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*BOARD OF EDUCATION BYLAWS*

**BOARD OF EDUCATION MEMBER CONFLICT OF INTEREST**

The purpose of this policy is to avoid conflicts of interest and inspire the public trust. In general, a conflict of interest shall exist if so defined by Board of Education policy or applicable law, or if in the reasonable judgment of a Board of Education member an immediate, definite and demonstrable personal or private interest exists which may unduly influence the Board of Education member in conflict with the public interest.

1. Except as otherwise provided by applicable law, a Board of Education member shall not engage in a substantial financial transaction for the Board of Education member's private business purposes with the Superintendent.
2. A Board of Education member shall not perform an official act directly and substantially benefiting economically an undertaking in which the Board of Education member has a substantial financial interest or is engaged as counsel, consultant, representative, or agent. Further, A board member shall not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he/she has a substantial financial interest in a competing firm or undertaking.
3. Except as otherwise permitted herein, a Board of Education member shall not be a purchaser at any sale or a vendor for any purchase made by the district.
4. A Board of Education member shall not have a personal or private interest in any contract made by the Board of Education unless the cost to the Board of Education to contract with someone else would exceed 10 percent of the cost to contract with the Board of Education member, the contract must be performed within a limited time period and no other contractor can provide the services within the time period, or the Board of Education member has made adequate disclosure to the Board of Education of his/her personal or private interest. This prohibition shall not extend to contracts awarded to the lowest responsible bidder based on competitive bidding procedures, merchandise sold to the highest bidder at public auctions, and investments or deposits in financial institutions which are in the business of loaning or receiving moneys.
5. A board member should not acquire or hold an interest in any business or undertaking which he/she has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which he/she has substantive authority.
6. A board member should not, within six months following the termination of his/her office, obtain employment in which he/she will take direct advantage, unavailable to others, of matters with which he/she was directly involved during his/her term of [office]. These matters include rules, other than rules of general application, which he/she actively helped to formulate and applications, claims or contested cases in the consideration of which he/she was an active participant.

A member of the Board of Education may request an advisory opinion from the Secretary of State concerning issues relating to his/her conduct and potential conflict of interest.

If a Board of Education member has a conflict of interest in a matter proposed or pending before the Board of Education, he/she shall refrain from voting on the matter and from influencing the decisions of other Board of Education members. The Board of Education member may vote under such circumstances only if the member's vote is necessary to enable the Board of Education to act and if the member voluntarily discloses in writing to the Secretary of State the nature of his/her interest in accordance with applicable law. In the case of a conflict of interest, the Board of Education shall excuse the Board of Education member from voting for good cause unless the Board of Education reasonably determines that no conflict of interest exists.

Current practice codified 1980  
Revised May 1989  
Revised November, 1992  
Revised April 14, 1993  
Revised February, 1995  
Revised September 2003

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LEGAL REFS.: Colorado Constitution, Article X, Section 13

C.R.S. 22-32-109 (1) (y)

C.R.S. 24-18-109 through 24-18-111

C.R.S. 24-18-201

C.R.S. 24-18-202

CROSS REFS.:       BCD, School Board Member Conduct  
                      BEDF, Voting Method  
                      DJE, Bidding Procedures