

MEMORANDUM

TO: NWABSD Board of Education
Members

DATE: April 11, 2023

NUMBER: 23-089

FR: Office of the Superintendent

SUBJECT: Approval of Proposed
Revisions to BB 9270,
Board Bylaws, Conflict of
Interest; First Reading

STRATEGIC PLAN/BOARD GOAL:

Improve Stakeholder Communication.

ABSTRACT:

Board policy revisions require Board approval.

ISSUE:

At issue is to approve the first reading of the proposed revisions to BB 9270, Board Bylaws, Conflict of Interest and open for public comments.

BACKGROUND AND/OR PERTINENT INFORMATION:

The Superintendent/designee presents drafts or suggestions for board policy revisions when changes in law occur or when specific need occurs. Policy revisions shall normally be given two readings prior to adoption by the Board. This is the first reading of the proposed revisions to BB 9270, Board Bylaws, Conflict of Interest. This revision was brought forward by AASB and revisions require Board adoption. *Proposed changes are:* This revised bylaw addresses how a member must recuse themselves due to a conflict of interest.

The Board Policy Committee reviewed the proposed changes, recommends approval and to open for public comments.

ALTERNATIVES:

1. Approve the first reading to the proposed revisions to BB 9270, Board Bylaws, Conflict of Interest as presented and open for public comments;
2. Do not approve first reading to the proposed revisions to BB 9270 as presented;
3. Take no final action.

ADMINISTRATION'S RECOMMENDATION:

The administration recommends the Board approve the first reading to the proposed revisions to BB 9270, Board Bylaws, Conflict of Interest as presented and open for public comments.

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 has a personal or financial interest 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.

Decision making. 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 ~~his or her~~ 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.

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 member shall fully disclose the circumstances. The Board, without that member's participation, will then approve or disapprove of the member's deliberations and voting.

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

Other duties. School Board members are expected to avoid conflicts of interest in their other duties. This 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 where board members know or should know 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 financial transactions for private business purposes with district staff whom 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*

Adopted: May 23, 1995

Revised: August 30, 2016, [\(Date of Revision\)](#)