

Adopted: July 27, 2017 _____

Revised: _____

MTCS Policy 210
MSBA Orig. 2001
Rev. 2014

210 CONFLICT OF INTEREST – CHARTER SCHOOL BOARD MEMBERS

I. PURPOSE

The purpose of this policy is to observe State statutes regarding conflicts of interest for Minnesota Transitions Charter School (MTCS) board members and to engage in MTCS business activities in a fashion designed to avoid any conflict of interest or the appearance of impropriety.

II. GENERAL STATEMENT OF POLICY

The policy of the MTCS board is to conform with statutory conflict of interest laws and act in a manner that will avoid any conflict of interest or the appearance thereof.

III. CONFLICTING BUSINESS RELATIONSHIPS

- A. An individual is prohibited from serving as a member of the MTCS board of directors if the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. An individual is prohibited from serving as a board member if an immediate family member is an employee of the school. A violation of this prohibition renders a contract voidable at the option of the Commissioner of Education (Commissioner) or the MTCS board of directors. A member of the MTCS board of directors who violates this prohibition is individually liable to MTCS for any damage caused by the violation. An individual may serve as a member of the board of directors if no conflict of interest under this paragraph exists.
- B. No member of the MTCS Board, employee, officer, or agent of MTCS shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when: (1) the board member, employee, officer, or agent; (2) the immediate family of the board member, employee, officer, or agent; (3) the partner of the board member, employee, officer, or agent; or (4) an organization that employs, or is about to employ, any individual in clauses (1) to (3), has a financial or other interest in the entity with which MTCS is contracting. A violation of this provision renders the contract void.
- C. Any employee, agent, or board member of the authorizer of MTCS who

participates in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or nonrenewal process or decision is ineligible to serve on the MTCS Board.

- D. The MTCS board member conflict of interest provisions do not apply to compensation paid to a teacher employed as a teacher by MTCS or a teacher who provides instructional services to MTCS through a cooperative formed under Minn. Stat. Ch. 308A when the teacher also serves on the MTCS Board.
- E. A MTCS board member, employee, or officer is a local official with regard to the receipt of gifts. A board member, employee, or officer must not receive compensation from a group health insurance provider.

Legal References: Minn. Stat. § 10A.071, Subd. 1 (Certain Gifts by Lobbyists and Principals Prohibited)
Minn. Stat. § 124D.10, Subd. 4a (Charter Schools; Conflict of Interest)
Minn. Stat. § 471.895 (Certain Gifts by Interested Persons Prohibited)