

BOARD MEMBER CONFLICT OF INTEREST

Code **BCB** Issued **11/12**

Purpose: To establish the basic structure for determining board member conflict of interest.

A trustee may provide services or sell products to the district of which he/she is a board member provided all transactions are in accordance with the State Ethics Act. (See Policy BCA.)

If, in the discharge of official responsibilities, the board member is required to take an action or make a decision which affects his/her economic interest or the economic interest of a member of his/her immediate family or an individual with whom he/she is associated, the board member must prepare a written statement outlining the conflict and give it to the chairperson of the board. The board member must also be excused from deliberating or voting on the matter. The minutes of the meeting should reflect the disqualification and reasons for it

The board member may vote on matters in which he/she has no greater interest than does any other member of the class to which the board member belongs. For example, a board member may vote on a budget that includes salaries of all employees, even if the board member has a family member employed by the district. However, the board member may not vote on the contract of the family member.

The State Ethics Act also provides that a public official **may not** have an economic interest in a contract with the district if the official is authorized to perform an official function relating to the contract. The law defines official function to include accepting bids and awarding contracts.

A board member may not participate in an action as a board member relating to the discipline of his/her family member.

A board member may not receive pay as a teacher of a free public school that is located in the same school district of which such person is a trustee.

Nepotism

No immediate family member (parent, child, brother or sister) of a board member will be employed as a teacher without the written approval of the board. This does not apply to teachers employed before his/her family member became a member of the board.

Adopted 10/3/11; Revised 11/5/12

Legal references:

A. S.C. Constitution:

1. Article XVII, Section 1A – Dual office holding prohibited.

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B. S.C. Code, 1976, as amended:

1. Section 8-5-10 – Nepotism forbidden
2. Section 8-13-100 (15) – Family member means an individual who is the spouse, parent, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent or grandchild or a member of the individual's immediate family.
3. Section 59-19-300 – Prohibits receiving pay as teacher in same district where serving on board.
4. Section 59-25-10 – Prohibits board from employing members of immediate family, with exceptions.
5. Section 59-31-590 – Prohibits service as agent of school book publisher
6. Section 59-69-260 – authorizes board member to provide services or sell products to the district...so long as these transactions are in accordance with state ethical provision of law.

C. State Board of Education Regulations:

1. R-43-279 – Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.