



Board of Education Policy Manual

2000 Series: School Board Governance & Operations

Policy 2160

SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. The Board recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

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

STATUTORY CONFLICTS OF INTEREST

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

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

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

- firm, partnership or association in which he/she is a member or employee;
- a corporation in which he/she is an officer, director or employee;
- a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
- a contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board

member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

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

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

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

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

2. **Gifts:** A Board member, officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature and of insignificant financial value may be accepted in the spirit in which they are given.

3. **Confidential information:** A Board member, officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest. This includes matters discussed in a *properly convened* executive session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law. *Additionally, disclosure of such information is not prohibited where it is warranted to appropriate law enforcement entities for investigation and possible action, or where a board member is compelled to reveal the information in a court case.*

4. **Representation before the Board or District:** A Board member, officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the school district.

5. **Disclosure of interest in matters before the Board:** A Board member, officer or employee of the

district, whether paid or unpaid, must publicly disclose the nature and extent of any interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term “interest” means a pecuniary or material benefit accruing to an officer or employee.

6. Investments in conflict with official duties: A Board member, officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law (see 2160-E.1).

7. Private employment: A Board member, officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

8. Future employment: A Board member, officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration.

9. Involvement with Charitable Organizations: A Board member, officer or employee may be involved as a volunteer, officer or employee in a charitable organization which has a relationship with the district. If a Board member is a board member, officer or employee of the charitable organization the Board member must disclose such relationship in writing to the district, and the Board member must recuse himself or herself from any discussions or votes relating to the charitable organization which may come before the Board. When participating in the activities of the charitable organization, the Board member, officer or employee shall not disclose any confidential information learned in the course of his or her official duties or use such information to further personal interests. Additionally, the Board member, officer or employee shall not make representations on behalf of the district unless specifically authorized to do so by the Board.

10. Disclosure of interest in legislation. To the extent that he/she knows thereof, a member of the Burnt Hills-Ballston Lake Board of Education or employee of the school district who participates in the discussion or gives official opinion to the Burnt Hills-Ballston Lake Board of Education on any legislation before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

11. Employment of Relatives. It is the District’s policy to avoid favoritism, the appearance of favoritism, conflicts of interest, and the appearance of conflicts of interest in employment by applying the following standards:

- No immediate relative of a member of the Board of Education, the Superintendent, or an Assistant Superintendent shall be appointed, hired or advanced to any permanent or full-time employment, including the professional teaching and non-instructional staff.
- No person shall be employed, promoted, or transferred to a position in the District which would create

a direct supervisor-subordinate relationship with an immediate relative. The District will insure an alternate chain of supervision for any relatives working within the same building or department.

EMPLOYEE LITIGATION

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former member of the board or employee of any claim, account, demand, or suit against the Burnt Hills-Ballston Lake Central Schools on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

DISTRIBUTION OF CODE OF ETHICS

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

PENALTIES

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

Ref: General Municipal Law §§806-808 | Opn. St. Comp. 2008-01 | *Appeal of Rivers*, 60 EDR Dec. No. 17,989 (2021) | *Application of the Board of Education*, 57 EDR Dec. No. 17,147 (2017) | *Application of Nett and Raby*, 45 EDR 259 (2005)

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