

GIFT ACCEPTANCE ADMINISTRATIVE PROCEDURES

The Cape Elizabeth School Board may accept, on behalf and in the name of the school unit, any bequest or gift in accordance with its policies, applicable state law, and the following administrative procedures:

Guidelines for Acceptance of Gifts

Bequests, grants, or gifts (hereafter, “gifts”) with a commercial value of less than \$10,000 may be accepted by the Superintendent on behalf of the School Board, except that a gift that the Superintendent determines is a gift in trust,¹ a gift of real property,² or a gift that substantially impacts the school unit’s mission and values, governance, operating budget, equitable allocation of resources, or matters of education policy shall be presented to the School Board for a determination of acceptance or rejection. The Superintendent may consult with the Business Administrator, Facilities Director, School Principals, and other administrative staff or faculty prior to determining whether to accept or reject a gift. A determination by the Superintendent to reject a gift may be brought to the School Board for reconsideration.

The Superintendent shall regularly provide to the School Board a list of all gifts with a commercial value of \$1,000 or more and whether they were accepted by the Superintendent. The Superintendent shall thank donors in writing on behalf of the Board for any such accepted gifts.

All gifts with a commercial value of \$10,000 or more, and any gifts which the Superintendent determines must be presented to the School Board pursuant to these guidelines, shall be submitted to the next regular meeting or special meeting of the School Board. The School Board shall, within 10 days after the meeting, send written notice of its acceptance or rejection of such gifts.

Guidelines for Acceptance of CEEF Grants

In light of the longstanding cooperative relationship with the Cape Elizabeth Education Foundation (“CEEF”) and the decisionmaking framework by which CEEF awards grants to support and encourage innovation in Cape Elizabeth schools, there shall be a rebuttable presumption that any grant awarded by CEEF will be accepted as follows:

Upon the receipt by the Superintendent of a list of CEEF’s prospective grants for each grant cycle, the Superintendent shall accept all prospective CEEF grants on behalf of the School Board, subject to CEEF awarding said prospective grants, except that the Superintendent shall

¹ A gift in trust is a gift which requires the gift to be held in trust and used only for the purposes of the trust.

² A gift of real property is a gift of land or any interest in the land (such as easements, rights to occupy property, timber rights, or resource extraction rights) or a gift of structures/buildings or any equipment firmly attached and integrated into structures/buildings (such as light fixtures, a well pump, or a fuel tank).

bring to the School Board for consideration at its next regular meeting or special meeting any prospective CEEF grant that is:

- a gift in trust;
- a gift involving real property;
- a gift that involves substantial additional operational, maintenance, or installation costs to the school unit which are not included as part of the grant;
- a gift that requires facility improvements, renovations, alterations, or additions to existing school buildings or grounds;
- a gift that requires or creates a need to hire new staff;
- a gift that requires or creates a need for the school unit to budget or provide additional compensation to existing staff if such additional compensation is not included as part of the grant;
- a gift that substantially impacts matters of education policy or the school unit's equitable allocation of resources among schools and students; or
- a gift with a monetary value of \$10,000 or more.

The School Board shall forthwith provide to CEEF written notice of its acceptance or rejection of any such prospective grants.

The Superintendent shall regularly provide to the School Board a list of prospective CEEF grants and whether they were accepted. The Superintendent shall thank CEEF in writing on behalf of the Board for any such accepted gifts.

Accepted Gifts

All accepted monetary gifts must be payable to the school unit, not to any individual agent, employee, or representative of the school unit.

All accepted gifts shall be subject to the school unit's accounting and auditing procedures.

Conditional Gifts

Notwithstanding the procedures set forth herein, neither the School Board nor the Superintendent shall accept any conditional gift for a specified purpose³ without first securing all statutorily required approvals of the Town voters.

³ A conditional gift for a specified purpose is a gift which is given subject to a condition or related obligation on the part of the school unit. Conditional gifts are usually distinguished by their requirement for the future appropriation of funds, and are generally subject to reversion to the donor or the donor's heirs if their conditions are not met.

Legal Reference: 20-A M.R.S.A. § 4005
20-A M.R.S.A. § 1256 (MSADs)
20-A M.R.S.A. § 1476 (RSUs)
20-A M.R.S.A. § 1705 (CSDs)

Cross Reference: FFAA – Memorial Scholarships and Gifts
KCD – Public Gifts/Donations to the Schools
KCE – Receiving Education Foundation Funds

Adopted: _____

DRAFT