

GIFTS

There are certain policies and laws that govern the receipt of gifts by: (1) district employees; and (2) the district. This briefing will discuss the requirements regarding both scenarios.

1. Gifts to employees

School Board Policy 6.87 provides that: School District employees shall not accept personal gifts of value from anyone doing business with schools. Violation of this Policy may be cause for disciplinary action.

In addition, the City of Jacksonville's Ethics Code (Chapter 602, Ordinance Code) is applicable to all district employees and elected officials effective January 1, 2016. The City Ethics Code sets forth additional restrictions regarding the receipt of gifts, and states:

Jacksonville Code Sec. 602.701. Prohibited receipt of gifts.

(a) No officer or employee of the [district], or any other person on his or her behalf, shall knowingly accept, directly or indirectly, any one gift with a value greater than \$100 or an accumulation of gifts in any one calendar year that exceeds \$250 from any person or business entity that the recipient knows is:

(1) A lobbyist who lobbies the recipient's agency or executive department;

(2) Any principal or employer of a lobbyist who lobbies the recipient's agency or executive department;

(3) A person or business entity which is doing business with, or has made written application within the previous six months, to do business with an agency of which he or she is an officer or employee;

(4) A person or business entity which is subject to the permit approval of an agency of which he or she is an officer or employee.

...

(b) No officer or employee of the [district], or any other person on his or her behalf, shall knowingly accept, directly or indirectly, any one gift with a value greater than \$100, or an accumulation of gifts in any one calendar year that exceeds \$250 dollars, from any person or business entity, when the gift is given as a result of the officer or employee's official position, or as a result of the business relationship developed as a result of the officer or employee's position or employment. For purposes of the \$250 annual accumulation of gifts, gifts of food and beverage not exceeding \$25 on any given day shall not be included.

In reviewing the Board policy and the City Ethics Code together, a district employee cannot:

- Accept ANY gift, including a cup of coffee, if there is an understanding that it is in exchange for a vote or action (i.e., a bribe);

- Accept ANY personal gift of value from anyone doing business with schools or the district;
- Accept ANY gift from someone who is not doing business with schools or the district in excess of \$100 (or multiple gifts from the same person exceeding \$250 each calendar year). Please note that there are additional requirements for School Board members and other reporting officials pursuant to state law, which are not addressed in this memorandum.

2. **Business-related gifts to the district.**

The City's Ethics Code also requires transparency concerning business-related gifts to the organization. Section 602.702(c), Ordinance Code, states:

The [district] shall identify [representatives] who will be officers or employees responsible for the receipt of and distribution of business-related gifts to the [district] through its executive and legislative branches.... Registries shall be established wherein gifts will be identified by date, donor, type, purpose, and [the district] officer or employee carrying out the purpose; and shall be posted on the [district] internet site within 90 days of receipt of the gift. (Examples of gifts covered by this subsection include, but are not limited to, tickets or travel to events where [district] official or employee presence is requested, or travel and per diem to inspect products and equipment, or gifts of personal property to the [district].)

As a result, each school and district department must create a quarterly registry/report that tracks the receipt of business-related gifts to the school or district and post the report on your website. A sample quarterly gift report is attached for your use. For example, if a parent provides two dozen tickets to an outside event for a field trip for the third period second grade class, then this is a business-related gift to be reported. If, however, the two dozen tickets are given by the individual to a district employee to personally use, then this would not be reported (but the district employee is governed by the gift requirements in section 1 above). The first quarterly gift report should be posted on your website by April 1, 2016, and should identify business-related gifts to the school or district received for the period January 1, 2016 through March 31, 2016.

If you have any questions regarding the board's gift policy or the City's Ethics Code, please contact the Office of Legal Services at 390-2010.