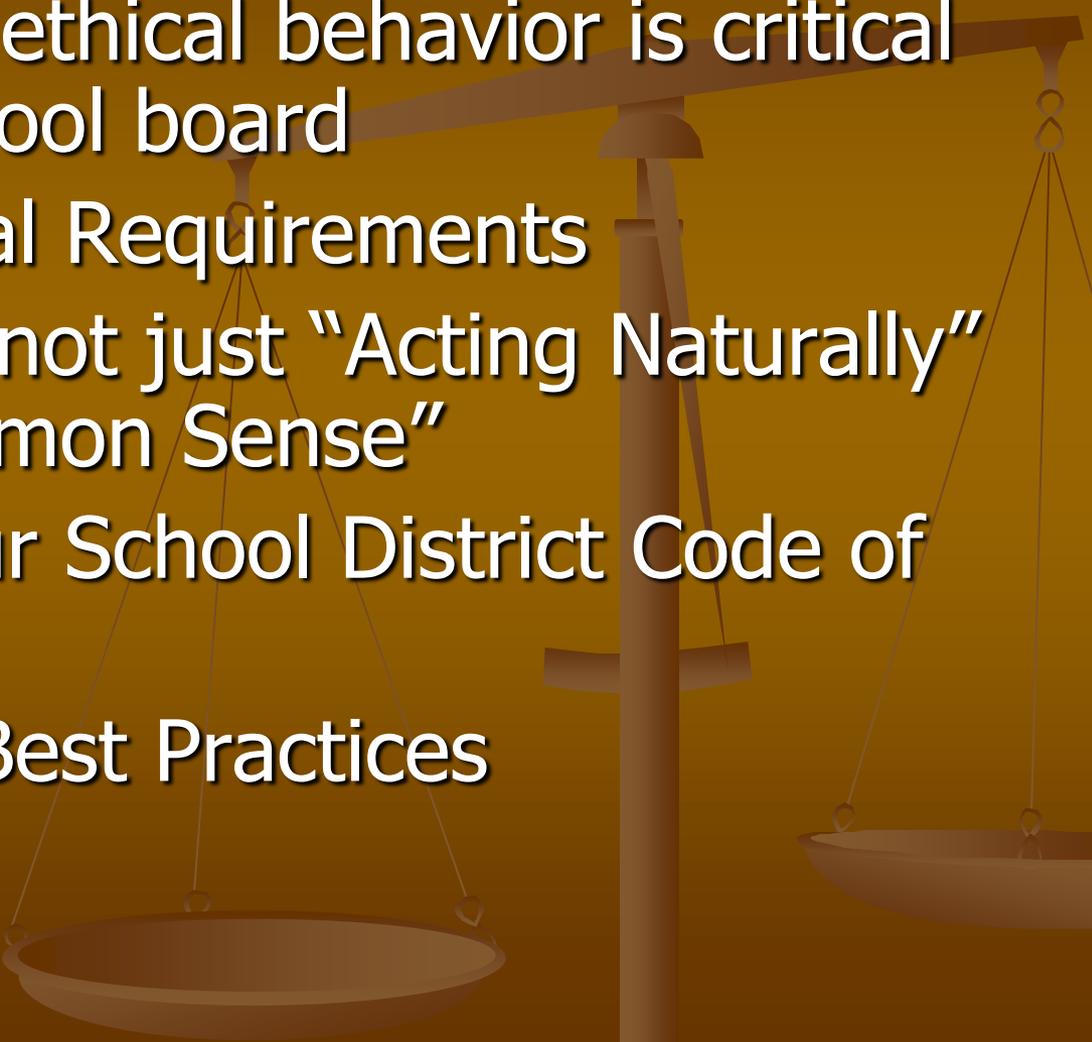


Ethics, Leadership and Public Accountability: Predicates for Serving on a First Things First Board

Chris Thomas, General Counsel
Arizona School Boards Association
2010 Arizona Early Childhood Summit
August 30, 2010

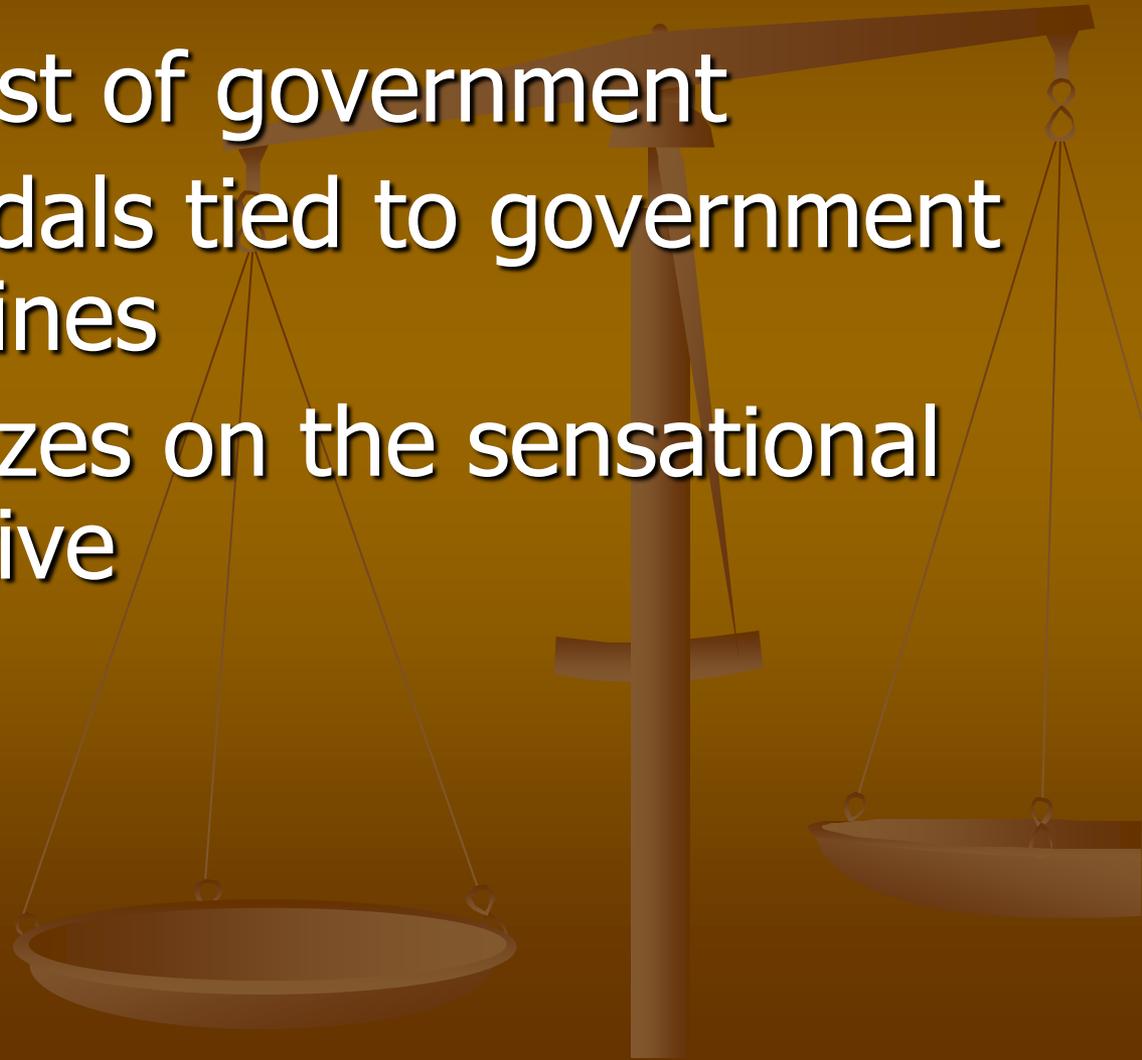
What We Will Cover



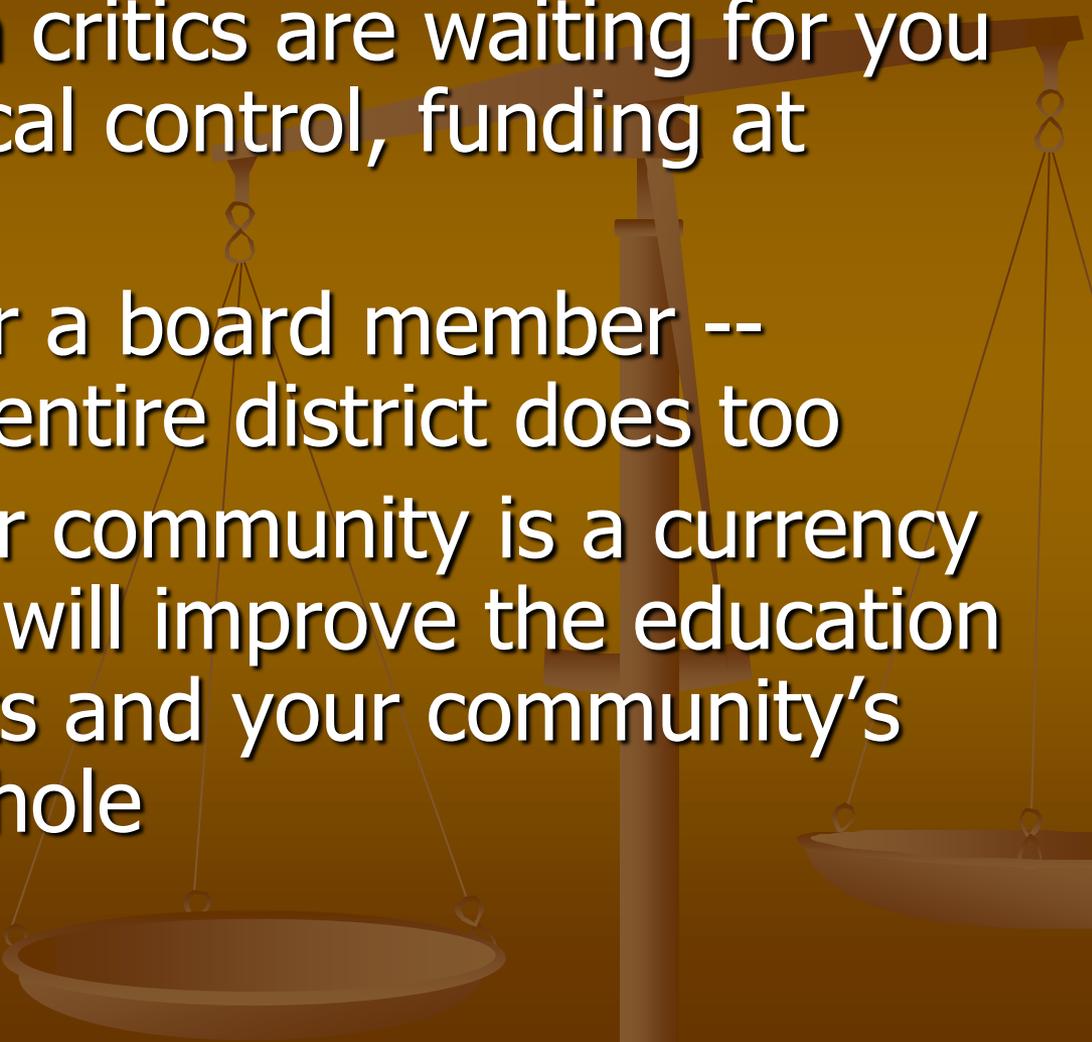
- Why exemplary ethical behavior is critical to lead on a school board
- Ethics: The Legal Requirements
- Ethics: Why it's not just "Acting Naturally" and using "Common Sense"
- ASBA/NSBA/Your School District Code of Ethics
- Practical Tools/Best Practices
- Questions

Ethical behavior is critical to lead on a school board

- General distrust of government
 - Ethical scandals tied to government in the headlines
- Media that seizes on the sensational and the negative

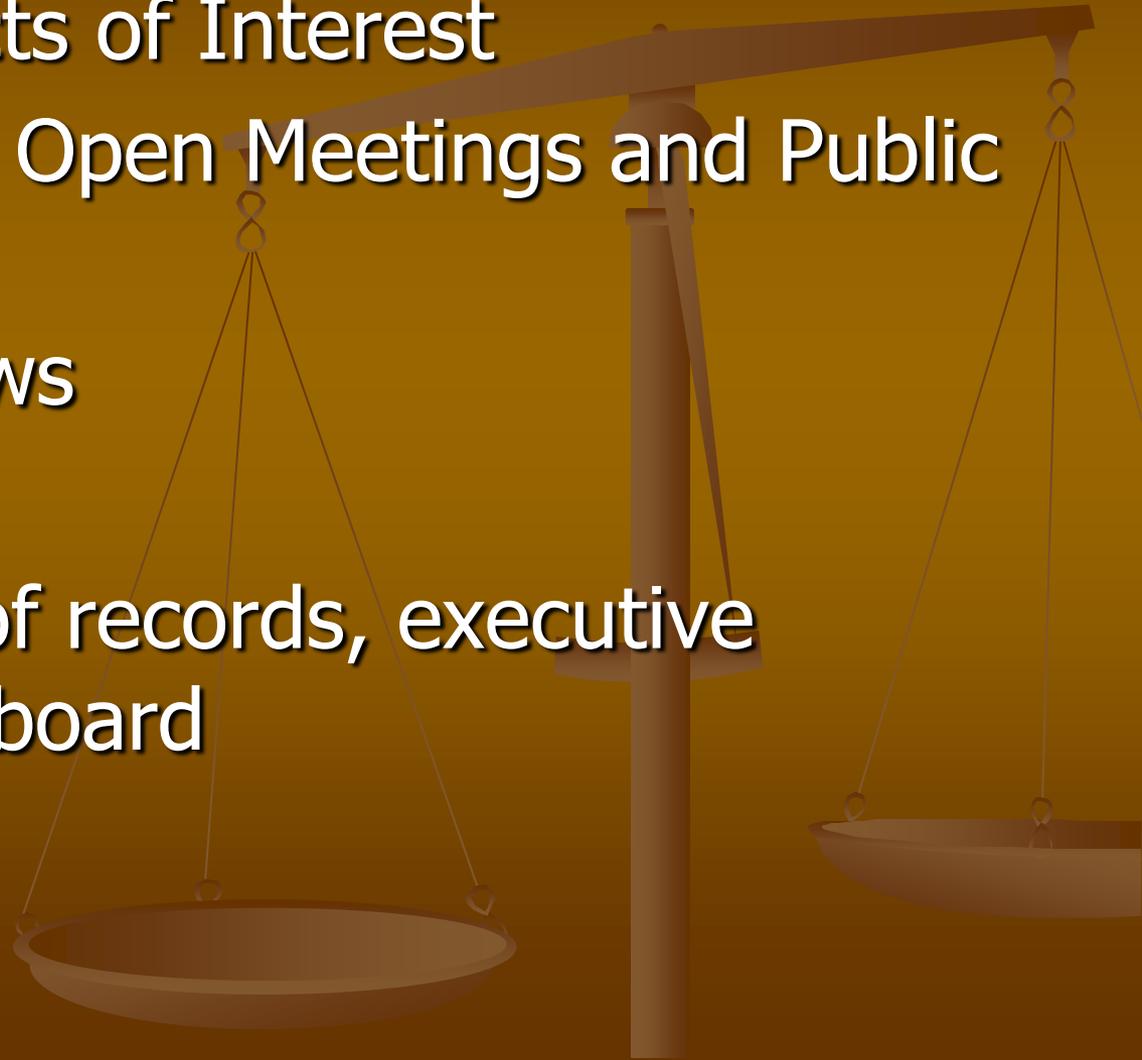


Ethical behavior is critical to lead on a school board

- Public education critics are waiting for you to mess up – local control, funding at stake
 - If the board – or a board member -- messes up, the entire district does too
 - Good will in your community is a currency that when used will improve the education for your students and your community's standing as a whole
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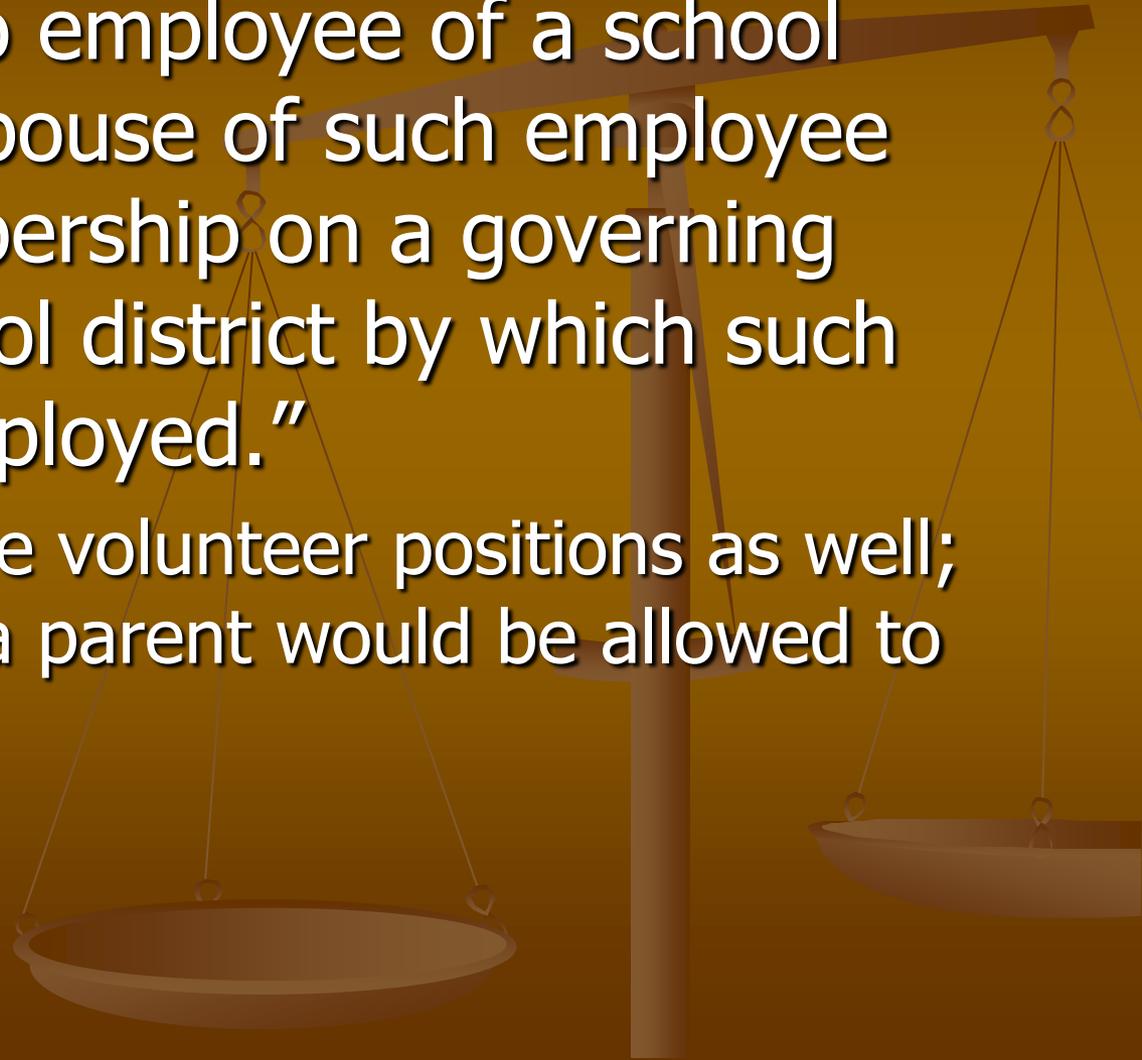
Ethics: The Legal Requirements

- Avoiding Conflicts of Interest
- Sunshine Laws: Open Meetings and Public Records
- Procurement laws
- Impartiality
- Confidentiality of records, executive sessions of the board

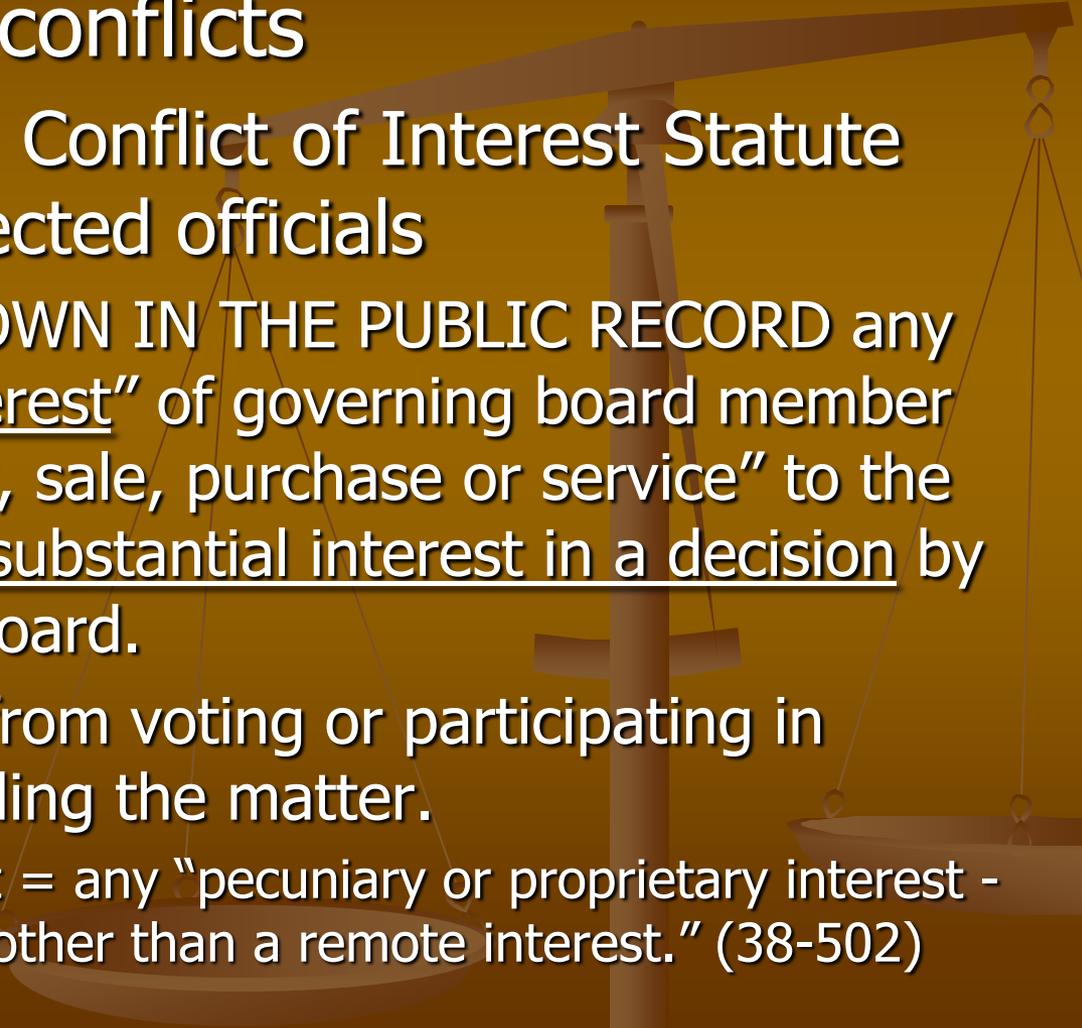


Conflict of Interest

- 15-421 (D): “No employee of a school district or the spouse of such employee may hold membership on a governing board of a school district by which such employee is employed.”
 - Extends to some volunteer positions as well; not those that a parent would be allowed to do



Conflict of Interests

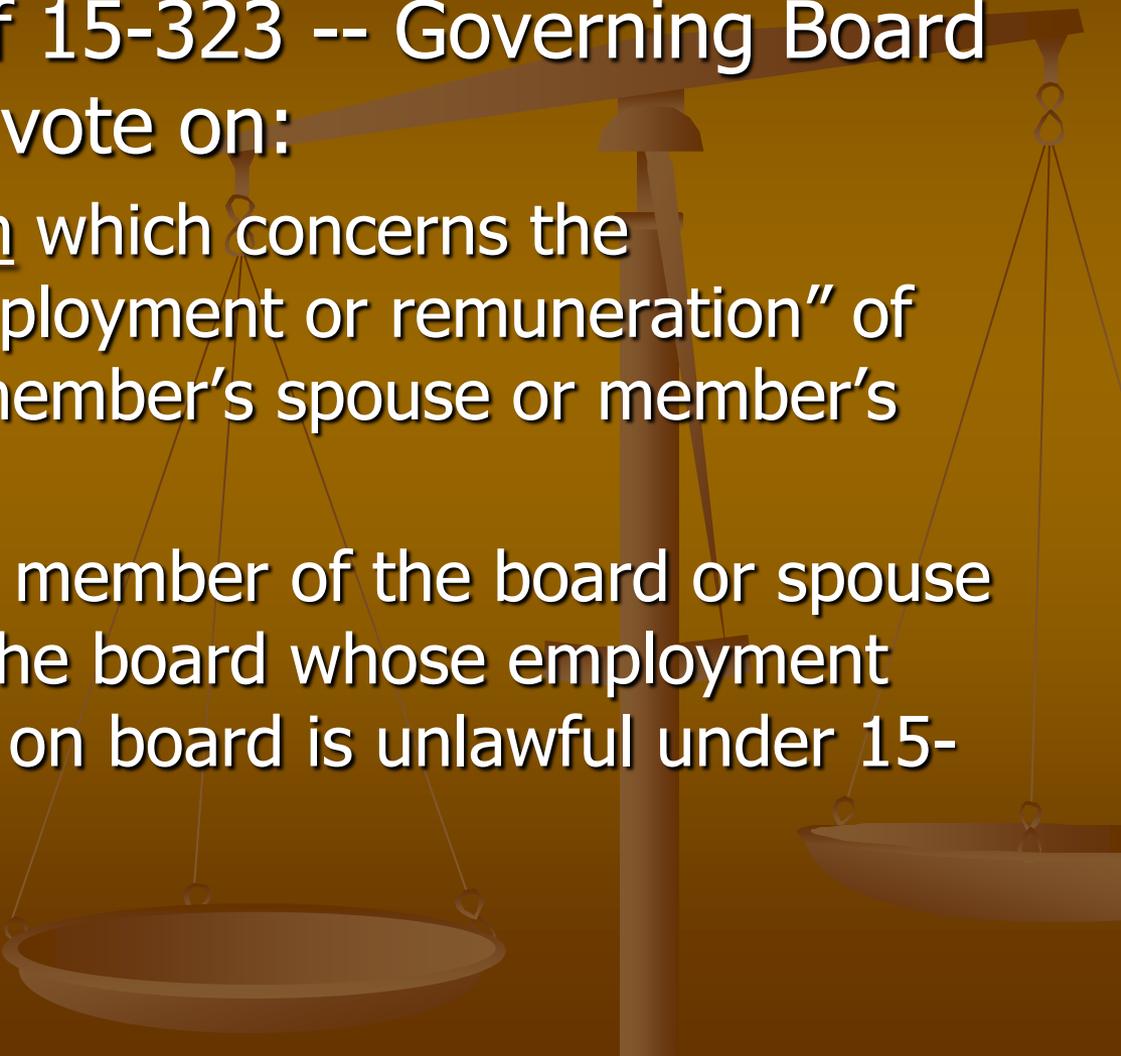


- Laws governing conflicts
 - 38-503: General Conflict of Interest Statute Applied to all elected officials
 - Must MAKE KNOWN IN THE PUBLIC RECORD any "substantial interest" of governing board member in any "contract, sale, purchase or service" to the district OR any substantial interest in a decision by the governing board.
 - Must REFRAIN from voting or participating in decisions regarding the matter.
 - Substantial interest = any "pecuniary or proprietary interest - direct or indirect - other than a remote interest." (38-502)

Common Questions About Conflicts of Interest

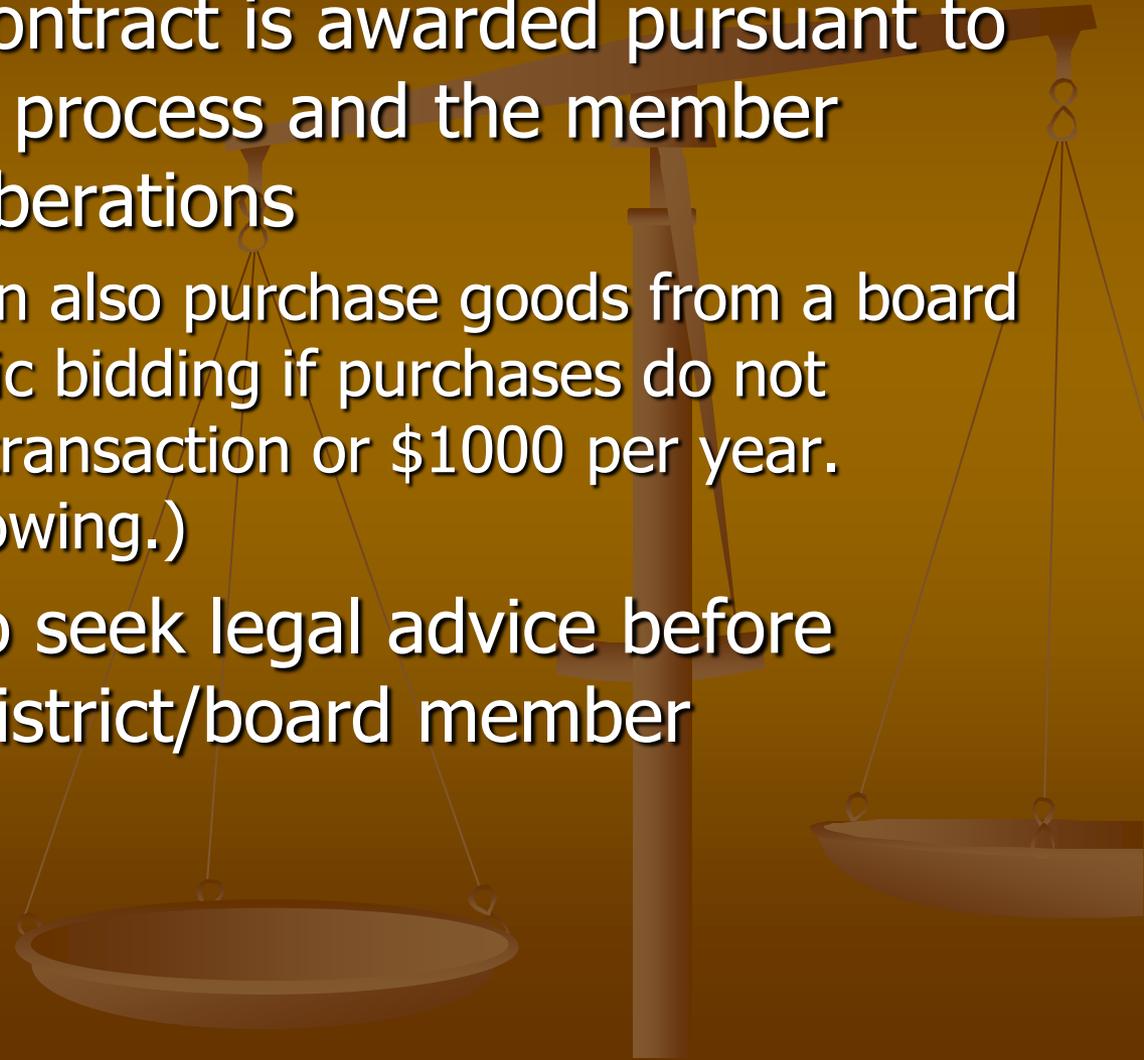
- What if my child is a student in the district?
 - Can vote on any issue that deals with student population as a whole; would have to disclose and disqualify if matter was about your child
- Is it a conflict for a board member or board member's spouse to work in the district?
 - Yes; board members are ineligible to serve in a district in which they or their spouses work
 - Board members and their spouses can volunteer at the district but **ONLY** in a position that is not paid or normally paid

15-323: Special Conflict of Interest Rules for Governing Board Members

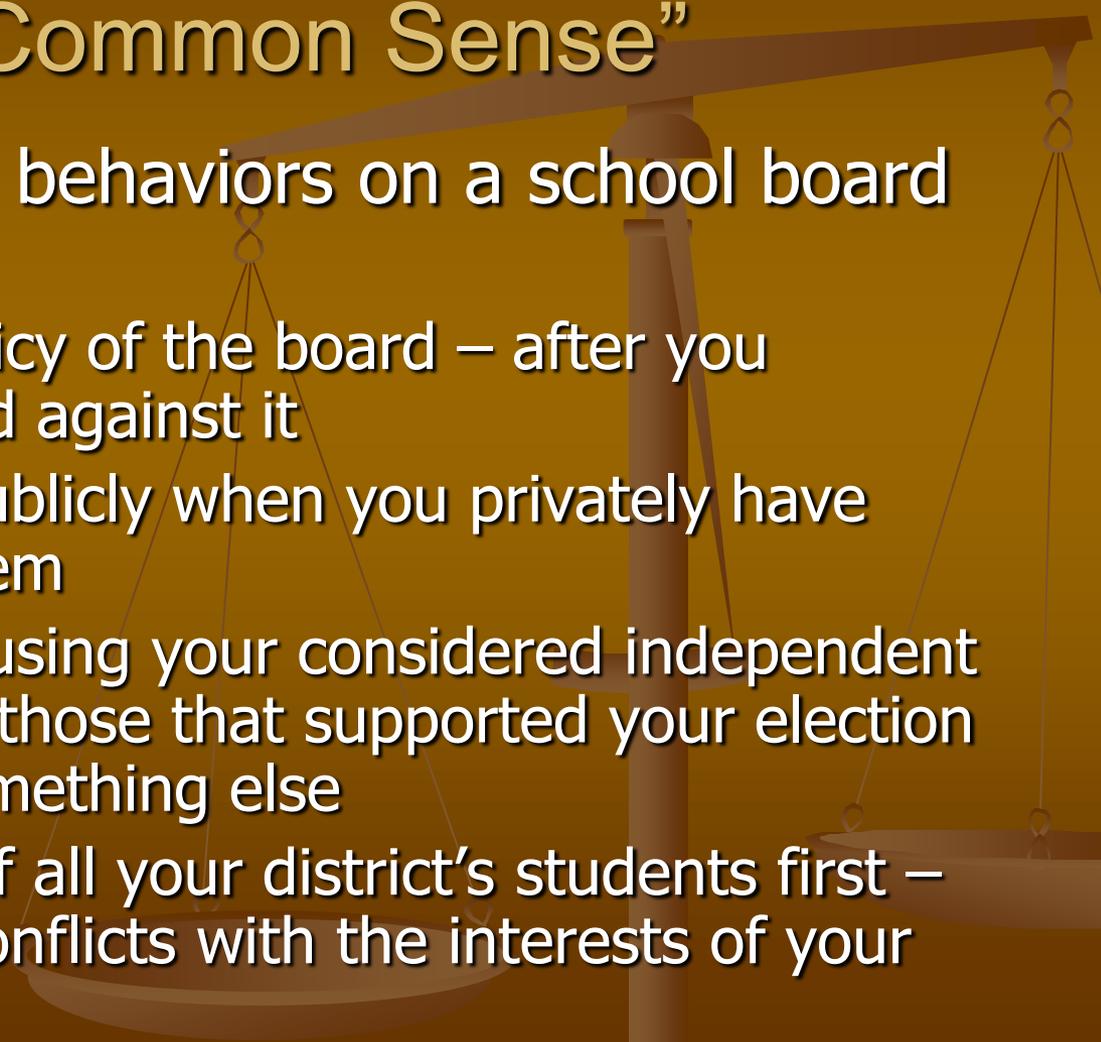
- Two provisions of 15-323 -- Governing Board Members cannot vote on:
 - any “specific item which concerns the appointment, employment or remuneration” of the member or member’s spouse or member’s dependent
 - employment of a member of the board or spouse of a member of the board whose employment and membership on board is unlawful under 15-421(D)
- 

Q. Can board member contract with the district for goods and services?

- Yes. As long as contract is awarded pursuant to the public bidding process and the member abstains from deliberations
 - School districts can also purchase goods from a board member w/o public bidding if purchases do not exceed \$300 per transaction or \$1000 per year. (District policy allowing.)
- Be careful! Best to seek legal advice before proceeding with district/board member contracts.



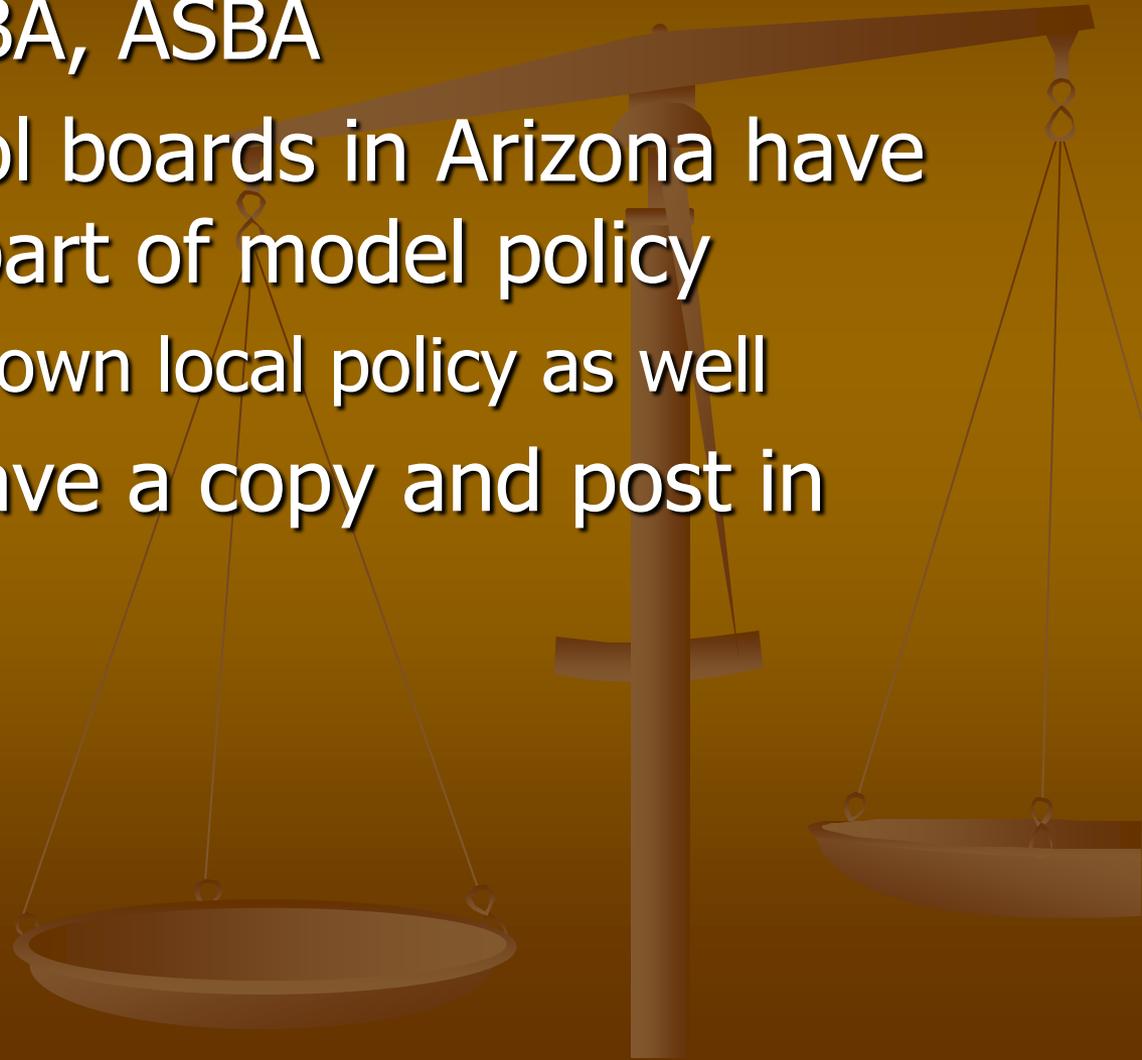
Ethical Requirements: Why It's Not Just “Acting Naturally” or “Using Common Sense”



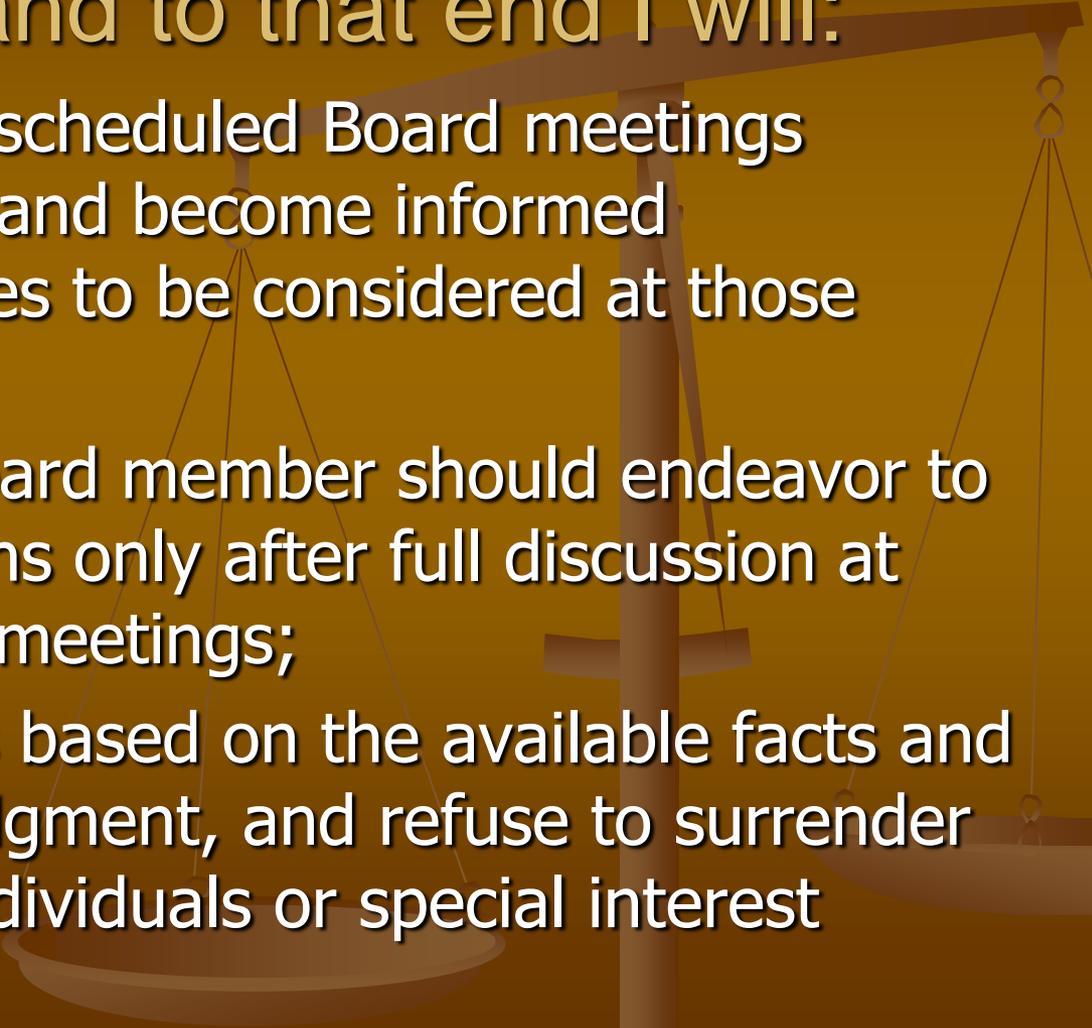
- Some good ethical behaviors on a school board are not intuitive:
 - Supporting the policy of the board – after you opposed it or voted against it
 - Supporting staff publicly when you privately have concerns about them
 - Voting one way – using your considered independent judgment -- when those that supported your election want you to do something else
 - Putting the good of all your district's students first – especially if that conflicts with the interests of your own child

Board Member Code of Ethics

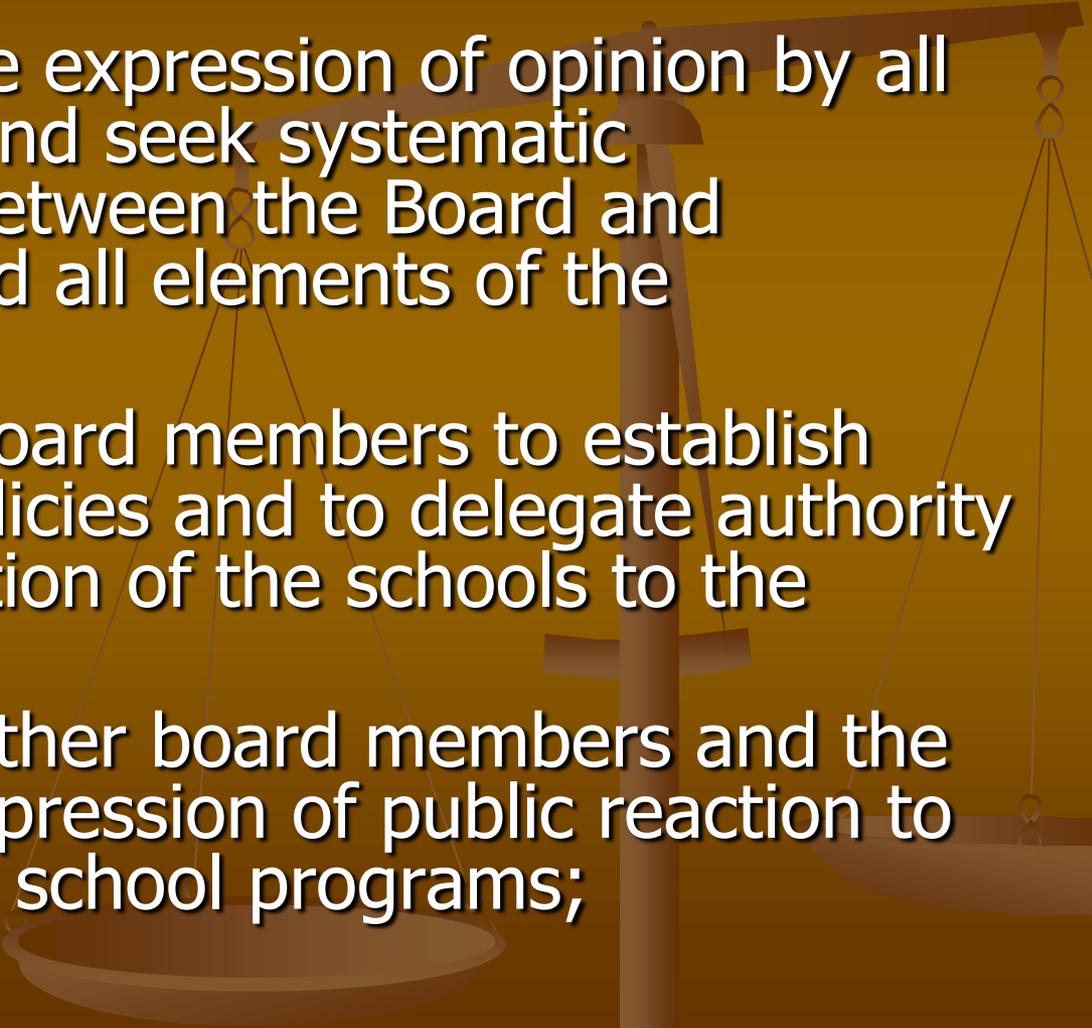
- Adopted by NSBA, ASBA
- Almost all school boards in Arizona have adopted too – part of model policy
 - May have your own local policy as well
- Great idea to have a copy and post in board room



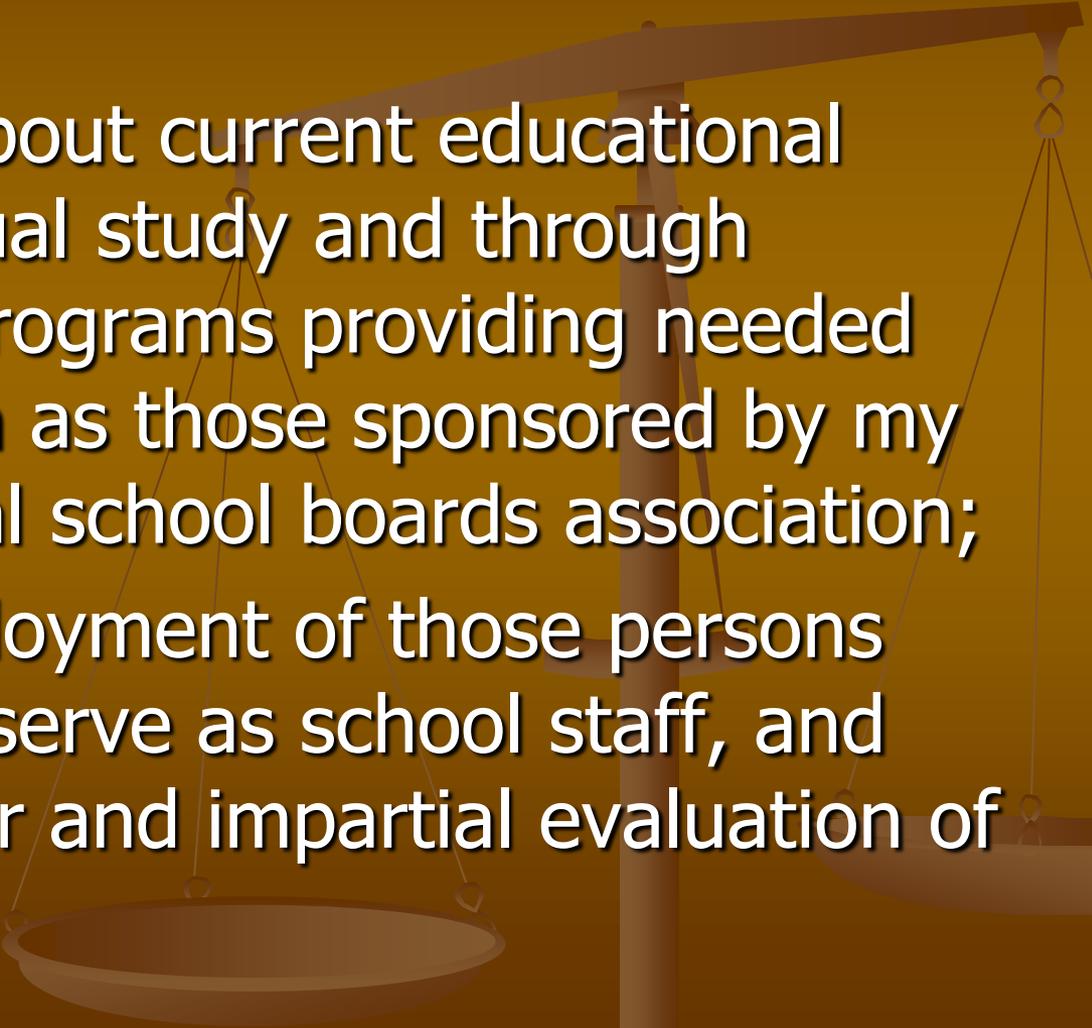
As a member of my local Board of Education I will strive to improve public education, and to that end I will:

- Attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
 - Recognize that a board member should endeavor to make policy decisions only after full discussion at publicly held Board meetings;
 - Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups
- 

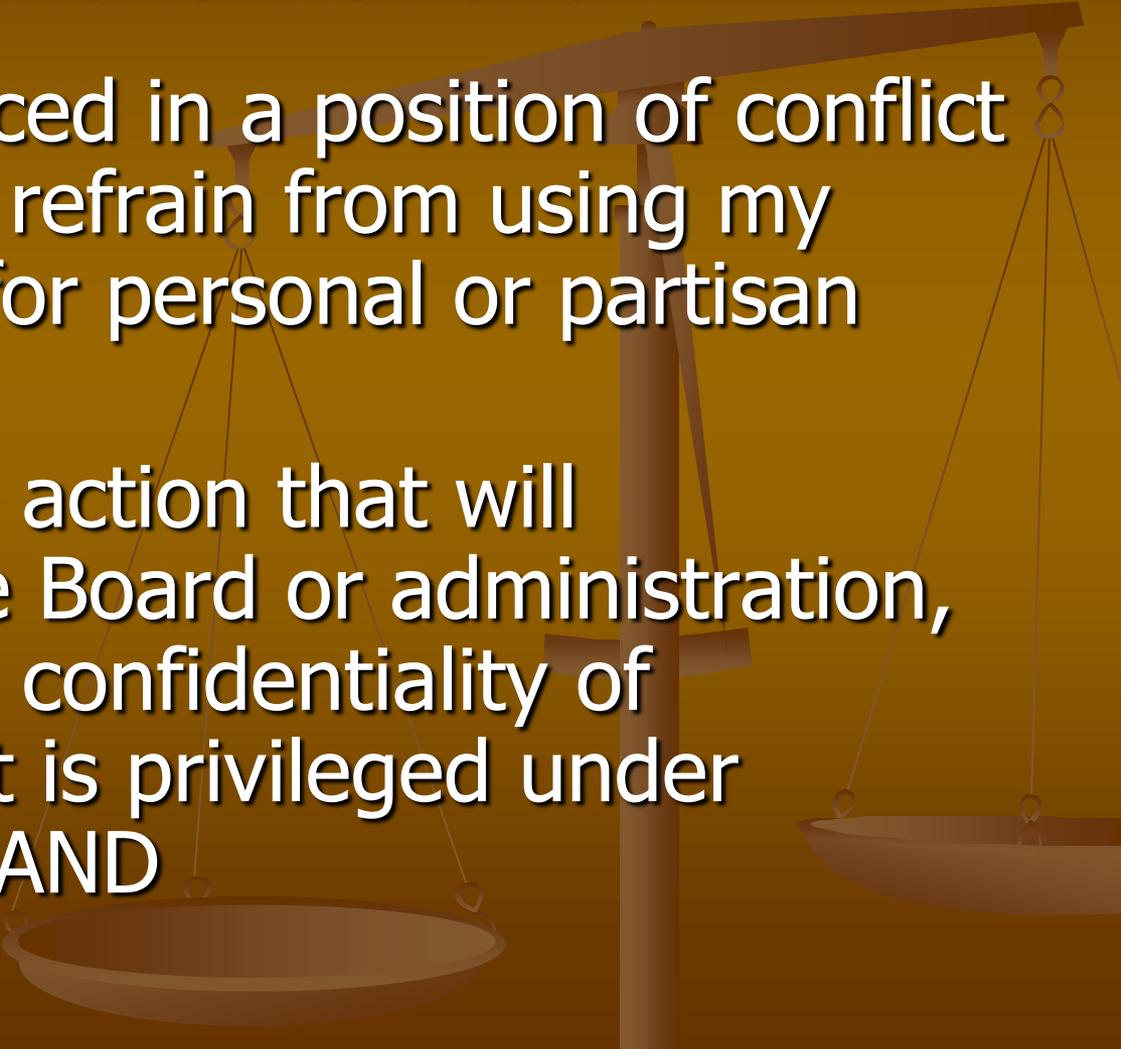
As a member of my local Board of Education I will strive to improve public education, and to that end I will:

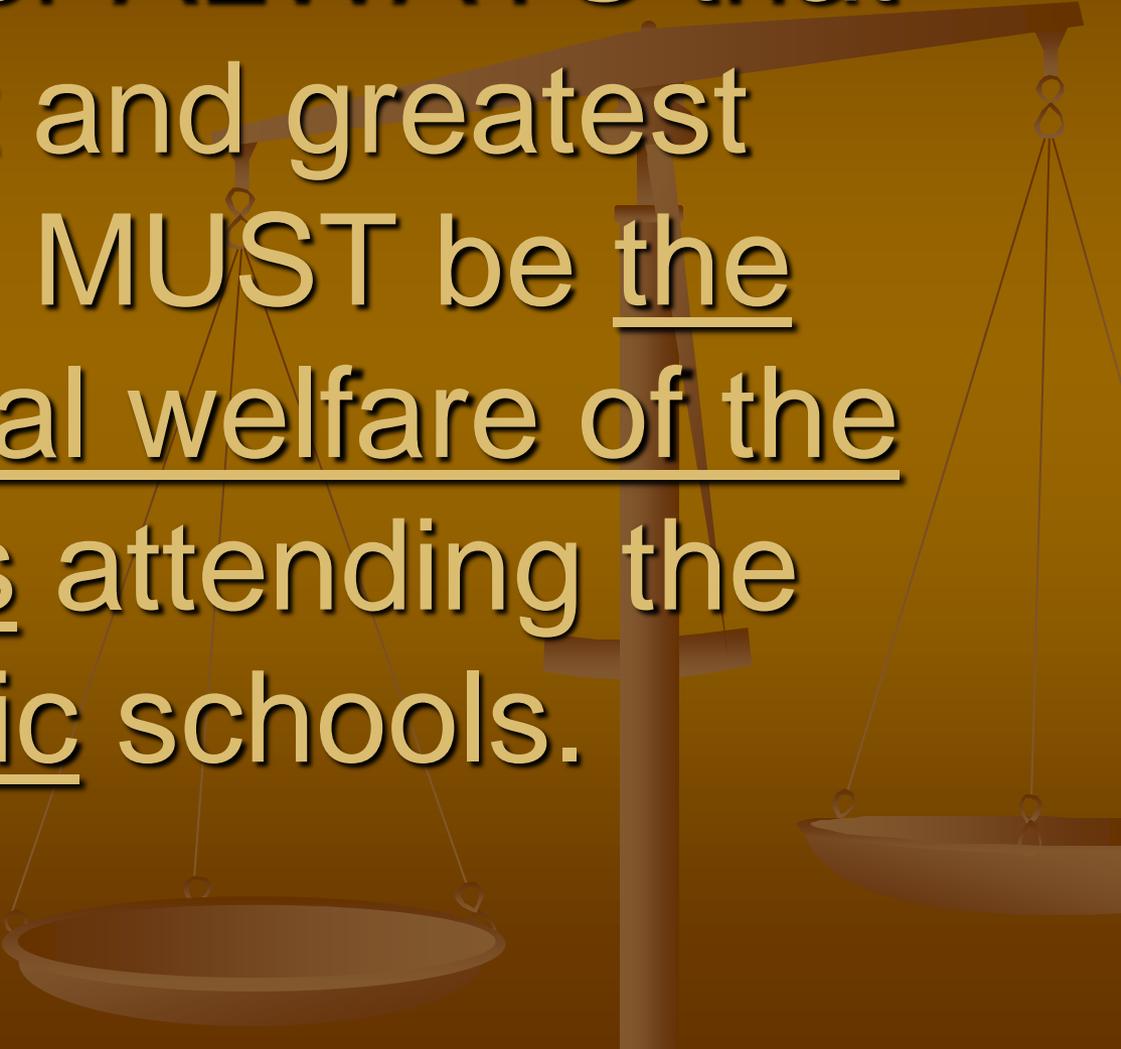
- Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;
 - Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent;
 - Communicate to other board members and the Superintendent expression of public reaction to Board policies and school programs;
- 

As a member of my local Board of Education I will strive to improve public education, and to that end I will:

- Inform oneself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards association;
 - Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of staff
- 

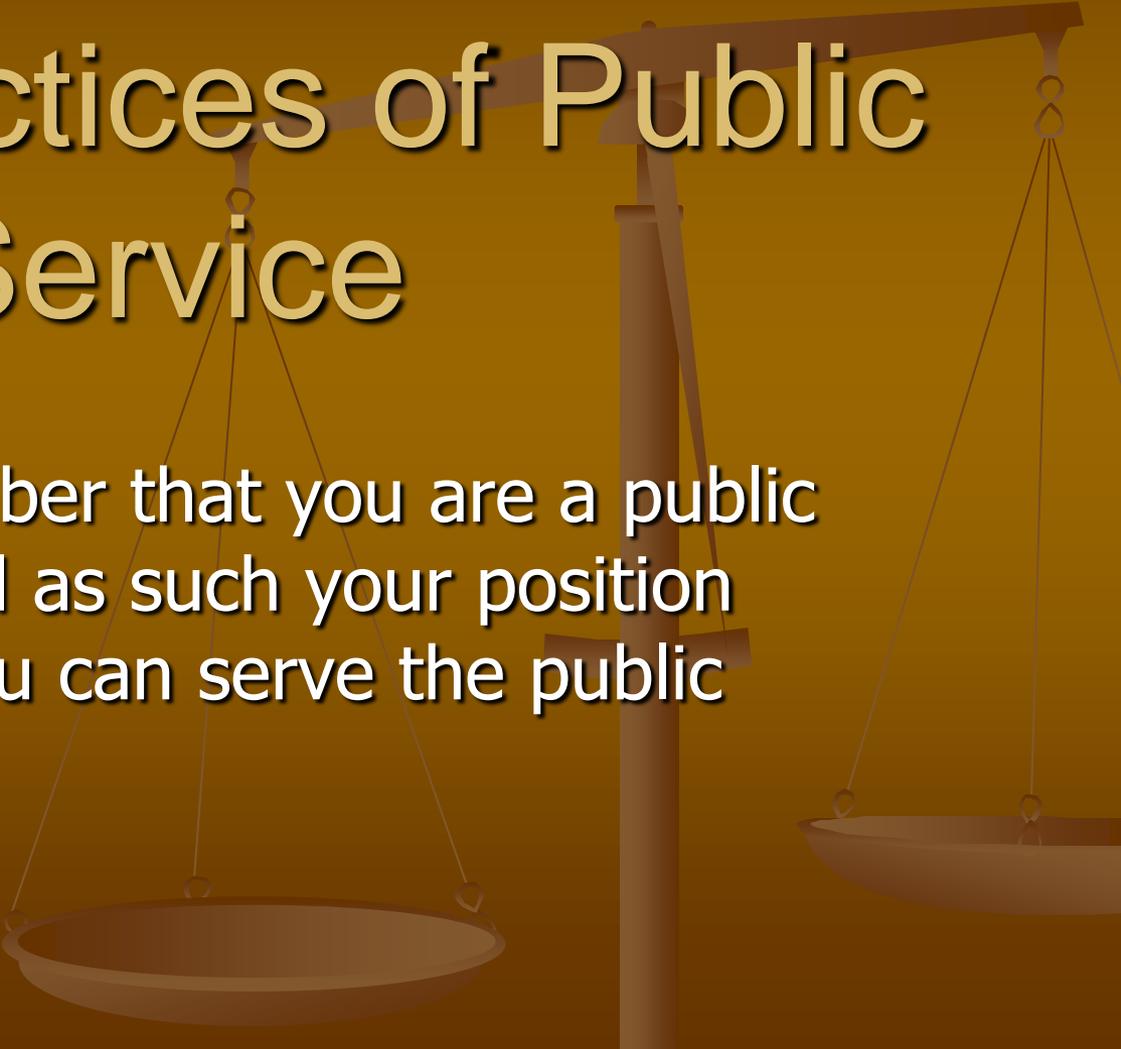
As a member of my local Board of Education I will strive to improve public education, and to that end I will:

- Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;
 - Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law; AND
- 



Remember ALWAYS that
my first and greatest
concern MUST be the
educational welfare of the
students attending the
public schools.

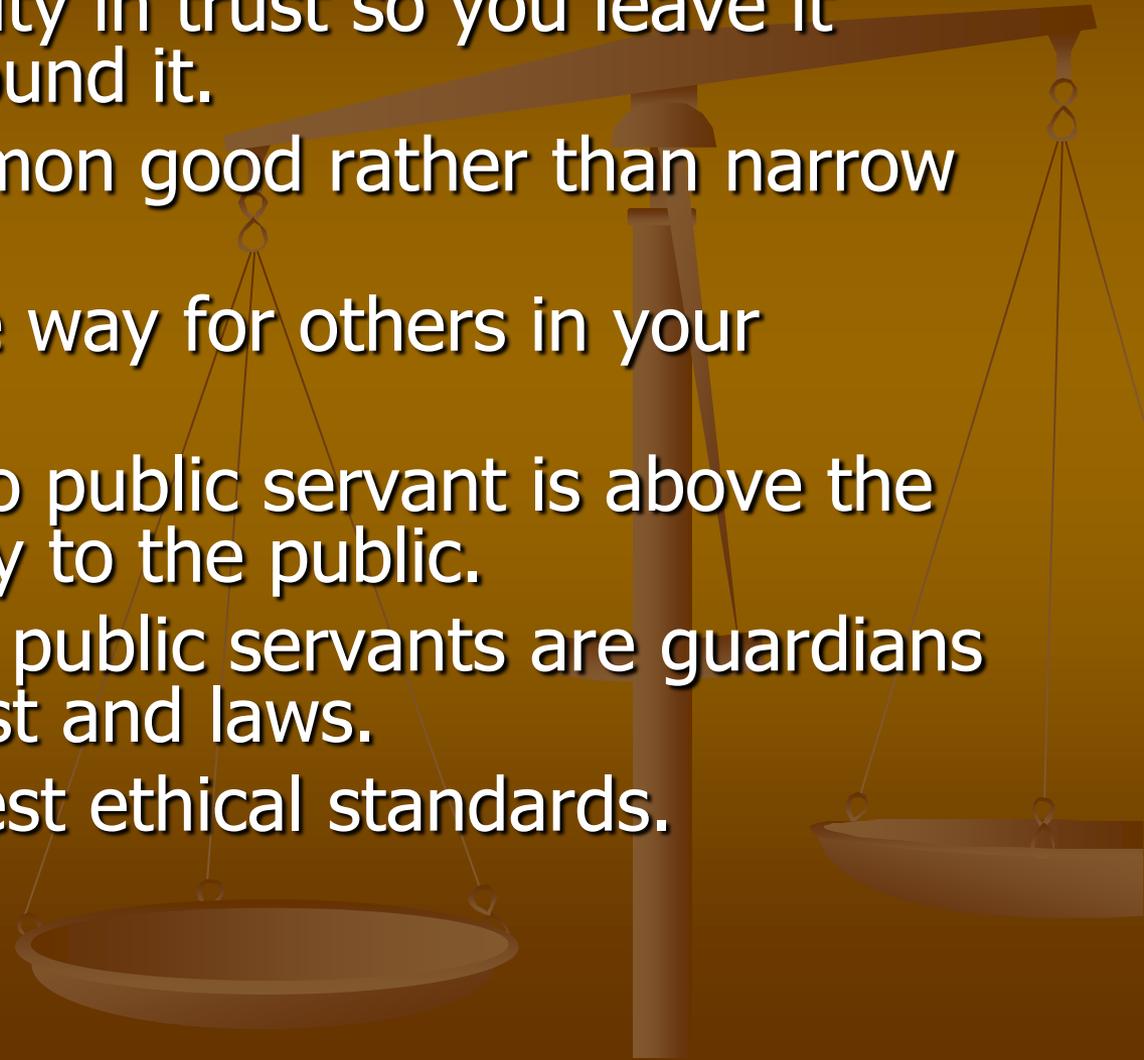
Best Practices of Public Service



Always remember that you are a public servant, and as such your position exists so you can serve the public

Best Practices

- Hold the community in trust so you leave it better than you found it.
- Promote the common good rather than narrow interests.
- Model the positive way for others in your community.
- Remember that no public servant is above the law, all owe a duty to the public.
- Recognize that all public servants are guardians of the public's trust and laws.
- Exercise the highest ethical standards.



In Closing...

THANK YOU for your willingness to serve your community, your students and the public schools of this state...now go forth and serve with great compassion, with impeccable ethics, with an independent, open and curious mind and remember that a lot of important people are counting on you!

