

This policy is revised to more fully reflect the state of current Idaho law with respect to employee conflicts of interest and to ensure compliance with the Education Department Administrative Regulations (EDGAR), 2 CFR Part 200, which requires school districts receiving federal funds to have written conflicts of interest policies.

*Public employees are held to a high standard and are expected to avoid any conflict of interest, especially when public funds are at issue. No employee or his/her relative, will make any purchase or incur any obligations for or on behalf of the district from any private business or venture in which or with which the employee or relative has a direct or indirect financial or ownership interest except as allowed by law.*

## **DEFINITIONS**

For the purposes of this policy the following definitions apply:

“Disaster” is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, windstorm, wave action, volcanic activity, explosion, riot, or hostile military or paramilitary action and including acts of terrorism.

“Employee” includes any individual employed directly by the school district or employed on a consultative basis.

“Relative” is any person related to an employee by blood or marriage within the second degree.

## **GENERAL PROVISIONS**

The board may accept and award district contracts in which an employee, or his or her spouse or relative, has a direct or indirect interest if:

1. Less than three (3) suppliers of a good or service exist within a fifteen (15) mile radius of where the good or service is to be provided and the contract is necessary to respond to a disaster; or
2. Less than three (3) suppliers of a good or service exist within a fifteen (15) mile radius of where the good or service is to be provided and the following procedures are strictly observed:
  - a. The contract is competitively bid and the employee, or his or her spouse or relative, submits the low bid;
  - b. Neither the employee nor his or her spouse or relative takes part in the preparation

- of the contract or bid specifications, and the employee takes no part in voting on or approving the contract or bid specification;
- c. The employee makes full disclosure, in writing, to all members of the board of his or her interest, or the interest of his or her spouse or relative, and sets forth his or her intention, or the intention of his or her spouse or relative, to bid on the contract; and
- d. Neither the employee nor his or her spouse or relative has violated any provisions of Idaho law pertaining to competitive bidding or improper solicitation of business.

No employee will accept any gifts, prizes, awards, or merchandise, or commission as a result of ordering any items with a vendor on behalf of the district. This prohibition does not include trivial benefits not to exceed a value of fifty dollars (\$50) incidental to personal, professional or business contacts and involves no substantial risk of undermining official impartiality.

An employee may accept an award of five hundred dollars (\$500) or less given to the employee by a nonprofit organization whose membership is limited to public servants as part of a public servant recognition program that is designed to recognize innovation and achievement in the workplace, provided that the organization awarding the funds discloses in advance on its website the nature of the program, the amount of the award, the names of any persons or entities that contributed to the award and the recipient of the award.

In addition to the provisions of this policy, any purchase of property and services with funds from a Federal award shall follow the provisions set forth in Policy 850 and the District's Policies and Procedures Manual for the Administration of Federal Education Programs ("Federal Programs Manual."



#### **LEGAL REFERENCE:**

Idaho Code Sections

- 18-1351, *et seq.* – Bribery and Corrupt Influence Act
- 46-1002 – State Disaster Preparedness Act - Definitions
- 74-401, *et seq.* – Ethics in Government Act

**ADOPTED: August 28, 2002**

**AMENDED: January 25, 2017**