

New Ethics Commission Regulations Related to Public School Educators: To be effective on or before 12/24/2010

5.07. No Violation: Gifts Worth Less Than \$50: Disclosure May be Required:

Definition of Disclosure.

(1) A public employee is not prohibited from accepting an unsolicited gift from a person other than a lobbyist that is not of substantial value as defined in 930 CMR 5.05 unless a reasonable person, having knowledge of the relevant circumstances, would conclude that the public employee could unduly favor the giver or be influenced by the giver when performing official duties. If a gift would create such an appearance of conflict of interest, the public employee must make a written public disclosure about the gift. The following are examples of situations where a gift is not prohibited because it is not of substantial value, but must be

- Example: A building inspector accepts a \$40 bottle of wine from a contractor. The inspector must make a disclosure.

favor. Each councilor must make a disclosure.

- Example: A public school teacher accepts a \$25 gift certificate from the parent of a current student. The teacher must make a disclosure.

5.08. Gifts worth \$50 or More and Related to Official Action or Position: Exemptions.

purpose of the travel is to engage in an activity that serves a legitimate public purpose

not require an exemption.

(a) Definitions. For purposes of 950 CMR 5.00,

TRAVEL EXPENSES. Travel expenses are necessary and reasonable expenses incurred by a public employee in order to engage in an activity that serves a legitimate public purpose, including air, train, bus, and taxi

attendance at an event including costs of registration, admission, tickets, food, refreshments, instruction, materials, and entertainment.

county, or a municipality. Examples of activities with legitimate public purposes include, but are not limited to, the following:

- Example: Activities that promote tourism, economic development, charitable, public health, environmental, or educational goals;

- Example: Attendance at training and educational events and conferences designed to improve the efficiencies and

- Example: Business travel necessary to make informed purchasing decisions, selections, and inspections;

- Example: A class field trip that will enable students in a government class to observe proposed legislation being debated, or that will enable students in a Spanish class to

- Example: Any purpose defined as a legitimate public purpose by the agency's governing body or, absent a

prohibited from accepting a gift or personal gift during the school year from public school students and/or their parents and guardians with an aggregate value of five to \$150 if any such gift is identified only as being from the class and the identity of donors is not disclosed to the school district. Gifts received in a classroom or the school in accordance with the rules of the school district. Gifts received pursuant to this exemption are not required to be disclosed because the gifts are not received from individual students, parents, and guardians and are not class gifts as explained in 930 CMR 5.07.

- 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. One of the parents who did not contribute to the class gift gives the teacher a \$25 spa certificate. The teacher may accept the \$150 class gift certificate and no disclosure is required. The teacher may not accept any other gift until the parents who contributed to the class gift. The teacher may accept the \$25 spa certificate, but must file a disclosure pursuant to M.G.L. c. 268A, § 23(b)(3).
- Example: A teacher has a class with 23 students. Parents of 13 of the students collect money and give the teacher a \$130 gift certificate to a book store, indicating that it is a class gift. Parents of the other 10 students collect money and give the teacher a \$100 gift certificate to an office supply store, indicating that the gift is a gift to the classroom and that the teacher should use it to buy necessary classroom supplies. The teacher can accept the first gift on his own behalf and the second on behalf of the classroom. He must spend the \$100 office supply gift certificate on classroom supplies and should keep receipts documenting these purchases. Items purchased with money that is a gift to the classroom are the property of the school district. The teacher may not knowingly accept any