

### **III. Fiscal Management**

#### **3.1 Chief School Financial Officer**

The Board will appoint a Chief School Financial Officer to oversee the financial operations of the Board and to perform the duties of the position that are set forth in state law and regulations. The Chief School Financial Officer may also be referred to as the Chief School Finance Officer.

[Reference: Ala. Code §16-3A-4 (1975); Ala. Admin. Code 290-2-5-.01, *et seq.*]

#### **3.2 Budget**

A budget will be developed and approved for each fiscal year, which extends from October 1<sup>st</sup> to September 30<sup>th</sup> of the following year. Preparation, presentation, submission, and approval of the budget will be undertaken and completed as provided for in state law and regulations, including providing an opportunity for public input regarding the budget. Budgets will be “balanced” such that the expenditures set forth in the budget for the fiscal year will not exceed revenues and any fund balances on hand.

The Superintendent or Chief School Financial Officer will inform the Board, before the Board votes on a budget or budget amendment that will prevent the establishment or maintenance of a one-month’s operating balance. A one-month’s operating balance shall be determined by dividing the General Fund expenditures and fund transfers out, the proposed budget or budget amendment shall be used.

[Reference: Ala. Code §16-13-140, *et seq.* (1975)]

#### **3.3 Accounting**

Generally accepted accounting principles (GAAP) will be employed in the administration of all Board and school finances. All Board and school accounts will be reconciled to financial records. All reports required by the State Department of Education will be completed in a timely manner with copies provided to Board members. The Superintendent shall have monthly reports of revenues and expenditures prepared for review by the members of the Sheffield City Board of Education.

#### **3.4 Finance Manual Authorized**

Financial transactions will be administered in accordance with a general finance manual and any local school finance manual that may be developed by the Superintendent or the chief School Financial Officer and approved by the Board. The finance manual(s) will establish and describe specific practices and procedures that are to be followed in connection with all phases of financial administration, including, but not limited to such matters as accounting, bookkeeping, inventory maintenance, payroll, reconciliation, fund

security, receipting, disbursement, purchasing, disposal of property, banking, and investments. The practices, procedures, and requirements set forth in the manual(s) will be disseminated or made available to all employees with administrative responsibilities involving the receipt, handling, or expenditure of school or school system funds, and training will be provided by the Superintendent and the Chief School Financial Officer regarding the contents of the manual(s).

[Reference: Ala. Code §16-13A-1 (1975)]

### **3.5 Fund Balance Policy in Accordance with GASB Statement No. 54**

3.5.1 Governmental Funds Definitions - The following definitions will be used in reporting activity in governmental funds. The Board may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

- a. The General Fund is used to account for and report all financial resources not accounted for and reported in another fund.
- b. Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.
- c. Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years' payments. Debt Service Funds should be used to report resources if legally mandated.
- d. Capital Projects Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

3.5.2 Fund Balances - Fund balances will be reported in governmental funds under the following five categories using the definitions provided by GASB Statement No. 54:

- a. Non-spendable fund balances include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in-tact. Examples of non-spendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, and long-term receivables.
- b. Restricted fund balances consist of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or

laws and regulations of other governments; or through constitutional provisions or enabling legislation. Examples of restricted fund balances include: restricted grants.

- c. Committed fund balances consist of amounts that are subject to a purpose constraint imposed by formal action of the Board before the end of the fiscal year and that require the same level of formal action to remove the constraint.
- d. Assigned fund balances consist of amounts that are intended to be used by the school system for specific purposes. The Board authorizes the Superintendent, Chief School Financial Officer, or their designee to make a determination of the assigned amounts of fund balance. Such assignments may not exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund. Assigned fund balances require the same level of authority to remove the constraint.
- e. Unassigned fund balances include all spendable amounts not contained in the other classifications. This portion of the total fund balances in the general fund is available to finance operating expenditures.

3.5.3 Priority - When expenditure is incurred for purposes for which both restricted and unrestricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the Board to consider restricted amounts to have been reduced first. When an expenditure is incurred for the purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the Board that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

3.5.4 Review and Reporting - The Board of Education along with the Superintendent and Chief School Financial Officer will periodically review all restricted, committed, and assigned fund balances. The Chief School Financial Officer will prepare and submit an annual report of all restricted, committed and assigned funds for the Board of Education.

## **3.6 Audits**

Business and financial transactions of the Board and the records of the Board financial accounts will be audited in accordance with state law and appropriate auditing and accounting standards.

[Reference: Ala. Code §16-13A-7 (1975)]

### **3.7 Inventories**

The Superintendent is required to establish effective procedures to account for all materials, equipment, and other Board property. These procedures will include an annual inventory and evaluation of tangible Board property (including fixed assets and supplemental property), to be completed no later than the end of each fiscal year, with appropriate reports submitted to the Superintendent and Chief School Financial Officer. Inventories will be kept on forms prescribed or approved by the Chief School Financial Officer. Inventory forms will show items on hand at the beginning of the fiscal year, items lost, items disposed of, items purchased or otherwise added during the year, and items on hand at the end of the fiscal year.

[Reference: Ala. Code §16-13A-1, 6 (1975)]

### **3.8 Purchasing**

Purchases will be made in accordance with an approved purchase order system that will include such requirements and procedures as may be established in the Board Finance Manual.

[Reference: Policy No. 3.21.2]

### **3.9 Deposit and Expenditure of Funds**

3.9.1 Deposits - All funds of the Board will be deposited with qualified depositories, as defined by law, in the manner prescribed by the Chief School Financial Officer or the Board Finance Manual.

[Reference: Policy No. 3.21.1]

3.9.2 Investments - The Board authorizes the investment of surplus funds in the manner prescribed by law and approved administrative guidelines.

3.9.3 Expenditures - The Superintendent or his designee may spend funds budgeted for operations without prior Board approval unless the expenditure involves a personal services contract or capital outlay, or is subject to the bid law. All such expenditures shall be reported monthly to the Board.

[Reference: Ala. Code §16-13A-8 (1975)] and [Reference: 3.21.3]

3.9.4 Competitive Bid Law - All purchase will be made in compliance with the competitive bid law, when applicable, and with such corresponding rules, regulations, and procedures as may be set forth in the Board's Finance Manual. The Superintendent is authorized to enter into cooperative purchasing agreements with other school systems or local governments as may be permitted by law.

[Reference: Ala. Code §41-16-50, *et seq.* (1975)]

- 3.9.5 Authorized Signatures - Checks drawn on the general fund or any special fund, with the exception of school accounts, require the signature of the Superintendent and the Chief School Financial Officer or their alternates as designated by the Board. Checks drawn on school accounts require the signature of the Superintendent and the Chief School Financial Officer. Checks drawn on Board funds may be signed and processed by electronic means, under the direction of the Chief School Financial Officer or Superintendent.
- 3.9.6 Consultants - The Superintendent may engage professional consultants, specialists and experts, including but not limited to medical, mental health, educational, legal, financial, technical (e.g., engineering, architectural, computer) experts and specialists for a term not to exceed ninety (90) calendar days and the total fees and costs of which are not expected at the time of engagement to exceed \$30,000.00 when, at the Superintendent's discretion, special circumstances exist that warrant the engagement without prior Board approval, provided that the expenditure is within the amount established for such purposes in the current, Board approved budget. All such expenditures shall be reported monthly to the Board of Education in the manner prescribed in §16-13A-8 of the Code of Alabama (1975).

### **3.10 Employee Compensation**

- 3.10.1 Salaries and Pay Rates - Except as established and governed by the terms of a special employment contract, Board employees will be compensated at rates of pay that are approved by the Board. When required, such salary or compensation rates will be included in a schedule to be developed and adopted by the Board in accordance with state law. Employees may receive supplements or other additional compensation in accordance with criteria set forth in Board-approved salary schedules, Board policy, or as otherwise permitted by law.

[Reference: Ala. Code §16-13-231.1 (1975)]

- 3.10.2 Salary Administration - Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Unless otherwise approved by the Superintendent, salaries for full time employees will be paid over twelve months, regardless of the contract term. Personnel will be paid in accordance with customary payroll procedures, which may be modified from time to time as the needs of the system require. No employee is entitled to compensation except for work performed by the employee in accordance with an approved contract or the applicable terms of appointment. Compensation may be withheld pending the employee's timely, accurate, and complete submission of all required records, data, and reports.

3.10.3 Salary Deductions - Mandatory salary deductions will be made in accordance with applicable law, and employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board may make voluntary deductions as a service to employees upon written request of the individual employee as permitted by law. Deductions for membership dues will be made for organizations with at least 10% of the employees are active members, as established by membership lists provided to the Board by the organization. Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Board on or before September 15<sup>th</sup> of each school year or as otherwise required by law. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee.

[Reference: Ala. Code §16-22-6 (1975)]

3.10.4 Minimum Wage and Overtime - In compliance with the Fair Labor Standards Act ("FLSA"), the Board will compensate all employees who are not exempt employees under the FLSA. All non-exempt employees who work more than forty (40) hours in a work week will be compensated at the rate of one and one-half times their current rate for each hour in excess thereof. Employees must accurately report all time worked for the Board. For purposes of determining overtime, the work week begins at 12:01 a.m. on Sunday and ends at midnight on the succeeding Saturday. Non-exempt employees are not authorized to work more than forty (40) hours in a workweek without specific direction or authorization to do so by the Superintendent, or his designee, and the employee's supervisor, or the supervising school principal.

3.10.5 Compensatory Time - Non-exempt employees who work more than forty (40) hours in a workweek may, upon agreement between the employee and the Board, be paid overtime in the form of compensatory time. Compensatory time will be based on time worked beyond forty (40) hours in a workweek, and will be recorded in minimum time units of 1/4 hour rounded to the nearest quarter of an hour. No more than two hundred forty (240) hours of compensatory time may be accumulated. The Board reserves the right to require an employee to use compensatory time as its needs require and may "pay down" any compensatory time balance in its discretion. The Superintendent is hereby authorized to develop procedures and forms for use in implementing this policy.

### **3.11 Expense Reimbursement**

Board members and employees will be reimbursed for reasonable travel and subsistence expenses incurred in connection with official Board business. Reimbursement will be in accordance with Board approved rates and such procedures and standards for submitting and documenting such expenditures as may be developed by the Chief School Financial Officer or provided in the approved Finance Manual.

[Reference: Policy No. 3.21.3]

### **3.12 Fees, Payments, and Rentals**

3.12.1 Facility Use Fees - The Superintendent is authorized to develop a schedule of reasonable fees for use of Board facilities and property by individuals, groups, or organizations. Facilities will not be rented for partisan political use.

3.12.2 Copying and Other Charges - The Superintendent is authorized to establish a schedule of reasonable charges which will be applied uniformly in response to requests for copies of documents and records. Nothing in this policy or in any schedule of charges authorized hereunder creates or expands any entitlement to copies of records or access thereto beyond that which is established by law or specific Board policy.

### **3.13 School Accounts**

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the Board's Finance Manual, Local School Finance Manual, and such procedures, rules, and regulations as may be developed by the Chief School Financial Officer of the Superintendent. The principal is ultimately responsible for all school funds and for ensuring that such funds are properly accounted for and secured.

### **3.14 Authority to Execute Contracts**

3.14.1 General Authority - The president of the Board, or, in the absence of the president, the vice-president, will have authority to execute contracts on behalf of the Board upon approval of the contract by the Board. The Board may also authorize the Superintendent to execute contracts on behalf of the Board as its chief executive officer. The Superintendent may execute contracts entered into in accordance with the Board's policy on expenditures (*See 3.9.3*).

3.14.2 Limitation on Authority to Bind the Board - Principals and other administrators will have authority to enter into agreements or contract with third parties, only when agreements are made in accordance with Board policy, finance manual(s) created under authority of Board policy, or with the express authorization of the Board.

### **3.15 Affiliated Organizations**

- 3.15.1 School Sponsored Organizations - School sponsored student organizations will be subject to Board policies and procedures concerning fiscal management and will maintain organization funds in school accounts. All books, records, and official documents pertaining to the management of such organizations will be maintained at the local school and will be subject to examination and audit by the Board or the principal. The use of funds collected, generated, or held by such organizations will be determined in accordance with the constitution, charter, or by-laws of the organization, with oversight by the sponsor of the organization, and subject to approval of the principal.
- 3.15.2 Other Affiliated Organizations - Other organizations that are affiliated with local schools are permitted to operate or raise funds on Board property or at Board sanctioned events only in conformity with Board and State Department of Education policies, procedures, and standards concerning the fiscal management of such organizations. An affiliated organization must conduct an annual audit of its financial operations and make its books and financial records available to the Board for review or audit.

### **3.16 Fundraising**

All fundraising endeavors and the expenditure of revenues generated by those endeavors must be directly related to school goals and objectives. The following guidelines shall be adhered to in the management of all fundraising activities:

- a. Fundraising activities that are designed as “games of chance” in any format are prohibited on school grounds and by any student organization.
- b. Fundraising activities shall be approved by the building principal of the school where the activities are to occur and where the sponsoring organization is located.
- c. The management of revenues generated by fundraising activities shall be in accordance with the procedures governing all other board funds.
- d. Hours for fundraising shall be set at the discretion of the school principal.
- e. The revenues generated by fundraising activities shall be spent only for purposes for which such funds were collected.
- f. All monies raised for school purposes (whether raised on school premises or off campus by any person or group) come under the jurisdiction of the Board of Education and shall be deposited into the account for which such monies were collected. Such funds shall be accounted for and reported in the routine accounting process.



- g. In elementary schools (grades K-8), no student may participate in door-to-door fundraising activities.
- h. Fundraising activities that involve the sale of food items must be in compliance with SACS, USDA, and State Department of Education regulations on competitive foods and food of minimum nutritional value.

### **3.17 Child Nutrition**

The Superintendent may enter into a written agreement with the Child Nutrition Program at the State Department of Education in order to procure food and other food related products and services. The Board will comply with applicable state and federal laws and regulations governing participation in such child nutrition program, and charged meals will not be considered an allowable expense.

[Reference: Ala. Admin. Code 290-080-030-.01, *et seq.*]

### **3.18 Worthless Checks**

The Board will take action to collect the amount of a worthless check in accordance with such corresponding rules, regulations, and procedures as may be set forth in the Board's Finance Manual.

### **3.19 Classroom Instructional Support**

The Superintendent shall develop procedures by which state allotments for classroom instructional support are made available for use by classroom instructors in the manner and for the purposes authorized by statute and corresponding state regulations.

[Reference: Ala. Code §16-1-8.1(b)(7).]

### **3.20 Gifts to Schools/Departments**

The Superintendent is authorized to develop procedures and standards for documenting and approving gifts and the use of gifts made to the system, a school, or a department, including the type and amount of gifts that must be presented to the Board for approval.

Gifts should be initially reported to the Chief School Financial Officer who will provide any pertinent information needed for Board approval to the Superintendent.

Donors of goods, services, funds, or property who request or require formal confirmation, acknowledgment, or documentation of the donation shall be directed to the Chief School Financial Officer for such purposes.

### **3.21 Uniform Guidance for Federal Programs (Part 200)** *[Approved by Board September 26, 2016]*

#### **3.21.1 Cash Management for Federal Funds**

The Board will minimize the time between the receipt of federal funds from the United States Treasury, the Alabama Department of Education, or other pass-through entity, and the disbursement of those federal funds. Federal funds will only be requested to meet immediate cash needs for reimbursement not covered by prior receipts and anticipated disbursements that are generally fixed, such as monthly program salaries and benefits. Disbursements will be made within in twenty business days after receipt of funds.

The Chief School Finance Officer will maintain financial records that account for the receipt, obligation, and expenditure of each federal program fund. Cash balances for each federal program fund and for the aggregate of all federal program funds will be monitored daily by the Chief School Financial Officer or designee.

Board procedures to minimize the cash balances in federal program funds are expected to prevent the aggregate cash balances of federal program funds from earning \$500 or more for the fiscal year if maintained in interest-bearing accounts. The federal program funds, with the exception of Child Nutrition Program funds, will not be maintained in an interest-bearing bank account if the Chief School Financial Officer determines that banking requirements for minimum or average balances are so high that an interest-bearing account would not be feasible. Federal program funds will be maintained in insured checking accounts that are subject to the state requirements for public deposits under the SAFE program.

[Reference: Policy No. 3.9.1]

#### **3.21.2 Procurement Policy**

The Board will follow state laws for the procurement of property and services. The primary state procurement laws for Alabama school boards are:

- Alabama Competitive Bid Laws (*Chapter 13B of Title 16, Code of Alabama 1975*);
- Joint Information Technology Purchasing Agreement (*Chapter 13 B of Title 16, Code of Alabama 1975*); and,
- Public Works Law (*Title 39, Code of Alabama 1975*).

To the extent allowed by state laws, the board will utilize state, local, regional, and national purchasing agreements where appropriate for the procurement or use of

goods and services. All procurement transactions are subject to the board's *Conflict of Interest Policy* and the procurement decisions of the board will:

- Avoid acquisition of unnecessary or duplicative goods and services;
- Use the most economical and efficient approach for acquisitions;
- Award acquisition contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement;
- Consider contractor integrity, compliance with public policy, record of past performance, and financial and technical resources prior to awarding procurement contracts;
- Maintain records sufficient to document the history of the procurement; and,
- Conduct procurement transactions in a manner that provides full and open competition.

Procurement transactions for federal programs and child nutrition programs that are not subject to the state procurement laws, but exceed the aggregate amount of the federal micro-purchase threshold, will be obtained by utilizing price or rate quotes from two or more qualified sources. State procurement laws include requirements that comply with the other Uniform Administrative Requirements for procurement of property and services.

The board will request proposals for those professional service contracts (excluding architectural and engineering services) that are exempt under state procurement laws if the contracts exceed \$150,000 and will be paid from federal or child nutrition program funds. The board will utilize a team of three or more qualified individuals to conduct a technical evaluation of proposals received and for selecting recipients. As a part of the evaluation, the individuals on the evaluation team will sign an assurance that each of the individuals is in compliance with the board's conflict of interest policy.

[Reference: Policy No. 3.8]

### **3.21.3 Determination of Allowable Costs**

Before instituting a financial transaction that will require the expenditure of federal funds the federal program director and the Chief School Financial Officer or designee will determine that the proposed transaction meets the requirements for allowable costs for the federal program. Actions to determine allowable costs will assure that:

- The proposed expenditure is included in the federal program budget;
- The proposed expenditure is reasonable and necessary for the federal program;

- The proposed expenditure is consistent with procedures for financial transactions of the board including:
  - Purchase order approval procedures;
  - Contract review and approval procedures;
  - Applicable competitive purchasing procedures and;
  - Documentation supports allowability of transaction.

Before payments are made from federal funds the federal program director and the Chief School Financial Officer or designee will determine that the federal program expenditure complies with generally accepted accounting principles and complies with state, local, and federal laws, rules, and regulations.

[Reference: Policy No. 3.9.3]

#### **3.21.4 Travel Policy**

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by board employees who are in travel status on official business of the board. The board's travel policy provides for reimbursement and payments for travel costs of employees paid from federal funds that are consistent with the travel costs for board employees paid from state or local funds.

[Reference: Policy No. 3.11]

#### **3.21.5 Time & Effort Certification** – *(Approved by Board November 29, 2021)*

##### **Background**

In accordance with Federal requirements (§200.430) prescribed by the Office of Management and Budget (OMB), charges to Federal awards for salaries and wages must be based on records that provide reasonable assurance that the charges are accurate, allowable, and properly allocated. In order to receive and maintain eligibility for funding, sponsoring agencies require organizations to gather documentation to substantiate that the level of salary or wages charged to Federal awards is commensurate with the effort expended. This includes all Title programs (Title I, II-A, III, IDEA, etc.) as well as special Federal funding that might be awarded.

Sheffield City Schools utilizes an “After-the-Fact” reporting system to comply with the federal effort certification requirement. Under an after-the-fact system, distribution of salaries and wages for employees working on federally funded projects will be supported by effort certification reports. Time and effort certification reports reflect an after-the-fact reporting of the actual percentage distribution of activity of employees.

Employees working on Federal awards are required to adhere to following procedures on Effort Certification:

- Faculty and exempt employees will be asked to report the percent effort for all federally sponsored activity and curricular activities (i.e., instruction, administration, advising, etc.) using the Sheffield City Schools Time and Effort Report form.
- Time and Effort Reports will reasonably reflect the percentage distribution of effort by faculty and exempt employees charged to federally funded projects. Effort is not determined based on a 40-hour week but rather as a percentage of total employment activities. 100% effort is an employee's total hours actually spent on work within the scope of his/her employment activities. The report includes activities for which the employee is being compensated, both sponsored and non-sponsored, within a given time period. The purpose of the report is to certify the level of effort expended on these activities.
- Semi-Annual Report: An employee who has a single cost objective has a position that is dedicated to a singular purpose. For instance, a special education teacher is considered to have a single cost objective because the teacher works only with special education. An employee who has a single cost objective will complete semi-annual certifications after the July through December pay cycle, and the January through June pay cycle. A semi-annual certification is a sign-off by the employee and the supervisor with first-hand knowledge of the employee's work after the work has been completed.
- Where employees work on multiple activities or cost objectives, a distribution of their salaries or wages will be supported by personnel activity reports (PARS) or equivalent documentation.
- PAR or equivalent documentation must: (1) reflect an after-the-fact distribution of the actual activity of each employee, (2) must account for the total activity for which each employee is compensated, (3) must be prepared at least monthly and must coincide with one or more pay periods, and (4) must be signed by the employee and direct supervisor. The PAR must be supported with documentation of actual effort, not estimates. Supporting documentation could be, but is not limited to, a work calendar, work project, time log, or class schedule.
- Faculty and exempt employees will complete and sign the Time and Effort Report. Principals /Directors are required to verify the accuracy of information provided by employees working on the grant. Time and Effort Reports are required annually and at the completion of a grant.
- Completed Employee Time and Effort Reports are maintained by the CSFO or program director.
- In the event of closing during a public emergency, Employee Compensation will be paid in accordance with customary payroll procedures, which may be modified from time to time **during a public emergency** or as the needs of the system require.

**Statutory Reference:** EDGAR 200.430(i)(1)

### **3.22 Conflict of Interest Policy [Approved by Board September 26, 2016]**

Generally, a conflict of interest exists when a board member, board employee, or agent of the board participates in a matter that is likely to have a direct effect on his or her personal and financial interests. A financial interest may include, but is not limited to, stock ownership, partnership, trustee relationship, employment, potential employment, or a business relationship with an applicant, vendor, or entity. A board member, board employee, or agent of the board may not participate in his or her official capacity in a matter that is likely to have direct and predictable effects on his or her financial interests.

A board member, board employee, or agent of the board will abide by the Federal and state laws and regulations that address conflict of interest standards. In general, the Federal rules provide that:

*No employee, officer, or agent of the board shall participate in selection, or in the award or administration of a contract supported by Federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from the firm considered for a contract. The board's officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.*

The board's conflict of interest policies include adherence to the Alabama Ethics Law, which defines conflict of interest as:

*A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.*

A board member, board employee, or agent of the board may not review applications, proposals, or participate in the evaluation or selection process where his or her participation in the review process would create the appearance that he or she is: (a) giving preferential treatment; (b) losing independence and impartiality; (c) making decisions outside official and appropriate channels; or (d) harming the public's confidence in the integrity of the board.

Situations and circumstances presenting an actual conflict of interest or the appearance of a conflict of interest should be brought to the immediate attention of the superintendent. A board employee, board member, or agent of the board who has knowledge of a possible conflict of interest should identify the conflict and notify the superintendent. The

superintendent will document his or her actions related to the reported conflict of interest. Resolution can consist of disqualification, recusal, waiver, or other appropriate measures. Appropriate measures may include reporting a conflict of interest to the State Ethics Commission, the Alabama State Board of Education, or the appropriate federal agency.

[Reference: Policy No. 5.6]