

Policy BH: Board Code of Ethics

Status: DRAFT

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APPENDIX A - LOCAL BOARD OF EDUCATION

The Newton County Board of Education desires to operate in the most ethical and conscientious manner possible and to that end the Board adopts this Code of Ethics and each member of the Board agrees that he or she 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 system to the local 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 local Superintendent should serve as secretary, ex-officio to the Board and should be present at all meetings of the Board except when his or her contract, salary or performance is under consideration.
5. Not to undermine the authority of the local Superintendent or intrude into responsibilities that properly belong to the local Superintendent or school administration, including such functions as hiring, transferring or dismissing employees.
6. Use reasonable efforts to keep the local Superintendent informed of concerns or specific recommendations that any member of the Board may bring to the Board.

Domain II: Strategic Planning

1. Reflect through actions that his or her first and foremost concern is for the educational welfare of children attending schools within the school system.
2. Participate in all planning activities to develop the vision and goals of the Board and the school system.
3. Work with the Board and the local Superintendent to ensure prudent and accountable uses of the resources of the school system.
4. Render all decisions based on available facts and his or her independent judgment and refuse to surrender his or her judgment to individuals or special interest group.
5. Uphold and enforce all applicable laws, all rules and regulations of the State Board of Education and the Board and all court orders pertaining to the school system.

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 local Superintendent expressions of public reaction to Board policies and school programs.

Domain IV: Policy Development

1. Work with other Board members to establish effective policies for the school system.
2. Make decisions on policy matters only after full discussion at publicly held Board meetings.
3. Periodically review and evaluate the effectiveness of policies on school system programs and performance.

Domain V: Board Meetings

1. Attend and participate in regularly scheduled and called Board meetings.
2. Be informed and prepared to discuss issues to be considered on Board agenda.
3. Work with other Board members in a spirit of harmony 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 of the Board 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 system, including discussions in executive session of the Board.
6. Make decisions in accordance with the interests of the school system as a whole and not any particular segment thereof.
7. ~~Express opinions before votes are cast, but after the Board vote, abide by and support all majority decisions of the Board.~~ The board of education shall not adopt or follow any code of ethics which prevents the members of the board from discussing freely the policies and actions of the board outside of a board meeting. This shall not apply to any matter or matters discussed in executive session or which are exempt from disclosure under Code Section 50-18-72.
8. ~~Abide by all decisions of the board.~~

Domain VI: Personnel

1. Consider the employment of personnel only after receiving and considering the recommendation of the local Superintendent.
2. Support the employment of persons best qualified to serve as employees of the school system and insist on regular and impartial evaluations of school system staff.
3. Comply with all applicable law, rules and regulations and all Board policy regarding employment of family members.

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 system.

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. Refrain from disparaging or disrespectful remarks about another Board member.
4. Take no private action that will compromise the Board or school system administration.
5. Participate in all training programs developed for Board members by the Board or the State Board of Education.
6. File annually with the local Superintendent and with the State Board of Education a written statement certifying that he or she is in compliance with this Code of Ethics.

Conflicts of Interest

1. Announce potential conflicts of interest before Board action is taken.
2. Comply with the conflicts of interest policy of the Board, all applicable laws and Appendix B of the Standards

document.

Upon a motion supported by a two-thirds (2/3) vote, the Board may choose to conduct a hearing concerning violation of this Code of Ethics by a member of the Board. The Board member accused of violating this Code of Ethics will have a thirty (30) days notice prior to a hearing on the matter. The accused Board member may bring witnesses on his and her behalf to the hearing, and the Board may elect to call witnesses to inquire into the matter. If found by a vote of two-thirds of all the members of the Board that the accused Board member has violated this Code of Ethics, the Board shall determine an appropriate sanction. 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 shall be placed in the permanent minutes of the Board.

Appendix B - Local Board of Education

Conflict of Interest Provisions

The Newton County Board of Education shall adhere to these Conflict of Interest provisions as set forth in state law.

Domain VII: Financial Governance

1. No Board member shall use or attempt to use his or her official position to secure unwarranted privileges, advantages, employment for himself or herself, any of his or her immediate family members, any business organization with which he or she is associated, or others. ¹
2. No Board member shall act in his or her official capacity in any matter in which he or she, any of his or her immediate family members, or any business organization in which he or she is associated, has a material financial interest, if such interest would reasonably be expected to impair his or her objectivity or independence of judgment. Compliance with Code Section 20-2-505 shall not constitute a violation of this paragraph.
3. No Board member shall solicit or accept or knowingly allow any of his or her immediate family members or any business organization in which he or she is associated to solicit or accept any gift, favor, 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 official duties. This paragraph shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office if the local Board of Education has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local Board of Education member in the discharge of his or her official duties. For purposes of this paragraph, a gift, favor, loan, contribution, service, promise, or other thing of value shall not include the items contained in subparagraphs (a)(2)(A) through (a)(2)(J) of Code Section 16-10-2.
4. No Board member shall use, or knowingly allow to be used, his or her official position or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her official position for the purpose of securing financial gain for himself or herself, any of his or her immediate family members, or any business organization with which he or she is associated.
5. No Board member or any of his or her immediate family members or any business organization in which he or she is associated shall represent any person or party other than the local Board of Education or local school system in connection with any cause, proceeding, application, or other matter pending before the local school system in which he or she serves or in any proceeding involving the local school system in which he or she serves.
6. No Board member shall be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the local Board of Education member or any of his or her immediate family members or any business organization with which he or she is associated in return therefore.
7. No Board member shall be deemed in conflict with these provisions if, by reason of his or her participation in any matter required to be voted upon by the local Board of Education, no material or monetary gain accrues to him or her or any of his or her immediate family members as a member of any profession, occupation, or group to any greater extent than any gain could reasonably be expected to accrue to any other member of that

profession, occupation, or group.

8. No Board member or any immediate family member of such Board member may be an officer of or have any financial interest in any organization that sells or leases goods or services to that local school system, except as provided in Code Section 20-2-505 and excluding nonprofit membership organizations.
9. No Board member shall be deemed in conflict with these provisions if, by reason or her participation in any matter required to be voted upon by the local Board of Education, no material or monetary gain accrues to him or her or any of his or her immediate family members as a member of any profession, occupation, or group to any greater extent than any gain could reasonably be expected to accrue to any other member of that profession, occupation, or group.
10. No Board member or any of his or her immediate family members, or any business organization with which he or she is associated shall sell to any county board supplies or equipment used, consumed or necessary in the operation of any public school in this state unless there are fewer than three sources for such supplies or equipment within the county; provided, however, that any purchase pursuant to this subsection for supplies or equipment that is equal to or greater than \$10,000.00 shall be approved by a majority of the members of the Board in an open public meeting. Any member violating this shall be guilty of a misdemeanor.
11. No local Board may do business with a bank or financial institution where a Board member or any of his or her immediate family members is an employee, director or officer or where such Board member or any of his or her immediate family members or any business organization with which he or she is associated owns 30% or more of the capital stock in that institution.
12. No Board member or any of his or her immediate family members or any business organization with which he or she 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.
13. No Board member shall accept a monetary fee or honorarium in excess of \$101.00 for a speaking engagement, participation in a seminar, discussion panel, or another activity which directly relates to the official duties of that public officer or the office of that public officer. Actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation in a panel or speaking engagement at the meeting shall not be monetary fees or honoraria.

Conduct As Board Member

1. No Board member shall disclose to or discuss with any information which is subject to attorney-client privilege belonging to the local Board of Education any person other than Board members, the Board attorney, the local school Superintendent, or persons designated by the local school Superintendent for such purposes unless such privilege has been waived by a majority vote of the whole Board.
2. No Board member shall vote on the employment or promotion of his or her immediate family members. No immediate family member of a Board member may be employed or promoted unless a public, recorded vote is taken separately from all other personnel matters.
3. No Board member may be employed in any position in the school district in which they serve.
4. No Board member shall hold another county office.
5. No Board member 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 shall serve on the governing body of a private elementary or secondary educational institution.

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

1. Has read and understands the Code of Ethics and the Conflict of Interest provisions applicable to members of local Boards of Education and has agreed to abide by them; and
2. Has agreed to annual disclose compliance with the State Board of Education's policy on training for members

of local Board of Education, the code of ethics of the local Board of Education, and the conflict of interest provisions applicable to members of local Board of Education. Each person offering his or her candidacy for election as a member of a local Board of Education shall file an affidavit with the officer before whom such person has qualified for such election prior to or at the time of qualifying, which affidavit shall affirm that he or she meets all of the qualifications required pursuant to this subsection. This subsection shall apply only to local Board of Education members elected or appointed on or after July 1, 2010.
