

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

2
3 **A. Purpose**

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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).
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10 **B. Areas of Regulation**

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

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

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31 **"Advisory agency"** means any board, commission, committee or post which does not exercise
32 any sovereign power or duty, but is appointed by a governmental agency or officer or is created
33 by law for the purpose of making studies or recommendations, or advising or consulting with a
34 governmental agency.
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36 **"Affiliated business entity relationship"** means a relationship, other than a parent-subsiary
37 relationship, that exists when

- 38 ● one business entity has a controlling ownership interest in the other business entity;
- 39 ● a controlling owner in one entity is also a controlling owner in the other entity; or
- 40 ● there is shared management or control between the business entities.
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45 Factors that may be considered in determining the existence of an affiliated business entity

46 relationship include that the same person or substantially the same person owns or manages the
47 two entities, there are common or commingled funds or assets, the business entities share the use
48 of the same offices or employees, or otherwise share activities, resources or personnel on a regular
49 basis, or there is otherwise a close working relationship between the entities.

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

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

58
59 **"Council"** means the Virginia Conflict of Interest and Ethics Advisory Council established in Va.
60 Code § 30-355.

61
62 **"Employee"** means all persons employed by a governmental or advisory agency.

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

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

91 to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has
 92 been appointed or elected or is a member by virtue of his/her office or employment; gifts with a
 93 value of less than \$20; attendance at a reception or similar function where food, such as hors
 94 d’oeuvres, and beverages that can be conveniently consumed by a person while standing or
 95 walking are offered; tickets or the registration or admission fees to an event that are provided by
 96 the School Board to School Board members or employees for the purposes of performing official
 97 duties related to their public service; or gifts from relatives or personal friends.

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

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

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

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

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

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

- 133
- 134 ● ownership in a business if the ownership interest exceeds three percent of the total
- 135 equity of the business;

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- 137 ● annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from
- 138 ownership in real or personal property or a business;
- 139
- 140 ● salary, other compensation, fringe benefits, or benefits from the use of property, or any
- 141 combination thereof, paid or provided by a business or governmental agency that exceeds,
- 142 or may reasonably be anticipated to exceed \$5,000 annually;
- 143
- 144 ● ownership of real or personal property if the interest exceeds \$5,000 in value and excluding
- 145 ownership in a business, income or salary, other compensation, fringe benefits or benefits
- 146 from the use of property;
- 147
- 148 ● personal liability incurred or assumed on behalf of a business if the liability exceeds three
- 149 percent of the asset value of the business; or
- 150
- 151 ● an option for ownership of a business or real or personal property if the ownership interest
- 152 will consist of the first or fourth bullets above.
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155 **"Personal interest in a contract"** means a personal interest which an officer or employee has in
 156 a contract with a governmental agency, whether due to his/her being a party to the contract or due
 157 to a personal interest in a business which is a party to the contract.

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

- 164
- 165 ● is the subject of the transaction; or
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- 167 ● may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of
- 168 the action of the agency considering the transaction.
- 169

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

181
 182 **"Transaction"** means any matter considered by any governmental or advisory agency, whether
 183 in a committee, subcommittee, or other entity of that agency or before the agency itself, on which
 184 official action is taken or contemplated.

185
 186 **D. Special Anti-Nepotism Rules Relating to School Board Members and Superintendents**

187
 188 1. The School Board may not employ or pay, and the Superintendent may not recommend for
 189 employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law,
 190 daughter-in-law, sister-in-law, or brother-in-law of the Superintendent or of a School Board
 191 member, except as authorized below. This prohibition does not apply to the employment,
 192 promotion, or transfer within the school division, of any person within a relationship
 193 described above when such person

- 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 taking of office of the Superintendent or any member of the Board; or
 198
 199 ● has been employed pursuant to a written contract with the School Board or
 200 employed as a substitute teacher or teacher's aide by the School Board prior to the
 201 inception of such relationship; or
 202
 203 ● was employed by the School Board at any time prior to June 10, 1994, and had been
 204 employed at any time as a teacher or other employee of any Virginia School Board
 205 prior to the taking of office of any member of the School Board or Superintendent.
 206

207 A person employed as a substitute teacher may not be employed to any greater extent than
 208 he/she was employed by the School Board in the last full school year prior to the taking of
 209 office of such Board member or Superintendent or to the inception of such relationship.
 210

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

- 214 ● the Member certifies that he had no involvement with the hiring decision; and
 215 ● the Superintendent certifies to the remaining Members of the School Board in
 216 writing that the recommendation is based upon merit and fitness and the
 217 competitive rating of the qualifications of the individual and that no Member of the
 218 Board had any involvement with the hiring decision.
 219

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

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

226 competitive rating of the qualifications of the individual and that the Superintendent
227 had no involvement with the hiring decision.

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

234
235 **E. General Rules Governing Public Conduct by School Board Members and Employees**
236 **Regarding Gifts and Favors**

237
238 1. Prohibited Conduct

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

- 241
242 ● solicit or accept money, or anything else of value, for services performed within the
243 scope of the Board Member's or employee's official duties other than the Board
244 Member's or employee's regular compensation, expenses or other remuneration;
- 245
246 ● offer or accept money, or anything else of value, for or in consideration of obtaining
247 employment, appointment, or promotion in the school division;
- 248
249 ● offer or accept any money or anything else of value for or in consideration of the
250 use of his/her public position to obtain a contract for any person or business with
251 the school division;
- 252
253 ● use for the Board Member's or employee's own economic benefit, or anyone else's,
254 confidential information gained by reason of the Board Member's or employee's
255 office, and which is not available to the public;
- 256
257 ● accept any money, loan, gift, favor or service that might reasonably tend to
258 influence the discharge of duties;
- 259
260 ● accept any business or professional opportunity from which a School Board
261 member may gain a financial benefit, where the member knows or should know
262 that there is a reasonable likelihood that the opportunity is being offered with intent
263 to influence the Board Member's or employee's conduct in the performance of
264 official duties;
- 265
266 ● accept a gift from a person who has interests that may be substantially affected by
267 the performance of the School Board member's or employee's official duties under
268 circumstances where the timing and nature of the gift would cause a reasonable
269 person to question the Board member's or employee's impartiality in the matter
affecting the donor;

- 270 ● accept gifts from sources on a basis so frequent as to raise an appearance of the use
271 of his or her public office or employment for private gain; or
- 272 ● use his or her public position to retaliate or threaten to retaliate against any person
273 for expressing views on matters of public concern or for exercising any right that
274 is otherwise protected by law, provided, however, that this prohibition shall not
275 restrict the authority of any public employer to govern conduct of its employees,
276 and to take disciplinary action, in accordance with applicable law.

277
278 2. Prohibited Gifts

279 For purposes of this subsection:

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

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

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

- 301 ● a gift of food and beverages, entertainment or the cost of admission with a value in
302 excess of \$100 when such gift is accepted or received while in attendance at a
303 widely attended event and is associated with the event. Such gifts shall be reported
304 on the Statement of Economic Interests;
- 305 ● a gift from a foreign dignitary with a value exceeding \$100 for which the fair market
306 value or a gift of greater or equal value has not been provided or exchanged. Such
307 gift shall be accepted on behalf of the Commonwealth or a locality and archived in

315 accordance with guidelines established by the Library of Virginia. Such gift shall
 316 be disclosed as having been accepted on behalf of the Commonwealth or a locality,
 317 but the value of such gift shall not be required to be disclosed;
 318

- 319 ● certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or
 320 a person, organization or business who is or is seeking to become a party to a
 321 contract with the School Board if such gift was provided to such School Board
 322 member or employee or a member of the immediate family of the School Board
 323 member or employee on the basis of a personal friendship. A lobbyist, lobbyist's
 324 principal or a person, organization or business who is or is seeking to become a
 325 party to a contract with the School Board may be a personal friend of such School
 326 Board member or employee or the immediate family of the School Board member
 327 or employee. In determining whether a lobbyist, lobbyist's principal or a person,
 328 organization or business who is or is seeking to become a party to a contract with
 329 the School Board is a personal friend, the following factors shall be considered: (i)
 330 the circumstances under which the gift was offered; (ii) the history of the
 331 relationship between the person and the donor, including the nature and length of
 332 the friendship and any previous exchange of gifts between them; (iii) to the extent
 333 known to the person, whether the donor personally paid for the gift or sought a tax
 334 deduction or business reimbursement for the gift; and (iv) whether the donor has
 335 given the same or similar gifts to other persons required to file the disclosure form
 336 prescribed in Va. Code §§ 2.2-3117 or 30-111; and
 337
- 338 ● gifts of travel, including travel-related transportation, lodging, hospitality, food or
 339 beverages, or other thing of value, with a value in excess of \$100 that is paid for or
 340 provided by a lobbyist, lobbyist's principal or a person, organization or business
 341 who is or is seeking to become a party to a contract with the School Board when
 342 the School Board member or employee has submitted a request for approval of such
 343 travel to the Council and has received the approval of the Council pursuant to Va.
 344 Code § 30-356.1. Such gifts shall be reported on the Statement of Economic
 345 Interests.
 346

347 The \$100 limitation imposed in accordance with this section shall be adjusted by the
 348 Council every five years, as of January 1 of that year, in an amount equal to the annual
 349 increases for that five-year period in the United States Average Consumer Price Index for
 350 all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of
 351 the U.S. Department of Labor, rounded to the nearest whole dollar.
 352

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

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3. Awards to Employees for Exceptional Service

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

F. Prohibited Conduct Regarding Contracts

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

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

- a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board;
- an employee's own contract of employment;
- contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;
- a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract; 8
- the sale, lease or exchange of real property between a School Board member or employee and the School Board, provided the Board member or employee does not participate in any way as a Board member or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the School Board or Superintendent;
- the publication of official notices;
- an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his/her immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his/her governmental agency or he/she disqualifies himself/herself as a matter of public record and does not participate on behalf of his/her governmental agency in

- 405 negotiating the contract or in approving the contract;
- 406 ● contracts between an officer’s or employee’s governmental agency and a public
- 407 service corporation, financial institution or company furnishing public utilities in
- 408 which the officer or employee has a personal interest provided the officer or
- 409 employee disqualifies himself/herself as a matter of public record and does not
- 410 participate on behalf of his/her governmental agency in negotiating or approving
- 411 the contract;
- 412 ● contracts for the purchase of goods or services when the contract does not exceed
- 413 \$500;
- 414 ● grants or other payment under any program wherein uniform rates for, or the
- 415 amounts paid to, all qualified applicants are established solely by the administering
- 416 governmental agency;
- 417 ● an officer or employee whose sole personal interest in a contract with his/her own
- 418 governmental agency is by reason of his/her marriage to his/her spouse who is
- 419 employed by the same agency, if the spouse was employed by such agency for five
- 420 or more years prior to marrying such officer or employee; or
- 421 ● employment contracts and other contracts entered into prior to August 1, 1987,
- 422 provided such contracts were in compliance with the Virginia Conflict of Interests
- 423 Act (or the Comprehensive Conflict of Interests Act) at the time of their formation
- 424 and thereafter. Those contracts shall continue to be governed by the provisions of
- 425 the appropriate prior Act. The employment by the same governmental agency of an
- 426 officer or employee and spouse or any other relative residing in the same household
- 427 shall not be deemed to create a material financial interest except when one of the
- 428 persons is employed in a direct supervisory and/or administrative position with
- 429 respect to the spouse or other relative residing in his/her household and the annual
- 430 salary of the subordinate is \$35,000 or more.

431
432 **G. Prohibited Conduct Regarding Transactions**

- 433
- 434 1. Each School Board member and School Board employee who has a personal interest in a
- 435 transaction
- 436
- 437 a. shall disqualify himself/herself from participating in the transaction if
- 438
- 439 (i) the transaction has application solely to property or a business or governmental
- 440 agency in which the Board Member’s or employee’s has a personal interest or
- 441 a business that has a parent-subsidary or affiliated business entity relationship
- 442 with the business in which the Board Member’s or employee’s has a personal
- 443 interest; or
- 444
- 445 (ii) he/she is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d.
- 446 of this policy.
- 447

448 Any disqualification under this subsection shall be recorded in the School Board’s

449 public records. The School Board member or employee shall disclose his/her personal

450 interests as required by Va. Code § 2.2-3115.F and shall not vote or in any manner act
 451 on behalf of the School Board in the transaction. The member or employee shall not

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

456
 457 (ii) discuss the matter in which he/she has a personal interest with other
 458 governmental officers or employees at any time.

459
 460 b. may participate in the transaction if he/she is a member of a business, profession,
 461 occupation or group of three or more persons, the members of which are affected by
 462 the transaction, and he/she complies with the declaration requirements of Va. Code §
 463 2.2-3115.H;

464
 465 c. may participate in the transaction when a party to the transaction is a client of his/her
 466 firm if he/she does not personally represent or provide services to such client and he/she
 467 complies with the declaration requirements of Va. Code § 2.2-3115.I; or

468
 469 d. may participate in the transaction if it affects the public generally, even though his/her
 470 personal interest, as a member of the public, may also be affected by that transaction.

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

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

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

487
 488 **H. Disclosure Requirements**

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

495 Board. In the event circumstances occur which will require the Board member to revise
 496 their disclosure form at the next submission, they should promptly inform the Board Chair
 497 of the circumstances that will result in a revised disclosure form.
 498

499 2. School Board members and employees required to file the Statement of Economic Interests
 500 who fail to file such form within the time period prescribed shall be assessed a civil penalty
 501 of \$250. The Clerk of the School Board shall notify the attorney for the Commonwealth
 502 for the locality of any School Board member's or employee's failure to file the required
 503 form and the attorney for the Commonwealth shall assess and collect the civil penalty. The
 504 Clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for
 505 filing.
 506

507 3. Any Board member or employee who is disqualified from participating in a transaction
 508 under Section G.1.a. of this policy, or otherwise elects to disqualify himself/herself, shall
 509 forthwith make disclosure of the existence of his/her interest, including the full name and
 510 address of the business and the address or parcel number for the real estate if the interest
 511 involves a business or real estate and such disclosure shall be reflected in the School
 512 Board's public records in the Division Superintendent's office for a period of five (5) years.
 513

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

- 516 ● the transaction involved;
- 517
- 518 ● the nature of the Board member's or employee's personal interest affected by the
 519 transaction;
- 520
- 521 ● that he/she is a member of a business, profession, occupation or group the members
 522 of which are affected by the transaction; and
- 523
- 524 ● that he/she is able to participate in the transaction fairly, objectively, and in the
 525 public interest.
 526

527 The Board member or employee shall either make his/her declaration orally to be recorded
 528 in written minutes of the Board or file a signed written declaration with the Clerk of the
 529 Board, who shall, in either case, retain and make available for public inspection such
 530 declaration for a period of five years from the date of recording or receipt. If reasonable
 531 time is not available to comply with the provisions of this subsection prior to participation
 532 in the transaction, the Board member or employee shall prepare and file the required
 533 declaration by the end of the next business day. The Board member or employee shall also
 534 orally disclose the existence of the interest during each School Board meeting at which the
 535 transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.
 536

537 5. A Board member or employee who is required to declare his/her interest pursuant to
 538 subdivision G.1.c. of this policy shall declare his/her interest by stating
 539

- 540 ● the transaction involved;
- 541 ● that a party to the transaction is a client of his/her firm;
- 542 ● that he/she does not personally represent or provide services to the client; and
- 543 ● that he/she is able to participate in the transaction fairly, objectively and in the
- 544 public interest.

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

553
 554 **I. Release of Disclosure Forms**
 555 A Clerk of the School Board who releases any disclosure form shall redact from the form any
 556 residential address, personal telephone number, email address or signature contained on such
 557 form.

558
 559 **J. Deadlines and Coverage Periods for Disclosure Forms**
 560 A School Board member or employee required to file an annual disclosure on or before
 561 February 1 shall disclose his personal interests and other information as required on the form
 562 prescribed by the Council for the preceding calendar year complete through December 31.

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

572
 573 When the deadline for filing any disclosure falls on a Saturday, Sunday or legal holiday, the
 574 deadline for filing shall be the next day that is not a Saturday, Sunday or legal holiday.

575
 576 **K. Training Requirements for Elected School Board Members**
 577
 578 Each elected School Board member completes the training session provided by the Council
 579 within two months after assuming office and thereafter at least once during each consecutive
 580 period of two calendar years while holding office.

581
 582 The Clerk of the School Board maintains records indicating School Board members subject to
 583 the training requirement and the dates of their completion of training sessions. Such records
 584 are maintained as public records for five years in the Clerk's office.

585

586 **L. Advisory Opinions**

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

599 Adopted: October 24, 1996

600 Amended: July 10, 1997

601 Amended: July 12, 2001

602 Amended: March 21, 2002

603 Amended: April 6, 2006

604 Amended: September 20, 2007

605 Amended: February 5, 2009

606 Amended: April 24, 2014

607 Amended: December 4, 2014

608 Amended: October 1, 2015

609 Amended: December 15, 2016

610 Amended: October 12, 2017

611 Amended: December 20, 2018

612 Amended: December 5, 2019

613 Amended: February 4, 2021

614 Amended: December 15, 2022

615

616 Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103,

617 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115,

618 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132, 30-356.

619 Cross Refs.: CBCA Disclosure Statement Required of Superintendent

620 GAH School Employee Conflicts of Interests

621 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
18 • general rules governing public conduct by School Board members regarding acceptance of
19 gifts and favors;
- 20
21 • prohibited conduct regarding contracts;
- 22
23 • required conduct regarding transactions;
- 24
25 • disclosures required from School Board members; and
- 26
27 • training requirements for elected School Board members.

28
29 **C. Definitions**

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

35
36 **"Affiliated business entity relationship"** means a relationship, other than a parent-subsidiary
37 relationship, that exists when

- 38
39 • one business entity has a controlling ownership interest in the other business entity;
- 40
41 • a controlling owner in one entity is also a controlling owner in the other entity; or
- 42
43 • there is shared management or control between the business entities.

44
45 Factors that may be considered in determining the existence of an affiliated business entity

46 relationship include that the same person or substantially the same person owns or manages the
47 two entities, there are common or commingled funds or assets, the business entities share the use
48 of the same offices or employees, or otherwise share activities, resources or personnel on a regular
49 basis, or there is otherwise a close working relationship between the entities.

50
51 **"Business"** means any individual or entity carrying on a business or profession, whether or not
52 for profit.

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

58
59 **"Council"** means the Virginia Conflict of Interest and Ethics Advisory Council established in Va.
60 Code § 30-355.

61
62 **"Employee"** means all persons employed by a governmental or advisory agency.

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

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

91 to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has
92 been appointed or elected or is a member by virtue of his/her office or employment; gifts with a
93 value of less than \$20; attendance at a reception or similar function where food, such as hors
94 d'oeuvres, and beverages that can be conveniently consumed by a person while standing or
95 walking are offered; tickets or the registration or admission fees to an event that are provided by
96 the School Board to School Board members or employees for the purposes of performing official
97 duties related to their public service; or gifts from relatives or personal friends.

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

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

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

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

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

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

- 133
134 ● ownership in a business if the ownership interest exceeds three percent of the total
135 equity of the business;

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- annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
 - salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed \$5,000 annually;
 - ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income or salary, other compensation, fringe benefits or benefits from the use of property;
 - 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.

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

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

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- 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.

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

181
182 **"Transaction"** means any matter considered by any governmental or advisory agency, whether
183 in a committee, subcommittee, or other entity of that agency or before the agency itself, on which
184 official action is taken or contemplated.

185
186 **D. Special Anti-Nepotism Rules Relating to School Board Members and Superintendents**

- 187
188 1. The School Board may not employ or pay, and the Superintendent may not recommend for
189 employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law,
190 daughter-in-law, sister-in-law, or brother-in-law of the Superintendent or of a School Board
191 member, except as authorized below. This prohibition does not apply to the employment,
192 promotion, or transfer within the school division, of any person within a relationship
193 described above when such person
- 194 ● has been employed pursuant to a written contract with the School Board or
195 employed as a substitute teacher or teacher's aide by the School Board prior to the
196 taking of office of the Superintendent or any member of the Board; or
 - 197
 - 198 ● has been employed pursuant to a written contract with the School Board or
199 employed as a substitute teacher or teacher's aide by the School Board prior to the
200 inception of such relationship; or
 - 201
 - 202 ● was employed by the School Board at any time prior to June 10, 1994, and had been
203 employed at any time as a teacher or other employee of any Virginia School Board
204 prior to the taking of office of any member of the School Board or Superintendent.
205

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

- 210
211 2. Notwithstanding the rules stated in Subsection D.1. above, the School Board may employ
212 or pay, and the Superintendent may recommend for employment, any family member of a
213 School Board Member provided that
- 214 ● the Member certifies that he had no involvement with the hiring decision; and
 - 215 ● the Superintendent certifies to the remaining Members of the School Board in
216 writing that the recommendation is based upon merit and fitness and the
217 competitive rating of the qualifications of the individual and that no Member of the
218 Board had any involvement with the hiring decision.
- 219
220 3. Notwithstanding the rules stated above, the School Board may employ or pay any family
221 member of the Superintendent provided that:
- 222 ● the Superintendent certifies that he had no involvement with the hiring decision;
223 and
 - 224 ● the Chief Human Resource Officer certifies to the members of the School Board in
225 writing that the recommendation is based upon merit and fitness and the

226 competitive rating of the qualifications of the individual and that the Superintendent
227 had no involvement with the hiring decision.
228

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

235 **E. General Rules Governing Public Conduct by School Board Members and Employees**
236 **Regarding Gifts and Favors**
237

238 1. Prohibited Conduct
239

240 Neither the School Board collectively, nor any member of the Board, shall
241

- 242 ● solicit or accept money, or anything else of value, for services performed within the
243 scope of the Board Member's or employee's official duties other than the Board
244 Member's or employee's regular compensation, expenses or other remuneration;
245
- 246 ● offer or accept money, or anything else of value, for or in consideration of obtaining
247 employment, appointment, or promotion in the school division;
248
- 249 ● offer or accept any money or anything else of value for or in consideration of the
250 use of his/her public position to obtain a contract for any person or business with
251 the school division;
252
- 253 ● use for the Board Member's or employee's own economic benefit, or anyone else's,
254 confidential information gained by reason of the Board Member's or employee's
255 office, and which is not available to the public;
256
- 257 ● accept any money, loan, gift, favor or service that might reasonably tend to
258 influence the discharge of duties;
259
- 260 ● accept any business or professional opportunity from which a School Board
261 member may gain a financial benefit, where the member knows or should know
262 that there is a reasonable likelihood that the opportunity is being offered with intent
263 to influence the Board Member's or employee's conduct in the performance of
264 official duties;
265
- 266 ● accept a gift from a person who has interests that may be substantially affected by
267 the performance of the School Board member's or employee's official duties under
268 circumstances where the timing and nature of the gift would cause a reasonable
269 person to question the Board member's or employee's impartiality in the matter
affecting the donor;

- accept gifts from sources on a basis so frequent as to raise an appearance of the use of his or her public office or employment for private gain; or
- use his or her public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this prohibition shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law.

2. Prohibited Gifts

For purposes of this subsection:

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

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

School Board members and employees required to file a Statement of Economic Interests as prescribed in Va. Code § 2.2-3117 and members of their immediate families shall not solicit, accept or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for the School Board member or employee or a member of the School Board or employee's immediate family from any person that the School Board member or employee or a member of the School Board's or employee's immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (ii) a lobbyist's principal as defined in Va. Code § 2.2-419; or (iii) a person, organization or business who is or is seeking to become a party to a contract with the School Board. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

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

- a gift of food and beverages, entertainment or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the Statement of Economic Interests;
- a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in

315 accordance with guidelines established by the Library of Virginia. Such gift shall
316 be disclosed as having been accepted on behalf of the Commonwealth or a locality,
317 but the value of such gift shall not be required to be disclosed;

- 318
- 319 ● certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or
320 a person, organization or business who is or is seeking to become a party to a
321 contract with the School Board if such gift was provided to such School Board
322 member or employee or a member of the immediate family of the School Board
323 member or employee on the basis of a personal friendship. A lobbyist, lobbyist's
324 principal or a person, organization or business who is or is seeking to become a
325 party to a contract with the School Board may be a personal friend of such School
326 Board member or employee or the immediate family of the School Board member
327 or employee. In determining whether a lobbyist, lobbyist's principal or a person,
328 organization or business who is or is seeking to become a party to a contract with
329 the School Board is a personal friend, the following factors shall be considered: (i)
330 the circumstances under which the gift was offered; (ii) the history of the
331 relationship between the person and the donor, including the nature and length of
332 the friendship and any previous exchange of gifts between them; (iii) to the extent
333 known to the person, whether the donor personally paid for the gift or sought a tax
334 deduction or business reimbursement for the gift; and (iv) whether the donor has
335 given the same or similar gifts to other persons required to file the disclosure form
336 prescribed in Va. Code §§ 2.2-3117 or 30-111; and
 - 337 ● gifts of travel, including travel-related transportation, lodging, hospitality, food or
338 beverages, or other thing of value, with a value in excess of \$100 that is paid for or
339 provided by a lobbyist, lobbyist's principal or a person, organization or business
340 who is or is seeking to become a party to a contract with the School Board when
341 the School Board member or employee has submitted a request for approval of such
342 travel to the Council and has received the approval of the Council pursuant to Va.
343 Code § 30-356.1. Such gifts shall be reported on the Statement of Economic
344 Interests.

345

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

351

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

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3. Awards to Employees for Exceptional Service

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

F. Prohibited Conduct Regarding Contracts

1. No School Board member shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency which is subject to the ultimate control of the Board.
2. Exceptions - The above prohibition shall not be applicable to:
 - a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board;
 - an employee's own contract of employment;
 - contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;
 - a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract;
 - the sale, lease or exchange of real property between a School Board member or employee and the School Board, provided the Board member or employee does not participate in any way as a Board member or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the School Board or Superintendent;
 - the publication of official notices;
 - an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his/her immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his/her governmental agency or he/she disqualifies himself/herself as a matter of public record and does not participate on behalf of his/her governmental agency in

- 405 negotiating the contract or in approving the contract;
- 406 ● contracts between an officer's or employee's governmental agency and a public
- 407 service corporation, financial institution or company furnishing public utilities in
- 408 which the officer or employee has a personal interest provided the officer or
- 409 employee disqualifies himself/herself as a matter of public record and does not
- 410 participate on behalf of his/her governmental agency in negotiating or approving
- 411 the contract;
- 412 ● contracts for the purchase of goods or services when the contract does not exceed
- 413 \$500;
- 414 ● grants or other payment under any program wherein uniform rates for, or the
- 415 amounts paid to, all qualified applicants are established solely by the administering
- 416 governmental agency;
- 417 ● an officer or employee whose sole personal interest in a contract with his/her own
- 418 governmental agency is by reason of his/her marriage to his/her spouse who is
- 419 employed by the same agency, if the spouse was employed by such agency for five
- 420 or more years prior to marrying such officer or employee; or
- 421 ● employment contracts and other contracts entered into prior to August 1, 1987,
- 422 provided such contracts were in compliance with the Virginia Conflict of Interests
- 423 Act (or the Comprehensive Conflict of Interests Act) at the time of their formation
- 424 and thereafter. Those contracts shall continue to be governed by the provisions of
- 425 the appropriate prior Act. The employment by the same governmental agency of an
- 426 officer or employee and spouse or any other relative residing in the same household
- 427 shall not be deemed to create a material financial interest except when one of the
- 428 persons is employed in a direct supervisory and/or administrative position with
- 429 respect to the spouse or other relative residing in his/her household and the annual
- 430 salary of the subordinate is \$35,000 or more.

431

432 **G. Prohibited Conduct Regarding Transactions**

433

- 434 1. Each School Board member and School Board employee who has a personal interest in a
- 435 transaction
- 436
- 437 a. shall disqualify himself/herself from participating in the transaction if
- 438
- 439 (i) the transaction has application solely to property or a business or governmental
- 440 agency in which the Board Member's or employee's has a personal interest or
- 441 a business that has a parent-subsiary or affiliated business entity relationship
- 442 with the business in which the Board Member's or employee's has a personal
- 443 interest; or
- 444
- 445 (ii) he/she is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d.
- 446 of this policy.
- 447

448 Any disqualification under this subsection shall be recorded in the School Board's

449 public records. The School Board member or employee shall disclose his/her personal

- 450 interests as required by Va. Code § 2.2-3115.F and shall not vote or in any manner act
451 on behalf of the School Board in the transaction. The member or employee shall not
452
- 453 (i) attend any portion of a closed meeting authorized by the Virginia Freedom of
454 Information Act when the matter in which he/she has a personal interest is
455 discussed; or
456
 - 457 (ii) discuss the matter in which he/she has a personal interest with other
458 governmental officers or employees at any time.
459
- 460 b. may participate in the transaction if he/she is a member of a business, profession,
461 occupation or group of three or more persons, the members of which are affected by
462 the transaction, and he/she complies with the declaration requirements of Va. Code §
463 2.2-3115.H;
464
 - 465 c. may participate in the transaction when a party to the transaction is a client of his/her
466 firm if he/she does not personally represent or provide services to such client and he/she
467 complies with the declaration requirements of Va. Code § 2.2-3115.I; or
468
 - 469 d. may participate in the transaction if it affects the public generally, even though his/her
470 personal interest, as a member of the public, may also be affected by that transaction.
471
- 472 2. Disqualification under this section shall not prevent any employee having a personal
473 interest in a transaction in which his/her employer is involved from representing
474 himself/herself or a member of his/her immediate family in such transaction provided
475 he/she does not receive compensation for such representation and provided he/she complies
476 with the disqualification and relevant disclosure requirements of this policy.
477
- 478 3. If disqualifications under subsection 1.a. of this section leave less than the number required
479 by law to act, the remaining member or members of the Board shall constitute a quorum
480 for the conduct of business and have authority to act for the Board by majority vote, unless
481 a unanimous vote of all members is required by law, in which case authority to act shall
482 require a unanimous vote of remaining members.
483
- 484 4. The provisions of this section shall not prevent a Board member or employee from
485 participating in a transaction merely because such a Board member or employee is a
486 defendant in a civil legal proceeding concerning such transaction.
487

488 H. Disclosure Requirements

489

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

Board. In the event circumstances occur which will require the Board member to revise their disclosure form at the next submission, they should promptly inform the Board Chair of the circumstances that will result in a revised disclosure form.

Commented [MS1]: Added at the request of the SB Policy Subcommittee

2. School Board members and employees required to file the Statement of Economic Interests who fail to file such form within the time period prescribed shall be assessed a civil penalty of \$250. The Clerk of the School Board shall notify the attorney for the Commonwealth for the locality of any School Board member's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The Clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing.
3. Any Board member or employee who is disqualified from participating in a transaction under Section G.1.a. of this policy, or otherwise elects to disqualify himself/herself, shall forthwith make disclosure of the existence of his/her interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate and such disclosure shall be reflected in the School Board's public records in the Division Superintendent's office for a period of five (5) years.
4. Any Board member or employee who is required to disclose his/her interest under Section G.1.b. of this policy shall declare his/her interest by stating:
 - the transaction involved;
 - the nature of the Board member's or employee's personal interest affected by the transaction;
 - that he/she is a member of a business, profession, occupation or group the members of which are affected by the transaction; and
 - that he/she is able to participate in the transaction fairly, objectively, and in the public interest.

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

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

- 540 ● the transaction involved;
- 541 ● that a party to the transaction is a client of his/her firm;
- 542 ● that he/she does not personally represent or provide services to the client; and
- 543 ● that he/she is able to participate in the transaction fairly, objectively and in the
- 544 public interest.

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

553
554 **I. Release of Disclosure Forms**

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

558
559 **J. Deadlines and Coverage Periods for Disclosure Forms**
560 A School Board member or employee required to file an annual disclosure on or before
561 February 1 shall disclose his personal interests and other information as required on the form
562 prescribed by the Council for the preceding calendar year complete through December 31.

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

571
572
573 When the deadline for filing any disclosure falls on a Saturday, Sunday or legal holiday, the
574 deadline for filing shall be the next day that is not a Saturday, Sunday or legal holiday.

575
576 **K. Training Requirements for Elected School Board Members**

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

580
581 The Clerk of the School Board maintains records indicating School Board members subject to
582 the training requirement and the dates of their completion of training sessions. Such records
583 are maintained as public records for five years in the Clerk's office.
584

585
586 **L. Advisory Opinions**

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

- 599 Adopted: October 24, 1996
- 600 Amended: July 10, 1997
- 601 Amended: July 12, 2001
- 602 Amended: March 21, 2002
- 603 Amended: April 6, 2006
- 604 Amended: September 20, 2007
- 605 Amended: February 5, 2009
- 606 Amended: April 24, 2014
- 607 Amended: December 4, 2014
- 608 Amended: October 1, 2015
- 609 Amended: December 15, 2016
- 610 Amended: October 12, 2017
- 611 Amended: December 20, 2018
- 612 Amended: December 5, 2019
- 613 Amended: February 4, 2021
- 614 Amended: December 15, 2022

615
616 Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103,
617 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115,
618 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132, 30-356.

619 Cross Refs.: CBCA Disclosure Statement Required of Superintendent
620 GAH School Employee Conflicts of Interests
621 GCCB Employment of Family Members