

Your Question:

You requested information on states that have legislation requiring or encouraging local implementation of ethics committees or similar entities for school boards.

Our Response:

Ethics laws or standards are found in different areas of law or rules and regulations in each state. Moreover, whether they apply to school boards or even school district employees varies from state to state.

As such, it is difficult to provide a complete picture of states with legislation mandating or encouraging local implementation of ethics committees to enforce laws or standards. However, we were able to identify some different practices in this area with state examples that may prove useful.

Oversight Boards:

Several states have adopted legislation in recent years creating state ethics boards to address potential violations at the local level.

Most recently, [Virginia](#) passed a law in 2014 that created a “Conflict of Interest and Ethics Advisory Council” that oversees potential conflicts of interest of local school board members (§ 2.2-3115) and refers alleged ethical violations to the appropriate House or Senate Ethics Advisory Panel (§ 30-114). The legislation also establishes ethical standards and disclosure requirements.

Likewise, [New Jersey](#) has several state laws that address school board ethics directly, including laws pertaining to school officials’ conflicts of interest and a code of ethics for school board members. However, the authority to discipline rests in a school ethics commission that resides within the state department of education. Further, the commission has its own [administrative code](#) that outlines its duties, responsibilities, scope of authority, and sanctioning procedures.

Similar legislation was proposed in [Colorado](#) this past session. The bill would have created an ethics commission within the department of education and given it the authority to adjudicate disputes and/or violations of ethical standards. The bill failed to pass.

Finally, although not specifically an ethics commission, [Georgia](#) allows for the state superintendent to recommend the Governor suspend a local school board for governance violations.

State Ethics Laws:

Some states have adopted public ethics laws that apply to varying classifications of state, county, or municipal employees.

For instance, [Maryland's](#) public ethics law requires local jurisdictions to implement ethics laws that “must be equivalent to or exceed the requirements of State law with respect to conflict of interest provisions and financial disclosure provisions” and apply to school district board members and employees (a summary of the full provisions may be viewed [here](#)). However, according to the summary provided by the state, “school boards may enact their own ethics regulations and thus become independent from county laws.”

Similarly, [North Carolina](#) adopted legislation in 2009 requiring local school boards to adopt a code of ethics and educate school board members on the content of those ethical standards. The law, however, is silent on who provides oversight or enforces the code of ethics.

Conversely, [Massachusetts](#) has a public ethics law but exempts school district board members from certain provisions of the law. [New York](#) considered legislation in the previous session that addressed ethical violations from municipal employees (including school district employees and board members), but failed to move the bill. Additionally, [Washington](#) passed legislation in 2009 that established ethics requirements for local school boards and provided the state superintendent with disciplinary power.

For additional information regarding education governance, please refer to our 50-state policy [database on governance issues](#), which provides legislative summaries including [ethics and conflicts of interest bills](#) as well as [local school board governance legislation](#).