

SCHOOL COMMITTEE MEMBER CONFLICT OF INTEREST

School Committee service is a matter of public trust. In making decisions that affect the Sanford schools, School Committee members have the duty to act in the interest of the common good and for the benefit of the people they represent.

A conflict of interest may arise when there is an incompatibility between a School Committee member's personal interest and his/her responsibilities as an elected official in a matter proposed or pending before the School Committee. School Committee members have a legal and ethical responsibility to avoid not only conflict of interest, but the appearance of conflict of interest as well.

Financial Interest

A School Committee member has a financial interest in a question or contract under consideration when he/she or a member of his/her immediate family may derive some financial or other material benefit or loss as a result of the School Committee action. The vote of the School Committee is voidable if a School Committee member has a financial interest and votes on that question or is involved in the discussion, negotiation, or award of a contract or other action in which he/she has a financial interest.

In order to prevent the vote on a question or contract from being voidable, a School Committee member who has a financial interest must:

- A. Make full disclosure of his/her interest before any action is taken; and
- B. Abstain from voting, from the negotiation or award of the contract and from otherwise attempting to influence the decision.

The Secretary of the School Committee shall record in the minutes of the meeting the member's disclosure and abstention from taking part in the decision in which he/she has an interest.

It is not the intent of this policy to prevent a School Committee member from voting or the school unit from contracting with a business because a School Committee member is an employee of that business or has another, indirect interest but is designed to prevent the placing of School Committee members in a position where their interest in the schools and their interest in their places of employment may conflict and to avoid appearances of conflict of interest.

Code of Conduct for Federally Funded Projects

When a School Committee member participates in the selection, award or administration of a contract that is supported by a federal award, the School Committee member shall also comply with the School Committee's policy DJH – Purchasing and Contracting: Procurement Staff Code of Conduct.

Appearance of Conflict of Interest

A School Committee member should do nothing to give the impression that his/her position or vote on an issue is influenced by anything other than a fair consideration of all sides of a question.

School Committee members shall attempt to avoid the appearance of conflict of interest by disclosure and/or by abstention.

Appointment to Office and Other Employment

A School Committee member may not, during the time the member serves on the School Committee and for one year after the member ceases to serve on the School Committee, be appointed to any civil office of profit or employment position which has been created or the compensation of which has been increased by action of the School Committee during the time the member served on the School Committee.

Employment

A member of the School Committee or spouse of a member may not be an employee in a public school within the jurisdiction of the School Committee to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the union committee.

As permitted by 20-A MRSA §1002(2)(A), and in compliance with the School Committee's policy BCC–Nepotism, the spouse of a School Committee member may be permitted to serve as a stipend employee on a contractual basis when this action is in the best interest of students and a summation of potential conflicts of interests is documented and mitigations are described in the signed contract. This exception is for the 2023-2024 school years only. 20-A MRSA §1002(2)(A) “sunsets” July 1, 2024 unless extended by the Maine Legislature.

School Committee Members as Volunteers

A member of the School Committee, or spouse of a member, may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular or extracurricular program or activity and reports directly to the Superintendent, principal, athletic director or other school administrator in a public school within the jurisdiction of the School Committee to which the member is elected, or in a contract high school or academy located within a supervisory union in which the member is a representative on the school committee.

Volunteer activities of a member of the School Committee or member's spouse other than in roles that are prohibited by this section may be prescribed by policies developed and approved by the School Committee.

For the 2021-2022, 2022-2023, and 2023-2024 school years, as permitted by 20-A M.R.S.A. §1002(2-B) and the School Committee's policy BCC – Nepotism, a spouse of a School Committee member may be permitted to serve as a volunteer in any capacity, the same as other school volunteers.

Volunteer activities of a member of the School Committee or member's spouse other than in roles that are prohibited by this section may be prescribed by policies developed and approved by the School Committee.

Definitions

For the purposes of this policy, the following statutory definitions apply:

- A. "Employee" means a person who receives monetary payment or benefits, no matter the amount paid or hours worked, for personal services performed for a school administrative unit.
- B. "Stipend employee" means a person who receives limited monetary payment of benefits, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring, or coaching capacity for a school administrative unit.
- C. "Volunteer" means a person who performs personal services for a school administrative unit without monetary payments or benefits of any kind or amount.

Legal Reference: 20-A M.R.S.A. § 1002-1004
30-A M.R.S.A. § 2604-2606

Cross Reference: BCA – School Committee Member Code of Ethics
BCC – Nepotism

DJH – Purchasing and Contracting: Procurement Staff Code of
Conduct

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Adopted: November 6, 2023

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a School Committee's policy development on specific topics. Rarely does one School Committee's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a School Committee's own legal counsel.