

GIFTS TO BOARD OF EDUCATION MEMBERS

Board members may receive a gift on behalf of the school district. Board members shall not, either directly or indirectly, solicit, accept, or receive for themselves, individually or as a group, a gift, series of gifts, or an honorarium from a “restricted donor” as defined below. The definition of “gift” or “honorarium” and permissible exceptions to this prohibition are stated below.

A “restricted donor” is defined as a person or other entity which:

- Is seeking to be or is a party to any one or any combination of sales, purchases, leases, or contracts to, from or with the school district;
- Will be directly and substantially affected financially by the performance or nonperformance of the board member’s official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region; or
- Is a lobbyist or a client of a lobbyist with respect to matters within the school district’s jurisdiction.

A “gift” is the giving of anything of value in return for which something of equal or greater value is not given or received. However, “gift” does not include any of the following, and it is permissible for a board member to accept:

- Contributions to a candidate or a candidate’s committee;
- Informational material relevant to a board member’s official function, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio or visual format;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the general public free of charge without regard to the official status of the board recipient;
- Items received from a charitable, professional, educational, or business organization to which the board member belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member’s status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
- Actual expenses of a board member for food, beverages, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the board member has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public service;
- Nonmonetary items with a value of less than three dollars that are received from any one donor during one calendar day;
- Items or services solicited or given to a state, national, or regional organization in which the state of Iowa or a school district is a member for purposes of a business or educational conference, seminar, or other meeting or solicited by or given to state, national, or regional government organizations whose memberships and

officers are primarily composed of state or local government officials or employees for purposes of a business or educational conference, seminar, or other meeting;

- Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
- Funeral flowers or memorials to a church or nonprofit organization;
- Gifts which are given to a public official for the public official's wedding or twenty-fifth or fiftieth wedding anniversary;
- Payment of salary or expenses by a board member's employer or the firm in which the board member is a member for the cost of attending a meeting of a subunit of an agency when the board member whose expenses are being paid serves on a board, commission, committee, council, or other subunit of the agency and the board member is not entitled to receive compensation or reimbursement of expenses from the school district;
- Gifts other than food, beverages, travel, and lodging received by a board member which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the board member; or
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging, and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

An "honorarium" is anything of value that is accepted by, or on behalf of, a board member as consideration for an appearance, speech, or article. An honorarium does not include any of the following, and it is permissible for a board member to accept:

- Actual expenses of a board member for registration, food, beverages, travel, or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the board member has participation or presentation responsibilities;
- A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization, or the department of general services; or
- A payment made to a board member for services rendered as part of a private business, trade, or profession in which the board member is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a board member but, rather, because of some special expertise or other qualification.

It shall be the responsibility of each board member to know when it is appropriate to accept or reject gifts or honorariums.

Legal Ref.: Iowa Code ch. 68B.

Cross Ref.: 203.0 Board Member Conflicts of Interest
701.9 Gifts to the District

ADOPTED: 1/10/00
1/9/17

Reviewed: 1/2/03, 10/4/07, 3/7/12, 12/1/16, 2/3/22