

**E. CASEY WARDYNSKI, Ph.D.**  
**SUPERINTENDENT**

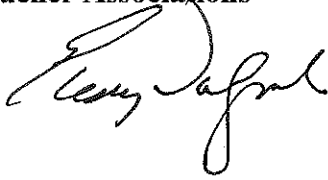


**BOARD OF EDUCATION**

**Laurie McCaulley - District 1**  
**David M. Blair - District 2**  
**Jennie Robinson, Ph.D. - District 3**  
**Topper Birney - District 4**  
**Alta Morrison - District 5**

---

**To:** HCS Employees, Parents & Parent/Teacher Associations

**From:** E. Casey Wardynski, Superintendent 

**Date:** December 7, 2011

**Re:** Gifts to teachers under State of Alabama Ethics Commission Advisory Opinion  
2011-12 issued on December 7, 2011

You have requested a memorandum regarding the impact of the Advisory Opinion of the Ethics Commission entered on December 7, 2011 as it pertains to gifts to teachers.

First, teachers are public employees within the meaning of the Ethics Act. The Act prohibits any public employee from receiving anything for himself or herself or a family member, given for the purpose of corruptly influencing official action. "Corruptly," under the Act, means "to act voluntarily, deliberately and dishonestly to either accomplish an unlawful end or result or to use an unlawful method or means to accomplish an otherwise unlawful end or result."

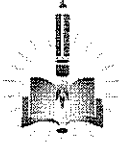
Prior to the Special Session of 2010, the Ethics Law contained a specific exception dealing with seasonal gifts. It allowed seasonal gifts of less than \$100.00 in value. During the 2010 Special Session, however, that exception was removed from the law and replaced with a provision which states: "the term a 'thing of value' does not include greeting cards, items, services with little intrinsic value which are intended solely for presentation (such as plaques, certificates and trophies, promotional items commonly distributed to the general public and items or services of de minimis value."

The Ethics Commission opinion states that the \$100.00 exception was removed in order to limit the gifts to public employees. The Ethics Commission further states that it will not put a dollar value on "de minimis". However, the opinion does say that, in determining what is de minimis, one must look at "whether or not the item has intrinsic value."

---

**Post Office Box 1256 • Huntsville, Alabama 35807-4801**  
**(256) 428-6800 • Facsimile (256) 428-6948**  
**Web site: [www.hsv.k12.al.us](http://www.hsv.k12.al.us)**

**AN EQUAL OPPORTUNITY EMPLOYER**



HUNTSVILLE CITY  
**SCHOOLS**  
*Where Young Futures Take Flight*

The opinion further provides that, as a general rule, gifts such as hams, turkeys or gift cards with a specific monetary value are **NOT** permissible. The opinion sets forth certain gifts that **ARE** permissible for school teachers to receive: 1) fruit baskets, homemade cookies, etc. 2) Christmas ornaments of little intrinsic value 3) coffee mugs filled with candy or of a holiday nature 4) any item that the teacher may use to assist him/her in performing his or her functions as a teacher, such as notebooks, school supplies, etc., 5) CDs or books of a nominal value, scarves, etc.

The opinion makes a comparison between school teachers and legislators and says they both must live by the same rules because of the potential for abuse. Therefore, according to the opinion, there is no distinction under the Act between school teachers and legislators or county commissioners or other public officials or public employees.

Basically, since the opinion declines to provide a definition of “de minimis” it essentially seems to say that any gifts to teachers by students or their parents, other than those listed or similar to those listed, are not permissible.

The opinion does leave open the possibility of a PTA or classroom mother collecting a small amount of money from each student and pooling the money toward the purchase of a gift card for the teacher. Allowing this, according to the Commission, would allow the class to give a more substantial gift to the teacher while maintaining the de minimis nature of each specific contribution from each student. “To allow this however, the school board must have a policy setting this out”.

Huntsville School System does not have a policy regarding collective gifts by class members to a teacher and it would be virtually impossible to enact a new policy prior to the last day of school for Christmas. The system can develop a policy after school begins in January 2012.