

FIDUCIARY RESPONSIBILITY

PTA programs promoting parent education, home and school cooperation, children's well-being, community betterment, and funding for education must have first call on PTA funds. However, when a PTA provides materials or monies for the local school, it is necessary to follow certain guidelines so that the gift will be acceptable to both the PTA membership and the school district.

PTA members must approve the expenditure of all funds, including the amount of monies to be used for purchasing school equipment, prior to any purchase. This approval must come in the form of a motion and vote at a general meeting of the membership and must be recorded in the association minutes of the meeting. Since PTA membership is new each year, funds cannot be committed from one year to the next.

A gift to the school should benefit the largest number of students possible. Many school districts have policies and regulations on accepting gifts. Be sure to check with the school district before purchasing any materials for the school. This ensures that the school district will assume responsibility for the liability, maintenance and upkeep of any equipment purchased. Significant gifts should be in the form of a donation, presented and accepted by the school board at a school board meeting and recorded in the school board minutes.

At the first association meeting following the acceptance of the gift by the school board, a description of what was given to the school district must be noted again, and the date the school board accepted the gift must be recorded in the PTA association minutes.

The school district is subject to a fiduciary responsibility. If the school district accepts money or equipment that is given subject to a restriction, then the restriction must be honored or the law will impose personal liability on the officers or trustees of the school district in their individual capacities. It is possible that the law would merely require refund of the gift not used for the restricted purpose. The law does not do that automatically – there must be a complaint filed with the school district by the donor.

If the school district or any recipient is not willing to honor the restrictions on use which accompany a charitable contribution, then the recipient must decline to accept the gift. There is no duty of any recipient of an offered charitable gift to actually accept the gift if there is any restriction attached.

When gifting, complete the attached agreement so that all parties acknowledge and agree to gift restrictions.

California State PTA Treasurer



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FIDUCIARY AGREEMENT

The _____ PTA/PTSA hereby gives to the _____ of _____ Public School District, a monetary grant in the amount of _____ dollars (\$_____), check number _____, dated and signed by _____, president and _____, treasurer of the _____ PTA.

This gift, if money, is given subject to the restriction that it shall be spent by the Public School District exclusively for the purpose stated below, and if equipment, shall be exclusively at the location stated below _____

It is hereby agreed that the gift monies will be spent for the above stated purpose on or before _____, or the funds shall be reimbursed in full to the _____ PTA within seven (7) business days of the expiration date. Any unused or unexpended funds shall be refunded in full to the above named PTA.

The _____ Public School District accepts ownership of the above described equipment, accepts responsibility for the installation, operation and maintenance of the above described equipment, and will keep the above described equipment at _____, for a period of no less than _____ () years.

_____	_____
PTA/PTSA President	Date
_____	_____
PTA/PTSA Treasurer	Date
_____	_____
School Administrator	Date
_____	_____
School District Administrator	Date