

**ARTICLE IV: SCHOOL BOARD MEMBERS- DUTIES AND RESPONSIBILITIES**

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## **POLICY 1-4.1 SCHOOL BOARD MEMBERS CONFLICT OF INTEREST**

### **Purpose**

The Poquoson City School Board seeks, through the adoption of this policy, to assure that the judgment of its members, officers and employees will be guided by a policy that defines and prohibits inappropriate conflicts and requires disclosure of economic interests, as defined by the Virginia General Assembly in the State and Local Government Conflict of Interests Act. As is required by that Act, any Poquoson City School Board member, officer, or employee who is required to file a disclosure statement of personal interests pursuant to applicable Virginia law shall be furnished by the division superintendent or his designee with a copy of the Act within two weeks following the person's election, re-election, employment, appointment or re-appointment. All officers and employees shall read and familiarize themselves with the provisions of the Act.

### **Areas of Regulation**

The State and Local Government Conflict of Interests Act establishes five principal areas of regulation applicable to School Board members, officers, and employees of the Poquoson City Public Schools. They include:

1. special anti-nepotism rules relating to school board members and the division superintendent;
2. general rules governing public conduct by school board members regarding acceptance of gifts and favors;
3. prohibited conduct regarding contracts;
4. required conduct regarding transactions; and
5. disclosure required from certain school board members.

### **Definitions**

The State and Local Government Conflict of Interests Act defines the following terms as:

"Advisory Agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsiary relationship, that exists when

- (i) one business entity has a controlling ownership interest in the other business entity;
- (ii) a controlling owner in one entity is also a controlling owner in the other business entity; or
- (iii) there is shared management or control between the business entities.

Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of the State and Local Government Conflict of Interests Act upon the filing of a statement of qualification pursuant to Virginia Code § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of the State and Local Government Conflict of Interests Act. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency which involves the payment of money appropriated by the General Assembly or political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision of it. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial Institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in Virginia Code §13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession, occupation, or volunteer service of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act ( Virginia Code § 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel related to an official meeting of, or any meal provided for attendance at such meeting by the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (xiii) gifts with a value of less than \$20; (xiv) attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; (xv) tickets or the registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to their public service; or (xvi) gifts from relatives or personal friends. For the purposes of this definition "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 ( § 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; ( c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement system are "governmental agencies" for purposes of this policy.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of:

1. ownership in a business if the ownership interest exceeds three percent of the total equity of the business;
2. annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
3. salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually;
4. ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income or salary, other compensation, fringe benefits or benefits from the use of property;
5. personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
6. an option for ownership of a business or real or personal property if the ownership interest will consist of clause (1) or (4) above.

"Personal interest in a contract" means a personal interest which an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business which is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or a governmental agency, or represents or provides services to any individual or business and such property, business, or represented or served individual or business:

1. is the subject of the transaction or
2. may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

Notwithstanding the foregoing, such personal interest in a transaction shall not be deemed to exist where:

- a. an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or
- b. an officer, employee, or elected member of a local governing body is appointed by the local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member or member of his immediate family.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

### **Certain Gifts Prohibited**

"Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable, or professional organization, (ii) who are from a particular industry or profession, or (iii) who represent persons interested in a particular issue.

No officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the local agency of which he is an officer or an employee. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

Notwithstanding the prohibition above, such officer, employee, or candidate or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in Virginia Code § [2.2-3117](#) of the State and Local Government Conflict of Interests Act.

Notwithstanding the prohibition above, such officer, employee, or candidate or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in the prohibition above if such gift was provided to such officer, employee, or candidate or a member of his immediate family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed in the prohibition above may be a personal friend of such officer, employee, or candidate or his immediate family for purposes of this subsection. In determining whether a person listed above is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in Virginia Code § [2.2-3117](#) or [30-111](#).

Notwithstanding the prohibition above, such officer, employee, or candidate or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed above when the officer, employee, or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in Virginia Code § 2.2-3117.

The \$100 limitation shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index

for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

### **Return of gifts**

No person shall be in violation of any provision of the Conflicts of Interests Act prohibiting the acceptance of a gift if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100.

### **Special Anti-Nepotism Rules Relating to School Board Members and Superintendents**

The School Board may not employ or pay any teacher or other School Board employee from the public funds, federal, state or local, and the division superintendent may not recommend to the School Board the employment of any teacher or other employee if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law, of the division superintendent or of a School Board member. This provision shall apply to any person employed by the School Board in the operation of the public free school system, adult education programs or any other program maintained and operated by the School Board. This provision shall not be construed to prohibit the employment, promotion, or transfer within the school division, of any person within a relationship described above when such person:

1. has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's assistant by the School Board prior to the taking of office of any member of the School Board or the division superintendent; or
2. has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's assistant by the School Board prior to the inception of such relationship; or
3. was employed by the School Board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the School Board or division superintendent.

A person employed as a substitute teacher may not be employed to any greater extent than he was employed in the last full school year prior to the taking of office of the division superintendent or such School Board member or the inception of the relationship.

However, this prohibition shall not apply to employment of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the School Board provided (i) the member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision.

In addition, this prohibition shall not apply to the employment of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of the division superintendent, provided that (i) the superintendent certifies that he had no involvement with the hiring decision and (ii) the assistant superintendent certifies to the members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent of the division had no involvement with the hiring body.

### **General Rules Governing Public Conduct by School Board Members Regarding Gifts and Favors**

#### Prohibited Conduct

Neither the School Board collectively, nor any member of the School Board, shall:

1. solicit or accept money, or anything else of value, for services performed within the scope of his official duties other than his regular compensation, expenses or other remuneration. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;
2. offer or accept money, or anything else of value, for or in consideration of obtaining employment, appointment, or promotion in the school division;
3. offer or accept any money or anything else of value for or in consideration of the use of his public position to obtain a contract for any person or business with the school division;
4. use for his own economic benefit, or anyone else's, confidential information gained by reason of his office, and which is not available to the public;
5. accept any money, loan, gift, favor or service that might reasonably tend to influence the discharge of duties. This prohibition shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by applicable law;
6. accept any business or professional opportunity from which a School Board member may gain a financial benefit, where the member knows or should know that there is a reasonable likelihood that the opportunity is being offered with intent to influence his conduct in the performance of official duties;
7. accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor; and/or
8. accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain.

#### **Exclusion of Teacher Awards**

The provisions of this policy and corresponding applicable law shall not be construed to prohibit or apply to the acceptance by a teacher or other employee of the School Board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

#### **Prohibited Conduct Regarding Contracts**

No School Board member shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency which is subject to the ultimate control of the School Board.

#### Exceptions

The above prohibition shall not be applicable to:

1. a School Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board;
2. contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;
3. a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract;

4. the sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;
5. the publication of official notices;
6. contracts between the government or School Board of a town or city with a population of less than 10,000 and an officer or employee of that town or city government or School Board when the total of such contracts between the town or city government or School Board and the officer or employee of that town or city government or School Board or a business controlled by him does not exceed \$5,000 per year or such amount exceeds \$5,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in Virginia Code § 2.2-3115;
7. an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
8. contracts between the School Board and a public service corporation, financial institution, or company furnishing public utilities in which the School Board officer or employee has a personal interest provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of the School Board in negotiating or approving the contract;
9. contracts for the purchase of goods or services when the contract does not exceed \$500;
10. grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency; or
11. an officer or employee whose sole personal interest in a contract with the School Board is by reason of his marriage to his spouse who is employed by the School Board, if the spouse was employed by the School Board for five or more years prior to marrying such officer or employee.

Neither the provisions of this policy and of Chapter 31 of Title 2.2 of the Code of Virginia nor, unless expressly provided otherwise, any amendments thereto, shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (Section 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (Section 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior act. The employment by the School Board of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory and/or administrative position with respect to such spouse or other relative residing in his household and the annual salary of the subordinate is \$22,500 or more.

#### **Prohibited Conduct Regarding Transactions**

Each School Board officer or employee who has a personal interest in a transaction:

1. shall disqualify himself from participating in the transaction if the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidiary or affiliated business entity relationship with the business in which he has a personal interest, or he is unable to participate pursuant to (2), (3), and (4) immediately below. Any disqualification under this section shall be recorded in the public records of the School Board. The officer or employee shall disclose his personal interest as required by applicable law and shall not vote or in any manner act on behalf of his agency in the transaction. The member or employee shall not (a) attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the matter in which he has a personal interest is



- discussed; or (b) discuss the matter in which he has a personal interest with other governmental officers or employees at any time;
2. may participate in the transaction if he is a member of a business, profession, occupation, or group of three or more members, the members of which are affected by the transaction, and he complies with the declaration requirements of applicable law;
  3. may participate in the transaction when a party to the transaction is a client in his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of applicable law; or
  4. may participate in the transaction if it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

Disqualification under the provisions of this policy shall not prevent any employee having a personal interest in a transaction in which his agency is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of applicable law.

If disqualifications of officers or employees in accordance with this policy leaves fewer than the number required by law to act, the remaining member or members of the School Board shall constitute a quorum for the conduct of business and have authority to act for the School Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of the remaining members.

The provisions of this policy shall not prevent a School Board member or employee from participating in a transaction merely because such a Board member or employee is a defendant in a civil legal proceeding concerning such transaction.

#### **Disclosure Requirements for School Board Members**

1. School Board members in each county, city or town with populations in excess of 3,500 will file, as a condition of assuming office, with the clerk of the School Board a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such statement annually on or before February 1. Forms shall be filed and maintained as public records for five years. A School Board member required to file the disclosure form prescribed by § 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The clerk of the school board shall notify the attorney for the Commonwealth of the locality in which the School Board member was elected of any failure to file within 30 days of the deadline for filing and the attorney for the Commonwealth shall assess and collect the civil penalty.
2. Any School Board member or employee who is disqualified from participating in a transaction under this policy, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address and parcel number for the real estate if the interest involves a business or real estate, and such disclosure shall be reflected in the School Board's public records in the division superintendent's office for a period of five (5) years.
3. Any School Board member or employee who is required to disclose his interest under paragraph 2 of the section of this policy governing "Prohibited Conduct Regarding Transactions" shall declare his interest by stating:
  - a the transaction involved,
  - b the nature of the School Board member's or employee's personal interest affected by the transaction,
  - c that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and
  - d that he is able to participate in the transaction fairly, objectively, and in the public interest.

4. Any School Board member or employee who is required to disclose his interest under paragraph 3 of the section of this policy governing “Prohibited Conduct Regarding Transactions” shall declare his interest by stating:
  - a. the transaction involved,
  - b. that a party to the transaction is a client of his firm,
  - c. that he does not personally represent or provide services to the client, and
  - d. that he is able to participate in the transaction fairly, objectively, and in the public interest.

The School Board member or employee shall either make his declaration orally to be recorded in written minutes of the School Board or file a signed written declaration with the clerk of the School Board who shall, in either case, retain and make available for public inspection such declaration for a period of five (5) years from the date of recording or receipt. If reasonable time is not available to comply with this requirement prior to participation in the transaction, the School Board member or employee shall prepare and file the required declaration by the end of the next business day. The School Board member or employee shall also orally disclose the existence of the interest during each School Board meeting at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

#### **Release of Disclosure Forms**

A clerk of the School Board who releases any disclosure form shall redact from the form any residential address, personal telephone number, email address or signature contained on such form.

#### **Deadlines and Coverage Periods for Disclosure Forms**

A School Board member or employee required to file an annual disclosure on or before February 1 shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31.

A School Board member or employee required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed; however, any School Board member or employee who assumes office or a position of employment in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

When the deadline for filing any disclosure falls on a Saturday, Sunday or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday or legal holiday.

#### **Advisory Opinions**

School Board members or employees subject to the Act may seek written opinions regarding the Act from the local Commonwealth’s attorney; the local county attorney; or the Council. Good faith reliance on any such written opinion of the Commonwealth Attorney or a formal opinion or written informal advice of the Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice, bars prosecution for a knowing violation of the Act provided the opinion was made after a full disclosure of the facts. If the School Board member or employee relies on the opinion of the attorney for the Commonwealth in a prosecution for a knowing violation of the Act, the written opinion of the attorney for the Commonwealth shall be a public record and shall be released upon request. An opinion of the county attorney may be introduced at trial as evidence that the School Board member or employee did not knowingly violate the Act.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3100, et seq.

*Adopted: November 2002*

*Revised: July 2003, July 2004, July 2007, July 2008, August 2012, August 2013, August 2014, June 2015, September 2017, August 2018, August 2019, June 2020, September 2022*

## **POLICY 1-4.2 SCHOOL VISITATIONS**

Each Poquoson City School Board member will attempt to visit various schools throughout the year when invited for regular programs and special events or when the School Board member has time available or has special interest in a particular program.

School Board members acknowledge that they are guests in any school they visit. They will stop first at the principal's office to advise the principal of their presence and determine if there are any special considerations that should be observed while visiting. Principals are encouraged to have School Board members visit the total school when possible rather than attempting to present only selected programs.

School Board members will notify the superintendent when they plan to visit a school during the school day and will contact the division superintendent if they have questions or concerns resulting from their visits.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-79.

*Adopted: November 2002*

*Revised: April, 2020*