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Introduction Date	3/8/23
Enactment Number	23-0462
Enactment Date	3/8/2023
By	OS



**OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Board of Education**

March 8, 2023

To: Board of Education

From: Kyla Johnson-Trammell, Superintendent
Sondra Aguilera, Chief Academic Officer
Leroy Gaines, Network 4 Superintendent
Byron Delcomb, Principal, Markham Elementary School

Subject: **Acceptance of Donations by the District**

ACTION REQUESTED:

Acceptance by the Board of Education of a Donation to the District from Eat Learn Play Foundation, providing funding to support Markham Elementary School for the 2022-2023 School Year, in an amount valued at \$5,000.00, pursuant to the terms and conditions thereof, if any.

BACKGROUND:

The District received donations for the 2022-2023 school year as indicated in the chart below. The donation documentation is available on the Board's legislative web site.

File I.D #	Backup Document Included	Type	Recipient	Grant's Purpose	Time Period	Funding Source	Grant Amount
23-0424	Yes	Donation	Markham Elementary School	Support for Marham Elementary School	December 15, 2022 through June 30, 2023	Eat.Learn.Play Foundation	\$5,000.00

FISCAL IMPACT:

The total donation value will be provided to OUSD school from the funders.

- Grants valued at: \$5,000.00

RECOMMENDATION:

Acceptance of the donation by the District pursuant to the terms and conditions thereof, if any.

ATTACHMENTS:

Donation Letter

DONATION/GRANT FORM

Please complete the information requested on this form. **Attach your donation checks made payable to Oakland Unified School District with the name of the school referenced on the check's memo note.** For school sites receiving donations: deliver/mail check & form to the Office of your Network Superintendent/Chief/Deputy Chief for processing and board review/preparation. For central office departments receiving donations: deliver/mail check & form to your department Office Manager for processing and board review/preparation.

Questions? Contact Tien Truong at [510-879-4023](tel:510-879-4023) or by email at tien.truong@ousd.org for further information.

Site No.	School Name	Donation's Purpose	Start Date	End Date	Donor	Donation Value*	Check Date	Check No.	[FOR OFFICE USE ONLY] CR NO.
138	Markham	Unrestricted	12/26/22	6/30/23	Eat. Learn. Play	\$5,000.00			
Your Print Name: Byron Delcomb					Your Signature: <i>Byron Delcomb</i>				
Your Job Title: Principal					Signature Date: 1/30/2023				
Your Phone Number: (510) 879-2138					Your Email: Byron.Delcomb@ousd.org				
OUSD Authorized Employee Name (Board Policies , BP 3290): Sondra Aguilera, Chief Academic Officer					OUSD Authorized Employee Signature: <i>Sondra Aguilera</i>				
[FOR OFFICE USE ONLY] Escape account code(s):									



December 16, 2022

Bryan Delcomb
Principal, Markham Elementary
Oakland Unified School District
1000 Broadway, 4th Floor, Suite 450
Oakland, CA 94607

Grant Reference # 29 – 2022

Dear Bryan Delcomb,

I am pleased to inform you that the Eat. Learn. Play. Foundation has approved a grant of \$5,000 to the Oakland Unified School District (OUSD).

The grant is restricted for Markham Elementary.

Payment of your grant will occur on the following schedule:

Payment #	Payment Date	Payment Amount	Payment Method	Payment Note
1 of 1	14 days from receipt of agreement	\$5,000	Check	The check should go to "Oakland Unified School District" and in the memo: Markham Elementary Donation/Grant

Please review the Grant Award Letter and sign and return it to the Eat. Learn. Play. Foundation.

By accepting payment, you agree to all the terms and conditions set forth in this letter and the attached Annex. Once the signed Grant Award Letter is received in our office, the grant monies will be disbursed in accordance with the schedule above.

Your organization does not need to submit a report to the Eat. Learn. Play. Foundation.

The Eat. Learn. Play. Foundation is proud to support your mission.

Sincerely,

Christopher Helfrich
CEO



GRANT AWARD LETTER

The grant to your organization from the Eat. Learn. Play. Foundation is for the purpose(s) described below and is subject to your organization's acceptance of the terms and conditions herein.

Grantee: Oakland Unified School District

Grant Award Date: 12/16/2022

Amount of Grant: \$5,000

Fiscal Year Ends: June 30, 2023

Grant Purpose: Markham Elementary

Grantee agrees that:

1. Your organization certifies that it is legally authorized to receive this grant under its own policies, as well as any other applicable laws and regulations. Your organization certifies that the person accepting payment has the authority and has obtained all necessary approvals to accept the grant award.
2. Any portion of the grant not used for the stated purpose must be repaid to the Eat. Learn. Play. Foundation by your organization.
3. Your organization agrees to notify the Eat. Learn. Play. Foundation immediately, in writing, of any change in its tax-exempt status (if currently a tax-exempt organization), its executive staff or key staff responsible for achieving the grant purposes, or any other change in its program that would affect its ability to achieve the grant purposes.
4. Unless specifically provided in this Grant Award Letter, your organization certifies that this grant is not earmarked for any third-party organizations or individuals.
5. You certify that your organization does not discriminate on any unlawful basis with regard to hiring or employment practices or in the administration or provision of programs and services and does not discriminate on the basis of sexual orientation or gender identity.
6. Your organization agrees it will not use the grant funds in a manner inconsistent with Internal Revenue Code Section 501(c)(3), including: (a) influencing the outcome of any specific election for candidates to public office, (b) inducing or encouraging violations of law or public policy, or (c) causing any private inurement or improper private benefit to occur.
7. The Eat. Learn. Play. Foundation reserves the right to modify or discontinue funding associated with this grant if your organization fails to comply with the terms of this



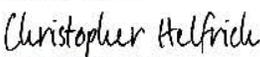
Grant Award Letter, or if the Eat. Learn. Play. Foundation determines that any statements, representations or documents provided by your organization, including in any grant reports, is false or materially misleading. In such an event, your organization agrees, at the Eat. Learn. Play. Foundation' request, to repay grant funds and/or redirect them to another organization selected by the Eat. Learn. Play. Foundation to carry out the purposes of this grant. Your organization will indemnify, defend and hold the Eat. Learn. Play. Foundation harmless from any costs or damages incurred by the Eat. Learn. Play. Foundation related to any misrepresentation in or failure to comply with this Grant Award Letter. This Grant Award Letter may be executed in counterparts, each of which shall constitute an original, but both of which, when taken together, shall constitute only one agreement.

8. Your organization agrees that (a) any public acknowledgment of this grant shall include that the support was provided by Eat. Learn. Play. Foundation, and (b) nothing in this Grant Award Letter authorizes or permits you, your organization or any other person or organization, to use any intellectual property, including but not limited to rights of publicity or to use of imagery, associated with Stephen Curry, Ayesha Curry, or any other individual or company affiliated with such persons. To ensure compliance with the foregoing provisions, your organization agrees to submit in advance to Eat. Learn. Play. Foundation, for review and revision at its reasonable discretion, any announcements your organization intends to make regarding this grant, and any publications referring to this grant your organization intends to publish, other than in its annual reports or tax returns.
9. Your organization will maintain accurate accounting records and retain records of receipts and disbursements related to the expenditure of grant funds and will keep such accounting records for at least two years after the end of the grant period. Your organization must account for grant funds separately– either in a separate bank account or a separate bookkeeping account that is dedicated to this grant's stated purpose and maintained as part of your financial records. Eat. Learn. Play. Foundation may, at its expense and on reasonable notice to your organization, inspect, audit, or copy your organization's records pertaining to this grant.
10. This Grant Award Letter supersedes any prior or contemporaneous oral or written understandings or communications between the parties and constitutes the entire agreement of the parties with respect to its subject matter. This Grant Award Letter may not be amended or modified, except in writing signed by both parties.
11. This Grant Award Letter shall be governed by the laws of the State of California applicable to contracts to be performed entirely within the State. For the purpose of any action or proceeding arising out of or relating to this Grant Award Letter, each of the parties hereto irrevocably (a) submits to the exclusive jurisdiction of the state courts of California and to the jurisdiction of the United States District Court for the Northern District of California and (b) agrees that all claims in respect of such action or



proceeding shall be heard and determined exclusively in any California state or U.S. federal court sitting in the City and County of Alameda, California.

Sign below to acknowledge this Grant Award Letter, accept its terms and be eligible to receive payment of the grant:

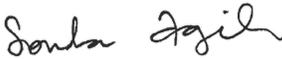
DocuSigned by:

 80ABA2EB796F709...
 Eat. Learn. Play. Foundation
 By: Christopher Helfrich
 Its: Chief Executive Officer

12/16/2022
 Dated

DocuSigned by:

 78AF6198881D455
 Oakland Unified School District
 By: Byron Delcomb
 Its: Principal, Markham Elementary

12/16/2022
 Dated


 Oakland Unified School District
 Sondra Aguilera
 Chief Academic Officer

1/30/2023
 Dated


 Mike Hutchinson, President, BOE


 Kyla Johnson-Trammell, Superintendent & Secretary, BOE