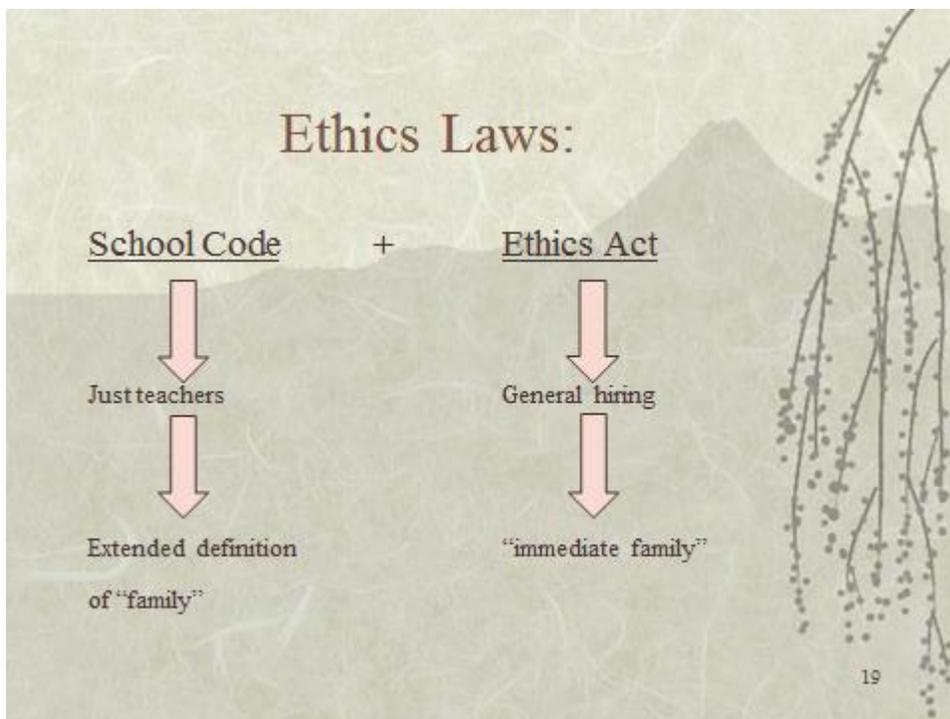


Ethics / Conflicts of Interests

What does the concept "conflict of interest" mean? And why should school board members try to avoid such conflicts?

A: The term "conflict of interest" in the context of serving on a school board refers to the potential clash between the public interest and the private monetary interest of an individual board member. Both the Public School Code and the Public Official and Employees Ethics Law enumerate certain types of conflicts of interest school directors need to avoid or potentially risk criminal prosecution, civil penalties or removal from office. Also, the appearance or impropriety should be avoided where possible.



When would a school board member be required to abstain from a vote?

A: The Ethics Act requires a board member with a financial conflict of interest to abstain from voting and publicly disclose the nature of that interest by filing a written memorandum with the board secretary for recording in the meeting minutes. *65 Pa.C.S.A. § 1103(j)*. Additionally, the Public School Code requires a board member to abstain when voting for a relative recommended for a teaching position. *24 P.S. § 11-111*.

As specified previously, relative to the question of whether school directors vote to hire their own relatives as employees for the school district they serve, there are two separate laws that limit school directors from voting to hire relatives. Section 11-1111 of the Public School Code generally prohibits school directors from voting to employ relatives in teaching positions with the school district they serve, unless the candidate receives the vote of a majority of all the board members other than the related member, who may not vote. *24 P.S. § 11-1111*. The School Code defines “family member” as father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle, or aunt. The Ethics Act also precludes school board members from using their office to hire members of their “immediate family”. *65 Pa.C.S.A. § 1103*. The Ethics Act has a less limited familial exclusion and “immediate family” only includes parent, spouse, child, or sibling.

However, school directors need to be cognizant of the impropriety or appearance of impropriety in their actions. Thus, a family member may wisely choose to abstain from voting, although they are legally able to participate in negotiations and vote on the contract.