

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

- 15       ● special anti-nepotism rules relating to School Board members and superintendents of  
16       schools;
- 17       ● general rules governing public conduct by School Board members regarding acceptance of  
18       gifts and favors;
- 19       ● prohibited conduct regarding contracts;
- 20       ● required conduct regarding transactions;
- 21       ● disclosures required from School Board members; and
- 22       ● training requirements for elected School Board members.  
23  
24  
25

26 **C. Definitions**  
27

28 **"Advisory agency"** means any board, commission, committee or post which does not exercise  
29 any sovereign power or duty, but is appointed by a governmental agency or officer or is created  
30 by law for the purpose of making studies or recommendations, or advising or consulting with a  
31 governmental agency.  
32

33 **"Affiliated business entity relationship"** means a relationship, other than a parent-subsidiary  
34 relationship, that exists when

- 35       ● one business entity has a controlling ownership interest in the other business entity;
- 36       ● a controlling owner in one entity is also a controlling owner in the other entity; or
- 37       ● there is shared management or control between the business entities.  
38  
39  
40

41 Factors that may be considered in determining the existence of an affiliated business entity  
42 relationship include that the same person or substantially the same person owns or manages the  
43 two entities, there are common or commingled funds or assets, the business entities share the use  
44 of the same offices or employees, or otherwise share activities, resources or personnel on a regular  
45 basis, or there is otherwise a close working relationship between the entities.  
46

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

49

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

54

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

57

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

59

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

64

65 **"Gift"** means any gratuity, favor, discount, entertainment, hospitality, loan forbearance or other  
66 item having monetary value. It includes services as well as gifts of transportation, local travel,  
67 lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or  
68 reimbursement after the expense has been incurred. "Gift" does not include any offer of a ticket,  
69 coupon or other admission or pass unless the ticket, coupon, admission or pass is used; honorary  
70 degrees; any athletic, merit, or need-based scholarship or any other financial aid awarded by a  
71 public or private school, institution of higher education, or other educational program pursuant to  
72 such school, institution or program's financial aid standards and procedures applicable to the  
73 general public; a campaign contribution properly received and reported pursuant to Va. Code §  
74 24.2-945 et seq.; any gift related to the private profession, occupation or volunteer service of the  
75 School Board member or employee or of a member of the School Board member's or employee's  
76 immediate family; food or beverages consumed while attending an event at which the School  
77 Board member or employee is performing official duties related to his/her public service; food or  
78 beverages received at or registration or attendance fees waived for any event at which the School  
79 Board member or employee is a featured speaker, presenter or lecturer; unsolicited awards of  
80 appreciation or recognition in the form of a plaque, trophy, wall memento or similar item that is  
81 given in recognition of public, civic, charitable or professional service; a devise or inheritance;  
82 travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945 et seq.);  
83 travel paid for or provided by the government of the United States, any of its territories or any state  
84 or any political subdivision of such state; travel related to an official meeting of, or any meal  
85 provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any  
86 board, commission, authority, or other entity, or any charitable organization established pursuant  
87 to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has  
88 been appointed or elected or is a member by virtue of his/her office or employment; gifts with a  
89 value of less than \$20; attendance at a reception or similar function where food, such as hors  
90 d'oeuvres, and beverages that can be conveniently consumed by a person while standing or  
91 walking are offered; tickets or the registration or admission fees to an event that are provided by  
92 the School Board to School Board members or employees for the purposes of performing official  
93 duties related to their public service; or gifts from relatives or personal friends.

94  
 95 For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece,  
 96 nephew or first cousin; a person to whom the donee is engaged to be married; the donee's or  
 97 donee's spouse's parent, grandparent, grandchild, brother, sister step-parent, step-grandparent,  
 98 step-grandchild, step-brother, step-sister, the donee's brother's or sister's spouse or the donee's son-  
 99 in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include  
 100 any person that the School Board member or employee knows or has reason to know is (a) a  
 101 lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in  
 102 Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to  
 103 become a party to a contract with the School Board. For purposes of this definition, "person,  
 104 organization or business" includes individuals who are officers, directors or owners of or who have  
 105 a controlling ownership interest in such organization or business.  
 106

107 **"Governmental agency"** means each component part of the legislative, executive or judicial  
 108 branches of state and local government, including each office, department, authority, post,  
 109 commission, committee, and each institution or board created by law to exercise some regulatory  
 110 or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations  
 111 organized or controlled by the Virginia Retirement System are "governmental agencies" for  
 112 purposes of this policy.  
 113

114 **"Immediate family"** means (i) a spouse and (ii) any other person who resides in the same  
 115 household as the School Board member or employee and who is a dependent of the School Board  
 116 member or employee.  
 117

118 **"Officer"** means any person appointed or elected to any governmental or advisory agency  
 119 including local school boards, whether or not he/she receives compensation or other emolument  
 120 of office.  
 121

122 **"Parent-subsidiary relationship"** means a relationship that exists when one corporation directly  
 123 or indirectly owns shares possessing more than 50 percent of the voting power of another  
 124 corporation.  
 125

126 **"Personal interest"** means a financial benefit or liability accruing to a School Board member or  
 127 employee or to a member of the immediate family of the School Board member or employee. Such  
 128 interest shall exist by reason of  
 129

- 130 ● ownership in a business if the ownership interest exceeds three percent of the total  
 131 equity of the business;
- 132 ● annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from  
 133 ownership in real or personal property or a business;
- 134 ● salary, other compensation, fringe benefits, or benefits from the use of property, or any  
 135 combination thereof, paid or provided by a business or governmental agency that exceeds,  
 136 or may reasonably be anticipated to exceed \$5,000 annually;
- 137 ● ownership of real or personal property if the interest exceeds \$5,000 in value and excluding  
 138 ownership in a business, income or salary, other compensation, fringe benefits or benefits  
 141 from the use of property;
- 142

143  
144  
145  
146  
147  
148  
149  
  
150  
  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
  
178  
179  
180  
181  
  
182  
183  
  
184  
185  
186  
187  
188  
189  
190  
191

- personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
- an option for ownership of a business or real or personal property if the ownership interest will consist of the first or fourth bullets above.

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

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

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

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

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

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

1. The School Board may not employ or pay, and the Superintendent may not recommend for employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of the Superintendent or of a School Board member, except as authorized below. This prohibition does not apply to the employment, promotion, or transfer within the school division, of any person within a relationship described above when such person
  - has been employed pursuant to a written contract with the School Board or

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

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

2. Notwithstanding the rules stated in Subsection D.1. above, the School Board may employ or pay, and the Superintendent may recommend for employment, any family member of a School Board Member provided that
  - the Member certifies that he had no involvement with the hiring decision; and
  - the Superintendent certifies to the remaining Members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no Member of the Board had any involvement with the hiring decision.
3. Notwithstanding the rules stated above, the School Board may employ or pay any family member of the Superintendent provided that:
  - the Superintendent certifies that he had no involvement with the hiring decision; and
  - the Chief Human Resource Officer certifies to the members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the Superintendent had no involvement with the hiring decision.
4. No family member (as listed in section D.1., above) of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit is discouraged.

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

1. Prohibited Conduct

- Neither the School Board collectively, nor any member of the Board, shall
- solicit or accept money, or anything else of value, for services performed within the scope of the Board Member's or employee's official duties other than the Board Member's or employee's regular compensation, expenses or other remuneration;

- 241 ● offer or accept money, or anything else of value, for or in consideration of obtaining
- 242 employment, appointment, or promotion in the school division;
- 243
- 244
- 245 ● offer or accept any money or anything else of value for or in consideration of the
- 246 use of his/her public position to obtain a contract for any person or business with
- 247 the school division;
- 248
- 249 ● use for the Board Member’s or employee’s own economic benefit, or anyone else's,
- 250 confidential information gained by reason of the Board Member’s or employee’s
- 251 office, and which is not available to the public;
- 252
- 253 ● accept any money, loan, gift, favor or service that might reasonably tend to
- 254 influence the discharge of duties;
- 255
- 256 ● accept any business or professional opportunity from which a School Board
- 257 member may gain a financial benefit, where the member knows or should know
- 258 that there is a reasonable likelihood that the opportunity is being offered with intent
- 259 to influence the Board Member’s or employee’s conduct in the performance of
- 260 official duties;
- 261 ● accept a gift from a person who has interests that may be substantially affected by
- 262 the performance of the School Board member's or employee's official duties under
- 263 circumstances where the timing and nature of the gift would cause a reasonable
- 264 person to question the Board member's or employee's impartiality in the matter
- 265 affecting the donor;
- 266 ● accept gifts from sources on a basis so frequent as to raise an appearance of the use
- 267 of his or her public office or employment for private gain; or
- 268 ● use his or her public position to retaliate or threaten to retaliate against any person
- 269 for expressing views on matters of public concern or for exercising any right that
- 270 is otherwise protected by law, provided, however, that this prohibition shall not
- 271 restrict the authority of any public employer to govern conduct of its employees,
- 272 and to take disciplinary action, in accordance with applicable law.
- 273

274 2. Prohibited Gifts

275  
276 For purposes of this subsection:

277  
278 "Person, organization or business" includes individuals who are officers, directors or  
279 owners of or who have a controlling ownership interest in such organization or business.  
280

281 "Widely attended event" means an event at which at least 25 persons have been invited to  
282 attend or there is a reasonable expectation that at least 25 persons will attend the event and  
283 the event is open to individuals (i) who are members of a public, civic, charitable or  
284 professional organization, (ii) who are from a particular industry or profession or (iii) who  
285 represent persons interested in a particular issue.  
286

287 School Board members and employees required to file a Statement of Economic Interests  
288 as prescribed in Va. Code § 2.2-3117 and members of their immediate families shall not  
289 solicit, accept or receive any single gift with a value in excess of \$100 or any combination

290 of gifts with an aggregate value in excess of \$100 within any calendar year for the School  
 291 Board member or employee or a member of the School Board or employee's immediate  
 292 family from any person that the School Board member or employee or a member of the  
 293 School Board's or employee's immediate family knows or has reason to know is (i) a  
 294 lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (ii) a lobbyist's principal as  
 295 defined in Va. Code § 2.2-419; or (iii) a person, organization or business who is or is  
 296 seeking to become a party to a contract with the School Board. Gifts with a value of less  
 297 than \$20 are not subject to aggregation for purposes of this prohibition.  
 298

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

- 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. Such  
 308 gift shall be accepted on behalf of the Commonwealth or a locality and archived in  
 309 accordance with guidelines established by the Library of Virginia. Such gift shall  
 310 be disclosed as having been accepted on behalf of the Commonwealth or a locality,  
 311 but the value of such gift shall not be required to be disclosed;
- 312 ● certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or  
 313 a person, organization or business who is or is seeking to become a party to a  
 314 contract with the School Board if such gift was provided to such School Board  
 315 member or employee or a member of the immediate family of the School Board  
 316 member or employee on the basis of a personal friendship. A lobbyist, lobbyist's  
 317 principal or a person, organization or business who is or is seeking to become a  
 318 party to a contract with the School Board may be a personal friend of such School  
 319 Board member or employee or the immediate family of the School Board member  
 320 or employee. In determining whether a lobbyist, lobbyist's principal or a person,  
 321 organization or business who is or is seeking to become a party to a contract with  
 322 the School Board is a personal friend, the following factors shall be considered: (i)  
 323 the circumstances under which the gift was offered; (ii) the history of the  
 324 relationship between the person and the donor, including the nature and length of  
 325 the friendship and any previous exchange of gifts between them; (iii) to the extent  
 326 known to the person, whether the donor personally paid for the gift or sought a tax  
 327 deduction or business reimbursement for the gift; and (iv) whether the donor has  
 328 given the same or similar gifts to other persons required to file the disclosure form  
 329 prescribed in Va. Code §§ 2.2-3117 or 30-111; and
- 330 ● gifts of travel, including travel-related transportation, lodging, hospitality, food or  
 331 beverages, or other thing of value, with a value in excess of \$100 that is paid for or  
 332 provided by a lobbyist, lobbyist's principal or a person, organization or business  
 333 who is or is seeking to become a party to a contract with the School Board when  
 334 the School Board member or employee has submitted a request for approval of such  
 335  
 336  
 337  
 338

339 travel to the Council and has received the approval of the Council pursuant to Va.  
340 Code § 30-356.1. Such gifts shall be reported on the Statement of Economic  
341 Interests.  
342

343 The \$100 limitation imposed in accordance with this section shall be adjusted by the  
344 Council every five years, as of January 1 of that year, in an amount equal to the annual  
345 increases for that five-year period in the United States Average Consumer Price Index for  
346 all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of  
347 the U.S. Department of Labor, rounded to the nearest whole dollar.  
348

349 No person shall be in violation of this policy if (i) the gift is not used by such person and  
350 the gift or its equivalent in money is returned to the donor or delivered to a charitable  
351 organization within a reasonable period of time upon the discovery of the value of the gift  
352 and is not claimed as a charitable contribution for federal income tax purposes or (ii)  
353 consideration is given by the donee to the donor for the value of the gift within a reasonable  
354 period of time upon the discovery of the value of the gift provided that such consideration  
355 reduces the value of the gift to \$100 or less.  
356

357 3. Awards to Employees for Exceptional Service  
358

359 Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or  
360 other employee of Alexandria City School Board of an award or payment in honor of  
361 meritorious or exceptional services performed by the teacher or employee and made by an  
362 organization exempt from federal income taxation pursuant to the provisions of Section  
363 501(c)(3) of the Internal Revenue Code.  
364

365 **F. Prohibited Conduct Regarding Contracts**  
366

367 1. No School Board member shall have a personal interest in (i) any contract with the School  
368 Board or (ii) any contract with any government agency which is subject to the ultimate  
369 control of the Board.  
370

371 2. Exceptions - The above prohibition shall not be applicable to:  
372

- 373 ● a Board member's personal interest in a contract of employment provided the  
374 employment first began prior to the member becoming a member of the School  
375 Board;
- 376 ● an employee's own contract of employment;
- 377 ● contracts for the sale by a governmental agency of services or goods at uniform  
378 prices available to the general public;
- 379 ● a contract awarded to a member of the School Board as a result of competitive  
380 sealed bidding where the School Board has established a need for the same or  
381 substantially similar goods through purchases prior to the election or appointment  
382 of the member to serve on the School Board; however, the member shall have no  
383 involvement in the preparation of the specifications for such contract, and the  
384 remaining members of the School Board, by written resolution, shall state that it is



- 385 in the public interest for the member to bid on such contract; 8
- 386 ● the sale, lease or exchange of real property between a School Board member or
- 387 employee and the School Board, provided the Board member or employee does not
- 388 participate in any way as a Board member or employee in such sale, lease or
- 389 exchange, and this fact is set forth as a matter of public record by the School Board
- 390 or Superintendent;
- 391 ● the publication of official notices;
- 392 ● an officer or employee whose sole personal interest in a contract with the
- 393 governmental agency is by reason of income from the contracting firm or
- 394 governmental agency in excess of \$5,000 per year, provided the officer or
- 395 employee or a member of his/her immediate family does not participate and has no
- 396 authority to participate in the procurement or letting of such contract on behalf of
- 397 the contracting firm and the officer or employee either does not have authority to
- 398 participate in the procurement or letting of the contract on behalf of his/her
- 399 governmental agency or he/she disqualifies himself/herself as a matter of public
- 400 record and does not participate on behalf of his/her governmental agency in
- 401 negotiating the contract or in approving the contract;
- 402 ● contracts between an officer's or employee's governmental agency and a public
- 403 service corporation, financial institution or company furnishing public utilities in
- 404 which the officer or employee has a personal interest provided the officer or
- 405 employee disqualifies himself/herself as a matter of public record and does not
- 406 participate on behalf of his/her governmental agency in negotiating or approving
- 407 the contract;
- 408 ● contracts for the purchase of goods or services when the contract does not exceed
- 409 \$500;
- 410 ● grants or other payment under any program wherein uniform rates for, or the
- 411 amounts paid to, all qualified applicants are established solely by the administering
- 412 governmental agency;
- 413 ● an officer or employee whose sole personal interest in a contract with his/her own
- 414 governmental agency is by reason of his/her marriage to his/her spouse who is
- 415 employed by the same agency, if the spouse was employed by such agency for five
- 416 or more years prior to marrying such officer or employee; or
- 417 ● employment contracts and other contracts entered into prior to August 1, 1987,
- 418 provided such contracts were in compliance with the Virginia Conflict of Interests
- 419 Act (or the Comprehensive Conflict of Interests Act) at the time of their formation
- 420 and thereafter. Those contracts shall continue to be governed by the provisions of
- 421 the appropriate prior Act. The employment by the same governmental agency of an
- 422 officer or employee and spouse or any other relative residing in the same household
- 423 shall not be deemed to create a material financial interest except when one of the
- 424 persons is employed in a direct supervisory and/or administrative position with
- 425 respect to the spouse or other relative residing in his/her household and the annual
- 426 salary of the subordinate is \$35,000 or more.

427

428 **G. Prohibited Conduct Regarding Transactions**

429

- 430 1. Each School Board member and School Board employee who has a personal interest in a
- 431 transaction
- 432 a. shall disqualify himself/herself from participating in the transaction if
- 433 (i) the transaction has application solely to property or a business or governmental
- 434
- 435

436 agency in which the Board Member’s or employee’s has a personal interest or  
 437 a business that has a parent-subsidary or affiliated business entity relationship  
 438 with the business in which the Board Member’s or employee’s has a personal  
 439 interest; or  
 440

- 441 (ii) he/she is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d.  
 442 of this policy.  
 443

444 Any disqualification under this subsection shall be recorded in the School Board’s  
 445 public records. The School Board member or employee shall disclose his/her personal  
 446 interests as required by Va. Code § 2.2-3115.F and shall not vote or in any manner act  
 447 on behalf of the School Board in the transaction. The member or employee shall not  
 448

- 449 (i) attend any portion of a closed meeting authorized by the Virginia Freedom of  
 450 Information Act when the matter in which he/she has a personal interest is  
 451 discussed; or  
 452

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

- 456 b. may participate in the transaction if he/she is a member of a business, profession,  
 457 occupation or group of three or more persons, the members of which are affected by  
 458 the transaction, and he/she complies with the declaration requirements of Va. Code §  
 459 2.2-3115.H;  
 460

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

- 465 d. may participate in the transaction if it affects the public generally, even though his/her  
 466 personal interest, as a member of the public, may also be affected by that transaction.  
 467

- 468 2. Disqualification under this section shall not prevent any employee having a personal  
 469 interest in a transaction in which his/her employer is involved from representing  
 470 himself/herself or a member of his/her immediate family in such transaction provided  
 471 he/she does not receive compensation for such representation and provided he/she complies  
 472 with the disqualification and relevant disclosure requirements of this policy.  
 473

- 474 3. If disqualifications under subsection 1.a. of this section leave less than the number required  
 475 by law to act, the remaining member or members of the Board shall constitute a quorum  
 476 for the conduct of business and have authority to act for the Board by majority vote, unless  
 477 a unanimous vote of all members is required by law, in which case authority to act shall  
 478 require a unanimous vote of remaining members.  
 479

- 480 4. The provisions of this section shall not prevent a Board member or employee from  
 481 participating in a transaction merely because such a Board member or employee is a  
 482 defendant in a civil legal proceeding concerning such transaction.  
 483

484 **H. Disclosure Requirements**  
 485

- 486 1. School Board members file, as a condition of assuming office, with the Clerk of the School  
 487 Board a disclosure statement of their personal interests and other information as is specified  
 488 on the Statement of Economic Interests form set forth in Va. Code § 2.2-3117 and shall  
 489 thereafter file such statement annually on or before February 1. The disclosure forms are  
 490 filed and maintained as public records for five years in the office of the Clerk of the School  
 491 Board.  
 492
- 493 2. School Board members and employees required to file the Statement of Economic Interests  
 494 who fail to file such form within the time period prescribed shall be assessed a civil penalty  
 495 of \$250. The Clerk of the School Board shall notify the attorney for the Commonwealth  
 496 for the locality of any School Board member's or employee's failure to file the required  
 497 form and the attorney for the Commonwealth shall assess and collect the civil penalty. The  
 498 Clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for  
 499 filing.  
 500
- 501 3. Any Board member or employee who is disqualified from participating in a transaction  
 502 under Section G.1.a. of this policy, or otherwise elects to disqualify himself/herself, shall  
 503 forthwith make disclosure of the existence of his/her interest, including the full name and  
 504 address of the business and the address or parcel number for the real estate if the interest  
 505 involves a business or real estate and such disclosure shall be reflected in the School  
 506 Board's public records in the Division Superintendent's office for a period of five (5) years.  
 507
- 508 4. Any Board member or employee who is required to disclose his/her interest under Section  
 509 G.1.b. of this policy shall declare his/her interest by stating:
- 510 ● the transaction involved;
  - 511
  - 512 ● the nature of the Board member's or employee's personal interest affected by the  
 513 transaction;
  - 514
  - 515 ● that he/she is a member of a business, profession, occupation or group the members  
 516 of which are affected by the transaction; and
  - 517
  - 518 ● that he/she is able to participate in the transaction fairly, objectively, and in the  
 519 public interest.  
 520

521 The Board member or employee shall either make his/her declaration orally to be recorded  
 522 in written minutes of the Board or file a signed written declaration with the Clerk of the  
 523 Board, who shall, in either case, retain and make available for public inspection such  
 524 declaration for a period of five years from the date of recording or receipt. If reasonable  
 525 time is not available to comply with the provisions of this subsection prior to participation  
 526 in the transaction, the Board member or employee shall prepare and file the required  
 527 declaration by the end of the next business day. The Board member or employee shall also  
 528 orally disclose the existence of the interest during each School Board meeting at which the  
 529 transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.  
 530

- 531 5. A Board member or employee who is required to declare his/her interest pursuant to  
 532 subdivision G.1.c. of this policy shall declare his/her interest by stating
- 533 ● the transaction involved;
  - 534

- 535 ● that a party to the transaction is a client of his/her firm;
- 536 ● that he/she does not personally represent or provide services to the client; and
- 537 ● that he/she is able to participate in the transaction fairly, objectively and in the
- 538 public interest.

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

547  
548 **I. Release of Disclosure Forms**

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

552  
553 **J. Deadlines and Coverage Periods for Disclosure Forms**

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

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

566  
567 When the deadline for filing any disclosure falls on a Saturday, Sunday or legal holiday, the  
568 deadline for filing shall be the next day that is not a Saturday, Sunday or legal holiday.

569  
570 **K. Training Requirements for Elected School Board Members**

571  
572 Each elected School Board member completes the training session provided by the Council  
573 within two months after assuming office and thereafter at least once during each consecutive  
574 period of two calendar years while holding office.

575  
576 The Clerk of the School Board maintains records indicating School Board members subject to  
577 the training requirement and the dates of their completion of training sessions. Such records  
578 are maintained as public records for five years in the Clerk's office.

579  
580 **L. Advisory Opinions**

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

593 Adopted: October 24, 1996

594 Amended: July 10, 1997

595 Amended: July 12, 2001

596 Amended: March 21, 2002

597 Amended: April 6, 2006

598 Amended: September 20, 2007

599 Amended: February 5, 2009

600 Amended: April 24, 2014

601 Amended: December 4, 2014

602 Amended: October 1, 2015

603 Amended: December 15, 2016

604 Amended: October 12, 2017

605 Amended: December 20, 2018

606 Amended: December 5, 2019

607 Amended: February 4, 2021

608

609 Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103,  
 610 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115,  
 611 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132, 30-356.

612 Cross Refs.: CBCA Disclosure Statement Required of Superintendent

613 GAH School Employee Conflicts of Interests

614 GCCB Employment of Family Members

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

- 15       ● special anti-nepotism rules relating to School Board members and superintendents of  
16 schools;
- 17       ● general rules governing public conduct by School Board members regarding acceptance of  
18 gifts and favors;
- 19       ● prohibited conduct regarding contracts;
- 20       ● required conduct regarding transactions;
- 21       ● disclosures required from School Board members; and
- 22       ● training requirements for elected School Board members.
- 23
- 24
- 25

26       **C. Definitions**

27  
28       **"Advisory agency"** means any board, commission, committee or post which does not exercise  
29 any sovereign power or duty, but is appointed by a governmental agency or officer or is created  
30 by law for the purpose of making studies or recommendations, or advising or consulting with a  
31 governmental agency.  
32

33       **"Affiliated business entity relationship"** means a relationship, other than a parent-subsiary  
34 relationship, that exists when

- 35       ● one business entity has a controlling ownership interest in the other business entity;
- 36       ● a controlling owner in one entity is also a controlling owner in the other entity; or
- 37       ● there is shared management or control between the business entities.
- 38
- 39
- 40

41       Factors that may be considered in determining the existence of an affiliated business entity  
42 relationship include that the same person or substantially the same person owns or manages the  
43 two entities, there are common or commingled funds or assets, the business entities share the use  
44 of the same offices or employees, or otherwise share activities, resources or personnel on a regular  
45 basis, or there is otherwise a close working relationship between the entities.  
46

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

49  
50 **"Contract"** means any agreement to which a governmental agency is a party, or any agreement  
51 on behalf of a governmental agency which involves the payment of money appropriated by the  
52 General Assembly or political subdivision, whether or not such agreement is executed in the name  
53 of the Commonwealth, or some political subdivision of it.  
54

55 **"Council"** means the Virginia Conflict of Interest and Ethics Advisory Council established in Va.  
56 Code § 30-355.  
57

58 **"Employee"** means all persons employed by a governmental or advisory agency.  
59

60 **"Financial institution"** means any bank, trust company, savings institution, industrial loan  
61 association, consumer finance company, credit union, broker-dealer as defined in subsection A of  
62 Va. Code § 13.1-501, or investment company or advisor registered under the federal Investment  
63 Advisors Act or Investment Company Act of 1940.  
64

65 **"Gift"** means any gratuity, favor, discount, entertainment, hospitality, loan forbearance or other  
66 item having monetary value. It includes services as well as gifts of transportation, local travel,  
67 lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or  
68 reimbursement after the expense has been incurred. "Gift" does not include any offer of a ticket,  
69 coupon or other admission or pass unless the ticket, coupon, admission or pass is used; honorary  
70 degrees; any athletic, merit, or need-based scholarship or any other financial aid awarded by a  
71 public or private school, institution of higher education, or other educational program pursuant to  
72 such school, institution or program's financial aid standards and procedures applicable to the  
73 general public; a campaign contribution properly received and reported pursuant to Va. Code §  
74 24.2-945 et seq.; any gift related to the private profession, occupation or volunteer service of the  
75 School Board member or employee or of a member of the School Board member's or employee's  
76 immediate family; food or beverages consumed while attending an event at which the School  
77 Board member or employee is performing official duties related to his/her public service; food or  
78 beverages received at or registration or attendance fees waived for any event at which the School  
79 Board member or employee is a featured speaker, presenter or lecturer; unsolicited awards of  
80 appreciation or recognition in the form of a plaque, trophy, wall memento or similar item that is  
81 given in recognition of public, civic, charitable or professional service; a devise or inheritance;  
82 travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945 et seq.);  
83 travel paid for or provided by the government of the United States, any of its territories or any state  
84 or any political subdivision of such state; travel related to an official meeting of, or any meal  
85 provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any  
86 board, commission, authority, or other entity, or any charitable organization established pursuant  
87 to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has  
88 been appointed or elected or is a member by virtue of his/her office or employment; gifts with a  
89 value of less than \$20; attendance at a reception or similar function where food, such as hors  
90 d'oeuvres, and beverages that can be conveniently consumed by a person while standing or  
91 walking are offered; tickets or the registration or admission fees to an event that are provided by  
92 the School Board to School Board members or employees for the purposes of performing official  
93 duties related to their public service; or gifts from relatives or personal friends.

Commented [1]: Definition of gift updated to reflect amendment of Va. Code § 2.2-3101 by HB 216/SB 57.

94  
95 For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece,  
96 nephew or first cousin; a person to whom the donee is engaged to be married; the donee's or  
97 donee's spouse's parent, grandparent, grandchild, brother, sister step-parent, step-grandparent,  
98 step-grandchild, step-brother, step-sister, the donee's brother's or sister's spouse or the donee's son-  
99 in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include  
100 any person that the School Board member or employee knows or has reason to know is (a) a  
101 lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in  
102 Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to  
103 become a party to a contract with the School Board. For purposes of this definition, "person,  
104 organization or business" includes individuals who are officers, directors or owners of or who have  
105 a controlling ownership interest in such organization or business.  
106

107 **"Governmental agency"** means each component part of the legislative, executive or judicial  
108 branches of state and local government, including each office, department, authority, post,  
109 commission, committee, and each institution or board created by law to exercise some regulatory  
110 or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations  
111 organized or controlled by the Virginia Retirement System are "governmental agencies" for  
112 purposes of this policy.  
113

114 **"Immediate family"** means (i) a spouse and (ii) any other person who resides in the same  
115 household as the School Board member or employee and who is a dependent of the School Board  
116 member or employee.  
117

118 **"Officer"** means any person appointed or elected to any governmental or advisory agency  
119 including local school boards, whether or not he/she receives compensation or other emolument  
120 of office.  
121

122 **"Parent-subsidiary relationship"** means a relationship that exists when one corporation directly  
123 or indirectly owns shares possessing more than 50 percent of the voting power of another  
124 corporation.  
125

126 **"Personal interest"** means a financial benefit or liability accruing to a School Board member or  
127 employee or to a member of the immediate family of the School Board member or employee. Such  
128 interest shall exist by reason of

- 129 ● ownership in a business if the ownership interest exceeds three percent of the total  
130 equity of the business;
- 131 ● annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from  
132 ownership in real or personal property or a business;
- 133 ● salary, other compensation, fringe benefits, or benefits from the use of property, or any  
134 combination thereof, paid or provided by a business or governmental agency that exceeds,  
135 or may reasonably be anticipated to exceed \$5,000 annually;
- 136 ● ownership of real or personal property if the interest exceeds \$5,000 in value and excluding  
137 ownership in a business, income or salary, other compensation, fringe benefits or benefits  
138 from the use of property;
- 139 ●
- 140
- 141
- 142



- 143  
144  
145  
146  
147  
148  
149
- personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
  - an option for ownership of a business or real or personal property if the ownership interest will consist of the first or fourth bullets above.

150  
151 **"Personal interest in a contract"** means a personal interest which an officer or employee has in  
152 a contract with a governmental agency, whether due to his/her being a party to the contract or due  
153 to a personal interest in a business which is a party to the contract.

154  
155 **"Personal interest in a transaction"** means a personal interest of an officer or employee in any  
156 matter considered by his/her agency. Such personal interest exists when an officer or employee or  
157 a member of his/her immediate family has a personal interest in property or a business, or  
158 governmental agency, or represents or provides services to any individual or business and such  
159 property, business, or represented or served individual or business

- 160  
161  
162  
163  
164  
165
- is the subject of the transaction; or
  - may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

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

177  
178 **"Transaction"** means any matter considered by any governmental or advisory agency, whether  
179 in a committee, subcommittee, or other entity of that agency or before the agency itself, on which  
180 official action is taken or contemplated.

181  
182 **D. Special Anti-Nepotism Rules Relating to School Board Members and Superintendents**

183  
184  
185  
186  
187  
188  
189  
190

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

- 191
- has been employed pursuant to a written contract with the School Board or

192 employed as a substitute teacher or teacher's aide by the School Board prior to the  
193 taking of office of the Superintendent or any member of the Board; or  
194

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

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

- 207 2. Notwithstanding the rules stated in Subsection D.1. above, the School Board may employ  
208 or pay, and the Superintendent may recommend for employment, any family member of a  
209 School Board Member provided that
  - 210 ● the Member certifies that he had no involvement with the hiring decision; and
  - 211 ● the Superintendent certifies to the remaining Members of the School Board in  
212 writing that the recommendation is based upon merit and fitness and the  
213 competitive rating of the qualifications of the individual and that no Member of the  
214 Board had any involvement with the hiring decision.
- 215 3. Notwithstanding the rules stated above, the School Board may employ or pay any family  
216 member of the Superintendent provided that:
  - 217 ● the Superintendent certifies that he had no involvement with the hiring decision;  
218 and
  - 219 ● the Chief Human Resource Officer certifies to the members of the School Board in  
220 writing that the recommendation is based upon merit and fitness and the  
221 competitive rating of the qualifications of the individual and that the Superintendent  
222 had no involvement with the hiring decision.  
223
- 224 4. No family member (as listed in section D.1., above) of any employee may be employed by  
225 the School Board if the family member is to be employed in a direct supervisory and/or  
226 administrative relationship either supervisory or subordinate to the employee. The  
227 employment and assignment of family members in the same organizational unit is  
228 discouraged.  
229  
230

231 **E. General Rules Governing Public Conduct by School Board Members and Employees**  
232 **Regarding Gifts and Favors**  
233

234 1. Prohibited Conduct  
235

236 Neither the School Board collectively, nor any member of the Board, shall  
237

- 238 ● solicit or accept money, or anything else of value, for services performed within the  
239 scope of the Board Member's or employee's his/her official duties other than the  
240 Board Member's or employee's his/her regular compensation, expenses or other

241 remuneration;

- 242 ● offer or accept money, or anything else of value, for or in consideration of obtaining
- 243 employment, appointment, or promotion in the school division;
- 244
- 245 ● offer or accept any money or anything else of value for or in consideration of the
- 246 use of his/her public position to obtain a contract for any person or business with
- 247 the school division;
- 248
- 249 ● use for ~~his/her the Board Member's or employee's~~ own economic benefit, or
- 250 anyone else's, confidential information gained by reason of ~~his/her the Board~~
- 251 ~~Member's or employee's~~ office, and which is not available to the public;
- 252
- 253 ● accept any money, loan, gift, favor or service that might reasonably tend to
- 254 influence the discharge of duties;
- 255
- 256 ● accept any business or professional opportunity from which a School Board
- 257 member may gain a financial benefit, where the member knows or should know
- 258 that there is a reasonable likelihood that the opportunity is being offered with intent
- 259 to influence ~~his/her the Board Member's or employee's~~ conduct in the performance
- 260 of official duties;
- 261
- 262 ● accept a gift from a person who has interests that may be substantially affected by
- 263 the performance of the School Board member's or employee's official duties under
- 264 circumstances where the timing and nature of the gift would cause a reasonable
- 265 person to question the Board member's or employee's impartiality in the matter
- 266 affecting the donor;
- 267 ● accept gifts from sources on a basis so frequent as to raise an appearance of the use
- 268 of his or her public office or employment for private gain; or
- 269 ● use his or her public position to retaliate or threaten to retaliate against any person
- 270 for expressing views on matters of public concern or for exercising any right that
- 271 is otherwise protected by law, provided, however, that this prohibition shall not
- 272 restrict the authority of any public employer to govern conduct of its employees,
- 273 and to take disciplinary action, in accordance with applicable law.
- 274

275 2. Prohibited Gifts

276 For purposes of this subsection:

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 "Widely attended event" means an event at which at least 25 persons have been invited to

280 attend or there is a reasonable expectation that at least 25 persons will attend the event and

281 the event is open to individuals (i) who are members of a public, civic, charitable or

282 professional organization, (ii) who are from a particular industry or profession or (iii) who

283 represent persons interested in a particular issue.

284 School Board members and employees required to file a Statement of Economic Interests

285 as prescribed in Va. Code § 2.2-3117 and members of their immediate families shall not

286

287

290 solicit, accept or receive any single gift with a value in excess of \$100 or any combination  
291 of gifts with an aggregate value in excess of \$100 within any calendar year for the School  
292 Board member or employee or a member of the School Board or employee's immediate  
293 family from any person that the School Board member or employee or a member of the  
294 School Board's or employee's immediate family knows or has reason to know is (i) a  
295 lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (ii) a lobbyist's principal as  
296 defined in Va. Code § 2.2-419; or (iii) a person, organization or business who is or is  
297 seeking to become a party to a contract with the School Board. Gifts with a value of less  
298 than \$20 are not subject to aggregation for purposes of this prohibition.  
299

300 Notwithstanding the above, School Board members and employees required to file a  
301 Statement of Economic Interests and members of their immediate families may accept or  
302 receive  
303

- 304 ● a gift of food and beverages, entertainment or the cost of admission with a value in  
305 excess of \$100 when such gift is accepted or received while in attendance at a  
306 widely attended event and is associated with the event. Such gifts shall be reported  
307 on the Statement of Economic Interests;  
308
- 309 ● a gift from a foreign dignitary with a value exceeding \$100 for which the fair market  
310 value or a gift of greater or equal value has not been provided or exchanged. Such  
311 gift shall be accepted on behalf of the Commonwealth or a locality and archived in  
312 accordance with guidelines established by the Library of Virginia. Such gift shall  
313 be disclosed as having been accepted on behalf of the Commonwealth or a locality,  
314 but the value of such gift shall not be required to be disclosed;  
315
- 316 ● certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or  
317 a person, organization or business who is or is seeking to become a party to a  
318 contract with the School Board if such gift was provided to such School Board  
319 member or employee or a member of the immediate family of the School Board  
320 member or employee on the basis of a personal friendship. A lobbyist, lobbyist's  
321 principal or a person, organization or business who is or is seeking to become a  
322 party to a contract with the School Board may be a personal friend of such School  
323 Board member or employee or the immediate family of the School Board member  
324 or employee. In determining whether a lobbyist, lobbyist's principal or a person,  
325 organization or business who is or is seeking to become a party to a contract with  
326 the School Board is a personal friend, the following factors shall be considered: (i)  
327 the circumstances under which the gift was offered; (ii) the history of the  
328 relationship between the person and the donor, including the nature and length of  
329 the friendship and any previous exchange of gifts between them; (iii) to the extent  
330 known to the person, whether the donor personally paid for the gift or sought a tax  
331 deduction or business reimbursement for the gift; and (iv) whether the donor has  
332 given the same or similar gifts to other persons required to file the disclosure form  
333 prescribed in Va. Code §§ 2.2-3117 or 30-111; and  
334
- 335 ● gifts of travel, including travel-related transportation, lodging, hospitality, food or  
336 beverages, or other thing of value, with a value in excess of \$100 that is paid for or  
337 provided by a lobbyist, lobbyist's principal or a person, organization or business  
338 who is or is seeking to become a party to a contract with the School Board when

339 the School Board member or employee has submitted a request for approval of such  
340 travel to the Council and has received the approval of the Council pursuant to Va.  
341 Code § 30-356.1. Such gifts shall be reported on the Statement of Economic  
342 Interests.  
343

344 The \$100 limitation imposed in accordance with this section shall be adjusted by the  
345 Council every five years, as of January 1 of that year, in an amount equal to the annual  
346 increases for that five-year period in the United States Average Consumer Price Index for  
347 all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of  
348 the U.S. Department of Labor, rounded to the nearest whole dollar.  
349

350 No person shall be in violation of this policy if (i) the gift is not used by such person and  
351 the gift or its equivalent in money is returned to the donor or delivered to a charitable  
352 organization within a reasonable period of time upon the discovery of the value of the gift  
353 and is not claimed as a charitable contribution for federal income tax purposes or (ii)  
354 consideration is given by the donee to the donor for the value of the gift within a reasonable  
355 period of time upon the discovery of the value of the gift provided that such consideration  
356 reduces the value of the gift to \$100 or less.  
357

358 3. Awards to Employees for Exceptional Service  
359

360 Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or  
361 other employee of Alexandria City School Board of an award or payment in honor of  
362 meritorious or exceptional services performed by the teacher or employee and made by an  
363 organization exempt from federal income taxation pursuant to the provisions of Section  
364 501(c)(3) of the Internal Revenue Code.  
365

366 **F. Prohibited Conduct Regarding Contracts**  
367

368 1. No School Board member shall have a personal interest in (i) any contract with the School  
369 Board or (ii) any contract with any government agency which is subject to the ultimate  
370 control of the Board.  
371

372 2. Exceptions - The above prohibition shall not be applicable to:  
373

- 374 ● a Board member's personal interest in a contract of employment provided the
- 375 employment first began prior to the member becoming a member of the School
- 376 Board;
- 377 ● an employee's own contract of employment;
- 378 ● contracts for the sale by a governmental agency of services or goods at uniform
- 379 prices available to the general public;
- 380 ● a contract awarded to a member of the School Board as a result of competitive
- 381 sealed bidding where the School Board has established a need for the same or
- 382 substantially similar goods through purchases prior to the election or appointment
- 383 of the member to serve on the School Board; however, the member shall have no
- 384 involvement in the preparation of the specifications for such contract, and the

- 385 remaining members of the School Board, by written resolution, shall state that it is  
386 in the public interest for the member to bid on such contract; 8  
387 ● the sale, lease or exchange of real property between a School Board member or  
388 employee and the School Board, provided the Board member or employee does not  
389 participate in any way as a Board member or employee in such sale, lease or  
390 exchange, and this fact is set forth as a matter of public record by the School Board  
391 or Superintendent;  
392 ● the publication of official notices;  
393 ● an officer or employee whose sole personal interest in a contract with the  
394 governmental agency is by reason of income from the contracting firm or  
395 governmental agency in excess of \$5,000 per year, provided the officer or  
396 employee or a member of his/her immediate family does not participate and has no  
397 authority to participate in the procurement or letting of such contract on behalf of  
398 the contracting firm and the officer or employee either does not have authority to  
399 participate in the procurement or letting of the contract on behalf of his/her  
400 governmental agency or he/she disqualifies himself/herself as a matter of public  
401 record and does not participate on behalf of his/her governmental agency in  
402 negotiating the contract or in approving the contract;  
403 ● contracts between an officer's or employee's governmental agency and a public  
404 service corporation, financial institution or company furnishing public utilities in  
405 which the officer or employee has a personal interest provided the officer or  
406 employee disqualifies himself/herself as a matter of public record and does not  
407 participate on behalf of his/her governmental agency in negotiating or approving  
408 the contract;  
409 ● contracts for the purchase of goods or services when the contract does not exceed  
410 \$500;  
411 ● grants or other payment under any program wherein uniform rates for, or the  
412 amounts paid to, all qualified applicants are established solely by the administering  
413 governmental agency;  
414 ● an officer or employee whose sole personal interest in a contract with his/her own  
415 governmental agency is by reason of his/her marriage to his/her spouse who is  
416 employed by the same agency, if the spouse was employed by such agency for five  
417 or more years prior to marrying such officer or employee; or  
418 ● employment contracts and other contracts entered into prior to August 1, 1987,  
419 provided such contracts were in compliance with the Virginia Conflict of Interests  
420 Act (or the Comprehensive Conflict of Interests Act) at the time of their formation  
421 and thereafter. Those contracts shall continue to be governed by the provisions of  
422 the appropriate prior Act. The employment by the same governmental agency of an  
423 officer or employee and spouse or any other relative residing in the same household  
424 shall not be deemed to create a material financial interest except when one of the  
425 persons is employed in a direct supervisory and/or administrative position with  
426 respect to the spouse or other relative residing in his/her household and the annual  
427 salary of the subordinate is \$35,000 or more.  
428

429 **G. Prohibited Conduct Regarding Transactions**  
430

- 431 1. Each School Board member and School Board employee who has a personal interest in a  
432 transaction  
433 a. shall disqualify himself/herself from participating in the transaction if  
434

- 436 (i) the transaction has application solely to property or a business or governmental  
437 agency in which ~~he/she~~the Board Member's or employee's has a personal  
438 interest or a business that has a parent-subsidary or affiliated business entity  
439 relationship with the business in which the Board Member's or employee's  
440 ~~he/she~~ has a personal interest; or  
441  
442 (ii) he/she is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d.  
443 of this policy.  
444

445 Any disqualification under this subsection shall be recorded in the School Board's  
446 public records. The School Board member or employee shall disclose his/her personal  
447 interests as required by Va. Code § 2.2-3115.F and shall not vote or in any manner act  
448 on behalf of the School Board in the transaction. The member or employee shall not  
449

- 450 (i) attend any portion of a closed meeting authorized by the Virginia Freedom of  
451 Information Act when the matter in which he/she has a personal interest is  
452 discussed; or  
453  
454 (ii) discuss the matter in which he/she has a personal interest with other  
455 governmental officers or employees at any time.  
456  
457 b. may participate in the transaction if he/she is a member of a business, profession,  
458 occupation or group of three or more persons, the members of which are affected by  
459 the transaction, and he/she complies with the declaration requirements of Va. Code §  
460 2.2-3115.H;  
461  
462 c. may participate in the transaction when a party to the transaction is a client of his/her  
463 firm if he/she does not personally represent or provide services to such client and he/she  
464 complies with the declaration requirements of Va. Code § 2.2-3115.I; or  
465  
466 d. may participate in the transaction if it affects the public generally, even though his/her  
467 personal interest, as a member of the public, may also be affected by that transaction.  
468

469 2. Disqualification under this section shall not prevent any employee having a personal  
470 interest in a transaction in which his/her employer is involved from representing  
471 himself/herself or a member of his/her immediate family in such transaction provided  
472 he/she does not receive compensation for such representation and provided he/she complies  
473 with the disqualification and relevant disclosure requirements of this policy.  
474

475 3. If disqualifications under subsection 1.a. of this section leave less than the number required  
476 by law to act, the remaining member or members of the Board shall constitute a quorum  
477 for the conduct of business and have authority to act for the Board by majority vote, unless  
478 a unanimous vote of all members is required by law, in which case authority to act shall  
479 require a unanimous vote of remaining members.  
480

481 4. The provisions of this section shall not prevent a Board member or employee from  
482 participating in a transaction merely because such a Board member or employee is a  
483 defendant in a civil legal proceeding concerning such transaction.  
484

## 485 H. Disclosure Requirements

487 1. School Board members file, as a condition of assuming office, with the Clerk of the School  
488 Board a disclosure statement of their personal interests and other information as is specified  
489 on the Statement of Economic Interests form set forth in Va. Code § 2.2-3117 and shall  
490 thereafter file such statement annually on or before February 1. The disclosure forms are  
491 filed and maintained as public records for five years in the office of the Clerk of the School  
492 Board.  
493

494 2. School Board members and employees required to file the Statement of Economic Interests  
495 who fail to file such form within the time period prescribed shall be assessed a civil penalty  
496 of \$250. The Clerk of the School Board shall notify the attorney for the Commonwealth  
497 for the locality of any School Board member's or employee's failure to file the required  
498 form and the attorney for the Commonwealth shall assess and collect the civil penalty. The  
499 Clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for  
500 filing.  
501

502 3. Any Board member or employee who is disqualified from participating in a transaction  
503 under Section G.1.a. of this policy, or otherwise elects to disqualify himself/herself, shall  
504 forthwith make disclosure of the existence of his/her interest, including the full name and  
505 address of the business and the address or parcel number for the real estate if the interest  
506 involves a business or real estate and such disclosure shall be reflected in the School  
507 Board's public records in the Division Superintendent's office for a period of five (5) years.  
508

509 4. Any Board member or employee who is required to disclose his/her interest under Section  
510 G.1.b. of this policy shall declare his/her interest by stating:  
511 ● the transaction involved;  
512 ● the nature of the Board member's or employee's personal interest affected by the  
513 transaction;  
514 ● that he/she is a member of a business, profession, occupation or group the members  
515 of which are affected by the transaction; and  
516 ● that he/she is able to participate in the transaction fairly, objectively, and in the  
517 public interest.  
518  
519  
520  
521

522 The Board member or employee shall either make his/her declaration orally to be recorded  
523 in written minutes of the Board or file a signed written declaration with the Clerk of the  
524 Board, who shall, in either case, retain and make available for public inspection such  
525 declaration for a period of five years from the date of recording or receipt. If reasonable  
526 time is not available to comply with the provisions of this subsection prior to participation  
527 in the transaction, the Board member or employee shall prepare and file the required  
528 declaration by the end of the next business day. The Board member or employee shall also  
529 orally disclose the existence of the interest during each School Board meeting at which the  
530 transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.  
531

532 5. A Board member or employee who is required to declare his/her interest pursuant to  
533 subdivision G.1.c. of this policy shall declare his/her interest by stating  
534 ● the transaction involved;  
535



- 536 ● that a party to the transaction is a client of his/her firm;
- 537 ● that he/she does not personally represent or provide services to the client; and
- 538 ● that he/she is able to participate in the transaction fairly, objectively and in the
- 539 public interest.

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

548  
549 **I. Release of Disclosure Forms**

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

553  
554 **J. Deadlines and Coverage Periods for Disclosure Forms**

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

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

567  
568 When the deadline for filing any disclosure falls on a Saturday, Sunday or legal holiday, the  
569 deadline for filing shall be the next day that is not a Saturday, Sunday or legal holiday.

570  
571 **K. Training Requirements for Elected School Board Members**

572  
573 Each elected School Board member completes the training session provided by the Council  
574 within two months after assuming office and thereafter at least once during each consecutive  
575 period of two calendar years while holding office.

576  
577 The Clerk of the School Board maintains records indicating School Board members subject to  
578 the training requirement and the dates of their completion of training sessions. Such records  
579 are maintained as public records for five years in the Clerk's office.

580  
581 **L. Advisory Opinions**

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

594 Adopted: October 24, 1996  
595 Amended: July 10, 1997  
596 Amended: July 12, 2001  
597 Amended: March 21, 2002  
598 Amended: April 6, 2006  
599 Amended: September 20, 2007  
600 Amended: February 5, 2009  
601 Amended: April 24, 2014  
602 Amended: December 4, 2014  
603 Amended: October 1, 2015  
604 Amended: December 15, 2016  
605 Amended: October 12, 2017  
606 Amended: December 20, 2018  
607 Amended: December 5, 2019  
608 Amended: February 4, 2021  
609

610 Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103,  
611 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115,  
612 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132, 30-356.

613 Cross Refs.: CBCA Disclosure Statement Required of Superintendent  
614 GAH School Employee Conflicts of Interests  
615 GCCB Employment of Family Members