

Governance Issues
for
Education Foundations




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Janet Bubert

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Development of Education Foundation

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Governing Documents

-  Certificate of Formation
-  Bylaws
-  Policies

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<u>Meetings</u>
Quorum
Proxies
Meeting by Remote Technology
Action Without a Meeting
Minutes

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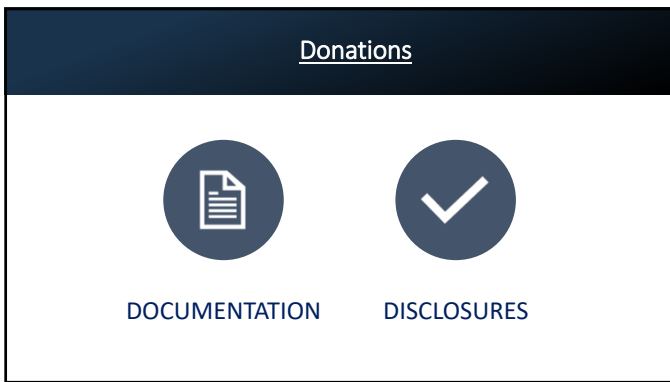
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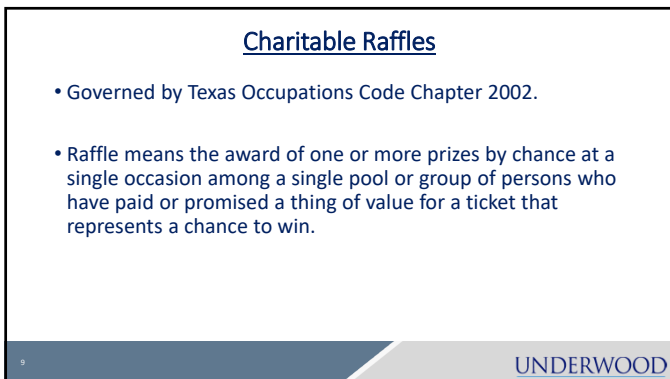
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Charitable Raffles

- 501(c) nonprofit organization for at least three years
- All proceeds benefit charitable purpose of the organization
- One raffle conducted at a time
- Ticket includes all info required by statute

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Relationship with the School District

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District Support:

Test to Avoid Unconstitutional Gift of Public Funds

- Support serves proper public educational purpose;
- Adequate controls in place to ensure educational purpose is served;
- Return benefit to the District.

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District Support of the Foundation

- Public Information Act
- Use of District Employees
- Trustees as Foundation Directors
- Memorandum of Understanding

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Liability for Directors

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Charitable Immunity & Liability Act

- Immunity protection for volunteers
- Limitation on liability for acts & omissions of the organization - \$500K per person, \$1 million per occurrence for bodily injury, and \$100K per occurrence for property damage
- Applies as long as liability insurance maintained
- Limitations do not apply to willful or intentional acts

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Fiduciary
Duty of
Directors

Duty of Obedience

Duty of Loyalty

Duty of Care

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Questions?

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