

COLOGNE ACADEMY
MANUAL OF SCHOOL POLICIES APPROVED BY THE BOARD

POLICY 210: CONFLICT OF INTEREST FOR SCHOOL BOARD MEMBERS AND EMPLOYEES

I. PURPOSE

The purpose of this policy is to observe state statutes regarding conflicts of interest for charter school board members and to engage in charter school business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

II. GENERAL STATEMENT OF POLICY

The policy of the charter school board is to conform with statutory conflict of interest laws and act in a manner that will avoid any conflict of interest or the appearance thereof.

III. GENERAL CONDITIONS AND CONFLICTING BUSINESS RELATIONSHIPS

- A. An individual is prohibited from serving as a member of the board of directors of a charter school if the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. An individual is prohibited from serving as a board member if an immediate family member is an employee of the school. A violation of this prohibition renders a contract voidable at the option of the Commissioner of Education (Commissioner) or the charter school board of directors. A member of a charter school board of directors who violates this prohibition is individually liable to the charter school for any damage caused by the violation. An individual may serve as a member of the board of directors if no conflict of interest under this paragraph exists.
- B. No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when: (1) the board member, employee, officer, or agent; (2) the immediate family of the board member, employee, officer, or agent; (3) the partner of the board member, employee, officer, or agent; or (4) an organization that employs or is about to employ, any individual in clauses (1) to (3), has a financial or other interest in the entity with which the charter school is contracting. A violation of this provision renders the contract void.
- C. Any employee, agent, or board member of the authorizer of a charter school who participates in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or nonrenewal process or decision is ineligible to serve on the board of directors of a school chartered by that authorizer.

- D. The charter school board member conflict of interest provisions do not apply to compensation paid to a teacher employed as a teacher by the charter school or a teacher who provides instructional services to the charter school through a cooperative formed under Minn. Stat. Ch. 308A when the teacher also serves on the charter school board of directors.
- E. A charter school board member, employee, or officer is a local official with regard to the receipt of gifts. A board member, employee, or officer must not receive compensation from a group health insurance provider.
- F. The school board member conflict of interest provisions do not apply to a teacher who provides services to the school through a cooperative formed under Minn. Stat. Ch. 308A when the teacher also serves on the charter school board of directors.
- G. The school may not employ any staff related by blood or marriage to a school board member, within the fourth degree as computed by the civil law.

IV. CONFLICTS PRIOR TO TAKING OFFICE

- A. A school board member or employee with personal material financial interest in a sale, lease, or contract with the school which was entered before the school board member or employee took office and presents an actual or potential conflict of interest, shall immediately notify the school board of such interest. It shall thereafter be the responsibility of the school board member or employee to refrain from participating in any action relating to the sale, lease, or contract. At the time of renewal of any such sale, lease, or contract, the school board member or employee may not enter into or renew such sale, lease, or contract.
- B. Each school board member or employee must complete a conflict-of-interest statement for review by the Board within thirty (30) days of his or her election or hiring date, and shall annually complete such a statement on the anniversary of his or her election or hiring date or on such an annual date that the Board may select. The Board will provide all such conflict of interest statements to its authorizer.

VI. DETERMINATION AS TO WHETHER A CONFLICT OF INTEREST EXISTS

The determination as to whether a conflict of interest exists is to be made by the school board. Any school board member or employee who has an actual or potential conflict shall notify the school board of such conflict immediately. The school board member or employee shall thereafter cooperate with the school board as necessary for the school board to make its determination.