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**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Memo

To Board of Education

From Josh Daniels, General Counsel
Joanna Powell, Staff Attorney

Board Meeting Date 10/28/2020

Subject Amendment – Board Policy BP 3290 – Gifts, Grants and Bequests

Action Requested and Recommendation Approval of revisions to the Oakland Unified School District’s BP 3290 – Gifts, Grants and Bequests

Background and Discussion The current BP 3290 allows only the Board to accept gifts, grants, and bequests. This leads to a delay in the District’s receipt of funds, and is inconsistent with BP 3312, which authorizes District staff to enter into vendor contracts under Board-delegated authority (with ratification by the Board within 60 days of execution).

The proposed amendments would revise the grant approval process to more closely parallel the process for execution of vendor contracts. Under the proposed BP, the Board would delegate to the same individuals set forth in BP 3312 the authority to accept grants up to the same amounts set forth in BP 3312. In other words:

- Chief Delegates (Superintendent, General Counsel, and Chiefs) would be authorized to accept grants up to the limit set forth in Public Contracts Code section 20111 (currently \$95,200), or grants, the acceptance of which would require the District to undertake financial obligations up to this amount.
- Deputy Chief Delegates (Deputy Chiefs and Executive Directors) would be authorized to accept grants up to \$50,000, or grants, the acceptance of which would require the District to undertake financial obligations up to this amount.

Board ratification of the grant would be required in both circumstances. Where the grant exceeds the delegated amounts, Board approval would continue to be required.

The revised BP 3290 would specify that, where a grant application would itself impose binding obligations on the District (e.g., where the application would bind the District to accept the grant, and the grant would commit the



District to providing some certain number of FTE), the application must be approved consistent with the above requirements.

The goal of these revisions is to streamline the grant acceptance process, while continuing to ensure appropriate Board oversight. If this BP is approved, the General Counsel's office will work with other District staff to create an Administrative Regulation 3290 that further clarifies the process.

Fiscal Impact

No direct funding implications

Attachments

BP 3290 – Redlined
BP 3290 – Clean

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Business and Noninstructional Operations

BP 3290

Gifts, Grants and Bequests

The Governing Board may accept any gift, grant, or bequest of money, property, or service to the District from any individual, organization, foundation, or public or private agency that desires to support the District's educational program. While greatly appreciating suitable donations, the Board shall reject any gift which may directly or indirectly impair its authority to make decisions in the best interest of District students or its ability or commitment to provide equitable educational opportunities.

(cf. 0200 - Goals for the School District)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 1260 - Educational Foundation)

(cf. 9270 - Conflict of Interest)

Any gift, grant, or bequest for an amount greater than the sum, adjusted annually for inflation, stated in section 20111 of the Public Contracts Code shall be presented to the Board for approval prior to acceptance of the gift, grant, or bequest. (Education Code 17605). In order to facilitate timely receipt of funds, the Board may approve the application for a gift, grant, or bequest, rather than the gift, grant, or bequest itself, so long as the application sets forth all substantive terms of gift, grant, or bequest.

Chief Delegates: The Board hereby delegates to the Superintendent; Chief Systems & Services Officer; Chief Business Officer; Chief Academic Officer; Chief of Staff; and General Counsel, in their respective areas of responsibility, the authority to accept a gift, grant, or bequest where the monetary amount received by the gift, grant, or bequest does not exceed the sum, adjusted annually for inflation, stated in section 20111 of the Public Contracts Code and the financial obligations on the District of accepting the gift, grant, or bequest do not exceed the same.

Deputy Chief/Executive Director Delegates: The Board hereby delegates to the Deputy Chief, Facilities, Planning and Management; Deputy Chief, Innovation; Deputy Chief, Information Technology; Executive Director, Special Education; Deputy Chief, Talent Officer; and Executive Director, Community Schools and Student Services, the authority to accept a gift, grant, or bequest, where the monetary amount received does not exceed \$50,000 per year and the financial obligations on the District of accepting the gift, grant, or bequest do not exceed the same.

If the application for a gift, grant, or bequest would legally obligate the District to accept said gift, grant, or bequest or otherwise financially or programmatically obligate the District, the application itself must be first be approved by the Board, a Chief Delegate, or a Deputy Chief

Delegate prior to applying for the gift, grant, or bequest, in accordance with the foregoing three paragraphs.

Gift, grants, or bequests or applications therefor that impose legal, financial, or programmatic obligations on the District must be reviewed and approved by the Legal Department prior to acceptance (for gifts, grants, or bequests) or submission (for applications).

All gifts, grants, or bequests or applications accepted under the delegated authority shall be submitted to the Board for ratification within 60 calendar days of the date of grant or receipt of grant funds.

Before accepting any gift, grant, or bequest, the Board or its designee shall carefully consider any conditions or restrictions imposed by the donor to ensure their consistency with the District's vision, philosophy, and operations. If the Board or its designee believes the District will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

In addition, the Board or its designee shall ensure that acceptance of the gift, grant, or bequest does not:

1. Involve creation of a program which the Board would be unable to sustain when the donation is exhausted
2. Entail undesirable or excessive costs
3. Promote the use of violence, drugs, tobacco, or alcohol

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

4. Advertise or endorse the use of non-nutritious food or beverages during the school day

(cf. 5030 - Student Wellness)

5. Encourage or enable the violation of any law or District policy

6. Imply endorsement of any business or product or unduly commercialize or politicize the school environment

(cf. 1325 - Advertising and Promotion)

Any gift of books or instructional materials may only be accepted if they meet District criteria for selection of instructional materials.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

All gifts, grants, and bequests shall become District property. Donors are encouraged to donate all gifts to the District rather than to a particular school, classroom, or teacher. ~~At the Superintendent or designee's discretion, a gift may be used at a particular school or classroom.~~

When any gift of money received by the District is not immediately used, it shall be placed in the county treasury in accordance with law. (Education Code 41030-41031)

(cf. 3430 - Investing)

~~The Superintendent or designee shall annually provide a report to the Board indicating the gifts, grants, and/or bequests received on behalf of the district in the preceding fiscal year. The report shall include a statement of account and expenditure of all gifts of money and an inventory of all gifts of physical assets.~~

~~*(cf. 3440 - Inventories)*~~

~~*(cf. 3460 - Financial Reports and Accountability)*~~

Corporate Sponsorship

The Board may enter into an agreement or arrangement with an outside entity for the sponsorship of an educational, athletic, or other program or activity. When appropriate, the agreement may allow the outside entity to advertise or promote its business, product, or service in District publications or on District property or web sites.

(cf. 1113 - District and School Web Sites)

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 3312 - Contracts)

(cf. 6145.2 - Athletic Competition)

Every sponsorship agreement shall be in writing and shall be approved by the Board. The Board shall ensure that the District's relationship and arrangement with the sponsor are consistent with the District's mission, values, and goals. Any advertising or promotional message, image, or other depiction to be used by the sponsor shall meet the standards set for commercial advertising on District property and in District-sponsored publications in accordance with BP 1325 - Advertising and Promotion.

Each sponsorship agreement shall contain statements including, but not limited to:

1. The purpose of the relationship with the sponsor, details of the benefits to the District, and how the benefits will be distributed
2. The duration of the agreement and the roles, expectations, rights, and responsibilities of the District and the sponsor, including whether and to what extent the sponsor is allowed to advertise or promote its products and/or services
3. The authority of the Board to retain exclusive right over the use of the District's name, logo, and other proprietary information and the requirement that the sponsor obtain prior approval of the

Board before using such information

4. The prohibition against the collection or distribution of students' personal information except as allowed by law
5. The authority of the Board to terminate the agreement without any penalty or sanction to the District if the sponsor's message, business, or product becomes inconsistent with the District's vision, mission, or goals or the sponsor engages in any prohibited activity

(cf. 5022 - Student and Family Privacy Rights)
(cf. 5125 - Student Records)

Online Fundraising

Any person or entity who wishes to conduct an online fundraising campaign, including a crowdfunding campaign, for the benefit of the District, a school, or a classroom shall submit a written request for prior approval to the Superintendent or designee. Approval of requests shall take into consideration compatibility with the District's vision and goals, core beliefs, instructional priorities, and infrastructure; the manner in which donations are collected and distributed; equity of the use of funds; and any other factors deemed relevant or appropriate by the District.

Any person or entity approved to conduct an online fundraising campaign shall comply with relevant District policies and procedures, including ensuring financial transparency in describing the purpose and use of the funds and protecting student privacy as applicable. Such person or entity shall specify that the District, rather than a staff member, classroom, or school, will own the funded resources.

Funds raised by an online fundraising campaign and donated to the District shall be subject to the same terms, criteria for acceptance, and accountability measures as any other donation as specified in this policy.

Appreciation

The Board may show appreciation for any donation to the District in any manner it deems appropriate. Such appreciation may take the form of letters of recognition or Board resolutions; plaques, commendations, or awards; planting of commemorative trees or gardens; or naming or renaming of buildings, grounds, or facilities. Conferment of any such honor shall be in accordance with applicable Board policy.

(cf. 1150 - Commendations and Awards)
(cf. 7310 - Naming of Facility)

Legal Reference:
EDUCATION CODE
1834 Acquisition of materials and apparatus
35160 Powers and duties
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
41037 Rules and regulations
41038 Applicability of other provisions of chapter

Management Resources:

WEB SITES

California Consortium of Education Foundations: <http://www.cceflink.org>

7/14/04; 4/27/06A; 8/27/14A; 5/8/19A; [10/28/20A](#)

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