

Board Policy BHA: Board Member Conflict of Interest

Status: DRAFT -
1st Reading

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Red Lined Version

Members of the DeKalb County Board of Education ~~will shall~~ adhere to these Conflict of Interest provisions as set forth in state law.

A. Financial Governance

1. No Board member ~~will shall~~ use or attempt to use ~~his or her~~ the member's official position to secure unwarranted privileges, advantages, or employment for ~~himself or herself, for any member, for any Board member's~~ of his or her immediate family, for any business organization with which the Board member is associated, or for any others.
2. No Board member, or any member of ~~his or her~~ a Board member's immediate family, or any business organization with which ~~he or she~~ the Board member is associated ~~will shall~~ sell supplies or equipment used, consumed, or necessary in the operation of the DeKalb County School District. Any member violating this paragraph ~~will shall~~ be guilty of a misdemeanor.
 - a. It ~~will shall~~ not constitute a violation of this paragraph for a Board member to sell supplies or equipment used, consumed, or necessary in the operation of the DeKalb County School District if there are fewer than three sources for such supplies or equipment within the county.
 - b. Any such purchase of \$10,000.00 or more ~~will shall~~ be approved by a majority of the Board members in an open public meeting.
3. No Board member ~~will shall~~ act in ~~his or her~~ official capacity in any matter in which ~~he or she,~~ any member of ~~his or her~~ a Board member's immediate family, or any business organization in which ~~he or she~~ a Board member is associated has a material financial interest, if such interest would reasonably be expected to impair ~~his or her~~ the Board member's objectivity or independence of judgment. Acts that comply with subparagraphs (a) and (b) of paragraph 2 above ~~will shall~~ not constitute a violation of this paragraph.
4. No Board member or any member of a Board member's immediate family may be an officer of or have any financial interest in any for-profit organization that sells or leases goods or services to the District except as provided in subparagraphs (a) and

(b) of paragraph 2 above.

5. No Board member ~~will shall~~ solicit or accept, or knowingly allow any member of ~~his or her~~ the Board member's immediate family or any business organization in which ~~he or she~~ the Board member is associated to solicit or accept, any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing that Board member in the discharge of ~~his or her~~ the Board member's official duties.
 - a. This paragraph ~~will shall~~ not apply to the solicitation or acceptance of campaign contributions by a Board member who has announced that ~~he or she is~~ they the Board Member are is a candidate for Board office if the Board member has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the Board member in the discharge of ~~his or her~~ the Board member's official duties.
 - b. For purposes of this paragraph, a gift, favor, loan, contribution, service, promise, or other thing of value ~~will shall~~ not include the following items:
 1. Food or beverage consumed at a single meal or event;
 2. Legitimate salary, benefits, fees, commissions, or expenses associated with a Board member's nonpublic business, employment, trade, or profession;
 3. An award, plaque, certificate, memento, or similar item given to a Board member in recognition of ~~his or her~~ civic, charitable, political, professional, or public service;
 4. Food, beverages, and registration at group events to which all Board members are invited;
 5. Actual and reasonable expenses for food, beverages, travel, lodging, and meeting registration which are provided to permit a Board member to participate in or speak at the meeting;
 6. A commercially reasonable loan made in the ordinary course of business;
 7. Any gift with a value less than \$100.00;
 8. Promotional items generally distributed to the general public or to Board members;
 9. A gift to a Board member from that Board member's immediate family; or
 10. Food, beverage, or expenses provided to Board members, members of their immediate families, or others that are associated with normal

and customary business or social functions or activities.

6. No Board member ~~will shall~~ use, or knowingly allow to be used, ~~his or her official~~ ~~the Board member's official~~ position or any information not generally available to the public which ~~he or she~~ ~~the Board member~~ receives or acquires in ~~his or her~~ ~~the Board member's~~ capacity as a Board member for the purpose of securing financial gain for ~~himself or herself~~, ~~the Board member~~, any member of ~~his or her~~ ~~the Board member's~~ immediate family, or any business organization with which ~~he or she~~ ~~a Board member~~ is associated.
7. No Board member, any member of ~~his or her~~ ~~a Board member's~~ immediate family, or any business organization in which ~~he or she~~ ~~the Board member~~ is associated ~~will shall~~ represent any person or party other than the Board or the District in connection with any matter pending before the Board or in any proceeding involving the Board or the District.
8. No Board member ~~will shall~~ be prohibited from requesting information on behalf of a resident of the District if no fee, reward, or other thing of value is promised to, given to, or accepted by the Board member, any member of ~~his or her~~ ~~a Board member's~~ immediate family, or any business organization with which the Board member is associated in return therefor.
9. No Board member ~~will shall~~ be deemed in conflict with the provisions of this policy if, by reason of ~~his or her~~ ~~the Board member's~~ participation in any matter required to be voted upon by the Board, no material or monetary gain accrues to ~~him or her or~~ any member of ~~his or her~~ ~~the Board member's~~ immediate family as a member of any profession, occupation, or group to any greater extent than could reasonably be expected to accrue to any other member of that profession, occupation, or group.
10. This Board ~~will shall~~ not do business with any bank or financial institution where a Board member or any member of ~~his or her~~ ~~the Board member's~~ immediate family is an employee, director, or officer, or where such Board member, any member of ~~his or her~~ ~~the Board member's~~ immediate family, or any business organization with which the Board member is associated, owns 30% or more of the capital stock in that institution.
11. No Board member, or any member of ~~his or her~~ ~~a Board member's~~ immediate family or any business organization with which the Board member is associated, may have a financial interest in school buses, bus equipment or supplies, provide services for buses owned by the Board, or sell gasoline to the Board for use in school buses owned by the Board.
12. No Board member ~~will shall~~ accept a monetary fee or honorarium in excess of \$101.00 for a speaking engagement or for participation in a seminar, discussion panel, or other activity which directly relates to the Board member's official duties or ~~his or her~~ office as a Board member. Actual and reasonable expenses for food, beverages, travel, lodging, and registration which are provided to enable the Board member's participation in such an activity ~~will shall~~ not be counted toward the monetary fee or honoraria limit.

B. Conduct As Board Member

1. No Board member ~~will~~ shall disclose information or materials that are subject to the Board's attorney-client privilege to anyone other than other Board members, the Board attorney, the Superintendent, or persons specifically designated by the Superintendent, unless such privilege has been waived by a majority vote of the whole Board. Each Board member acknowledges that individual Board members do not have the right or the power to waive the attorney-client privilege belonging to the Board.
2. No Board member ~~will~~ shall vote on the employment or promotion of any member of ~~his or her~~ the Board member's immediate family. A public, recorded vote must be taken separately from all other personnel matters before a member of a Board member's immediate family may be employed or promoted.
3. No Board member may be employed in any position in the District.
4. No Board member ~~will~~ shall hold another county office.
5. No Board member ~~will~~ shall be employed by the State Department of Education or serve concurrently as a member of the State Board of Education.
6. No Board member ~~will~~ shall serve on the governing body of a private elementary or secondary educational institution.

C. Disclosure of Conflicting Interest Policy

Whenever a Board member is required by this policy to refrain from voting on a matter, the Board member ~~will~~ shall fully disclose the reason for not voting to the other Board members and the public.

D. Enforcement of Board Member Conflict of Interest Policy

This policy ~~will~~ shall be enforced in the manner set out in the Board Member Code of Ethics Policy, Descriptor Code BH, Paragraph L.

E. Board Eligibility

Each member of this Board understands and acknowledges that no person ~~will~~ shall be eligible for election as a member of this Board unless ~~he or she~~ the Board member:

1. Has read and understands the Board Member Code of Ethics (Policy BH) and the provisions of this Board Member Conflict of Interest (Policy BHA), and has agreed to abide by them; and
2. Has agreed to disclose annually ~~his or her~~ compliance with the State Board of Education's training policy, code of ethics, and conflict of interest provisions for school board members.

Before any person may qualify to run for office as a member of the DeKalb County Board of Education, ~~he or she~~ they ~~will~~ shall file an affidavit with election officials, affirming that ~~he or she~~ they meets all of the qualifications required by law, including the provisions stated in this policy. This requirement ~~will~~ shall apply only to Board members elected or appointed on or after July 1, 2010.

F. Definition of Immediate Family

As used in this policy, the term “member of immediate family” or “immediate family member” means a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent.

G. References

1. 20-2-63(a)(1-6, 7-8): Board Member Conflict of Interest
2. 20-2-505: School board members prohibited from selling school supplies or equipment to county board
3. 20-2-505.1: Board transacting business with bank or similar institution in which member has interest
4. 20-2-1072: Financial interest in transportation services by board members/superintendent prohibited
5. 21-5-11: Acceptance by public officers of monetary fees or honoraria
6. 20-2-63(a)(7): Board member conflict of interest
7. 20-2-58.1: Employment of family members
8. 20-2-51(c)(2): Eligibility for office
9. 45-2-2: Person to hold only one county office
10. 20-2-51(c)(3): Eligibility for office
11. 20-2-51(a): Eligibility for Office
12. 20-2-51(e): Eligibility for office

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Note: To access the policy references, **CLICK HERE:** [State of Georgia Terms and Conditions](#) and close the LexisNexis tab, which will return you to the policy. Click on the links below to be taken to each specific code. **You should only have to do this one time per session.**

State	Description
O.C.G.A. 20-02-0049	Standards for local board of education members
O.C.G.A. 20-02-0051	Election of LBOE members; persons ineligible to be member or superintendent; ineligibility for LBOE or other elective offices.
O.C.G.A. 20-02-0058.1	"Immediate family" defined; employment of family members
O.C.G.A. 20-02-0063	Prohibit certain conflicts of interest of board members

O.C.G.A. 20-02-0073	<u>Removal of board members upon potential loss of accreditation; turnaround schools; prohibition on use of public funds for litigation expenses</u>
O.C.G.A. 20-02-0505	<u>School board members prohibited from selling school supplies or equipment to county board</u>
O.C.G.A. 20-02-0505.1	<u>Board transacting business with bank or similar institution in which member has interest</u>
O.C.G.A. 20-02-1072	<u>Financial interest in transportation services by board members/superintendent prohibited</u>
O.C.G.A. 21-05-0001	<u>Ethics in Government Act - short title</u>
O.C.G.A. 21-05-0011	<u>Acceptance by public officers of monetary fees or honoraria</u>
O.C.G.A. 21-05-0033	<u>Disposition of contributions</u>
O.C.G.A. 21-05-0034	<u>Campaign Disclosure Reports</u>
O.C.G.A. 21-05-0041	<u>Maximum allowable contribution by persons or partnerships</u>
O.C.G.A. 21-05-0050	<u>Filing by public officers; filing by candidates for public office; filing by elected officials and members of the General Assembly; electronic filing</u>
O.C.G.A. 21-05-0070	<u>Public Officials Conduct and Lobbyist Disclosure - Definitions</u>
O.C.G.A. 45-02-0002	<u>Person to hold only one county office; commissioned officer not to be deputy for another</u>
O.C.G.A. 45-05-0006	<u>Public official investigated by special commission upon indictment; gubernatorial review if commission recommends suspension; suspension; reinstatement; replacement or temporary officer</u>
Rule 160-4-9-.06	<u>Charter Authorizers, Financing, Management, and Governance Training</u>
Rule 160-5-1-.36	<u>Local School Board Governance</u>