

INDEPENDENT SCHOOL DISTRICT 283

SECTION/FILE 706 DATE OF ADOPTION 12/12/16  
AFFIRMED/REVISED 12/9/19

TITLE Acceptance of Donations and Gifts

**I. PURPOSE**

The purpose of this policy is to provide guidelines for the acceptance of gifts by the school board.

**II. GENERAL STATEMENT OF POLICY**

It is the policy of this school district to accept gifts only in compliance with state law.

**III. ACCEPTANCE OF GIFTS GENERALLY**

The school board may receive, for the benefit of the school district, bequests, donations or gifts for any proper purpose. The school board shall have the sole authority to determine whether any gift or any precondition, condition, or limitation on use included in a proposed gift furthers the interests of or benefits the school district and whether it should be accepted or rejected.

**IV. DELEGATION ACCEPTANCE OF GIFTS LESS THAN \$1000**

The School Board delegates the acceptance of gifts less than \$1000 to the Superintendent or his designee, so long as those gifts of cash would be deposited to the general fund. Gifts of cash shall be accepted by the school board with a majority vote. Such monetary gifts, even if small in amount, become public funds. Receipts will be issued to donors for donations and gifts of \$100.00 or more. Receipts will be issued to donors for donations under \$100.00 per request only.

**V. GIFTS OF REAL OR PERSONAL PROPERTY**

The school board may accept a gift, grant or devise of real or personal property only by the adoption of a resolution approved by two-thirds of its members. The resolution must fully describe any conditions placed on the gift. The real or personal property so accepted may not be used for religious or sectarian purposes.

*[Note: This voting requirement and gift use provision is specified by Minn. Stat. § 465.03.]*

**VI. ADMINISTRATION IN ACCORDANCE WITH TERMS**

If the school board agrees to accept a bequest, donation, gift, grant or devise which contains preconditions, conditions or limitations on use, the school board shall administer it in accordance with those terms. Once accepted, a gift shall be the property of the school district unless otherwise provided in the agreed upon terms.

**Legal References:** Minn. Stat. § 123B.02, Subd. 6 (Bequests, Donations, Gifts)  
Minn. Stat. § 465.03 (Gifts)

## PROCEDURES FOR DONATIONS AND GIFTS

1. Those interested in making a donation or giving a gift to the district are directed to contact the appropriate school administrator or the school district's superintendent.
2. Donations being considered for approval will generally be brought to the school board on the consent agenda for approval during regular school board meetings. If the donation or gift requires a full board discussion, the donation or gift will be on the discussion portion of the agenda during the board meeting.
3. Donations and gifts will be acknowledged after the board has taken action to accept the donation or gift. The recognition will be shared in accordance with the Minnesota Government Data Practices Act and other applicable laws.
4. The district will not accept a gift that contains restrictions or conditions that conflict with local, state or federal laws, district policies or contracts to which the district is a party. The district will not accept a gift which, in its sole discretion, it determines to pose a risk to the health and/or safety of the district's students, employees or other individuals.
5. Individuals and groups desiring to make a contribution in support of a specific school program, as opposed to a gift for the general benefit of the district, will communicate with the principal of the school, the program administrator or the superintendent. The contributor will describe the nature and the extent of the gift.
6. The school board may accept a gift of real or personal property only by the adoption of a resolution approved by two-thirds of its members. (required by statute) The resolution must fully describe any conditions placed on the gift. Cash donations only require a simple majority for approval by separate resolution.
7. The school board will have the sole authority to determine whether a gift, precondition, condition or limitation on use; included in a proposal gift; furthers the interests of or benefits the district and whether it should be accepted or rejected.

Consequently, the funds may be only used for a "public purpose." Generally, a "public purpose" is one that benefits the community as a whole, is directly related to the functions of the school district and does not have as its primary objective the benefit of a private interest. Additionally, if a gift of any amount has a restriction or condition tied to it, the school board should acknowledge the restriction and determine that it is acceptable to the school district by resolution or consent. If the school board is unwilling or unable to use the gift within the designated restrictions, it must respectfully decline the gift. Not doing so, and using the gift in a manner inconsistent with the donor's restrictions may subject the school district to litigation by the donor and liability to repay the gift.

### 8. Definitions

- a. **Minnesota Statute Section 465.03** applies to municipalities, including school districts and provides as follows:

*Any city, county school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full.*

**b. Real property**

Real property would be land or something attached to the land ie. a building, crops or other resources.

**c. Personal property**

Property that is movable and not attached to land; i.e. stocks, computers, etc.

**d. Minnesota Statute Section 123B.02, subd. 6, (applicable to school districts);**

*The board may receive, for the benefit of the district, bequests, donations or gifts for any proper purpose and apply the same to the purpose designated. In that behalf, the board may act as trustee of any trust created for the benefit of pupils thereof, including trusts created to provide pupils of the district with advanced education after completion of high school, in the advancement of education.*

**e. Designated donations**

When a monetary donation is made for a particular purpose, the school district must use the donation for that purpose and cannot use for any need. (i.e. \$500 donation for new library books). Consequently, when gifts come with restrictions, the school board needs to evaluate whether the restrictions are acceptable to the school district and in line with school district priorities. The State Auditor recommends that school boards develop written gift acceptance policies that accommodate potential donations from outside organizations. The State Auditor further states that “any restrictions on the use of the gift should be clearly documented in the school board meeting minutes when the gift is accepted.

**f. Delegation acceptance of gifts less than \$1000**

The School Board delegates the acceptance of gifts less than \$1000 to the Superintendent or his designee so long as those gifts of cash would be deposited to the general fund. Such monetary gifts, even if small in amount, become public funds. Receipts will be issued to donors for donations and gifts of \$100.00 or more. Receipts will be issued to donors for donations under \$100.00 per request only.

**g. Gifts and donations properly accounted for and acknowledged**

Gifts accepted by the school district must be properly accounted. Chapter 14 of the Minnesota Department of Reporting Standards (UFARS) provided guidelines for donation accounting. Gifts and donations accepted by the school board should be acknowledged in some fashion back to the donor.

**h. Prohibited gift acceptance**

Gifts that present a potential conflict of interest or prohibited (i.e. gifts from a seller of textbooks –(Section 127A.10).

**i. Donations of funds made to the school district by fundraising groups**

Any donations of funds made to the school district by fundraising groups (i.e. PTO donates money for school supplies) should be presented to the school board for acceptance as described above.