



Opportunity for Conflict of Interest on Colorado School Boards

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Among Colorado's 38 largest school districts, there are four district employees serving on the board of education. Adams County 14, Harrison 2, Fort Morgan RE-3, and Montezuma-Cortez RE-1 each have one school board member who is also employed by the district.

- ✓ One of the clearest arguments against employees serving on the school board is the Wyoming Supreme Court majority opinion in *Haskins v. State ex rel. Harrington* (1973). What principles did these justices bring forward that would also apply to Colorado?
 - The positions of teacher and board member are incompatible—"their being subordinate and interfering with each other, it induces a presumption that they cannot be executed with impartiality and honesty."
 - There are too many areas of conflict from which a board member would have to abstain to fulfill the role properly:
 - Voting on the contract that determines his salary, benefits, and working conditions
 - Overseeing and appointing a superintendent and other administrators in one position to whom he is accountable in another position
 - Any decision affecting the district's finances also affects the availability of funds to pay employees
- ✓ Twenty-nine states have statutes forbidding a district employee from serving on the school board; several others (including Wyoming) have case law to the same effect.
- ✓ The Colorado Association of School Boards (CASB) has no formal position on the issue but offers optional model policy for districts wanting to adopt this conflict-of-interest policy. The state's 25 largest school districts represent a variety of interpretations.
 - 14 have no formal policy addressing the conflict of interest of district employees serving on the school board—*Jefferson County R-1, Denver County 1, Colorado Springs 11, Poudre R-1, St. Vrain Valley RE-1J, Mesa County Valley 51, Academy 20, Pueblo 60, Greeley 6, Littleton 6, Westminster 50, Harrison 2, Brighton 27J, Mapleton 1*.
 - 7 have formal policy preventing the board from hiring one of its members as an employee but not preventing an employee from keeping his job if elected to the board—*Cherry Creek 5, Douglas County RE-1, Boulder Valley RE-2, Widefield 3, Falcon 49, Adams County 14, Montrose County RE-1J*.
 - 4 have formal policy preventing anyone from simultaneously holding the positions of school board member and district employee—*Northglenn-Thornton 12, Adams-Arapahoe 28J, Thompson R-2J, Pueblo Rural 70*.

To learn more, read *The Wrong Kind of Self-Employment: Keeping District Employees off Colorado School Boards*—<http://www.i2i.org/article.aspx?ID=966>

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