

SCHOOL BOARD POLICY 5202 - GIFTS: SOLICITATION AND RECEIPT

1. **School District Employee.** For the purposes of this rule, “school district employee” shall mean a person who is hired to provide services to the school district on a regular basis in exchange for compensation (including part-time and substitute staff) and who does not provide these services as part of an independent business. School Board Members are not “school district employees” subject to the provisions of this rule, but are subject to those limitations upon the solicitation and receipt of gifts contained in Section 112.3148, Florida Statutes.

2. **Improper Influence.** No school district employee shall solicit or accept anything of value, including a gift, loan, money, credit, entertainment, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the school district employee would be influenced thereby ~~or that would have an appearance of impropriety.~~ School staff district employees are permitted to accept gifts of appreciation or gratitude from parents such as holiday/seasonal gifts, birthday gifts, or gifts at the end of the school year. Florida School Board Members are governed by Florida Statutes and Ethics Rules.

3. **Gifts or Gratuities - Employees.** No school district employee, ~~management or staff,~~ shall accept any gift or gratuity from any person, vendor, potential vendor or other entity doing business with the school district when such gift or gratuity is provided to influence that employee’s performance of official duties ~~or when the receipt of such gift would have an appearance of impropriety.~~ Prohibited gifts and gratuities include, without limitation, invitations to meals and functions, complimentary admissions to entertainment programs or sporting events, tangible gifts of appreciation, cash and other financial contributions, and donations of stocks and bonds. However, nothing in this rule shall be construed to preclude an employee from accepting beverages, snacks, notepads, pens or similar items commonly offered to guests at a business conference. Except as prohibited herein, school district employees may accept food and beverages costing no more than \$100 provided at a single sitting or meal during the performance of their duties from any person, vendor, potential vendor or other entity doing business with the school district. Furthermore, school district employees may accept gifts and awards (including, but not limited to, testing incentives, teacher of the year awards, school supplies, and items donated by school business partners) ~~made~~ provided during the performance of their duties by a vendor, potential vendor, or other person or entity doing business with the school district for participation in valid educational programs if such gifts and awards are approved in advance by the Superintendent of Schools or his/her designee. In addition, school district employees may accept a gift on behalf of the school district, provided that custody of the gift is not maintained for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift to the school district or a charitable organization in accordance with Section 112.3148(4) or (5), Florida Statutes. School Board Policy 6308 delineates rules for publishers, textbook adoption committees and district staff regarding gifts, food, money, emoluments, entertainment, employment, or other valuables. Fund-raising activities are not subject to the provisions of this rule, but are subject to those contained in School Board Policy 6206.

4. **Return of Gifts.** A school district employee shall return any prohibited gifts to the donor along with an explanation for its return. Prohibited gifts that are perishable may either be returned to the donor or donated to a charity in the name of the original donor.

5. **Business Travel.** A school district employee may not accept transportation, lodging or related travel expenses for the purpose of making a presentation, attending a conference, or inspecting products or programs that may be of interest to the school district from any vendor, potential vendor or other person doing business with the school district. If any such trips are deemed necessary by the school district, they shall be approved in advance by the Superintendent of Schools or his/her designee and shall be made at school district expense. However, a vendor, potential vendor or other person doing business with the school district may make reimbursement to the school district for the school district employee's travel expenses incurred with regard to the approved trip.

6. **Discounts on Merchandise or Services.** A school district employee shall not accept a personal discount on merchandise or services from a vendor, potential vendor, or other person doing business with the school district unless that same rate of discount is openly offered to all school district employees or arises under a contract between the school district and the provider of the discount.

7. **Procurement Employees and Reporting Individuals.** Each procurement employee or reporting individual shall comply with the limitations upon the solicitation and receipt of gifts contained in Section 112.3148, Florida Statutes. [See: Section 112.3148, Florida Statutes]. "Procurement employee" shall mean any school district employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Florida Statutes, if the cost of such services or commodities exceeds \$1,000 in any year. "Reporting individual" shall mean any school district employee who is required by law, pursuant to Section 8, Article II of the Florida Constitution or Section 112.3145, Florida Statutes, to file full or limited public disclosure of his or her financial interests. Training regarding solicitation and receipt of gifts will be provided to all employees and reporting individuals as required.

~~8. **Authorized Contract Provisions.** All contracts between the school district and any vendor, potential vendor or other person or entity doing business with the school district shall contain any appropriate standard contract provisions required by The School Board.~~

AUTHORITY: Sections 112.312, 112.313, 112.3148, 1001.41 and 1001.42, Florida Statutes.

Policy Adopted: 0/0/00