

I think everyone knows about the \$50 limit on personal gifts to staff. This has not changed but there are two new aspects/interpretations to consider:

1) Class gifts: a teacher can receive a class gift, or class gifts over the year, with an aggregate value of up to \$150, without disclosure. This gift should be given so that donors are not individually identified. If there is a class gift, the teacher may accept an additional personal gift from a person who did not participate in the class gift, but only if the teacher files a disclosure form with their principal

2) Individual gifts worth less than \$50 are not prohibited; however, if "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," then the teacher must file a state-mandated disclosure statement to their principal. (See FORM below). We are recommending to staff that they not worry about discerning intent and file a disclosure for any gifts between \$10 and \$50. Gifts of less than \$10 or of no retail value (e.g. homemade cookies) are exempt from the disclosure requirement.

Summary:

- The easiest course of action is to provide a gift that is for the classroom or school, rather than a personal gift.
- Any personal gift valued at \$10 or more but under \$50 is allowed but requires the teacher to complete a disclosure form and provide it to the principal
- Personal gifts of \$50 and over from an individual parent/student are not allowed
- Personal gifts from "the class" of up to \$150 can be accepted without disclosure
- Parents might consider a SERF ACE award; it helps an important group and recognizes the contribution of an important teacher/staff member in a meaningful way.

I feel bad sending this type of message because I know that parents and students just want to say thank you for the hard work and caring of their teacher, staff member or principal. It's a different world we live in, and laws are made that address real needs but then get over-extended in application.

If you have any questions or would like clarification, please contact the State Ethics Commission at www.mass.gov/ethics or **(617) 371-9500**

References:

[The Law](#)

[Gifts to Teachers](#)

[FORM](#)

EX: Class Gifts to Teachers.

A public school department employee is not prohibited from accepting 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 givers and amounts given are not identified to the recipient. Parents may also give gifts to the 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 givers are not identified to the teacher. Public school department employees must disclose gifts received from individual students, parents, and guardians that 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 certificate to a spa. The teacher may accept the \$150 class gift certificate and no disclosure is required. The teacher may not accept any other gift from 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 ten 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 those purchases. Items purchased with money that is a gift to the classroom is the property of the school district. The teacher may not knowingly accept any additional gift from parents who participated in the class gift.