

NONINSTRUCTIONAL OPERATIONSProvision of Certain Goods and Services to Students and Patrons

The superintendent is authorized and required to execute a written contract with an individual or organization which shall provide, with district assistance, goods and/or services for sale to students and/or members of the public.

Prior to entering into such a contract, the superintendent shall endeavor, whenever possible, to ensure the integrity of the supplier.

When applicable, these contracts should contain, but are not limited to, the following:

- A. A complete description of the goods/services to be made available;
- B. Where and when goods/services are to be made available;
- C. The price to students and patrons of the goods/services offered;
- D. Conditions for payment of the goods/services by students and patrons;
- E. Specifications of any services or facilities to be provided to the supplier by the district, by any associated student body of the district or by any school-related nonprofit organization that are necessary for, or attendant to, the provisions of the supplier's obligations;
- F. The estimated value of the services or facilities in no. 5 above if the district, any associated student body or school-related nonprofit organization is to receive any cash or goods/services in return from the supplier; and
- G. The estimated value of goods/services or cash or amount per sale to patrons, or any combinations to be paid by the supplier pursuant to item F above.

When such contracts are entered into, the students and patrons of the district shall be made aware that the goods and/or services to be made available by the supplier may be secured elsewhere or not at all. Whenever possible, students and patrons of the district shall be given sufficient advance notice to allow for alternative arrangements.

Students and patrons should be made aware of any benefits, cash or in kind, to be paid by the supplier to the district, any associated student body or school-related nonprofit organization as a result of any student and/or patron purchases, including the estimated or actual amounts per purchase.

Adoption Date:

Provision of Certain Goods and Services to Students and Patrons

The policy is based on guidelines adopted by the State board of Education on August 27, 1976, concerning the provision of certain goods and services to students and patrons of school districts. In commentary adopted with the State Board guidelines, the State Board gave the following rationale for the guidelines:

The rationale for guidelines for school districts to provide goods/services to its students/patrons for profit can be simply stated: School districts are sustained by public tax monies and do not possess authority to tax without approval of their governing body or public. For a school district to profit at the expense of the public without their knowledge and approval is to selectively tax, in effect, without the consent of the governed. Fund raising activity on a voluntary consumer basis by a school district, student bodies or a related service organization is acceptable when the profits to be raised, the intended distribution of these profits and the purpose of such fund raising is disclosed to patrons.

The State Board indicated that its guidelines were intended to cover:

agreements with private parties for the use of school facilities for the purpose of carrying on a commercial transaction and agreements for the delivery of goods and/or services to students in behalf of school districts. Examples include: arrangements for the placement of vending machines on school grounds, student assembly programs and/or entertainment conducted by a private party, arrangements for student photographs, and all similar arrangements.

The State Board guidelines state that the district board of directors would execute contracts with suppliers. In the policy the board authorizes and requires the superintendent, as the representative of the board, to enter into such contracts. The effect of this delegation is that designated representatives may execute contracts as long as the guidelines stated in the policy are adhered to.

Once a contract has been entered into, students and patrons must be made aware that the goods and/or services being made available may be secured elsewhere. Notification as to the profits the district or related organization will make from these goods and/or services must also be given.

Both these notification requirements could be met when student and/or patrons are told of the availability of the goods and/or services which have been contracted for. Examples of such notification might be as follows:

FOR A SODA POP VENDING MACHINE--Since the purchase is obviously voluntary, a sign on the vending machine stating that so many cents profit from each can of pop will be paid to the associated student body fund.

FOR SCHOOL PHOTOGRAPHS--A notice stating that students are not required to buy any pictures and that the associated student body fund will receive so many dollars for each \$ ____ worth of pictures sold.