

## Gifts to Public School Teachers and Staff

### State Ethics Commission guidance on gift giving to public school teachers and staff

In general, a public employee may not accept any gift worth \$50 or more that is given because of the position he or she holds. Public employees may accept gifts that are worth less than \$50, but they have to disclose in writing that they have done so if, based on the specific circumstances, a reasonable person would think that the public employee might unduly show favor to the giver or the giver's child, or be influenced by the giver.

The law prohibits gifts to public employees, not gifts to public agencies. You may give gifts to a public school, or a particular classroom, and the \$50 limit does not apply. Your school district may have its own additional rules about gifts, which you should follow.

Example: A Parent-Teacher Organization wants to give \$75 gift cards to teachers to buy classroom supplies. The teachers may accept the gift cards but must use them to buy classroom supplies, and should keep receipts to show that they did so. Supplies bought with the gift cards are the property of the school, not the teachers.

### Exemption

The Ethics Commission created an exemption to permit class gifts to teachers. A teacher may accept a gift, or several gifts during the school year, from public school students and/or their parents and guardians, with an aggregated value of up to \$150, if the gift is identified only as being from the class, and the identity of the givers and the individual amounts given are not identified to the recipient. Gifts received pursuant to this exemption are not required to be disclosed. The donor is unknown, so a reasonable person would not conclude that the gift would influence the teacher's conduct with regard to any individual or would cause the teacher to favor any individual.

Example: A teacher has a class with 23 students. Parents of 20 of the students collect money and give the teacher a \$150 gift certificate to a book store, indicating that it is a class gift. The teacher may accept the \$150 class gift certificate and no disclosure is required. The teacher may not knowingly accept any additional gift from any of the parents who participated in the class gift.

A teacher may accept a class gift and also individual gifts from persons who did not contribute to the class gift. Unlike class gifts, which are not required to be disclosed, individual gifts must be disclosed if, based on the specific circumstances, a reasonable person might think that the teacher's actions would be influenced by the gift.

LINK: <https://www.mass.gov/service-details/gifts-to-public-school-teachers-and-staff>