

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

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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).  
9

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 School Board members.

22  
23   **C. Definitions**

24  
25   **"Advisory agency"** means any board, commission, committee or post which does not exercise  
26 any sovereign power or duty, but is appointed by a governmental agency or officer or is created  
27 by law for the purpose of making studies or recommendations, or advising or consulting with a  
28 governmental agency.  
29

30   **"Affiliated business entity relationship"** means a relationship, other than a parent-subsiary  
31 relationship, that exists when

- 32       ● one business entity has a controlling ownership interest in the other business entity;
- 33       ● a controlling owner in one entity is also a controlling owner in the other entity; or
- 34       ● there is shared management or control between the business entities.

35  
36   Factors that may be considered in determining the existence of an affiliated business entity  
37 relationship include that the same person or substantially the same person owns or manages the  
38 two entities, there are common or commingled funds or assets, the business entities share the use  
39 of the same offices or employees, or otherwise share activities, resources or personnel on a regular

40 basis, or there is otherwise a close working relationship between the entities.

41

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

44

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

49

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

52

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

54

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

59

60 **"Foreign country of concern"** means any country designated by the Secretary of State to have  
61 repeatedly provided support for acts of international terrorism pursuant to the National Defense  
62 Authorization Act for Fiscal Year 2019, P.L. 115-232 § 1754(c), Aug. 13, 2018; the Arms Export  
63 Control Act § 40, 22 U.S.C. § 2780; or the Foreign Assistance Act of 1961 § 620A, 22 U.S.C. §  
64 2370.

65

66 **"Gift"** means any gratuity, favor, discount, entertainment, hospitality, loan forbearance or other  
67 item having monetary value. It includes services as well as gifts of transportation, local travel,  
68 lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or  
69 reimbursement after the expense has been incurred. "Gift" does not include:

70

- any offer of a ticket, coupon or other admission or pass unless the ticket, coupon,  
71 admission or pass is used;

72

- honorary degrees;

73

- any athletic, merit, or need-based scholarship or any other financial aid awarded by a  
74 public or private school, institution of higher education, or other educational program  
75 pursuant to such school, institution or program's financial aid standards and procedures  
76 applicable to the general public;

77

- a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945  
78 et seq.;

79

- any gift related to the private profession, occupation or volunteer service of the School  
80 Board member or employee or of a member of the School Board member's or  
81 employee's immediate family;

82

- food or beverages consumed while attending an event at which the School Board member  
83 or employee is performing official duties related to his public service;

- 84 • food and beverages received at or registration or attendance fees waived for any event at
- 85 which the School Board member or employee is a featured speaker, presenter or lecturer;
- 86 • unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall
- 87 memento or similar item that is given in recognition of public, civic, charitable or
- 88 professional service;
- 89 • a devise or inheritance;
- 90 • travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945
- 91 et seq.);
- 92 • travel paid for or provided by the government of the United States, any of its territories or
- 93 any state or any political subdivision of such state;
- 94 • travel related to an official meeting of, or any meal provided for attendance at such
- 95 meeting by the Commonwealth, its political subdivisions, or any board, commission,
- 96 authority, or other entity, or any charitable organization established pursuant to §
- 97 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person
- 98 has been appointed or elected or is a member by virtue of his office or employment;
- 99 • gifts with a value of less than \$20;
- 100 • attendance at a reception or similar function where food, such as hors d'oeuvres, and
- 101 beverages that can be conveniently consumed by a person while standing or walking are
- 102 offered;
- 103 • tickets or the registration or admission fees to an event that are provided by the School
- 104 Board to School Board members or employees for the purposes of performing official
- 105 duties related to their public service; or
- 106 • gifts from relatives or personal friends.

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

120  
121 **"Governmental agency"** means each component part of the legislative, executive or judicial  
122 branches of state and local government, including each office, department, authority, post,  
123 commission, committee, and each institution or board created by law to exercise some regulatory  
124 or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations  
125 organized or controlled by the Virginia Retirement System are "governmental agencies" for  
126 purposes of this policy.

127

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

131  
132 **"Officer"** means any person appointed or elected to any governmental or advisory agency  
133 including local school boards, whether or not he/she receives compensation or other emolument  
134 of office.

135  
136 **"Parent-subsidiary relationship"** means a relationship that exists when one corporation directly  
137 or indirectly owns shares possessing more than 50 percent of the voting power of another  
138 corporation.

139  
140 **"Personal interest"** means a financial benefit or liability accruing to a School Board member or  
141 employee or to a member of the immediate family of the School Board member or employee. Such  
142 interest shall exist by reason of

- 143 ● ownership in a business if the ownership interest exceeds three percent of the total  
144 equity of the business;
- 145 ● annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from  
146 ownership in real or personal property or a business;
- 147 ● salary, other compensation, fringe benefits, or benefits from the use of property, or any  
148 combination thereof, paid or provided by a business or governmental agency that exceeds,  
149 or may reasonably be anticipated to exceed \$5,000 annually;
- 150 ● ownership of real or personal property if the interest exceeds \$5,000 in value and excluding  
151 ownership in a business, income or salary, other compensation, fringe benefits or benefits  
152 from the use of property;
- 153 ● personal liability incurred or assumed on behalf of a business if the liability exceeds three  
154 percent of the asset value of the business; or
- 155 ● an option for ownership of a business or real or personal property if the ownership interest  
156 will consist of the first or fourth bullets above.

157  
158  
159 **"Personal interest in a contract"** means a personal interest which an officer or employee has in  
160 a contract with a governmental agency, whether due to his/her being a party to the contract or due  
161 to a personal interest in a business which is a party to the contract.

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

- 168       ● is the subject of the transaction; or
- 169       ● may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of
- 170       the action of the agency considering the transaction.
- 171

172 Notwithstanding the foregoing, such personal interest in a transaction shall not be deemed to exist

173 where (a) an elected member of a local governing body serves without remuneration as a member

174 of the board of trustees of a not-for-profit entity and such elected member or member of his/her

175 immediate family has no personal interest related to the not-for-profit entity or (b) an officer,

176 employee or elected member of a local governing body is appointed by the local governing body

177 to serve on a governmental agency or an officer, employee, or elected member of a separate local

178 governmental agency formed by a local governing body is appointed to serve on a governmental

179 agency, and the personal interest in the transaction of the governmental agency is a result of the

180 salary, other compensation, fringe benefits, or benefits provided by the local governing body or

181 the separate governmental agency to the officer, employee, elected member, or member of his/her

182 immediate family.

183

184 **"Transaction"** means any matter considered by any governmental or advisory agency, whether

185 in a committee, subcommittee, or other entity of that agency or before the agency itself, on which

186 official action is taken or contemplated.

187

#### 188 **D. Special Anti-Nepotism Rules Relating to School Board Members and Superintendents**

189

190 1. The School Board may not employ or pay, and the Superintendent may not recommend for

191 employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law,

192 daughter-in-law, sister-in-law, or brother-in-law of the Superintendent or of a School Board

193 member, except as authorized below. This prohibition does not apply to the employment,

194 promotion, or transfer within the school division, of any person within a relationship

195 described above when such person

- 196       ● has been employed pursuant to a written contract with the School Board or
- 197       employed as a substitute teacher or teacher's aide by the School Board prior to the
- 198       taking of office of the Superintendent or any member of the Board; or
  
- 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       ● 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 A person employed as a substitute teacher may not be employed to any greater extent than

207 he/she was employed by the School Board in the last full school year prior to the taking of

208 office of such Board member or Superintendent or to the inception of such relationship.

209

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

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

218  
219 3. Notwithstanding the rules stated above, the School Board may employ or pay any family  
220 member of the Superintendent provided that:

- 221 ● the Superintendent certifies that he had no involvement with the hiring decision;  
222 and
- 223 ● the Chief Human Resource Officer certifies to the members of the School Board in  
224 writing that the recommendation is based upon merit and fitness and the  
225 competitive rating of the qualifications of the individual and that the Superintendent  
226 had no involvement with the hiring decision.  
227

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 ● solicit or accept money, or anything else of value, for services performed within the  
242 scope of the Board Member's or employee's official duties other than the Board  
243 Member's or employee's regular compensation, expenses or other remuneration;  
244
- 245 ● offer or accept money, or anything else of value, for or in consideration of obtaining  
246 employment, appointment, or promotion in the school division;
- 247 ● offer or accept any money or anything else of value for or in consideration of the  
248 use of his/her public position to obtain a contract for any person or business with  
249 the school division;
- 250 ● use for the Board Member's or employee's own economic benefit, or anyone else's,

- 251 confidential information gained by reason of the Board Member’s or employee’s  
252 office, and which is not available to the public;
- 253 ● accept any money, loan, gift, favor or service that might reasonably tend to  
254 influence the discharge of duties;
  - 255 ● accept any business or professional opportunity from which a School Board  
256 member may gain a financial benefit, where the member knows or should know  
257 that there is a reasonable likelihood that the opportunity is being offered with intent  
258 to influence the Board Member’s or employee’s conduct in the performance of  
259 official duties;
  - 260 ● accept a gift from a person who has interests that may be substantially affected by  
261 the performance of the School Board member's or employee's official duties under  
262 circumstances where the timing and nature of the gift would cause a reasonable  
263 person to question the Board member's or employee's impartiality in the matter  
264 affecting the donor;
  - 265 ● accept gifts from sources on a basis so frequent as to raise an appearance of the use  
266 of his or her public office or employment for private gain; or
  - 267 ● use his or her public position to retaliate or threaten to retaliate against any person  
268 for expressing views on matters of public concern or for exercising any right that  
269 is otherwise protected by law, provided, however, that this prohibition shall not  
270 restrict the authority of any public employer to govern conduct of its employees,  
271 and to take disciplinary action, in accordance with applicable law.

272  
273 2. Prohibited Gifts

274  
275 For purposes of this subsection:

276  
277 "Person, organization or business" includes individuals who are officers, directors or  
278 owners of or who have a controlling ownership interest in such organization or business.

279  
280 "Widely attended event" means an event at which at least 25 persons have been invited to  
281 attend or there is a reasonable expectation that at least 25 persons will attend the event and  
282 the event is open to individuals (i) who are members of a public, civic, charitable or  
283 professional organization, (ii) who are from a particular industry or profession or (iii) who  
284 represent persons interested in a particular issue.

285  
286 School Board members and employees required to file a Statement of Economic Interests  
287 as prescribed in Va. Code § 2.2-3117 and members of their immediate families shall not  
288 solicit, accept or receive any single gift with a value in excess of \$100 or any combination  
289 of gifts with an aggregate value in excess of \$100 within any calendar year for the School  
290 Board member or employee or a member of the School Board or employee’s immediate  
291 family from any person that the School Board member or employee or a member of the  
292 School Board’s or employee’s immediate family knows or has reason to know is (i) a

293 lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (ii) a lobbyist's principal as  
 294 defined in Va. Code § 2.2-419; or (iii) a person, organization or business who is or is  
 295 seeking to become a party to a contract with the School Board. Gifts with a value of less  
 296 than \$20 are not subject to aggregation for purposes of this prohibition.

297  
 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  
 302 ● a gift of food and beverages, entertainment or the cost of admission with a value in  
 303 excess of \$100 when such gift is accepted or received while in attendance at a  
 304 widely attended event and is associated with the event. Such gifts shall be reported  
 305 on the Statement of Economic Interests;

306 ● a gift from a foreign dignitary with a value exceeding \$100 for which the fair market  
 307 value or a gift of greater or equal value has not been provided or exchanged, so long  
 308 as such foreign dignitary is a representative of a foreign country of concern. Such  
 309 gift shall be accepted on behalf of the Commonwealth or a locality and archived in  
 310 accordance with guidelines established by the Library of Virginia. Such gift shall  
 311 be disclosed as having been accepted on behalf of the Commonwealth or a locality,  
 312 but the value of such gift shall not be required to be disclosed;

313 ● certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or  
 314 a person, organization or business who is or is seeking to become a party to a  
 315 contract with the School Board if such gift was provided to such School Board  
 316 member or employee or a member of the immediate family of the School Board  
 317 member or employee on the basis of a personal friendship. A lobbyist, lobbyist's  
 318 principal or a person, organization or business who is or is seeking to become a  
 319 party to a contract with the School Board may be a personal friend of such School  
 320 Board member or employee or the immediate family of the School Board member  
 321 or employee. In determining whether a lobbyist, lobbyist's principal or a person,  
 322 organization or business who is or is seeking to become a party to a contract with  
 323 the School Board is a personal friend, the following factors shall be considered: (i)  
 324 the circumstances under which the gift was offered; (ii) the history of the  
 325 relationship between the person and the donor, including the nature and length of  
 326 the friendship and any previous exchange of gifts between them; (iii) to the extent  
 327 known to the person, whether the donor personally paid for the gift or sought a tax  
 328 deduction or business reimbursement for the gift; and (iv) whether the donor has  
 329 given the same or similar gifts to other persons required to file the disclosure form  
 330 prescribed in Va. Code §§ 2.2-3117 or 30-111; and

331 ● gifts of travel, including travel-related transportation, lodging, hospitality, food or  
 332 beverages, or other thing of value, with a value in excess of \$100 that is paid for or  
 333 provided by a lobbyist, lobbyist's principal or a person, organization or business  
 334 who is or is seeking to become a party to a contract with the School Board when  
 335 the School Board member or employee has submitted a request for approval of such



336 travel to the Council and has received the approval of the Council pursuant to Va.  
337 Code § 30-356.1. Such gifts shall be reported on the Statement of Economic  
338 Interests.

339  
340 The \$100 limitation imposed in accordance with this section shall be adjusted by the  
341 Council every five years, as of January 1 of that year, in an amount equal to the annual  
342 increases for that five-year period in the United States Average Consumer Price Index for  
343 all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of  
344 the U.S. Department of Labor, rounded to the nearest whole dollar.

345  
346 No person shall be in violation of this policy if (i) the gift is not used by such person and  
347 the gift or its equivalent in money is returned to the donor or delivered to a charitable  
348 organization within a reasonable period of time upon the discovery of the value of the gift  
349 and is not claimed as a charitable contribution for federal income tax purposes or (ii)  
350 consideration is given by the donee to the donor for the value of the gift within a reasonable  
351 period of time upon the discovery of the value of the gift provided that such consideration  
352 reduces the value of the gift to \$100 or less.

353  
354 3. Awards to Employees for Exceptional Service

355  
356 Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or  
357 other employee of Alexandria City School Board of an award or payment in honor of  
358 meritorious or exceptional services performed by the teacher or employee and made by an  
359 organization exempt from federal income taxation pursuant to the provisions of Section  
360 501(c)(3) of the Internal Revenue Code.

361  
362 **F. Prohibited Conduct Regarding Contracts**

363  
364 1. No School Board member shall have a personal interest in (i) any contract with the School  
365 Board or (ii) any contract with any government agency which is subject to the ultimate  
366 control of the Board.

367  
368 2. Exceptions - The above prohibition shall not be applicable to:

369  
370 ● a Board member's personal interest in a contract of employment provided the  
371 employment first began prior to the member becoming a member of the School  
372 Board;

373 ● an employee's own contract of employment;

374 ● contracts for the sale by a governmental agency of services or goods at uniform  
375 prices available to the general public;

376 ● a contract awarded to a member of the School Board as a result of competitive  
377 sealed bidding where the School Board has established a need for the same or

- 378 substantially similar goods through purchases prior to the election or appointment  
379 of the member to serve on the School Board; however, the member shall have no  
380 involvement in the preparation of the specifications for such contract, and the  
381 remaining members of the School Board, by written resolution, shall state that it is  
382 in the public interest for the member to bid on such contract; 8
- 383 ● the sale, lease or exchange of real property between a School Board member or  
384 employee and the School Board, provided the Board member or employee does not  
385 participate in any way as a Board member or employee in such sale, lease or  
386 exchange, and this fact is set forth as a matter of public record by the School Board  
387 or Superintendent;
  - 388 ● the publication of official notices;
  - 389 ● an officer or employee whose sole personal interest in a contract with the  
390 governmental agency is by reason of income from the contracting firm or  
391 governmental agency in excess of \$5,000 per year, provided the officer or  
392 employee or a member of his/her immediate family does not participate and has no  
393 authority to participate in the procurement or letting of such contract on behalf of  
394 the contracting firm and the officer or employee either does not have authority to  
395 participate in the procurement or letting of the contract on behalf of his/her  
396 governmental agency or he/she disqualifies himself/herself as a matter of public  
397 record and does not participate on behalf of his/her governmental agency in  
398 negotiating the contract or in approving the contract;
  - 399 ● contracts between an officer's or employee's governmental agency and a public  
400 service corporation, financial institution or company furnishing public utilities in  
401 which the officer or employee has a personal interest provided the officer or  
402 employee disqualifies himself/herself as a matter of public record and does not  
403 participate on behalf of his/her governmental agency in negotiating or approving  
404 the contract;
  - 405 ● contracts for the purchase of goods or services when the contract does not exceed  
406 \$500;
  - 407 ● grants or other payment under any program wherein uniform rates for, or the  
408 amounts paid to, all qualified applicants are established solely by the administering  
409 governmental agency;
  - 410 ● an officer or employee whose sole personal interest in a contract with his/her own  
411 governmental agency is by reason of his/her marriage to his/her spouse who is  
412 employed by the same agency, if the spouse was employed by such agency for five  
413 or more years prior to marrying such officer or employee; or
  - 414 ● employment contracts and other contracts entered into prior to August 1, 1987,  
415 provided such contracts were in compliance with the Virginia Conflict of Interests  
416 Act (or the Comprehensive Conflict of Interests Act) at the time of their formation

417 and thereafter. Those contracts shall continue to be governed by the provisions of  
 418 the appropriate prior Act. The employment by the same governmental agency of an  
 419 officer or employee and spouse or any other relative residing in the same household  
 420 shall not be deemed to create a material financial interest except when one of the  
 421 persons is employed in a direct supervisory and/or administrative position with  
 422 respect to the spouse or other relative residing in his/her household and the annual  
 423 salary of the subordinate is \$35,000 or more.

424  
 425 **G. Prohibited Conduct Regarding Transactions**  
 426

427 1. Each School Board member and School Board employee who has a personal interest in a  
 428 transaction

429 a. shall disqualify himself/herself from participating in the transaction if

430  
 431 (i) the transaction has application solely to property or a business or governmental  
 432 agency in which the Board Member's or employee's has a personal interest or  
 433 a business that has a parent-subsidiary or affiliated business entity relationship  
 434 with the business in which the Board Member's or employee's has a personal  
 435 interest; or  
 436

437  
 438 (ii) he/she is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d.  
 439 of this policy.  
 440

441 Any disqualification under this subsection shall be recorded in the School Board's  
 442 public records. The School Board member or employee shall disclose his/her personal  
 443 interests as required by Va. Code § 2.2-3115.F and shall not vote or in any manner act  
 444 on behalf of the School Board in the transaction. The member or employee shall not  
 445

446 (i) attend any portion of a closed meeting authorized by the Virginia Freedom of  
 447 Information Act when the matter in which he/she has a personal interest is  
 448 discussed; or  
 449

450 (ii) discuss the matter in which he/she has a personal interest with other  
 451 governmental officers or employees at any time.  
 452

453 b. may participate in the transaction if he/she is a member of a business, profession,  
 454 occupation or group of three or more persons, the members of which are affected by  
 455 the transaction, and he/she complies with the declaration requirements of Va. Code §  
 456 2.2-3115.H;  
 457

458 c. may participate in the transaction when a party to the transaction is a client of his/her  
 459 firm if he/she does not personally represent or provide services to such client and he/she  
 460 complies with the declaration requirements of Va. Code § 2.2-3115.I; or  
 461

- 462 d. may participate in the transaction if it affects the public generally, even though his/her  
463 personal interest, as a member of the public, may also be affected by that transaction.  
464
- 465 2. Disqualification under this section shall not prevent any employee having a personal  
466 interest in a transaction in which his/her employer is involved from representing  
467 himself/herself or a member of his/her immediate family in such transaction provided  
468 he/she does not receive compensation for such representation and provided he/she complies  
469 with the disqualification and relevant disclosure requirements of this policy.  
470
- 471 3. If disqualifications under subsection 1.a. of this section leave less than the number required  
472 by law to act, the remaining member or members of the Board shall constitute a quorum  
473 for the conduct of business and have authority to act for the Board by majority vote, unless  
474 a unanimous vote of all members is required by law, in which case authority to act shall  
475 require a unanimous vote of remaining members.  
476
- 477 4. The provisions of this section shall not prevent a Board member or employee from  
478 participating in a transaction merely because such a Board member or employee is a  
479 defendant in a civil legal proceeding concerning such transaction.  
480

#### 481 H. Disclosure Requirements

- 482
- 483 1. School Board members file, as a condition of assuming office, with the Clerk of the School  
484 Board a disclosure statement of their personal interests and other information as is specified  
485 on the Statement of Economic Interests form set forth in Va. Code § 2.2-3117 and shall  
486 thereafter file such statement annually on or before February 1. The disclosure forms are  
487 filed and maintained as public records for five years in the office of the Clerk of the School  
488 Board. In the event circumstances occur which will require the Board member to revise  
489 their disclosure form at the next submission, they should promptly inform the Board Chair  
490 of the circumstances that will result in a revised disclosure form.  
491
- 492 2. School Board members and employees required to file the Statement of Economic Interests  
493 who fail to file such form within the time period prescribed shall be assessed a civil penalty  
494 of \$250. The Clerk of the School Board shall notify the attorney for the Commonwealth  
495 for the locality of any School Board member's or employee's failure to file the required  
496 form and the attorney for the Commonwealth shall assess and collect the civil penalty. The  
497 Clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for  
498 filing.  
499
- 500 3. Any Board member or employee who is disqualified from participating in a transaction  
501 under Section G.1.a. of this policy, or otherwise elects to disqualify himself/herself, shall  
502 forthwith make disclosure of the existence of his/her interest, including the full name and  
503 address of the business and the address or parcel number for the real estate if the interest  
504 involves a business or real estate and such disclosure shall be reflected in the School  
505 Board's public records in the Division Superintendent's office for a period of five (5) years.  
506

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

- 509 ● the transaction involved;
- 510 ● the nature of the Board member's or employee's personal interest affected by the  
511 transaction;
- 512 ● that he/she is a member of a business, profession, occupation or group the members  
513 of which are affected by the transaction; and
- 514 ● that he/she is able to participate in the transaction fairly, objectively, and in the  
515 public interest.

516  
517 The Board member or employee shall either make his/her declaration orally to be recorded  
518 in written minutes of the Board or file a signed written declaration with the Clerk of the  
519 Board, who shall, in either case, retain and make available for public inspection such  
520 declaration for a period of five years from the date of recording or receipt. If reasonable  
521 time is not available to comply with the provisions of this subsection prior to participation  
522 in the transaction, the Board member or employee shall prepare and file the required  
523 declaration by the end of the next business day. The Board member or employee shall also  
524 orally disclose the existence of the interest during each School Board meeting at which the  
525 transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.  
526

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

- 529 ● the transaction involved;
- 530 ● that a party to the transaction is a client of his/her firm;
- 531 ● that he/she does not personally represent or provide services to the client; and
- 532 ● that he/she is able to participate in the transaction fairly, objectively and in the  
533 public interest.

534  
535 The Board member or employee shall either make his/her declaration orally to be recorded  
536 in written minutes of the Board or file a signed written declaration with the Clerk of the  
537 Board who shall, in either case, retain and make available for public inspection such  
538 declaration for a period of five years from the date of recording or receipt. If reasonable  
539 time is not available to comply with the provisions of this subsection prior to participation  
540 in the transaction, the Board member or employee shall prepare and file the required  
541 declaration by the end of the next business day.

542

#### 543 I. Release of Disclosure Forms

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

547

#### 548 **J. Deadlines and Coverage Periods for Disclosure Forms**

549 A School Board member or employee required to file an annual disclosure on or before  
550 February 1 shall disclose his personal interests and other information as required on the form  
551 prescribed by the Council for the preceding calendar year complete through December 31.

552

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

561

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

564

#### 565 **K. Training Requirements for School Board Members**

566

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

570

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

574

#### 575 **L. Advisory Opinions**

576 School Board members or employees subject to the Act may seek written opinions regarding  
577 the Act from the local Commonwealth's attorney; the Alexandria City attorney; or the Council.  
578 Good faith reliance on any such written opinion of the Commonwealth Attorney or a formal  
579 opinion or written informal advice of the Council made in response to a written request for  
580 such opinion or advice regardless of whether such opinion or advice is later withdrawn,  
581 provided that the alleged violation occurred prior to the withdrawal of the opinion or advice,  
582 bars prosecution for a knowing violation of the Act provided the opinion was made after a full  
583 disclosure of the facts. If the School Board member or employee relies on the opinion of the  
584 attorney for the Commonwealth in a prosecution for a knowing violation of the Act, the written  
585 opinion of the attorney for the Commonwealth shall be a public record and shall be released  
586 upon request. An opinion of the City attorney may be introduced at trial as evidence that the  
587 School Board member or employee did not knowingly violate the Act.

- 588 Adopted: October 24, 1996
- 589 Amended: July 10, 1997
- 590 Amended: July 12, 2001
- 591 Amended: March 21, 2002
- 592 Amended: April 6, 2006
- 593 Amended: September 20, 2007
- 594 Amended: February 5, 2009
- 595 Amended: April 24, 2014
- 596 Amended: December 4, 2014
- 597 Amended: October 1, 2015
- 598 Amended: December 15, 2016
- 599 Amended: October 12, 2017
- 600 Amended: December 20, 2018
- 601 Amended: December 5, 2019
- 602 Amended: February 4, 2021
- 603 Amended: December 15, 2022
- 604 Amended: May 4, 2023
- 605
- 606 Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.1,
- 607 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115,
- 608 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132, 30-356.
- 609 Cross Refs.: CBCA Disclosure Statement Required of Superintendent
- 610 GAH School Employee Conflicts of Interests
- 611 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       • 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.

**Commented [1]:** Per the amendment of Va. Code § 2.2-3132 by HB 2122/SB 1460

22  
23       **C. Definitions**

24  
25       **"Advisory agency"** means any board, commission, committee or post which does not exercise  
26 any sovereign power or duty, but is appointed by a governmental agency or officer or is created  
27 by law for the purpose of making studies or recommendations, or advising or consulting with a  
28 governmental agency.

29  
30       **"Affiliated business entity relationship"** means a relationship, other than a parent-subsidary  
31 relationship, that exists when

- 32       • one business entity has a controlling ownership interest in the other business entity;
- 33       • a controlling owner in one entity is also a controlling owner in the other entity; or
- 34       • there is shared management or control between the business entities.

35  
36       Factors that may be considered in determining the existence of an affiliated business entity  
37 relationship include that the same person or substantially the same person owns or manages the  
38 two entities, there are common or commingled funds or assets, the business entities share the use  
39 of the same offices or employees, or otherwise share activities, resources or personnel on a regular



basis, or there is otherwise a close working relationship between the entities.

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

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

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

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

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

**"Foreign country of concern"** means any country designated by the Secretary of State to have repeatedly provided support for acts of international terrorism pursuant to the National Defense Authorization Act for Fiscal Year 2019, P.L. 115-232 § 1754(c), Aug. 13, 2018; the Arms Export Control Act § 40, 22 U.S.C. § 2780; or the Foreign Assistance Act of 1961 § 620A, 22 U.S.C. § 2370.

**Commented [MS2]:** Per the amendment of Va. Code § 2.2-3103.1 by [HB 1911](#)/SB 1002.

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

85 or any political subdivision of such state; travel related to an official meeting of, or any meal  
86 provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any  
87 board, commission, authority, or other entity, or any charitable organization established pursuant  
88 to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has  
89 been appointed or elected or is a member by virtue of his/her office or employment; gifts with a  
90 value of less than \$20; attendance at a reception or similar function where food, such as hors  
91 d'oeuvres, and beverages that can be conveniently consumed by a person while standing or  
92 walking are offered; tickets or the registration or admission fees to an event that are provided by  
93 the School Board to School Board members or employees for the purposes of performing official  
94 duties related to their public service; or gifts from relatives or personal friends.

- 95 • any offer of a ticket, coupon or other admission or pass unless the ticket, coupon,  
96 admission or pass is used;
- 97 • honorary degrees;
- 98 • any athletic, merit, or need-based scholarship or any other financial aid awarded by a  
99 public or private school, institution of higher education, or other educational program  
100 pursuant to such school, institution or program's financial aid standards and procedures  
101 applicable to the general public;
- 102 • a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945  
103 et seq.;
- 104 • any gift related to the private profession, occupation or volunteer service of the School  
105 Board member or employee or of a member of the School Board member's or  
106 employee's immediate family;
- 107 • food or beverages consumed while attending an event at which the School Board member  
108 or employee is performing official duties related to his public service;
- 109 • food and beverages received at or registration or attendance fees waived for any event at  
110 which the School Board member or employee is a featured speaker, presenter or lecturer;
- 111 • unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall  
112 memento or similar item that is given in recognition of public, civic, charitable or  
113 professional service;
- 114 • a devise or inheritance;
- 115 • travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945  
116 et seq.);
- 117 • travel paid for or provided by the government of the United States, any of its territories or  
118 any state or any political subdivision of such state;
- 119 • travel related to an official meeting of, or any meal provided for attendance at such  
120 meeting by the Commonwealth, its political subdivisions, or any board, commission,  
121 authority, or other entity, or any charitable organization established pursuant to §  
122 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person  
123 has been appointed or elected or is a member by virtue of his office or employment;
- 124 • gifts with a value of less than \$20;
- 125 • attendance at a reception or similar function where food, such as hors d'oeuvres, and  
126 beverages that can be conveniently consumed by a person while standing or walking are  
127 offered;

- 128 • tickets or the registration or admission fees to an event that are provided by the School
- 129 Board to School Board members or employees for the purposes of performing official
- 130 duties related to their public service; or
- 131 • gifts from relatives or personal friends.

Commented [MS3]: Reorganized into bullets to improve readability

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133  
134 For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece,  
135 nephew or first cousin; a person to whom the donee is engaged to be married; the donee's or  
136 donee's spouse's parent, grandparent, grandchild, brother, sister step-parent, step-grandparent,  
137 step-grandchild, step-brother, step-sister, the donee's brother's or sister's spouse or the donee's son-  
138 in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include  
139 any person that the School Board member or employee knows or has reason to know is (a) a  
140 lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in  
141 Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to  
142 become a party to a contract with the School Board. For purposes of this definition, "person,  
143 organization or business" includes individuals who are officers, directors or owners of or who have  
144 a controlling ownership interest in such organization or business.

145  
146 **"Governmental agency"** means each component part of the legislative, executive or judicial  
147 branches of state and local government, including each office, department, authority, post,  
148 commission, committee, and each institution or board created by law to exercise some regulatory  
149 or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations  
150 organized or controlled by the Virginia Retirement System are "governmental agencies" for  
151 purposes of this policy.

152  
153 **"Immediate family"** means (i) a spouse and (ii) any other person who resides in the same  
154 household as the School Board member or employee and who is a dependent of the School Board  
155 member or employee.

156  
157 **"Officer"** means any person appointed or elected to any governmental or advisory agency  
158 including local school boards, whether or not he/she receives compensation or other emolument  
159 of office.

160  
161 **"Parent-subsidiary relationship"** means a relationship that exists when one corporation directly  
162 or indirectly owns shares possessing more than 50 percent of the voting power of another  
163 corporation.

164  
165 **"Personal interest"** means a financial benefit or liability accruing to a School Board member or  
166 employee or to a member of the immediate family of the School Board member or employee. Such  
167 interest shall exist by reason of

- 168 • ownership in a business if the ownership interest exceeds three percent of the total
- 169 equity of the business;
- 170 • annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from

- 171 ownership in real or personal property or a business;
- 172 ● salary, other compensation, fringe benefits, or benefits from the use of property, or any  
173 combination thereof, paid or provided by a business or governmental agency that exceeds,  
174 or may reasonably be anticipated to exceed \$5,000 annually;
- 175 ● ownership of real or personal property if the interest exceeds \$5,000 in value and excluding  
176 ownership in a business, income or salary, other compensation, fringe benefits or benefits  
177 from the use of property;
- 178 ● personal liability incurred or assumed on behalf of a business if the liability exceeds three  
179 percent of the asset value of the business; or
- 180 ● an option for ownership of a business or real or personal property if the ownership interest  
181 will consist of the first or fourth bullets above.  
182  
183

184 **"Personal interest in a contract"** means a personal interest which an officer or employee has in  
185 a contract with a governmental agency, whether due to his/her being a party to the contract or due  
186 to a personal interest in a business which is a party to the contract.  
187

188 **"Personal interest in a transaction"** means a personal interest of an officer or employee in any  
189 matter considered by his/her agency. Such personal interest exists when an officer or employee or  
190 a member of his/her immediate family has a personal interest in property or a business, or  
191 governmental agency, or represents or provides services to any individual or business and such  
192 property, business, or represented or served individual or business

- 193 ● is the subject of the transaction; or
- 194 ● may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of  
195 the action of the agency considering the transaction.  
196

197 Notwithstanding the foregoing, such personal interest in a transaction shall not be deemed to exist  
198 where (a) an elected member of a local governing body serves without remuneration as a member  
199 of the board of trustees of a not-for-profit entity and such elected member or member of his/her  
200 immediate family has no personal interest related to the not-for-profit entity or (b) an officer,  
201 employee or elected member of a local governing body is appointed by the local governing body  
202 to serve on a governmental agency or an officer, employee, or elected member of a separate local  
203 governmental agency formed by a local governing body is appointed to serve on a governmental  
204 agency, and the personal interest in the transaction of the governmental agency is a result of the  
205 salary, other compensation, fringe benefits, or benefits provided by the local governing body or  
206 the separate governmental agency to the officer, employee, elected member, or member of his/her  
207 immediate family.  
208

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

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

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

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

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

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

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

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

- the Superintendent certifies that he had no involvement with the hiring decision; and
- the Chief Human Resource Officer certifies to the members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the Superintendent had no involvement with the hiring decision.

253  
254 4. No family member (as listed in section D.1., above) of any employee may be employed by  
255 the School Board if the family member is to be employed in a direct supervisory and/or  
256 administrative relationship either supervisory or subordinate to the employee. The  
257 employment and assignment of family members in the same organizational unit is  
258 discouraged.  
259

260 **E. General Rules Governing Public Conduct by School Board Members and Employees**  
261 **Regarding Gifts and Favors**

262  
263 1. Prohibited Conduct

264 Neither the School Board collectively, nor any member of the Board, shall

- 265 ● solicit or accept money, or anything else of value, for services performed within the  
266 scope of the Board Member's or employee's official duties other than the Board  
267 Member's or employee's regular compensation, expenses or other remuneration;
- 268 ● offer or accept money, or anything else of value, for or in consideration of obtaining  
269 employment, appointment, or promotion in the school division;
- 270 ● offer or accept any money or anything else of value for or in consideration of the  
271 use of his/her public position to obtain a contract for any person or business with  
272 the school division;
- 273 ● use for the Board Member's or employee's own economic benefit, or anyone else's,  
274 confidential information gained by reason of the Board Member's or employee's  
275 office, and which is not available to the public;
- 276 ● accept any money, loan, gift, favor or service that might reasonably tend to  
277 influence the discharge of duties;
- 278 ● accept any business or professional opportunity from which a School Board  
279 member may gain a financial benefit, where the member knows or should know  
280 that there is a reasonable likelihood that the opportunity is being offered with intent  
281 to influence the Board Member's or employee's conduct in the performance of  
282 official duties;
- 283 ● accept a gift from a person who has interests that may be substantially affected by  
284 the performance of the School Board member's or employee's official duties under  
285 circumstances where the timing and nature of the gift would cause a reasonable  
286 person to question the Board member's or employee's impartiality in the matter  
287 affecting the donor;
- 288 ● accept gifts from sources on a basis so frequent as to raise an appearance of the use  
289 of his or her public office or employment for private gain; or
- 290  
291

- 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, so long as such foreign dignitary is a representative of a foreign country of concern. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality,

Commented [MS4]: Per the amendment of Va. Code § 2.2-3103.1 by [HB 1911](#)/SB 1002.

337 but the value of such gift shall not be required to be disclosed;

338 ● certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or  
339 a person, organization or business who is or is seeking to become a party to a  
340 contract with the School Board if such gift was provided to such School Board  
341 member or employee or a member of the immediate family of the School Board  
342 member or employee on the basis of a personal friendship. A lobbyist, lobbyist's  
343 principal or a person, organization or business who is or is seeking to become a  
344 party to a contract with the School Board may be a personal friend of such School  
345 Board member or employee or the immediate family of the School Board member  
346 or employee. In determining whether a lobbyist, lobbyist's principal or a person,  
347 organization or business who is or is seeking to become a party to a contract with  
348 the School Board is a personal friend, the following factors shall be considered: (i)  
349 the circumstances under which the gift was offered; (ii) the history of the  
350 relationship between the person and the donor, including the nature and length of  
351 the friendship and any previous exchange of gifts between them; (iii) to the extent  
352 known to the person, whether the donor personally paid for the gift or sought a tax  
353 deduction or business reimbursement for the gift; and (iv) whether the donor has  
354 given the same or similar gifts to other persons required to file the disclosure form  
355 prescribed in Va. Code §§ 2.2-3117 or 30-111; and

356 ● gifts of travel, including travel-related transportation, lodging, hospitality, food or  
357 beverages, or other thing of value, with a value in excess of \$100 that is paid for or  
358 provided by a lobbyist, lobbyist's principal or a person, organization or business  
359 who is or is seeking to become a party to a contract with the School Board when  
360 the School Board member or employee has submitted a request for approval of such  
361 travel to the Council and has received the approval of the Council pursuant to Va.  
362 Code § 30-356.1. Such gifts shall be reported on the Statement of Economic  
363 Interests.

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

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

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379 3. Awards to Employees for Exceptional Service



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381 Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or  
382 other employee of Alexandria City School Board of an award or payment in honor of  
383 meritorious or exceptional services performed by the teacher or employee and made by an  
384 organization exempt from federal income taxation pursuant to the provisions of Section  
385 501(c)(3) of the Internal Revenue Code.  
386

387 **F. Prohibited Conduct Regarding Contracts**  
388

- 389 1. No School Board member shall have a personal interest in (i) any contract with the School  
390 Board or (ii) any contract with any government agency which is subject to the ultimate  
391 control of the Board.  
392
- 393 2. Exceptions - The above prohibition shall not be applicable to:  
394
- 395 ● a Board member's personal interest in a contract of employment provided the  
396 employment first began prior to the member becoming a member of the School  
397 Board;
  - 398 ● an employee's own contract of employment;
  - 399 ● contracts for the sale by a governmental agency of services or goods at uniform  
400 prices available to the general public;
  - 401 ● a contract awarded to a member of the School Board as a result of competitive  
402 sealed bidding where the School Board has established a need for the same or  
403 substantially similar goods through purchases prior to the election or appointment  
404 of the member to serve on the School Board; however, the member shall have no  
405 involvement in the preparation of the specifications for such contract, and the  
406 remaining members of the School Board, by written resolution, shall state that it is  
407 in the public interest for the member to bid on such contract; 8
  - 408 ● the sale, lease or exchange of real property between a School Board member or  
409 employee and the School Board, provided the Board member or employee does not  
410 participate in any way as a Board member or employee in such sale, lease or  
411 exchange, and this fact is set forth as a matter of public record by the School Board  
412 or Superintendent;
  - 413 ● the publication of official notices;
  - 414 ● an officer or employee whose sole personal interest in a contract with the  
415 governmental agency is by reason of income from the contracting firm or  
416 governmental agency in excess of \$5,000 per year, provided the officer or  
417 employee or a member of his/her immediate family does not participate and has no  
418 authority to participate in the procurement or letting of such contract on behalf of  
419 the contracting firm and the officer or employee either does not have authority to  
420 participate in the procurement or letting of the contract on behalf of his/her

421 governmental agency or he/she disqualifies himself/herself as a matter of public  
422 record and does not participate on behalf of his/her governmental agency in  
423 negotiating the contract or in approving the contract;

424 ● contracts between an officer's or employee's governmental agency and a public  
425 service corporation, financial institution or company furnishing public utilities in  
426 which the officer or employee has a personal interest provided the officer or  
427 employee disqualifies himself/herself as a matter of public record and does not  
428 participate on behalf of his/her governmental agency in negotiating or approving  
429 the contract;

430 ● contracts for the purchase of goods or services when the contract does not exceed  
431 \$500;

432 ● grants or other payment under any program wherein uniform rates for, or the  
433 amounts paid to, all qualified applicants are established solely by the administering  
434 governmental agency;

435 ● an officer or employee whose sole personal interest in a contract with his/her own  
436 governmental agency is by reason of his/her marriage to his/her spouse who is  
437 employed by the same agency, if the spouse was employed by such agency for five  
438 or more years prior to marrying such officer or employee; or

439 ● employment contracts and other contracts entered into prior to August 1, 1987,  
440 provided such contracts were in compliance with the Virginia Conflict of Interests  
441 Act (or the Comprehensive Conflict of Interests Act) at the time of their formation  
442 and thereafter. Those contracts shall continue to be governed by the provisions of  
443 the appropriate prior Act. The employment by the same governmental agency of an  
444 officer or employee and spouse or any other relative residing in the same household  
445 shall not be deemed to create a material financial interest except when one of the  
446 persons is employed in a direct supervisory and/or administrative position with  
447 respect to the spouse or other relative residing in his/her household and the annual  
448 salary of the subordinate is \$35,000 or more.

449

#### 450 **G. Prohibited Conduct Regarding Transactions**

451

452 1. Each School Board member and School Board employee who has a personal interest in a  
453 transaction

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455 a. shall disqualify himself/herself from participating in the transaction if

456

457 (i) the transaction has application solely to property or a business or governmental  
458 agency in which the Board Member's or employee's has a personal interest or  
459 a business that has a parent-subsiary or affiliated business entity relationship  
460 with the business in which the Board Member's or employee's has a personal  
461 interest; or

- (ii) he/she is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d. of this policy.

Any disqualification under this subsection shall be recorded in the School Board's public records. The School Board member or employee shall disclose his/her personal interests as required by Va. Code § 2.2-3115.F and shall not vote or in any manner act on behalf of the School Board in the transaction. The member or employee shall not

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

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

- b. may participate in the transaction if he/she is a member of a business, profession, occupation or group of three or more persons, the members of which are affected by the transaction, and he/she complies with the declaration requirements of Va. Code § 2.2-3115.H;
  - c. may participate in the transaction when a party to the transaction is a client of his/her firm if he/she does not personally represent or provide services to such client and he/she complies with the declaration requirements of Va. Code § 2.2-3115.I; or
  - d. may participate in the transaction if it affects the public generally, even though his/her personal interest, as a member of the public, may also be affected by that transaction.
2. Disqualification under this section shall not prevent any employee having a personal interest in a transaction in which his/her employer is involved from representing himself/herself or a member of his/her immediate family in such transaction provided he/she does not receive compensation for such representation and provided he/she complies with the disqualification and relevant disclosure requirements of this policy.
3. If disqualifications under subsection 1.a. of this section leave less than the number required by law to act, the remaining member or members of the Board shall constitute a quorum for the conduct of business and have authority to act for the Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.
4. The provisions of this section shall not prevent a Board member or employee from participating in a transaction merely because such a Board member or employee is a defendant in a civil legal proceeding concerning such transaction.

## H. Disclosure Requirements

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

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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

549 orally disclose the existence of the interest during each School Board meeting at which the  
550 transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

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

- 554
- the transaction involved;

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  - that a party to the transaction is a client of his/her firm;

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  - that he/she does not personally represent or provide services to the client; and

557

  - that he/she is able to participate in the transaction fairly, objectively and in the  
558 public interest.

559

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

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568 **I. Release of Disclosure Forms**

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

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573 **J. Deadlines and Coverage Periods for Disclosure Forms**

574 A School Board member or employee required to file an annual disclosure on or before  
575 February 1 shall disclose his personal interests and other information as required on the form  
576 prescribed by the Council for the preceding calendar year complete through December 31.

577  
578 A School Board member or employee required to file a disclosure as a condition to assuming  
579 office or employment shall file such disclosure on or before the day such office or position of  
580 employment is assumed and disclose his personal interests and other information as required  
581 on the form prescribed by the Council for the preceding 12-month period complete through the  
582 last day of the month immediately preceding the month in which the office or position of  
583 employment is assumed; however, any School Board member or employee who assumes office  
584 or a position of employment in January shall be required to only file an annual disclosure on  
585 or before February 1 for the preceding calendar year complete through December 31.

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

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590 **K. Training Requirements for ~~Elected~~ School Board Members**

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592 Each ~~elected~~ School Board member completes the training session provided by the Council  
593 within two months after assuming office and thereafter at least once during each consecutive  
594 period of two calendar years while holding office.  
595

596 The Clerk of the School Board maintains records indicating School Board members subject to  
597 the training requirement and the dates of their completion of training sessions. Such records  
598 are maintained as public records for five years in the Clerk's office.  
599

600 **L. Advisory Opinions**

601 School Board members or employees subject to the Act may seek written opinions regarding  
602 the Act from the local Commonwealth's attorney; the Alexandria City attorney; or the Council.  
603 Good faith reliance on any such written opinion of the Commonwealth Attorney or a formal  
604 opinion or written informal advice of the Council made in response to a written request for  
605 such opinion or advice regardless of whether such opinion or advice is later withdrawn,  
606 provided that the alleged violation occurred prior to the withdrawal of the opinion or advice,  
607 bars prosecution for a knowing violation of the Act provided the opinion was made after a full  
608 disclosure of the facts. If the School Board member or employee relies on the opinion of the  
609 attorney for the Commonwealth in a prosecution for a knowing violation of the Act, the written  
610 opinion of the attorney for the Commonwealth shall be a public record and shall be released  
611 upon request. An opinion of the City attorney may be introduced at trial as evidence that the  
612 School Board member or employee did not knowingly violate the Act.

- 613 Adopted: October 24, 1996
- 614 Amended: July 10, 1997
- 615 Amended: July 12, 2001
- 616 Amended: March 21, 2002
- 617 Amended: April 6, 2006
- 618 Amended: September 20, 2007
- 619 Amended: February 5, 2009
- 620 Amended: April 24, 2014
- 621 Amended: December 4, 2014
- 622 Amended: October 1, 2015
- 623 Amended: December 15, 2016
- 624 Amended: October 12, 2017
- 625 Amended: December 20, 2018
- 626 Amended: December 5, 2019
- 627 Amended: February 4, 2021
- 628 Amended: December 15, 2022
- 629 Amended: May 4, 2023

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631 Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-  
632 3103.1, 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115,  
633 2.2-3118.2, 2.2-3119, 2.2-3121, 2.2-3124, 2.2-3132, 30-356.

**File: BBFA**

634	Cross Refs.:	CBCA	Disclosure Statement Required of Superintendent
635		GAH	School Employee Conflicts of Interests
636		GCCB	Employment of Family Members

DRAFT