



BEST FOR ALL

We will set all students on a path to success.

Joanna Collins, Assistant General Counsel for Procurement

Office of General Counsel, TN Dept. of Education, 2/19/20



BEST FOR ALL

We will set all students on a path to success.

ACADEMICS

ALL TENNESSEE STUDENTS WILL
HAVE ACCESS TO A HIGH-QUALITY
EDUCATION, NO MATTER WHERE
THEY LIVE

WHOLE CHILD

TENNESSEE PUBLIC SCHOOLS WILL
BE EQUIPPED TO SERVE THE
ACADEMIC AND NON-ACADEMIC
NEEDS OF ALL STUDENTS

EDUCATORS

TENNESSEE WILL SET A NEW PATH
FOR THE EDUCATION PROFESSION
AND BE THE TOP STATE TO BECOME
AND REMAIN A TEACHER AND
LEADER

AGENDA

Ethical obligations of members
Conflicts of interest and disclosures



Disclaimer

This presentation is intended for general guidance. Please consult with Commission counsel (forthcoming) for specific legal guidance on Commission matters.



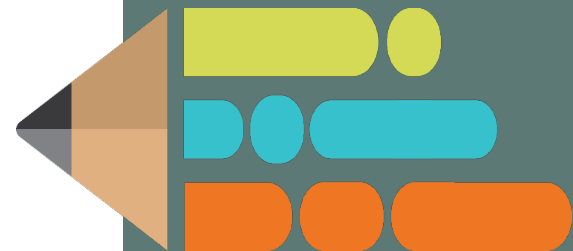
Tenn. Code Ann. § 49-13-105(e)

(e) Each member of the commission shall:

(1) Review public charter school applications, hear appeals, and carry out the member's duties in a **fair and impartial manner**; and

(2) Before beginning a term of office, sign **a conflict of interest agreement** in which the member agrees to carry out the member's duties in compliance with subdivision (e)(1).

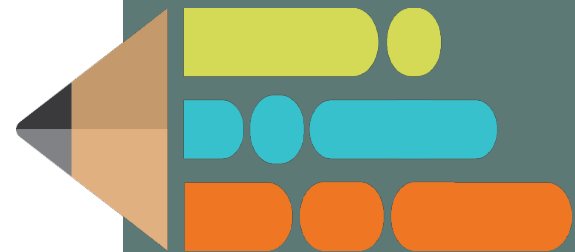
Ethical duties of Commission members



Fair and Impartial Consideration of Applications

- Review applications against objective criteria in the rubric – use your expertise to determine whether the application meets the metrics but don't insert subjective opinions
- Consistency in decision-making - look to precedent

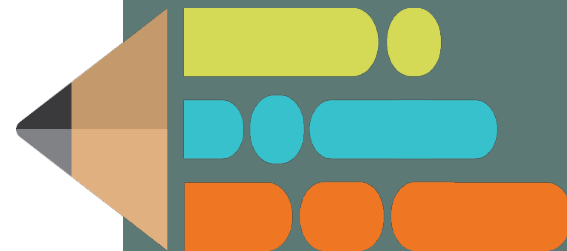
Ethical duties of Commission members



Fair and Impartial Contracting

- Tenn. Code Ann. § 49-13-105
(I) Notwithstanding any law to the contrary, the commission shall, at a minimum, have the same authority and autonomy afforded to LEAs under state law regarding the procurement of goods and services, including, but not limited to, personal, professional, consulting, and social services. The commission shall develop written procedures for the procurement of all goods and services in compliance with the expenditure thresholds for **competitive bidding** outlined or permitted in § 49-2-203.

Ethical duties of Commission members



Avoiding conflicts of Interest

Conflicts of interest by virtue of office/employment:

Tenn. Code Ann. § 49-13-105(o)

The following individuals are prohibited from serving as a member of the commission for so long as they hold the office or position:

- (1) Elected officials; and**
- (2) State employees.**

Ethical duties of Commission members



Avoiding conflicts of Interest

- Conflicts of interest can be actual OR perceived
- Examples:
 - Ex parte communications – making decisions or communicating with applicants/vendors (or other parties) outside of formal processes
 - Solicitation or acceptance of gifts, favors, reward, emolument, anything of value from applicants, vendors, lobbyists, etc.
 - Using position, information, government property for private gain
 - Preferential treatment to applicants/vendors or any other party
 - Impeding government efficiency
 - Affecting the confidence of the public in the integrity of government

Ethical duties of Commission members



Conflict of Interest Disclosures

Commission Policy 1.100 re: Conflict of Interest Disclosures states:

“In order to assure that any appearance of conflict of interest is avoided, and in order to assure that any indirect interests are publicly acknowledged, each Commissioner shall complete the Tennessee Public Charter School Commission Conflict of Interest Disclosure Statement (attached below). Each Commissioner shall amend his or her disclosure because of termination or acquisition of interests of which disclosure is required”.

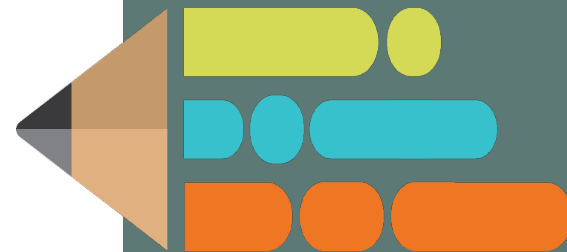
Ethical duties of Commission members



Conflict of Interest Disclosures Form

- Personal relationships, employment, professional affiliations, ownership interests, service on boards, family ownership interests, receipt of grant funds
- Consult with Commission counsel as needed
- Your role is to provide the disclosures, not to make the final call as to whether a conflict of interest exists. You must disclose, whether or not you believe a particular relationship will impact your impartiality. Commission counsel will determine if there is a conflict of interest that must be addressed and what the proper mitigation is (i.e. recusal from a vote).
- Disclosure is an ongoing obligation

Ethical duties of Commission members



Consequences for Violating Ethical Obligations

- A breach of oath or failure to adhere to the ethical obligations of members may subject the member to removal from office (and to any applicable criminal statutes).

Ethical duties of Commission members



Closing Notes

Public comments (including use of social media): Make it clear that you are speaking in your own capacity as a citizen, not on behalf of board, department, or commission

**Ethical duties
of
Commission
members**



QUESTIONS?

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