

DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
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October 29, 2003

MEMORANDUM FOR EDUCATION CHIEFS
DISTRICT SUPERINTENDENTS, DODEA
ISS/LIAISONS, DODEA
PRINCIPALS, DODEA
TEACHERS, DODEA

SUBJECT: DoDEA Office of General Counsel Legal Opinion Re: Book Club Guidance

Recently, the participation of DoDEA employees in book club activities has raised some issues. The purpose of this memorandum is to clarify the issues related to employees' participation in book club activities and to provide guidance to assist schools in implementing the legal opinion.

BACKGROUND:

In October 2003, the DoDEA Office of General Counsel issued a legal opinion in response to a DoDDS teacher regarding participation in book clubs sponsored by non-Federal organizations in DoDEA schools. This legal opinion addressed the propriety of DoDEA employees ordering and purchasing books for students and parents on behalf of a commercial publisher and receiving and redeeming bonus points from the publisher for their participation.

OPINION:

1. DoDEA employees cannot participate in marketing and/or sales activities associated with book clubs sponsored by commercial publishers because federal employees are prohibited from endorsing the products and/or services of non-Federal organizations, and from fundraising for those organizations, except in limited circumstances (e.g., Combined Federal Campaign).
2. DoDEA employees cannot redeem bonus points for personal use because federal employees cannot use their official positions for private gain.
3. Books and other items for DoDEA schools must be purchased by funds appropriated by Congress except in limited circumstances (e.g., donations).

GUIDANCE:

The following guidance is provided to assist you in implementing the legal opinion:

1. Until January 1, 2004, DoDEA employees should continue to process and fill book orders that have already been initiated. There is no need to cancel a current book order. However, no new book orders are to be taken.
2. As of the date of issuance of this guidance:
 - DoDEA employees may redeem accumulated bonus points and donate the items obtained with the bonus points to the school using the school's local donation rules; or
 - DoDEA employees may donate bonus points to an authorized organization, as defined in paragraph 3 below, for redemption for school purposes.
 - DoDEA employees may not order items using bonus points for personal use because a federal employee shall not use his/her official position for his/her own private gain.
3. Only **organizations** approved to conduct fundraising activities by the cognizant military installation and authorized by the school principal or his/her designee shall be allowed to conduct book club activities. These activities must be coordinated through the school principal or his/her designee. Arrangements should be made with those organizations to assume responsibility for future book club activities including accumulating bonus points.
- 4.

Questions concerning this guidance may be directed to Karen Grosso, Deputy General Counsel, who may be reached by email or by phone at 703-696-4388, Ext. 1929.

“Original Signed”

Elizabeth Middlemiss
Associate Director for Education
and Principal Deputy Director, DoDEA