



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

State board members shall not engage in any outside employment or other outside activity incompatible with the proper discharge of the responsibilities of their 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:

- An undertaking to give preferential treatment to any person;
- Impeding governmental efficiency or economy;
- Any loss of complete independence or impartiality;
- The making of a governmental decision outside official channels;
- The reasonable inference that any of the above may occur or might have occurred;
- 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 \$75 or the then-current rate based on the adjustments that occur every four years. Board members can seek reimbursement for actual and necessary expenditures for travel and lodging as provided by law, including scholarships for conferences.

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 \$75 or more, for which they are not reimbursed by the state, and any gift of real or personal property other than money exceeding \$75 in value, as proscribed by law.

As elected officials, state board members must disclose the following:

- Any payment for a speech, appearance, or a publication
- Payment of or reimbursement for travel and lodging expenses for attendance at a:
 - Convention;
 - Fact-finding mission or trip; or
 - Other meeting
- Subject to the exceptions in Amendment 41, any gift of a meal to a political party's fundraising event. *See* Colo. Const. art. XXIX, § 3.

Board members need not disclose a payment or reimbursement if it was made from:

- Public money by a state or local government; or
- The funds of an association of public officials or public entities whose membership includes the elected office or the government entity in which the office is held.

But if the reimbursement is from a joint governmental organization listed in § 2-3-311, C.R.S., board members must disclose it. Those organizations are:

- The council of state governments;
- The national conference of state legislatures;
- The energy council; and
- The American legislative exchange council.

III. USE OF STATE PROPERTY

State board members shall not use state time, property, equipment, or supplies for their private use, or for any other use not specifically approved in advance by the State Board of Education. It is their duty to protect and conserve all state property entrusted to them.

IV. CONFIDENTIAL INFORMATION

State board members shall not disclose confidential information acquired by virtue of their positions, nor shall they use such information or permit others to use it in furtherance of a private financial interest of a state board member.

State board members shall not accept employment or engage in any business or professional activity which might require them to disclose, act on, or otherwise

compromise any confidential information acquired by virtue of their position on the state board.

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 hereby incorporated by reference. In the event of a conflict between this code and the Colorado Revised Statutes, the provisions of the statutes shall prevail.

See §§ 24-6-101 et seq. and 24-18-101 et seq. C.R.S.

VI. CONFLICTS OF INTEREST

No state board member shall have a financial interest in actions taken by the board where the member has participated in the action, unless appropriate disclosure has been made and circumstances allow participation. Board members are prohibited from receiving compensation or other economic benefit from decisions they make or votes in which they are involved. Board members shall be aware of and comply with those sections of the Colorado Revised Statutes relating to the specific prohibited interests, § 24-18-108.5, C.R.S., and disclosure requirements, §§ 24-6-201 *et seq.* C.R.S.

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; and
- Vote only if:
 - Their participation is necessary to achieve a quorum or otherwise enable the body to act; and
 - 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:

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

See §§ 24-18-102(4) and -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 or online materials in view of others;
- Shredding any printed documents after they are no longer in use;

- 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:

- review of initial decisions in enforcement actions under the Educator Licensing Act, §§ 22-60.5-101 *et seq.* C.R.S.;
- directing action under the Education Accountability Act of 2009, §§ 22-11-101 *et seq.* C.R.S.;
- appeals under the Charter Schools Act §§ 22-30.5-101 *et seq.* C.R.S.;
- appeals regarding memoranda of understanding for learning centers; and
- 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.

Board members shall not communicate with any party to, or representative of a party to, an imminent or pending quasi-judicial proceeding outside of a regularly noticed public hearing or outside of the presence of all parties to that 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. Such *ex parte* communications are not part of the administrative record and the state board may not consider them in reaching its decision.