell spirit clothes or school uniforms (which cannot be sold at the student store) to their students, 100% of any commission or donation made by the vendor should be credited to the general student body account of Pilot School, SLC, New Tech High School, or Small School.

Question:

At the end of the fiscal year, should the accounts of Pilot Schools, SLC’s, New Tech High Schools, or Small Schools be “swept” to the general student body account of the “host” school?

Answer:

No. The funds should remain in the accounts of the Pilot School, SLC, New Tech High School, or Small School. If however, the general fund of the host school provided funds

for an event that did not take place, then the funds must be returned to the general student body fund of the host school.

Question:

The students at my Pilot School, New Tech High School, SLC, Small School purchase snacks, beverages, and other student store items, and also attend events whose proceeds are deposited in the general student body fund of the “host” school. Shouldn’t the students at these schools be entitled to the proceeds?

Answer:

The general student body of the “host” school supports student body activities that are open to all students to all students on campus, including those at a SLC, New Tech High School, Pilot School, or Small School. Therefore, the majority of the funds raised by the student store, or other campus-wide activities should be deposited into the account where the expenditures are occurring.

However, an allocation of some general student body funds of the “host” school could be made to the student body organization of a Pilot School, New Tech High School, SLC, or Small School, if its students are participating in campus-wide activities that raise funds, or purchasing items from the student store. This allocation should be credited to the general student body account of the Pilot School, New Tech High School, SLC, or Small School.

Question:

There is a vending machine located at my Pilot School, New Tech High School, SLC, or Small School that is **only accessible** to students of the Pilot School, New Tech School, SLC, or Small School. Can the commission be kept 100% by the Pilot School, New Tech School, SLC, or Small School?

Answer:

Yes. If the vending machine is only accessible to students of the Pilot School, New Tech High School, SLC, or Small School and the commissions for the machines can be identified in a report from the vendor, then 100% of the commissions can be retained by the Pilot School, New Tech High School, SLC, or Small School.

The types of snacks and beverages sold at Pilot Schools must conform with Education Code requirements for healthy snacks and beverages. SLC’s, New Tech High Schools, and Small Schools must conform with District approved snacks and beverages.