

Overview of Board Policy 8:80 and Associated Administrative Procedures and Exhibits

Presented to the Board of Education, Thursday, October 8, 2015

Purpose for Change in Policy: The IASB PRESS subscription service released a revised, recommended policy 8:80 in August 2015. PRESS version is available for your review at your place this evening. The superintendent is suggesting a few minor revisions, as you will note. This policy review is also timely in light of the number of changes occurring with ProjectLEAF, fundraising events related to foundations, parent groups, booster groups, and individual donors. The District has not ever had really clear direction to provide to those who wish to contribute, and often times the Board of Education was not involved at all.

Summary of Policy 8:80:

1. The Board of Education accepts (appreciates) gifts from: individuals, educational foundations and other entities. The other entities would include local retailers, PTA, Boosters, as examples.
2. For gift(s) over \$500 in monetary value, they would be accepted by the Board of Education. As you will see later, this would also apply to aggregate gifts over \$500. For example, if a group wished to contribute ten different \$100 gifts in a given time period, this would be accepted/appreciated by the Board of Education and would not fall under #3 below.
3. For gift(s) under \$500 in monetary value, the superintendent or designee can accept the gift. For example, sometimes individuals donate children's books to the library. In those cases, the librarian can share that information with the principal to accept. (For those concerned with equity across schools, in this example the books accepted would be entered into the system to be available to all schools.)
4. The gift(s) must be in line with the Board of Education's objectives and policies. For this case, here is a YES and a NO example:
 - a. YES for a gift to provide winter coats and hats to students.
 - b. NO to pay extra salary to a teacher.
5. The gift(s) must meet equity requirements for all areas: Athletics, Academics, Activities. For this case, here is a YES and a NO example:
 - a. YES to a blanket donation of \$1,000 to be used to purchase high school science equipment.
 - b. NO to a targeted donation to provide science equipment solely to promote science for girls.
6. The gift(s) must meet messaging expectations. For this case, here is a YES and a NO example:
 - a. YES to a gift with a recognition statement, "Sponsored in part by the Geneseo Chamber of Commerce".
 - b. NO to a gift requiring a message of "Sponsored by Politician XYZ, preserving your right to ABC".
7. The gift(s) must be compliant with all legal statutes applicable to the school district.
8. The gift(s) become property of the District. They are not "owned" by a building or individual.

Community Relations

Gifts to the District

The School Board accepts gifts from any education foundation or other entity or individual, provided the gift can be used in a manner compatible with the Board's educational objectives and policies. While the Board encourages unrestricted gifts, donations to fund specific projects are acceptable if the project is approved by the Board. All gifts received become the School District's property.

The following guidelines should be used in determining the acceptability of public gifts to the District:

1. Individuals or organizations desiring to contribute money, services or equipment to the District shall consult with the Superintendent or his/her designee regarding the acceptability of such contributions in advance of any solicitation of funds or the making of budgetary appropriations for the gift.
2. Gifts that significantly alter the appearance of the building or grounds of the District or significantly affect the District's curricular or extra-curricular programs shall be presented by the Superintendent or his/her designee for Board approval.
3. Gifts of equipment or services that involve major costs for installation, maintenance, or initial or continuing financial commitments from District funds shall be presented by the Superintendent or his/her designee for Board approval.
4. The purchase of equipment or services on a matching fund basis, (i.e. when part of the cost for services or equipment is paid by an individual or organization and part by the Board from public funds), shall be presented by the Superintendent or his/her designee for Board approval.
5. Gifts that result in direct personal gain will be discouraged.
6. Gifts directly involving students that constitute commercial and political advertising will be discouraged.

Such gifts and services shall be acknowledged as follows:

1. When the administration and/or the Board has learned that services and/or gifts have been received by the District, a letter of appreciation from the Board, Superintendent, or designee will be sent as soon as possible to the individual or organization involved.
2. If the nature, size, or scope of a contribution to the District should require additional recognition by the District, such recognition will be determined by Board action.

LEGAL REF.: 105 ILCS 5/16-1.

Adopted by Board Action 03/01/1988

Amended by Board Action 06/11/2009

Community Relations

Gifts to the District ¹

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

1. Be accepted by the Board or individual, provided 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 ~~can to be used in a manner~~ compatible with the Board's educational objectives and policies. ~~While the Board encourages unrestricted gifts, donations to fund specific projects are acceptable if the project is approved by the Board. The Superintendent~~
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 programing, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities. ⁵
4. Permit the District to maintain resource equity among it learning centers. ⁶
5. Be viewpoint neutral. The Superintendent or designee shall ~~develop procedures manage a process for the~~ review and approval of donations ~~that involve incorporating~~ involving the incorporation of messages into or placing messages upon school property. ⁷

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

¹ ~~State or federal law controls this policy's content. 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. The statute provides that any gift to a school district or attendance center becomes the 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...."~~ According to this statute, 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."

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 in any way 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.

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 the April 2015 Title IX Resource Guide - U.S. Department of Education and the Office for Civil Rights at www.ed.gov/ocr.

⁶ See 6:210, *Instructional Materials*.

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 receive become the School 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 implemented by 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)

~~7-This The U.S. Constitution's Free Speech, Establishment, and Equal Protection Clauses may be triggered when a donation comes with a message. Contact the board attorney for assistance. The second sentence is optional. The issue of Soliciting or receiving donor messages is an unsettled area of the law that is frequently litigated because of it raises many complex legal and practical issues. The Constitution's Free Speech, Establishment, and Equal Protection Clauses may be triggered.~~ 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 policy 8:20, *Community Use of School Facilities* and f/n 1 in 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 3 in policy 7:325, *Student Fund Raising 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.

Community Relations

Gifts to the District

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~~The following guidelines should be used in determining the acceptability of public gifts to the District:~~

- ~~1. Be accepted by the Board~~ **Individuals or organizations desiring to contribute money, services or equipment to the District shall consult with the Superintendent or his/her designee regarding the acceptability of such contributions in advance of any solicitation of funds or the making of budgetary appropriations for the gift. if less than \$500.00 in value, the Superintendent or designee as outlined in 8:80-AP. 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.**
- ~~2. Gifts that significantly alter the appearance of the building or grounds of the District or significantly affect the District's curricular or extra-curricular programs shall be presented by the Superintendent or his/her designee for Board approval.~~ **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. Gifts of equipment or services that involve major costs for installation, maintenance, or initial or continuing financial commitments from District funds shall be presented by the Superintendent or his/her designee for Board approval.~~ **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 programing, extracurricular activities, and athletics. This includes the distribution of athletic benefits and opportunities.**
- ~~4. The purchase of equipment or services on a matching fund basis, (i.e. when part of the cost for services or equipment is paid by an individual or organization and part by the Board from public funds), shall be presented by the Superintendent or his/her designee for Board approval.~~ **Permit the District to maintain resource equity among its schools.**
- ~~5. Gifts that result in direct personal gain will be discouraged.~~ **Be viewpoint neutral. 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.**
- ~~6. Gifts directly involving students that constitute commercial and political advertising will be discouraged.~~ **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.

Such gifts and services shall be acknowledged as follows:

1. ~~When the administration and/or the Board has learned that services and/or gifts have been received by the District, a letter of appreciation from the Board, Superintendent, or designee will be sent as soon as possible to the individual or organization involved.~~
2. ~~If the nature, size, or scope of a contribution to the District should require additional recognition by the District, such recognition will be determined by Board action.~~

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Education Amendments implemented by
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)

Adopted by Board Action 03/01/1988
Amended by Board Action 06/11/2009
Amended by Board Action 11/12/2015

Gifts to the School District

Administrative Procedure – Individuals or Entities such as PTA or Booster Groups Who Wish to Make Donations (Non Geneseo Education Foundation)

Actor	Requirements and Actions that Must Be Completed
Any individual or Booster Group (PTA, Boosters, Foundations or Trust other than Geneseo Education Foundation)	Individual or entity completes the Donation Application Form (8:80-E1) Individual or entity can submit completed form to a staff member, faculty member, building administrator at any building.
Building Principal, faculty or staff member	Shall present the completed Donation Application Form to the Superintendent for review and next action.
Superintendent	Reviews completed form and prepares recommendation to the Board of Education for the next regularly scheduled board meeting <i>if the amount of the donation is \$500 or greater</i> in monetary value. If the proposed donation is <i>less than \$500</i> , the superintendent and/or building administrator may accept, acknowledge and appreciate the donation.
Board of Education	Reviews the completed form and superintendent recommendation at a regularly scheduled Board meeting and may accept, acknowledge and appreciate the donation.

IMPORTANT:

Note that all gifts to the District must meet the following criteria:

The gift(s) must be in line with the Board of Education's objectives and policies.

The gift(s) must meet equity requirements for all areas: athletics, academics, activities.

The gift(s) must meet messaging expectations, nothing politically motivated, for example.

The gift(s) must be compliant with all legal statutes applicable to the school district.

All gifts become property of the District. They are not "owned" by a building or individual.

Superintendent Review October, 2015

Gifts to the School District

Administrative Procedure – Geneseo Education Foundation

Actor	Requirements and Actions that Must Be Completed
Geneseo Education Foundation (GEF)	GEF completes the Donation Application Form (8:80-E2) and submits to the Board President (or Designee)
Board President (or Designee)	Shall present the completed Donation Application Form and his/her recommendation to the Board of Education for review and next action.
Board of Education	Reviews the completed form and Board President/Designee recommendation at a regularly scheduled Board meeting and may accept, acknowledge and appreciate the donation.

IMPORTANT:

Note that all gifts to the District must meet the following criteria:

The gift(s) must be in line with the Board of Education's objectives and policies.

The gift(s) must meet equity requirements for all areas: athletics, academics, activities.

The gift(s) must meet messaging expectations, nothing politically motivated, for example.

The gift(s) must be compliant with all legal statutes applicable to the school district.

All gifts become property of the District. They are not "owned" by a building or individual.

Reviewed October, 2015

Exhibit - Application to Make Donation to Geneseo CUSD #228 from an entity other than the Geneseo Education Foundation

To be submitted to the Building Principal or Superintendent

Name of Individual or Organization

Date

If the gift is a purely monetary donation:

I (We) would like to make a donation in the amount of \$ _____

payable to GENESEO CUSD 228

for the purpose of

[Empty rectangular box for purpose of donation]

If a gift of a supply, material or equipment:

for the purpose of

[Empty rectangular box for purpose of donation]

Received by (please print) _____

Accepted by Administration and/or Board

DATE _____

Exhibit - Application to Make Donation to Geneseo CUSD #228 from Geneseo Education Foundation

To be submitted to the Board President, Geneseo CUSD #228

If the gift is a purely monetary donation (attach pages if necessary):

The Geneseo Education Foundation would like to make a donation in the amount of \$ _____

payable to GENESEO CUSD 228

for the purpose of

If a gift of a supply, material or equipment or through a granting process (attach pages if necessary):

The Geneseo Education Foundation would like to offer a gift, with a monetary value of \$ _____

for the purpose of

Received by *(please print)* _____

Date _____

Accepted by Administration and/or Board

DATE _____