

ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 9300

PAGE: 1 OF 4

CATEGORY: Community Relations

EFFECTIVE: 1-29-62

SUBJECT: Acceptance of Gifts

REVISED: 12-10-99

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing acceptance of gifts offered to any school or division, or to the school district. Included are gifts a donor has in his/her possession or intends to purchase, and/or gifts from groups such as student bodies, the P.T.A., and partners in education.

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: B-1175, D-3000, D-3800, D-5000, D-6000, D-7600, F-1100, F-1500, F-5000, F-5800, G-4000, H-8600, I-1200, I-1210, K-5000, K-6000, K-6500.
2. **District employees** shall not (a) receive gifts, presents, or articles of value from students or classes, or give such gifts; or (b) receive gifts from any vendor doing, or attempting to do, business with the school district.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Materiel and Procurement Services Department, Business Services Administration, Business Services Division, Administrative/Operational Support.
2. **Definition. Equipment:** Physical property other than land, buildings, or improvement to either of these, that costs more than \$500* and has *all* three characteristics listed below:
 - a. Nonconsumable, with normal service life in excess of two years.
 - b. Retains original shape and appearance with use.
 - c. Not easily broken, damaged, or lost in normal use, and more economical to repair than to replace.

***Exception:** Furniture is always classified as equipment for inventory control and repair purposes regardless of its dollar value (Procedure 5340).

3. Acceptance of Gifts

- a. **Approvals.** A "Request for Acceptance of Gift" form (attachment [E.1.]) should be approved *prior to acceptance of a gift* by the school or the district. Donor should be notified, prior to purchase or donation of the gift, as to whether or not acceptance was approved. (Ordinarily, donor pays the sales tax.)

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- (1) If installation, construction, and/or rearrangement of existing facilities are involved, the district Maintenance, Operations, Warehousing, and Distribution Department; Business Services Administration; Business Services Division; Administrative/Operational Support, must be consulted prior to acceptance to ensure compliance with building and safety codes.
- (2) Approval is required of principal or department head who will receive the gift and initiate acceptance procedure, operating division involved, and of the Materiel and Procurement Services Department.
- (3) The Educational and School Services Department, Instructional Support Services, Institute for Learning, must be consulted if audiovisual materials, books, or major items of library equipment are involved.

b. **Criteria for acceptance.** The district will assume responsibility for maintenance if:

- (1) Gifts are new.
- (2) Gifts are of a type that appears on approved equipment standards list and are within the standard allowance.
- (3) Gifts are of direct or closely related instructional value.
- (4) Gifts of vehicles for transporting students meet state school bus standards. (For further information, check with the district Transportation Services Department, Business Services Division, Administrative/Operational Support.)

Note: Gifts accepted with a stipulation that maintenance funds *will not* be expended for repairs, are carried on inventory listings under the heading "R" with a number "3." These items should *not* be sent to district maintenance for repair.

4. **Gifts from student bodies** are also governed by the criteria outlined in C.3.b.

a. **Equipment constructed by the district.** Agreements may be entered into between a student body and the district for purchase of some types of equipment not regularly available from outside manufacturers. The district, however, is not obligated to enter into any such agreement.

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- b. **Ownership.** All student body property is under the management and ownership of the district. Once purchased, a piece of equipment becomes property of the district and shall be handled as all other district property.
 - c. **Payment.** In any cooperative transaction, student body *must* pay in advance the cost of equipment to be purchased.
 - d. **District procurement services** are recommended when equipment items are being purchased.
 - e. **District maintenance services** are recommended when an item is to be constructed or installed by the district.
5. **Replacement Formula.** Gifts given to a school become district property; if identical or similar to items on standardized lists and within formula allowances, such gifts shall be considered part of the regular formula when replacement is necessary. Gifts of used furniture will not be replaced by the district.
6. **Transfer of Gift Item.** Normally, it is the intent of donor that a gift remains at school to which the gift is made.

D. IMPLEMENTATION

- 1. **Donor or representative** contacts principal or department head and supplies necessary information about the gift.
- 2. **Principal or department head** prepares "Request for Acceptance of Gift"(attachment [E.1]) in duplicate; forwards original to Materiel Control Section, Materiel and Procurement Services Department.
- 3. **Materiel Control Section**
 - a. **Reviews request**
 - (1) *If construction, utilities, or maintenance is involved*, secures approval from the Director, Facilities Development Department, Business Services Administration, Business Services Division, Administrative/Operational Support.
 - (2) Submits completed request to the Materiel and Procurement Services Manager for signature.

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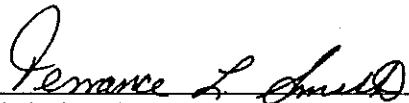
- b. Files copy of approved request form (attachment [E.1]); adds to equipment inventory list, if appropriate.
4. **Gifts of Equipment Constructed by District for Student Bodies.** Student body representative:
 - a. Secures approval of principal; acquires estimate of construction costs and practicability of project from district Maintenance, Operations, Warehousing, and Distribution Department.
 - b. Completes "Request for Acceptance of Gift" (attachment [E.1]) in duplicate and forwards original to Materiel and Procurement Services Department via principal for action as set forth in D.3.
 - c. If approval is received, prepares "Nonstock Requisition (E.2) or "Request for Service" (E.3), with principal's approval, for normal processing.

E. FORMS AND AUXILIARY REFERENCES

1. Request for Acceptance of Gift (attachment)
2. Nonstock Requisition, Stock Item 22-R-3190
3. Request for Service, Stock Item 22-R-3250

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education

SAN DIEGO CITY SCHOOLS

REQUEST FOR ACCEPTANCE OF GIFT

INSTRUCTIONS: Send one copy to Materiel and Procurement Services Department.

I. SCHOOL _____ DATE _____

II. DONOR A. Name _____

B. Address _____

III. GIFT A. General description _____

B. Make _____ Model _____ Serial No. _____

C. Condition: New _____ Used _____

D. Fair market value (Est.) \$ _____

E. Purpose of Gift _____

F. Has/will gift been/be purchased through SDUSD Procurement Services Unit
YES _____ NO _____ If yes, please reference requisition/P.O.number _____

IV. INSTALLATION AND OPERATION (If answer to A is Yes, answer B, C, and D)

A. Will gift require installation? Yes _____ No _____

B. What type of installation is required? _____

C. Will donor pay installation cost? Yes _____ No _____

D. Will there be operating costs? Yes _____ No _____

If yes, what type? _____

V. ACCEPTANCE REQUEST BY:

(Signature of Principal/Site Administrator)

MATERIEL AND PROCUREMENT SERVICES DEPARTMENT

Approve—including maintenance Disapproved

Approve—NOT including maintenance or replacement Reason(s) _____

Non-standard equipment _____

Standard/above allocation _____

Used equipment _____

Supply item/not equipment _____

By: _____

Date: _____



ADMINISTRATIVE PROCEDURE
SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 9302

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CATEGORY: **Community Relations**

EFFECTIVE: 7-10-89

SUBJECT: **Acceptance of Donated Services**

REVISED: 4-07-03

A. PURPOSE AND SCOPE

1. To outline administrative procedures to provide maintenance service and assistance for donated services offered to any school site, branch, or division in the school district. Included in this procedure are services in the form of individual or group projects which represent labor only and/or projects which may include labor, materials, or donated design services.
2. **Related Procedure:**
Acceptance of gifts 9300

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: B-1175, D-6700, I-1210, I-1550, K-6500; Education Code Sections 1834; Government Code Sections 1090,1126.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Maintenance Planning Program, Maintenance and Operations Department, Facilities Management Branch.
2. **Definition. Donated services:** Gifts of labor and/or materials for projects at sites. Such services include:
 - a. Cleanup (e.g., litter and/or weed abatement in non-landscaped areas, washing windows or walls).
 - b. Minor maintenance (e.g., painting, minor repairs or furniture repairs).
 - c. Minor landscape improvements.
 - d. Small projects (e.g., minor building improvements).
3. **Project Information**
 - a. **Ownership.** All materials furnished under this procedure are managed and owned by the district. Once completed, a project becomes property of the district and shall be handled as all other district property.

- b. **Payment.** In any cooperative transaction, student body or other groups must pay in advance for the cost of materials to be purchased.
- c. **Procurement and Distribution Department,** Logistics Division, Business Operations Branch, may assist originator/outside donors when material items are purchased.
- d. **Maintenance Planning Program, Maintenance and Operations Department** services are required when an item is to be constructed or installed on district property.
- e. **Originator**
 - (1) Qualified and skilled craftsmen should lead/supervise all work to ensure code compliance and safety.
 - (2) Licensed electrical contractors must perform all electrical work to ensure code compliance and safety.
 - (3) Provisions may be required to fund all annual operating costs for each project to maintain continuing support of the enhancement.

Note: Typically, the district does not provide tools, equipment, or materials to supplement donated labor. District standards and CSEA San Diego Chapter 724 agreements (Article XIX) should be followed. District inspectors will inspect the work in progress for types of projects noted in Section C. District inspection will be provided at no cost during the normal Maintenance and Operations workweek.

- f. **Criteria for acceptance.** The district may assume responsibility for one-time and/or continuing costs of donated services projects provided:
 - (1) Services are directly or closely related to instructional value.
 - (2) Services meet all federal, state, and local codes governing education, building, and safety.
 - (3) Appropriate funding source(s) exist.
 - (4) The district will not be responsible for any future replacement costs.

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- g. **Indemnification.** Donor must indemnify the district for injury to persons or damage to property by completing and signing the district's "Donated Services Agreement/Indemnification" (E.1., Attachment 1).

D. IMPLEMENTATION (See Self Help Flow Chart [E.2., Attachment 2].)

1. **Donor** or representative of donor contacts site administrator or nonschool site department head (originator) concerning proposed service project, provides necessary information, and coordinates the project implementation if requested by the department head/site administrator.
2. **Originator** prepares and forwards "Request for Maintenance Service" form (E.3), including plans, specifications, definition and scope of proposed donated service project, to the Maintenance Self Help Coordinator of the Maintenance Planning Program, Maintenance and Operations Department. Originator writes in description section of "Self Help Project" form. Sufficient time is needed for the evaluation of the project, preparation, and approval of any required documents. A minimum of two weeks is recommended to initiate this process.
 - a. If requested by the Maintenance Planning Program, Maintenance and Operations Department, originator prepares and submits "Request for Acceptance of Gift of Service" form (E.4., Attachment 3).
 - b. If requested by the Maintenance Planning Program, Maintenance and Operations Department, originator prepares and submits "Donated Services Agreement/Indemnification" form.
3. **Maintenance Planning Program, Maintenance and Operations Department,** evaluates the project to determine if it will be administered by the Maintenance Planning or forwarded to the Architectural Program for administration.
 - a. Notifies originator if the project requires changes to the plans and/or specifications.
 - b. Estimates project cost to the originator that may include permits, supervision (if requested), inspection (as required), and continuing support of enhancement.
 - c. If required by project, notifies originator to submit "Request for Acceptance of Gift of Service" form and/or "Donated Services Agreement/Indemnification" form. Pursuant to Education Code Section 39161, the Facilities Management

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Chief Operating Officer is authorized to enter into and execute donated services agreements.

- d. Ensures all applicable codes, regulations, and district standards are met during construction or installation of the project.
4. **Architectural Program, Maintenance and Operations Department** (if forwarded by Maintenance Planning for administration) reviews request, as appropriate, to determine requirements for changes to the plans and/or specifications.
- a. Certifies that the project meets applicable codes and requirements.
 - b. Estimates district cost for preparation of plans, specifications, and/or inspection.
 - c. Obtains approval and funding from originator to develop plan and/or specifications.
 - d. Implements the project or forwards plans and/or specifications to the Maintenance and Operations Department.
5. **Originator** reviews the completed request for service and the memo that details the estimated cost for the project and any initial funding that may be required. The originator approves or disapproves implementation of the project.
- a. If approved, signs the "Request for Maintenance Service" form and enters, if required, the appropriate budget account number to be charged; sends the request for service to the Budget Office, Financial Operations, Business Operations Branch. (Budget Office will forward the request to the Maintenance Planning Program, Maintenance and Operations Department.)
 - b. If disapproved, sends a copy of the request for service to the Maintenance Planning Program, Maintenance and Operations Department, marked "CANCEL" or "DECLINED."
 - c. Upon completion of the project, originator notifies the Maintenance Planning Program, Maintenance and Operations Department, to schedule final inspection and acceptance of the project.

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- d. Prior to participation of a project, all participants must sign the "Donated Services Volunteer Indemnification Form" (E.5, Attachment 4). Forwards copy to the Maintenance Self Help Coordinator, Maintenance and Operations Department, at completion of project.
- e. **Originator**, upon acceptance of project, writes appropriate letter of appreciation to the donor.

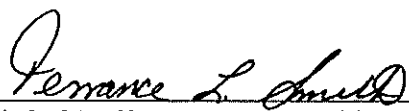
E. FORM AND AUXILIARY REFERENCES

1. Donated Services Agreement/Indemnification, Attachment 1
2. Self Help Flow Chart, Attachment 2
3. Request for Maintenance Service, Stock Item 22-R-3250
4. Request for Acceptance of Gift of Service, Attachment 3
5. Donated Services Volunteer Indemnification Form, Attachment 4

F. REPORTS AND RECORDS

1. Maintenance and Operations Department files the completed gift acceptance form along with completed request for service.

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education

**DONATED SERVICES AGREEMENT/INDEMNIFICATION BETWEEN
SAN DIEGO UNIFIED SCHOOL DISTRICT
AND**

(DONOR)

FOR THE DONATION OF _____

The Agreement is entered into on this _____ day of _____, 20_____, by and between the SAN DIEGO UNIFIED SCHOOL DISTRICT, 4100 Normal Street, San Diego, California 92103, hereinafter referred to as DISTRICT, and (donor)_____.

1. DONOR agrees to install _____
at _____ (school).
2. DONOR will supply the labor, tools, materials and/or equipment and fully comply with the requirements of District Administrative Procedure 9302.
3. In the event DONOR'S funding for the project terminates or they choose to abandon the project, DONOR agrees to restore the site to its original state.
4. DONOR agrees to indemnify and hold harmless the DISTRICT from all liability for damage, actual or alleged, to persons or property arising out of or resulting from the negligent acts or omission of DONOR.
5. DONOR agrees to have the plan reviewed and the final project approved by the DISTRICT.
6. DONOR agrees to complete the project no later than _____
(date)

(Donor's name typed in capital letters)

BY: _____
(Signature)

DATE: _____

(Type name and title)

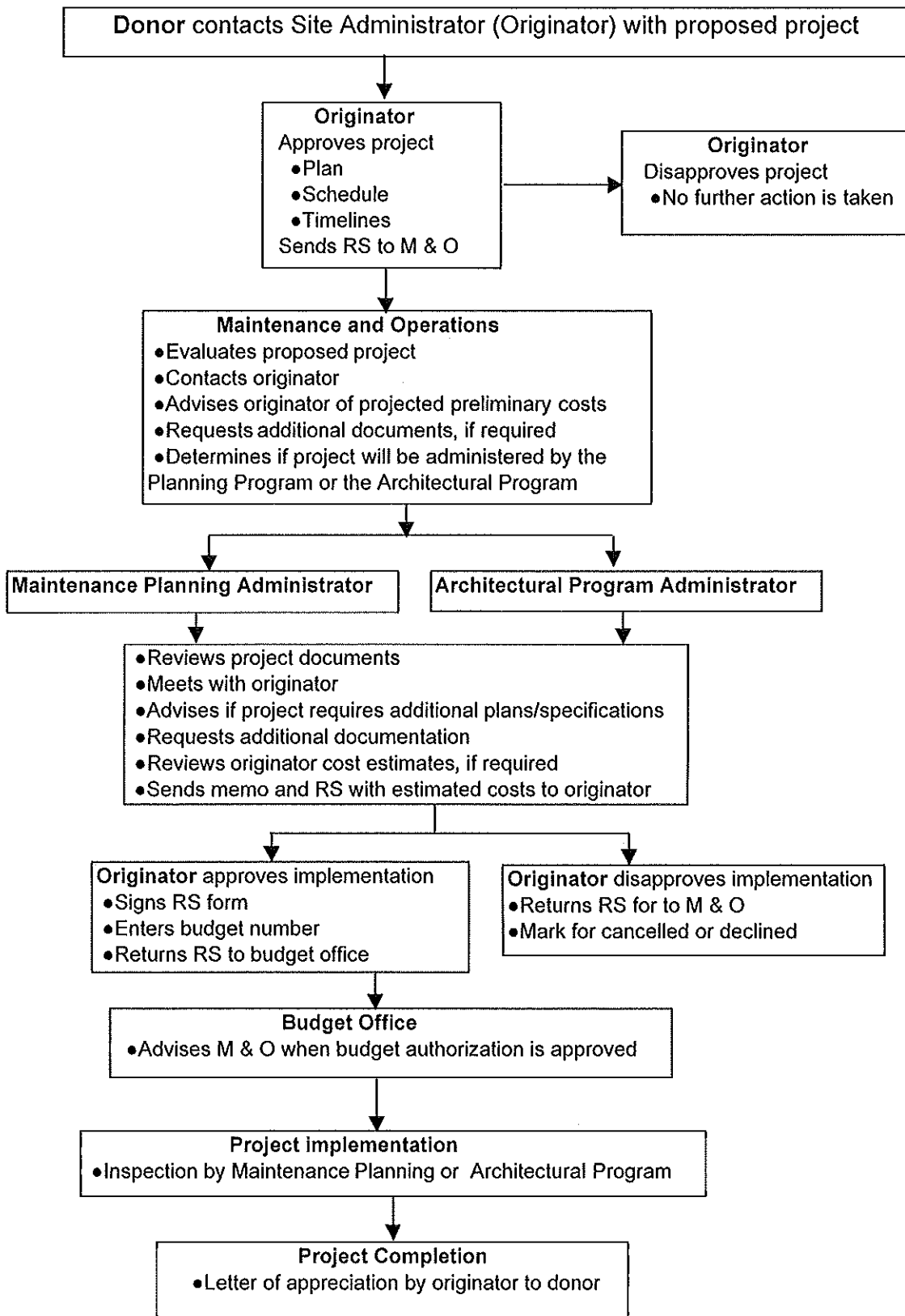
SAN DIEGO UNIFIED SCHOOL DISTRICT

BY: _____
(Signature)

DATE: _____

(Type name and title)

SELF-HELP FLOW CHART



SAN DIEGO UNIFIED SCHOOL DISTRICT
REQUEST FOR ACCEPTANCE OF GIFT OF SERVICE

When notified by the Maintenance and Operations Department, complete and forward to the Maintenance Planning Program, Maintenance and Operations Department.

I. SCHOOL: _____ DATE _____

II. DONOR: A. Name/Organization _____
 B. Address _____
 C. Telephone number _____

III. SERVICE OR PROJECT:

A. Request for Maintenance Service No. _____
 B. General description. _____

C. Purpose of gift _____

D. Are materials purchased through SDUSD District Procurement and Distribution Department? Yes _____
 No _____
 If yes, please reference requisition/P.O.# _____

IV. IMPLEMENTATION:

A. Will Maintenance/Operations labor be employed? Yes _____ No _____
 If yes, describe intended use of district employees: _____

B. Will donor pay labor costs? Yes _____ No _____

C. Will donor pay materials costs? Yes _____ No _____

V. OPERATION AFTER COMPLETION OF PROJECT:

A. Will there be continuing operating or maintenance costs? Yes _____ No _____
 If yes, what type? _____

VI. ACCEPTANCE REQUEST BY: _____

(Signature of school principal/site administrator)

Maintenance and Operations Department (Required for approval WITH annual maintenance support)

Maintenance Unit estimated annual cost: \$ _____

Operations Unit estimated annual cost: \$ _____

_____ Recommend WITH M&O support _____ Recommend WITHOUT M&O support

BY: _____

DATE: _____

(Signature of department head)

Facilities Management Division:

_____ Approved

_____ Disapproved

BY: _____

DATE: _____

(Signature of Chief Operating Officer)

Originator:

_____ Approval to proceed

BY: _____

DATE: _____

(Signature of school principal/site administrator)

San Diego Unified School District
Maintenance and Operations Department
Volunteer Donated Services Indemnification Form

Name of Activity: _____
Location: _____
Date: _____
Point of Contact: _____

As required by Administrative Procedure 9302 (Acceptance of Donated Services), volunteers participating in this project must agree to indemnify and hold harmless the DISTRICT from all liability for damage, actual or alleged, to persons or property arising out of or resulting from the negligent acts or omission of donor. My signature below indicates I agree.

(NOTE: Please print name on the left; sign name on the right.)

_____ PRINT Name	_____ Signature
_____ PRINT Name	_____ Signature
_____ PRINT Name	_____ Signature
_____ PRINT Name	_____ Signature
_____ PRINT Name	_____ Signature
_____ PRINT Name	_____ Signature
_____ PRINT Name	_____ Signature
_____ PRINT Name	_____ Signature
_____ PRINT Name	_____ Signature

SAN DIEGO UNIFIED SCHOOL DISTRICT ("DISTRICT")

ARTIST WAIVER

Under the California Art Preservation Act ("Act"), Cal. Civil Code § 987, the right to authorize the physical alteration or destruction of fine art – including, but not limited to, original paintings, sculpture, drawings or glasswork of recognized quality, but not including work prepared under contract for commercial use by its purchaser – remains with the artist and vests in the artist's beneficiary, heir or representative, for fifty (50) years after the artist's death. Under section 987(g)(3) of the Act, the artist may waive this right. Section 987(h)(1) of the Act, states that if a work of fine art cannot be removed from a building scheduled for demolition without substantial damage to the art, the artist waives this right. If the art can be removed but the District elects not to remove it, the District must notify the artist in writing in advance of any demolition at the school where the art resides. The artist has ninety (90) days to remove or pay for the removal of the artwork, at the artist's expense. Once the artist, or his or her heir, beneficiary or representative, pays for the removal, ownership passes to that person from the District.

I have read this waiver, understand its contents, and voluntarily agree: (1) to waive my rights to ownership, under the Act, of the subject art described in Attachment 1A, and (2) to waive my rights to protect against physical alteration or destruction of the subject art described in Attachment 1A.

Signature

_____, 20____
Date

Print Name