

TO: BOARD OF EDUCATION

DISCUSSION

05/07/09

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / LINDA GROSS

RE: REVISE ADMINISTRATIVE REGULATION 3290 - ACCEPTANCE OF GIFTS

DISCUSSION ITEM NO. D.02

Attached please find Board Policy 3290 as discussed on April 2, 2009. The attached Administrative Regulations have been revised. The Administrative Regulations for BP 3290 were reviewed and revised by the Equity Fund Oversight Committee with input from PTA and Booster Club presidents and treasurers.

COMMENT: While changes to board policies require board approval, changes to administrative regulations do not.

Dr. Escarce asked why high school music was exempt, but not middle school. Mr. Cuneo agreed to make secondary school music exempt.

THIS IS THE CURRENT POLICY

<u>NUMBER</u>	<u>ARTICLE</u>	<u>TITLE</u>		
3290	Business & Operations	Acceptance of Gifts		
<u>SUBTOPIC</u>	<u>POLICY</u>	<u>REGULATION</u>	<u>EXHIBIT</u>	
Acceptance of Gifts	X			

DETAIL

Philosophy

The Board of Education acknowledges that education is a fundamental right. Every child has a right to an education that will prepare him or her to be a skilled and productive member of our society. The goal of the Board of Education is to provide equitable and high quality educational opportunities for all students in Santa Monica-Malibu Unified School District.

The Board recognizes that the needs of students require various learning opportunities, and it is the responsibility of the board to identify and remove barriers that contribute to gaps in achievement for different groups of students. It is the intent of the Board that gifts accepted by the District provide equitable access to educational opportunities to meet the needs of all students. The board recognizes the community's desire to participate in promoting excellence in our schools through fundraising and gifts. While greatly appreciating acceptable donations, the Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all district students.

The Board recognizes that there are differences among various communities in their ability to contribute additional funds for programs and services at their local schools, and these differences perpetuate inequalities in educational opportunities from one district school to another. Therefore, the Board may not accept gifts by individuals, groups or organizations to specific schools intended to replace personnel, programs or services cut by the Board in the process of budget reduction, unless sufficient funds are received to restore those programs, services or personnel at all sites from which they were cut.

To achieve a greater level of equalization, the Board will establish an Equity Fund, which will be administered by the Education Services Department in conjunction with the Education Foundation. Contributions to this fund and distributions from this fund will be made in accordance with Administrative Regulations 3290. The purpose of the Equity Fund grants will be to improve the achievement of ALL students while simultaneously closing the achievement gap by mitigating the effects of the unequalized enrichment of schools.

Before accepting a gift, the Board shall consider whether the gift:

1. Has a purpose consistent with the district's vision and philosophy.
2. Begins a program which the Board would be unable to continue when the donated funds are exhausted.
3. Entails undesirable or excessive costs.
4. Implies endorsement of any business or product.

The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of district philosophy and operations. If the Board feels the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

Gift books and instructional materials shall be accepted only if they meet regular district criteria.

All gifts, grants and bequests shall become district property. At the Superintendent or designee's discretion, a gift may be used at a particular school.

ADDITIONAL PDF DETAIL

REFERENCE

EDUCATION CODE

1834 Acquisition of materials and apparatus
35162 Power to sue, be sued, hold and convey property
41030 School district may invest surplus monies from bequest or gifts
41031 Special fund or account in county treasury
41032 Authority of school board to accept gift or bequest; investments; gift of land requirements
41035 Advisory committee
41036 Function of advisory committee
41307 Rules and regulations

MANAGEMENT RESOURCES

ADOPTED

January 23, 1984

REVISED

May 15, 2008
September 9, 2004
November 21, 2002

CSBA DATE

THIS IS A **REVISED ADMINISTRATIVE REGULATION**

New text in underline

Deleted text in ~~strikeout~~

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DETAIL

I. PROCEDURES

A. ACCEPTANCE PROCEDURES

1. Gifts will be donated to the school District but can be designated for a particular school.
2. A needs assessment will be conducted by a committee at each school composed of parents, teachers and the principal. This committee will develop a prioritized list of needs for each school.
3. The committee and the principal of the school must approve the disposition of all gifts, which should be in accordance with the school's identified needs, before a request for acceptance is submitted to the Board of Education.

B. CRITERIA FOR ACCEPTING GIFTS

All gifts and donations will be formally accepted by the Board of Education in accordance with administrative procedures subject to the following criteria:

1. Gifts are of direct or closely related instructional value and will not cause the instructional program of the school in which the gift is used to differ from established district curriculum. If a gift is offered that does not appear on the prioritized list of needs or is not of direct institutional value, the committee and the principal will evaluate the gift and make a commendation regarding acceptance.
2. Gifts of money for personnel will be used for instruction, consulting services, assemblies, aides to assist in the instructional program, for supervision of students (i.e., noon aides) or clerical help. Certificated personnel will be hourly only; however, classified personnel may be hourly, part time or full time. All personnel whose services are paid for with gift funds must be hired through the Personnel Office.
3. The Business Services Division must approve all gifts requiring installation and maintenance, and appropriate money must accompany requests for acceptance of these gifts. If gift items require an ongoing maintenance

contract, the money for that contract must accompany the gift.

4. Gift funds allocated to a school shall be placed in a specifically designated program account. Any funds remaining in this program at the end of the fiscal year shall carry forward into the ensuing fiscal year.
5. The foregoing rules also apply to gifts from student body organizations or any on-campus improvement projects not financed or processed through normal requisitioning procedures.
6. With gifts of opportunity, the Superintendent/designee is authorized to accept gifts on behalf of the Board of Education where a delay until the next Board of Education meeting will cause the gift offer to be retracted.
7. Schools will be allowed to establish a revolving cash fund created by gift money. The fund shall not exceed \$100 per teacher per semester.
8. Gifts given by individuals not in conjunction with fund raising under a value of \$100 do not need Board approval.

C. THE EQUITY FUND

To provide equitable and high quality educational opportunities for all students in Santa Monica-Malibu Unified School District, the Board will establish an Equity Fund, which will be administered by the Education Services Department of the SMMUSD in conjunction with the Santa Monica Malibu Education Foundation. The Equity Fund will, annually, distribute block grants to all schools to address district and local school goals and mitigate the effects of the unequalized enrichment of schools.

The Board of Education will also annually distribute funds from the Equity Fund to address district-wide goals and programs in order to mitigate the effects of unequalized enrichment and opportunity for students.

The District will establish two categories of contributions to the Equity Fund: mandatory contributions as described in this policy, and voluntary contributions.

1. Contributions and Collection Mechanisms: Contributions to the mandatory fund will be collected from the following sources:
 - a. Fifteen percent of all cash gifts to either the District or any department or organization thereof, or individual schools, donated during a school year will be placed in the Equity Fund.
 - b. Grants and Gifts

There are four (4) types of revenue sources to the district in the area of grants and gifts:

- (1) Gifts to the district

- (2) Grants to the district
- (3) Gifts to a site/school
- (4) Grants to a site/school

It is not the intent of this policy to discourage grants from private or public philanthropy.

All gifts given to either a site/school or district shall be required to make the 15% established donation to the Equity Fund.

Grants to the district shall be considered on a case-by-case basis. When the Board accepts each grant (as is normally required), it would also decide if the individual grant should be subjected to the guidelines of the policy or not. A test of how equitable the grant funds are to be distributed will be a guiding principle when making this type of decision.

Grants applied for and given to individual sites/schools shall be exempted from the policy. However, no grant will be submitted or accepted unless it is reviewed by the Assistant Superintendent/Chief Academic Officer.

2. Exemptions:

The following items are exempt from mandatory contributions to the Equity Fund:

- a. ~~ASB~~ Student-run activities initiated and administered by students interest clubs and student government.

For example:

- Chess Club
- Operation Smile
- French Club
- Amnesty International
- Harry Potter Club
- Debate Club

- b. Operational costs of any organization contributing to the fund.

For example:

- printing
- bank fees
- postage
- conference fees
- insurance
- filing fees
- dues
- tax prep fees
- volunteer and student recognition - awards, certificates
- non-school office supplies
- legislative advocacy
- fundraising expenses - e.g. soap for car washes
- marketing and publicity - advertising, website expenses
- State or National PTA sponsored programs - e.g. Red Ribbon Week
- donations to tax-exempt organizations - e.g. UNICEF, Red Cross

The following operational costs are **EXEMPT at the High School level only:**

- ATHLETICS at the High School level: In addition to the above, exemptions also include:
 - team uniforms
 - athletic equipment required for competition - baseball bats, helmets, mitts, balls; soccer goals, balls; tennis racquets, balls, nets; swimming starting blocks, pool lane markers, timers, stop watches
 - safety equipment - first aid kits

The following operational costs are **EXEMPT at the High School and Middle School levels only:**

- ARTS:
 - MUSIC
 - ✓ sheet music
 - ✓ festival and adjudicator fees
 - ✓ team uniforms & equipment (e.g. colorguard flags, sabers)
 - ✓ safety equipment - first aid kits
 - ✓ performance attire
 - ✓ music royalties & licensing fees
 - VISUAL ART
 - ✓ paint
 - ✓ clay
 - ✓ canvas
 - ✓ paint brushes
 - ✓ crayons
 - ✓ charcoal
 - ✓ safety equipment - first aid kits
 - DANCE
 - ✓ performance costumes
 - ✓ music royalties and licensing fees
 - ✓ safety equipment - first aid kits
 - DRAMA
 - ✓ performance costumes
 - ✓ script royalties and licensing fees
 - ✓ props, costumes, make-up for performances
 - ✓ safety equipment - first aid kits

~~e. Any expenditure made by any organization that is not for the direct benefit of students or staff.~~

~~d. K-12 field trips for students and competitions: the first \$1,500 of expenditures for domestic travel and~~

\$2,500 for international travel per person per trip for all participants (starting July 1, 2009).

ed. Student aid/Scholarships (either academic or to ameliorate fiscal hardship for a student in order to participate in a school sponsored activity). NOTE: for field trips and competitions see (c) above.

~~f. District approved capital programs.~~

~~g. Grants as noted above.~~

he. Non-monetary gifts: The first \$5,000 of assessed value from any donor is exempt. Any For non-monetary gifts amount of valued over \$5,000, the donor can:

(i) make the gift to the District to be placed at the discretion of the Board of Education, or

(ii) if the donor gives directly to a particular school, then the value of the gift over \$5,000 is subject to the 15% portion of the policy equity contribution, or

(iii) If a donor gives multiple gifts to a particular school in a fiscal year, when totaled, the amount above \$5,000 is subject to the policy.

~~if. Funds supporting Copy machines, e.g. purchase, maintenance agreements, lease payments, etc.~~

3. Distribution of Resources Acquired through the Equity Fund

Monies accumulated in the Equity Fund will be distributed annually in July. The specific amount from the Equity Fund that will be made available for distribution will be determined at the sole discretion of the Board of Education. There are three categories of distribution to be considered:

- a. distribution to support districtwide initiatives to provide academic support, intervention and/or remediation in accordance with the mission of the school district to be presented by spring, before the budget process, and if Educational Services is in need for extra funds for IISS, the request should be forwarded to the Board of Education earlier;
- b. distribution of resources to school sites using the weighted-student formula; and
- c. resources to be reserved (conserved) within the fund.

Distribution to support districtwide initiatives to provide academic support, intervention and/or remediation in accordance with the mission of the school district

The Board of Education has established that it has the right to reserve a portion of the Equity Fund as a set aside investment for targeted purposes as investments

in whole district intervention, remediation and academic support. The Board of Education will be given a list of proposed districtwide initiatives with rationales and budgets at or before the first meeting in June to provide time for discussion and followup about each initiative's needs. Districtwide initiatives must meet the following criteria to be eligible for consideration:

- a. There must be ambitious, feasible and measurable goals for the proposed initiative.
- b. The academic support, intervention or remediation initiative must serve a significant population (or subgroup) of students with identified academic need(s).
- c. District staff must have a plan for evaluating the efficacy of the initiative and tracking student achievement during and after the initiative.
- d. The overall budget must reflect the use of appropriate state and federal categorical, grant or other resources to support the initiative.
- e. The uses to which the equity funding requested will be put must be clear in the proposed budget and the rationale for the initiative.
- f. Equity funding will be used to support districtwide academic support, intervention and/or remediation programs that have recent evaluation or other data to support that staff responsible for the proposed initiative have engaged in a data-driven improvement planning process. An example of such a program is the elementary summer school program.

Distribution of resources to school sites using the weighted-student formula

All funds to be distributed to school sites will follow the weighted-student formula without exception. The specific amount of money from the Equity Fund that will be made available for distribution through the student-weighted formula is determined at the sole discretion of the Board of Education. Once this amount is determined, the entire sum is distributed to school sites through the formula. School sites will receive their allocation once their plan has been approved.

Resources to be reserved (conserved) within the fund

Each year as part of its deliberations about the most appropriate uses for the resources that have been accumulated within the Equity Fund, the Board of Education may decide to reserve (conserve) some funding within that fund for uses in future years. There may be several reasons for this decision, including, but not limited to the following:

- knowledge of anticipated impending State budget restrictions
- local revenue disruption
- a multi-year initiative with only year one funding identified.

Monitoring compliance and implementation of the Equity Fund and Policy

The policy requires both the Board and the Education Services Department to report to all stakeholders the activity surrounding this policy each year in the form of an annual report. This mechanism will serve to communicate information to the public. In addition, there will need to be monitoring of compliance and implementation of the policy in action to learn from, and report to, stakeholders about the impact of the policy on school improvement and student achievement.

Three levels of monitoring will occur. The data and information from these levels of monitoring can help to partially answer the important questions of how and what we are learning about the impact of a policy with social, fiscal, and educational implications. At one level, monitoring the application of the policy will help to answer questions such as: how have funds been collected, how have funds in the Equity Fund been distributed, how have local budgets (at schools and centrally) been impacted as a result of the policy, and how have exemptions been applied in the fundraising and collection mechanisms for the Gift policy.

Monitoring to establish the degree of compliance and general tone of tolerance for the policy will also occur. This will require both fiscal and survey data to answer questions like: what do parents feel about the policy and its application, how does the Board of Education feel about the policy's implementation, and how does the public and how do donors feel about the policy.

The final level of monitoring concerns the outcomes of implementing the policy. These data will help answer questions like: what effect did the "new" investments from the Equity Fund have at a site, has student achievement been impacted by any of the new investments, and is there support to continue or adjust the policy. Of course, monitoring will also reveal unintended consequences of this policy implementation as well.

D. ADDITIONAL CONSIDERATIONS FOR COLLECTION

The fiscal office will help schools track their ongoing gift amounts and contribution owed to the fund. Sites/schools would be responsible for 'holding aside' their required contribution. All contributions would be sent to the Equity Fund on January 31 and June 30. The Fiscal Services Department would receive the donations and distribute the funds via the student-weighted formula as plans are approved by the Education Services Department.

E. VOLUNTARY CONTRIBUTIONS

No formula is applied to voluntary contributions to the Equity Fund. Any amount given is a 100 percent contribution.

F. EQUITY FUND ADMINISTRATION

The Board will designate the Education Services Department to administer the Equity Fund. The duties will include the collection and distribution of funds, and annual public reporting. The Education Services Department will also be responsible for the collection of all voluntary donations to the Equity Fund.

An Oversight Committee will be established to oversee the Equity Fund and its activities. The committee will seek members including one representative from each PTA and/or each school fundraising organization. The responsibilities of the Equity Fund Oversight Committee include:

1. Meet two times per school year.
2. Review school plans for spending Equity Funds.
3. Review the policy for implementation problems or reporting issues.

This group acts in an advisory capacity only.

This policy will return to the Board of Education for review each year.

RELATED FORMS:

Request for Acceptance of Gift
Block Grant Planning Form
Student Weighted Formula

ADDITIONAL PDF DETAIL

REFERENCE

MANAGEMENT RESOURCES

ADOPTED

September 9, 2004

REVISED

May 18, 2008

CSBA DATE