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December 6, 2000

ADVISORY OPINION NO. 2000-62

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Personal Gain/Employees Of County Board
Of Education Accepting Expense-Paid Trip
To Washington, D.C. While Serving As
Chaperones For Students.

Employees of the Jefferson County Board of Education may accept an expense-paid trip to Washington, D.C. while serving as chaperones for County students on a Board-sanctioned event; provided, the School System determines which employees will attend the event as chaperones, and that the School Board employees did not solicit students to participate in the event, as the number of students participating dictates the number of free trips offered to chaperones.

In addition, the provider of the complimentary travel package must report to the Alabama Ethics Commission all expenditures in excess of \$250.00 within a calendar day made on behalf of each chaperone.

Dear Mr. Colvin:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion of this Commission, and this opinion is issued pursuant to that request.

QUESTIONS PRESENTED

- 1) Does a complimentary travel package for a public employee, who is accompanying and supervising students on an officially sanctioned school field trip, constitute a thing of value as defined by the Alabama Ethics Law?
- 2) If educational personnel are responsible for organizing and coordinating student participation in a school-sanctioned trip, does accepting a complimentary travel package for accompanying and supervising the students result in a conflict of interests for the public employees?
- 3) Is a public employee prohibited from accepting such complimentary tour packages by any provision of the Alabama Ethics Law?

FACTS AND ANALYSIS

The facts as have been presented to this Commission are as follows:

Whit Colvin represents the Jefferson County Board of Education. He states that several schools within the Jefferson County School System have been offered the opportunity to take a field trip to the 2001 Presidential Inauguration in Washington, D.C. The field trip package was planned by World Wide Travel & Tours, who forwarded proposals to school systems throughout the State. The travel package includes all air fare accommodations, meals, and other expenses. Students wishing to participate in the field trip must pay a set fee directly to the travel company. The field trip is school-sanctioned and subject to Board approval.

The tour company requires appropriate supervision on the field trip to Washington, D.C. It mandates one teacher/chaperone for every ten students participating in the trip. World Wide Travel specifically requires designated chaperones to adhere to a specific list of duties and responsibilities. The School Board also specifies in its field trip criteria that "all school sponsored trips shall be properly supervised by school personnel." World Wide offers a complimentary tour package for those persons agreeing to serve as chaperones, at the ratio of one free package for every ten paying students. The local school would propose to use its

complimentary travel packages for educational personnel accompanying students on the field trip, to include civics teachers, the school principal and other public school employees who have agreed to serve as chaperones.

World Wide Travel has made this offer to multiple local school systems. World Wide expects approximately 3,000 Alabama public school students to travel on the tour with complimentary travel and tour packages to be provided to each system under the same terms as outlined above. In addition to the subject trip, World Wide provides tour accommodations to over 22,000 students each year, with complimentary travel and tour packages afforded to public school teachers on each of those trips.

Mr. Colvin states that the practice of offering complimentary travel, lodging and amenities to teachers/chaperones is widespread and longstanding. Overnight field trips are planned by school systems throughout the state, often with the assistance of a travel company, such as World Wide Travel. School Boards usually require that such trips be specifically approved after submission of detailed plans, and that local school personnel supervise the trips. Students typically pay a travel fee per person, usually to the tour company that is organizing the trip. In many cases, the tour companies allow supervising educational personnel (or other responsible chaperones) to travel on a complimentary basis. While the tour company makes arrangements for travel and tour-related events, educational personnel are responsible for supervision and the health and safety of the children accompanying them. In many cases, the educational personnel or other supervising authority are provided with a specific list of duties and responsibilities.

In the facts before the Commission, a list of duties and responsibilities of the chaperones has been provided.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-1(25) defines a public official as:

"(25) PUBLIC OFFICIAL. Any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in Section 17-16-2."

Section 36-25-1(23) defines a public employee as:

"(23) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations, who is paid in whole or in part from state, county or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income."

Section 36-25-1(31)(a) defines a thing of value as:

"(31) THING OF VALUE.

a. Any gift, benefit, favor, service, gratuity, tickets or passes to an entertainment, social or sporting event offered only to public officials, unsecured loan, other than those loans made in the ordinary course of business, reward, promise of future employment, or honoraria."

Section 36-25-1(31)(b)(4) states:

"b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

4. Reasonable transportation, food and beverages where the provider is present, and lodging expenses in the continental United States and Alaska which are provided in conjunction with an educational or informational purpose, together with any hospitality associated therewith; provided, that such hospitality is less than 50 percent of the time spent at such event, and provided further that if the aggregate value of such transportation, lodging, food, beverages, and any hospitality provided to such public employee, public official, and his or her respective household is in excess of two hundred fifty dollars (\$250) within a calendar day the total amount expended shall be reported to the commission by the provider. The reporting shall include the name or names of the recipient or recipients, the value of the entire expenditure, the date or dates of the expenditure, and the type of expenditure."

Section 36-25-1(8) defines a conflict of interest as:

"(8) CONFLICT OF INTEREST. A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs."

Section 36-25-5(a) states:

"(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain."

Section 36-25-5(c) states:

"(c) No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-22A-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy."

Section 36-25-5(e) states:

"(e) No public official or public employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity."

While a free trip to Washington, D.C. for the chaperones does fall within the definition of a thing of value, the Legislature excluded from the term "thing of value," several scenarios, including an educational/informational type setting.

In the facts before the Commission, it is clear that this event falls within that exception.

While this event does fall within the educational/informational exception, School Board employees, who may be the beneficiary of one of the complimentary packages to Washington, D.C., may not solicit students to participate in the event, as their solicitation would directly impact their receiving a complimentary travel package. It should be the School Board, itself, who has sanctioned the event that determines which individuals will receive the free packages and attend the event as chaperones.

Based on the facts as provided and the above law, employees of the Jefferson County Board of Education may accept an expense-paid trip to Washington, D.C. while serving as chaperones for County students on a Board-sanctioned event; provided, the School System determines which employees will attend the event as chaperones, and that the School Board employees did not solicit students to participate in the event, as the number of students participating dictates the number of free trips offered to chaperones.

In addition, the provider of the complimentary travel package must report to the Alabama Ethics Commission all expenditures in excess of \$250.00 within a calendar day made on behalf of each chaperone.

CONCLUSION

Employees of the Jefferson County Board of Education may accept an expense-paid trip to Washington, D.C. while serving as chaperones for County students on a Board-sanctioned event; provided, the School System determines which employees will attend the event as chaperones, and that the School Board employees did not solicit students to participate in the event, as the number of students participating dictates the number of free trips offered to chaperones.

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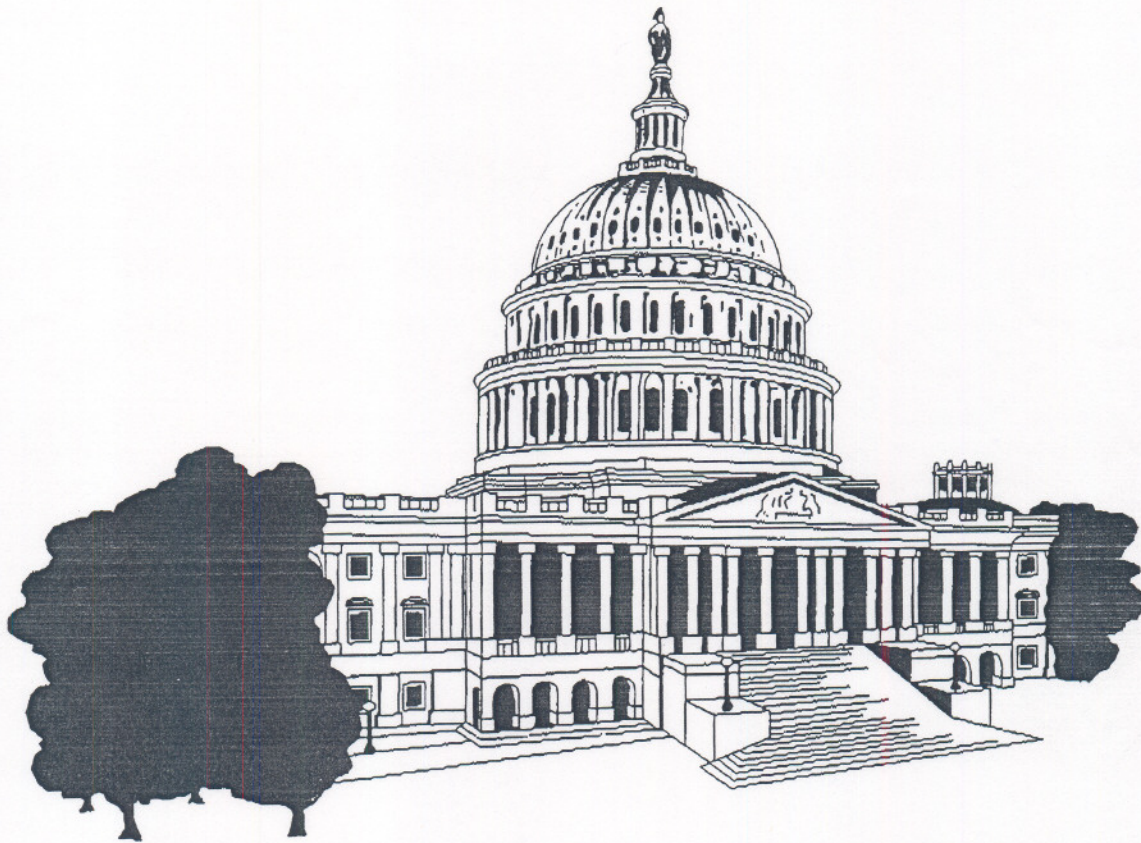
AUTHORITY

By 3-0 vote of the Alabama Ethics Commission on December 6, 2000.



John H. Watson
Chair
Alabama Ethics Commission

Washington D.C. Procedure Manual



Worldwide Educational
Tours
Tuscaloosa, AL

EXHIBIT "A"



WORLDWIDE

Specialist in
Student Travel

Educational Tours

P.O. Box 2469 • Tuscaloosa • Alabama • 35403

(205) 752-3272 Phone (205) 366-3511 FAX Email: ALStateTvl@aol.com

Responsibilities for Teachers on any Worldwide Educational Tour

Each tour is sponsored and organized by local schools, therefore, all Teachers participating in the tour are ultimately responsible for each child on the tour. Teachers are representing the school and are assigned specific duties.

- ♦ Teachers are responsible for attending every meeting regarding the tour.
- ♦ Teachers are to organize the meetings and any fundraising activities (if applicable) prior to the tour.
- ♦ Teachers are assigned a maximum of 10 students to chaperon.
- ♦ Teachers are responsible for the student from taking over the child from the airport to returning the student to the parent at the end of the tour upon arrival back home.
- ♦ Teachers are responsible for making sure each child has appropriate identification on their luggage prior to check in at the airport.
- ♦ Teachers are responsible for making sure their students are on the aircraft on time and monitors their behavior during the flight to Washington D.C.
- ♦ Teachers hotel room will be between their assigned student rooms for monitoring activities. Some teacher's may be required to room with problem students
- ♦ Teachers are responsible for handling students money while on tour.
- ♦ Teachers are responsible for administering any/all medications to students as approved by parents in writing.
- ♦ Teachers are responsible for all medical emergencies
- ♦ Teachers are ultimately responsible for the behavior of their assigned students from the time the tour begins until the end.
- ♦ Teachers will monitor the hotel halls each night for a minimum of one hour after arrival.
- ♦ Teachers are to make sure students never stand on a moving motorcoach.
- ♦ Teachers are responsible for carrying their assigned students medical releases forms in their possession.
- ♦ Teachers must ensure that no student assigned to them eats on the motorcoach or causes any damage to the motorcoach.
- ♦ Teachers are assigned specific seating throughout the motorcoach
- ♦ Teachers are to exit the motorcoach first and stand with their group of students until the tour starts.
- ♦ Teachers are to call every student room each morning to make sure all students are up and ready to meet the motorcoach on time.

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- ♦ Teachers monitor the waiting area at the hotel each morning as students gather.
- ♦ Teachers are to make sure students do not talk while the Tour Director/Tour Guide is speaking.
- ♦ Teachers are to make sure that all students are gathered near the guide when the guide is talking. Teacher's are to stand behind their students while the guide is speaking.
- ♦ Teachers are to monitor all phone charges at the hotel and make sure each student pays their outstanding phone charges prior to the final day of departure.
- ♦ Teachers are responsible for making sure that no student has a CD, Gameboy, Radio or cassette player while the tour is being conducted.
- ♦ Teachers are to make sure that trash student throw on the motorcoach is picked up by the student prior to exiting the motorcoach each night. The motorcoaches arrive early the following morning in the same condition they are left, so the motorcoaches are expect to be left in a clean condition.
- ♦ Teachers must be present with any student who is outside their hotel room.

Teachers are to inspect every student hotel room prior to departure to ensure that students have not left personal items behind.
- ♦ Teachers are to stand at the entrance way to public restrooms while their students are using the facilities.