

**EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CONFLICT OF INTEREST**

DBD

**CONFLICT OF
INTEREST DEFINED**

A "conflict of interest" is any circumstance that could cast doubt on an employee's ability to act with total objectivity with regard to the school's interests.

**CONFLICT OF
INTEREST DISCLOSURE**

Employees are required to disclose to their supervisor any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the district. This includes the following:

- A personal financial interest
- A business interest
- Any other obligation or relationship
- Nonschool employment

(See DH)

[Tex. Government Code, 2155.003](#)

**SUBSTANTIAL
INTEREST**

The Superintendent shall file an affidavit with the Board President disclosing substantial interest, in any business or real property that the Superintendent or any of his or her relatives in the first degree may have. Any employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest, shall file an affidavit with the Superintendent; however, the employee shall not be required to file an affidavit for the substantial interest of a relative. See policy DH, Employee Standards of Conduct for addition information.

[Tex. Government Code 553.002](#)

**HOLDING PUBLIC
OFFICE**

Employees may not be candidates for an elective public office in partisan elections. However, School employees may serve as members of the governing bodies of the school districts (other than those in which they are employed), cities, towns, or other local governmental districts. A schoolteacher, retired schoolteacher, or retired school administrator may receive compensation for serving as a member of those governing bodies, including a water district created under Section 59, Art. XVI, or Section 52, Art. III. Tex. Const., Art. XVI, Sec. 40(b);

[Tex. Government Code, 556.004](#)

[Tex. Constitution, Art. XVI, Sec. 40, Atty. Gen. Op. DM-55 \(1991\)](#)

**INSTRUCTIONAL
MATERIALS VIOLATIONS**

An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during nonschool hours. No employee shall require students to purchase a specific brand of school supplies if other brands are equal and suitable for the in-tended instructional purpose.

ENDORSEMENTS

SALES

An employee shall not use his or her position with the school to attempt to sell products or services.

COMMISSIONS

An administrator or teacher shall not receive any commission or rebate on any instructional materials or technological equipment used in the school.

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	Education Code 31.152(a)
CONFLICT	<p>An administrator or teacher shall not accept a gift, favor, or service that might reasonably tend to influence the person in the selection of instructional materials or technological equipment and could not be lawfully purchased with state instructional material funds.</p> <p>This does not include staff development, in-service, or teacher training; or ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.</p>
	Education Code 31.152(b)-(d)
PROHIBITED ACTIVITIES BY PUBLIC SERVANTS – STATE LAW	
Public Servant	<p>“Public servant,” means a person elected, selected, appointed, employed, or otherwise designated as an officer, employee, or agent of a government entity, even if the person has not yet qualified for office or assumed his or her duties</p>
	Penal Code 1.07(a)(41)(A),(E)
Bribery	<p>A public servant shall not intentionally or knowingly offer, confer, agree to confer on another, solicit, accept, or agree to accept a benefit:</p> <ol style="list-style-type: none">1. As consideration for the public servant's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.2. As consideration for a violation of a duty required of a public servant by law.3. That is a political contribution as defined by Title 15 of the Election Code or an expenditure made and reported as a lobbying expense in accordance with Government Code, Chapter 305, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit. <p>"Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest. <i>Penal Code 36.01(3), .02</i></p>
Gifts	<p>A public servant shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA, CB, and CBB]</p> <p>If a public servant receives an unsolicited benefit that they are prohibited from accepting, they may donate the benefit to a governmental entity that has the authority to accept the gift or to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes. Penal Code 36.08(d), (i)</p>

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Exceptions	<p>A public servant may accept:</p> <ol style="list-style-type: none"> 1) A fee prescribed by law to be received by the public servant or any other benefit the individual is lawfully entitled to or for which the public servant gives legitimate consideration in a capacity other than as a public servant. 2) A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. 3) A benefit to a public servant required to file a statement under Government Code Chapter 572 or a report under Election Code Title 15 that is derived from a function in honor or appreciation of the recipient if: <ol style="list-style-type: none"> a. The benefit and source of any benefit in excess of \$50 is reported in the statement; and b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision. 4) A political contribution as defined by Election Code Title 15. 5) An item with a value of less than \$50, excluding cash or a negotiable instrument as described by Business and Commerce Code 3.104 6) An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity. 7) Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law. <p>Penal Code 36.10</p>
Honoraria and Expenses	<p>A public servant may not solicit, accept, or agree to accept an honorarium in consideration for services that would not have been requested to provide but for the employee's official position or duties. However, an employee is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the employee renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. <i>Penal Code 36.07</i></p>
Abuse of Public Employment	<p>A public servant shall not, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violate a law relating to the employee's office or employment, or misuse School property, services, personnel, or any other thing of value, that has come into his or her custody or possession by virtue of his or her office or employment. <i>Penal Code 39.02(a)</i></p> <p>"Law relating to the employee's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. <i>Penal Code 39.01(1)</i></p> <p>"Misuse" means to deal with property contrary to:</p> <ol style="list-style-type: none"> 1. An agreement under which the employee holds the property; 2. A contract of employment or oath of office of an employee; 3. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or

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4. A limited purpose for which the property is delivered or received.

Penal Code 39.01(2)

**Misuse of Official
Information**

A public servant commits an offense if, in reliance on information to which the employee has access by virtue of the person's office or employment and that has not been made public, the person:

1. Acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
2. Speculates or aids another to speculate on the basis of the information; or
3. As an employee, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.

A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, the employee discloses or uses information for a nongovernmental purpose that:

1. The person has access to by means of the person's office or employment; and
2. Has not been made public.

"Information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Government Code Chapter 552 (the Public Information Act).

Penal Code 39.06(a), (b), (d)

**Instructional
Materials Violations
– Commissions**

A trustee, administrator or teacher commits an offense if the administrator or teacher receives any commission or rebate on any instructional materials or technological equipment used in the School.

Education Code 31.152(a)

Issued:

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