



TO: Senate Government Operations Committee  
FROM: Sandra Cameron, Associate Executive Director  
RE: H.875  
DATE: April 11, 2024

Good afternoon, my name is Sandra Cameron, Associate Executive Director of the Vermont School Boards Association. Thank you for the opportunity to provide written testimony on H.875, an act relating to the State Ethics Commission and the State Code of Ethics.

As outlined in a letter to the Vermont Ethics Commission (see attached), we believe the statutory requirement for a conflict of interest policy and procedure, and the VSBA's model code of ethics provides a framework for ethics for school boards. Furthermore, the Vermont Agency of Education's District Quality Standards will go into effect on July 1, 2025 and address topics related to business office operations.

Our members support being exempt from the training, investigation, and reporting requirements outlined in H.875. Should your committee make changes to the bill, we ask that you consider the impact of new obligations on volunteers.



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November 20, 2023

Dear Members of the Ethics Commission,

This letter is in response to your request for feedback on municipal ethics, as the State Ethics Commission works to build an ethics framework in Vermont that incorporates ethics accountability, training, and advice for public servants.

Act 53 states that on or before January 15, 2024, "the State Ethics Commission shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with its recommendations for creating a framework for municipal ethics in Vermont. The report shall include a summary of the issues related to creating a framework for municipal ethics in Vermont and a summary of any relevant input received by the Commission in drafting the report. The report shall include specific recommendations on how to best provide cities and towns with informational resources about basic ethics practices. In drafting the report, the Commission may consult with any person it deems necessary to conduct a full and complete analysis of the issue of municipal ethics, including the Vermont League of Cities and Towns and the Office of the Secretary of State."

It is our understanding that the recently adopted statewide code of ethics does not apply to all categories of government employees, including municipal officials, thus Act 53 allows for consultation with the Vermont League of Cities and Towns. It is our understanding that there has been some discussion about whether or not a statewide municipal code of ethics should apply to school board members. If the Commission determines that the framework for municipal ethics should apply to school boards, it is our hope that consultation with the Vermont School Boards Association will be considered.

Below is a summary of current requirements for school boards and resources provided by the VSBA:

- 1) *The VSBA provides a model code of ethics for school board members (see attached), which addresses:*
  - a. *the scope of the official role,*
  - b. *the scope of the fiduciary role,*
  - c. *high ethical standards, and*
  - d. *respect for peers and constituents, and confidentiality.*
2. *16 V.S.A. § 563(20) requires each school board to "establish policies and procedures designed to avoid the appearance of conflict of interest." The VSBA provides Vermont school boards with a required model policy which outlines a procedure to address any claim of conflict of interest (see attached);*
3. *Effective July 1, 2025, the Vermont Agency of Education District Quality Standards, Rule 111.1.3 will require SU/SDs to maintain accounting records in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board principles (GASB). The GASB sets standards that follow Generally Accepted Accounting Principles (GAAP).*

We believe the statutory requirement for a conflict of interest policy and procedure, and the VSBA's model code of ethics provides a framework for ethics for school boards. We hope this information is useful to the Ethics Commission and we invite you to contact us with any questions at (802) 223-3580.

Respectfully,

Sue Ceglowski, Executive Director



## Code of Ethics for Vermont School Board Members

As a member of my local school board, I will remember that my primary concerns must be the educational welfare of the students in my district and excellent return on investment for taxpayers. I agree to conduct myself in accordance with the following commitments. I will:

### **Act within the scope of my official role:**

- Act only as a member of the board and not assume any individual authority when the board is not in session, unless otherwise directed by the board
- Give no directives, as an individual board member, to any school administrator or employee, publicly or privately
- Avoid making commitments that may compromise the decision-making ability of the board or administrators

### **Act within the scope of my fiduciary role:**

- Ensure prudent use of the district's assets, including facilities, people, and good will.
- Ensure that the district follows applicable laws, policies and resolutions or actions adopted by the board.
- Refrain from engaging in activities that harm the district's ability to pursue its mission.
- Provide oversight to ensure activities of the district advance its effectiveness and sustainability.

### **Uphold the highest ethical standards:**

- Not receive anything of value, by contract or otherwise, from the school district or supervisory union unless it is received:
  - as a result of a contract accepted after a public bid
  - in public recognition of service or achievement
  - as a board stipend reimbursement or expense allowed by law for official duties performed as a member of such board;
- Not solicit or receive directly or indirectly any gift or compensation in return for making a recommendation or casting a vote;
- Agree to recuse and remove myself from board deliberation and votes when necessary to avoid the appearance of conflict of interest;
- Not agree to the hiring of a superintendent, principal, or teacher already under contract with another school district unless assurance is first secured from the proper authority that the person can be released from his or her contract

### **Respect my peers and constituents, and uphold confidentiality:**

- Voice opinions respectfully and treat with respect other board members, administrators, school staff, and members of the public;
- Maintain confidentiality of information and discussion conducted in executive session and uphold applicable laws with respect to the confidentiality of student and employee information;
- Attend all regularly scheduled board meetings insofar as possible.

***I agree to abide by the expectations outlined in this Code of Ethics and will do everything in my power to work as a productive member of the leadership team.***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**REQUIRED<sup>[1]</sup>**

## BOARD MEMBER CONFLICT OF INTEREST

### **Statement of Policy**

It is the ethical and legal duty of all school board members to avoid conflicts of interest as well as the appearance of conflicts of interest.

### **Definitions**

1. **Conflict of interest** a situation when a board member's private interests, as distinguished from the board member's interest as a member of the general public, would benefit from or be harmed by their actions as a member of the board.

### **Administrative Responsibilities**

The board and its members shall adhere to the following recommended standards:

1. A board member shall not give the impression that they would represent special interests or partisan politics for personal gain.
2. A board member shall not give the impression that they have the authority to make decisions or take action on behalf of the Board or the school administration.
3. A board member shall not use their position on the Board to promote personal financial interests or the financial interests of family members, friends or supporters.
4. A board member shall not solicit or accept anything of value in return for taking particular positions on matters before the Board.
5. A board member shall not give the impression that their position on any issue can be influenced by anything other than a fair presentation of all sides of the question.
6. Board members shall be familiar with, and adhere to, those provisions of Vermont education law that define school board powers and govern board member compensation and public bidding processes.
7. When a board member becomes aware that they are in a position that creates a conflict of interest or the appearance of a conflict of interest as defined in state law or this policy, they shall declare the nature and extent of the conflict or appearance of conflict for inclusion in the board minutes, and shall abstain from voting or participating in the discussion of the issue giving rise to the conflict.

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[1] 16 V.S.A. § 563(20) requires each school board to “establish policies and procedures designed to avoid the appearance of conflict of interest.”

8. When a conflict of interest claim against a board member is brought to the board in writing and is signed by another board member or a member of the public, and the board member against whom the claim is made does not concur that a conflict in fact exists, the following board procedures shall be followed.
  - a. Upon a majority vote of the remaining board members, or upon order of the chair, the board shall hold an informal hearing on the conflict of interest claim, giving both the board member and the person bringing the claim an opportunity to be heard.
  - b. At the conclusion of the informal hearing, the remaining board members shall determine by majority vote whether to:
    - i. Issue a public finding that the conflict of interest charge is not supported by the evidence and is therefore dismissed;
    - ii. Issue a public finding that the conflict of interest charge is supported by the evidence and that the member should disqualify themselves from voting or otherwise participating in the board deliberations or decision related to that issue, as required by Vermont statute; and/or
    - iii. Issue a public finding that the conflict of interest charge is supported by the evidence and the board member should be formally censured or subjected to such other action as may be allowed by law.