

# Regulation KCD-R

## Las Cruces Public Schools

**Related Entries:** BBA, AD, KCD  
**Responsible Office:** Chief Financial Officer

### **PUBLIC GIFTS/DONATIONS TO SCHOOLS**

#### **I. PURPOSE**

To establish procedures for the acceptance or rejection of gifts and donations from private businesses, organizations, community groups, and individuals made to the Las Cruces Public Schools.

#### **II. GUIDELINES**

- A. Any gift to the School District valued at \$10,000 (ten thousand dollars) or more requires the prior approval of the Board of Education and shall be considered by the Board
- B. All proposed gifts of real estate, regardless of value, shall require formal approval of the Board of Education in an open meeting prior to the transfer of the real estate property.
- C. Any gift offered which is valued at \$2,000 (two thousand dollars) to \$9,999.99 shall require the prior approval of the Superintendent before that gift can be accepted by any school or program.
- D. Per Board policy KCD, the Superintendent delegates authority to the principal of a school, or director of a program, to accept gifts or donations under \$2,000 (two thousand dollars).
- E. Gifts will be accepted by the School District without promise or expectation of future consideration of the donor.
- F. All gifts to the School District shall be accepted in the name of Las Cruces Public Schools and shall become the School District's exclusive property but may be designated for use in a particular school or program, including the LCPS Foundation. The School District shall be under no obligation to replace the gift if it is destroyed or wears out.
- G. These Regulations shall adhere to gift donations to the School District from private businesses, organizations, community groups (including school-related groups such as parent-teacher organizations and athletics and arts booster clubs) and individuals.

#### **III. PROCESS**

- A. Donors, including private businesses, organizations, community groups and individuals, of public gifts to the School District may receive naming and recognition rights as agreed upon at the time of the gift and so long as those rights are in compliance with all relevant Board of Education policies. However, the donor

of any public gift to the School District shall not receive any further consideration from the School District at the time of the gift or at any future time.

- B. The terms and conditions of the donation are to be determined at the time of the donation.
- C. Once a public gift is accepted by the School District, it shall become the sole property of the School District. The School District shall be responsible, at its sole discretion, for all maintenance, upkeep, operation, repair and disposition of said gift.
- D. The Board of Education, the Superintendent of Schools and the appropriate principal or director under this Regulation, shall reserve the right to refuse any gift offered to the School District at any time and for any reason whatsoever, as deemed appropriate by the Board of Education and/or the Superintendent.
- E. The donor of any public gift to the School District, shall, at the time of the donation, provide, in writing (FORM KCD-E1), the following information to the School District:
  - 1. A complete description of the gift.
  - 2. The name, address and complete contact information of the donor.
  - 3. The date of the donation.
- F. It shall be the sole responsibility of the donor to assign an appropriate monetary value to the gift at the time of its donation to the School District.
- G. It is the responsibility of the donor to seek professional advice and counsel with regard to any gift made to Las Cruces Public Schools. No School District employee will provide professional counsel or advice to any donor with regard to tax liability, estate planning, etc.
- H. If appropriate, private businesses, organizations, community groups and individuals shall discuss in advance of any donation or gifts that are appropriate and needed with the Superintendent or his designee and/or the appropriate school principal or program director.
- I. The donation of equipment that furthers the educational mission of the School District must be operative at the time of the donation and must meet minimum standards as set by the School District for use, including safety of use. If accepted for donation, such equipment shall be added to the School District's or the school's inventory if valued at more than \$5,000.
- J. It shall be the responsibility of the appropriate school principal or program director to process any paperwork necessary to update a school's or the School District's inventory because of the receipt of a public gift.
- K. Upon the acceptance of a public gift by the Board of Education, the Superintendent, a school principal, a program director or another duly authorized employee of the School District, the School District's Purchasing Office shall, at the written request of the

- donor, issue a form letter (FORM KCD-E1) acknowledging receipt of the gift. The letter shall include as an attachment a copy of the School District's W-9 form.
- L. It shall be the responsibility of the appropriate school principal or program director to send an acknowledgement letter to the donor of any public gift. Sample letters of acknowledgement are available from the LCPS Communications Office.
- M. Factors to consider before accepting a proposed gift may include but are not limited to
1. Will accepting the gift entail any significant costs to the School District for installation and/or maintenance or initial or continuing financial commitment of School District funds? If so, do the long-term benefits of accepting the gift exceed these costs?
  2. Will accepting the gift create an unreasonable inequity in programs or services provided to students?
  3. Will accepting the gift create a public controversy calling into doubt the appropriateness of the gift or donation?
  4. Will accepting the gift create an undesired association with the donor such that there is an appearance of a conflict of interest or unfavorable connection with the reputation of the donor?
  5. Will accepting the gift require a factual determination as to the legal ownership of the gift?
- N. All vehicles donated to the School District will be titled in the name of Las Cruces Public Schools and, as such, become the exclusive property of the School District. Titles to all vehicles donated to the School District will be held in the office of the Deputy Superintendent for Operations.
- O. Form letter (FORM KCD-E-1) shall provide notice to the donor from Las Cruces Public Schools that the School District's acceptance of all gifts and donations is conditioned on the determination that such acceptance provides a benefit to the overall academic or athletic program of Las Cruces Public Schools, and that the gift shall not be limited to any one school, team, sport, class, seminar, athletic program or academic program so as to create an unequal benefit in the quality of education provided to all students.
- P. All gifts and donations offered to Las Cruces Public Schools shall be evaluated in regard to Title IX requirements and any gift or donation that would result in the School District's violation of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) shall be declined, except as otherwise provided in this Regulation and Policy KDC.
- Q. The Superintendent or his/her designee shall provide the Board of Education with a written recommendation regarding the acceptance of each gift or donation in excess of \$1,000, and its effect on the School District's compliance with Title IX.
- R. If the Superintendent finds that the School District's acceptance of a gift or donation will create an imbalance of benefits provided to male or female students such as to violate Title IX, the Superintendent shall develop and recommend to the Board of

Education a proposal for the redistribution of sufficient School District funds to offset the benefit provided to students of one gender over those of the other by the donation.

- S. Gifts to employ full-time or part-time teachers with daily classroom responsibilities shall be donated to Las Cruces Public Schools as a whole and not to any individual school. Any teacher with daily classroom responsibilities hired through a gift shall be hired on a temporary employment contract only and shall be reemployed at the discretion of the Superintendent based upon the availability of funding. The teacher hired under a donation shall meet all the qualifications and standards of all other teachers hired by Las Cruces Public Schools for the same or similar positions. The Superintendent or his designee shall determine the distribution and placement of such donations based on need, equity and other variables. Schools shall not use donations to supplement School District-allocated licensed staffing.
16. Gifts to employ additional classified/hourly staff such as educational assistants (without daily classroom responsibilities) shall be donated to Las Cruces Public Schools as a whole and not to any individual school. Any additional classified/hourly staff hired through a gift shall be hired on a temporary employment contract only and shall be reemployed at the discretion of the Superintendent based upon the availability of funding. The staff hired under a donation shall meet all the qualifications and standards of all other staff members hired by Las Cruces Public Schools for the same or similar positions. The Superintendent or his designee shall determine the distribution and placement of such donations based on need, equity and other variables. Schools shall not use donations to supplement School District-allocated licensed staffing.



Approved, Chief Financial Officer

8/17/18

Date Approved

**History:** New Regulation 05.20.09; Revised 7.05.18

**Legal Reference:** 20 U.S.C. § 1681 et seq.)