

BOARD AGENDA ITEM

February 23, 2021

SUBJECT:

Revision of Policy BCB Board Member Conflict of Interest, Second Reading

BACKGROUND INFORMATION:

Policy BCB Board Member Conflict of Interest establishes the basic structure for determining board member conflict of interest. The Policy addresses areas related to economic interests, the employment and discipline of a family member of a board member, and whether the board member may be paid as a teacher for the District.

ADMINISTRATIVE CONSIDERATION:

The recommended revision provides clarification to board members related to employment as a District employee and as a volunteer in the District.

RECOMMENDATION:

Approve the revision of Policy BCB Board Member Conflict of Interest, Second Reading

ATTACHMENTS:

Policy BCB Board Member Conflict of Interest

PREPARED BY:

Salvatore Minolfo

[DRAFT]

Policy

BOARD MEMBER CONFLICT OF INTEREST

Code BCB Issued _____

Purpose: To establish the basic structure for determining board member conflict of interest.

A trustee may provide services or sell products to the district of which he/she is a board member provided all transactions are in accordance with the State Ethics Act (see policy BCA).

If, in the discharge of official responsibilities, the board member is required to take an action or make a decision which affects his/her economic interest or the economic interest of a member of his/her ~~immediate~~ family, a business with which he/she is associated, or an individual with whom he/she is associated, the board member must prepare a written statement outlining the conflict and give it to the chairman of the board. The board member must also be excused from deliberating or voting on the matter. The minutes of the meeting should reflect the disqualification and reasons for it.

However, the Ethics Act also provides that a public official may not have an economic interest in a contract with the district if the official is authorized to perform an official function relating to the contract. The law defines official function to include accepting bids and awarding contracts.

No family member (see Legal references, #10) of a board member will be employed without the written approval of the board of education. This does not apply to persons employed before his or her family member became a member of the board of education. This section does not apply to bus drivers.

A board member shall not participate in the hiring of, or cause the employment of, a family member, and shall not vote on any the administrative recommendation to employ, transfer, promote or make salary adjustments for any family member. of a board member. will be considered as a separate agenda item. This policy does not apply to across the board salary increases and approval of the district's salary schedule.

A board member may not participate in an action relating to the discipline of his/her family member.

A board member may not receive pay as a teacher of a free public school that is located in the same school district of which such person is a trustee. A board member may not be an employee in the District in any capacity. Board members also will not serve as a volunteer in the District, where the member has a position of authority, control or responsibility for any of the District's students or staff (outside of the Board member's responsibilities as a Board member).

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Adopted 9/9/75; Revised 9/27/83, 1/24/89, 8/17/93, 7/17/01, __/__/21

Legal references:

- A. S.C. Constitution:
 - 1. Article XVII, Section 1A – Dual office holding prohibited.

- B. S.C. Code, 1976, as amended:
 - 1. May not use their position or office for personal financial gain (Section 8-13-700);
 - 2. May not receive compensation to influence action (Section 8-13-705);
 - 3. May not use or disclose confidential information gained in the course of their employment (Section 8-13-725);
 - 4. May not have an economic interest in a contract if the official is authorized to perform an official function relating to the contract (Section 8-13-775);
 - 5. Section 59-19-300 – Prohibits receiving pay as teacher in same district where serving on board.
 - 6. Section 59-25-10 – Prohibits board from employing members of immediate family, with exceptions.
 - 7. 1962-63 opinions Attorney General, No. 1563, p. 133, Section 59-25-10 applies to the employment of substitute teachers.
 - 8. Section 59-31-590 – Prohibits service as agent of school book publisher
 - 9. Section 59-69-260 – Authorizes board member to provide services or sell products to the district...so long as these transactions are in accordance with state ethical provision of law.
 - 10. 1992 State Ethics Commission Opinion (SEC AO92-134) School board member with family member employed in school district

Definitions – (a) FAMILY MEMBER: the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild of a Board member; [or] a member of the Board's immediate family; (b) IMMEDIATE FAMILY: a child residing in a Board member's household; a spouse of a Board member; or an individual claimed by the Board Member or the Board Member's spouse as a dependent for income tax purposes.