

# TENNESSEE STATE BOARD OF EDUCATION

## BOARD MEMBERS

1.200

### Policy Sections:

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#### I. Number

The State Board of Education is composed of nine (9) appointed members, one (1) appointed public high school student member, and one (1) ex officio, non-voting member. The Executive Director of the Tennessee Higher Education Commission or his/her designee shall be the ex officio, nonvoting member of the Board. <sup>1</sup>

#### II. Terms of Office

Members of the Board shall serve five (5) year terms. The student member shall serve a one (1)-year term, unless a student member was first appointed during his/her junior year of high school and is re-appointed by the Governor for a second one (1)-year term during the student's senior year of high school.

#### III. Appointments

Appointments shall be made in accordance with T.C.A. § 49-1-301.

#### IV. Vacancies

The position of any member shall become vacant when a member is no longer a resident of the district (subject to all requirements set forth in law regarding re-apportionment of districts), when a member resigns their position on the Board, when any of the requirements set forth in

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<sup>1</sup> Tenn. Code Ann. § 49-1-301.

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state law<sup>2</sup> are met, or when a member misses, without cause, more than two (2) consecutive meetings within any twelve (12)-month period. Cause shall be determined by the Board.<sup>3</sup>

**V. Method and Election of Officers**

The chair and vice chair of the Board shall be elected by the members of the Board for a term of two (2) years.<sup>4</sup> The chair and vice chair may be reelected. The chair of the Board shall appoint the chair and members of any committee of Board members.<sup>5</sup>

**VI. New Member Orientation**

In order that new members of the Board may become acquainted with the work of the Board and the Tennessee Department of Education, each new member shall be required to attend an orientation program designed to review current work and activities of the Board and the Tennessee Department of Education. It shall be the duty of the Executive Director to design and implement new member orientation.

**VII. Expenses and Reimbursement**

Each member of the Board shall be eligible for reimbursement for travel expenses directly related to their role as a member in accordance with the comprehensive travel regulations of the state.<sup>6</sup>

**VIII. Board Member Conduct, Conflicts of Interest, and Disclosure Form**

(1) Board Member Conduct.

(a) Members must comply with applicable state ethics laws<sup>7</sup> and rules, including, but not limited to, prohibitions on acceptance of gifts from lobbyists or employers of lobbyists.

(b) Members must carefully prepare for, regularly attend, and actively participate in Board meetings and workshops, and all assigned committee meetings.

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<sup>2</sup> Tenn. Code Ann. § 8-48-101.

<sup>3</sup> Tenn. Code Ann. § 49-1-301(a)(1)

<sup>4</sup> Tenn. Code Ann. § 49-1-301(b)

<sup>5</sup> *Id.*

<sup>6</sup> Tenn. Code Ann. § 49-1-301(c).

<sup>7</sup> See T.C.A. § 2-10-122 et seq. regarding consulting services and T.C.A. § 3-6-305 regarding acceptance of gifts from lobbyists or employers of lobbyists.

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- (c) The official business of the Board shall be conducted only in public meetings and shall be properly publicized in accordance with applicable state open meetings laws.
  - (d) Members must abide by the legal responsibilities of the Board as specified by state laws, state rules and regulations, and the Board's policies.
  - (e) Members are expected to perform their duties faithfully and efficiently and to avoid improper conflicts of interest. Members shall promptly and honestly file the Tennessee State Board of Education Conflict of Interest Disclosure Statement Form ("Disclosure Statement Form") included as an attachment to this policy.
  - (f) Members shall base all decisions on all available facts in each situation and vote their honest conviction in every case, not to be swayed by partisan bias of any kind, and abide by the final decision of the Board.
- (2) Conflicts of Interest.
- (a) Disclosure of Personal Financial Interests in Voting and Non-Voting Matters.
    - 1. "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this policy, a financial interest of a member, or a financial interest of a member's immediate family (defined as spouse, parents, siblings, or children) in a matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.
      - (i) Disclosure of personal interest in voting matters.
        - (I) A member with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote, that the member has a personal interest that affects or that would lead a reasonable person to believe that it affects the member's vote on the measure.
        - (II) A member may announce that, despite the personal interest, they are able to vote in an impartial manner. A member may also abstain from voting by announcing such to the Chair of the Board.
        - (III) A member who is employed by a public school or local education agency, or whose immediate family is employed by a public school or local education agency ("LEA"), shall abstain from voting on any alternative salary schedule proposed by the employing LEA, and

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shall abstain from voting on the state minimum salary schedule if approval of the minimum salary schedule will directly change the salary of the member or the member's immediate family.

(ii) Disclosure of personal interest in non-voting matters.

(I) A member 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 believe that it affects the exercise of the discretion shall disclose, during the meeting at which the matter is to be discussed, that the member has a personal interest that affects or that would lead a reasonable person to believe that it affects the member's exercise of the discretion regarding the matter.

(II) A member may announce that despite the personal interest they are able to exercise discretion in an impartial manner. A member may also abstain from the discussion by announcing such to the Chair of the Board or Chair of the committee (as applicable).

(b) Disclosure of Prohibited Direct and Indirect Interests in Contracts<sup>8</sup>

1. Direct Interests.

(i) A member is prohibited from having a direct interest in any contract with the Board.

(ii) "Direct interest" means any contract to provide goods or services to the Board as a result of a bid process or any other business transaction with a:

(I) Member personally;

(II) A member of the Board member's immediate family; or

(III) Business in which the member or the member's immediate family is:

(A) the sole proprietor;

(B) a partner; or

(C) the person having the controlling ownership or control of the largest numbers of outstanding shares owned by any single individual or corporation.

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<sup>8</sup> T.C.A. 12-4-101 *et seq.*

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2. "Immediate family" includes spouse, parents, siblings, or children.
  3. The Executive Director (or, in the absence of the Executive Director, his/her designee) shall not enter into any contract on behalf of the Board that a member has a direct interest in.
    - (i) Indirect Interests.
      - (I) A member is prohibited from having an indirect interest in any contract with the Board, unless the member publicly acknowledges the indirect interest.
      - (II) "Indirect interest" means any contract to provide goods or services to the Board as a result of a bid process or any other business transaction in which a member is interested but not directly interested, as defined above (such as contracts with a member's extended family). Indirect interest also includes contracts where the member is directly interested but is the sole supplier of goods or services.
    - (ii) The Executive Director (or, in the absence of the Executive Director, his/her designee) shall review all member Disclosure Statement Forms prior to entering into any contract on behalf of the Board and shall send written notice to all members prior to entering into any contract to ensure the contract does not involve any direct or indirect interest for a member that has not been disclosed on the Disclosure Statement Form. If a member notifies the Executive Director of a direct interest in the contract, the Executive Director shall not enter into the contract. If a member notifies the Executive Director of an indirect interest in the contract that has not been disclosed on the Disclosure Statement Form, the Executive Director shall require the member to update the Disclosure Statement Form prior to execution of the contract.
- (3) Disclosure Statement Form.
    - (a) In order to ensure that any appearance of conflict of interest (including, but not limited to a direct interest) is avoided, in order to ensure that any indirect interests are publicly acknowledged, and in order to ensure that board staff are aware of personal interests of members, each member shall complete the "Disclosure Statement Form included as an attachment to this policy.
    - (b) Members shall update and file the Disclosure Statement Form annually by June 1 with the Board's Executive Director and General Counsel.

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1. In the case of a member appointed to the Board after June 1, the newly appointed member shall file the Disclosure Statement Form no later than thirty (30) days following their appointment.
  
2. Each member shall disclose any change in the information provided on the Disclosure Statement Form immediately to the Executive Director and General Counsel and shall amend their Disclosure Statement Form because of termination or acquisition of interests of which disclosure is required as soon as possible after the event, but no later than thirty (30) days.

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**ATTACHMENT A**

**TENNESSEE STATE BOARD OF EDUCATION  
500 James Robertson Parkway, 5<sup>th</sup> Floor  
Nashville, TN 37243  
(615) 741-2966**

**CONFLICT OF INTEREST DISCLOSURE STATEMENT FOR  
BOARD MEMBERS**

I, the undersigned member of the Tennessee State Board of Education, in order to ensure that any appearance of conflict of interest (including, but not limited to a direct interest) is avoided, and in order to ensure that any personal, or indirect interests<sup>9</sup> are publicly acknowledged, hereby make the following statements and assurances:

1. I have among my immediate family (including parents, siblings, spouse or children) the following employees of the Tennessee State Board of Education, employees of a local education agency or public charter school, or any official of any corporation, partnership, sole proprietorship, K-12 or postsecondary education institution, or other entities which do business with, are licensed by, or are otherwise regulated by the State Board of Education:

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2. I am employed or professionally affiliated with the following corporation, partnership, sole proprietorships, associations, K-12 or postsecondary education institutions, or any other entities which are licensed or regulated by the Tennessee State Board of Education:

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<sup>9</sup> As defined in State Board Policy 1.200:  
 “Direct interest” means any contract to provide goods or services to the Board as a result of a bid process or any other business transaction with a:

- i. Member;
- ii. A member of the Board’s member’s immediate family; or
- ii. Business in which the member or member’s immediate family is:
  - 1. the sole proprietor;
  - 2. a partner; or
  - 3. the person having the controlling ownership or control of the largest numbers of outstanding shares owned by any single individual or corporation.

“Indirect interest” means any contract in which the member is interested but not directly so, as defined above, but includes contracts where the member is directly interested but is the sole supplier of goods or services.  
 “Personal interest” means a financial interest of the member, or a financial interest of the member’s immediate family in a matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.  
 “Immediate family” means spouse, parents, siblings, or children.

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3. I am the sole proprietor, partner, person having the controlling ownership or control of the largest numbers of outstanding shares owned by any single individual or corporation, or serve on the Board of the following corporations, partnerships, sole proprietorships, associations, K-12 or postsecondary education institutions, or other entities which, to my knowledge, do business with the Tennessee State Board of Education or with education institutions regulated or licensed by the Tennessee State Board of Education (please specify):

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4. Among my immediate family (including parents, siblings, spouse or children), to the best of my knowledge, the following individuals have an interest as stated in Number 3 above:

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5. I hereby certify that if there is any change in the information provided in this statement during my tenure on the Tennessee State Board of Education, I shall immediately disclose such information to the Executive Director and General Counsel and shall amend this disclosure statement as soon as possible, but no later than thirty (30) days of the event and shall make any additional disclosures that may be required by Policy 1.200. Members shall submit a revised version of this document annually by June 1.

By my signature below, I affirm that all of the above statements are true to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)