



# Iowa General Assembly

## 2007 Legal Updates

Legislative Services Agency – Legal Services Division

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**Purpose.** *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

### **GIFT LAW/EDUCATION ADVISORY OPINION**

Iowa Ethics and Campaign Disclosure Board

September 4, 2007

[http://www.state.ia.us/ethics/legal/adv\\_opn/2007/07fao09.html](http://www.state.ia.us/ethics/legal/adv_opn/2007/07fao09.html)

**Background.** A parent of a public school student requested an advisory opinion from the Iowa Ethics and Campaign Disclosure Board (IECDB) regarding the gift law as it applies to public school teachers. A school district distributed a letter advising teachers to refuse gifts and asked teachers to remind parents to not offer gifts.

**Question.** The IECDB considered whether public school students are restricted donors to their teachers under the gift law.

**Opinion.** The IECDB found that administrators, staff, and teachers of a public school district are considered "public officials" or "public employees" which makes them subject to gift law restrictions. As a result, such persons are prohibited from soliciting or receiving gifts from a restricted donor unless one of the exceptions in Code § 68B.22 applies.

Four types of restricted donors are defined in Code § 68B.2 and IECDB only discussed one of the four as a possibility under this scenario. The question was whether a student would be "directly and substantially affected financially by the performance or nonperformance" of a teacher's duties "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." The IECDB determined that a student is not in general "directly and substantially affected financially" by a teacher exercising the teacher's duties.

**Summary.** A student in a public school is in general not a restricted donor to a public school teacher under the gift law and, thus, the restrictions of the gift law would not apply in this situation.

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