

BOARD MEMBER CONFLICT OF INTEREST ACKNOWLEDGEMENTS AND DISCLOSURES

DUE: July 22, 2026

On an annual basis, school board members are asked to take the following actions relating to their role as board members and conflict of interest:

- A. Review SCPA's Conflict of Interest Policy and Complete '**Acknowledgement and Disclosure Form**'.

Attached is a copy of the policy and an acknowledgement form. Please review the policy and complete the attached Acknowledgement and Disclosure. Acknowledgement and Disclosure forms will be available to complete at Tuesday's board meeting.

Board Member Conflict of Interest
Acknowledgements & Disclosures 1
Board Approved: April 2015

St. Croix Preparatory Academy Conflict of Interest Policy

I. Serving as a Board Member – Minn. Stat. § 124D.10, subd. 4a(a)

- A. An individual is prohibited from serving as a member of the Board of Directors if the individual, an immediate family member, or the individual's partner
 - 1. is a full or part owner or principal
 - 2. with a for-profit or nonprofit entity or independent contractor
 - 3. with whom the Academy contracts, directly or indirectly,
 - 4. for professional services, goods, or facilities.
- B. An individual is also prohibited from serving as a member of the Board of Directors if an immediate family member is an employee of the school.
- C. A violation of this prohibition renders a contract voidable at the option of the commissioner of education or the Board of Directors.
- D. A member of the Board of Directors who violates this prohibition is individually liable to the Academy for any damage caused by the violation.

II. Serving as a Board Member – Minn. Stat. § 124D.10, subds. 4(g), 4a(c)

- A. No charter school employees shall serve on the Board of Directors other than licensed teachers employed as teachers at the Academy or providing instruction under a contract between the Academy and a cooperative.
- B. Contractors providing facilities, goods, or services to the Academy shall not serve on the Board of Directors.
- C. Any employee, agent, or Board member of the Academy's authorizer who participates in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or nonrenewal process or decision is ineligible to serve on the Board of Directors.

III. Participating in a Contract – Minn. Stat. §124D.10, subd. 4a(b)

- A. No member of the Board of Directors, employee, officer, or agent of the Academy shall participate in selecting, awarding, or administering a contract if a conflict of interest exists.

B. A conflict of interest exists when:

1. the Board member, employee, officer, or agent;
2. the immediate family member of the Board member, employee, officer, or agent;
3. the partner of the Board member, employee, officer, or agent; or 4. an organization that employs, or is about to employ any individual in clauses as a financial or other interest in the entity with which the Academy is contracting

C. A violation of this prohibition renders the contract void.

IV. Contract or Transaction – Minn. Stat. § 317A.255

A. Unless the conditions in paragraph B are met, the following individuals and organizations may not enter into a contract or transaction with the Academy:

1. a member of the Board of Directors or a member of the Board of Director's family;
2. a director of a related organization, or a member of the family of a director of a related organization; or
3. any organization in which (or of which) a member of the Academy's Board of Directors, or a member of the Board of Director's family, is a director, officer, or legal representative, or has a material financial interest.

B. If no other conflict of interest exists (see paragraphs I, II, III, V) and if the following conditions in paragraphs 1, 2, or 3 are met, the contract or transaction described in paragraph A may still occur:

1. the contract or transaction was fair and reasonable as to the Academy when it was authorized, approved, or ratified.
2. the material facts as to the contract or transaction and as to the director's interest are fully disclosed or known to the Board of Directors;
 - a. the Board approves, authorizes, or ratifies the contract or transaction in good faith;
 - b. the approval, authorization, or ratification is by a majority of directors (not including any interested director); and
 - c. the action takes place at a meeting where a quorum is present (not including any interested director). If, as a result, the number of remaining directors is not sufficient to reach a quorum, a quorum for purposes of considering the contract or transaction is the number of remaining directors.
3. the contract or transaction is a merger or consolidation.

C. Involvement in Action: An interested director may be present for discussion to answer questions, but may not advocate for the action to be taken. The minutes

of all actions taken on such matters shall clearly reflect that these requirements have been met.

V. Direct Interest – Common Law

- A. A member of the Board of Directors may not participate in proceedings in a decision-making capacity when he or she has a direct personal interest in the outcome of those proceedings.
- B. The following factors will be analyzed to determine whether the director's direct interest in the outcome of the proceedings disqualifies him or her from participating:
 - 1. the nature of the decision being made;
 - 2. the nature of the pecuniary interest;
 - 3. the number of officials making the decision who are interested;
 - 4. the need, if any, to have interested persons make the decision; and 5. the other means available, if any, such as the opportunity for review, that serve to insure that officials will not act arbitrarily to further their selfish interests.

VI. Exceptions – Minn. Stat. §§ 124D.10, subd. 4a(e); 317A.255, subd. 2(1)

- A. Teachers of the Academy who are serving as Board members are not deemed to have a conflict of interest because they are paid compensation as a teacher.
- B. Teachers of the Academy who are serving as Board members are not deemed to have a conflict of interest in a resolution fixing his or her compensation or fixing the compensation of another director as a director, officer, employee, or agent of the Academy, even though the teacher is also receiving compensation from the Academy.

VII. Consequences

Should a conflict of interest occur, the Board may choose to apply consequences, as deemed appropriate, in addition to those provided by the law.

VIII. Copy of Policy

All members of the Board of Directors of the Academy shall be provided with a copy of this policy and be required to complete and sign an acknowledgment and disclosure form pertaining to any potential or actual conflicts of interest, at least on an annual basis, as well as at any time a potential or actual conflict of interest may arise.


BOARD OF DIRECTOR CONFLICTS OF INTEREST POLICY ACKNOWLEDGEMENT AND DISCLOSURE FORM


I hereby declare that:

1. I have read, understand, and agree to the provisions of the Conflict of Interest Policy.

2. Place and X in the box that applies. Enter NA if the field does not apply.

 I have no conflicts to declare.

 I am declaring the following conflict or potential conflict: (describe below)


Declare conflict or potential conflict. 


3. If a conflict is declared, I will notify the Board Chair.

4. I understand that I am not formally a board member in good standing until this declaration and other conditions are met.

5. I will comply with the rules and regulations outlined in this policy.

6. I understand that this original acknowledgement will be maintained by St. Croix Preparatory School Board Clerk.

Director Name 

Signature 

Date: 