

UNAUTHORIZED FUNDRAISING

Response Protocol & ASB Fund Guidance

Guidance for Oregon public schools — administrators, staff, students, and families

What Are ASB Funds?

Associated Student Body (ASB) funds are public monies raised on behalf of students and used for optional, extra-curricular events of a cultural, athletic, recreational, or social nature. The ASB Fund collects primarily student and some non-student funds for student-directed activities. It is considerably smaller than other district funds and can vary significantly year to year.

The ASB fund is completely independent of other funds and is treated as a stand-alone account managed by and for student clubs and activities. Student involvement in decisions about the use of this money is central to the associated student body — except that the board may delegate this authority to a staff member for any school that does not include a grade higher than sixth grade. ASB club constitutions provide for participation by ASB representatives in budgeting and disbursement decisions.

LEGAL CONTEXT

In Oregon public schools, fundraising on campus or on behalf of students is strictly regulated by state law (ORS 339.880) and local school board policy. Unauthorized fundraising creates legal liability, potential charitable-fraud issues, and student discipline concerns.

Failure to follow proper procedures, protocols, and approval processes for fundraising activities can expose the district, staff, and student groups to legal liability, financial mismanagement, and disciplinary consequences. The steps below outline the appropriate response when unauthorized fundraising occurs.

If You Are a School Administrator

1. Issue an Immediate Cease-and-Desist

Inform the group leaders to pause all collection, active sales, online crowdfunding (e.g., GoFundMe), or event promotion immediately.

2. Determine the Context & Scope

- Did it happen on campus or involve students? ORS 339.880 prohibits soliciting or receiving money from public school pupils on school premises without school board authorization.
- Did they use school intellectual property? Using the school's official name, logo, mascot, or uniform without permission violates district policy and intellectual property rights.
- Is it an associated group (e.g., a Booster Club/PTO)? Parent groups are independent 501(c)(3) entities. They cannot represent the school, recruit students to fundraise on school grounds, or use school branding without explicit principal or board authorization.

3. Audit and Secure Collected Funds

- Demand a detailed accounting of how much money was raised, who donated, and where the funds are currently held (e.g., personal bank account, Venmo, cash).
- Note: Unauthorized cash collected on school grounds cannot simply be deposited into a school activity account without district finance approval, due to public accounting laws.

4. Determine Appropriate Action

Retroactive Approval: if the fundraiser aligns with district policies, equity guidelines, and safety standards, the administration may grant retroactive approval and transfer the funds to an official ASB account.

Refund Donors: if the fundraiser violated board policy, Title IX equity guidelines, or state law, the group may be required to refund all donors.

Disciplinary Measures: for student groups or staff who knowingly bypassed administrative approval, apply standard student code of conduct or staff discipline protocols.

If You Are a Student, Parent, or Community Member

1. Report It to School Leadership

Contact the high school principal or athletic director. Explain who is raising funds, how the money is being collected, and why you believe it lacks approval.

2. Do Not Participate or Hand Over Cash

Refrain from soliciting additional donations or buying items from an unapproved fundraiser.

3. Report Potential Fraud (If Necessary)

If an unaffiliated adult or outside entity is raising money under the high school's name without permission and keeping or mismanaging the funds, this may constitute charitable solicitation fraud. You can report suspicious charitable activity to the Oregon Department of Justice, Charitable Activities Section.

KEY PRINCIPLE

School district property, branding, and student access belong to the public entity. Groups cannot solicit funds using a school's name or on school grounds without administrative sign-off.

This handout is a general reference and does not replace district policy or legal counsel. For specific situations, consult your district's business services office or legal counsel.