

## *Document Status: Draft*

Policy Required:No

### **BB 9270 CONFLICT OF INTEREST**

Note: [Alaska Statute 29.20.010](#) requires each municipality to adopt a conflict of interest code. [Alaska Statute 39.50.145](#) authorizes a municipality to exempt municipal officers from state conflict of interest financial reporting requirements. Accordingly, districts should consult local law to determine if additional conflict of interest requirements must be addressed. The following sample bylaw should be revised as appropriate to reflect district philosophy and needs.

In order to instill public confidence in public office and provide public accountability, School Board members shall disclose and avoid conflicts of interest involving any matter pending before the School Board. A conflict of interest exists when a member is confronted with an issue in which the member has a personal or financial interest or an issue of circumstance on a matter coming before the Board that could render the member unable to devote complete loyalty and singleness of purpose to the public interest. School Board members owe the public a duty to act in the best interests of the district.

#### **Accordingly:**

**1) Decision making.** ~~A board member may not participate in deliberating or voting on any decision when it is reasonably possible that the board member or a family member may benefit personally or financially from the decision. In such a case, the board member shall abstain from voting and notify the superintendent and the School Board president of the conflict of interest.~~ The Board recognizes that when no conflict of interest requires abstention and/or recusal, its members must vote on issues before the Board. If a board member or their family member may benefit personally or financially from a Board decision, that board member must provide full disclosure of the conflict or potential conflict of interest to the Board. The Board, without that member's participation, will then approve or disapprove of the member's deliberations and voting on the issue. If the Board determines a conflict of interest prohibits participation, the member shall recuse themselves and abstain from deliberations and voting.

**2) Appearance of impropriety.** When a situation may create the appearance of impropriety, even where state and federal laws do not require any action, the board members shall fully disclose the interest, abstain from voting and avoid the appearance of impropriety circumstances. The Board, without that member's participation, will then approve or disapprove of the member's deliberations and voting.

In addition, the board member Board members who have an actual or potential conflict of interest requiring disclosure shall not attempt seek to influence the decisions of staff or other board members on the issue the underlying matter, or on the member's participation in the matter.

**3) Other duties.** School Board members are expected to avoid conflicts of interest in their other duties. This covers includes:

**a. Confidential information.** School Board members shall not disclose or use confidential information acquired during the performance of official duties as a means to further their own personal or financial interests or the interests of a family member.

**b. Gifts.** School Board members shall not accept a gift or economic benefit that would tend to improperly influence a reasonable person or that where board members know or should know is primarily for the purpose of rewarding them for official action the gift is offered for the purpose of influencing or rewarding official action.

**c. Business dealings with staff.** School Board members shall not engage in a financial transactions for private business purposes with district staff whom that board members directly or indirectly supervise.

**d. Compensation for services.** School Board members shall not receive any compensation for services rendered to the district from any source, except compensation for serving on the School Board and reimbursement of expenses incurred as a board member, as allowed by policy and law.

**Other legal obligations.** School Board members shall comply with state and federal laws pertaining to conflicts of interest. Nothing in this policy restricts or affects board members' duties to comply with those laws.

*(cf. 3115 - Relations with Vendors)*

*(cf. 4112.8 - Employment of Relatives)*

*(cf. 2300 - Conflict of Interest Code: Designated Personnel)*

*Legal Reference:*

#### ALASKA STATUTES

[14.08.131](#) *Disqualification from voting for conflict of interest*

[14.14.140](#) *Restriction on employment*

[11.56.100 - 11.56.130](#) *Bribery and related offenses*

[29.20.010](#) *Conflict of interest*

#### ADMINISTRATIVE CODE

[4 AAC 18.031](#) *Employment of members of immediate families of school board members*

[4 AAC 18.900](#) *Definitions*

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**AASB POLICYREFERENCE MANUAL**

**9/92**