

Policy KH: PUBLIC GIFTS TO THE SCHOOLS

Status: DRAFT

Original Adopted Date: 04/21/2010 | Last Revised Date: 06/15/2016

24B UPDATE EXPLANATION

MSBA has updated this policy to address crowd-sourced fundraising and incorporate the content of policy FFA, Memorials on Facilities and grounds.

EDITOR's NOTE: Please note that we are defining gifts to include donations and bequests (all donations and bequests really are gifts, whether monetary or property) for the sake of brevity.

Definitions

Crowdfunding - The activity or process of raising money through solicitations, typically via an online community or platform. Crowdfunding does not include district requests for direct gifts made using the district's social media accounts or website.

District-Approved Crowdfunding - Crowdfunding activities approved by the superintendent or designee and initiated by the district, a district employee, or any agent or volunteer acting on behalf of the district, even if the district is not specifically named.

Gifts - For the purpose of this policy, any gift, donation, or bequest made to the district or a district foundation.

Gifts, Donations and Bequests to the District Foundation

The board of education encourages the community to direct all gifts, donations or bequests ("gifts") to foundations created to support the district. Gifts, donations and bequests made to foundations are not considered public funds, which allows the district greater flexibility in using the funds for the benefit of the district. Further, a foundation is eligible for grants and gifts not otherwise available to governmental entities.

Gifts, Donations and Bequests to the District

All gifts accepted by the district will become the property of the district, to be expended or used at the discretion of the board of education and in accordance with board policies and law for the benefit of the district as a whole. All gifts the district accepts will become district property, and the board, in its discretion, may expend or use them, in accordance with board policies and law, for the district's benefit.

In deciding whether to request or accept a gift or donation, the superintendent, the board, or its designee will minimally consider whether the contribution gift:

1. Will further the goals of the district; whether it
2. Will be used; whether it
3. Is appropriate for the school environment; and whether it
4. Will unequally distribute resources in the district. No gift will be accepted without verification that there are no encumbrances against the gift.

The board requires gifts of real property to have acceptable evidence of title and the district's agreement to accept any encumbrances on the property.

The superintendent or designee will report all accepted gifts accepted will be reported to the board of education. Gifts will be publicly announced and appropriately acknowledged. The donor will be officially thanked in the district's name unless the donor wishes to remain anonymous.

Gifts and Donations in General

Unless the gift is obtained through crowdfunding, the superintendent or designee is authorized to accept gifts to the school district, but the board must take action to accept all contributions that require ongoing annual service, a maintenance fee, significant personnel time, initial or continuing financial commitments from the district or are gifts of real property. If the value of the ~~donation~~ gift is greater than \$1,000, the completed, signed Donation Agreement must be forwarded to the superintendent or designee for submission to the board for approval.

Gifts and Donations Through District-Approved Crowdfunding

For the purpose of this policy, crowdfunding is the process of requesting a specific gift or ~~donation~~ to fund a specific purchase or project, typically through websites or social media designated for this purpose. Crowdfunding does not include requests for ~~donations~~ gifts the district makes using the district's own website or social media.

The rules in this section apply only to district-approved crowdfunding activities. The purpose of these controls is not to thwart the charitable intentions of donors but to promote legal compliance, consistent messaging, and confidence in the handling of funds, as well as to prevent duplication of efforts and gift purposes.

The superintendent or designee shall vet proposed crowdfunding platforms and limit them to those with a satisfactory reputation and expected functionality for both donors and the district.

Because crowdfunding is a unique form of fundraising, the following rules will apply whenever the district, a district employee, or other volunteer or agent of the district seeks gifts ~~and donations~~ through a crowdfunding website intended to benefit the district, district employees acting in their capacity as district employees, or the district's students:

1. Before any ~~donation~~ gift is requested, the assistant superintendent of support services or designee must be informed of the request and give approval, after reviewing all relevant details of the request. ~~to ensure that the request does not conflict with other fundraising efforts or, if classroom supplies or other property is requested, the district does not already have the requested supplies or the district can adequately support, store, or maintain the gift if received.~~ The review will include, but is not limited to:
 - An assessment of legal and district policy compliance;
 - A determination of whether the crowdfunding will interfere with other fundraising efforts;
 - Assurance that the district does not have the targeted property, supplies, or materials (if any); and
 - An investigation into whether the district can adequately support, store, or maintain the gift when received.
2. ~~All donations or gifts that are requested using the district's name, referencing the employee's position with the district even if the district is not named, or requested on behalf of students specifically or in general are considered district property.~~ The assistant superintendent of support services or designee will be informed if ~~donations or gifts~~ are received using crowdfunding so that the gift may be appropriately acknowledged by the district and ~~the donation~~ may be deposited into the appropriate district account or ~~the gift may be~~ inventoried.
3. In district-approved crowdfunding, the requesting party hosting the solicitation is the agent of the school district for financial purposes. The personal profile of the requesting party as it appears on the website or platform must reference the party's connection to the district. All funds, supplies, materials, and property that are donated via district-approved crowdfunding are considered the property of the district, not the requesting party.
4. The crowdfunded gift(s) will be transferred from the crowdfunding website or platform directly to the district whenever possible. The superintendent or designee is responsible for determining how and where to use the gifts in a manner consistent with the purpose of the crowdfunding request.
5. Donors are responsible for their own tax considerations and documentation when using crowdfunding to support the district.

Memorials

Memorials are a ~~special~~ type of gift, ~~subject to the general provisions above,~~ given ~~in memory of a deceased~~

individual to commemorate an individual or event. Memorial text on physical items must be simply presented as the name of the individual or event; birth, death, or event dates and the words "donated in memory of" or "in memory of" unless the board specially permits a variation of this language. The district recognizes the following as appropriate forms of memorialization:

1. *Memorial scholarships* - Application and award guidelines should be finalized prior to the scholarship being announced. A typed copy of the application and award guidelines along with the timeline for the scholarship implementation is to be kept on file at the office of the building principal or designee. If desired, the district Foundation may be used as a resource to establish and administer the scholarship. The district must first approve the award criteria, the administrative process, and the process to be used if the scholarship becomes insolvent or the principal is significantly diminished.
2. *Purchases of library books, educational CD-ROM materials, school supplies, and equipment* - The district will maintain a "wish list" of these items from which a person establishing a memorial may choose. Books may include a book plate, and equipment/supplies (if applicable) may include an engraved plate. Wording on each plate must be limited to "donated in memory of" or "in memory of," along with the memorialized individual's name and dates of birth and death. All engraved plates may be removed at the end of ten years and offered to the nearest relative. Selections must be aligned with the district's needs and curriculum.
3. *Funds designated for a particular school activity or department* - The use of such funds must be approved in writing by the building principal and forwarded to the superintendent or designee for final approval. *Plants and trees* - The administration must approve the type and placement of any planting before it is placed.
4. *Benches, tables, and other outdoor fixtures, such as sidewalks, stones, and statuary* - The district will accept this type of memorial only to the extent that there is a suitable location and the style is complementary to the buildings and grounds.

Memorials such as plantings or benches are accepted in accordance with the district's policies on buildings and grounds.

As with all gifts, items received as memorials become the property of the district.

District-Approved Crowdfunding

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The superintendent or designee shall vet proposed crowdfunding platforms and limit them to those with a satisfactory reputation and expected functionality for both donors and the district.

Before a solicitation through crowdfunding, the superintendent or designee must give approval in writing after reviewing all relevant details of the request. The superintendent or designee's review must include, but is not limited to:

1. An assessment of legal and district policy compliance;
2. A determination of whether the crowdfunding will interfere with other fundraising efforts;
3. Assurance that the district does not have the targeted property, supplies, or materials (if any); and
4. An investigation into whether the district can adequately support, store, or maintain the gift when received.

In district-approved crowdfunding, the requesting party hosting the solicitation is the agent of the school district for financial purposes. The personal profile of the requesting party as it appears on the website or platform must reference the party's connection to the district. All funds, supplies, materials, and property that are donated via district-approved crowdfunding are considered the property of the district, not the requesting party.

The crowdfunded gift(s) will be transferred from the crowdfunding website or platform directly to the district whenever possible. The superintendent or designee is responsible for determining how and where to use the gifts in a manner consistent with the purpose of the crowdfunding request.

The district does not issue individual acknowledgments or receipts to crowdfunding donors, although the crowdfunding site may do so. Donors are responsible for their own tax considerations and documentation when using crowdfunding to support the district.

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Cross References

ECB

IIAC

Description

[BUILDING AND GROUNDS MAINTENANCE](#)

[INSTRUCTIONAL MEDIA CENTERS/SCHOOL LIBRARIES](#)