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**Board Members Policy 1.200**

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**The Background:**

The Board Members Policy 1.200 sets forth additional detail regarding the composition of the Board, including the method of election of officers of the Board, new member orientation, and conflicts of interest. This policy was last updated in 2018. Revisions are proposed to remove outdated or duplicative language regarding appointments and qualifications of members, and to add further detail and clarity to the section on conflicts of interest and disclosure statements.

Edits to the conflicts of interest section are intended to provide more clarity and direction to Board members and staff. These edits:

- Ensure compliance with state laws regarding prohibited and permitted interests in contracts with the Board;
- Clarify situations when a Board member is permitted or prohibited from voting on a matter in which a member has a personal financial interest;
- Clarify the conflict of interest disclosure form that must be filed with staff to better align with the policy and state law; and
- Add a code of conduct for Board members.

In preparing these revisions, Board staff consulted with other agencies and organizations, and reviewed codes of ethics and conflict of interest policies of similar state boards and commissions, as well as policies adopted by local boards of education.

Edits made as a result of 2022 legislation include:

- Updating language regarding appointment of Board members; and
- Adding the ability of the Executive Director of the Tennessee Higher Education Commission to appoint a designee to serve as the ex officio, non-voting member of the State Board .

**Policy Justification:**

T.C.A. § 4-5-230 requires that justification for adopting an item as a policy instead of a rule be submitted to the chair of the Government Operations Committee. This item is proposed to be adopted as a policy because it defines or explains the meaning of a statute or rule and/or concerns only the internal management of state government that does not affect private rights or privileges.

**The Recommendation:**

The SBE staff recommends acceptance of this item on first reading.