

Community Relations

Gifts to the District¹

The School Board appreciates gifts from any education foundation,² other entities, or individuals. All gifts must adhere to each of the following:

1. Be accepted by the Board or, if less than \$500.00 in value, the Superintendent or designee.³ Individuals should obtain a pre-acceptance commitment before identifying the District, any school, or school program or activity as a beneficiary in any fundraising attempt, including without limitation, any Internet fundraising attempt.⁴
2. Be given without a stated purpose or with a purpose deemed by the party with authority to accept the gift to be compatible with the Board's educational objectives and policies.
3. Be consistent with the District's mandate to provide equal educational and extracurricular opportunities to all students in the District as provided in Board policy 7:10, *Equal Educational Opportunities*. State and federal laws require the District to provide equal treatment for members of both sexes to educational programming, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities.⁵
4. Permit the District to maintain resource equity among its learning centers.⁶

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State and federal law control this policy's content. 105 ILCS 5/16-1 grants authority to school boards to accept and manage gifts. Specifying the criteria for gifts in the board policy provides important information to potential donors and promotes a common understanding, uniform treatment, and adherence to legal requirements. Any gift to a school district or attendance center becomes district property to be "held, managed, improved, invested or disposed of by such board in such manner as the board, in its discretion, sees fit..." *Id.* When a donor expresses an intention that a gift be used for a certain purpose, the board must "promote and carry into effect" that intention until the "board determines in its discretion that it is no longer possible, practical or prudent to do so." *Id.*

² An education foundation can be an effective tool for collecting and donating financial and non-financial resources to a school district. An education foundation is a separate entity from the school district. In order to be exempt from federal income taxes and allow donors to deduct their donations, it must be organized as a tax-exempt organization, such as, under Section 501(c)(3) of the Internal Revenue Code.

³ The board may remove or amend the value of a gift that the superintendent or designee is permitted to accept.

⁴ Well-intentioned people can raise funds in a variety of ways, e.g., putting donation jars in retail establishments, 50/50 drawings, and websites designed for fundraising like *GoFundMe*. Addressing fundraising by individuals in policy allows the board to manage donations and minimize liability in a manner consistent with its policies and legal requirements. Before accepting a gift, a board (or superintendent, if applicable) should evaluate costs that may be associated with acceptance of a gift, such as installation costs.

⁵ 20 U.S.C. §1681 *et seq.*, Title IX of the Education Amendments, implemented by 34 C.F.R. Part 106; 23 Ill.Admin.Code §200.40. See www.ed.gov/laws-and-policy/civil-rights-laws/title-ix-and-sex-discrimination.

⁶ See sample policy 6:210, *Instructional Materials*.

5. Be viewpoint neutral when the gift involves the incorporation of any messages. The Superintendent or designee shall manage a process for the review and approval of donations involving the incorporation of messages into or placing messages upon school property.⁷
6. Comply with all laws applicable to the District including, without limitation, the Americans with Disabilities Act, the Prevailing Wage Act, the Health/Life Safety Code for Public Schools, and all applicable procurement and bidding requirements.

The District will provide equal treatment to all individuals and entities seeking to donate money or a gift. Upon acceptance, all gifts become the District's property. The acceptance of a gift is not an endorsement by the Board, District, or school of any product, service, activity, or program. The method of recognition is determined by the party accepting the gift.⁸

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Education Amendments; 34 C.F.R. Part 106.105 ILCS 5/16-1.
23 Ill.Admin.Code §200.40.

CROSS REF.: 4:60 (Purchases and Contracts), 4:150 (Facility Management and Building Programs), 6:10 (Educational Philosophy and Objectives), 6:210 (Instructional Materials), 7:10 (Equal Educational Opportunities)

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⁷ The U.S. Constitution's Free Speech, Establishment, and Equal Protection Clauses may be triggered when a donation comes with a message, e.g., art that incorporates political or religious messages. Contact the board attorney for assistance. Soliciting or receiving donor messages raises many complex legal and practical issues. As a general rule, school officials can avoid constitutional issues by reviewing donor messages according to uniform rules that do not discriminate against groups or individuals on the basis of their viewpoints. For more detailed explanations of viewpoint-neutrality and forum issues, see f/n 1 in sample policy 8:20, *Community Use of School Facilities*, and f/n 1 in sample policy 8:25, *Advertising and Distributing Materials in Schools Provided by Non-School Related Entities*.

A publicized procedure for reviewing donor messages according to pre-established viewpoint-neutral guidelines may limit misunderstandings or disputes with donors or other members of the public. Each board may want to discuss with the superintendent what expectations exist based upon the scope and scale of the donor message project, so that the superintendent can manage the expectations in the procedure. Consult the board attorney to assist with this process. Lastly, posting disclaimers informing members of the public that the donor messages incorporated into school property or placed upon school property are the personal expressions of individual donors and not the district's may avoid Establishment Clause arguments. For a more detailed discussion of the issues pertaining to excluding donor messages on school property and implementing procedures to review donor messages, see f/n 5 in sample policy 7:325, *Student Fundraising Activities*.

⁸ Examples of ways to recognize a gift include a letter of appreciation, mentioning the gift on the district or school website or publication, a shout-out at a public event, and a recognition plaque.