

# GIFT LAW ISSUES: WHAT COACHES AND A.D.S NEED TO KNOW

**The Scenario:** A clothing company contacts an activities director and coaching staff with a deal for their school. To get the AD and coaches to recommend the company to the superintendent and school board members, the company wants to give clothing to the AD and coaches.

**The Reality:** Iowa's gift law (Iowa Code chapter 68B) prohibits the above conduct. The law applies to all public employees, which includes administrators, teachers, and coaches at school districts. The gift law prohibits a public employee or that person's immediate family member from accepting or receiving, directly or indirectly, any gift or series of gifts from a "restricted donor."

A restricted donor is defined in the law as a person or company who is or is seeking to be a party to a sale, purchase, lease or other type of contract with the employer of the public employee. Thus, in the above scenario the clothing company and all of its representatives are restricted donors. They want a contract with the school district. They want to sell goods to the district.

There are some exceptions to the prohibitions in the gift law. The ones that would most commonly occur regarding school employees are as follows:

- Non-monetary items with a value of three dollars or less that are received from any one donor during one calendar day.
- Informational material relevant to a public employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
- Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient.

The consequences for violating the gift law are severe. A person who knowingly and intentionally violates the gift law may be punished in ALL of the following three ways:

- Both donor and recipient are guilty of a serious misdemeanor. Serious misdemeanors are punishable by up to one year incarceration and a fine between \$250 and \$1500, plus 30% surcharge and court costs.
- The gift law specifically gives the public employer permission to fire the employee who takes a gift in violation of this law.
- Finally, violation of the gift law is a violation of the Board of Educational Examiner's Code of Ethics. Therefore, the public employee who is also licensed by the BoEE could lose his or her license.

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