

**Board Policy BH: Board Code of Ethics**

**Status:** DRAFT -  
1st Reading

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**Clean Version**

**Board Code of Ethics**

The DeKalb County Board of Education, desiring to carry out its responsibilities in the most ethical and conscientious manner possible, adopts this Code of Ethics and each member of the Board will:

**Domain I: Governance Structure**

1. Recognize that the authority of the Board rests only with the Board as a whole and not with individual Board members and act accordingly.
2. Support the delegation of authority for the day-to-day administration of the School District to the Superintendent and act accordingly.
3. Honor the chain of command and refer problems or complaints consistent with the chain of command.
4. Recognize that the Superintendent should serve as secretary to the Board and should be present at all meetings of the board except when the Superintendent's contract, salary or performance is under consideration.
5. Not undermine the authority of the Superintendent or intrude into responsibilities that properly belong to the Superintendent or school administration, including such functions as hiring, transferring, or dismissing employees.
6. Use reasonable efforts to keep the Superintendent informed of concerns or specific recommendations that any Board member may bring to the Board.

**Domain II: Strategic Planning**

1. Reflect through their actions that the educational welfare and academic achievement of the School District's students is the top priority.
2. Participate in all planning activities to develop the vision and goals of the Board and the School District.

3. Work with the Board and the Superintendent to ensure prudent and accountable uses of the resources of the School District.
4. Render all decisions based on available facts, data and independent judgment and refuse to surrender the Board members judgment to individuals or special interest groups.
5. Uphold and enforce all applicable laws, all rules and regulations of the State Board of Education, the Board policies and all court orders pertaining to the School District.

### **Domain III: Board and Community Relations**

1. Seek regular and systemic communications among the Board and students, staff and the community.
2. Communicate to the Board and the Superintendent expressions of public reaction to board policies and school programs.
3. Bring community complaints to the attention of the Superintendent or the Superintendent's designee so that proper administrative channels may be followed to resolve the matter.

### **Domain IV: Policy Development**

1. Be familiar with the board policies in effect during their tenure in office.
2. Work with other Board members to establish effective policies for the governance of the School District.
3. Make decisions on policy matters only after full discussion at publicly held Board meetings.
4. Periodically review and evaluate the effectiveness of policies on School District programs and performance.

### **Domain V: Board Meetings**

1. Attend and participate in all regularly scheduled and called Board meetings to the extent possible.
2. Review the Board packet provided by the Administration and will endeavor to be well informed and prepared to discuss issues to be considered on the Board agenda before voting on an issue.
3. Work with other Board members, the Superintendent, and Administration officials in a spirit of harmony, respect, and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at Board meetings.
4. Vote for a closed executive session only when applicable law or board policy requires consideration of a matter in executive session.
5. Maintain the confidentiality of all discussions and other matters pertaining to the Board and the School District, during executive session of the Board.
6. Make decisions in accordance with the best interest of the entire School District and not a particular segment of the School District.

7. Execute Board member duties in a fair and impartial manner, unswayed by partisan bias or special interest groups of any kind.
8. Not adopt or follow any code of ethics which prevents Board members from discussing freely the policies and actions of the Board outside of a Board meeting. This will not apply to any matter, or matters discussed in executive session, or which are exempt from disclosure under Code Section 50-18-72.
9. Abide by all decisions of the Board and will not undermine or diminish the Board's decisions.
10. Comply with the State Open Meetings and Open Records laws.

#### **Domain VI: Personnel**

1. Consider the employment of personnel only after receiving and considering the recommendation of the Superintendent.
2. Support the employment of persons best qualified to serve as employees of the School District and insist on regular and impartial evaluations of School District staff.
3. Comply with all applicable laws, rules, regulations, and all board policies regarding employment of family members. Abstain from voting or participating in discussions, deliberations or decisions in any student appeal, Fair Dismissal proceeding, employee discipline matter, or employee grievance involving a family member.

#### **Domain VII: Financial Governance**

1. Refrain from using the position of Board member for personal or partisan gain or to benefit any person or entity over the interest of the School District.

#### **Conduct as Board Member**

1. Devote sufficient time, thought and study to the performance of the duties and responsibilities of a member of the Board.
2. Become informed about current educational issues by individual study and through participation in programs providing needed education and training.
3. Communicate in a respectful professional manner with and about fellow Board members.
4. Share pertinent information about any item of Board business with all Board members so that all Board members are equally informed and prepared at Board meetings.
5. Take no private action that will compromise the Board or School District Administration.
6. Refrain from providing intentionally misleading information to other Board members, the Administration, or the public.
7. Refrain from using School District resources for personal interests and using School District resources for community programs without Board approval.
8. Not use or lead others to believe they will use their influence to help anyone obtain employment, promotion, or business opportunities within the School District.
9. Direct all requests for assistance from School District personnel to the Superintendent.

10. Participate in all training programs for board members required by state law or the State Board of Education.
11. File annually with the Superintendent and with the State Board of Education a written statement certifying that he or she the Board member is in compliance with this Code of Ethics.

### **Board Training**

Upon being elected, reelected, or appointed to the Board, Board members will be required to attend a training program on the Board Member Ethics Policy and the Board Member Conflict of Interest Policy. This training will be completed within 90 days of taking office and will be repeated every two years while the Board member is in office.

The training program will last at least two hours and will address appropriate Board member behavior, an explanation of the conduct prohibited by the Board Member Ethics Policy and the Board Member Conflict of Interest Policy, and a review of the procedures for enforcement of the Ethics and Conflict of Interest Policies.

The Board may contract with an institution of the University System of Georgia, the Georgia School Boards Association, or some other qualified agency, organization or individual qualified to perform such training. The cost of the training will be paid by the School District.

### **Enforcement of Ethics and Conflict of Interest Policies**

A Board member who believes in good faith that another Board member has violated the Board Member Ethics Policy (BH) or the Board Member Conflict of Interest Policy (BHA) will ask the Board Chair to convene an Executive Session of the Board. Upon such a request, the Board Chair will convene an Executive Session to discuss possible disciplinary action of the Board member alleged of wrongdoing. At least ten calendar days' notice of the Executive Session will be provided to all Board members unless the Board member agrees to a shorter time. If the Board decides that no charges are to be brought and no hearing is to be held, the matter will not proceed.

Any vote to charge a Board member with a violation of the Board Member Ethics Policy or the Board Member Conflict of Interest Policy will be taken in an open meeting and will require a two-thirds (2/3) vote of the Board members present, provided a quorum is present. The Board member or members alleged of wrongdoing will not be permitted to vote on the matter.

If charges are brought against a Board member, the Board will conduct a hearing on the charges. At least thirty (30) calendar days' notice of the date, time, and place of the hearing will be provided to all Board members. The Board member's notice will be sent by certified mail to the address listed with the School District and by electronic means. The Board member alleged of wrongdoing will be entitled to be represented by counsel at the Board member's own expense.

The Board member(s) alleged of wrongdoing, the voting Board members, and attorney(s) involved by agreement may stipulate that some disinterested member of the State Bar of Georgia will decide all questions of evidence and other legal issues arising in the hearing. At the hearing, both the Board and the Board member alleged of wrongdoing may call and cross-examine witnesses. The burden of proof will be on the Board to establish the alleged violation by a preponderance of the evidence. The hearing will be open to the public while the Board is receiving evidence or hearing argument.

A two-thirds (2/3) vote of the Board members conducting the hearing will be required to find that the accused Board member committed the alleged violation and to impose sanctions. The Board member or members charged with a violation will not be permitted to vote on the matter. The vote will be taken in public.

If the Board member alleged of wrongdoing is found to have committed the alleged violation, the Board will be authorized to take any or all of the following actions:

1. Censure or reprimand the Board member;
2. Disavow the improper acts or statements of the Board member;
3. Ask for a public apology by the Board member;
4. Report the Board member to Cognia or the appropriate accrediting agency;
5. Initiate a civil action to recover the value of anything received by the Board member in violation of the Board Member Ethics Policy or the Board Member Conflict of Interest Policy;
6. If warranted by the evidence and findings, report the matter to law enforcement authorities for possible consideration of criminal charges against the Board member.

A Board member subject to sanction may, within thirty (30) days of such sanction vote, appeal such decision to the State Board of Education in accordance with the rules and regulations of the State Board of Education. A record of the decision of the Board to sanction a Board member for a violation of this Code of Ethics will be placed in the permanent minutes of the Board.

#### Definition of Family Member

As used in this policy, the term "family member" means "Immediate family member," which means a spouse, child, sibling, or parent or spouse of a child, sibling or parent.

#### Definition of Reprimand

A formal rebuke typically used for mid-level violations of this Code of Ethics that involve intentional or reckless acts or omissions and/or direct or indirect private gain. It is not as stern of a condemnation as a censure. It can be given in private or in a letter.

#### Definition of Censure

A form of public rebuke, a censure is reserved for more serious violations. It is more severe than a reprimand and is a stern condemnation, reserved for the most egregious violations of this Code of Ethics, that often involve intentional acts and private gain.

## Definition of Disavow

To deny responsibility for, and to reject, improper acts or statements. It is more severe than reprimand and censure.

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### **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.**

<b>State</b>	<b>Description</b>
O.C.G.A. 20-02-0049	<a href="#">Standards for local board of education members</a>
O.C.G.A. 20-02-0051	<a href="#">Election of LBOE members; persons ineligible to be member or superintendent; ineligibility for LBOE or other elective offices.</a>
O.C.G.A. 20-02-0063	<a href="#">Prohibit certain conflicts of interest of board members</a>
O.C.G.A. 20-02-0072	<a href="#">Code of ethics for local board of education members</a>
O.C.G.A. 20-02-0073	<a href="#">Removal of board members upon potential loss of accreditation; turnaround schools; prohibition on use of public funds for litigation expenses</a>
O.C.G.A. 45-05-0006	<a href="#">Public official investigated by special commission upon indictment; gubernatorial review if commission recommends suspension; suspension; reinstatement; replacement or temporary officer</a>
Rule 160-4-9-.06	<a href="#">Charter Authorizers, Financing, Management, and Governance Training</a>
Rule 160-5-1-.36	<a href="#">Local School Board Governance</a>