



Department of Defense Education Activity  
**ADMINISTRATIVE INSTRUCTION**

NUMBER 7241.01

DATE **AUG 15 2012**

---

---

RESOURCE MANAGEMENT DIVISION

SUBJECT: Acceptance of Gifts for Schools Operated by the Department of Defense  
Education Activity

References: See Enclosure 1.

1. PURPOSE. This Administrative Instruction reissues DoDEA Regulation 7241.1 (Reference (a)), to update policy, responsibilities, and procedures for accepting and administering gifts the Department of Defense Education Activity (DoDEA) schools.

2. APPLICABILITY. This Administrative Instruction applies to the Office of the Director, DoDEA; the Director, Domestic Dependent Elementary and Secondary Schools and Department of Defense Dependents Schools Cuba (DDESS/DoDDS-Cuba); the Director, Department of Defense Dependents Schools, Europe (DoDDS-E); the Director, Department of Defense Dependents Schools, Pacific and Domestic Dependent Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam) (hereinafter referred to as "Area Directors"); and all DoDEA Area and District Superintendents, School Principals, Teachers, and Support Staff.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoDEA policy that:

a. Pursuant to the procedures of this Administrative Instruction, DoDEA may accept, hold, and administer any gift, including any gift of an interest in real property, made on the condition that it be used in connection with the operation or administration of DoDEA, and may pay all necessary expenses in connection with the acceptance of a gift under this Administrative Instruction.

b. Only real and personal property gifts will be accepted. Gifts of services are not permissible, and as a general rule, monetary gifts will not be accepted. Limited exceptions for monetary gifts can only be considered and approved by the Director, DoDEA, on a case by case basis. Potential donors wishing to give a monetary gift should be encouraged to consider purchase of personal property to be offered as a gift in lieu of the monetary gift.

c. Gifts or awards of transportation, food, lodging, entertainment, and admission to conferences, conventions, or meetings made to DoDEA employees on official business, regardless of the source, are excluded from this Administrative Instruction. (DoD 5500.7-R (Reference (b)), part 304 of title 41, Code of Federal Regulations (Reference (c)), section 4111 of title 5, United States Code (U.S.C.) (Reference (d)), and section 1353 of title 31, U.S.C. (Reference (e)).

d. Gifts intended for use to defray student costs of participating in authorized extra-curricular student activities that are not supported by appropriated funds are excluded from this Administrative Instruction.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. Enclosure 3 provides overarching procedures and requirements for this Administrative Instruction.

7. EFFECTIVE DATE. This Administrative Instruction is effective immediately.



Marilee Fitzgerald  
Director

Enclosures

1. References
  2. Responsibilities
  3. Procedures
  4. Authorized and Unauthorized Use of Gifts
- Glossary

ENCLOSURE 1

REFERENCES

- (a) DoDEA Regulation 7241.1, "Acceptance of Gifts for Domestic and Overseas Defense Dependents' Schools," March 10, 1999 (hereby canceled)
- (b) DoD Directive 5500.07, "Standards of Conduct," November 29, 2007
- (c) Part 304 of title 41, Code of Federal Regulations
- (d) Section 4111 of title 5, United States Code
- (e) Section 1353 of title 31, United States Code
- (f) Sections 2605 and 2682 of title 10, United States Code
- (g) DoD 7000.14-R, "Department of Defense Financial Management Regulation," July 2010, Volume 1-15, as amended
- (h) DoDEA Manual 4100.2-M, "DoDEA Material Management Manual," November 28, 2005, as amended

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, DODEA. The Director, DoDEA shall:

- a. Oversee the operation of the gift program defined by this Administrative Instruction.
- b. Accept or decline, hold, administer, pay necessary expenses incidental thereto, and/or otherwise dispose of any gift made on the condition that it be used in connection with the operation or administration of DoDEA.
- c. Be the sole authority to accept, under limited circumstances, a monetary gift, and the sole authority to accept or dispose of any gift of real estate.
- d. Delegate in writing, to such other persons (designees) as appropriate, in addition to the delegations authorized by this Administrative Instruction, authority to perform designated responsibilities described in paragraph b. above.

(1) This Administrative Instruction designates responsibility and authority to the DoDEA Area Directors to exercise the Director's authority as described in paragraph 1.b. above concerning gifts with a fair market value or cost of \$3,000 or less.

(2) This Administrative Instruction designates responsibility and authority to the DoDEA Superintendents and School Principals to exercise the Director's authority as described in paragraph 1.b. above concerning gifts with a fair market value or cost of \$1,500 or less.

(3) DoDEA Area Directors, Superintendents, and Principals will follow the guidance and procedures for accepting or declining a gift as outlined in this Administrative Instruction, consulting Area functional managers as appropriate, and coordinating acceptance of all gifts with the appropriate field or Headquarters (HQ) DoDEA Office of the General Counsel.

e. Coordinate with functional managers to evaluate the acceptability or dispositions of a gift, as described below, and in Enclosure 3.

(1) The DoDEA Office of the General Counsel shall review each gift offer for possible conflicts of interest, the propriety of the gift offer and its acceptance or disposition, and compliance with other legal applicable statutes, regulatory authority, and Agency policies.

(2) The Chief, Resource Management Division (RMD), DoDEA, shall be consulted, as appropriate, concerning the financial accounting for the gift and the cost of accepting or maintaining the gift, and shall be consulted when a cash gift is offered.

(3) The Chief, Information Technology (IT), DoDEA, shall be consulted when the gift concerns technology (e.g., software or licenses, computers, servers and peripherals, video or

sound equipment) pertaining to, for example, compatibility and security issues, cost of maintaining the equipment/software, the pendency of any procurement actions that may be influenced by DoDEA employee familiarity with the gifted technology, and related issues.

(4) The Chief, Logistics Division, DoDEA, shall be consulted when the gift or gift disposition concerns personal and/or real property that may implicate environmental, health, safety, and maintenance cost issues, including gifts of buildings, building fixtures, playground equipment, signs, and landscaping. The Chief, Logistics Division will coordinate with the appropriate military/installation command when necessary.

(5) The Chief, Education Division, DoDEA, shall be consulted concerning any curricular issues posed by a gift and when the gift involves software, licenses, print or video materials, or other items to be used by teachers or students in the classroom setting.

(6) The Chief, Procurement Division, DoDEA shall be consulted concerning the implications of any gift acceptance on any pending or planned procurement.

(7) The Chief, Safety and Security, DoDEA, shall be consulted concerning health, safety, or physical security issues.

f. Send a letter thanking the donor and notifying the donor whether the gift was accepted or declined. Send a copy of the letter to each HQ, Area, district and school involved in the gift offer.

2. CHIEF, RMD, DODEA. The Chief, RMD, DoDEA shall:

a. Supervise and administer gift offers throughout DoDEA.

b. Establish and maintain policies and procedures for processing the acceptance, use, and disposal of gifts made to DoDEA pursuant to the provisions of section 1.b. of this enclosure, section 2605 of title 10, U.S.C (Reference (f)) and DoD 7000.14-R (Reference (g)).

c. Coordinate and consult, when requested, with the Director, DoDEA and recipients of gift offers and those who must endorse gift acceptance. This includes issues related to the financial accounting for the gift and the cost of accepting, maintaining, or disposing of the gift. This includes all gifts of cash.

d. Recommend a disposition to the gift acceptance authority.

e. Ensure that management controls are effective and that reasonable internal management controls are a part of the DoDEA Management Control Program.

f. Ensure that the processing of gift actions is periodically monitored for compliance with this Administrative Instruction.

g. Supervise the preparation of documents by RMD staff by which the Director, DoDEA accepts, declines, and issues notices and letters of thanks to donors.

3. CHIEF, IT DIVISION, DODEA. The Chief, IT Division, DoDEA, shall coordinate and consult, when requested, on gift offers concerning pertinent IT technology issues such as the compatibility, security, and cost effectiveness of accepting IT technology; identifying the existence of any pending technology acquisitions that might be affected by the proposed gift, and recommend a disposition to the gift acceptance authority.

4. CHIEF, LOGISTICS DIVISION, DODEA. The Chief, Logistics Division, DoDEA shall:

a. Promulgate, in coordination with the Chief, RMD and DoDEA General Counsel, the provisions of DoDEA Manual 4100.2-M (Reference (h)) pertaining to gifts of personal and real property.

b. Coordinate and consult, if requested, on gift offers concerning personal and real property in accordance with Reference (h) and section 2682 of Reference (f), concerning, for example, environmental, health, safety, and maintenance cost issues, and recommend a disposition to the gift acceptance authority.

c. Consult with, and include input from, the appropriate military/installation commander if the gift or disposal of the gift will affect the real property of the installation (e.g. construction or alteration of real property, landscaping, signs, marquees, etc.).

5. CHIEF, SAFETY AND SECURITY, DODEA. The Chief, Safety and Security, DoDEA, shall coordinate and consult, if requested, concerning health, safety, or physical security issues, and recommend a disposition to the gift acceptance authority.

6. CHIEF, PROCUREMENT DIVISION, DODEA. The Chief, Procurement Division, DoDEA, shall coordinate and consult, if requested, concerning the implications of any gift acceptance on any pending or planned procurement actions, and recommend a disposition to the gift acceptance authority.

7. CHIEF, EDUCATION DIVISION, DODEA. The Chief, Education Division, DoDEA, shall provide guidance concerning any curricular issues posed by a gift offer, to include the evaluation of software and licenses, printed or video and audio materials, and other gifts that are intended for use by teachers or students in the classroom, and recommend a disposition to the gift acceptance authority.

8. CHIEF, COMPLIANCE AND ASSISTANCE, DODEA. The Chief, Compliance and Assistance, DoDEA, shall conduct periodic reviews of the execution of this Administrative Instruction to ensure compliance with reasonable internal management controls.

9. GENERAL COUNSEL, DODEA. The General Counsel, DoDEA, shall:

a. Review all gift offers submitted at the HQ level, and address the propriety of the gift offer and its acceptance in accordance with applicable statutes and regulatory authority.

b. Consult, as requested, at any time during the gift offer review and acceptance process with those persons responsible for providing comments and recommendations.

c. Prepare written comments and/or recommendations concerning the acceptance/non-acceptance/disposal of the gift after reviewing and considering the coordination and comments of other Agency functional managers and before the decision to accept or deny is made.

d. Provide guidance to other members of the Office of the General Counsel who review gift offers.

10. DODEA AREA DIRECTORS. The DoDEA Area Directors shall:

a. Receive and review recommendations from their Superintendents and Principals to accept or decline gift offers with a fair market value or cost above \$1,500.

b. Consult with each functional manager who is the Area functional equivalent of the HQ officers on the issues within their respective jurisdictions, as identified in this Enclosure and Enclosure 3 of this Administrative Instruction, and document that consultation in the gift file.

c. Obtain Office of the General Counsel review on all gifts to address issues such as conflicts of interest as well as the propriety of the gift offer.

d. Independently evaluate the gift offers considering the issues specified in this Enclosure and in Enclosure 3 of this Administrative Instruction before accepting a gift offer or recommending a disposition to the appropriate gift acceptance authority.

e. Accept or decline on the behalf of the Director, DoDEA, any gift offers with a fair market value or cost of \$3,000 or less. Send a letter thanking the donor and notifying the donor whether the gift was accepted or declined. Send a copy of the letter to each district and school office involved in the gift offer.

f. Forward gift offers with a fair market value or cost of more than \$3,000 and all monetary gifts with a recommendation for acceptance or declination and any explanation to the Director, DoDEA, through the DoDEA RMD.

11. DODEA DISTRICT SUPERINTENDENTS. The DoDEA District Superintendents shall:

- a. Receive and review recommendations from school principals to accept or decline gift offers with a fair market value or cost above \$1,500.
- b. Consult with the functional managers at the Areas or in the district, as appropriate, in accordance with the requirements of this Enclosure and Enclosure 3.
- c. Obtain Office of the General Counsel review on all gifts to address issues such as conflicts of interest as well as the propriety of the gift offer.
- d. Independently evaluate the gift offers considering the issues specified in this Enclosure and Enclosure 3 of this Administrative Instruction before accepting a gift offer or recommending a disposition to the appropriate gift acceptance authority.
- e. Accept or decline on the behalf of the Director, DoDEA, any gift offers made to the Superintendent's office with a fair market value or cost of \$1,500 or less. Send a letter thanking the donor and notifying the donor whether the gift was accepted or declined. Send a copy of the letter to each district and school office involved in the gift offer.
- f. Forward gift offers with the fair market value or cost above \$1,500 and all monetary gifts with a recommendation that the gift be accepted or declined, to include any explanation to the Area Director.

12. DODEA SCHOOL PRINCIPALS. DoDEA School Principals shall:

- a. Consult with the functional managers at the Areas or in the district, as appropriate, in accordance with the requirements of this Enclosure and Enclosure 3 of this Administrative Instruction.
- b. Independently evaluate gift offers considering the issues specified in this Enclosure and Enclosure 3 of this Administrative Instruction, and recommend a disposition to the appropriate gift acceptance authority.
- c. Obtain Office of the General Counsel review on all gifts to address issues such as conflicts of interest as well as the propriety of the gift offer.
- d. Accept or decline on the behalf of the Director, DoDEA, any gift offers made to the school with a fair market value or cost of \$1,500 or less. Send a letter thanking the donor and notifying the donor whether the gift was accepted or declined. Send a copy of the letter to each coordinating office involved in the gift offer.
- e. Forward gift offers with the fair market value or cost above \$1,500 and all monetary gifts with a recommendation that the gift be accepted or declined, to include any explanation to the district superintendent.

13. DESIGNATED RECIPIENT (RECIPIENT). The designated recipient (see Glossary) shall:

a. Receive the gift offer.

b. Follow the procedures in Enclosure 3 of this Administrative Instruction.

(1) Ensure that the gift offer identifies the gift as conditional or unconditional as defined in the Glossary, that the beneficiary of the gift is clear, and, if necessary, work with the donor to ensure the gift offer meets the requirements of this Administrative Instruction.

(2) Encourage potential donors wishing to give a monetary gift to consider purchase of a tangible item to be offered as a gift in lieu of the monetary gift. If a donor insists upon offering money, forwarded the offer to DoDEA HQ for action.

(3) Determine that the necessary resources to use, administer, and maintain a property gift are available, and that the gift is otherwise acceptable.

c. Document his or her evaluation of the gift and appropriate consultations, in accordance with the issues identified in this Enclosure and Enclosure 3 of this Administrative Instruction.

d. Accept or reject the gift offers within his or her authority.

e. Forward any gift offer which exceeds the designated recipient's acceptance authority through the chain of command. The designated recipient will describe the benefit the gift will confer on DoDEA and will recommend accepting or declining the gift.

f. Process records and accounts for personal property after the property has been accepted if the property meets accountability criteria in accordance with Reference (h).

## ENCLOSURE 3

### PROCEDURES

Gifts accepted by DoDEA may be used for any purpose that will benefit the schools and other DoDEA activities. Gifts are accounted for as “conditional” or “unconditional.” (See Glossary) If there is any doubt about the offer being conditional or unconditional, and if clarification cannot be obtained from the donor, the gift will be classified as an unconditional gift. Conditional and unconditional gift offers will be processed in the same manner as described in this Enclosure, except where noted.

#### 1. TIMELY PROCESSING OF GIFT OFFER

a. Each duty and responsibility throughout the gift processing procedure should be performed in a timely manner (i.e., 2-3 days) so that the gift offer decision is made within the time frame described below.

(1) The Director, DoDEA, will accept or decline gifts with a fair market value or cost above \$3,000 within 30 days of receiving the gift offer.

(2) The Area Directors will accept or decline gifts with a fair market value or cost between \$1,500.01 and \$3,000 within 30 days of receiving the gift offer.

(3) Superintendents and Principals will accept or decline gifts with a fair market value or cost of \$1,500 or less within 15 days of receiving the gift offer.

b. The recipient of the gift offer above \$1,500 should receive notice of acceptance or declination within 30-45 days from the date the recipient forwards the gift offer correspondence to the Director, DoDEA, or the Area Director. Notice of acceptance or declination of gift offers with the fair market value or cost of \$1,500 or less should be given within 20 days from the date the offer is received by the Superintendent or Principal.

c. Upon receipt of the acceptance notice, the gift item will be available immediately for use.

#### 2. RECEIPT OF GIFT OFFER BY RECIPIENT

a. Gift Offer to Recipient. A designated recipient who receives a gift offer will initiate the processing of the gift. If the prospective donor gives the gift offer to any DoDEA employee other than a designated recipient, the employee will immediately refer the donor to the designated recipient.

b. Advise and Assist Prospective Donor. The recipient will advise the prospective donor that the gift offer must be in writing and signed by the donor.

(1) Assist the Donor in Preparing Gift Letter. The recipient will assist the donor in preparing the gift letter. The gift offer must provide the donor's address and phone number, a copy of the will if the gift offer is a devise or bequest, and a statement that the gift is unconditional (or, if conditional, identify the specified use of the gift).

(2) Purchase in Lieu of Money. If the donor wishes to make a monetary gift to be used by the recipient to purchase of a service, subscription, supplies, or other real or personal property, the recipient will advise the donor that it is DoDEA policy to not accept monetary gifts but that the donor may make the purchase and present a gift of real or personal property (also referred to as an in-kind gift) to the recipient, in lieu of a monetary gift. Should a situation arise in which an exception to the rule against accepting cash donations would be prudent, the recipient should consult with counsel from the DoDEA Office of the General Counsel and RMD, for advice on how to proceed. All exceptions for accepting a cash gift must be forwarded to the Director, DoDEA, for acceptance or rejection.

(3) Gift of Property. Gifts of real or personal property will remain in the possession of the donor pending approval of acceptance by the appropriate responsible authority (see Enclosure 2, paragraphs 9 through 11). However, if circumstances warrant DoDEA taking custody of a gift of personal property before acceptance, the recipient will receive the property and process a "Donated Property Form Letter" in accordance with Chapter VI (Reference (h)), and will exercise reasonable care to safeguard and protect the gift pending acceptance or declination. Property will be held in suspense and not put in use until formal acceptance is received. The donor must be advised that DoDEA may not expend funds to protect or maintain the property pending the acceptance decision. The original donated property form letter will be maintained by the recipient, a copy will be given to the donor, and a copy will be forwarded with the written gift offer. Other copies will be maintained in the recipient's property files as specified in Reference (h).

3. REVIEW OF GIFTS. The recipient will review and forward any gift offer that exceeds the fair market value or cost that he or she is authorized to accept/decline. (See Enclosure 2, paragraphs 9 through 11). Gift offers with a fair market value or cost of \$1,500.01 to \$3,000 should be forwarded with comments and recommendations, through the Area Office of the General Counsel and the Chief, RMD to the Area Director. Gift offers with a fair market value or cost above \$3,000 should be forwarded with comments and recommendations through the DoDEA HQ Office of the General Counsel and the Chief, RMD to the Director, DoDEA. Gift offers with a fair market value or cost of \$1,500 or less may be accepted or declined by the Principal or Superintendent, but the decision to accept any gift still requires legal review by the appropriate level Office of the General Counsel.

a. Details of Review. The recipient's written evaluation will document the recipient's consideration of the issues, including any consultations with relevant management officials, as described in Enclosure 2 of this Administrative Instruction and below, the benefit the gift will confer on the government, and recommend accepting or declining the gift. (See Enclosure 2, paragraph 12)

b. Additional Information from Donor. Recipient will discuss with the donor and resolve any concerns that are not addressed in the gift documents or that need clarification. The recipient will ask the donor to include any additional information in the written offer before the recipient forwards it for approval of acceptance. An addendum may be attached to the gift offer to provide the additional information.

c. Guidance for Acceptance of Gifts of Real or Personal Property Affecting the Environment or Safety. These gifts include real property, buildings, landscaping, playground equipment, marquees, or signs or similar gifts that affect the environment or safety. Contact the supporting logistics office and refer to Reference (h) for additional points of consideration and for certain prohibitions concerning the acceptance of gifts of real or personal property. A recommendation to accept such property must consider, at a minimum, the environment and safety considerations and the cost of maintaining the equipment or facilities and whether the funding for such maintenance is available.

d. Consideration of Additional Cost for Property Gifts. When a gift offer involves additional costs (e.g., associated with the gift acceptance, such as for maintenance or installation) that are not specifically provided for or funded by the donor, a determination will be made as to how these additional costs will be funded and whether such costs are authorized. Guidelines for making this determination are provided in Reference (h).

e. Special Considerations for Acceptance of a Motor Vehicle Intended for Administrative Transportation. The recipient shall consider and document, in addition to the issues described in Enclosure 2, paragraph 1.e, the following matters and the administrative burden imposed by each, in determining the feasibility of accepting or declining the Motor Vehicle gift:

(1) Applicable state, military, or Host Nation registration, inspection, and licensing requirements, administrative procedures required to ensure compliance, and the cost of compliance.

(2) Fuel account establishment, management, and costs.

(3) Maintenance costs.

(4) Accountability as non-expendable property on the recipient's hand-receipt.

(5) Need and ability to establish controls on vehicle uses:

(a) Unless the vehicle was designed and constructed as a school bus under applicable motor vehicle standards, and meets all relevant safety standards, a donated vehicle may not be used to transport students at any time.

(b) Use must be restricted to administrative support (e.g., movement of equipment, supplies, support staff).

(c) The vehicle is not to be driven or used for personal or private purposes.

(d) Any expenses incurred, such as gasoline, oil, parts, licensing fees, taxes, and so on, must be accommodated through the school's existing discretionary funding. Requests for additional funds to support the operation and maintenance of the vehicle are prohibited.

(e) If a gift offer of an operable or inoperable motor vehicle is intended for learning and teaching purposes, and the vehicle is an unconditional gift, the recipient may decide to use the vehicle for instructional purposes that do not involve driving the vehicle, until the vehicle is duly titled, licensed for transportation purposes, and inspected for safety, in accordance with installation regulations and in paragraph 3.e, above.

f. Consideration for Acceptance of Technology Equipment. If a gift offer is for IT technology or equipment (including but not limited to desktop computers, laptops, servers, or software or licenses), the following criteria must be satisfied before recommending that the IT equipment be accepted:

(1) Donated computers and/or software or licenses must meet the minimum specifications established for administrative or educational use in accordance with DoDEA IT technical standards and available bandwidths. DoDEA's Computer Lifecycle Program standards and existing school ratios shall be analyzed by DoDEA IT upon notification of any technology donation proposal.

(2) Used computers must meet the minimum computer specifications established by the DoDEA IT Division in order to be utilized for DoDEA administrative or educational use.

(3) Reparability and maintenance of donated computers will be determined based on whether the equipment can be maintained cost effectively.

(4) DoDEA may not accept a software license that:

(a) Imposes a duty on DoDEA to indemnify the software company or donor of the software

(b) Requires DoDEA to provide personal information about DoDEA students in order to access or use the license or software

(c) Has not been reviewed and approved by the DoDEA Office of the General Counsel.

g. Consideration for Accepting Supplies, Books, Software or Licenses, or Audio or Visual and Other Materials For Use in the Classroom. Prior to recommending the acceptance of materials that relate to the curriculum, consideration must be given to the effect that the donation will have on the curriculum. Consultation with the Chief, Education Division and the Office of the General Counsel, and with IT if IT technology is involved, and with Procurement on pending procurements of same or similar materials is required.

h. Consideration for Accepting Any Gift that May Otherwise be Acquired Through the Procurement Process. Any gift of particular materials that otherwise would be purchased through the procurement process must be evaluated for its effect on routine procurement.

i. Consideration of the Costs of Acceptance or Maintenance. Prior to recommending the acceptance of a gift, the evaluation must document the costs associated with accepting and maintaining that gift and identify the resources available to cover those expenses.

j. Recipient's Recommendation. The recipient will prepare a memorandum with a recommendation to accept or decline any gift offer that exceeds the fair market value or cost that he or she is authorized to accept/decline. Follow the procedures in Enclosure 3, paragraph 3, of this Administrative Instruction.

#### 4. HEADQUARTERS/AREA REVIEW OF THE GIFT

a. Review by the HQ Chief, RMD/Area RMD. The Area RMD will review gift offers with a fair market value or cost of \$1,500.01 to \$3,000 and make a recommendation for the Area Director's approval (signature). The HQ Chief, RMD will review gift offers with a fair market value or cost above \$3,000 and make a recommendation for the Director, DoDEA's approval (signature). Prior to preparing a recommendation to accept any gift offer, the supporting RMD will consult with the appropriate functional manager(s) and obtain any other applicable consultation and coordination before forwarding the gift offer to the Director, DoDEA or Area Director through the supporting DoDEA Office of the General Counsel.

(1) The supporting RMD will prepare for the approval (signature) of the Director, DoDEA or Area Director, written determinations to the donor and the recipient for acceptance or declination of the gift offer in accordance with this Administrative Instruction. Copies of the determinations will be forwarded to the appropriate District Superintendent's office, HQ Accounting and Budget Execution Branches, and other administrative support offices as applicable (e.g., recipient's supporting offices or service center for fiscal, accounting, logistics, information technology). The HQ Chief, RMD will maintain the original gift offer correspondence concerning gifts requiring approval by the Director, DoDEA, and the Area RMD will maintain the original gift offer correspondence concerning gifts approved by the Area Director.

(2) The supporting RMD will forward the gift recommendation to the supporting DoDEA Office of the General Counsel for a final review.

(3) Gift offers with a fair market value of \$1,500 or less may be accepted or declined without the review and recommendation of the Office of General Counsel and RMD. However, all gift offers must be coordinated and functional manager(s) must be consulted in accordance with this Administrative Instruction.

b. The supporting DoDEA Office of the General Counsel will review the gift offer for legal sufficiency. As appropriate, the supporting DoDEA Office of the General Counsel will return

the offer to RMD if additional information is required, or forward the gift offer with appropriate comments to the Director, DoDEA or Area Director.

c. Any gift that is forwarded to the Director, DoDEA for acceptance should reflect a review by both the Area RMD and other supporting managerial offices, and the Office of the DoDEA General Counsel servicing the Area within which the recipient is located.

5. DIRECTOR, DODEA'S / AREA DIRECTOR'S DECISION

a. The Director, DoDEA or Area Director will accept or decline the gift offer by signing the paperwork prepared by the RMD, which shall include:

(1) Accept or decline the decision.

(2) Letter to the donor announcing the decision and thanking the donor for his or her gift offer.

b. Refer his or her decisions to the cognizant RMD for implementation.

6. EXECUTION OF THE DIRECTOR, DODEA'S OR AREA DIRECTOR'S DECISION

a. Gift Offer Declined. If the gift is declined, the supporting RMD will prepare and deliver to the donor and the recipient an explanation as to why the gift offer could not be accepted. If the declined gift offer was received by DoDEA pending the Director, DoDEA's or Area Director's written determination, the supporting RMD will initiate procedures to return the gift and notify the donor and the recipient that the gift will be returned.

b. Property Gift Returned to Donor by the Recipient. If a property gift is to be returned to the donor, the recipient will be requested to make arrangements with the donor for the return of the property. The recipient will prepare a document by which the donor will acknowledge having received the returned property in the same condition it was given. Copies of the correspondence will be forwarded to the HQ or Area RMD and supporting administrative offices, as applicable, to provide an audit trail for closure of the declined gift offer.

c. Property Gift Accepted and Previously Received. If the gift offer is accepted and the property was already presented to the recipient, the supporting RMD will inform the donor and the recipient that the gift was accepted. The supporting RMD will notify the recipient that he or she is authorized to use the property, and if property accountability criteria are met, the recipient will record the property on his or her activity hand receipt.

d. Property Gift Accepted and Not Previously Received. If the gift offer acceptance is for real or personal property, but it has not been received, then the supporting RMD will inform the recipient to contact the donor to make arrangements for the donor to present the gift to the recipient. The recipient and donor will complete and sign the "Donated Property Form Letter" upon recipient's receipt of the donated property. The recipient will forward copies of the "Donated Property Form Letter" to the recipient's supporting RMD, supporting Logistics

Division, and the HQ RMD Accounting Branch for inclusion in their files for the subject gift offer. If property accountability criteria are met, the recipient will record the property on his or her activity hand receipt.

7. RECEIPT OF COPY OF GIFT DETERMINATION BY DISTRICT SUPERINTENDENT AND ADMINISTRATIVE SUPPORT OFFICES. A copy of the gift determination letter will be filed in the District's gift offer file. The District Superintendent will maintain such a file for future reference in providing comments and recommendations for subsequent gift offers. Copies will be provided to other administrative support offices, as applicable.

8. RECEIPT OF COPY OF GIFT DETERMINATION BY RECIPIENT

a. Recipient Follow-up on Gift Acceptance. Upon receipt of the gift acceptance determination letter, the recipient will follow-up on the receipt of a gift not received after 15 days from the date of the determination letter. For real or personal property, contact the donor for arrangements concerning the delivery of the property.

b. Maintenance and Accounting for the Gift. The gift will be used and maintained by the recipient. The HQ Accounting Branch will manage the official accounting records and reporting for the gift fund involving gifts that are approved by the Director, DoDEA; and the supporting Area RMD Branch will coordinate with the HQ Accounting Branch, the accounting records and reporting for the gift fund for gifts with a fair market value or cost between \$1,500.01 and \$3,000 that are accepted by the Area Director.

c. Delivery of Property Gift. If the gift is real or personal property, then the recipient will make delivery arrangements with the donor. The property will be used or placed in operation and maintained by the recipient.

(1) Complete and Sign "Donated Property Form Letter." When the property is delivered, a "Donated Property Form Letter," will be completed and signed by the donor and the recipient of the property in accordance with Reference (d). The recipient will maintain the original Donated Property Form Letter for his or her property records, and a copy will be given to the donor. If the property is being held pending the Director, DoDEA's or Area Director's acceptance determination, a copy of the donated property form letter will be forwarded with the gift offer. The HQ RMD Accounting Branch or supporting Area RMD office servicing the Area office in the case of a gift with a fair market value between \$1,500.01 and \$3,000 will receive a copy to maintain with the official gift offer file. Copies will be forwarded to the District Superintendent's office, the recipient's supporting RMD, and the supporting Logistics Division, if applicable. Other copies will be maintained in accordance with Reference (d).

(2) Expendable Property. Expendable items will be placed into use with no additional property accountability. (See Glossary)

(3) Non-expendable Property. At the time the gift acceptance determination letter is received, non-expendable items will be accounted for on the recipient activity's hand receipt account in accordance with Reference (h). (See Glossary)

(4) Operable Motor Vehicle. An operable motor vehicle to be driven for administrative transportation must be duly titled and licensed in accordance with installation regulations. When it is so licensed, an accountable officer must be identified at the school. That officer must be informed in writing by the principal that he or she is personally accountable for any misuse of the vehicle in accordance Reference (h). The officer must then prescribe the rules that will govern the utilization of the vehicle and forward them for approval to the DoDEA General Counsel and Chief, Logistics Division.

(5) Donated Property Becomes U.S. Property. Upon receipt of the accepted gift, title to the property vests in the U. S. Government. The property is used, managed, accounted for, safeguarded, transferred, and disposed of in the same manner as other U.S. Government property in accordance with Reference (h) for personal property and section 2605 of Reference (f) for real property.

## ENCLOSURE 4

### AUTHORIZED AND UNAUTHORIZED USE OF GIFTS

1. DODEA DESIGNATED RECIPIENTS. Consistent with the delegations of authority in Reference (c), DoDEA designated recipients may accept and use gifts consistent with any conditions, not contrary to Federal or State law, that are imposed by the donor. (See Glossary)
  
2. PROHIBITED SOURCES. Unless expressly authorized by the DoDEA General Counsel, gifts will not be accepted if the acceptance of the gift presents or gives the appearance of a conflict of interest, or is inconsistent with, or is offered by prohibited sources as defined by References (b) and (c).
  
3. USE OF GIFTS. Gifts may be used for the following:
  - a. The general benefit of the school or in connection with the establishment, operation, maintenance, and administration of any DoDEA school, or any co-curricular, extra-curricular, or student activity for which DoDEA is authorized to use appropriated funds.
  
  - b. To contribute to the educational experience of students or add to the instructional program (e.g., expenses for research, speakers for group programs, purchase or preservation of works of art, or items of historical interest) if appropriated funds may be used therefore and the use is consistent with DoDEA policies, including curricular, equal access, and nondiscrimination policies.
  
  - c. For any other use for which appropriated funds may be used when explicitly authorized in writing by the Director, DoDEA, or designee.
  
4. GIFT FUNDS. DoDEA will not use gift funds for activities benefiting individuals or small groups that are not part of an authorized DoDEA activity for which no appropriated fund use is authorized.
  
5. SPECIAL ARRANGEMENTS, PRIVILEGES, OR CONCESSIONS. DoDEA incurs no obligation to make special arrangements or to grant special privileges or concessions to a donor.
  
6. MONETARY GIFTS. Gifts of cash, checks, or other monetary instruments (e.g., stocks, bonds, notes) per DoDEA policy, may not be accepted. Exceptions to this rule will be handled as outlined in this Administrative Instruction.

## GLOSSARY

### PART 1. ABBREVIATIONS AND ACRONYMS

DDESS/DoDDS-Cuba	Domestic Dependent Elementary and Secondary Schools and Department of Defense Dependents Schools, Cuba
DoDDS-E	Department of Defense Dependents Schools, Europe
DoDDS-P/DDESS-Guam	Department of Defense Dependent Schools, Pacific and Domestic Dependent Elementary and Secondary Schools, Guam
DoDEA	Department of Defense Education Activity
HQ	Headquarters
IT	Information Technology
PTO	Parent-Teacher Organization
RMD	Resource Management Division

### PART II. DEFINITIONS

conditional gift. Any gift that the donor limits in writing to a specific use other than normal use (i.e., any DoDEA activity or purpose that is supported by appropriated funds) and ownership (e.g., specific school, district, Area, or to DoDEA generally) will be deemed a conditional gift even if identified for general use.

expendable items. Items that are consumed in use or lose their identity in use and are not reusable once they have performed their intended function (e.g., pencils, crayons, erasers, paper clips, paper, tablets, workbooks, notebooks, binders, and other similar items). For DoDEA purposes, all items costing \$49.99 or less will be coded as expendable.

gift. A gift is any contribution, donation, devise, or bequest of an item including real or personal property.

nonexpendable items. Items which are not consumed in use, retain their original identity during their useful life (normally 2 years or longer), are reusable for the same function, and have a unit cost meeting the current threshold specified in Reference (d).

personal property. Personal property is property of any kind, except real property, services, and records of the Federal Government (e.g., computers, stage equipment, musical instruments, athletic uniforms, books, technology equipment, furniture, school supplies, tickets, play-ground equipment, mobility equipment, assistive technology equipment, photocopying or printing equipment, cameras, automobiles, tools, laboratory equipment, and supplies).

real property. Real property consists of land, building structures, and installed equipment (e.g., gazebo to be installed on school grounds, gymnasium, marquee, or auto shop).

recipient. Refers to a designated recipient, who is the person designated under this Administrative Instruction to receive and administer a gift. The recipient is the applicable Principal if the gift is for the benefit of that Principal's school and is valued under \$1,500.01, or the District Superintendent if the gift is for the benefit of one or more schools in the same district and is valued at under \$1,500.01, or the Area Director if the gift benefits a school or schools in one or more districts within the same area and is valued at under \$3000.01, or the Director, DoDEA, when the gift is for the benefit of a single school or more than one school in one or more DoDEA Areas and is valued above \$3000.00.

technology equipment. Includes software or licenses, computers, servers, video or sound equipment, and peripherals.

unconditional gift. Real or personal property offered with no limitation on its ownership or use. If the donor does specify that a gift be used in a certain place, manner, or for a certain purpose, but the condition is for general use, the gift is to be considered to be unconditional. For example, a gift by the school Parent Teacher Organization (PTO) of library books for the school library would be considered unconditional since the mission of the PTO is to support the school, and since maintaining a collection of books is the mission of the school library.