

1 **CONFLICT OF INTERESTS AND DISCLOSURE OF ECONOMIC INTERESTS**

2
3 **A. Purpose**

4
5 The Alexandria City School Board seeks, through the adoption of this policy, to assure that the
6 judgment of its members, officers, and employees will be guided by a policy that defines and
7 prohibits inappropriate conflicts and requires disclosure of economic interests as defined by the
8 General Assembly in the State and Local Government Conflict of Interests Act (the Act).

9
10 **B. Areas of Regulation**

11
12 The Act establishes six principal areas of regulation applicable to Board members, officers, and
13 employees of school divisions. They are:

- 14 ● special anti-nepotism rules relating to School Board members and superintendents of
15 schools;
- 16 ● general rules governing public conduct by School Board members regarding acceptance of
17 gifts and favors;
- 18 ● prohibited conduct regarding contracts;
- 19 ● required conduct regarding transactions;
- 20 ● disclosures required from School Board members; and
- 21 ● training requirements for School Board members.

22
23 **C. Definitions**

24
25 **"Advisory agency"** means any board, commission, committee or post which does not exercise
26 any sovereign power or duty, but is appointed by a governmental agency or officer or is created
27 by law for the purpose of making studies or recommendations, or advising or consulting with a
28 governmental agency.

29
30 **"Affiliated business entity relationship"** means a relationship, other than a parent-subsiidiary
31 relationship, that exists when

- 32 ● one business entity has a controlling ownership interest in the other business entity;
- 33 ● a controlling owner in one entity is also a controlling owner in the other entity; or
- 34 ● there is shared management or control between the business entities.

35
36 Factors that may be considered in determining the existence of an affiliated business entity
37 relationship include that the same person or substantially the same person owns or manages the
38 two entities, there are common or commingled funds or assets, the business entities share the use
39 of the same offices or employees, or otherwise share activities, resources or personnel on a regular

40 basis, or there is otherwise a close working relationship between the entities.

41

42 **"Business"** means any individual or entity carrying on a business or profession, whether or not
43 for profit.

44

45 **"Contract"** means any agreement to which a governmental agency is a party, or any agreement
46 on behalf of a governmental agency which involves the payment of money appropriated by the
47 General Assembly or political subdivision, whether or not such agreement is executed in the name
48 of the Commonwealth, or some political subdivision of it.

49

50 **"Council"** means the Virginia Conflict of Interest and Ethics Advisory Council established in Va.
51 Code § 30-355.

52

53 **"Employee"** means all persons employed by a governmental or advisory agency.

54

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

59

60 **"Foreign country of concern"** means any country designated by the Secretary of State to have
61 repeatedly provided support for acts of international terrorism pursuant to the National Defense
62 Authorization Act for Fiscal Year 2019, P.L. 115-232 § 1754(c), Aug. 13, 2018; the Arms Export
63 Control Act § 40, 22 U.S.C. § 2780; or the Foreign Assistance Act of 1961 § 620A, 22 U.S.C. §
64 2370.

65

66 **"Gift"** means any gratuity, favor, discount, entertainment, hospitality, loan forbearance or other
67 item having monetary value. It includes services as well as gifts of transportation, local travel,
68 lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or
69 reimbursement after the expense has been incurred. "Gift" does not include:

70

- any offer of a ticket, coupon or other admission or pass unless the ticket, coupon,
71 admission or pass is used;

72

- honorary degrees;

73

- any athletic, merit, or need-based scholarship or any other financial aid awarded by a
74 public or private school, institution of higher education, or other educational program
75 pursuant to such school, institution or program's financial aid standards and procedures
76 applicable to the general public;

77

- a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945
78 et seq.;

79

- any gift related to the private profession, occupation or volunteer service of the School
80 Board member or employee or of a member of the School Board member's or
81 employee's immediate family;

82

- food or beverages consumed while attending an event at which the School Board member
83 or employee is performing official duties related to his public service;

- 84 • food and beverages received at or registration or attendance fees waived for any event at
- 85 which the School Board member or employee is a featured speaker, presenter or lecturer;
- 86 • unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall
- 87 memento or similar item that is given in recognition of public, civic, charitable or
- 88 professional service;
- 89 • a devise or inheritance;
- 90 • travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945
- 91 et seq.);
- 92 • travel paid for or provided by the government of the United States, any of its territories or
- 93 any state or any political subdivision of such state;
- 94 • travel related to an official meeting of, or any meal provided for attendance at such
- 95 meeting by the Commonwealth, its political subdivisions, or any board, commission,
- 96 authority, or other entity, or any charitable organization established pursuant to §
- 97 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person
- 98 has been appointed or elected or is a member by virtue of his office or employment;
- 99 • gifts with a value of less than \$20;
- 100 • attendance at a reception or similar function where food, such as hors d'oeuvres, and
- 101 beverages that can be conveniently consumed by a person while standing or walking are
- 102 offered;
- 103 • tickets or the registration or admission fees to an event that are provided by the School
- 104 Board to School Board members or employees for the purposes of performing official
- 105 duties related to their public service; or
- 106 • gifts from relatives or personal friends.

107

108

109 For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece,
 110 nephew or first cousin; a person to whom the donee is engaged to be married; the donee's or
 111 donee's spouse's parent, grandparent, grandchild, brother, sister step-parent, step-grandparent,
 112 step-grandchild, step-brother, step-sister, the donee's brother's or sister's spouse or the donee's son-
 113 in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include
 114 any person that the School Board member or employee knows or has reason to know is (a) a
 115 lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in
 116 Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to
 117 become a party to a contract with the School Board. For purposes of this definition, "person,
 118 organization or business" includes individuals who are officers, directors or owners of or who have
 119 a controlling ownership interest in such organization or business.

120

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

127

128 **"Immediate family"** means (i) a spouse and (ii) any other person who resides in the same
129 household as the School Board member or employee and who is a dependent of the School Board
130 member or employee.

131
132 **"Officer"** means any person appointed or elected to any governmental or advisory agency
133 including local school boards, whether or not he/she receives compensation or other emolument
134 of office.

135
136 **"Parent-subsidiary relationship"** means a relationship that exists when one corporation directly
137 or indirectly owns shares possessing more than 50 percent of the voting power of another
138 corporation.

139
140 **"Personal interest"** means a financial benefit or liability accruing to a School Board member or
141 employee or to a member of the immediate family of the School Board member or employee. Such
142 interest shall exist by reason of

- 143 ● ownership in a business if the ownership interest exceeds three percent of the total
144 equity of the business;
- 145 ● annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from
146 ownership in real or personal property or a business;
- 147 ● salary, other compensation, fringe benefits, or benefits from the use of property, or any
148 combination thereof, paid or provided by a business or governmental agency that exceeds,
149 or may reasonably be anticipated to exceed \$5,000 annually;
- 150 ● ownership of real or personal property if the interest exceeds \$5,000 in value and excluding
151 ownership in a business, income or salary, other compensation, fringe benefits or benefits
152 from the use of property;
- 153 ● personal liability incurred or assumed on behalf of a business if the liability exceeds three
154 percent of the asset value of the business; or
- 155 ● an option for ownership of a business or real or personal property if the ownership interest
156 will consist of the first or fourth bullets above.

157
158
159 **"Personal interest in a contract"** means a personal interest which an officer or employee has in
160 a contract with a governmental agency, whether due to his/her being a party to the contract or due
161 to a personal interest in a business which is a party to the contract.

162
163 **"Personal interest in a transaction"** means a personal interest of an officer or employee in any
164 matter considered by his/her agency. Such personal interest exists when an officer or employee or
165 a member of his/her immediate family has a personal interest in property or a business, or
166 governmental agency, or represents or provides services to any individual or business and such
167 property, business, or represented or served individual or business

- 168 ● is the subject of the transaction; or
- 169 ● may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of
- 170 the action of the agency considering the transaction.

171
172 Notwithstanding the foregoing, such personal interest in a transaction shall not be deemed to exist
173 where (a) an elected member of a local governing body serves without remuneration as a member
174 of the board of trustees of a not-for-profit entity and such elected member or member of his/her
175 immediate family has no personal interest related to the not-for-profit entity or (b) an officer,
176 employee or elected member of a local governing body is appointed by the local governing body
177 to serve on a governmental agency or an officer, employee, or elected member of a separate local
178 governmental agency formed by a local governing body is appointed to serve on a governmental
179 agency, and the personal interest in the transaction of the governmental agency is a result of the
180 salary, other compensation, fringe benefits, or benefits provided by the local governing body or
181 the separate governmental agency to the officer, employee, elected member, or member of his/her
182 immediate family.

183
184 **"Transaction"** means any matter considered by any governmental or advisory agency, whether
185 in a committee, subcommittee, or other entity of that agency or before the agency itself, on which
186 official action is taken or contemplated.

187
188 **D. Special Anti-Nepotism Rules Relating to School Board Members and Superintendents**

189
190 1. The School Board may not employ or pay, and the Superintendent may not recommend for
191 employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law,
192 daughter-in-law, sister-in-law, or brother-in-law of the Superintendent or of a School Board
193 member, except as authorized below. This prohibition does not apply to the employment,
194 promotion, or transfer within the school division, of any person within a relationship
195 described above when such person

- 196 ● has been employed pursuant to a written contract with the School Board or
- 197 employed as a substitute teacher or teacher's aide by the School Board prior to the
- 198 taking of office of the Superintendent or any member of the Board; or
- 199 ● has been employed pursuant to a written contract with the School Board or
- 200 employed as a substitute teacher or teacher's aide by the School Board prior to the
- 201 inception of such relationship; or
- 202 ● was employed by the School Board at any time prior to June 10, 1994, and had been
- 203 employed at any time as a teacher or other employee of any Virginia School Board
- 204 prior to the taking of office of any member of the School Board or Superintendent.

205
206 A person employed as a substitute teacher may not be employed to any greater extent than
207 he/she was employed by the School Board in the last full school year prior to the taking of
208 office of such Board member or Superintendent or to the inception of such relationship.

209

210 2. Notwithstanding the rules stated in Subsection D.1. above, the School Board may employ
211 or pay, and the Superintendent may recommend for employment, any family member of a
212 School Board Member provided that

- 213 ● the Member certifies that he had no involvement with the hiring decision; and
- 214 ● the Superintendent certifies to the remaining Members of the School Board in
215 writing that the recommendation is based upon merit and fitness and the
216 competitive rating of the qualifications of the individual and that no Member of the
217 Board had any involvement with the hiring decision.

218
219 3. Notwithstanding the rules stated above, the School Board may employ or pay any family
220 member of the Superintendent provided that:

- 221 ● the Superintendent certifies that he had no involvement with the hiring decision;
222 and
- 223 ● the Chief Human Resource Officer certifies to the members of the School Board in
224 writing that the recommendation is based upon merit and fitness and the
225 competitive rating of the qualifications of the individual and that the Superintendent
226 had no involvement with the hiring decision.
227

228
229 4. No family member (as listed in section D.1., above) of any employee may be employed by
230 the School Board if the family member is to be employed in a direct supervisory and/or
231 administrative relationship either supervisory or subordinate to the employee. The
232 employment and assignment of family members in the same organizational unit is
233 discouraged.
234

235 **E. General Rules Governing Public Conduct by School Board Members and Employees**
236 **Regarding Gifts and Favors**

237
238 1. Prohibited Conduct

239
240 Neither the School Board collectively, nor any member of the Board, shall

- 241 ● solicit or accept money, or anything else of value, for services performed within the
242 scope of the Board Member's or employee's official duties other than the Board
243 Member's or employee's regular compensation, expenses or other remuneration;
- 244 ● offer or accept money, or anything else of value, for or in consideration of obtaining
245 employment, appointment, or promotion in the school division;
- 246 ● offer or accept any money or anything else of value for or in consideration of the
247 use of his/her public position to obtain a contract for any person or business with
248 the school division;
- 249 ● use for the Board Member's or employee's own economic benefit, or anyone else's,
250

- 251 confidential information gained by reason of the Board Member’s or employee’s
252 office, and which is not available to the public;
- 253 ● accept any money, loan, gift, favor or service that might reasonably tend to
254 influence the discharge of duties;
 - 255 ● accept any business or professional opportunity from which a School Board
256 member may gain a financial benefit, where the member knows or should know
257 that there is a reasonable likelihood that the opportunity is being offered with intent
258 to influence the Board Member’s or employee’s conduct in the performance of
259 official duties;
 - 260 ● accept a gift from a person who has interests that may be substantially affected by
261 the performance of the School Board member's or employee's official duties under
262 circumstances where the timing and nature of the gift would cause a reasonable
263 person to question the Board member's or employee's impartiality in the matter
264 affecting the donor;
 - 265 ● accept gifts from sources on a basis so frequent as to raise an appearance of the use
266 of his or her public office or employment for private gain; or
 - 267 ● use his or her public position to retaliate or threaten to retaliate against any person
268 for expressing views on matters of public concern or for exercising any right that
269 is otherwise protected by law, provided, however, that this prohibition shall not
270 restrict the authority of any public employer to govern conduct of its employees,
271 and to take disciplinary action, in accordance with applicable law.

272
273 2. Prohibited Gifts
274

275 For purposes of this subsection:
276

277 "Person, organization or business" includes individuals who are officers, directors or
278 owners of or who have a controlling ownership interest in such organization or business.
279

280 "Widely attended event" means an event at which at least 25 persons have been invited to
281 attend or there is a reasonable expectation that at least 25 persons will attend the event and
282 the event is open to individuals (i) who are members of a public, civic, charitable or
283 professional organization, (ii) who are from a particular industry or profession or (iii) who
284 represent persons interested in a particular issue.
285

286 School Board members and employees required to file a Statement of Economic Interests
287 as prescribed in Va. Code § 2.2-3117 and members of their immediate families shall not
288 solicit, accept or receive any single gift with a value in excess of \$100 or any combination
289 of gifts with an aggregate value in excess of \$100 within any calendar year for the School
290 Board member or employee or a member of the School Board or employee’s immediate
291 family from any person that the School Board member or employee or a member of the
292 School Board’s or employee’s immediate family knows or has reason to know is (i) a

293 lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (ii) a lobbyist's principal as
 294 defined in Va. Code § 2.2-419; or (iii) a person, organization or business who is or is
 295 seeking to become a party to a contract with the School Board. Gifts with a value of less
 296 than \$20 are not subject to aggregation for purposes of this prohibition.

297

298 Notwithstanding the above, School Board members and employees required to file a
 299 Statement of Economic Interests and members of their immediate families may accept or
 300 receive

301

- 302 ● a gift of food and beverages, entertainment or the cost of admission with a value in
 303 excess of \$100 when such gift is accepted or received while in attendance at a
 304 widely attended event and is associated with the event. Such gifts shall be reported
 305 on the Statement of Economic Interests;

- 306 ● a gift from a foreign dignitary with a value exceeding \$100 for which the fair market
 307 value or a gift of greater or equal value has not been provided or exchanged, so long
 308 as such foreign dignitary is a representative of a foreign country of concern. Such
 309 gift shall be accepted on behalf of the Commonwealth or a locality and archived in
 310 accordance with guidelines established by the Library of Virginia. Such gift shall
 311 be disclosed as having been accepted on behalf of the Commonwealth or a locality,
 312 but the value of such gift shall not be required to be disclosed;

- 313 ● certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or
 314 a person, organization or business who is or is seeking to become a party to a
 315 contract with the School Board if such gift was provided to such School Board
 316 member or employee or a member of the immediate family of the School Board
 317 member or employee on the basis of a personal friendship. A lobbyist, lobbyist's
 318 principal or a person, organization or business who is or is seeking to become a
 319 party to a contract with the School Board may be a personal friend of such School
 320 Board member or employee or the immediate family of the School Board member
 321 or employee. In determining whether a lobbyist, lobbyist's principal or a person,
 322 organization or business who is or is seeking to become a party to a contract with
 323 the School Board is a personal friend, the following factors shall be considered: (i)
 324 the circumstances under which the gift was offered; (ii) the history of the
 325 relationship between the person and the donor, including the nature and length of
 326 the friendship and any previous exchange of gifts between them; (iii) to the extent
 327 known to the person, whether the donor personally paid for the gift or sought a tax
 328 deduction or business reimbursement for the gift; and (iv) whether the donor has
 329 given the same or similar gifts to other persons required to file the disclosure form
 330 prescribed in Va. Code §§ 2.2-3117 or 30-111; and

- 331 ● gifts of travel, including travel-related transportation, lodging, hospitality, food or
 332 beverages, or other thing of value, with a value in excess of \$100 that is paid for or
 333 provided by a lobbyist, lobbyist's principal or a person, organization or business
 334 who is or is seeking to become a party to a contract with the School Board when
 335 the School Board member or employee has submitted a request for approval of such

336 travel to the Council and has received the approval of the Council pursuant to Va.
337 Code § 30-356.1. Such gifts shall be reported on the Statement of Economic
338 Interests.

339
340 The \$100 limitation imposed in accordance with this section shall be adjusted by the
341 Council every five years, as of January 1 of that year, in an amount equal to the annual
342 increases for that five-year period in the United States Average Consumer Price Index for
343 all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of
344 the U.S. Department of Labor, rounded to the nearest whole dollar.

345
346 No person shall be in violation of this policy if (i) the gift is not used by such person and
347 the gift or its equivalent in money is returned to the donor or delivered to a charitable
348 organization within a reasonable period of time upon the discovery of the value of the gift
349 and is not claimed as a charitable contribution for federal income tax purposes or (ii)
350 consideration is given by the donee to the donor for the value of the gift within a reasonable
351 period of time upon the discovery of the value of the gift provided that such consideration
352 reduces the value of the gift to \$100 or less.

353
354 3. Awards to Employees for Exceptional Service

355
356 Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or
357 other employee of Alexandria City School Board of an award or payment in honor of
358 meritorious or exceptional services performed by the teacher or employee and made by an
359 organization exempt from federal income taxation pursuant to the provisions of Section
360 501(c)(3) of the Internal Revenue Code.

361
362 **F. Prohibited Conduct Regarding Contracts**

363
364 1. No School Board member shall have a personal interest in (i) any contract with the School
365 Board or (ii) any contract with any government agency which is subject to the ultimate
366 control of the Board.

367
368 2. Exceptions - The above prohibition shall not be applicable to:

369
370 ● a Board member's personal interest in a contract of employment provided the
371 employment first began prior to the member becoming a member of the School
372 Board;

373 ● an employee's own contract of employment;

374 ● contracts for the sale by a governmental agency of services or goods at uniform
375 prices available to the general public;

376 ● a contract awarded to a member of the School Board as a result of competitive
377 sealed bidding where the School Board has established a need for the same or

- 378 substantially similar goods through purchases prior to the election or appointment
 379 of the member to serve on the School Board; however, the member shall have no
 380 involvement in the preparation of the specifications for such contract, and the
 381 remaining members of the School Board, by written resolution, shall state that it is
 382 in the public interest for the member to bid on such contract; 8
- 383 ● the sale, lease or exchange of real property between a School Board member or
 384 employee and the School Board, provided the Board member or employee does not
 385 participate in any way as a Board member or employee in such sale, lease or
 386 exchange, and this fact is set forth as a matter of public record by the School Board
 387 or Superintendent;
 - 388 ● the publication of official notices;
 - 389 ● an officer or employee whose sole personal interest in a contract with the
 390 governmental agency is by reason of income from the contracting firm or
 391 governmental agency in excess of \$5,000 per year, provided the officer or
 392 employee or a member of his/her immediate family does not participate and has no
 393 authority to participate in the procurement or letting of such contract on behalf of
 394 the contracting firm and the officer or employee either does not have authority to
 395 participate in the procurement or letting of the contract on behalf of his/her
 396 governmental agency or he/she disqualifies himself/herself as a matter of public
 397 record and does not participate on behalf of his/her governmental agency in
 398 negotiating the contract or in approving the contract;
 - 399 ● contracts between an officer's or employee's governmental agency and a public
 400 service corporation, financial institution or company furnishing public utilities in
 401 which the officer or employee has a personal interest provided the officer or
 402 employee disqualifies himself/herself as a matter of public record and does not
 403 participate on behalf of his/her governmental agency in negotiating or approving
 404 the contract;
 - 405 ● contracts for the purchase of goods or services when the contract does not exceed
 406 \$500;
 - 407 ● grants or other payment under any program wherein uniform rates for, or the
 408 amounts paid to, all qualified applicants are established solely by the administering
 409 governmental agency;
 - 410 ● an officer or employee whose sole personal interest in a contract with his/her own
 411 governmental agency is by reason of his/her marriage to his/her spouse who is
 412 employed by the same agency, if the spouse was employed by such agency for five
 413 or more years prior to marrying such officer or employee; or
 - 414 ● employment contracts and other contracts entered into prior to August 1, 1987,
 415 provided such contracts were in compliance with the Virginia Conflict of Interests
 416 Act (or the Comprehensive Conflict of Interests Act) at the time of their formation

417 and thereafter. Those contracts shall continue to be governed by the provisions of
 418 the appropriate prior Act. The employment by the same governmental agency of an
 419 officer or employee and spouse or any other relative residing in the same household
 420 shall not be deemed to create a material financial interest except when one of the
 421 persons is employed in a direct supervisory and/or administrative position with
 422 respect to the spouse or other relative residing in his/her household and the annual
 423 salary of the subordinate is \$35,000 or more.

424

425 **G. Prohibited Conduct Regarding Transactions**

426

427 1. Each School Board member and School Board employee who has a personal interest in a
 428 transaction

429

430 a. shall disqualify himself/herself from participating in the transaction if

431

432 (i) the transaction has application solely to property or a business or governmental
 433 agency in which the Board Member's or employee's has a personal interest or
 434 a business that has a parent-subsidiary or affiliated business entity relationship
 435 with the business in which the Board Member's or employee's has a personal
 436 interest; or

437

438 (ii) he/she is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d.
 439 of this policy.

440

441 Any disqualification under this subsection shall be recorded in the School Board's
 442 public records. The School Board member or employee shall disclose his/her personal
 443 interests as required by Va. Code § 2.2-3115.F and shall not vote or in any manner act
 444 on behalf of the School Board in the transaction. The member or employee shall not

445

446 (i) attend any portion of a closed meeting authorized by the Virginia Freedom of
 447 Information Act when the matter in which he/she has a personal interest is
 448 discussed; or

449

450 (ii) discuss the matter in which he/she has a personal interest with other
 451 governmental officers or employees at any time.

452

453 b. may participate in the transaction if he/she is a member of a business, profession,
 454 occupation or group of three or more persons, the members of which are affected by
 455 the transaction, and he/she complies with the declaration requirements of Va. Code §
 456 2.2-3115.H;

457

458 c. may participate in the transaction when a party to the transaction is a client of his/her
 459 firm if he/she does not personally represent or provide services to such client and he/she
 460 complies with the declaration requirements of Va. Code § 2.2-3115.I; or

461

- 462 d. may participate in the transaction if it affects the public generally, even though his/her
463 personal interest, as a member of the public, may also be affected by that transaction.
464
- 465 2. Disqualification under this section shall not prevent any employee having a personal
466 interest in a transaction in which his/her employer is involved from representing
467 himself/herself or a member of his/her immediate family in such transaction provided
468 he/she does not receive compensation for such representation and provided he/she complies
469 with the disqualification and relevant disclosure requirements of this policy.
470
- 471 3. If disqualifications under subsection 1.a. of this section leave less than the number required
472 by law to act, the remaining member or members of the Board shall constitute a quorum
473 for the conduct of business and have authority to act for the Board by majority vote, unless
474 a unanimous vote of all members is required by law, in which case authority to act shall
475 require a unanimous vote of remaining members.
476
- 477 4. The provisions of this section shall not prevent a Board member or employee from
478 participating in a transaction merely because such a Board member or employee is a
479 defendant in a civil legal proceeding concerning such transaction.
480

481 **H. Disclosure Requirements**

- 482
- 483 1. School Board members file, as a condition of assuming office, with the Clerk of the School
484 Board a disclosure statement of their personal interests and other information as is specified
485 on the Statement of Economic Interests form set forth in Va. Code § 2.2-3117 and shall
486 thereafter file such statement annually on or before February 1. The disclosure forms are
487 filed and maintained as public records for five years in the office of the Clerk of the School
488 Board. In the event circumstances occur which will require the Board member to revise
489 their disclosure form at the next submission, they should promptly inform the Board Chair
490 of the circumstances that will result in a revised disclosure form.
491
- 492 2. School Board members and employees required to file the Statement of Economic Interests
493 who fail to file such form within the time period prescribed shall be assessed a civil penalty
494 of \$250. The Clerk of the School Board shall notify the attorney for the Commonwealth
495 for the locality of any School Board member's or employee's failure to file the required
496 form and the attorney for the Commonwealth shall assess and collect the civil penalty. The
497 Clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for
498 filing.
499
- 500 3. Any Board member or employee who is disqualified from participating in a transaction
501 under Section G.1.a. of this policy, or otherwise elects to disqualify himself/herself, shall
502 forthwith make disclosure of the existence of his/her interest, including the full name and
503 address of the business and the address or parcel number for the real estate if the interest
504 involves a business or real estate and such disclosure shall be reflected in the School
505 Board's public records in the Division Superintendent's office for a period of five (5) years.
506

507 4. Any Board member or employee who is required to disclose his/her interest under Section
 508 G.1.b. of this policy shall declare his/her interest by stating:

- 509 ● the transaction involved;
- 510 ● the nature of the Board member's or employee's personal interest affected by the
 511 transaction;
- 512 ● that he/she is a member of a business, profession, occupation or group the members
 513 of which are affected by the transaction; and
- 514 ● that he/she is able to participate in the transaction fairly, objectively, and in the
 515 public interest.

516
 517 The Board member or employee shall either make his/her declaration orally to be recorded
 518 in written minutes of the Board or file a signed written declaration with the Clerk of the
 519 Board, who shall, in either case, retain and make available for public inspection such
 520 declaration for a period of five years from the date of recording or receipt. If reasonable
 521 time is not available to comply with the provisions of this subsection prior to participation
 522 in the transaction, the Board member or employee shall prepare and file the required
 523 declaration by the end of the next business day. The Board member or employee shall also
 524 orally disclose the existence of the interest during each School Board meeting at which the
 525 transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.
 526

527 5. A Board member or employee who is required to declare his/her interest pursuant to
 528 subdivision G.1.c. of this policy shall declare his/her interest by stating

- 529 ● the transaction involved;
- 530 ● that a party to the transaction is a client of his/her firm;
- 531 ● that he/she does not personally represent or provide services to the client; and
- 532 ● that he/she is able to participate in the transaction fairly, objectively and in the
 533 public interest.

534
 535 The Board member or employee shall either make his/her declaration orally to be recorded
 536 in written minutes of the Board or file a signed written declaration with the Clerk of the
 537 Board who shall, in either case, retain and make available for public inspection such
 538 declaration for a period of five years from the date of recording or receipt. If reasonable
 539 time is not available to comply with the provisions of this subsection prior to participation
 540 in the transaction, the Board member or employee shall prepare and file the required
 541 declaration by the end of the next business day.

542
 543 **I. Release of Disclosure Forms**

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

547

548 **J. Deadlines and Coverage Periods for Disclosure Forms**

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

552

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

561

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

564

565 **K. Training Requirements for School Board Members**

566

567 Each School Board member completes the training session provided by the Council within two
568 months after assuming office and thereafter at least once during each consecutive period of
569 two calendar years while holding office.

570

571 The Clerk of the School Board maintains records indicating School Board members subject to
572 the training requirement and the dates of their completion of training sessions. Such records
573 are maintained as public records for five years in the Clerk's office.

574

575 **L. Advisory Opinions**

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

- 588 Adopted: October 24, 1996
- 589 Amended: July 10, 1997
- 590 Amended: July 12, 2001
- 591 Amended: March 21, 2002
- 592 Amended: April 6, 2006
- 593 Amended: September 20, 2007
- 594 Amended: February 5, 2009
- 595 Amended: April 24, 2014
- 596 Amended: December 4, 2014
- 597 Amended: October 1, 2015
- 598 Amended: December 15, 2016
- 599 Amended: October 12, 2017
- 600 Amended: December 20, 2018
- 601 Amended: December 5, 2019
- 602 Amended: February 4, 2021
- 603 Amended: December 15, 2022
- 604 Amended: May 4, 2023
- 605 Amended: November 30, 2023
- 606
- 607 Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.1,
- 608 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115,
- 609 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132, 30-356.

- 610 Cross Refs.: CBCA Disclosure Statement Required of Superintendent
- 611 GAH School Employee Conflicts of Interests
- 612 GCCB Employment of Family Members