

## BOARD OF DIRECTORS' CONFLICT OF INTEREST

Board members must be able to make decisions objectively. It is a conflict of interest for a board member to receive direct compensation from the school district, unless exempted in ~~this law or~~ policy, for anything other than reimbursement of actual and necessary expenses, including travel, incurred in the performance of official duties. A board member will not act as an agent for a school ~~textbook~~ textbooks or school ~~supply company doing business~~ supplies including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the school district during the board member's term of office. It will not be a conflict of interest for board members to receive compensation from the school district for contracts ~~to for the purchase of~~ goods or services which benefits a board member, or to compensation for part-time or temporary employment which benefits a board member, if the benefit to the board member does not exceed \$2,500 in a fiscal year or if the contracts are made by the board, upon competitive bid in writing, publicly invited and opened.

The conflict of interest provisions do not apply to a contract that is a bond, note or other obligation of a school corporation if the contract is not acquired directly from the school corporation, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract, or to a contract in which a director has an interest solely by reason of employment if the contract was made by competitive bid, in writing, publicly invited and opened, or if the remuneration for employment will not be directly affected as a result of the contract and duties of employment do not involve any of the preparation or procurement of any part of the contract. The competitive bid section of the conflict of interest provision does not apply to a contract for professional services not customarily ~~competitively~~ awarded by competitive bid.

It will also be a conflict of interest for a board member to engage in any outside employment or activity which is in conflict with the board member's official duties and responsibilities. In determining whether outside employment or activity of a board member creates a conflict of interest, situations in which an unacceptable conflict of interest is deemed to exist includes, but are not limited to, any of the following:

- (1) The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district badge, uniform, business card or other evidence of office to give the board member or member of the board member's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to a board member.
- (2) The outside employment or activity involves the receipt of, promise of, or acceptance of ~~more money-~~ or other consideration by the board member or a member of the board member's immediate family from anyone other than the state or the school district for the performance of any act that the board member would be required or expected to perform as part of the board member's regular duties or during the hours in which the board member performs service or work for the school district.
- (3) The outside employment or activity is subject to the official control, inspection, review, audit, or enforcement authority of the board member, during the performance of the board member's duties of office or employment.

If the outside employment or activity is employment or activity in (1) or (2) above, the board member must cease the employment of or activity. If the activity or employment falls under (3), then the board member must:

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- Cease the outside employment or activity; or;
- Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. Official action or official duty includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, determining the facts or law in a contested case or rulemaking proceeding, conducting any inspection, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

When procurement is supported by Federal Child Nutrition funds, board members will not participate in the selection, award, or administration of a contract if there is a real or apparent conflict of interest in the contract. Contract, for purposes of this paragraph, includes a contract where the board member, board member's immediate family, partner, or a non-school district employer of these individuals is a party to the contract.

It is the responsibility of each board member to be aware of ~~an actual or potential conflict of interest. It is also the responsibility of each board member to~~ and take the action necessary to eliminate ~~such a potential conflict of interest. Should a conflict of interest arise, a board member should not participate in any action relating to the issue from which the conflict arose~~ it arise.

***NOTE: This policy reflects the Iowa law on board member conflict of interest. There is no longer a prohibition on the employment of a spouse of a board member. Because of this removal, boards have little discretion regarding the employment of board ~~members' spouses. However, a board may be able to prohibit the hiring of a board member's spouse during the board member's term of office. If the board chooses to prohibit the hiring of a spouse of a board member, the following paragraph should be added to the policy just before the last paragraph.~~members' spouses.***

***~~It is a conflict of interest for the board to hire the spouse of a board member or do business with the spouse of a board member during the term of the board member. The payment of compensation to any other family member is within the discretion of the board.~~***

***~~For more detailed discussion of this issue, see IASB's Policy Primer – July 30, 2009 and August 5, 2003.~~***

Legal Reference: 22 C.F.R. § 518.42.  
Iowa Code §§ 39.1, 2; 68B; 71.1; 277.27; 279.7A; 301.28 (2009).  
~~1990 Op. Att'y Gen. 37.~~  
~~1988 Op. Att'y Gen. 21.~~  
~~1986 Op. Att'y Gen. 10.~~  
~~1984 Op. Att'y Gen. 23.~~  
~~1982 Op. Att'y Gen. 302.~~  
~~1978 Op. Att'y Gen. 295.~~  
~~1976 Op. Att'y Gen. 89.~~  
~~1974 Op. Att'y Gen. 137.~~  
~~1936 Op. Att'y Gen. 237.~~

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Cross Reference:      201    Board of Directors' Elections  
                             202.1    Qualifications  
                             204    Code of Ethics  
                             216.3    Board of Directors' Member Compensation and Expenses  
                             217    Gifts to Board of Directors  
                             401.3    Nepotism

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## **EMERGENCY CLOSINGS**

In the event of weather conditions, disaster, or other circumstances which could be considered to create an emergency, the Superintendent or his/her designee will have the authority to cancel school classes. An assessment of conditions shall be made by the Superintendent or his/her designee as early as possible in the day. If a decision to cancel school is made, the radio/TV stations that serve the Rock Rapids/Central Lyon geographic area will be informed so the announcement may be broadcast.

If emergency conditions occur during the time students are in school, the superintendent or his/her appointee is empowered to close the schools. In the event of such a situation the radio/TV stations will be notified of the emergency closing. Students who normally walk to their homes will be released and students transported by bus will be taken home as soon as drivers and vehicles are available and if conditions are such that life and/or limb would not be unduly endangered by so doing.

If it is determined that it would be unsafe or unwise to permit students to leave the school they will be detained at the school with faculty supervision until conditions for release are favorable or until parents personally pick up their children.

### **EMERGENCY CLOSING: THREAT TO LIFE-LIMB-FACILITY**

In the event of a threat that could cause injury, the loss of life, or the destruction of property, students are to be evacuated from the building or area threatened.

As soon as the evacuation is complete, a roll call of all students in the affected area and the district will be taken. The Federal Bureau of Investigation, the County Sheriff, and the Rock Rapids Police shall be notified.

Upon completion of the foregoing, every effort shall be made to safely continue the day's instruction. If conditions are such that it is unreasonable to continue classes, steps shall be initiated to dismiss all students of the district.

The District will dismiss or begin school on the schedule listed below to accommodate student safety.

### **HOT WEATHER POLICY**

Should the temperature within the high school, and/or elementary/middle school, rise above an acceptable level for providing educational services, that building shall be dismissed as soon as feasible. Such determination will be left to the discretion of the administration. Notice will be given over the regular radio/TV stations.

### **WIND CHILL FACTOR**

- 0 degrees to -59 degrees -- Regular Day
- 60 degrees to -70 degrees -- 2 Hour Delay
- 71 degrees to -80 degrees -- 3 Hour Delay
- 81 degrees to Colder -- School Closed Entire Day

## **BOMB THREATS**

School time missed due to bomb threats or similar conditions ~~shall~~may be made up on a subsequent Saturday or day of vacation in accordance with the State Statute/Regulations and CLEA agreement. Notice of an early dismissal or closing of school shall be given over the regular radio/TV stations.

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Revised 5/8/95

Cross Reference:      601.2 School Day  
                             205.1 Transportation in Inclement Weather

**Emergency Closing/Inclement Weather/Activities**

The Central Lyon School Board is concerned with the safety and welfare of the students and district personnel thus, their attendance or scheduling of practices, open gym, voluntary practices and contests when school has been dismissed early on closed due to inclement weather shall be restricted within the following conditions:

... when school is closed for the entire school day due to inclement weather, the building principal/athletic director shall evaluate the weather conditions utilizing information from the weather bureau, law enforcement agencies, other school districts, the director of transportation and any other sources to determine if it is safe and prudent for school personnel and students to participate in the contest or practice session. Participation will be voluntary at all times and no student will be disciplined or penalized for failure to attend or participate.

The decision regarding whether to continue the activity, cancel and/or reschedule the activity shall be made by the host school and visiting school. The decision will be made by the building principal, after consulting with the superintendent, if available, on or before two o'clock (2:00 p.m.) and will be announced over the radio/t.v. on the regular stations utilized for inclement weather notification. The athletic director shall be notified as to the determination to hold an activity after a full day closing by the principal.

...When the school is closed or dismissed after the school day has begun and students are dismissed to return to their residences due to inclement weather, there shall not be any practices, open gym, voluntary activities or contests after the closing for any student(s).

...When school is dismissed early or closed for the school day and there is a state sponsored contest, it shall be the determination of the building principal, athletic director, and superintendent as to the appropriateness to participate in the contest. The same inquiries shall be made of officials to determine safety of advisors and participants prior to leaving for or returning from an activity.

... When school is closed for the day, dismissed early for inclement weather, or inclement weather develops during the contest and the student activity is outside the school district the coach, athletic director or sponsor shall contact the building principal as to the safety of returning to the district and/or to make other arrangements for the safety of students and school personnel.

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PRESIDENT

It is the responsibility of the board president to lead a well-organized board in an efficient and effective manner. The board president will set the tone of the board meetings and, as the representative of the consensus of the board, speak on behalf of the board to the public.

The president of the board is elected by a majority vote at the annual organizational meeting ~~of (September in odd-numbered years, or October board at the annual meeting of in even-numbered years)~~, to serve a one-year term of office.

The president, in addition to presiding at the board meetings, will take an active role in board decisions by discussing and voting on each motion before the board in the same manner as other board members. Before making or seconding a motion, the board president will turn over control of the meeting to either the vice-president or other board member.

The board president has the authority to call special meetings of the board. Prior to board meetings, the board president will consult with the superintendent on the development of the agenda for the meeting.

The board president, as the chief officer of the school district, will sign employment contracts and sign other contracts and school district warrants approved by the board and appear on behalf of the school corporation in causes of action involving the school district.

**NOTE: If another method for electing the board president is used, that method should be outlined in this policy as well as Policy 200.1. This policy reflects the legal responsibilities of the board president including the signing of employment contracts.**

**For more detailed discussion of this issue, see IASB's Policy Primer, June 14, 2010.**

Legal Reference: Iowa Code §§ 279.1-.2; 291.1 (~~2009~~2013).

Cross Reference: 200.1 Organization of the Board of Directors  
202.2 Oath of Office  
206.2 Vice-President

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## VICE-PRESIDENT

If the board president is unable or unwilling to carry out the duties required, it is the responsibility of the Vice-President of the board to carry out the duties of the president. If the president is unable or unwilling to complete the term of office, the vice-president will serve as president for the balance of the president's term of office, and a new vice-president will be elected.

The vice-president of the board is elected by a majority vote at the annual organizational meeting ~~of in odd-numbered years, or at the annual meeting in even-numbered years,~~ to serve a one-year term of office.

The vice-president will accept control of the meeting from the president when the president wishes to make or second a motion. The vice-president will take an active role in board decisions by discussing and voting on matters before the board in the same manner as other board members.

*For more detailed discussion of this issue, see IASB's Policy Primer, June 14, 2010 and October 21, 2008.*

Legal Reference: Iowa Code § 279.5 (~~2009~~2013).

Cross Reference: 200.1 Organization of the Board of Directors  
202.2 Oath of Office  
206.1 President

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DISSEMINATION OF POLICY

A board policy manual shall be ~~housed in each school attendance center~~placed on the district's website and available in the central administration office. ~~Each board member shall have a personal copy of the board policy manual.~~ Persons wishing to review the board policy manual shall contact the board secretary/ business manager, who shall have a board policy manual available for public inspection.

It shall be the responsibility of the board secretary/business manager to ensure copies of new and revised policy statements are distributed to the custodians of board policy manuals no later than the first (1st) regular board meeting following the policy's adoption. Copies of changes in board policy shall also be included in or attached to the minutes of the meetings in which the final action was taken to adopt the new or changed policy.

~~It shall be the responsibility of each board member, during the board member's term of office, to keep the manual current and up to date and to surrender the manual to the board secretary/business manager at the conclusion of the board member's term of office.~~

Legal Reference: Iowa Code §§ 277.31; 279.8 (1995).  
281 I.A.C. 12.3(2).

Cross Reference: 200.3 Responsibilities of the Board of Directors  
209 Board of Directors' Management Procedure

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## ANNUAL MEETING

Each year after August 31 and prior to the organizational meeting of the board, the board will hold its annual meeting.

At the annual meeting, the board will examine the financial books and settle the secretary's and treasurer's statements for the fiscal year ending the preceding June 30. As part of the annual reports, the treasurer will present affidavits from depository banks. The board may also appoint the board's legal counsel at the annual meeting.

**NOTE: The requirement that the treasurer present an affidavit for depository banks is a legal requirement. The range of dates for a boards' annual meeting comply with Iowa law. For more detailed discussion of this issue, see IASB's Policy Primer, June, 14, 2010, August 5, 2003 and June 8, 2001.**

Legal Reference: Iowa Code §§ 279.1, .3, .33 (~~2009~~2013).

Cross Reference: 206.3 Secretary  
206.4 Treasurer  
701.1 Depository of Funds  
707 Fiscal Reports

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## CLOSED SESSIONS

Generally, board meetings will be open meetings, unless a closed session or exempt meeting is provided for by law. The board will hold a closed session or exempt meeting in the situations stated below.

### Exceptions to the Open Meetings Law

Closed sessions take place as part of an open meeting. The item for discussion in the closed session will be listed as part of the tentative agenda on the public notice. The motion for a closed session, stating the purpose for the closed session, will be made and seconded during the open meeting. A minimum of two-thirds of the board, or all of the board members present, must vote in favor of the motion on a roll call vote. Closed sessions will be tape recorded and have detailed minutes kept by the board secretary. Final action on matters discussed in the closed session will be taken in an open meeting.

The minutes and the tape recording will restate the motion made in the open meeting, the roll call vote, the members present, and the time the closed session began and ended. The tape recordings and the written minutes will be kept for one year from the date of the meeting. Real estate related minutes and tapes will be made public after the real estate transaction is completed.

The detailed minutes and tape recording will be sealed and will not be public records open to public inspection. The minutes and tape recording will only be available to board members or opened upon court order in an action to enforce the requirements of the open meetings law. The board has complete discretion as to whom may be present at a closed session.

Reasons for the board entering into a closed session from an open meeting include, but are not limited to, the following:

1. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for the board's possession or receipt of federal funds.
2. To discuss strategy with legal counsel in matters presently in litigation, or where litigation is imminent, if disclosure would be likely to prejudice or disadvantage the board.
3. To discuss whether to conduct a hearing, or conduct a hearing for suspension or expulsion of a student, unless an open meeting is requested by the student or the parent of the student.
4. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when a closed session is necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
5. To discuss the purchase or sale of particular real estate, but only when premature disclosure could be reasonably expected to increase the price the board would have to pay for the property , or in case of a sale reduce the price the board could receive for the property.

## CLOSED SESSIONS

Exemptions to the Open Meetings Law

Board meetings at which a quorum is not present, or gatherings of the board for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of the open meetings law, are exempt from the open meetings law requirements. Since gatherings of this type are exempt from the open meetings requirements, they can be held without public notice, be separate from an open meeting, be held without taping the gathering or taking minutes, and be held without a vote or motion. The board may also hold an exempt session for the following:

1. negotiating sessions, strategy meetings of public employers or employee organizations, mediation and the deliberative process of arbitration;
2. to discuss strategy in matters relating to employment conditions of employees not covered by the collective bargaining law;
3. to conduct a private hearing relating to the recommended termination of a teacher's contract. The private hearing however, in the teacher's contract termination will be recorded verbatim by a court reporter; and
4. to conduct a private hearing relating to the termination of a probationary administrator's contract or to review the proposed decision of the administrative law judge regarding the termination of an administrator's contract.

***NOTE: This policy reflects the exceptions and exemptions to the open meeting law. Any deviation from this policy should be addressed to legal counsel prior to action.***

***For more detailed discussion of this issue, see IASB's Policy Primer, August 9, 2007.***

Legal Reference: Iowa Code §§ 20.17; 21; 22.7; 279.15, .16, .24 (~~2005~~2013).  
 1982 Op. Att'y Gen. 162.  
 1980 Op. Att'y Gen. 167.  
 1976 Op. Att'y Gen. 384, 514, 765.  
 1972 Op. Att'y Gen. 158.  
 1970 Op. Att'y Gen. 287.

Cross Reference: 208 Ad Hoc Committees  
 211 Open Meetings

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