



BOARD POLICY

6027 Conflict of Interest

POLICY NUMBER	ADOPTED	VERSION	DOCUMENT STATUS
6027	2/12/2026	v2	UNDER-REVIEW
WORKFLOW	PRINTED		
Pending Board Review	10/16/2026		

Purpose

This policy shall affirm standards of conduct established to ensure that members of the Board of Trustees (Board) and employees avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest.

Definitions

Administrator - Chief Administrator of the Charter School and all other employees of the Charter School who by virtue of their positions exercise management or operational oversight responsibilities.

Confidential information - information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.[\[1\]](#)

Conflict or Conflict of interest - use by an administrator, employee or Trustee of the authority of their office or employment, or any confidential information received through holding public office or employment, for the private pecuniary benefit of the administrator, employee or Trustee, a member of their immediate family or a business with which the administrator, employee or Trustee, or a member of their immediate family is associated. The term does not include an action having a de minimis economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the administrator, employee, Trustee, a member of their immediate family or a business with which the administrator, employee, Trustee or a member of their immediate family is associated.[\[1\]](#)

For federal purposes, a **conflict of interest** includes when the employee, employee purchasing for the Child Nutrition Program (CNP), officer, agent, or Trustee, any member of their immediate family, their partner, or an organization that employs or is about to employ any of those individuals, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. [\[2\]](#)

De minimis economic impact - an economic consequence which has an insignificant effect.[\[1\]](#)

Financial interest - any financial interest in a legal entity engaged in business for profit which comprises more than five percent (5%) of the equity of the business or more than five percent (5%) of the assets of the economic interest in indebtedness.[\[1\]](#)

Honorarium - payment made in recognition of published works, appearances, speeches and presentations, and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.[\[1\]](#)

Immediate family - a parent, parent-in-law, spouse, child, spouse of a child, brother, brother-in-law, sister, sister-in-law, or the domestic partner of a parent, child, brother or sister.[\[1\]](#)

Business partner - a person who, along with another person, plays a significant role in owning, managing or creating a company in which both individuals have a financial interest in the company.

Delegation of Responsibility

Each administrator, employee and Trustee shall be responsible to maintain standards of conduct that avoid conflicts of interest. The Board prohibits administrators, employees and Trustees from engaging in conduct that constitutes a conflict of interest as outlined in applicable law and this policy.

Guidelines

All administrators, employees and Trustees shall be provided with a copy of this policy and acknowledge in writing that they have been made aware of it. Additional training shall be provided to designated individuals.

Disclosure of Financial Interests

Each Trustee shall, as a public official, abide by the provisions of the Public Official and Employee Ethics Act and file a statement of financial interests for the preceding calendar year with the State Ethics Commission and Board of School Directors for the chartering school district(s) in accordance with applicable law and Board policy.[\[1\]](#)[\[3\]](#)[\[4\]](#)

Each Charter School administrator shall, as a public employee, abide by the provisions of the Public Official and Employee Ethics Act and file a statement of financial interests for the preceding calendar year with the Board, in accordance with applicable law and Board policy.[\[4\]](#) [\[5\]](#)

The school solicitor and other designated Charter School employees shall file a statement of financial interests as required by law and regulations.[\[6\]](#) [\[7\]](#)

Standards of Conduct

The Charter School maintains the following standards of conduct covering conflicts of interest and governing the actions of its administrators, employees and Trustees engaged in the selection, award and administration of contracts.[\[2\]](#)

No administrator, employee or Trustee may participate in the selection, award or administration of a contract if the administrator, employee or Trustee has a real or apparent conflict of interest as defined in law and this policy, as well as any other circumstance in which the administrator, employee, Trustee, any member of their immediate family, their business partner or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.[\[1\]](#)[\[2\]](#)[\[4\]](#)[\[8\]](#)

The Charter School shall not enter into any contract with an administrator, employee or Trustee, or their spouse or child, or any business in which the person or their spouse or child is associated valued at \$500 or more, nor in which the person or spouse or child or business with which associated is a subcontractor, unless the Board has determined it is in the best interests of the Charter School to do so, and the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the administrator, employee or Trustee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.[\[1\]](#) [\[4\]](#)[\[8\]](#)

When advertised formal bidding is not required or used, an open and public process shall include at a minimum:

1. Public notice of the intent to contract for goods or services;
2. A reasonable amount of time for potential contractors to consider whether to offer quotes; and
3. Post-award public disclosure of who made bids or quotes and who was chosen.

Any administrator, employee or Trustee who in the discharge of official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of their interest as a public record in a written statement to be attached to the Board minutes.[\[1\]](#)

A contract made in violation of applicable law and this Board policy based on a conflict of interest of a Charter School administrator shall be voidable by the Board. [\[4\]](#)

A contract made in violation of applicable law and this Board policy shall be voidable by a court of competent jurisdiction if the suit is commenced within ninety (90) days of the making of the contract or discovery of the violation.[\[1\]](#)[\[8\]](#)

No public official or public employee shall accept an honorarium.[\[1\]](#)

Administrators, employees and Trustees may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Gifts of a nominal value may be accepted in accordance with Board policy, except that no gift, donation or contribution of any kind shall be accepted, demanded or requested, directly or indirectly, from any parent/guardian, teacher, employee or any other person affiliated with the Charter School as a condition for employment or enrollment and/or continued attendance of any student.[\[2\]](#) [\[9\]](#) [\[10\]](#) [\[11\]](#)

Improper Influence

No person shall offer or give to an administrator, employee, Trustee or nominee for the Board, or a member of their immediate family or a business with which they are associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the administrator, employee, Trustee or nominee for the Board would be influenced thereby.[\[1\]](#)

No administrator, employee, Trustee or nominee for the Board shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that administrator, employee, Trustee or nominee that the vote, official action or judgment of the administrator, employee, Trustee or nominee for the Board would be influenced thereby.[\[1\]](#)

Organizational Conflicts

Organizational conflicts of interest may exist when due to the Charter School's relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, the Charter School may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization.[\[2\]](#)

In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Chief Administrator or designee to determine whether it is likely that the Charter School would be unable or appear to be unable to be impartial in making the award. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

1. The organizational relationship shall be disclosed as part of any notices to potential contractors;
2. Any Charter School employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;
3. A competitive bid, quote or other basis of valuation is considered; and
4. The Board has determined that contracting with the related organization is in the best interests of the program involved.

Reporting Conflicts of Interest

Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the Chief Administrator. If the Chief Administrator is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Board President.

Any perceived conflict of interest of a Trustee that is detected or suspected by any employee or third party shall be reported to the Board President. If the Board President is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Chief Administrator, who shall report the incident to the solicitor.

No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest. The Charter School shall provide written notification of such protections to employees.[\[12\]](#)

The Chief Administrator or designee shall report in writing to the federal awarding agency or pass-through entity any potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.[\[13\]](#)

Investigation

Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results.

In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the federal awarding agency in accordance with that agency’s policies, or in accordance with other applicable law.[\[1\]](#)[\[13\]](#)

Disciplinary Actions

If an investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the Charter School shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Charter School staff shall document the corrective action taken and, when not prohibited by law, inform the complainant.

Violations of this policy may result in disciplinary action for employees up to and including discharge, fines and possible imprisonment. Disciplinary actions shall be consistent with Board policies, procedures, and state and federal laws and regulations.[\[1\]](#)[\[4\]](#)[\[8\]](#)[\[14\]](#)

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Legal Footnotes

[1] 65 Pa. C.S.A. 1101 et seq LEGAL REFERENCE	[2] 2 CFR 200.318 LEGAL REFERENCE
[3] Pol. 0004 POLICY REFERENCE Referenced policy is not available in this policy book.	[4] 24 P.S. 1715-A LEGAL REFERENCE
[5] Pol. 3004 — Employment of Staff POLICY REFERENCE	[6] 51 PA Code 15.2 LEGAL REFERENCE
[7] 65 Pa. C.S.A. 1104 LEGAL REFERENCE	[8] 24 P.S. 1716-A LEGAL REFERENCE
[9] 24 P.S. 1725-A LEGAL REFERENCE	[10] Pol. 3022 — Gifts POLICY REFERENCE
[11] Pol. 5002 POLICY REFERENCE Referenced policy is not available in this policy book.	[12] 2 CFR 200.217 LEGAL REFERENCE

