

Emery County School District



Policy: KCD—Donations and Gifts

Date Adopted: 4 December 2013

Current Review / Revision: 17 June 2020

The purpose of this policy is to establish District policy and procedure governing the acceptance, valuation, and recognition of all types of donations, gifts, and sponsorships for the District and individual schools within the District. This policy is intended to create practices that adequately safeguard public funds, provide for accountability, and ensure compliance with all State and Federal laws.

The District encourages and supports community and business partnerships that enhance and supplement the public education system. The District is committed to work effectively with donors and sponsors to provide donation receipts, as required by law, and to facilitate the donors' charitable intent to the extent that the intent of the donation is in harmony with District goals and the law, and is appropriately approved.

The District is ultimately responsible for the accounting, custody, expenditure and allocation of all monies, including those that are obtained through donations, gifts, and sponsorships. The District is accountable for and must comply with all Federal and State laws and rules, regardless of the source of funds.

The Board of Education also desires to protect students, parents, teachers, and school administrators from over-commercialization and restrictions or requirements that are coercive, distracting, or disruptive to the education processes, threatening to the health and welfare of students, or lacking in educational merit. The District reserves the right to decline, restrict, or redirect donations, gifts, and sponsorships at both the District and individual school levels.

Scope

This policy applies to all District administrators, licensed educators, staff members, students, organizations, volunteers, and individuals who receive, authorize, accept, value, or record donations, gifts, or sponsorships for the District or individual schools.

It is expected that in all dealings, employees will act ethically and consistent with District ethics policies, the Utah Educator Standards, the Public Officers and Employees Ethics Act, and State procurement law.

Definitions and Statements

1. "Public funds" are defined as money, funds, and accounts, regardless of the source from which the funds are derived, that are owned, held, or administered by the District. All monies received through donations, gifts, or sponsorships are considered public funds.
2. All funds, property, or goods donated become public funds and the property of the District, and should be used for the purpose for which they were donated and in accordance with State and District policies.
3. The District recognizes that fundraising efforts, donations, gifts, sponsorships, and public support vary among schools. The District is committed to appropriate distribution of unrestricted funds and the management of donations and gifts to ensure that the educational opportunities for all students are equal and fair.

4. The District is committed to principles of gender equity and compliance with Title IX guidance. The District commits to use all facilities, unrestricted donations and gifts, and other available funds in harmony with these principles. The District reserves the right to decline or restrict donations, gifts, and fundraising proceeds, including those that might result in gender inequity or a violation of Title IX. The benefits derived from donations and gifts should be equitable for all students, comply with Title IX, and be in harmony with Article X of the Utah Constitution.
5. Donors may donate directly to the Emery County School District Foundation, if applicable, for tax purposes. The donation or gift shall follow the Foundation's policies and procedures.
6. The District and individual schools will comply with all applicable State and Federal laws; the State procurement code; State Board of Education rules, including construction and improvements; IRS Publication 526 "Charitable Contributions"; and other applicable IRS regulations.
7. The collection of funds or assets associated with donations, gifts, or sponsorships will comply with the District cash receipting policies. The expenditure of any public funds associated with donations, gifts, or sponsorships will comply with the District cash disbursement policies.
8. Donations, whether in-kind, cash, or otherwise, shall be complete transfers of ownership, rights, privileges, and/or title in or to the donated goods or services and become exclusive property of the District upon delivery.
9. Employees may not direct operating expenditures to outside funding sources to avoid District procurement rules (operating expenditures include equipment, uniforms, salaries or stipends, improvements or maintenance for facilities, etc.).
10. Employees must comply with District procurement policies and procedures, including complying with obtaining competitive quotes; bid splitting; and not accepting gifts, gratuities, or kickbacks from vendors or other interested parties.
11. Donations and gifts should be accounted for at an individual contribution level.
12. Donations, gifts, and sponsorships shall be directed to the District, District program(s), school, or school program(s). Donations, gifts, and sponsorships shall not be directed at specific District employees, individual students, vendors, or brand name goods or services.
13. If donations or gifts are offered in exchange for advertising or other services, a valuation will be performed and a charitable receipt will be issued.
14. Donations or gifts shall not be accepted that advertise or depict products that are prohibited by law for sale or use by minors, such as alcohol, tobacco, or other substances that are known to endanger the health and well-being of students.
15. Donations, gifts, and sponsorships given by vendors to specific programs (e.g., drama, sports teams) shall be evaluated for compliance with Utah Code. As required by State law, donations will only be accepted where there is no expectation or promise, expressed or implied, of remuneration or any undue influence or special consideration. Employees are not permitted to accept personal payment or gratuities in any form from a vendor or potential vendor as a precondition for purchase of any product or service.

16. Donations and gifts over \$250 will be provided with an acknowledgment of the contribution for IRS purposes. The acknowledgment will be in the form of a receipt issued by the School, District or Foundation. These receipts will be generated from the information provided on the “Donations, Gifts, and Sponsorships” form.

Procedures

1. Types of Donations, Gifts, and Sponsorships

a. Products

The District or individual schools may accept donated products which carry the donor company's name, trademark, logo, or limited advertising on the product (e.g., cups, T-shirts, hats, instructional materials, furniture, office equipment, etc.). These items shall be valued at fair market value at the time of the contribution. If advertising or other services are offered in exchange for the donation or gift, this may alter the contribution amount.

b. Cash Donations

- (1) Cash donations are welcomed and may be accepted from private individuals, companies, organizations, clubs, foundations, and other appropriate entities. All cash donations will be received by the School or District in compliance with the District's cash receipting policies.
- (2) Cash donations may be used to fund or enhance programs, facilities, equipment, supplies, services, etc.
- (3) Cash donations may not be used to hire regular classroom teachers, thereby altering staffing ratios. However, classroom assistants, coaching assistants, or specialists of any kind, including individuals who may hold educator licenses, may be hired using the funds received as long as the donor is aware that the donation may be used for this purpose. Administrative approval is required prior to using any donation for hiring purposes. Donations to fund such positions shall be made to the District—not directly to schools or individuals—and employment will be processed through the District Business Office. District or School administration reserves the right to decline or restrict these types of donations if they create inequitable environments in the school or inequities that violate Title IX or other laws, are not economically in the best interest of the District, interfere with educational goals, or for any other reason determined by the District or school.
- (4) Cash donations shall not be used to augment an employee's remuneration beyond the remuneration associated with the salary schedule of the employee's position.

c. Donor and Business Partner Recognition

- (1) Donor and business partner recognitions may be placed on equipment, furniture, and other donated gifts that are not considered capital or fixed assets. Non-permanent recognitions may be placed on District buildings or structures with written approval from the Superintendent. Only the School Board may grant approval for the naming of buildings, structures, rooms, or other District facilities.
- (2) Principals may authorize banners, flyers, posters, signs, or other notices recognizing a donor or school business partner.

d. Equipment, Supplies, or Goods

The District or individual schools may accept donated equipment, supplies or goods for use in the District or individual schools or school programs. These items shall be valued at the fair market value at the time of the contribution. If advertising or other services are offered in exchange for the donation or gift, this may alter the valuation amount.

2. Approval and Acceptance of Donations, Gifts, and Sponsorships

- a. Donations, gifts, and sponsorships valued at more than \$250 must be documented on the District's "Donation, Contribution, or Sponsorship" form. This form must be completed prior to the acceptance of money or goods, and must be retained by the District or School. A copy of the completed form will be retained by the approver and a receipt for charitable contribution purposes will be issued to the donor by the School or District.
- b. Approval levels are as follows:
 - (1) Money, goods, supplies, or in-kind donations, gifts, or sponsorships valued at \$250 - \$5,000 must be documented on the District's "Donation, Contribution, or Sponsorship" form and be approved by the Principal or applicable District department supervisor, prior to acceptance.
 - (2) Money, goods, supplies or in-kind donations, gifts, or sponsorships valued at \$5,000 - \$20,000 must be documented on the District's "Donation, Contribution, or Sponsorship" form and be approved by the Business Administrator and Superintendent, prior to acceptance.
 - (3) Money, goods, supplies or in-kind donations, gifts, or sponsorships valued at more than \$20,000 must be documented on the District's "Donation, Contribution, or Sponsorship" form and be approved by the Board of Education, prior to acceptance.

Capital Donations or Gifts / Large Donations or Gift Projects

1. All donations or gifts for construction, maintenance, facilities renovation or improvement and other capital equipment purchases must be approved in writing by the Business Administrator, the Superintendent, and the Board of Education. Prior to the initiation of a large capital donation, the following will be provided to the Business Administrator for evaluation and recommendation to the Superintendent:
 - a. Prospective construction, maintenance or renovation plans and estimated costs
 - b. Proposed naming opportunities
 - c. Proposed donation or gift timeline
 - d. Loans or financing agreements
 - e. Maintenance or upkeep requirements and costs
 - f. Assurances of compliance with Title IX
2. The Superintendent will make a recommendation to the Board of Education. The Board reserves the right to tentatively approve plans, pending donations, gifts, equity, or other conditions.
3. All physical facilities are owned and operated by the District. No part of any school facility or capital equipment may be named for a donor without the express written consent of the Board.

4. The District shall only grant naming opportunities that are consistent with the mission and educational objectives of the District. Decisions regarding naming opportunities are within the sole discretion of the Board.

Advertising

1. To avoid disruption of students' instructional activities, schools shall not be used for distribution of partisan, religious, or commercial advertisements, fliers, bulletins, newspapers, etc.; nor shall such items be placed on vehicles parked on school grounds. Any exception to this must be pre-approved by administration.
2. Principals may permit the school distribution of fliers, bulletins, newspapers, etc. with information regarding nonprofit community youth programs such as Boy Scouts of America, Girl Scouts of America, county and municipal programs, and little league-type recreation programs. District and School administrators reserve the right to deny distribution of fliers, bulletins and newspapers.
3. Students and employees, including teachers and administrators, shall not act as agents for commercial agents during school hours or contract time.
4. An employee's participation in a private, but education-related, activity must be separate and distinguishable from the employees' public employment. District employees may purchase advertisement space to promote private or non-school-sponsored events in the same manner as the general public. The District employee's employment and experience can be used to demonstrate qualifications. The advertisement must clearly state that the activity is not school-sponsored.

Donations In-Lieu of Fees

1. A school may not request or accept a donation in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise be fully funded by the school or district and receipt of the donation will not affect participation by an individual student.
2. A donation is a fee if a student or parent is required to make the donation as a condition to the student's participation in an activity, class, or program.
3. District level actions to solicit or accept a donation or contribution must be in compliance with all Board policies, must clearly state that donations and contributions by a student or parent are voluntary, and may not place any undue burden on a student or family.