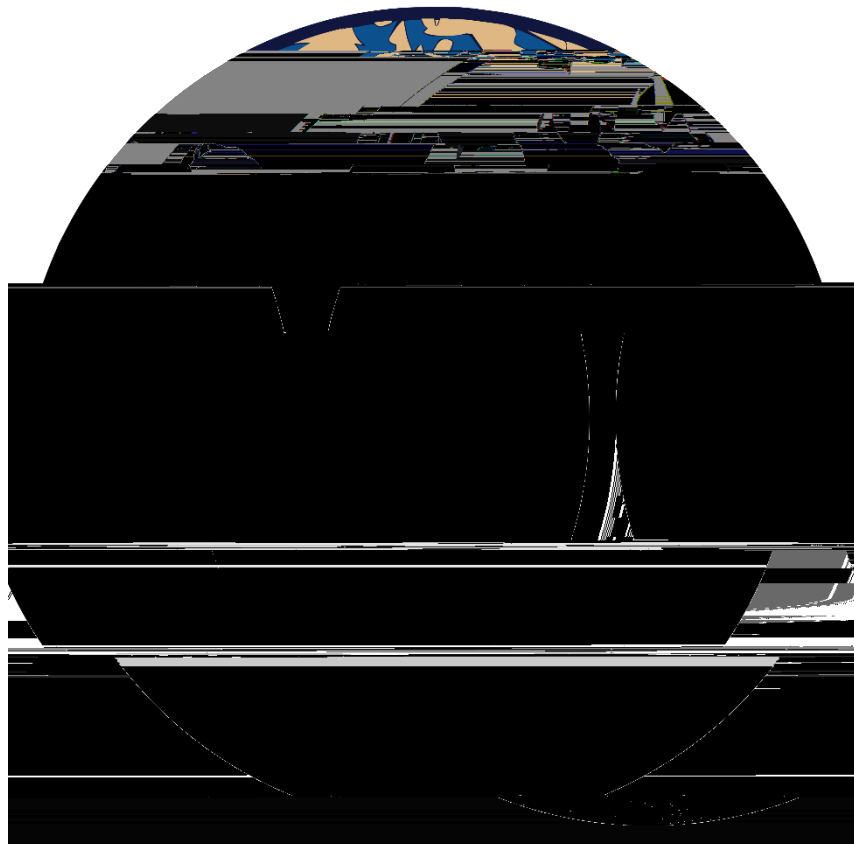


Fontana Unified School District Booster Club Guidelines Fall 2022



Dear Booster Officers and Members,

On behalf of Fontana Unified School District (FUSD), we would like to thank you for volunteering your time and service to an organization which enhances the experiences offered to our students. FUSD recognizes that the management of a booster club can be very challenging. Every FUSD booster club is an independent, non-profit organization which must abide by all applicable federal, state, and local laws.

These guidelines are provided as a tool for parents and community members involved with school booster clubs. They contain pertinent information required to start or continue to operate an authorized school-connected organization within our district. While these guidelines comply



What is a Booster Club?

Booster clubs provide financial support and assistance to help achieve the common goals of the booster club and school programs. They are formed to support specific school activities for the benefit of students.

Booster clubs are not legal components of the school district. They are their own non-profit school connected organization. Booster clubs are responsible for their own formation, governance, accounting, tax returns and insurance liabilities. The booster club must maintain a correspondence.

Booster clubs are not to be confused with Associated Student Body (ASB) organizations. The students. The ASB finance office, club advisors and students must follow the procedures set by the school district. Booster clubs should serve as supplementary support to the school programs, with all fundraising activities and operations being provided by parents and other adult community members.

At their discretion, employees may volunteer to perform activities for school-connected organizations during non-working hours only. For more details, please refer to the section titled,



Time

Part 1 Formation of the Booster Club

Step 1 Preliminary Approval from Site Administration

The very first step in forming a booster club includes reaching out to the school principal to express your desire to form a school-connected organization and to provide some preliminary information as to the purpose of the club. It is possible that there may be an existing Booster Club that is addressing a similar purpose. If that is the case, it is much easier to partner with an existing organization than it is to create and maintain a new organization.

Step 2 File Articles of Incorporation

Articles of Incorporation are required to be filed with the State of California. Instructions and fileable PDF Articles of Incorporation can be found on the California Secretary of State website at:

[Forms | California Secretary of State](#)

- Nonprofit Corporation-
instructions and file the Articles of Incorporation accordingly.

Step 3 Draft and Adopt Bylaws and Constitution

Minimum Elements of a Constitution and By-Laws

*A constitution should minimally include the following **Five** elements:*

1. Name and purpose of the organization
2. Membership (i.e., how membership is determined)
3. Executive Board or Officers
 - a. Positions and duties of each position defined
 - b. Position and term limitations



- c. What constitutes a quorum
- d. Who shall conduct meetings

Step 4 - Obtaining Tax Exempt Status

Booster clubs are not legal components of a school district. Each organization must have its own tax identification number, own bank account, and is directly responsible for compliance with IRS and state reporting and disclosure requirements. Organizations who provide receipts to donors

501(c)(3) tax-exempt

knowledgeable and compliant with all state and federal laws.

Booster and parent groups are encouraged to contact the Internal Revenue Service and the Franchise Tax Board in order to obtain a tax-exempt status for their organization.

The booster club shall not use the district's tax-exempt status and identification number. It shall be responsible for its own tax status, accounting, internal controls, financial reporting, retention of records, and other operations.

State and Federal forms and further information can be found at the following Web sites:

Tax Identification Number

Form SS-

Instructions: <http://www.irs.gov/pub/irs-pdf/iss4.pdf>

Fill-in form: <http://www.irs.gov/pub/irs-pdf/fss4.pdf>

Non-Profit Status

<http://www.irs.gov/pub/irs-pdf/p557.pdf>

-in form 1023, instructions for form 1023, and form 872-C: <http://www.irs.gov/charities/article/0,,id=139469,00.html>

<http://www.irs.gov/pub/irs-pdf/f8718.pdf>

Includes instructions and two copies of form 3500.

http://www.ftb.ca.gov/forms/2008/08_3500bk.pdf

what may and may not be taxable.

<http://www.boe.ca.gov/pdf/pub18.pdf>

Step 5- Open a Bank Account

The booster club Board will need to take action in a regular board meeting to open a bank account. The motion/action should indicate which banking organization, who the authorized signers will be, and required operations.





In addition, if a booster club has an event to which an outside vendor is participating, the

School-Connected Food Sales

Booster clubs must comply with state law as well as district policies and regulations on the sale of food on school premises. Food sales can only be held thirty (30) minutes before or after the school day. Booster and parent organizations are encouraged to review and become knowledgeable of applicable laws including county food handling requirements, State and Federal nutritional standards, as well as the _____ ion is available from the department of Food Services.

Support Personnel

The booster club shall not hire or directly pay any district employee. If a booster club wishes to pay for additional and/or extracurricular services, the person to provide the services shall be hired through the district's personnel department, provided the Board approves the position. At their discretion, employees may volunteer to perform activities for the booster club during



but school fees may not be a requirement of parents or students to participate in school activities.

Liability





s of Booster Clubs

What to do:

- Obtain tax identification number and tax-exempt status, if applicable.
- Open financial account under the above criteria. Maintain records for continued status.
- Create logo and name to be used; the school or district is separate. High school or district logos should not be used without specific authorization of the Superintendent/designee; booster clubs and parent organizations have their own identity.
-



Additional Documents



Letter from School to Booster Club

Please insert the following into School letterhead:

Dear _____ Booster Club (or Name of President),

This letter is to formally notify you that as a booster club, you are NOT authorized to act as an agent or represent yourself as an agent of either



FINANCIAL INFORMATION

Name of Bank:

Authorized Signers:

1.

Address of Bank:

2.

Booster Tax ID # (EIN)

3.

REQUIRED DOCUMENTS

Attach Copies

- Booster Club Constitution & Bylaws**
- Hold Harmless Agreement**
- Liability Insurance with the following:**
 - **A current insurance certificate showing Fontana Unified (not the school site) as a Certificate Holder in the minimum amount of \$1,000,000.**
 - **A current Additional Insured Endorsement showing Fontana Unified as an Additional insured.**
 - **Evidence that SAM (sexual abuse/molestation) insurance is not excluded.**
- Annual Financial Statement (if returning organization)**
- List of Proposed Fundraisers**
- Proof of Tax ID Number**
- Proof of State Tax Exempt Status**
- 501 (c) (3) Federal Determination Letter**

APPROVAL

You are not authorized to operate as a booster organization until all sections have been satisfied and signature for final approval is received from the school site administrator and the FUSD Board of Education or their designee.

This certifies you have satisfied all sections of the Fontana Unified School District Application for Booster Club organizations. Authorizations are granted per school year. An application must be submitted annually.

Signature School Site Administrator: _____ Date _____

Printed Name: _____

Authorized to operate for school year : _____



BOOSTER CLUBS HOLD HARMLESS AGREEMENT

Booster clubs and its officers or operators will agree to indemnify, defend, and hold harmless the Fontana Unified School District, its Board Members, officers, agents, teachers, staff or any other employees from any damage injury or harm involving any student, parent or third party arising from or which occurs in any way as a result of or related to Booster Club activity regardless of location, including every claim or demand made, every liability, loss, damage, or expense, of any nature whatsoever by any student, parent or third party which may be incurred by reason of:

Death or bodily injury to persons, loss of or injury to property, or any loss, damage or expense which may have been sustained by the Booster Club or its representatives or participants, including any corporations, district employees, firm or corporation employed by the Booster Club which arises from negligence or misconduct on the part of the Booster Club, its representatives, students or participants, or which in any way is related to Booster Club activity, regardless of date, time or location.

Any injury to or death of persons or damage to property, any loss or theft sustained by persons, firms or corporations, including the applicant participating in Booster Club activity or conduct related to Booster Club activity, or otherwise arising from any act of neglect, default, omission, negligence or willful misconduct of the Applicant, its members, or any person, firm or corporation employed by the Applicant, either directly or by independent contract, and attributable in connection with the activity covered by this agreement, on or off District property and during or outside of school hours.

Booster clubs, at their own expense, cost, and risk, shall defend any and all actions, suits or other proceedings that may be brought or instituted against the District, its Board, officers, agents, or employees and shall pay or satisfy any such claim, demand, liability or judgment rendered against the District, its Board, officers, agents, or employees in any action, suit or other proceedings arising out of the booster activities.

ACKNOWLEDGED BY BOOSTER CLUB PRESIDENT:

Print Name/ Signature: _____

Date: _____

