APPENDIX B

LOCAL BOARD OF EDUCATION

CONFLICT OF INTEREST PROVISIONS

The _____ Board of Education shall adhere to these Conflict of Interest provisions as set forth is state law.

Domain VII: Financial Governance

1. No Board member shall use or attempt to use his or her official position to secure unwarranted privileges, advantages, employment for himself or herself, any of his or her immediate family members, any business organization with which he or she is associated, or others.[1]

2. No Board member shall act in his or her official capacity in any matter in which he or she, any of his or her immediate family members, or any business organization in which he or she is associated, has a material financial interest, if such interest would reasonably be expected to impair his or her objectivity or independence of judgment. Compliance with Code Section 20-2-505 shall not constitute a violation of this paragraph.[1]

3. No Board member shall solicit or accept or knowingly allow any of his or her immediate family members or any business organization in which he or she is associated to solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing that board member in the discharge of his or her official duties. This paragraph shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office if the local board of education member has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local board of education member in the discharge of his or her official duties. For purposes of this paragraph, a gift, favor, loan, contribution, service, promise, or other thing of value shall not include the items contained in subparagraphs (a)(2)(A) through (a)(2)(J) of Code Section 16-10-2.[1]

4. No Board member shall use, or knowingly allow to be used, his or her official position or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her official position for the purpose of securing financial gain for himself or herself, any of his or her immediate family members, or any business organization with which he or she is associated.[1]

5. No Board member or any of his or her immediate family members or any business organization in which he or she is associated shall represent any person or party other than the local board of education or local school system in connection with any cause, proceeding, application, or other matter pending before the local school system in which he or she serves or in any proceeding involving the local school system in which he or she serves.[1]

6. No Board member shall be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the local board of education member or any of his or her immediate family members or any business organization with which he or she is associated in return therefor.[1]

7. No Board member shall be deemed in conflict with these provisions if, by reason of his or her participation in any matter required to be voted upon by the local board of education, no material or monetary gain accrues to him or her or any of his or her immediate family members as a member of any profession, occupation, or group to any greater extent than any gain could reasonably be expected to accrue to any other member of that profession, occupation, or group.[1]

8. No Board member or any immediate family member of such Board member may be an officer of or have any financial interest in any organization that sells or leases goods or services to that local school system, except as provided in Code Section 20-2-505 and excluding nonprofit membership organizations.[1]

9. No Board member shall be deemed in conflict with these provisions if, by reason of his or her participation in any matter required to be voted upon by the local board of education, no material or monetary gain accrues to him or her or any of his or her immediate family members as a member of any profession, occupation, or group to any greater extent than any gain could reasonably be expected to accrue to any other member of that profession, occupation, or group.[1]

10. No Board member or any of his or her immediate family members, or any business organization with which he or she is associated shall sell to any county board any supplies or equipment used, consumed, or necessary in the operation of any public school in this state unless there are fewer than three sources for such supplies or equipment within the county; provided, however, that any purchase pursuant to this subsection for supplies or equipment that is equal to or greater than $10,000.00 shall be approved by a majority of the members of the board in an open public meeting. Any member violating this shall be guilty of a misdemeanor.[2]

11. No local board may do business with a bank or financial institution where a Board member or any of his or her immediate family members is an employee, director or officer or where such board member or any of his or her immediate family members or any business organization with which he or she is associated owns 30% or more of the capital stock in that institution.[3]

12. No Board member or any of his or her immediate family members or any business organization with which he or she is associated may have a financial interest in school buses, bus equipment or supplies, provide services for buses owned by the Board, or sell gasoline to the Board for use in school buses owned by the Board.[4]

13. No Board member shall accept a monetary fee or honorarium in excess of $101.00 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to the official duties of that public officer or the office of that public officer. Actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation in a panel or speaking engagement at the meeting shall not be monetary fees or honoraria.[5]

Conduct As Board Member

1. No Board member shall disclose to or discuss with any information which is subject to attorney-client privilege belonging to the local board of education any person other than other Board members, the Board attorney, the local school superintendent, or persons designated by the local school superintendent for such purposes unless such privilege has been waived by a majority vote of the whole Board.[6]

2. No Board member shall vote on the employment or promotion of any of his or her immediate family members. No immediate family member of a Board member may be employed or promoted unless a public, recorded vote is taken separately from all other personnel matters. [7]

3. No Board member may be employed in any position in the school district in which they serve.[8]

4. No Board member shall hold another county office.[9]

5. No Board member shall be employed by the State Department of Education or serve concurrently as a member of the State Board of Education.[10]

6. No Board member shall serve on the governing body of a private elementary or secondary educational institution.[11]

Each member of this Board understands and acknowledges that no person shall be eligible for election as a member of a local board of education unless he or she:

(1) Has read and understands the code of ethics and the conflict of interest provisions applicable to members of local boards of education and has agreed to abide by them; and

(2) Has agreed to annually disclose compliance with the State Board of Education's policy on training for members of local boards of education, the code of ethics of the local board of education, and the conflict of interest provisions applicable to members of local boards of education.

Each person offering his or her candidacy for election as a member of a local board of education shall file an affidavit with the officer before whom such person has qualified for such election prior to or at the time of qualifying, which affidavit shall affirm that he or she meets all of the qualifications required pursuant to this subsection. This subsection shall apply only to local board of education members elected or appointed on or after July 1, 2010.[12]

References

1. 20-2-63(a)(1-6, 7-8): Board Member Conflict of Interest
2. 20-2-505: School board members prohibited from selling school supplies or equipment to county board
3. 20-2-505.1: Board transacting business with bank or similar institution in which member has interest
4. 20-2-1072: Financial interest in transportation services by board members/superintendent prohibited
5. 21-5-11: Acceptance by public officers of monetary fees or honoraria
6. 20-2-63(a)(7): Board member conflict of interest
7. 20-2-58.1: Employment of family members
8. 20-2-51(c)(2): Eligibility for office
9. 45-2-2: Person to hold only one county office
10. 20-2-51(c)(3): Eligibility for office
11. 20-2-51(a): Eligibility for Office
12. 20-2-51(e): Eligibility for office