

School Board Officer & Employee Code of Ethics

File: 2160

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of conduct.

Statutory Conflicts of Interest

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

- “Contract” is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.
- An “interest” is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an “interest” (i.e. receive a direct or indirect benefit as the result of a contract with the district) in:

1. a firm, partnership or association in which he/she is a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
4. a contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

Disclosure Requirements

All Board members, officers and employees must publicly disclose the nature and extent of any non-exempted interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), even if it is not a prohibited interest under applicable law as soon as he/she has knowledge of such prospective interest. Such disclosure must be in writing to his/her supervisor (if an employee) and the Board of Education and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under section 802 of the General Municipal Law (see 2160-E.1); however, Board members, officers and employees are encouraged to voluntarily make such disclosure.

Other Prohibited Activities

1. Gifts: A Board member, officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$25.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

2. Confidential Information: A Board member, officer or employee shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest either directly or indirectly.
3. Representation before the Board or District: A Board member, officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. Investments in conflict with official duties: A Board member, officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his/her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law (see 2160-E.1).
5. Private Employment: A Board member, officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
6. Future Employment: A Board member, officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he/she personally participated during the period of his/her service or employment or that was under his/her active consideration.

Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every member of the Board, every officer and employee of the school district. Each Board member, officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the jurisdiction in a place conspicuous to the district's Board members, officers and employees.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Ref: General Municipal Law §§800; 801; 802; 805; 806-808
 Education Law §§306; 1709; 2103; 2553; 2554; 2559; 3016
 Local Finance Law §60.10
 Public Officers Law §30(1)(h)
 Appeal of Kelly, 45 EDR Dec. No.15253 (2005)
 Application of Nett & Raby 45 EDR Dec. No. 14314 (2005)
 Appeal of Taber, 42 EDR 251 (2003)
 Appeal of Gill, 42 EDR 89 (2002)
 Matter of Grinnell, 37 EDR 504 (1998)
 Appeal of Vivlemoe, 33 EDR174 (1993)
 Matter of Cox, 27 EDR 353 (1988)
 Matter of Granirer, 26 EDR 393 (1987)
 Op. Of Atty. Gen., [Inf.] 99-16
 Op. State Comptroller, 91-26

Adopted: 12/08/2009

Exceptions to Conflict of Interest

2160-E.1

Board members, officers and employees will not be deemed to have a conflict of interest in any of the exceptions listed in §802 of the General Municipal Law, including:

1. Contracts with membership corporations or other voluntary not-for-profit corporations or associations (e.g. Taylor Law collectively negotiated agreements, contract with a not-for-profit health services organization). [§802(1)(f) GML] [Note: No Board member is prohibited from voting on collectively negotiated agreements which are applicable to his/her spouse or child];
2. Appointment of a teacher who is a relative or spouse of a Board member, is permitted upon a two-thirds supermajority vote without limiting any Board member's right to vote. [§3016 Education Law]
3. The employment of a Board member as school physician is permitted upon a two-thirds vote of the Board. [§802(1)(i) GML]
4. Contracts entered into by the district with a person who is subsequently elected or appointed to the Board, a school district office or employment remain valid, except the contract may not thereafter be renewed. [§802(1)(h) GML]
5. A contract with a corporation of which the interest of the Board member officer or employee is, by reason of stockholding, less than 5% of the outstanding shares. [§802(2)(a) GML]
6. Contracts between the district and a Board member, officer or employee in which the total amount does not exceed \$750 in any fiscal year. [§802(2)(e) GML]
7. Where application of the conflict of interest rules would necessitate the engagement of a bank or trust company outside of the municipality or school district, the Board may designate a bank or trust company in which the Board President, treasurer or deputy treasurer has an interest in such entity. The designation shall be as a depository, paying agent or registration agent for the investment of funds. [§802(1)(a) GML]
8. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest prohibited solely by reason of employment as an officer or employee of such other entity, if their compensation will not be directly affected as a result of the contract with the municipality or school district and duties do not directly involve the procurement, preparation or performance of any part of the contract. [Appeal of Vivlemoe, 33 EDR 174 (1993)]
9. The designation of a newspaper, including the official newspaper, for the publication of notices, resolutions or other proceeding where publication is otherwise required or authorized by law. [§802(1)(c) GML]
10. The purchase of real property or any interest therein when approved upon a petition to the State Supreme Court by the Board of Education. [§802(1)(d) GML]
11. Acquisition of real property or an interest in real property through eminent domain proceedings. [§802(1)(f) GML]
12. Sale of bonds and notes pursuant to section 60.10 of the Local Finance Law. [§802(1)(g) GML]

CODE OF ETHICS ACKNOWLEDGEMENT

2160-E.2

I, _____, an officer/employee of the West Babylon Union Free School District, do hereby acknowledge receipt of a copy of the Code of Ethics of the West Babylon Union Free School District, this ____ day of _____ in the year 20____.

Signature of Officer/Employee

Printed Name of Officer/Employee