

NEW! 401.14 EMPLOYEE EXPRESSION

The board believes the district has an interest in maintaining an orderly and effective work environment while balancing employees First Amendment rights to freedom of expression and diverse viewpoints and beliefs. When employees speak within their official capacity, their expression represents the district and may be regulated. The First Amendment protects a public employee's speech when the employee is speaking as an individual citizen on a matter of public concern. Even so, employee expression that has an adverse impact on district operations and/or negatively impacts an employee's ability to perform their job for the district may still result in disciplinary action up to and including termination.

Employees who use social media platforms are encouraged to remember that the school community may not be able to separate employees as private citizens, from their role within the district. Employee expression on social media platforms that interferes with the district's operations or prevents the district from functioning efficiently and effectively may be subject to discipline up to and including termination.

A district employee who acts to protect a student for engaging in free expression or who refuses to infringe on students engaging in free expression; and who is acting within the scope of their professional ethics will not be retaliated against or face any adverse employment action based on their behavior provided that expression is otherwise permitted by law and board policy.

If the board or court finds an employee that is subject to licensure, certification or authorization by the Board of Educational Examiners discriminated against a student or other co-employee, the board will refer the employee to the Board of Educational Examiners for additional proceedings as required by law and which may result in discipline up to and including termination.

Note: This is a mandatory policy required by Iowa Code ch. 279.73.

Legal Reference: U.S. Const. Amend. I
Iowa Code §§ 279.73; 280.22

Cross Reference: 502.3 Student Expression
504.3 Student Publications

Approved X/X/XX

Reviewed X/X/XX

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NEW! 502.3R1 STUDENT EXPRESSION AND STUDENT PUBLICATIONS CODE

- A. Student Expression defined:** Student Expression is speech, action or other forms of expression which convey a student's beliefs, views or opinions.
- B. Official school publications defined:** An "official school publication" is material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to students either free, or for a fee, or in the Lyon County Reporter.
- C. Limitations to Student Expression in an official school publication:**
1. No student will express, publish or distribute in an official school publication material which is:
 - a. obscene;
 - b. libelous;
 - c. slanderous; or
 - d. encourages students to:
 - 1) commit unlawful acts;
 - 2) violate lawful school rules-regulations;
 - 3) cause the material and substantial disruption of the orderly and efficient operation of the school or school activity;
 - 4) disrupt or interfere with the education program;
 - 5) interrupt the maintenance of a disciplined atmosphere; or
 - 6) infringe on the rights of others.
- ~~1. The official school publication is produced under the supervision of a faculty advisor.~~
- D. Responsibilities of students for official school publications.**
1. Students writing or editing official school publications will assign and edit the news, editorial and feature contents of the official school publications subject to the limitations of the student publications code and the law.
 2. Students will strive to achieve professional standards of accuracy, fairness, objectivity and thoroughness in each and every aspect of official school publications.
 3. Students will strive to achieve professional standards of grammar, usage, punctuation and spelling for clarity and accuracy of official school publications.
- E. Responsibilities of faculty advisors for official school publications.**
- Faculty advisors will supervise student writers to maintain professional standards of English and journalism and to comply with the law including, but not limited to, the restrictions against unlawful speech. Official school publications are produced under the supervision of a faculty advisor. Faculty advisors to students producing official school publications shall supervise the production of the student staff in order to maintain professional standards of English journalism. District employees acting within the scope of their professional ethics will not suffer adverse employment action or retaliated against for acting to protect a student for engaging in authorized student expression or for refusing to infringe on protected student expression.
- F. District employee rights**
- Any District employee or official, acting within the scope of that person's professional ethics, if any, shall not be dismissed, suspended, disciplined, reassigned, transferred, subject to termination or nonrenewal of a teaching contract or extracurricular contract, or otherwise retaliated against for acting to protect a student for engaging in expression protected by law, or refusing to infringe upon student expression that is protected by law.
- G. Liability**
- Student expression, including student expression in an official school publication will not be deemed to be an expression of the school district. The school district, the board, and the employees or officials are not liable in any civil or criminal action for any student expression made or published by students unless the employees or officials have interfered with or altered the content of the student expression. The liability, if any, is only to the extent of interference or alteration of the speech or expression.

H. Appeal procedure

1. Students who believe they have been unreasonably restricted in their exercise of expression in an official student publication will seek review of the decision through the student grievance procedure, under board policy 502.4.
2. Persons who believe they have been aggrieved by a student-produced official student publication will file their complaint through the citizen grievance procedure, under board policy 213.1.

I. Time, place and manner of restrictions on student expression.

~~B.~~ Student expression may be conveyed and official ~~school publications.~~

1. Official-student publications may be distributed in a reasonable manner on or off school premises.
2. ~~Distribution~~ Student expression and distribution of official school publications in a reasonable manner will not encourage students to:
 - a. commit unlawful acts;
 - b. violate school rules;
 - c. cause the material and substantial disruption of the orderly and efficient operation of the school district or school activity;
 - d. disrupt or interfere with the education program;
 - e. interrupt the maintenance of a disciplined atmosphere; or
 - f. infringe on the rights of others.

NEW! 804.6 USE OF RECORDING DEVICES ON SCHOOL PROPERTY

District-Generated Recordings

The district believes in the importance of providing a safe and enriching learning environment possible for its students. The district uses digital recording devices on school property including school transportation vehicles to help protect the safety of district students, employees and community members; and to safeguard district property which is funded using public resources. Additionally, district-generated recordings of students engaging in the district's educational and extracurricular programs can be essential to engage positively with the school community and promote the value of public education.

In order to balance privacy and safety interests, no recording devices will be utilized on district property where individuals maintain a reasonable expectation of privacy. These areas include but are not limited to: the school nurse's office, restrooms, locker rooms, changing areas, lactation spaces and employee break areas.

Recordings of students have the potential to be considered education records. Any recordings will be maintained and accessed in compliance with the requirements of the Family Education Rights and Privacy Act and the district's policy on student records.

Recordings will be digitally maintained and stored for an appropriate amount of time to maintain the safety of the educational environment and to safeguard district property, after which they will be destroyed. The superintendent or superintendent's designee will establish any necessary regulations related to the secure storage, maintenance, viewing and destruction of digital recordings.

Non-District Generated Recordings

The use of non-district owned recording devices on school property and at school events will be regulated. Students, parents and community members will not be permitted to take recordings of other students or employees during school hours unless the recording is authorized in advance by building administration. Students and employees found to violate this policy will be subject to disciplinary measures consistent with board policy and applicable student and employee handbooks. This policy will not be construed or enforced in a way that infringes on employee activity otherwise protected by law.

It is important to foster a community spirit and sense of unity within the district. However, the district acknowledges that not every student or staff member feels comfortable or safe being recorded. At district-sponsored extracurricular events and activities, the use of non-district owned recording devices by the public may be monitored by administration if a concern is made known to district administration by a student, employee or parent. Any individuals determined to be making recordings considered bothersome to students or staff may be asked to stop or destroy their recording and may be asked to leave the event.

Legal Reference: 20 USC 1232
Iowa Code §§ 279.8

Cross Reference: 506.1 Student Records

Approved X/XX/XX

Reviewed X/XX/XX

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NEW! 804.6R1 USE OF DISTRICT OWNED RECORDING DEVICES ON DISTRICT PROPERTY REGULATION

The board supports the use of recording devices on district property as a means to monitor and maintain a safe environment for students and employees. District property includes district-owned land, buildings, vehicles, buses and any other property as needed. The contents of the recordings may be used as evidence in a student or employee disciplinary proceeding.

Student Records

The content of the recordings may be a student record subject to federal and state law, board policy and administrative regulations regarding confidential student records. Generally, surveillance video that does not capture any specific incident is not a student record or personnel record and may be disclosed as a public record upon request. Only those persons with a legal basis or legitimate educational purpose may view the recordings. In most instances, individuals with a legitimate educational purpose may be the superintendent, building principal, classroom teacher, transportation director, bus driver, HR director and special education staffing team. A parent may inspect, review or be informed of the content of the recording without consent from any student or parent of a minor student also shown in the recording, whether the student is a bystander to an incident or directly involved. The district may, but is not obligated by law, to provide a copy of a recording to a parent or student upon request. A recording during a school-sponsored trip, such as an athletic event, may also be accessible to the sponsor or coach of the activity. If the content of the recording becomes the subject of a student disciplinary proceeding, it will be treated like other evidence in the proceeding.

Notice

The school district will annually provide the following notice to students, employees, and parents:

The Central Lyon Community School District Board of Directors has authorized the use of recording devices on school district owned property. The recording devices will be used to enhance safety and security within the educational environment. Students, employees, and parents are hereby notified that the content of the recording may be used in a student or employee disciplinary proceeding. The content of the recordings may be considered confidential student records and will be retained with other student records. Recordings will only be retained if necessary for use in a student or employee disciplinary proceeding or other matter as determined necessary by the administration. Parents may request to view the recording of their child.

The following notice will also be placed on all school buses equipped with recording devices:

This building/bus is equipped with a recording /audio monitoring system.

Review of Recording Devices

The school district will review the recordings when necessary, as a result of an incident reported by an employee or student. The recordings may be re-circulated for erasure after 14 days.

If not public records, the viewing of the recordings is limited to the individuals having a legitimate educational purpose. A written log, as appropriate, may be kept of those individuals viewing the recordings stating the time, name of individual viewing and the date the recordings was viewed.

Student Conduct

Students are prohibited from tampering with the recording devices on the school property. Students found in violation of this regulation will be disciplined in accordance with the school district discipline policy and Good Conduct Rule and will reimburse the school district for any repairs or replacement necessary as a result of the tampering.

Employee Conduct

District-generated recordings may be used as evidence in employee disciplinary matters, as appropriate. Employees are prohibited from tampering with recording devices on school property. Employees found to be in

violation of this regulation will be subject to disciplinary action as outlined in the employee handbook and relevant board policies.

NEW! 905.3 WEAPONS IN THE SCHOOL DISTRICT

The board believes weapons, other dangerous objects and look-a-likes in school district facilities and at school district-approved events cause material and substantial disruption to the school environment or present a threat to the health and safety of students, employees and visitors on the school district premises or property within the jurisdiction of the school district.

All weapons, dangerous objects and look-a-likes are prohibited to be carried, possessed, transported or otherwise stored on school district property and to school district-approved events. Exceptions to this policy include weapons carried by the following individuals in performance of their official duties:

- law enforcement;
- military personnel;
- corrections officers;
- individuals approved in writing by the Superintendent, and;
- students and individuals approved in writing by the Superintendent who are actively engaging in a school district approved firearms safety course, hunter education course or shooting sports activity.

Individuals found to be in violation of this district policy will be required to immediately remove the weapon, dangerous object or look-a-likes from the school district property or event. Students found to be in violation of this policy or any other board policies related to weapons will be subject to disciplinary proceedings.

Note: In 2021, the legislature made changes to decriminalize the carrying of firearms on campus by certain individuals if certain circumstances are met. However, much like creating tobacco-free campuses, schools maintain the authority to choose whether to place additional limitations on the carrying of firearms on district property as needed to protect the health and safety of students and staff.

Legal Reference: 18 U.S.C. § 921
Iowa Code §§ 279.8; 280.21B; 483A.27(11), 724
281 I.A.C. 12.3(6)

Cross Reference: 502 Student Rights and Responsibilities
503 Student Discipline
507 Student Health and Well-Being

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200 LEGAL STATUS OF THE BOARD OF DIRECTORS

200.1 ORGANIZATION OF THE BOARD OF DIRECTORS

The Central Lyon Community School District board is authorized by and derives its organization from Iowa law. The board will consist of five (5) board members. Board members are elected at-large.

The board is organized for the purpose of setting policy and providing general direction for the school district. The board will hold its organizational meeting at the first regular meeting following the canvass of votes. The retiring board will transfer materials, including the board policy manual, and responsibility to the new board.

The organizational meeting allows the outgoing board to approve minutes of its previous meetings, complete unfinished business and review the school election results. The retiring board will adjourn and the new board will then begin. The Business Manager/Board Secretary will administer the oath of office to the newly-elected board members. The Business Manager/Board Secretary will preside while the new board elects the president and vice-president of the new board.

NOTE: Iowa law establishes the organizational meeting at or before the first regular meeting following the canvass of votes.

Board members elected at a general election must qualify at or before the organizational meeting.

Legal Reference: Iowa Code §§ 274.2; 275.23A; 277.23, .28, .31; 279.1, .5, .7, .8, .33.
281 I.A.C. 12.3(2).

Cross Reference: 202 Board of Directors Members
206.1 President
206.2 Vice-President
210 Board of Directors' Meetings

Approved 5/8/95

Reviewed 1/11/16

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200.1R1 ORGANIZATIONAL MEETING PROCEDURES

The board will hold its organizational meeting in odd-numbered years at or before the first regular meeting following the canvass of votes. Notice of the meeting's place and time will be given by the board secretary to each member, member-elect and the public.

The purpose of the meeting is to transfer material and responsibility from the outgoing board to the new board. At the meeting, the board will elect a president and a vice president who will hold office for one year. Once elected, the president and vice president will be entitled to vote on all matters before the board.

Meeting Procedure

The organizational meeting of the board will be held in two parts: the final meeting of the outgoing board and the organizational meeting of the new board.

1. Final Meeting of the Retiring Board

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes of previous meeting(s).
- (4) Visitors.
- (5) Unfinished business.
 - (a) Current claims and accounts (for the retiring board to authorize).
- (6) Examine and settle the books for the previous year.
- (7) Review of election results. The board secretary will present the county auditor's official report on the latest elections. Official results are recorded in the minutes.
- (8) Adjournment of the retiring board.

2. Organizational Meeting of the New Board

- (1) The board secretary, as president pro-tem, will preside over the meeting until a new board president is elected.
- (2) Call to order.
- (3) Roll call.
- (4) Oath of office. The board secretary will administer the oath to new members.
- (5) Election of a president of the board. The president pro-tem calls for nominations; nominations need not be seconded. The board will then vote on the nominations. The board secretary will announce the result of the vote, and will administer the oath of office to the newly elected president and the newly elected president will assume the chair.
- (6) Election of the vice-president. The president of the board will call for nominations; the nominations need not be seconded. The board will then vote on the nominations. The president will announce the results and administer the oath of office to the vice-president.

Other items of business at the organizational meeting may include:

- (7) Board resolution of appreciation recognizing the public service rendered by retiring board members.
- (8) Determination of dates, times, and places for regular meetings of the board.
- (9) Board resolution to define the operating rules and practices that will be followed by the new board.
- (10) Board resolution to authorize the interim payment of bills pursuant to policy 705.3.
- (11) Visitors.
- (12) Superintendent's report.
- (13) Adjournment.

NOTE: Board members elected at a regular school election must take the oath of office at or before the organization meeting. Failure to do so results in a vacancy.

NOTE: The board president and vice president are each elected to a one year term at the organizational meeting in odd-numbered years and at the annual meeting in even-numbered years.

200.2 POWERS OF THE BOARD OF DIRECTORS

The board of the Central Lyon Community School District, acting on behalf of the school district, shall will have jurisdiction over school matters within the territory of the school district.

The board is empowered to make policy for its own governance, for employees, for students and for school district facilities. The board is also empowered to enforce its policies. The board may, through its quasi-judicial power, conduct hearings and rule on issues and disputes confronting the school district.

The board has these powers and all other powers expressly granted to it in federal and state law as well as the powers that can be reasonably implied from the express powers.

Legal Reference: Board of Directors of Ind. School Dist. of Waterloo v. Green, 259 Iowa 1260, 147 N.W.2d 854 (1967).
Iowa Code §§ 28E; 274.1-.2; 279.8.
281 I.A.C. 12.1(2).

Cross Reference: 209 Board of Directors' Management Procedures

Approved 5/8/95

Reviewed 1/11/16

Revised 5/8/95

200.3 RESPONSIBILITIES OF THE BOARD OF DIRECTORS

The board is authorized to govern the school district which it oversees. The board is entrusted with public funds and is responsible for overseeing the improvement of student outcomes, including student academic achievement and skill proficiency. As the governing board of the school district, the board has three (3) duties to perform: legislative duty, executive duty and evaluative duty.

As a representative of the citizens of the school district community, the board is responsible for legislating policy for the school district. As a policy making body, the board has jurisdiction to enact policy with the force and effect of law for the management and operation of the school district.

It is the responsibility of the board, under the board's executive duty, to select its chief executive officer, the superintendent, to operate the school district on the board's behalf. The board delegates to the superintendent its authority to carry out board policy, to formulate and carry out rules and regulations and to handle the administrative details in a manner which supports and is consistent with board policy.

The board has a responsibility to review the education program's performance under its evaluative duty. The board regularly reviews the education program and ancillary services. The review includes a careful study and examination of the facts, conditions and circumstances surrounding the amount of funds received or expended and the education program's ability to achieve the board's educational philosophy and goals for the school district.

Legal Reference: Iowa Code §§ 274.1; 279.1, .8, .20; 280.12.
281 I.A.C. 12.3(2).

Cross Reference: 101 Educational Philosophy of the School District
103 Long-Range Needs Assessment
209 Board of Directors' Management Procedures
600 Goals and Objectives of the Education Program

Approved 5/8/95

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201 BOARD OF DIRECTORS' ELECTIONS

The school election takes place on the first Tuesday after the first Monday in November of odd-numbered years. Each school election is used to elect citizens to the board to maintain a 5-member board and to address questions that are submitted to the voters.

Citizens of the school district community seeking a seat on the board must file their nomination papers with the board secretary, or the board secretary's designee in accordance with the timelines established by law.

If a vacancy occurs on the board it shall be filled in accordance with law and board policy.

It is the responsibility of the county commissioner of elections to conduct school elections.

NOTE: This policy states the legal requirements for school board elections and the filling of vacancies.

Legal Reference: Iowa Code §§ 39; 45; 63; 69; 274.7; 277; 278.1; 279.7.

Cross Reference: 202 Board of Directors Members
202.3 Term of Office
202.4 Vacancies
203 Board of Directors' Conflict of Interest

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202 BOARD OF DIRECTORS MEMBERS

202.1 QUALIFICATIONS

Serving on the board of directors is an honor and privilege. Its rewards are respect from the community, students, and employees and the satisfaction from knowing each board member contributed to the success of the children in the school district community. Only those who are willing to put forth the effort to care and to make a difference should consider running for a position on the board.

Individuals who are willing to serve on the board should believe public education is important, support the democratic process, willingly devote time and energy to board work, respect educators and have the ability to examine the facts and make a decision. The board believes an individual considering a position on the school board should possess these characteristics.

Citizens wanting to run for a position on the board must be a citizen of the school district, an eligible elector of the district and free from a financial conflict of interest with the position.

NOTE: The last paragraph states the legal requirements to run for the school board. An individual must be an eligible elector in order to run for the school board. An eligible elector need not be registered to vote. An eligible elector needs only to be eligible to be registered to vote. Also, a spouse of an employee may run for the board. Details on conflict of interest are in Policy 203, Board of Directors' Conflict of Interest.

Legal Reference: Iowa Code §§ 63; 68B; 277.4, .27; 279.7A.

Cross Reference: 201 Board of Directors' Elections
202.4 Vacancies
203 Board of Directors' Conflict of Interest

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Revised 5/8/95

202.2 OATH OF OFFICE

Board members are officials of the state. As a public official, each board member must pledge to uphold the Iowa and the United States Constitution and carry out the responsibilities of the office to the best of the board member's ability.

Each newly-elected board member will take the oath of office prior to any action taken as a school official. The oath of office is taken by each new board member elected at the school election at or before the organizational meeting of the board. In the event of an appointment or special election to fill a vacancy, the new board member will take the oath of office within ten days of the appointment or election.

Board members elected to offices of the board will also take the same oath of office but replacing the office of board member with the title of the office to which they were elected.

The oath of office is administered by the board secretary and does not need to be given at a board meeting. In the event the board secretary is absent, the oath is administered by another board member.

"Do you solemnly swear that you will support the Constitution of the United States and the Constitution of the state of Iowa, and that you will faithfully and impartially to the best of your ability discharge the duties of the office of _____ (naming the office) in _____ (naming the district) as now and hereafter required by law?"

NOTE: Board members elected at the regular election do not need to take the oath of office within 10 days. Those elected at a special election or appointed to fill a vacancy, however, must take the oath of office within 10 days.

For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 20 #6 – October 21, 2008.

Legal Reference: Iowa Code §§ 277.28; 279.1, .6.

Cross Reference: 200.1 Organization of the Board of Directors

- 201 Board of Directors' Elections
- 202 Board of Directors Members
- 204 Code of Ethics
- 206 Board of Directors' Officers

Approved 5/8/95

Reviewed 1/11/16

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202.3 TERM OF OFFICE

Board members elected for a full term at a regularly scheduled school election in November, of odd-numbered years, serve for four years. Board members appointed to fill a vacant position will serve until a successor is elected and qualified at the next regular school election, unless there is an intervening special election for the school district, in which event a successor shall be elected at the intervening special election. A board member elected to fill a vacancy will serve out the unexpired term.

Being a board member is a unique opportunity for a citizen to participate on a governing board of the school district. Eligible board members are encouraged to consider running for more than one term.

Legal Reference: Iowa Code §§ 69.12; 274.7; 279.6; 279.7

Cross Reference: 201 Board of Directors' Elections
202 Board of Directors Members
202.4 Vacancies

Approved 5/8/95

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202.4 VACANCIES

A vacancy occurs as provided by law, which includes but is not limited to when a board member dies, resigns or leaves office, or fails to reside in the school district or director district.

If a vacancy occurs prior to the expiration of a term of office, the vacancy will be filled by board appointment within 30 days of the vacancy. The board shall publish notice stating that the board intends to fill the vacancy by appointment, but the electors of the school district have the right to file a petition within 14 days of the publication of the notice requiring the vacancy be filled by a special election.

A person appointed to fill a vacancy shall hold office until a successor is elected and qualified at the next regular school election, unless there is an intervening special election for the school district, in which event a successor shall be elected at the intervening special election.

If the board is unable to fill a vacancy by appointment within 30 days after the vacancy occurs or if a valid petition is submitted, the board secretary will call a special election to be held no sooner than 60 days and not later than 70 days after the vacancy occurred. A board member elected at the special election will serve the remaining portion of the unexpired term.

NOTE: Special elections called because the board is unable to fill a vacancy by appointment within 30 days or called because a valid petition has been submitted are to be held 60-70 days after the vacancy occurs. These special elections are different than the special school elections (commonly called public measure elections), which are held on four specific dates each year as outlined in Iowa Code. The special elections called to fill a vacancy can be held at any time of the year.

Legal Reference: Iowa Code §§ 69; 277.29; 279.
Good v. Crouch, 397 N.W.2d 757 (Iowa 1986).
Board of Directors of Grimes Independent School Dist. v. County Board of Public Instruction of Polk Co., 257 Iowa 106, 131 N.W.2d 802 (1965).
Board of Directors of Menlo Consol. School Dist. v. Blakesburg, 240 Iowa 910, 36 N.W.2d 751 (1949).

Cross Reference: 201 Board of Directors' Elections
202 Board of Directors Members
202.3 Term of Office

Approved 5/8/95

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Revised 11/18/19

203 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 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 school textbooks or school 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 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 \$6,000 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 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 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 or activity. If the activity or employment falls under (3), then the board member must:

- 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 and take the action necessary to eliminate a potential conflict of interest should 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.

Legal Reference: 22 C.F.R. § 518.42.
Iowa Code §§ 68B; 71.1; 277.27; 279.7A; 301.28.

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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204 CODE OF ETHICS

Board members' actions, verbal and nonverbal, reflect the attitude and the beliefs of the school district. Therefore, board members must conduct themselves professionally and in a manner fitting to their position.

Each board member shall follow the code of ethics stated in this policy.

AS A SCHOOL BOARD MEMBER:

1. I will listen.
2. I will respect the opinion of others.
3. I will recognize the integrity of my predecessors and associates and the merit of their work.
4. I will be motivated only by an earnest desire to serve my school district and the children of my school district community in the best possible way.
5. I will not use the school district or any part of the school district program for my own personal advantage or for the advantage of my friends or supporters.
6. I will vote for a closed session of the board if the situation requires it, but I will consider "star chamber" or "secret" sessions of board members unethical.
7. I will recognize that to promise in advance of a meeting how I will vote on any proposition which is to be considered is to close my mind and agree not to think through other facts and points of view which may be presented in the meeting.
8. I will expect, in board meetings, to spend more time on education programs and procedures than on business details.
9. I will recognize that authority rests with the board in legal session and not with individual members of the board, except as authorized by law.
10. I will make no disparaging remarks, in or out of the board meeting, about other members of the board or their opinions.
11. I will express my honest and most thoughtful opinions frankly in board meetings in an effort to have decisions made for the best interests of the children and the education program.
12. I will insist that the members of the board participate fully in board action and recommend that when special committees are appointed, they serve only in an investigative and advisory capacity.
13. I will abide by majority decisions of the board.
14. I will carefully consider petitions, resolutions and complaints and will act in the best interests of the school district.
15. I will not discuss the confidential business of the board in my home, on the street or in my office; the place for such discussion is the board meeting.
16. I will endeavor to keep informed on local, state and national educational developments of significance so I may become a better board member.

IN MEETING MY RESPONSIBILITY TO MY SCHOOL DISTRICT COMMUNITY

1. I will consider myself a trustee of public education and will do my best to protect it, conserve it, and advance it, giving to the children of my school district community the educational facilities that are as complete and adequate as it is possible to provide.
2. I will consider it an important responsibility of the board to interpret the aims, methods and attitudes of the school district to the community.
3. I will earnestly try to interpret the needs and attitudes of the school district community and do my best to translate them into the education program of the school district.
4. I will attempt to procure adequate financial support for the school district.
5. I will represent the entire school district rather than individual electors, patrons or groups.
6. I will not regard the school district facilities as my own private property but as the property of the people.

IN MY RELATIONSHIP WITH SUPERINTENDENT AND EMPLOYEES

1. I will function, in meeting the legal responsibility that is mine, as a part of a legislative, evaluative, policy-forming body, not as an administrative officer.
2. I will recognize that it is my responsibility, together with that of my fellow board members, to see the school district is properly run and not to run them myself.
3. I will expect the school district to be administered by the best-trained technical and professional people it is possible to procure within the financial resources of the school district.
4. I will recognize the superintendent as executive officer of the board.

5. I will work through the administrative employees of the board, not over or around them.
6. I will expect the superintendent to keep the board adequately informed through oral and written reports.
7. I will vote to employ employees only after the recommendation of the superintendent has been received.
8. I will insist that contracts be equally binding on teachers and the board.
9. I will give the superintendent power commensurate with the superintendent's responsibility and will not in any way interfere with, or seek to undermine, the superintendent's authority.
10. I will give the superintendent friendly counsel and advice.
11. I will present any personal criticism of employees to the superintendent.
12. I will refer complaints to the proper administrative officer.

TO COOPERATE WITH OTHER SCHOOL BOARDS

1. I will not employ a superintendent, principal or teacher who is already under contract with another school district without first securing assurance from the proper authority that the person can be released from contract.
2. I will consider it unethical to pursue any procedure calculated to embarrass a neighboring board or its representatives.
- ~~3. I will not recommend an employee for a position in another school district unless I would employ the employee under similar circumstances.~~
- ~~4. I will answer all inquiries about the standing and ability of an employee to the best of my knowledge and judgment, with complete frankness.~~
5. I will associate myself with board members of other school districts for the purpose of discussing school district issues and cooperating in the improvement of the education program.

Legal Reference: Iowa Code §§ 21.6(3)(d); 68B; 69; 277.28; 279.7A, 279.8, 301.28.

Cross Reference: 202 Board of Directors Members
203 Board of Directors' Conflict of Interest

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