

GIFTS FROM THE PUBLIC

It shall be the policy of the District to accept a gift, provided it is made within the statutory authority granted to school districts and receives the approval of the Board of Education.

Gifts

Offers of equipment, materials, or services that may involve major costs for installation or maintenance, or initial or continuing financial commitment from school district funds, or offers of real property may require extensive review prior to acceptance. The Board shall direct the Superintendent to study the matter and make a recommendation to the Board.

Gifts must be donated to the Board, rather than to a particular school or building. Although a Board of Education may accept gifts of money to be used for specific programs, it may not delegate to a third party its responsibility for determining whether or not to offer such programs or any control over the manner in which they are to be offered. If a donor intends a gift to be used for a particular school or program, the Board should endeavor to comply with the donor's condition. However, if at any time subsequent to acceptance of such moneys, a Board determines that the continuation of the program is no longer in the best interests of the District, it has the right to discontinue the program. As with any agreement, the rights and responsibilities of the parties concerning the funds given to the District would in each case depend upon the relative obligations as set forth in the particular agreement entered into.

Gifts of Real Estate

The Board of Education does not require any voter approval for acceptance of a site. However, erection of a school building requires a District vote and/or approval of the Commissioner of Education, as provided by law.

Gifts of Books

The acceptance of books as gifts should be based upon the same standards as used by a District in selection of library books and supplementary materials.

Acceptance of Gifts

In granting or withholding of its consent, the Board of Education will review the following factors:

1. The terms of the gift must identify:
 - a. the subject of the gift;
 - b. the purpose of the gift;
 - c. the beneficiary or beneficiaries (if any); and
 - d. all conditions or restrictions that may apply.
2. The gift must not benefit a particular or named individual or individuals.
3. If the purpose of the gift is an award to a single student, the Principal shall make the determination of the recipient of such an award. The decision shall be made on the basis that all students shall have an equal opportunity to qualify for it and shall not be denied its receipt on the basis of race, religion or sex.

4. If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.
5. No gift or trust will be accepted by the Board unless:
 - a. it is in support of and a benefit to all or to a particular public school in the District; or
 - b. it is for a purpose for which the school district could legally expend its own funds; or
 - c. it is for the purpose of awarding scholarships to students graduating from the District.

Any gift rejected by the Board of Education shall be returned to the donor or his/her estate within 60 days together with a statement indicating the reasons for the rejection of such gift.

Gifts Valued Below \$100.00

The Board establishes a dollar limit for gifts, e.g., \$100, below which its acceptance will not be necessary. The Superintendent or Principal is designated to accept gifts for the District on behalf of the Board.

All gifts, grants and bequests become school district property, and subject to the same controls and regulations that govern other school-owned property.

References

Education Law §§ 404(1); 1709(12); 1718(2)

32 EDR 71 (1992)

30 EDR 81 (1990)

Matter of DeMasi et al., 18 EDR 320 (1978)

4510, Instructional Materials

5660, Student Gifts and Solicitations

Adopted: April 17, 2001