

**Casa di Mir Montessori School**  
**Gift Acceptance Policy**

**Introduction**

The purpose of this gift acceptance policy is to give guidance and counsel to those individuals within Casa di Mir Montessori School concerned with the planning, promotion, solicitation, receipt, acceptance, management, reporting, use, and disposition of private sector gifts.

Casa di Mir Montessori School is a group of dedicated educators with a common vision of providing an authentic Montessori education for our students in a community that provides support, friendship and guidance in accordance with Montessori principles of respect and peace. This gift acceptance policy is crafted to reflect these same principles, creating high standards of ethics and integrity for the school and donor.

Gifts are subject to approval by the school to ensure that they are consistent with the school's mission, core values, philosophy and stated policies. The school's Gift Acceptance Policy sets forth the policies and procedures for making gifts to Casa di Mir Montessori School

These policies must be viewed as flexible and realistic in order to accommodate unpredictable situations as well as donor expectations, as long as such situations and expectations are consistent with Casa di Mir Montessori School's mission and policies. Flexibility must be maintained since some gift situations will be complex, and proper decisions can be made only after careful consideration of all related factors. These policies may, therefore, require that the merits of a particular gift be considered by the appropriate staff and/or committee of the board along with outside experts if necessary.

All fundraising activities and gift acceptance policies, and their day-to-day implementation, are designed and managed by the Head of School in conjunction with the appropriate staff, and are subject to approval by the board.

The board, through the finance committee and the Head of School, is responsible for the gift acceptance policy. This responsibility cannot be delegated or waived. These policies and authorizations shall be reviewed by the finance committee on an annual basis or as circumstances warrant.

**Policy Statements**

**Board Acceptance of Gifts**

The board shall exercise its public trust, as mandated by statute, in making final decisions for the acceptance of all gifts and grants and for any exception to its policies and guidelines. Gifts and gift instruments may be received by the Head of School but can be accepted officially only by the board as managers of the public trust.

Casa di Mir Montessori School shall accept only those gifts the transference and implementation of which shall be deemed consistent with the public laws and/or regulations of the United States of America and the State of California.

### **Philanthropic Intent**

The board shall determine that gifts to Casa di Mir Montessori School are evidence of philanthropic intent and that the donor's philanthropy is in accord with the stated mission and goals of Casa di Mir Montessori School. The purpose is to prevent Casa di Mir Montessori School from being an object of philanthropic intent for either designed or innocent avoidance of taxes, prejudiced purposes, or improper valuation of gifts.

### **Ethics**

The board shall assure itself that all philanthropic promotions and solicitation are ethical by adopting policies that prohibit Casa di Mir Montessori School personnel from benefiting personally by way of commissions or other devices related to gifts received.

### **Review Legal Arrangements**

Casa di Mir Montessori School shall seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:

- 1) Closely held stock transfers that are subject to restrictions or buy-sell agreements.
- 2) Documents naming Casa di Mir Montessori School as Trustee.
- 3) Gifts involving contracts, such as bargain sales or other documents requiring the Casa di Mir Montessori School to assume an obligation.
- 4) Transactions with potential conflict of interest that may invoke IRS sanctions.
- 5) Other instances in which use of counsel is deemed appropriate by the gift acceptance committee.

Casa di Mir Montessori School shall encourage donors to seek their own counsel in matters relating to their bequests, life income gifts, tax planning, and estate planning. All legally binding documents involving gifts over \$5000 shall be prepared and/or reviewed by counsel retained by the donor, to avoid any conflict of interest or undue influence. Alternatively, a donor may sign a document prepared by Casa di Mir Montessori School, releasing Casa di Mir Montessori School from any liability and waiving any conflict.

### **Professional Fees**

While Casa di Mir Montessori School is happy to offer non-legal assistance to attorneys and other professional advisors retained by a donor by providing specific language to be used in charitable giving instruments, it cannot pay any fees to a donor's attorney(s) or advisor(s) with regard to with the charitable giving.

## **Restrictions on Gifts**

Casa di Mir Montessori School will accept unrestricted gifts, and gifts for specific programs and purposes, provided that such gifts are not inconsistent with its stated mission, purposes, and priorities.

Casa di Mir Montessori School reserves the right to refuse any gift that is not consistent with its mission. In addition to and without limiting the generality thereof, the following gifts will not be accepted by Casa di Mir Montessori School:

- Gifts that violate any federal, state, or local statute or ordinance
- Gifts that contain unreasonable conditions (e.g., a lien or other encumbrance) or gifts of partial interest in real or personal property
- Gifts that are financially unsound
- Gifts that could expose Casa di Mir Montessori School to liability

All final decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made by gift acceptance committee of Casa di Mir.

The Gift Acceptance Committee shall consist of:

1. The Chair of the Capital Campaign or other Development Committee
2. Two members of the Board, including the Board Treasurer of Casa di Mir Montessori School
3. Ex-officio members shall include the Head of School, Business Manager, and Development Director of Casa di Mir.

## **Stewardship**

Casa di Mir Montessori School will be responsible for good stewardship toward its donors by following these guidelines:

Donors will receive a copy of the Donor Bill of Rights and can expect to have such rights respected by Casa di Mir.

All gifts will be acknowledged within the required, or otherwise reasonable, period of time.

All gift acknowledgment letters/receipts will be prepared by the Head of School or his or her designee.

Gifts to Casa di Mir Montessori School shall be reported in a manner consistent with the standards recommended by the Association of Fundraising Professionals (AFP).

Files, records, and mailing lists regarding all donors and donor prospects are maintained and controlled by the Development Office at Casa di Mir Montessori School. Information and contacts that members of the board, various volunteer groups, or the staff have with potential donors will be used to determine prospective donors. Written reports of interviews and solicitations will be maintained in the donor prospect file and/or computer.

This information is confidential and is strictly for the use of Casa di Mir Montessori School board and staff. Donor has the right to review his or her donor fund file(s).

Names of donors will not be provided by Casa di Mir Montessori School to other organizations, nor will any lists be sold or given to other organizations.

Gifts to Casa di Mir Montessori School and accompanying correspondence will be considered confidential information, with the exception of the public recognition of donor names. All donor requests for confidentiality will be honored to the extent legally permissible.

Should the gift be restricted, Casa di Mir Montessori School will provide the donor with a narrative and financial report detailing the activities made possible by their support. This report will be submitted to the donor within 60 days of the completion of the underwritten activities.

### **Conflict of Interest**

Casa di Mir Montessori School will urge all prospective donors to seek the assistance of personal legal and financial advisors in matters relating to their gifts and the resulting tax and estate planning consequences.

The Casa di Mir Montessori School board will assure itself that its personnel and agents are circumspect in all dealings with donors in order to avoid even the appearance of any act of self-dealing. The board will consider a transaction in which the employee has a "material financial interest" with a donor an act of self-dealing. In reviewing self-dealing transactions, the board shall consider financial interest "material" to an employee if it is sufficient to create an appearance of a conflict.

The board will examine all acts of self-dealing including, but not limited to prohibition against personal benefit. Those individuals who normally engage in the solicitation of gifts on behalf of Casa di Mir Montessori School shall not personally benefit by way of commission, contract fees, salary, or other benefits from any donor in the performance of their duties on behalf of Casa di Mir Montessori School. (The definition of individuals includes each of the categories of employees at Casa di Mir Montessori School. Individuals are further defined to include associations, partnerships, corporations, or other enterprises in which a member of the staff holds a principal ownership interest.)

### **Conformity to Federal and State Laws**

The board will assure itself that fundraising activities comply with local, state, and federal laws.

### **Gift Valuations**

Casa di Mir Montessori School shall follow accepted guidelines for the valuation of gifts such as stock, real estate, personal property, and life insurance that require specific methods of valuation for the protection of both the donor and Casa di Mir Montessori School.

Gifts of art, furniture, books, stamps, coins, and other collections must have values assessed by properly accredited independent appraisers retained by potential donors for appropriate gift tax credit. Casa di Mir Montessori School shall acknowledge receipt of such properties but must not verify values.

Gifts of real estate can be made outright or as a remainder interest on a case-by-case basis after a thorough analysis by the Development Director, Head of School and approval of the Board.

**Required Reporting of Gifts to the Internal Revenue Service**

Should Casa di Mir Montessori School sell, exchange, or otherwise dispose of any gift (other than checks, cash, or publicly traded stocks or bonds), within two years after the date of the gift, Casa di Mir Montessori School will furnish the Internal Revenue Service and the donor with required forms.