

Revised September 11, 2019



Colorado State Board of Education Code of Ethics

The Colorado State Board of Education will carry out its mission in accordance with the strictest ethical guidelines to ensure that its members conduct themselves in a manner that fosters public confidence in the integrity of the state board of education, its processes and accomplishments.

I. OUTSIDE EMPLOYMENT AND COMPENSATION

No state board member shall engage in any outside employment or other outside activity incompatible with the proper discharge of the responsibilities of his or her office or position. It shall be deemed incompatible with such discharge of responsibilities for any such person to accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value under circumstances in which the acceptance may result in:

- (A) An undertaking to give preferential treatment to any person;
- (B) Impeding governmental efficiency or economy;
- (C) Any loss of complete independence or impartiality;
- (D) The making of a governmental decision outside official channels;
- (E) The reasonable inference that any of the above may occur or might have occurred;
- (F) Any adverse effect on the confidence of the public in the integrity of the state board of education.

See 24-18-101 and 201 *et seq.* C.R.S.

II. GIFTS AND HONORARIA

No state board member shall knowingly receive or accept any gift of money, including a loan, pledge, or monetary payment or an in-kind gift exceeding

\$50 for the purpose of defraying any expenses related to the official duties of the board member, except for compensation paid in connection with the performance of his or her official duties, or reimbursement for actual and necessary expenditures for travel and lodging as provided by law, including scholarships for conferences.

State board members are permitted to receive:

- (A) Awards for meritorious public contribution given by a non-profit organization;
- (B) Honoraria or expenses paid for papers, talks, demonstrations, participation, or appearances made by state board members for which they are not reimbursed by the state and which are not prohibited by this code.

Board members shall report to the Secretary of State on or before January 15, April 15, July 15 and October 15 of each year receipt of all honoraria or expenses paid of \$25 or more, for which they are not reimbursed by the state, and any gift of real or personal property other than money exceeding \$53 in value, as proscribed by law.

III. USE OF STATE PROPERTY

No state board member shall use state time, property, equipment, or supplies for his or her private use, or for any other use not specifically approved in advance by the State Board of Education. It is his or her duty to protect and conserve all property entrusted to him or her.

IV. CONFIDENTIAL INFORMATION

No state board member shall disclose confidential information acquired by virtue of his or her position, nor shall he or she use such information or permit others to use it in furtherance of a private financial interest of a state board member.

No state board member shall accept employment or engage in any business or professional activity which might require him or her to disclose or act on such confidential information.

V. DUTY TO FOLLOW LEGAL STANDARDS

This code shall in no way alter the duty of each state board member to be aware of and adhere to those sections of the Colorado Revised Statutes dealing with standards of conduct, as well as the Open Meetings Law, which are incorporated herein by this reference. In the event of a conflict between this code and the Colorado Revised Statutes, the provisions of the statutes shall prevail.

VI. CONFLICTS OF INTEREST

No state board member shall have a financial interest in actions taken by that board where the member has participated in the action, unless appropriate disclosure has been made and circumstances allow participation. No state board member shall receive compensation or economic benefit from decisions made by that member or in consideration of a vote in which the member was involved. Board members shall be aware of and abide by the Colorado statutes relating to the specific prohibited interests and disclosure requirements.

Although the mere appearance of impropriety will not invalidate a board action or subject a board member to liability, every board member shall be aware of the appearance of impropriety and its consequential damage to public confidence in government, and all board members shall conduct themselves accordingly.

Board members will conduct the affairs of the board impartially in the absence of a personal, financial, or other official stake in the decision. Board members shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such a member has a direct and substantial financial interest. Board members faced with such a situation shall disclose their interest and recuse themselves from any further consideration of the matter.

All board members shall in cases where a board member has declared a conflict of interest:

- ✓ Always disclose their interest/involvement in a matter before the board at the earliest stage.
- ✓ Not vote or take any other action on the matter – either initially or if it comes up again at a later time.
- ✓ Not influence others on the matter, and not discuss the matter with other members outside of a meeting.

- ✓ Disclose their interest before the discussion.
- ✓ Leave the room while the discussion is taking place.
- ✓ Not participate in any discussion -- at the time of the vote or earlier.
- ✓ Vote only if:
 1. Their participation is necessary to achieve a quorum or otherwise enable the body to act.
 2. Written disclosure is made prior to, not after, taking the action.

Financial Interest. For purposes of this code, “financial interest” means a substantial financial interest held by an individual which is:

- (a) An ownership interest in a business;
- (b) A creditor interest in an insolvent business;
- (c) An employment or prospective employment for which negotiations have begun;
- (d) An ownership interest in real or personal property;
- (e) A loan or any other debtor interest; or
- (f) A directorship or officership in a business.

See 24-18-102(4) C.R.S. and 24-18-108.5, C.R.S.

VII. BOARD MEMBER QUESTIONS CONCERNING ETHICAL ISSUES

The Colorado attorney general is the legal counsel and advisor of the board. The attorney general is not, however, designated as legal counsel to individual board members. Questions concerning the appropriateness of an entire board’s actions, therefore, should be directed to the attorney general’s office. When an individual board member has questions regarding his or her own conduct, that board member may seek legal advice from his or her own attorney. *See § 24-31-101, C.R.S.*

VIII. CONFIDENTIALITY

Board members shall remember that all matters discussed in closed sessions of meetings, many materials reviewed by members, and a great deal of information obtained as a member are confidential and may not be disclosed to the public.

The state board is allowed to receive student and teacher records that would otherwise be privileged, but state board members shall not disclose the

information to people who are not directly involved in the matter at issue.

In particular, state board members shall not disclose teacher or student information discovered as a result of service on the board. State board members shall handle this material with the greatest of caution and sensitivity, including, but not limited to:

- ✓ Opening the board agenda packages;
- ✓ Shredding documents after reading them;
- ✓ Never mentioning confidential information learned during board work to third parties, especially information gained from teacher or student records.

IX. EX PARTE COMMUNICATIONS

From time-to-time, the state board is called upon to adjudicate the rights or duties of specific parties in quasi-judicial proceedings. Those proceedings may include:

- a) review of initial decisions in enforcement actions under the Educator Licensing Act;
- b) directing action under the Education Accountability Act of 2009;
- c) appeals under the Charter Schools Act;
- d) appeals regarding memoranda of understanding for learning centers; and
- e) site development disputes between local governments and institute charter schools under § 22-32-124(1.5)(b), C.R.S.

In adjudicating such matters, the board shall base its decision on the materials submitted to and retained by the board office as the record of proceedings, the submissions of the parties, and any information adduced at hearing or oral argument. Ex parte communications and public comment are not part of the administrative record and the state board may not consider them in reaching its decision.

No state board member shall communicate *ex parte* with any party to, or representative of a party to, an imminent or pending quasi-judicial proceeding. Board members shall refrain from any communications that suggest the receipt of information outside the record of proceedings, and shall strive to avoid the appearance of having received or considered such information.