KCD-R - GIFT ACCEPTANCE ADMINISTRATIVE PROCEDURES

The Cape Elizabeth School Board may accept, on behalf and in the name of the school unit, any bequest or gift in accordance with its policies, applicable state law, and the following administrative procedure:

Guidelines for Acceptance of Gifts

Bequests, grants, or gifts (hereafter, "gifts) with a commercial value of less than $10,000 may be accepted by the Superintendent on behalf of the School Board, except that any gift which the Superintendent determines is a gift in trust[1], a gift of real property[2], or a gift of any commercial value with the potential to substantially impact the school unit's mission and values, governance, operating budget, equitable allocation of resources, or matters of education policy ("Potential Impact Gift") shall be presented to the School Board for a determination of acceptance or rejection. A Potential Impact Gift may include, but is not limited to:

- A gift that involves significant additional operational, maintenance, or installation costs to the school unit which are not include as part of the gift;
- A gift that requires facility improvements, renovations, alterations, or additions to existing school buildings or grounds;
- A gift that requires or creates a need to hire new faculty or staff;
- A gift that requires or creates a need for the school unit to budget or provide additional compensation to existing faculty or staff if such additional compensation is not included as part of the gift; or
- A gift that significantly modifies an established curriculum or education policy, or results in the abandonment of an established curriculum or education policy.

The Superintendent may consult with the Business Manager, Facilities Director, School Principals, Faculty, and other administrative staff prior to determining whether to accept or reject a gift in accordance with this administrative procedure. A determination by the Superintendent to reject a gift may be presented by the prospective donor to the School Board for reconsideration.

Any gift which the Superintendent determines (a) has a commercial value of $10, 000 or more,

(b) is a gift in trust, (c) is a gift of real property, or (d) is a Potential Impact Gift shall be submitted to the next regular meeting or special meeting of the School Board. The School Board shall, within 10 days after the meeting, send written notice of its acceptance or rejection of any such gift.

Consultation and Reporting

The Superintendent shall annually provide Policy KCD and Administrative Procedure KCD-R to the Business Manager, Facilities Director, and each School Principal. Any such school official or employee shall be instructed to consult with the Superintendent upon receipt of notice of any prospective gift that has a commercial value of $10,000 or more, is a gift in trust, is a gift of real property, or is a Potential Impact Gift.

The Superintendent shall regularly provide to the School Board a list of all gifts with a commercial value of $1,000 or more and whether such gifts were accepted by the Superintendent. The Superintendent shall thank donors in writing on behalf of the Board for any such accepted gifts.

Accepted Gifts

All duly accepted monetary gifts must be payable to the school unit, not to any individual agent, employee, or representative of the school unit.

All duly accepted gifts are subject to the school unit's accounting and auditing procedures. All duly accepted gifts become the property of the school unit.

If installation is required, a duly accepted gift must be installed by or under the supervision of qualified school unit personnel.

Conditional Gifts

Notwithstanding the procedures set forth herein, neither the School Board nor the Superintendent shall accept any conditional gift for a specified purpose[3] without first securing all statutorily required legislative approvals.

Legal reference:

- 20-A MRSA § 4005
- 20-A MRSA § 1256 (MSADs)
- 20-A MRSA § 1476 (RSUs)
- 20-A MRSA § 1705 (CSDs)

Cross Reference:

- FFAA- Memorial Scholarships and Gifts
- KCD- Public Gifts/Donations to the Schools
- KCE-Receiving Education Foundation Funds

Adopted:

- November 8, 2016

Notes

[1]: A Gift in trust is a gift which requires the gift to be held in trust and used only for the purposes of the trust.

[2]: A gift of real property is a gift of land or any interest in the land (such as easements, rights to occupy property, timber rights, or resource extraction rights) or a gift of structures/buildings or any equipment firmly attached and integrated into structures/buildings (such as light fixtures, a well pump, or a fuel tank).

[3]: A conditional gift for a specified purpose is a gift which is given subject to a condition or related obligation on the part of the school unit. Conditional gifts are usually distinguished by their requirement for the future appropriation of funds, and are

generally subject to reversion to the donor or the donor's heirs if their conditions are not met.

Revision #2
Created 2 November 2021 16:34:30 by Troy Patterson
Updated 14 April 2022 13:29:46