

<b>TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION</b>		
<b>CODE OF ETHICS AND CONFLICT OF INTEREST</b>		<b>1106</b>
<b>ADOPTED:</b> February 5, 2021	<b>REVISED:</b>	<b>MONITORING:</b> Review: Annually

**Definitions.<sup>1</sup>**

- (1) "School" means any charter school authorized by the Commission; and includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by each authorized charter school.
- (2) "Officials or employees" means and includes any official, officer, employee or servant of, or any member of any board, agency, commission, authority, or corporation (whether compensated or not), or any officer, employee or servant thereof, of a charter school authorized by the Commission.
- (3) "Personal interest" means a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

**Generally.** Each authorized charter school shall develop a code of ethics and conflict of interest policy and file it with the Commission at the beginning of the charter term. If these policies are revised at any time, the updated policies shall be filed with the Commission within seven (7) business days of the adoption of the revised policy. The policy shall include:

- (1) **Disclosure Form.** The school shall develop a disclosure form for use by an official or employee when disclosing personal interests in voting or non-voting matters.
- (2) **Disclosure of Personal Interest in Voting Matters.** An official or employee at the school with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.
- (3) **Disclosure of Personal Interest in Non-Voting Matters.** An official or employee at the school who must exercise discretion relative to any matter other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose the interest, before the exercise of the discretion when possible. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.
- (4) **Acceptance of Gifts and Other Things of Value.** An official or employee at the school, or a school official's or employee's spouse or child living in the same household, may not accept from anyone other than the Commission or its authorized charter schools, directly or

indirectly, any gift, money, gratuity, or other consideration or favor of any kind that a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing decision-making authority affecting the authorized charter schools. It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of school officials or by an umbrella or affiliate organization of such statewide association of school officials.

- (5) **Misuse of Public Position.** No public official or employee shall corruptly use or attempt to use his or her official position or any property or resource that may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.
- (6) **Use of Government Property.** No public official or employee shall make use of the facilities, equipment, personnel, or supplies of the Commission or its authorized charter schools for private use or gain except to the extent that the use is incidental or minimal or is lawfully available to the general public.

**Exceptions to Policy.** The Director of Schools may make exceptions to this policy when it is determined to be in the best interest of an authorized charter school and provided that:

- (1) The exception does not violate any statutory or regulatory constraints under which the school must operate;
- (2) The request for exception is made in writing and approved prior to taking the action(s) in question; and
- (3) The exception is granted in writing and for a specific instance or occurrence.

Nothing in this policy should be considered to prohibit a teacher or employee from accepting a gift made in the aggregate from a student group, parent group, or community group or organization in recognition of services rendered to the group, organization, or the community in general.<sup>2</sup>

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Legal References:

<sup>1</sup> T.C.A. § 8-17-101 et seq.

<sup>2</sup> T.C.A. § 49-6-2003