

1 **SCHOOL EMPLOYEE CONFLICT OF INTERESTS**

2 A. Purpose

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4 The State and Local Government Conflict of Interests Act (the Act), applies to public school
5 employees and officials. The Act creates uniform standards of conduct for all public employees
6 and officials. The Act also defines and prohibits inappropriate conflicts of interest and requires
7 disclosure of economic interests in some circumstances. The purpose of this policy is to provide
8 an introduction to the Act for employees. Additional information regarding the Act may be
9 obtained from Policy BBFA Conflict of Interests and Disclosure of Economic Interests and from
10 the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) which assists
11 with compliance with the Act.

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13 B. Compliance

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15 School board employees are required to read and be familiar with the Act. The Superintendent
16 provides employees with information regarding how to access the Act and how to contact the
17 Ethics Council.

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19 The Act’s provisions are complex and their application is fact-specific. A violation of the Act
20 could result in civil or criminal penalties. Therefore, if an employee has any question whether an
21 interest the employee has in a contract or transaction involving the school division is prohibited
22 under the Act, the employee should contact the Department of Human Resources or the Ethics
23 Council for assistance.

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25 C. Areas of Regulation

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27 The Act prohibits school employees from having a “personal interest,” as that term is defined by
28 the Act, in certain contracts and transactions that involve the Division and from engaging in
29 other specified conduct related to the schools. The prohibited personal interest also may be that
30 of the school employee’s immediate family (a spouse or any other person who resides in the
31 same household as the employee and who is a dependent of the employee).

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33 Under the Act, an employee may be considered to have a prohibited conflict arising from:

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- 36 • A personal interest in a contract;
 - 37 • A personal interest in a transaction;
 - 38 • Business opportunities tied to official acts;
 - 39 • Misuse of confidential information; or
 - 40 • Receipt or solicitation of certain gifts.
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45 Examples of prohibited conduct include:
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- 47 • Soliciting or accepting money or other things of value for services performed within
48 the scope of the employee’s official duties, except for the employee’s compensation,
49 expenses or other remuneration paid by the Division;
- 50 • Using for the employee’s own economic benefit or that of another party, confidential
51 information that the employee has acquired by reason of the employee’s public
52 position and which is not available to the public;
- 53 • Accepting any money, loan, gift, favor, service or business or professional
54 opportunity that reasonably tends to influence the employee in the performance of the
55 employee’s official duties;
- 56 • Accepting any business or professional opportunity when the employee knows that
57 there is a reasonable likelihood that the opportunity is being afforded to influence the
58 employee in the performance of the employee’s official duties;
- 59 • Entering into contracts with the school division under certain circumstances;
- 60 • Accepting a gift from a person who has interests that may be substantially affected by
61 the performance of the employee’s official duties under circumstances where the
62 timing and nature of the gift would cause a reasonable person to question the
63 employee’s impartiality in the matter affecting the donor; and
- 64 • Accepting gifts from sources on a basis so frequent as to raise an appearance of the
65 use of the employee’s position for private gain.

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67 D. Awards to Employees for Exceptional Service
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69 The Act does not prohibit or apply to the acceptance by an ACPS teacher or other employee of
70 an award or payment in honor of meritorious or exceptional services performed by the teacher or
71 employee and made by an organization exempt from federal income taxation pursuant to the
72 provisions of Section 501(c)(3) of the Internal Revenue Code.
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74 E. Advisory Opinions
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76 Employees may seek written opinions regarding application of the Act from the local
77 Commonwealth’s Attorney, the City of Alexandria attorney or the Ethics Council. Good faith
78 reliance on a written opinion of the Commonwealth’s Attorney or a formal opinion or written
79 informal advice of the Ethics Council made in response to a written request for such opinion or
80 advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged
81 violation occurred prior to the withdrawal of the opinion or advice, bars prosecution for a
82 knowing violation of the Act provided the opinion or advice was made after a full disclosure of
83 the facts. If the employee relies on written informal advice given by the Ethics Council in a
84 prosecution for a knowing violation of the Act, the record of the request and the written informal
85 advice given shall be a public record and released upon request. An opinion of the City of
86 Alexandria attorney may be introduced at trial as evidence that the employee did not knowingly
87 violate the Act.

88 Adopted: June 8, 2017

89 Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-
90 3103.2, 2.2-3104.1, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3121, 2.2-3124 and 30-
91 356.

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93	Cross Refs.:	BBFA	Conflict of Interests and Disclosure Requirements
94		CBCA	Disclosure Statement Required of Superintendent
95		DJG	Vendor Relations
96		GCCB	Employment of Family Members
97		GCQA	Nonschool Employment by Staff Members
98		KGA	Sales and Solicitations in Schools
99		KJ	Advertising in the Schools

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