

# Novato USD

## Board Policy

### Gifts, Grants And Bequests

BP 3290

Business and Noninstructional Operations

**\*\*\*Note: Education Code 41032 authorizes the Governing Board to accept gifts on behalf of the district and to prescribe conditions for their acceptance. Criteria listed in this optional policy may be revised to reflect district practice.\*\*\***

The **Governing Board of Education** may accept any **gift, grant or bequest** ~~or gift~~ of money ~~or~~ property, ~~or service on behalf of~~ to the district **from any individual, organization, foundation, or public or private agency that desires to support the district's educational program.** While greatly appreciating suitable donations, the Board ~~discourages~~ **shall reject** any gifts which may directly or indirectly impair its **authority to make decisions in the best interest of district students or its ability or** commitment to ~~providing equal~~ **provide equitable** educational opportunities ~~for all district students.~~

**(cf. 0200 - Goals for the School District)**

**(cf. 0410 - Nondiscrimination in District Programs and Activities)**

**(cf. 0415 - Equity)**

**(cf. 1260 - Educational Foundation)**

**(cf. 9270 - Conflict of Interest)**

**\*\*\*Note: A donor may impose restrictions and conditions on the use of a gift. Unless the conditions are illegal, the district will be subject to those conditions if it accepts the gift.\*\*\***

Before accepting **any gift, grant or bequest** the Board shall consider whether the gift **carefully consider any conditions or restrictions imposed by the donor to ensure their consistency with the district's vision, philosophy, and operations. If the Board believes the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.**

**(cf. 0000 - Vision)**

**(cf. 0100 - Philosophy)**

**In addition, the Board shall ensure that acceptance of the gift, grant, or bequest does not:**

- ~~1. Has a purpose consistent with the district's vision and philosophy~~

2.1.  ~~Begins~~ **Involves creation of** a program which the Board would be unable to ~~continue~~ **sustain** when the ~~donated funds are~~ **donation is** exhausted

~~3.2.~~ Entails undesirable or excessive costs

3. **Promote the use of violence, drugs, tobacco, or alcohol**

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

4. **Advertise or endorse the use of non-nutritious food or beverages during the school day**

(cf. 5030 - Student Wellness)

5. **Encourage or enable the violation of any law or district policy**

~~4. 6.~~ ~~Implies~~ **Imply** endorsement of any business or product **or unduly commercialize or politicize the school environment**

(cf. 1325 - Advertising and Promotion)

~~The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of district philosophy and operations. If the Board feels the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.~~

**Any gift of books and or instructional materials shall may only be accepted only if they meet regular district criteria for selection of instructional materials.**

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

**(cf. 6161.11 - Supplementary Instructional Materials)**

All gifts, grants and bequests shall become district property. Donors are encouraged to donate all gifts to the district rather than to a particular school, **classroom or teacher**. At the Superintendent or designee's discretion, a gift may be used at a particular school **or classroom**.

**\*\*\*Note: Education Code 41030 allows districts to invest monies gifted to them when not immediately needed. Education Code 41031 requires that such funds be placed in a district special fund in the county treasury and designated as the Foundation Fund. Funds donated for specific purposes must be placed in a separate account in that fund. Pursuant to Education Code 41035-41038, districts that place money in a foundation fund pursuant to these laws must adopt related rules and regulations and appoint an advisory committee to advise the board about investments to be made.\*\*\***

**When any gift of money received by the district is not immediately used, it shall be placed in the county treasury in accordance with law. (Education Code 41030-41031)**

**(cf. 3430 - Investing)**

**The Superintendent or designee shall annually provide a report to the Board indicating the gifts, grants, and/or bequests received on behalf of the district in the preceding fiscal year. The report shall include a statement of account and expenditure of all gifts of money and an inventory of all gifts of physical assets.**

**(cf. 3440 - Inventories)**

**(cf. 3460 - Financial Reports and Accountability)**

~~Gifts, grants, and bequests up to and including \$100 shall be accepted or rejected by the district through acknowledgement by the Superintendent. All gifts, grants, and bequests in excess of \$500 shall be forwarded to the Board with a recommendations by the Superintendent for acceptance or denial. The Board will make the final decision to accept or reject the gift, grant, or bequest.~~

### **Corporate Sponsorship**

**\*\*\*Note: Under the general authority granted to boards pursuant to Education Code 35160, the Board is authorized to enter into a corporate sponsorship agreement with an outside entity including for-profit and nonprofit corporations. In exchange for funds, products, and services provided by such entities, the Board may allow them to advertise and/or promote their products and services within district buildings or facilities. The Board may set guidelines for entering into such agreements to ensure that they are limited to appropriate matters. Standards related to advertising and promotions are addressed in BP 1325 - Advertising and Promotion. The Board may revise the following optional section to ensure consistency with those standards.\*\*\***

**The Board may enter into an agreement or arrangement with an outside entity for the sponsorship of an educational, athletic, or other program or activity. When appropriate, the agreement may allow the outside entity to advertise or promote its business, product, or service in district publications or on district property or web sites.**

**(cf. 1113 - District and School Web Sites)**

**(cf. 1700 - Relations Between Private Industry and the Schools)**

**(cf. 3312 - Contracts)**

**(cf. 6145.2 - Athletic Competition)**

**Every sponsorship agreement shall be in writing and shall be approved by the Board. The Board shall ensure that the district's relationship and arrangement with the sponsor are consistent with the district's mission, values, and goals. Any advertising or promotional message, image, or other depiction to be used by the sponsor shall meet the standards set**

for commercial advertising on district property and in district-sponsored publications in accordance with BP 1325 - Advertising and Promotion.

Each sponsorship agreement shall contain statements including, but not limited to:

1. The purpose of the relationship with the sponsor, details of the benefits to the district, and how the benefits will be distributed
2. The duration of the agreement and the roles, expectations, rights, and responsibilities of the district and the sponsor, including whether and to what extent the sponsor is allowed to advertise or promote its products and/or services
3. The authority of the Board to retain exclusive right over the use of the district's name, logo, and other proprietary information and the requirement that the sponsor obtain prior approval of the Board before using such information
4. The prohibition against the collection or distribution of students' personal information except as allowed by law
5. The authority of the Board to terminate the agreement without any penalty or sanction to the district if the sponsor's message, business, or product becomes inconsistent with the district's vision, mission, or goals or the sponsor engages in any prohibited activity

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

### Online Fundraising

**\*\*\*Note: The following optional section addresses the practice of using a crowdfunding Internet platform (e.g., GoFundMe, PledgeCents, Donors Choose, etc.) to raise funds for district, school, or classroom projects or equipment and may be revised to reflect district practice. \*\*\***

Any person or entity who wishes to conduct an online fundraising campaign, including a crowdfunding campaign, for the benefit of the district, a school, or a classroom shall submit a written request for prior approval to the Superintendent or designee. Approval of requests shall take into consideration compatibility with the district's vision and goals, core beliefs, instructional priorities, and infrastructure; the manner in which donations are collected and distributed; equity of the use of funds; and any other factors deemed relevant or appropriate by the district.

Any person or entity approved to conduct an online fundraising campaign shall comply with relevant district policies and procedures, including ensuring financial transparency in describing the purpose and use of the funds and protecting student privacy as applicable. Such person or entity shall specify that the district, rather than a staff member, classroom,

**or school, will own the funded resources.**

**Funds raised by an online fundraising campaign and donated to the district shall be subject to the same terms, criteria for acceptance, and accountability measures as any other donation as specified in this policy.**

### **Appreciation**

**The Board may show appreciation for any donation to the district in any manner it deems appropriate. Such appreciation may take the form of letters of recognition or Board resolutions; plaques, commendations, or awards; planting of commemorative trees or gardens; or naming or renaming of buildings, grounds, or facilities. Conferment of any such honor shall be in accordance with applicable Board policy.**

**(cf. 1150 - Commendations and Awards)**

**(cf. 7310 - Naming of Facility)**

#### Legal Reference:

##### EDUCATION CODE

1834 Acquisition of materials and apparatus

35160 Powers and duties

35162 Power to sue, be sued, hold and convey property

41030 School district may invest surplus monies from bequest or gifts

41031 Special fund or account in county treasury

41032 Authority of school board to accept gift or bequest; investments; gift of land requirements

41035 Advisory committee

41036 Function of advisory committee

41037 Rules and regulations

41038 Applicability of other provisions of chapter

#### Management Resources:

##### WEB SITES

California Consortium of Education Foundations: <http://www.cceflink.org>

Policy           NOVATO UNIFIED SCHOOL DISTRICT  
adopted:       September 9, 2008    Novato, California  
revised:        October 7, 2014