

**Andover Public Schools**

**Andover, Massachusetts**

**State Ethics Regulations on Gift Giving and Acceptance**

*(Effective: December 10, 2010)*

Amendments to the regulations under the state's conflict of interest law (MGL c. 268A) apply to public employees and became effective on December 10, 2010. **The key change is that the amended regulations now require a disclosure for gifts that are under the \$50 threshold.** A gift is defined as anything of value that is given without something of equivalent fair market value being given in return. The value is determined by the fair market value of the "gift, cost, or face value, whichever is greater." The purpose of this memorandum is to clarify the changes for "gift giving and acceptance" which impact school employees.

**1) Gifts where the *combined value* is \$50 or more may not be accepted.**

A public school employee may not accept a gift or *gifts* from a current student or a parent over the course of an entire year (365 days) with the *combined value* of \$50 or more. Whether gifts are given for the holidays, end of year, or other occasion, the aggregate value from any one student/parent cannot be worth \$50 or more in one year.

**2) Gifts which have a value of under \$50 are permitted under the law, but may be subject to reporting to the State Ethics Commission on a disclosure form.**

A teacher accepting a gift of less than \$50 from a current student/parent, according to the regulations, may create the appearance of a conflict of interest, and therefore a disclosure must be filed. Generally, any item of monetary value gifted during the year, including the holiday period, is subject to disclosure because the teacher is still in the role of performing duties for the student/parent. This is one example which appears in the amended regulations: *A public school teacher accepts a \$25 gift certificate from the parent of a current student. The teacher must make a disclosure.*

**3) "Class gifts" which have a *combined value* of up to \$150 are permitted under the law if certain circumstances exist. These gifts are not subject to disclosure.**

A teacher may accept a group gift or *gifts* of up to \$150 (per year) from his or her class or *classes* as long as the gift is identified as being from the entire class or group, and the identity of any individual student or parent contributing, and the amounts given by each, are *not identified* to the teacher. The limit of \$150 is an aggregated value which applies to all of the teacher's classes.

**4) A teacher may accept a gift to the classroom that is to be used for the class and it will become the property of the school district and not the property of the teacher.**

Gifts from individual students, parents, classes, or other groups and entities are allowed as long as the gift is to the school. These gifts are not subject to disclosure. The school district must maintain a record of the gift. *Such gifts must be in accordance with the policies of the school district.*

**5) Co-workers may give and receive holiday gifts and gifts for other occasions of any value. However, gifts may not be given to or received from supervisors, except under certain circumstances.**

The regulations continue to allow employees to give and receive gifts of any value from other employees (provided the other person is not a direct supervisor or subordinate) for the typical occasions when one might give a gift. There is no disclosure requirement.

However, gifts between a supervisor and a subordinate are limited to certain circumstances: a) gifts other than cash or gift certificates that are valued at under \$10; b) refreshments shared in the office; c) personal hospitality in the employee's home as is customarily provided to personal friends and hostess gifts given in connection with the receipt of personal hospitality; d) special infrequent occasions, such as marriage, illness, birth or adoption of a child; e) or gifts given in connection with the termination of the subordinate-superior relationship such as transfer, resignation or retirement. Employees can voluntarily solicit or contribute nominal amounts of up to \$10 for a group gift to an official superior for special occasions.

**6) A public school employee may accept gifts of substantial value upon retirement as long as the gift is to recognize the employee's services generally and are not intended as a reward for any specific, past, official action.**