

B-SCHOOL BOARD OPERATIONS

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## PHILOSOPHY, GOALS AND OBJECTIVES

The Morehouse Parish School Board hereby sets forth and establishes the following statements as a philosophical foundation for the public schools of Morehouse Parish. Each school unit in the parish is expected to develop a school philosophy which considers community needs and which incorporates the basic educational beliefs enumerated in this document. The desired effect of this document is to produce for all to see, a concrete listing of the beliefs which shape the policy and programs of the Morehouse Parish School Board:

1. We believe that every child has worth and should be treated with dignity.
2. We believe that every child is a unique being and that each is endowed with unique abilities and disabilities.
3. We believe that the major functions of schools are three:
  - (a) Discover the abilities and disabilities of each child
  - (b) Minimize the effects of disabilities
  - (c) Maximize the value of unique abilities
4. We believe that there is a need for each child to develop physically, academically, socially, emotionally, and spiritually if he is expected to be a productive citizen.
5. We believe that the proper development of children physically, academically, socially, emotionally, and spiritually rests upon and depends upon the complementary efforts of schools, the family, and the church.
6. We believe that teachers should be held accountable for teaching and that children should be held accountable for learning.
7. We believe in the basic education of children, having observed that a child cannot advance in any direction towards the frontiers of knowledge without the fundamental skills of communication--reading, writing, spelling, as well as other elements of effective oral and written expression; the arithmetical and mathematical skills, including problem solving.
8. We believe that in schools, as in society, rules made for the "common good" are

necessary and that every student should be held accountable for adherence to those rules.

9. We believe that every student has a basic right to study in an atmosphere free from danger and disruption, and we believe that all students and all educators are accountable for the maintenance of that atmosphere.
10. We believe that every student should be held accountable for regular attendance in school.
11. We believe that every student should be included in a guidance program beginning at the date of entry into school and continuing to follow after he leaves school.
12. We believe that schools and school officials should reasonably expect that each student would be supported by parents who care, provide moral training and the development of healthy self esteem.
13. We believe that co-curricular activities should be developed and utilized to provide opportunities for students to apply classroom experiences and knowledge to problems in the outside world.
14. We believe that extra-curricular activity should be utilized to stress the development of specific traits not easily developed in the classroom setting. We believe that some of the most important of these are sacrifice, tenacity, competition, teamwork, and responsibility.
15. We believe that both co-curricular and extra-curricular activities can and should bear out time honored beliefs such as:
  - (a) Practice makes perfect
  - (b) Rewards are the result of effort
  - (c) Individuals working together can produce results which exceed the sum of the individual contributions
  - (d) Leadership roles are earned by performance
  - (e) Defeat or rejection can motivate one to greater effort
  - (f) Ordinary is separated from extraordinary by limits of spirit more often than by physical or mental limitations
16. We believe that every student should be developed toward a career choice which will insure an adequate income and a sense of contribution to society.
17. We believe that vocational education is a viable choice for many students and a

choice which should result from surveying the student's abilities and developing those abilities.

18. We believe that there are no unworthy positions in society and we reject the notion that unworthy persons should fill unworthy positions.
19. We believe that the diversity of abilities in our country is complementary to the diversity of our needs as a people.
20. We believe that good leaders can be developed and that before one can be a good leader he must be a good follower.
21. We believe that no institution is more vital to the continuance of our society than the family unit and that the strengthening of that unit is a prominent goal of our school system.
22. We believe that substance abuse in its many forms is a great threat to our society and that we should work constantly for the reduction and eventual elimination of that problem.
23. We believe that, in spite of it's imperfections, our nation offers hope, freedom, and opportunity on a scale that sets the pace for the remainder of the world. We believe that every student should recognize the blessings related to being a citizen.

To achieve these objectives for every child the public schools of Morehouse Parish must provide:

1. Attractive, safe, and stimulating environments for the learning experiences of the students.
2. An effective program of guidance and counseling in preparation for the world of work.
3. An appropriate balance in the educational program that will provide stimulation and development of the useful talents of all children.
4. Balanced courses in the social sciences to develop in the students a better appreciation of the advantages of our democratic way of life.

The Morehouse Parish School Board further recognizes and accepts the responsibility to cooperate with other appropriate institutions and agencies toward enriching the lives of its students and to meet the need for a continuing growth and development of its

educational system to keep pace with the economic, social and moral implications resulting from modern advances in technology and science.

B-2

### BOARD FUNCTIONS

Three functional activities are recognized with respect to the Morehouse Parish School Board's administration of public education in the parish.

1. Policy-making is the function of the board, which determines what shall be done, establishes procedures of accomplishing the tasks, selects an executive officer and delegates to him authority for placing the plans and procedures into operation. It is a primary function of the board to provide the financial means to accomplish the objectives. School Board members are the people's representatives in the school program and they function as a board and not as individuals. The board member as an individual has no authority; his/her vote along with the votes of the other members give direction and authority for administration.
2. Executive. The execution of the policies established by the board is the responsibility of the superintendent. As the executive officer of the school system, the superintendent is concerned with placing into operation the plans and policies, keeping the Board informed, and furnishing professional leadership to the school system.
3. Appraisal is the function of the board to carefully examine facts and issues thereby establishing policies for:
  - (a) The efficiency of operation of the administration in terms of carrying out board policies and procedures.
  - (b) The worth and result of the activities in relation to the efficiency and value of instruction.

B-3

### INTERNAL ORGANIZATION OF BOARD

Each school board is authorized by law to make such rules and regulations for its own government, not inconsistent with law or with rules and regulations of the State Board of Elementary and Secondary Education, as it may deem proper.

### BOARD OFFICERS

The first item of business of the first regular meeting in December of each year, the Board under its outgoing President will elect a new slate of officers to serve for one year. In those years where elections are held and newly elected board members are seated, the Board shall elect new officers at the January meeting after the newly elected Board members have been seated. The President and Vice-President may not succeed themselves in the position then held but may serve twice during their (4) year term.

The President shall preside at all meetings of the Board, and he shall call special meetings when required. He shall sign, with the Superintendent, the minutes and other official documents which require the signature of the President. He shall perform other duties prescribed by law and the policies of the Board.

In the absence of the President or in the event of his death, or his inability or failure to act, the Vice-President shall perform the duties of the President, and, when so acting, shall have all the powers of the President.

The Superintendent of Schools will serve as secretary and treasurer to the Board.

Legal Reference: LSA REVISED STATUTES 17:54, 17:81

#### TIME OF ELECTION AND TERM OF OFFICE OF SUPERINTENDENT

The election of superintendent of Morehouse Parish occurs at least every four (4) years if necessary. The period of election is a maximum of a four (4) year contract; however, the said period may extend no longer than two (2) years after the expiration of the term of office of the member of the Board electing the superintendent. The procedure of election shall be as follows:

Subject to the approval of a majority of its entire membership, the Board shall negotiate and offer the superintendent a new contract at the expiration of each existing contract unless a majority of the Board votes at least ninety (90) days prior to the termination of the existing contract against offering a new contract.

If the contract is not renewed then:

1. Applications will be received for the vacancy.
2. Applicants will be invited to appear before the Morehouse Parish School Board as a whole for an interview under procedures that may be established for that purpose.

Prior to the filing of the position of permanent superintendent, the Board shall advertise the vacancy and solicit applications for the position. At a minimum, a notice of the vacancy together with the request for the submission of applications to fill the position shall be in accordance with the following:

1. The advertisement shall run on two separate days at least one week apart in the official journal of the School Board.
2. The advertisement shall run once in a newspaper published in the metropolitan area in the state having a population in excess of 100,000 persons that is nearest to the office of the Morehouse Parish School Board.
3. All publication requirements contained herein shall be completed at least thirty days prior to the action of the Board to fill the position of superintendent.

Legal Reference: LSA Revised Statutes 7:54  
Effective date: July 1, 2012

#### **INTERIM SUPERINTENDENT AND PAID ADMINISTRATIVE LEAVE FOR SUPERINTENDENT**

1. The board may, by a majority vote of its membership, select a person to serve as interim superintendent in the event of the death, resignation, or termination of the superintendent or his being placed on paid administrative leave in accordance with Section 5, of this policy,



2. An interim superintendent shall have the same authority as a superintendent.
3. The election of an interim superintendent is not subject to the provisions applicable to the process or selection or employment of a superintendent or to the requirement or content of a contract.
4. A school board shall not employ an interim superintendent for longer than six months in any given twelve month period unless the appointment is made during the final year of the term of the majority of members.
5. (1) A school board may place a superintendent on paid administrative leave prior to the Expiration of his/her contract:
  - (a) For the purpose of investigation cause for termination
  - (b) Without cause during the final three months of the term of his/her contract when the school board has voted not to extend a new contract offer.
  - (c) At a time as agreed by the superintendent
  - (d) At a time as provided for in his contract
- (2) Paid administrative leave is subject to the following:
  - (a) Approval of a majority of the membership of the school board
  - (b) A three month time limit within a six month period
  - (c) All compensation afforded under the terms of the existing contract
6. At any point in the final three months of the superintendent's contract, if he has been placed on notice that the school board has voted not to offer him a new contract and an interim superintendent has been selected in accordance with R.S, 17:54, and this policy, all powers delegated to a superintendent shall extend to the interim superintendent without any action of the school board.

Legal Reference: La. R.S. 17:81 (A)(3); 17:54(B)(4); 17:54(D)

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#### BOARD MEMBER AUTHORITY

Members of the School Board shall have authority only when acting as a board legally in session. The Board shall not be bound in any way by any statement or action on the part of any individual member except when such statement or action is in pursuance of specific action authorized by the School Board.

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#### BOARD MEMBER OATH OF OFFICE

Article X, Section 30 of the Louisiana Constitution of 1974 requires all Board Members to take the following oath or affirmation:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State and that I will faithfully and impartially discharge and perform all the duties incumbent upon

me as \_\_\_\_\_, according to the best of my ability and understanding, so help me God."

B-7

#### NEW MEMBER ORIENTATION

New Board Members are encouraged to attend the Louisiana School Boards' Association meeting, where an orientation program for new board members is held. The orientation program has proven very helpful to new board members.

B-8

#### BONDED MEMBERS

The President of the Morehouse Parish Board and the Superintendent (Treasurer) are authorized to sign all checks written against school funds. All checks must be signed by both the President and the Treasurer. An indemnity bond in such sum as may be determined by the Board, shall be given by the Board President and Superintendent. The premium for the bond shall be paid by the School Board.

Legal Reference: LSA REVISED STATUTES 17:95, 17:97

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#### BOARD MEMBER COMPENSATION AND EXPENSES

The Morehouse Parish School Board will set the compensation for its members and reimburse them for expenses for travel to and from meetings in accordance with state law. For official travel outside of Morehouse Parish on school business, Board members shall be paid on the basis of receipts for hotel/motel accommodations, meals and for transportation costs. These receipts shall be submitted with expense vouchers to the Superintendent for payment.

Any expenditure by the School Board to reimburse a School Board Member for travel and related expenses while on School Board business outside the School Board's jurisdictional boundaries of Morehouse Parish shall not exceed those permitted in accordance with travel regulations prescribed by the Division of Administration for State

Executive Branch Employees.

Legal Reference: LSA REVISED STATUTES 17:56

B-10

## BOARD COMMITTEES

### RULES AND PROCEDURES

The president of the Board shall determine the number of committees and the name, duties, and size of each committee and he shall appoint the members of each committee. He shall also appoint one member of each committee to serve as its chairman. The president of the Board shall be an ex-officio member of all committees; the superintendent shall serve each committee as its secretary.

All meetings of committees shall be open to the public, with the exception that executive sessions closed to the public may be held in accordance with the requirements of L.S.A. - R.S. 42:6 and 42:6.1.

All members of the Board may attend the meetings of any committee and take part in discussion. Only members appointed to the committee may vote.

A majority of the committee membership shall constitute a quorum for purposes of making recommendations or taking any action that has been previously authorized. In the absence of a quorum the committee chairman may designate another Board member present to sit on the committee temporarily for the purpose of making a quorum. The member serving a temporary appointment shall also be entitled to vote on matters considered by the committee.

Committee meetings shall be held at the direction of the Board or upon the request of the Board president, or the committee chairman. Prior notice of the time of such meeting shall be given. Meetings shall be held at the School Board Office unless notification to the contrary is made.

COMMITTEE POWERS:

Committees shall have deliberative and recommending powers only, unless the Board by formal action grants the committee the right and responsibility to act on a specified matter. A committee shall consider only those items referred to it by formal Board action, by the president of the Board, or by the superintendent. Discussions concerning matters relative to the committee's area of responsibility may be held if deemed appropriate by the committee chairman, but may not be submitted to the Board for consideration except as an agenda item separate from the committee report.

COMMITTEE REPORTS:

Committees shall report their recommendations to the Board through a report on the committee meeting. The Board will hold a separate vote on each recommendation made by the committee. The minutes of the committee meeting shall be appended to the minutes of the School Board meeting at which the report was heard and shall become part of the official record of the Board, but need not be published.

TEMPORARY COMMITTEES:

Ad hoc committees may be appointed by the president of the Board for the specific assignments. Such committees shall be subject to the same rules as standing committees and will dissolve once the report is submitted to the Board.

B-11

**BOARD-SCHOOL SUPERINTENDENT RELATIONS**

The Morehouse Parish School Board recognizes and directs that Board members and the superintendent keep their functions clearly in mind. The Board shall exercise deliberative, legislative, and judicial functions as a board. The superintendent shall serve as the Board's executive officer and educational advisor. However, the final responsibility for educational planning and results shall rest with the Board.

The Morehouse Parish School Board recognizes that it is the responsibility of the superintendent, with the assistance and advice of his staff, to prepare and make recommendations to the Board on all business and professional matters. The Board may accept, modify, or reject such recommendations. If the Board has formally adopted any

policies, plans, or programs for the operation of the schools, it is the responsibility of the superintendent to put these policies, plans, and programs into effect in complete conformity with the Board's wishes.

B-12

#### BOARD ATTORNEY

The Board recognizes that the increasing complexity of school system operations frequently requires procurement of professional legal services. Consequently, it shall rely on the District Attorney and/or its own general counsel selected in accordance with state law to provide such services.

Legal Reference: LSA REVISED STATUTES 16:2, 17:20, 42:261.1, 42:261.2

B-13

#### BOARD MEETINGS

B-13.1

#### REGULAR BOARD MEETINGS

The first Tuesday of each month is designated as the official board meeting. The Morehouse Parish School Board shall meet in regular session at 5:30 P.M. at the Morehouse Student Services Center at 1607 Martin Luther King South, Bastrop, Louisiana. All other meetings are special meetings and are so designated in the minutes.

B-13.2

#### SPECIAL BOARD MEETINGS

Special meetings may be called by the president of the Board at any time he/she may deem necessary or at the request of school board members. A posting of the written notice must appear at the official residence of the board at its front door for 24 hours. Notice otherwise will be made by telephone to each of the members. Only matters listed in the call may be deliberated and officially acted on. All special meetings are to be voted on by the Board at a regular meeting.

Emergency meetings may be called by the President of the Board at any time deemed necessary.

B-13.3

## RECESSED MEETINGS

Any legal meeting of the Morehouse Parish School Board may be recessed to a specific time and place. Only business on the agenda may be acted upon at the reconvened meeting.

B-13.4

## ADJOURNED MEETINGS

If a regular meeting or a special meeting is unable to complete its work, an adjourned meeting can be scheduled for later the same day or some other convenient time before the next regular session, by the adoption (as applicable) of a main or privileged motion to fix the time, to which to adjourn or of a main motion to adjourn until the specified time.

B-14

## BOARD MEETING PROCEDURES

The president, or in his/her absence, the vice-president, shall preside at all meetings of the Board. In their absence, the superintendent shall preside until the Board elects an acting chairman.

B-14.1

## NOTIFICATION

A notice of regular meetings shall be mailed or hand carried to all Board members at least three (3) days in advance of the meeting.

The news media shall be advised of the dates, times, and location of all regular and special meetings of the Board or its committees. The notification of special meetings shall be made in time for the media to make public announcement of the session, except as emergencies make such early notice impossible.

B-14.2

## AGENDAS

The order of business at meetings of the Board shall be according to the agenda which has been prepared and distributed by the superintendent. Items may be added to the

agenda, items deleted, or the order of business changed only when such change is approved by specific Board action. Expansions to the agenda will be made when duly moved, seconded, and affirmed by a unanimous vote of the members present and voting.

Board members, employees, or the public wishing to have items placed on the agenda shall submit their requests to the superintendent at least seventy-two (72) hours, exclusive of weekends and legal holidays, prior to the meeting date and time.

Delegations and individuals may be scheduled on the agenda to appear before the Board in accordance with the Board's policy on public participation in Board meetings.

Once all items of the agenda have been exhausted, the meeting shall be automatically adjourned without the necessity of motion, second or vote thereon.

B-14.3

#### DISTRIBUTION OF MATERIALS

All materials pertinent to the scheduled Board meeting will be distributed either by mail or hand carried at least four (4) days before the scheduled meeting.

Committee reports will be distributed in writing to Board members at least forty-eight (48) hours in advance of a meeting whenever possible.

B-14.4

#### RULES OF ORDER

When not otherwise controlled by state law, the State Board of Education, or policies governing its operating procedures, previously adopted by the Morehouse Parish School Board, the business for the Board, for all regular and special meetings and committee meetings, shall be conducted according to the latest edition of Robert's Rules of Order, Newly Revised, except as specifically modified by the Policy Manual of the Board.

B-14.5

#### QUORUM

A majority of the members of the Board shall constitute a quorum for the transaction of business and the adoption of policy rules and regulations. A majority vote of the

quorum is required to pass a resolution. A majority of those present must recess or adjourn to a future day. A majority of full membership is needed only when specifically required by law. In all voting by the Board the vote shall be viva voice, or "yea" and "nay" or by written ballot. There shall be no voting by proxy.

B-14.6

#### DISCUSSION/LIMITATIONS ON DISCUSSION

Discussion by Board members shall be made to the whole group by having the members first address the president for recognition and then address the entire membership in an audible voice.

The president shall stop any discussion which does not apply to the motion last made. He may also stop the discussion of a matter if the Board has previously agreed to confine discussion to a definite period of time, and that period has been used up. Aside from such limitation, the president shall not interfere with debate as long as a member wishes to speak. The president may set a reasonable time limit for a member of the public to address the Board on an issue.

B-14.7

#### SUSPENSION OF THE RULES

When the Board wishes to do something that it cannot do without violation of one or more of its regular rules, it can adopt a motion to Suspend the Rules interfering with the proposed action - provided that the proposal is not in conflict with the Board's Policy Manual as set out in the latest edition of Robert's Rules of Order, Newly Revised.

B-14.8



## VOTING METHOD AT BOARD MEETINGS

A vote of the majority of members present and voting shall be necessary for the passage of any motion, except in such instances as the law, other policies of this Board, or Robert's Rules may require a larger vote. Every member present, including the president, shall be entitled to one vote.

All voting shall be by voice, except as otherwise determined; a roll call vote may be requested by any member and/or ordered by the president, with the vote of each member recorded in the minutes. On voice votes, the name of a member voting "nay" shall be recorded in the minutes upon the member's request. On roll call votes the name of each member and their vote, whether "yeas" "nay" to abstain or be recused, shall be recorded in the minutes.

Although all members present should vote, no member is compelled to do so. There may be times when a member wishes to remain neutral; in this case the member may state that they wish to abstain. The member will be recorded as abstaining and the number present and voting will be reduced by one.

A member may not wish to vote because of an interest or partiality in the matter being voted on. In this case the member may state that they wish to be recused, and shall briefly state their reason for so doing. All statements to abstain or to recuse will be recorded in the minutes with the name of the member so doing.

**RECONSIDERATION:** Reconsideration of action shall be according to Robert's Rules of Order, Newly Revised.

No action shall be taken by the Board except as taken above at a properly called meeting or special meeting.

**RENEWAL OF MOTIONS:** No motion made and disposed of without being adopted may come before the Board until a 30-day period has elapsed unless at that meeting or at the regular session immediately following the session at which the vote was taken, a member on the prevailing side offers a motion to reconsider.

B-14.9

## MINUTES OF BOARD MEETING

The superintendent, a Board secretary, shall be responsible for the preparation and publication of all minutes of regular and special meetings of the Board, and of all committee meetings, and for maintaining official copies at the School Board Office.

The minutes of each Board meeting shall be published in the official journal of the Board by the secretary.

The minutes of the preceding meeting(s) shall be corrected if necessary, then approved by the Board as the first act of the next meeting. If an error in the minutes is discovered at a later date; it may be corrected by approval of a majority of the membership of the Board.

A copy of all motions shall be carefully recorded. The names of those who make the motions, those who second them, yeas and nays shall be recorded.

The official minutes shall be bound and kept in the office of the superintendent as a permanent record of the Morehouse Parish School Board.

### PUBLIC PARTICIPATION IN BOARD MEETINGS

Visitors shall be welcome at the regular and special Board meetings.

All delegations or individuals who wish to appear before the Board shall submit their requests in writing on the official “Request to Add Public Comments to Agenda” form attached as Exhibit A to the Superintendent’s Secretary at least seventy-two (72) hours, exclusive of weekends and legal holidays, prior to the meeting date and time, stating what matters they wish to take up with the Board and the approximate time such matters should consume at the meeting. Such items will normally be included on the agenda of the meeting at which the delegation or individual wishes to appear before the Board. Each delegation appearing before the Board shall select one person in advance as its spokesperson.

The President of the Board shall allow public comment for each agenda item on the agenda if a “Request to Speak” form is submitted to the Board Clerk, the Secretary to the Superintendent, prior to the beginning of the meeting. The form is attached as Exhibit B. The President will limit each speaker to three (3) minutes on each agenda item. The President may limit the number of persons who comment to each agenda item and if so, the “Request to Speak” forms for the number allowed to speak shall be picked at random from the total. The comment must be confirmed to the merits of that specific agenda item, should be in the form of a comment and not in the form of a question and the commentator should not inject personal notes or attacks into the comment. Should the speaker violate these provisions, the President may stop any further comment from that speaker. The audience speakers for public comment will be called by name to the floor by the President. The President will direct police/security to remove disruptors after one warning.

Legal Reference: La. R.S. 42.5; 42.5.1

B-14.11

#### BOARD MEETING NEWS COVERAGE

All regular and special meetings of the Board shall be open to representatives of the press, television, and radio.

The Board shall select, through public advertisement and bid, a newspaper of the parish to publish all official minutes of Board meetings, as well as all other legal advertising of the School Board. The journal shall be selected annually to provide such service for the fiscal year.

Legal Reference: LSA REVISED STATUTES 42:7, 43:141

B-14.12

#### EXECUTIVE SESSIONS

The Board may hold executive (closed) sessions for specific purposes as authorized by Louisiana Law.

B-14.13

#### SMOKING AT BOARD MEETINGS

Smoking at Board meetings by members of the Board or anyone in attendance at the meeting is prohibited.

B-15

#### BOARD POLICY DEVELOPMENT

It is the intent of the Board to develop policies and put them in writing so that they may serve as guidelines and goals for the successful and efficient functioning of the Morehouse Parish Public Schools.

The Board considers policy development its chief function, along with providing the wherewithal such as personnel, building, materials, and equipment for the successful

administration, application, and execution of its policies.

The Board accepts the definition of policy set forth by the National School Boards Association:

Policies are principles adopted by the School Board to chart a course of action. They tell what is wanted; they may include why and how much. Policies should be broad enough to indicate a line of action to be followed by the administration in meeting a number of problems; narrow enough to give clear guidance. Policies are guides for action by the administration, who then sets the rules and regulations to provide specific directions to school district personnel.

It is the Board's intention that its policies serve as sources of information and guidance for all people who are interested in, or connected with, the Morehouse Parish Schools.

The policies of the Board are framed, and are meant to be interpreted, in terms of Louisiana laws, rules and regulations of the State Board of Education, and all other regulatory agencies within our local, parish, state, and federal levels of government. The policies are also framed, and are meant to be interpreted, in terms of those educational objectives, procedures, and practices which are broadly accepted by leaders and authorities in the public education field.

Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to the policies of present and future boards. The Board will welcome suggestions for ongoing policy development.

Any addition of, deletion of, or amendment to a policy must be presented in writing for consideration at a regular School Board meeting. The Board will consider the new policy as presented and then will vote on that policy as a "first reading" only. The policy will then be presented again to the Board at its next regular meeting at which time a vote will be taken to determine whether or not the new policy will be officially adopted. The interim period allows for both input from the staff and community and proper reflection by the members of the Board prior to implementation of a new policy.

Legal Reference: Constitution of the State of Louisiana of 1974, Article 6, Section 10

### SCHOOL BOARD RECORDS

All records of the Morehouse Parish School Board shall be available to citizens for inspection at the office of the Board during the hours and on the days the office is normally open. Mechanical devices may be employed for recording the minutes and proceedings of any regular or special meetings. All records will be kept in locked files when not in use. Notwithstanding the foregoing, the Morehouse Parish School Board shall not make available records which are privileged and/or not subject to release pursuant to Louisiana law or Federal law regarding employees, students and other records which are not subject to disclosure.

### MEMBERSHIPS IN SCHOOL BOARDS ASSOCIATIONS

The Morehouse Parish School Board shall maintain membership in the Louisiana School Boards Association and the National School Boards Association. Authorization to include the required organizational dues and cost of travel to the meetings of these associations shall be considered automatic from year to year.

### CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

Recognizing that as a member of public school board I am filling a position of public trust, responsibility, and authority endowed by the State of Louisiana, I hereby subscribe to the following principles by which a school board member should be guided.

#### I

My allegiance is first to the children of my parish school system and not to any political party or business organization.

#### II

I will not seek through my office special privileges or private gain, nor will I use my position to promote my business or professional interest.

#### III

I will seek to provide equal educational opportunities for all the children regardless of race, creed, or location.

#### IV

I recognize that it is my duty to assist in formulating educational policy. However, I recognize that it is the duty and responsibility of the superintendent in his capacity as executive officer to see that these policies are carried out.

#### V

I understand that in the selection of teachers and all other school personnel the superintendent nominates candidates for these positions and selections by the Board is made from such nominations based on merit alone. I will not bring pressure on the superintendent to nominate candidates in whom I have special interest. I will insist that the Board reserve to the superintendent the privilege and responsibility of nominations of candidates for school personnel. I recognize that the training of the child is paramount and that giving employment is a secondary matter.

#### VI

I understand that I have no authority as an individual board member but must act with and through the Board as a whole, and I must be governed by the decisions of the Board.

#### VII

I will keep myself as well informed as possible about the conditions in the school system and about such other matters as will help me serve as an efficient school board member.

#### VIII

Understanding that I am a representative of the public, I will endeavor to keep the public informed about the progress and needs of the schools.

#### IX

I will refrain from making any commitment upon any subject which rests within the School Board's authority for final discussion and decision.

#### X

Recognizing that all school personnel should work in close cooperation, I will give my hearty support to the total school program. I will not publicly criticize school personnel but will make such criticism to the superintendent for investigation and action if necessary.

#### XI

Recognizing that the superintendent is the executive officer of the school system, any recommendations and complaints that may have been submitted to me shall be referred to the superintendent for presentation to the Board.

XII

I will affiliate with my professional organization, the Louisiana School Boards Association, and as far as possible will attend the convention and take part in its activities.

XIII

Recognizing that the expenditure of public funds is a public trust, I will endeavor to see that all public funds shall be expended efficiently, economically, and for the best interest of the schools.

XIV

With a basic belief in the dignity of the individual, I will respect teachers, as a Board member I will not subject their daily lives to harsh or petty restrictions which I would not impose on other good citizens.

XV

I will attend Board meetings with an open mind and listen to what other Board members and other individuals or groups have to say before making final decisions.

XVI

I will continue my interest in the school program at all times and as an individual citizen and champion of the schools, I will guard the interests of the school. When citizens and patrons who do not know or fail to remember my limitations of authority call on me to correct some situation in connection with the school, I will not avoid the issue by denying authority but will counsel with the applicant or go with him to the superintendent for a conference in order that the problem may be solved in the best interests of education.

XVII

As the administration of the schools of Louisiana is conducted on a parish-wide basis and as my responsibility is to all of the children, I will consider the program for the whole administrative unit in making decisions. I will not try to seek special privileges for my own district.

XVIII

Recognizing the rights of the employee and the Board, I will insist on following completely the procedure stipulated by law in every case where a teacher or other employee is being tried for incompetency or other causes which might subject him to dismissal.



### BOARD MEMBER CONFLICT OF INTEREST

- I. Participation in certain transactions involving the Morehouse Parish School Board
  - A. No Board member, shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the Board.
  - B. No Board member shall participate in a transaction involving the Board in which, to his actual knowledge, any of the following persons has a substantial economic interest:
    - (1) Any member of his immediate family
    - (2) Any person in which he has a substantial economic interest of which he may reasonably be expected to know
    - (3) Any person of which he is an officer, director, trustee, partner, or employee
    - (4) Any person with whom he is negotiating or has an arrangement concerning prospective employment
    - (5) Any person who is a party to an existing contract with such Board member, or with any legal entity in which the Board member exercises control or owns an interest in excess of twenty-five percent, or who owes any thing of economic value to such Board member, or to any legal entity in which the Board member exercises control or owns an interest in excess of twenty-five percent, and who by reason thereof is in a position to affect directly the economic interests of such Board member
  - C. Every Board member shall disqualify himself from participating in a transaction involving the Board when a violation of this Part would result.
- II. Prohibited contractual arrangements
  - A. No Board member or member of his immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the Board.
  - B. No Board member, member of his immediate family, or legal entity in which he has a substantial economic interest shall bid on or enter into or be in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the Board.
- III. Recusal from voting (R.S. 42:1120)

- A. If a member of the Board, in the discharge of a duty or responsibility of his office, would be required to vote on a matter which would be a violation of this policy or R.S. 42:1101, et seq., he shall recuse himself from voting. A Board member who recuses himself from voting pursuant to this Section shall not be prohibited from participating in discussion and debate concerning the matter, provided that he makes the disclosure of his conflict or potential conflict a part of the record of the Board meeting prior to his participation in the discussion or debate and prior to the vote that is the subject of discussion or debate.

Legal Reference: L.S.A. REVISED STATUTES 42:1101-1170

B-18.2

#### ETHICAL STANDARDS FOR PUBLIC SERVANTS

Each employee of the Morehouse Parish School Board and each School Board Member shall execute a copy of this document annually indicating that she/her has read this policy and the attachments, Louisiana Revised Statutes, 42:1111 through 1123, copies of which are attached to this policy.

If any employee or School Board Member has reasonable belief that an ethical violation has taken place, it shall be reported to the Superintendent, any local law enforcement authority appropriate and the Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, LA 70821; telephone: 225-219-5600; fax: 225-381-7271.

All exempt employees of the Morehouse Parish School Board shall monitor each program within his/her jurisdiction on a constant basis to monitor for possible ethics violations.

*I attest I have received an reviewed a copy of Morehouse Parish School Board policy B-18.2, Ethical Standards for Public Servants, and its attachments, Louisiana Revised Statutes 42:1111-1123 and if I am a School Board Member I*

*have also received and reviewed Morehouse Parish School Board policies B-18, Code of Ethics for School Board Members, and B-18.1, Board Member Conflict of Interest.*

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Printed Name of Employee/Board Member

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Signature

Date \_\_\_\_\_

## **RS 42:1111**

### **PART 11. ETHICAL STANDARDS FOR PUBLIC SERVANTS**

#### **1111. Payment from nonpublic sources**

A. Payments for services to the governmental entity. (1)(a) No public servant shall receive anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of this office or position.

(b) Any supplementary compensation or benefits provided to an employee of a public higher education institution, board, or system from funds or property accruing to the benefit of the institution, board, or system as approved by the appropriate policy or management board, through an alumni organization recognized by the management board of a college or university within the state or through a foundation organized by the alumni or other supportive individuals of a college or university within the state the charter of which specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner shall be deemed for purposes of this Subsection as compensation and benefits from the government to which he is duly entitled.

(c) Any supplementary compensation or benefits provided to the director of the Louisiana State Museum as approved by the board of directors of the Louisiana State Museum through the board or a foundation organized to support any particular museum under the jurisdiction of the Louisiana State Museum whose charter specifically provides that the purpose of the foundation is to aid the museum in a philanthropic manner shall be deemed for purposes of this Subsection as compensation and benefits from the government to which he is duly entitled.

(2) Any supplementary compensation or benefits provided to the commissioner of higher education or to an employee of the Board of Regents from funds or property accruing to the benefit of the board as approved by appropriate policy through a

foundation organized to support higher education, including the Board of Regents, the charter of which specifically provides that the purpose of the foundation is to aid higher education in a philanthropic manner shall be deemed for purposes of this Subsection as compensation and benefits from the government to which he is duly entitled.

(3) Any supplementary compensation or benefits provided to a member of the faculty, administration, or staff of the New Orleans Center for Creative Arts from funds or property accruing to the benefit of the center pursuant to the approval of the board of directors for use as provided in R.S. 17:1970.27 through a foundation organized to support the center which is chartered specifically to provide aid to the center in a philanthropic manner shall be deemed for purposes of this Subsection as a supplement to his compensation to which he is duly entitled. Such a supplement shall not, however, be considered as regular compensation from his governmental employer nor shall it form any basis for governmentally supported benefits.

(4) Up to five thousand dollars per year to be credited against qualified student loan debt that is provided to a former law student who is an attorney and a public employee through a bona fide Loan Repayment Assistance Program established as a qualified program under the federal Internal Revenue Code and administered by any law school using funds or property accruing to the benefit of the law school or from a foundation which is organized specifically to aid and support the programs of the law school and the charter of which specifically provides that the purpose of the foundation is to aid the law school in a philanthropic manner shall be deemed for purposes of this Subsection as a supplement to his compensation to which he is duly entitled. However, such a supplement shall not be considered regular compensation from the governmental entity which employs him, nor shall it be the basis for governmentally supported benefits.

(5) Any compensation paid to any public school teacher or administrator, including kindergarten through the twelfth grade and postsecondary education instructional faculty and administrators, for proctoring and assisting a bona fide non-profit testing organization in the administration of standardized tests either for student evaluation or for use in admission to college or other educational programs shall be deemed for purposes of this Part as compensation from his governmental entity to which he is duly entitled. Such compensation shall not, however, be considered as regular compensation from his governmental entity nor shall it form any basis for governmentally supported benefits. Moreover, such services shall be deemed for purposes of this Part to be performed for the benefit of this governmental entity, although the time spent in such matters shall not be deemed as hours worked for his governmental entity. has a substantial economic interest, shall receive or agree to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant.

(2)(a) No elected official of a governmental entity shall receive or agree to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the governmental

entity or its officials or agencies, unless he files a sworn written with the board prior to or within ten days after initial assistance is rendered.

(b) For purposes of this Paragraph, "transaction" shall not include a ministerial transaction. "Ministerial transaction" means a transaction that involves routine, administrative communications intended to obtain service, information, or assistance from a public employee whose duties are established in plain and unmistakable terms by law, rule, or regulation.

(c) The contents of the sworn written statement required by this Paragraph shall be prescribed by the board, and such statement shall be a public record.

(d) The board shall review all sworn statements filed in accordance with this Paragraph. If the board determines that any such sworn statement is deficient or may suggest a violation of this Part, it shall, within ten days of the receipt of such statement, notify the elected official filing the statement of its findings. Such notification shall be deemed confidential and privileged and shall be made public only in connection with a public

hearing by the board for an alleged violation of this Part where such would be relevant to the alleged violation for which the elected official is being investigated.

Acts 1979, No. 443, eff. April 1, 1980; Acts 1983, No. 403, Acts 1983, No. 697, Acts 1986, No. 359, Acts 1992, No. 1123, Acts 1995, No. 74, eff. June 12, 1995; Acts 2004, No. 722, Acts 2006, No. 517, eff. June 22, 2006; Acts 2006, No. 773, eff. June 30, 2006; Acts 2008, No. 245, § 1; Acts 2008, No. 690, Acts 2010, No. 525, eff. June 24, 2010; Acts 2014, No. 227, § 1, eff. May 28, 2014; Acts 2015, No. 263, eff. Jan. 12, 2016; Acts 2017, No. 388, June 23, 2017. 388, June 23, 2017.

## **RS 42:1112**

### § 1112. Participation in certain transactions involving the governmental entity

A. No public servant, except as provided in R.S. 42: 1120, shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

B. No public servant, except as provided in R.S. 42:1120, shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any of the following persons has a substantial economic interest:

(1) Any member of his immediate family.

(2) Any person in which he has a substantial economic interest of which he may reasonably be expected to know.

(3) Any person of which he is an officer, director, frustee, partner, or employee.

(4) Any person with whom he is negotiating or has an arrangement concerning prospective employment.

with such public servant, or with any legal entity\_\_ in which the public servant exercises control or owns an interest in excess of twenty-five percent, or who owes anything of economic value to such public servant, or to any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, and who by reason thereof is in a position to affect directly the economic interests of such public servant.

C. Every public employee, excluding an appointed member of any board or commission, shall himself from participating in a transaction involving the governmental entity when a violation of this Part would result. The procedures for such disqualification shall be established by regulations issued pursuant to R.S. 42:1134(A)(1).

D. No appointed member of any board or commission, except as otherwise provided in R.S. 42:1120.1 or 1120.4, shall participate or be interested in any transaction involving the agency when a violation of this Part would result.

Acts 1979, No. 443, eff. April 1, 1980; Acts 1983, No. 697, Acts 1985, No. 426, Acts 1987, No. 370, Acts 2006, No. 798, eff. June 30, 2006; Acts 2008, No. 685,

## RS 42:1113

### § 1113. Prohibited contractual arrangements; exceptions; reports

A.(l)(a) No public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

(b) This Paragraph does not prohibit a municipal or parish governing authority from appointing one of its members:

(i) To fill a vacancy in accordance with the Louisiana Code. No person so appointed, except as provided in R.S. 42:1121(G), shall be eligible to or shall qualify, in the next election as a candidate for the office to which he is appointed.

(ii) To a board or commission for which the governing authority is the appropriate appointing authority and the appointee receives no salary or per diem for service on the board or commission, or if a member of the governing authority is required to be or commission ordinance, or resolution which created or established the board or commission.

(2) No head of a department listed in R.S. 36:4

(A) who is appointed by the governor or lieutenant governor shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of any agency to which funds have been transferred from the agency of such department head, but such prohibition shall apply only to any contract, subcontract, or transaction related to such funds.

(B) Other than a legislator, no appointed member of any board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest shall bid on or enter into or be in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

(C) No legislator, member of his immediate family, or legal entity in which he has a controlling interest shall bid on or enter into or be in any way interested in any contract, subcontract, or other involving the legislator's agency.

(D).(l)(a)(i) No person identified in Item (ii) of this Subparagraph or the spouse of such person nor any legal entity of a person shall enter into any contract with state government.

(ii) The provisions of this Subparagraph and other provisions which Reference this Item shall apply to the following persons:

(aa) A legislator and any person who has been certified by the secretary of state as elected to the legislature.

- (bb) The governor and each person holding statewide elected office.
- (cc) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Economic Development.
- (dd) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Culture, Recreation and Tourism.
- (ee) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Environmental Quality.
- (ff) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Louisiana Department of Health.
- (gg) The executive director, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Louisiana Workforce Commission.
- (hh) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Natural Resources.
- (ii) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Public Safety and Corrections and any warden or assistant warden of a state penal institution.
- (jj) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Revenue.
- (c) The following shall not be considered a contract for purposes of this Subsection:
  - (i) A foster parent provider agreement or a child care provider agreement entered into with the Department of Children and Family Services. In addition, such an agreement shall not be subject to R.S.
  - (ii) An agreement with a state entity or state quasi-public entity for housing, medical treatment, retirement benefits, or insurance benefits provided on the same terms and conditions available to similarly situated persons.
  - (iii) An agreement providing for public assistance benefits, including but not limited to subsidies for agriculture, aquaculture, forestry, soil and water conservation, educational scholarships, grants and subsidies, or guaranteed student loans, provided that such benefits are available to similarly situated persons.
  - (iv) An agreement for which the compensation is solely reimbursement of costs.
  - (v) Applying for, payment of fees for, or obtaining a license, credential, or permit provided that such license, credential, or permit is available to similarly situated persons.
  - (vi) The payment of admission fees.
  - (vii) The sale of property pursuant to the expropriation of immovable property by any branch, agency, department, or institution of state government,
  - (viii) The donation of professional veterinary services and the donation of any goods and services related to the provision of such veterinary services.
  - (ix) Any transaction valued at thousand five hundred dollars or less. However, no person shall enter into separate transactions valued at two thousand five hundred dollars or less as a subterfuge to avoid the prohibition of this Subsection.



- (2) The provisions of this Subsection shall not prohibit the following:
- (a) Contracts for employment in a professional educational capacity in or for professional services for an elementary or secondary school or other educational institution.
  - (b) A provider agreement entered into with the Louisiana Department of Health under the state medical assistance program or the early steps program, a contract with an early steps program provider, or a provider contract entered into with any plan providing Medicaid services to Medicaid recipients.
  - (c) Contracts of employment of a physician or other licensed health care professional with the state or the charity hospitals of the state or the Louisiana Department of Health.
  - (d) Completion of any contract which, at the time it was entered into, was not prohibited by the provisions of this Subsection; however, no such contract shall be renewed except as specifically provided for in this Paragraph.
  - (e)(i) Completion of any contract between a person identified in Item (1)(a)(ii) of this Subsection or his spouse or a legal entity of a person and state government, which contract was awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, or competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapter 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950 or which contract, other than a contract for consulting services, was not competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapter 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950, and which contract was entered into prior to March 3, 2008; however, no such contract shall be renewed for a period extending beyond January 9, 2012.
  - (ii) Completion of any contract between the immediate family member, except for a spouse, of a person identified in Item (1)(a)(ii) of this Subsection or a legal entity of a family member and state government, which contract was not awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 or which contract, other than a contract for consulting services, was not competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with Chapter 16 or 17 of Title 39 of the Louisiana Revised Statutes of 1950, and which contract was entered into prior to March 3, 2008; however, no such contract shall be renewed for a period extending beyond January 9, 2012.
  - (f) Contracts for employment or for services by any licensed health care professional providing services in the classroom or working with administration in an elementary or secondary school or other educational institution.
  - (n) Department of Education.
  - (o) Department of Insurance. Department of Justice.
  - (q) Department of State.
  - (r) Department of Treasury.

E. Repealed by Acts 2008, No. 514, §3, June 30, 2008.

Acts 1979, No. 443, April 1, 1980; Acts 1984, No. 830, Acts 1987, No. 730, §1•, Acts 1995, No. 1156, Acts 1997, No. 1279, eff. July 15, 1997; Acts 1998, 1<sup>st</sup> Ex. Sess., No. 119, eff. May 5, 1998; Acts 2003, No. 1002, eff. July 2, 2003; Acts 2008, 1<sup>st</sup> Ex. Sess., No. 2, eff. March 3, 2008; Acts 2008, No. 514, eff. June 30, 2008; Acts 2008, No. 696, eff. July 2, 2008; Acts 2008, No. 743, eff. July 1, 2008; Acts 2009, No. 308, Acts 2012, No. 689, eff. June 7, 2012.

NOTE: See Acts 2008, 514, for applicability of R.S. 42:113(D) as amended

## RS 42:1114

### § 1114. Financial disclosure

A. Other than a legislator, each public servant and each member of his immediate family who derives any thing of economic value, directly, through any transaction involving the agency of such public servant or who derives any thing of economic value of which he may be reasonably expected to know through a person which (1) is regulated by the agency of such public servant; or (2) has bid on or entered into or is in any way financially interested in any contract, subcontract, or any under the supervision or jurisdiction of the agency of such public servant shall disclose the following:

- (1) The amount of income or value of any thing of economic value derived;
- (2) The nature of the business activity;
- (3) Name and address, and relationship to the public servant, if applicable; and
- (4) The name and business address of the legal entity, if applicable.

B. Each legislator and each member of this immediate family who derives anything of economic value, directly, through any transaction involving the legislator's agency or who derives anything of economic value any way financially interested in any contract, subcontract, or any transaction involving the legislator's agency shall disclose the following:

- (1) The amount of income or value of anything of economic value derived;
- (2) The nature of the business activity;
- (3) The name and address, and relationship to the legislator, if applicable; and
- (4) The name and business address of the legal entity, if applicable.

C.(1) Other than a legislator, each elected official, his spouse, and any business enterprise in which he has a substantial economic interest, who derives anything of economic value through a contract or other subcontract from the state or any political subdivision shall disclose the following:

- (a) The nature of the business activity;
  - (b) The name and address, and relationship to the elected official, if applicable; and
  - (c) The name and business address of the political subdivision, if applicable.
- (2) For the purposes of this Subsection, a "business enterprise", shall be included in the disclosure statement only if the elected official and/or his spouse owns at least ten percent of such enterprise.

D. Repealed by Acts 1999, No. 2, April 22, 1999.

E. The disclosure statements required in this Section shall be filed each year with the appropriate ethics body by May fifteenth and shall include such information for the previous calendar year. Such statements shall be a matter of public record.

Acts 1979, No. 443, eff. April 1, 1980; Acts 1990, No. 1084, Acts 1997, No. 1279, eff. July 15, 1997; Acts 1999, No. 2, eff. 22, 1999; Acts 2014, No. 744,

## RS 42:1114.3

### § 1114.3. Disaster or emergency contracts; prohibition; disclosure

A.(1) No statewide elected official, legislator, commissioner of administration, or chief of staff or executive counsel to the governor, nor the spouse of any such person, nor any corporation, partnership, or other legal entity in which such a person owns an interest of more than five percent, except a publicly traded corporation or a legal entity in which the person owns a passive ownership interest that is the result of participation in a federally approved program of employee ownership, shall enter into any contract to which all of the following apply:

(a) The contract is directed to addressing needs directly emanating from a gubernatorially declared disaster or emergency.

(b) The person knows or reasonably should know that the contract or subcontract is funded or reimbursed in whole or in part with federal funds distributed, paid, or allocated to or by the state or a state department, agency, or official.

(2) Hereafter in this Subsection, "person covered by this Subsection" shall mean a statewide elected official or the spouse of any such person. "Company covered by this Subsection" shall mean a corporation, partnership, or other legal entity in which a person covered by this Subsection owns an interest of greater than five percent, except a publicly traded corporation or a legal entity in which the person owns a passive ownership interest that is the result of participation in a federally approved program of employee ownership.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to construction-related contracts entered into with entities more than two years following the initial declaration of disaster or emergency, provided that the entity is not the governmental entity of a person covered by this Section.

(4)(a) The following shall not be considered contracts for the purposes of this Section:

(i) A transaction valued at two thousand five hundred dollars or less. However, no person shall enter into separate transactions valued at two thousand five hundred dollars or less as a subterfuge to avoid the prohibition of this Subsection.

(ii) A foster parent provider agreement or a child care provider agreement entered into with the Department of Children and Family Services.

(iii) An agreement with a state entity or state quasi-public entity providing for housing, medical treatment, retirement benefits, or insurance benefits, provided on the same terms and conditions available to similarly situated persons.

(iv) An agreement providing for public assistance benefits, including

but not limited to subsidies for agriculture, aquaculture, forestry, soil and water conservation, educational scholarships, grants and subsidies, or guaranteed student loans, provided that such benefits are available to similarly situated persons.

(v) An agreement for which the compensation is solely reimbursement of costs.

(vi) Applying for, payment of fees for, or obtaining a license, credential, or permit provided that such license, credential, or permit is available to similarly situated persons.

(vii) The payment of admission fees.

(viii) The sale of property pursuant to the expropriation of immovable property by any branch, agency, department, or institution of state government.

(ix) The donation of professional veterinary services and the donation of any goods and services related to the provision of such veterinary services. The provisions of this Subsection shall not prohibit the following:

(i) Contracts for employment or for services in a professional educational capacity in an elementary or secondary school or other educational institution.

(ii) Contracts for employment or for services by any licensed health care professional providing services in the classroom or working with administration in an elementary or secondary school or other educational institution.

(iii) Contracts for services by health care professionals which are required by federal or state law to provide an educational program for students in an elementary or secondary school or other educational institution.

such statements, or to whom the immediate family member is related is no longer an elected or appointed official, whichever occurs first.

(c) Annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts entered into prior to an elected or appointed official taking office; however, if an elected or appointed official or immediate family member thereof receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this Section pursuant to the renewal of such a contract or subcontract occurring after the official takes office, such official or immediate family member shall file a disclosure statement no later than thirty days after such renewal in accordance with (2) of this Subsection and annually thereafter in accordance with this Subsection.

(d) All disclosure statements filed pursuant to this Section shall be a matter of public record.

(4)(a) Failure to file a statement, failure to timely file a statement, failure to disclose required information, filing a false-statement, or engaging in a subterfuge to avoid the disclosure requirements of this Section shall subject a person required to file to penalties as provided by this Chapter.

(b) In addition to other applicable penalties, whoever fails to file a statement

required by this Section, or knowingly and willfully fails to timely file any such statement, or knowingly and willfully fails to disclose or to accurately disclose any information required by this Section shall be assessed a civil penalty in accordance with R.S. 42:0027 for each day until such statement or the required accurate information is filed. The amount of the penalty shall be one hundred dollars per day.

(c) In addition to other applicable penalties, whoever enters into separate contracts valued at two thousand five hundred dollars or less as a subterfuge to avoid the disclosure requirements of this Section shall be subject to the penalties of R.S. 42: 1153.

D. For the purposes of this Section, the term "appointed state official" or "appointed official" shall mean a person holding an office in any branch of state government or other position on a state agency, board, or commission or any executive office of any state agency, board, commission, or department which is specifically established or specifically authorized by the constitution or laws of this state or by executive order of the governor and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state.

E. Nothing in this Section shall require the disclosure of any thing of economic value received from an individual assistance claim.

Acts 2005, 1st Ex. Sess., No. 18, eff. Nov. 29, 2005; Acts 2006, No. 412, eff. June 15, 2006; Acts 2008, 1st Ex. Sess., No. 2, eff. March 3, 2008; Acts 2008, No. 514, eff. June 30: 2008.

NOTE: See Acts 2008, No. 514, for applicability

## **RS 42:1115.1**

### § 1115.1. Limitation on food, drink, and refreshment

A. No person from whom a public servant is prohibited by R.S. 42:1111 or 1115(A) from receiving a thing of economic value shall give to such a public servant any food, drink, or refreshment the total value of which exceeds fifty dollars for a single event at which food, drink, or refreshment is given. The total value of the food, drink, or refreshment given to a public servant at any single event shall not exceed fifty dollars regardless of the number of persons subject to the provisions of this Subsection giving food, drink, or refreshment to the public servant at the single event.

B. No person from whom a public employee is prohibited by R.S. 42:1111 or 1115(B) from receiving a thing of economic value shall give to such a public employee any food, drink, or refreshment the total value of which exceeds fifty dollars for a single event at which food, drink, or refreshment is given. The total value of the food, drink, or refreshment given to a public employee at any single event shall not exceed fifty dollars regardless of the number of persons subject to the provisions of this Subsection giving food, drink, or refreshment to the public employee at the single event.

C. Beginning on July 1, 2009, and on July first of each year thereafter, when there has been an increase in the unadjusted Consumer Price Index (CPI-U) (Food and Beverage) as published by the United States Department of Labor, Bureau of Labor Statistics in January each year, the limit of fifty dollars for food, drink or refreshments provided in Subsections A and B of this Section shall be increased by the same percentage as the percentage by which that price index is increased. The amount of the increase shall be rounded off to the nearest dollar. The food, drink, or refreshment limit shall be adjusted by the Board of Ethics according to the Consumer Price Index (CPI-U) (Food and Beverage) and adopted and promulgated as a rule or regulation by the board in accordance with the provisions of R.S. 42: 1134(A).

D. For purposes of this Section, at an event to which a group or organization of public servants is invited and at which food, drink, or refreshment is given, the value of the food, drink, or refreshment provided to a public servant shall be determined by dividing the total cost of the food, drink, and refreshment provided at the event by the total number of persons invited, whether formally or informally, and which is communicated in any manner or form, to the event.

E. The provisions of this Section shall not apply to any of the following:

- (1) A gathering held in conjunction with a meeting related to a national or regional organization or a meeting of a statewide organization of governmental officials or employees provided that at least ten persons associated with the organization are invited to the gathering.

(2) The participation of a public servant of a post-secondary education institution at an event held for the purpose of soliciting donations or contributions of private funds for the benefit of that public servant's agency.

F. For purposes of this Section, the following terms and phrases shall have the following meanings:

(1) "Event" means a single activity, occasion, reception, meal, or meeting at a given place and time.

(2) "Gathering held in conjunction with a meeting related to a national or regional organization or a meeting of a statewide organization of governmental officials or employees" means but shall not be limited to any of the following:

(a) An event held during the same time period and in the same general locale as a meeting of such an organization and to which some persons associated with the organization are invited.

(b) An event that is part of the scheduled activities at a meeting of such an organization and that is open to persons attending the meeting.

Acts 2008, 1st Ex. sess., No. 9, eff. March 30, 2008; Acts 2008, No. 514, eff. June 30, 2008; Acts 2009, No. 534, eff. July 16, 2009.

NOTE: See Acts 2008, No. 514, for applicability.



## **RS 42:1117**

### § 1117. Illegal payments

No public servant or other person shall give, pay, loan, transfer, or deliver or offer to give, pay, loan, transfer, or deliver, directly or indirectly, to any public servant or other person any thing of economic value which such public servant or other person would be prohibited from receiving by any provision of this Part.

Acts 1979, No. 443, eff. April 1, 1980.

## **RS 42:1118**

§ 1118. Influencing action by legislature or governing authority

No public servant shall solicit or receive any thing of economic value, directly or indirectly, for, or to be used by him or a member of his immediate family principally to aid in, (1) the accomplishment of the passage or defeat of any matter affecting his agency by the legislature, if his agency is a state agency, or by the governing authority, if his agency is an agency of a political subdivision, or (2) the influencing, directly or indirectly, of the passage or defeat of any matter affecting his agency by the legislature, if his agency is a state agency, or by the governing authority, if his agency is an agency of a political subdivision.

Acts 1979, No. 443, eff. April 1, 1980.

## RS 42:1119

### § 1119. Nepotism

A. No member of the immediate family of an agency head shall be employed in his agency.

B. (1) No member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection:

(a)(i) Any local school board may employ any member of the immediate family of any board member or of the superintendent as a classroom teacher provided that such family member is certified to teach or is temporarily authorized to teach while pursuing certification. Any local school board in a parish having a population of fewer than sixty thousand according to the latest federal decennial census may employ any member of the immediate family of any board member or of the superintendent as a special education related services professional provided that such family member is licensed in an appropriate field for special education related services and such family member is the only applicant who meets the qualifications for the position set by the school board who has applied for the position after it has been advertised for at least thirty services pro the following when employed to provide special education services: a social worker, occupational therapist, physical therapist, speech therapist/pathologist, teacher of students who are deaf or hard of hearing, teacher of visually impaired students, or nurse. •Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of teaching or service location of such employee.

(ii) Any local school board with a student enrollment population of four thousand nine hundred fifty or less may employ any member of the immediate family of any board member as a school electrician provided that such family member has at least twenty years of experience as an electrician. Any school board member whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of such electrician.

(iii) In addition, within thirty days after the beginning of each school year, any school board member or superintendent whose immediate family member is employed by the school board shall file a disclosure statement with the Board of Ethics stating the

facts of such employment. Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of R.S. 42: 1157.

(iv) Any local school board in a parish with a population of twenty-five thousand five hundred persons or less according to the most recent federal decennial census may employ any member of the immediate family of any board member or of the superintendent as a school guidance counselor provided that such family member is certified as a guidance counselor and that such family member is the only applicant who meets the qualifications for the position set by the school board who has applied for the position after it has been advertised for at least thirty days in the official journal of the parish and in all newspapers of general circulation in the parish. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of such employee.

(v) An immediate family member of a member of a local school board or of a superintendent who is employed pursuant to Item (i) of this Subparagraph may be promoted to an administrative position by such school board provided that such family member has the appropriate qualifications and certifications for such position. A school board member whose immediate family member is to be promoted to an administrative position pursuant to this Item shall recuse himself from any action involving the promotion or assignment of job location of such employee, and a superintendent whose immediate family member is to be promoted to an administrative position shall disqualify himself from any action involving the promotion or assignment of job location of such employee. For purposes of this Item, the term "certifications" shall not include any temporary or provisional certification or certifications.

(b)(i) Any hospital service district or hospital public trust authority located in such a district may enter into an initial recruiting contract with or employ as a health care provider, a licensed physician, a registered nurse, or an allied health professional who is a member of the immediate family of any district board,

(7) The provisions of this Section and the provisions of R.S. 24:31.5 shall not prohibit the employment of any employee provided for in R.S. 24:31.5, nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such employee, so long as the legislator who employs the employee remains a member of the legislature, provided the employee is employed as provided for in R.S. 24:31.5 in the legislator's agency by the same legislator at least one year prior to becoming a member of the immediate family of the legislator. In addition, notwithstanding the

provisions of R.S. 42: 1112, the legislator may participate in transactions regarding such employment.

D. A willful violation of this Section shall the agency head, member of the governing authority, the public employee having authority to hire and fire the employee, the immediate supervisor of the employee, whether or not such persons are immediate family members of the employee, and such employee, to disciplinary action and penalties provided by this Chapter.

E. Nothing-in this-Section shall prohibit-the employment-by- a school board of an immediate

F. Nothing in this Section shall prohibit the school board of a school system created after June 1, 2006, from employing an immediate family member of a school board member, provided that the immediate family member was previously employed in a similar capacity by a school board within the same parish for a period of at least one year prior to the creation of the new school system. Any school board member whose immediate family member is either being considered for employment or is employed by the school board shall recuse himself from any decision involving the hiring, promotion, or assignment of such employee. In addition, any such school board member shall be subject to the same disclosure requirements and penalties provided by Item (B)(2)(a)(iii) of this Section.

G. Nothing in this Section shall prohibit a district attorney from employing an immediate family member as an assistant district attorney provided that the immediate family member was continuously employed by the office of the district attorney for that judicial district for a period of at least nine months immediately prior to the district attorney taking the oath of office for his initial term as district attorney nor shall the provisions of this Section be construed to hinder, alter, or in any way affect normal promotional advancements for such assistant district attorney.

H. Nothing in this Section shall prohibit the continued employment of a cadet or graduate of the state police training academy in the classified state police service nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee in the classified state police service where a member of the public employee's immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the classified state police service for a period of at least four months prior to the member of the public employee's immediate family becoming the agency head.

Acts 1979, No. 443, §1, eff. April 1, 1980. Amended by Acts 1982, No. 640, §1; Acts 1992, No. 598, Acts 1995, No. 196, eff. June 14, 1995; Acts 1997, No. 329, Acts 1997, No. 342, eff. June 20, 1997; Acts 1999, No. 1349, eff. July 12, 1999; Acts 2003, No. 913, eff. July 1, 2003; Acts 2003, No. 914, eff. July 1, 2003; Acts 2003, No. 990, eff. July 2, 2003; Acts 2003, No. 997, eff. July 2, 2003; Acts 2004, No. 914, eff. July 12, 2004; Acts 2006, No. 833, eff. July 5, 2006; Acts 2007, No. 150, eff. June 25, 2007; Acts 2007, No. 225, Acts 2008, 1st Ex. Sess., No. 6, April 26, 2008; Acts 2008, No. 514, eff. June 30, 2008; Acts 2009, No. 452, eff. July 9, 2009; Acts 2011, No. 167, eff. June 24, 2011; Acts 2012, No. 699, eff. June 11, 2012; Acts 2012, No. 811, §15, eff. July 1, 2012; Acts 2014, No. 863, eff. June 23, 2014; Acts 2015, No. 449, Acts 2017, No. 71, eff. June 4, 2017; Acts 2017, No. 146,

## **RS 42:1120.1**

§1120.1. Recusal from voting; Board of Commissioners of the Port of New Orleans

If any member of the Board of Commissioners of the Port of New Orleans, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42: 1112 or 1113(B), he shall recuse himself from voting.

Acts 1985, No. 426

## RS 42:1121

### § 1121. Assistance to certain persons after termination of public service

A.(1) No former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for such agency.

(2) No former member of a board or commission shall, for a period of two years following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission.

B.(1) General rule for other public employees. No former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

(2) Nothing in this Section shall prohibit a former employee of the Louisiana School for the Deaf from rendering sign language and interpreting services on a contractual basis to or for the Louisiana School for the Deaf.

C. No legal entity in which a former public servant is an officer, director, trustee, partner, or employee shall, for a period of two years following the termination of his public service, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such public servant at any time participated during his public service and involving the agency by which he was formerly employed or in which he formerly held office.

D. No former public servant shall share in any compensation received by another person for assistance which such former public servant is prohibited from rendering by this Section.

E. Termination of public service. For the purposes of Subsections B and C of this Section, termination of public employment or service means the termination of employment with the agency which employed the public employee, or the termination of public service with the agency in which an elected official served, when he participated in the transaction.



F.(1) Each officer and employee of the office of financial institutions, including the commissioner, shall be prohibited for a period of two years following the termination of his employment with the office of financial institutions from:

(a) Assisting another person for compensation in a particular transaction or in an appearance in connection with a particular transaction for which the officer or employee had responsibility to effectively direct the action of the office of financial institutions at any time during his employment and which involves the office of financial institutions; or

(b) Rendering on a contractual basis to or for the office of financial institutions any service which the officer or employee rendered to the office of financial institutions during his employment there.

(2) However, the provisions of Paragraph (1) of this Subsection shall not apply to post-employment work done for or with a federally chartered agency regulating financial institutions or their holding companies.

(3) A legal entity in which a former officer or employee of the office of financial institutions is an officer, director, trustee, partner, or employee shall be prohibited for a period of two years following the termination of his employment, from assisting another person for compensation in a particular transaction or in an appearance in connection with a particular transaction for which such officer or employee had responsibility to effectively direct the action of the office of financial institutions at any time during his employment and which involves the office of financial institutions. This restriction shall not apply to a legal entity which is a federally chartered agency regulating financial institutions or their holding companies.

## **RS 42:1121.1**

§ 1121.1. Assistance to certain persons after termination of public service  
Notwithstanding any provisions in Sections 1112, 1113, and 1121 of this Part to the contrary, any member or former member of a parish governing authority who prior to May 25, 2006, was serving as a parish manager may continue to serve as parish manager, provided that such member recuse himself from any vote regarding his employment as parish manager.

Acts 2006, No. 85, eff. May 25, 2006.

## 42:1123

### § 1123. Exceptions

This Part shall not preclude:

(1) Participation in the affairs of charitable, religious, nonprofit educational, public service, or civic organizations, bona fide organized public volunteer fire departments when no compensation is received, or the activities of political parties not-proscribed by law. Provided, however, that the Code of Governmental Ethics shall apply to the purchase of fire trucks by bona fide organized public fire departments.

(2)(a) Awards for meritorious public contributions given by public service organizations.

(b) Awards of anything of economic value received by teachers, principals, or school employees RS 17:432, 432.1, 433, or 433.1 for their outstanding achievement in the performance of their duties or responsibilities as teachers, principals, or school employees given by any person. However, this exception shall not apply to any award from any person or from any officer, director, agent, or employee of such person, if the teacher, principal, or school employee receiving the award knows or reasonably should know that the person has substantial economic interests which may be substantially affected by the performance or nonperformance of the teacher's, principal's, or school employee's official duty.

(3) Sharing in any compensation received from the governmental entity by a person of which such public servant owns or controls less than ten percent, provided such public servant did not participate or assist in the procurement of such compensation, except as otherwise specifically prohibited by R.S. 42: 1113.

(4) Sharing in any compensation received from the governmental entity by a person of which such public servant owns or controls any portion thereof, provided such compensation was received by such person as a result of having made the lowest sealed competitive bid on a contract or subcontract and having had such bid accepted by the governmental entity or the general contractor, and provided such public servant did not participate or assist in the procurement of the acceptance of such low bid, except as otherwise specifically prohibited by R.S. 42: 1113.

(5) Campaign contributions for use in meeting campaign expenses by any public servant who is or becomes a candidate for election to the same or another public office.

(6) Any activity of any public employee of a public higher education institution in this state who is covered by the tenure policy of the Board of Regents or the tenure policies and the administration of the tenure policies by the three higher education management boards and which activity is required by either regional or professional accreditation standards of organizations recognized by the Council on Postsecondary Accreditation.

(7) The employment with the office of behavioral health of the Louisiana Department of Health of a licensed physician who is a member of the psychiatric faculty of and compensated by Tulane University.

(8) Any individual employed in the maritime industry from serving as an appointed member of the Board of Commissioners of the Port of New Orleans.

(9)(a) The receipt of or sharing in the proceeds of any patent, copyright, licensing right, or royalty by faculty or staff members of a public higher education institution or management board resulting from any activity of the faculty or staff member, which is consistent with and pursuant to the mission of the college or university to advance knowledge or further the economic development of the state and which activity has been approved by the campus head and the management board of the employing college or university.

(b) The performance of services for compensation for any person, by faculty or staff members of a public higher education institution, provided the services consist of consulting related to the academic discipline or expertise of said public employee, or the continued performance of such services by former faculty or staff members of a public higher education institution subsequent to the termination of their public service and notwithstanding contrary provisions of R.S. 42: 1121, and provided the services have been approved in writing by the chief administrative officer of the public employee's institution in accordance with rules and procedures established by the management board of the institution, which rules and procedures have been approved by the Board of Regents and the Board of Ethics.

(10)(a) The negotiation or entering into a contract as defined in Subparagraph (b) of this Paragraph, provided that such contract has been approved in accordance with a procedure established by the appropriate higher education management board which procedure has been approved by the Board of Regents and the through which their child may be evaluated for eligibility to receive such services for free through the school system. With respect to any child already receiving such services for free through the school system, the notice shall explain the procedures through which the child's eligibility to receive additional services for free from the school system may be reviewed.

(15) The use by a duly commissioned law enforcement officer of a publicly owned law enforcement vehicle in connection with the private employment of such law enforcement officer in providing traffic control or security services for a private employer when such use is approved by and in accordance with the policy of the law enforcement officer's public employer, which policy shall be published in the official journal of the parish prior to becoming effective and shall provide for appropriate charges for the use of public vehicles for private employment.

(16)(a) Notwithstanding the provisions of R.S. 42: 1102(22), when making a public speech, the acceptance by a member of the legislature of food, refreshments, and lodging reasonably related to making such speech, as well

as and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the United States or Canada and provided such member of the legislature files an affidavit with the Board of Ethics, within sixty days of making such public speech, disclosing the name of the sponsoring group refreshments, lodging, and transportation.

O)) For the purposes of this Paragraph, the phrase "speech" shall mean a speech, or other oral presentation, including a panel discussion, or radio or television appearance before the public at large, or before any civic, political, religious, educational, or eleemosynary group or organization by a member of the legislature in his capacity as a legislator.

population no greater than five thousand, in accordance with the most recent decennial census, a member of any municipal governing authority or any mayor from being a compensated director, officer, or employee of any national or state bank or state or federally chartered savings and loan association or savings bank into which funds of the municipality are deposited.

(b) The provisions of Subparagraph (a) of this Paragraph shall be effective only when the following conditions are met:

(i) Publication of notice has been made on two separate occasions in the official journal of the municipality, the first of which is at least fifteen days prior to public hearing on the matter. Such notice shall include the name of the financial institution(s) in which municipal funds are to be deposited and the amount of such deposit(s).

(ii) In municipalities where more than one financial institution is located, average annual deposits of municipal funds in one such financial institution shall not exceed the average annual deposits in any other such financial institution by more than ten percent, except in cases where funds are deposited pursuant to competitive bid.

(iii) The municipal funds are deposited with the approval of the municipal governing authority and the mayor.

(c) The provisions of Subparagraph (a) of this Paragraph shall not affect the application of R.S. 42:1112.

(18)(a) A licensed physician who is a member of a board of commissioners for any hospital service district authorized by Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950 located within a parish which has a population of one hundred twenty-five thousand or less from contracting with the hospital over which the board exercises jurisdiction, from subcontracting with another provider who contracts with such hospital, or from owning an interest in an entity that contracts with such hospital. However, such licensed physician shall recuse himself from participating in any transaction before the board relating to any contracts entered into by him, or by a provider with which he subcontracts, or by any entity in which he owns an interest, and permitted by this Paragraph.

(b) Repealed by Acts 2007, No, 152, eff. June 25, 2007.

(c) Any physician serving as a member of a hospital service district board or commission, if such hospital service district board or commission is required by law or by local ordinance, rule, or regulation adopted by a municipal or parish governing authority to have one or more physician members on its board or  
or a legal entity in which he owns a controlling interest or an immediate family member or a legal entity in which he owns a controlling interest exceed two thousand five hundred dollars in the aggregate within the calendar year; thereafter the provisions contained in Items (iv) and (v) of this Subparagraph shall apply.

(iv) For transactions in excess of two hundred fifty dollars, but less than two thousand five hundred dollars, telephone quotations with written confirmation or facsimile quotations shall be solicited from at least three vendors within the municipality, the parish, or within a fifty-mile radius of the municipality. However, in the case of an emergency, no quotations shall be required so long as the elected official recuses himself from the transaction and-files an affidavit as required in Item (i) of this Subparagraph within three business days of the occurrence of the transaction. "Emergency" shall be defined in the plan adopted by the municipality and subject to board approval.

(v) In the case of a in excess of two hundred fifty dollars but less than two thousand five hundred dollars, if the quotation submitted by the elected official, his immediate family member, or legal entity in which the received by the municipality the transaction is allowed. The plan adopted by the municipality and subject to board approval may specify situations in which a quotation submitted by the elected official, his immediate family member, or his or his immediate family member's legal entity may be accepted even if it was not the lowest bid received by the municipality.

(vi) An elected official, his immediate family member, or legal entity in which the elected official or his immediate family member has a controlling interest may enter into transactions with the municipality in excess of two thousand five hundred dollars only after written invitations are sent to at least three bona fide qualified bidders, other than the elected official, his immediate family member, or his or his immediate family member's legal entity, and upon specific advance approval by the board. Any such request for approval shall include the details of the proposed transaction, a copy of the written invitation, copies of the bids received in response to the invitation, and the method of recusal developed by the municipality. The plan developed by the municipality shall set out the details of the bid process.

(23) Any member of the state or regional advisory committees for the office for citizens with developmental disabilities from being employed by a private, nonprofit, corporation, agency, organization, or association that receives state funds under contractual agreement with the office for citizens

with developmental disabilities. However, such member shall recuse himself from participating in any action of the committee specifically relating to such contracts with the office for citizens with developmental disabilities for the receipt of state funds.

(24)(a) Any member of the State Licensing Board for Contractors from serving on such board even if he, a member of his immediate family, or a business in which he has a substantial economic interest has participated in a transaction that comes before such board for administrative action.

However, such member shall recuse himself from participating in any administrative hearing specifically relating to such transaction.

Investigations of such transactions by the staff of the State Licensing Board for Contractors without the direct involvement of such board shall not constitute a violation of this Chapter.

Any member of the State Licensing Board for Contractors, or any legal entity in which he has an interest, from entering into a contract for commercial or residential contractor services or related consulting services for compensation with a person licensed by the board; provided that no member of the board shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person to enter into such a contract or to provide such board member or any other person with any thing of economic value. However, such member shall be specifically prohibited from providing consulting services for transactions that come before the board for administrative action. In addition, such member shall recuse himself from participating in any administrative hearing involving any licensee with whom he has an existing contractual relationship.

(25) Any client who is not also a vendor of a charitable organization from serving on its board of directors or advisory board, provided that such clients do not constitute twenty percent or more of the board of directors or advisory board. For the purposes of this Paragraph, "charitable organization" shall mean a nonprofit board or association of a community-based HIV/AIDS service corporation or organization domiciled in this state and qualified with the United States Internal Revenue Service for an exemption from federal income tax under Section 501(c)(3), (4), (5), (6), (7), (8), (10), or (19) of the Internal Revenue Code.

(26)(a) The acceptance by a public servant of anything of economic value as a gift or gratuity from any person when the value of such gift or gratuity does not exceed one hundred dollars per event, for flowers or a gift. The plan of government, state law, or local ordinance or resolution including but not limited to the Capital Transportation Corporation, visit Baton Rouge, and the city-parish planning commission.

(34) A member of a municipal or parish governing authority in a parish or municipality with a population of twenty-five thousand persons or less according to the latest federal decennial census or a member of such elected

official's immediate family or a legal entity in which he has a controlling interest from making application for the approval of the subdivision or resubdivision of property and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided that (a) the zoning of such subdivided property shall not be less restrictive than the zoning of the original parcel; (b) no variance or special exception from any planning or zoning regulation or requirement or any building code or permit shall be requested or granted; (c) the subdivision, resubdivision, or zoning of such property shall be for residential purposes only; (d) the application or applications submitted by or on behalf of the elected official, a member of his immediate family, or legal entity in which he has a controlling interest, collectively, shall be construction of not more than twelve residential units per calendar year; (e) no public funds shall be used to construct any infrastructure for the use or benefit of such property or development; (f) the elected official shall file written notice containing all details regarding the transaction deemed necessary by the Board of Ethics to any such application, or if no hearing is held pertaining to such application, shall file such at least ten days prior to final action on any such application; and (g) any such member of a governing authority shall recuse himself from any vote related to such application and shall not participate in any other aspect of the application or transaction.

(35) Any volunteer fireman or uncompensated law enforcement officer or legal entity in which he has an interest from bidding on or entering into a contract, subcontract, or other transaction under the supervision and jurisdiction of his agency; provided that the volunteer fireman or uncompensated law enforcement officer shall receive no compensation or thing of economic value for his service as a volunteer fireman or uncompensated law enforcement officer, that the volunteer fireman or uncompensated law enforcement officer shall not be an agency head, and that the volunteer fireman or uncompensated law enforcement officer shall not participate on behalf of his agency in any capacity regarding such contract, subcontract, or other transaction.

(36) Repealed by Acts 2017, No. 30, eff. June 3, 2017.

(37)(a) An insurance producer as defined in R.S. 22: 1542, from serving as the insurance producer of record as provided in R-S. 22: 15640) for a governmental entity; from providing any normal insurance services for a governmental entity; and from providing risk management services for a governmental entity, including but not limited to providing advice or recommendations regarding insurance coverages, markets, costs, terms, selection of coverages and all related matters or any combination thereof; provided that:

(i) An insurance producer, as defined in R.S. 22: 1542, who provides or solicits to provide any of the services in this Subparagraph shall not serve in any other official decision making capacity over insurance issues for the governmental entity, including but not limited to elected or appointed positions, advisory committees, as an employee, or as risk manager.

(ii) Any insurance producer who has served in any official decision



making capacity over insurance issues for a governmental entity, including but not limited to elected or appointed positions, advisory committees, as an employee, or as risk manager, and who wishes to solicit to provide any of the services in this Subparagraph for that same governmental entity shall comply with the provisions of RS. 42:1121.

(b)(i) An insurance producer from being compensated by means of normal commissions or pursuant to a written contract providing for payment of a stipulated fee, or both for any of the services in Subparagraph (a) of this Paragraph; provided that the insurance producer shall fully disclose to the governmental entity in writing all fees, commissions, or other compensation payable to the producer from the insurer or any source other than the governmental entity that relate to the services provided.

(ii) An insurance producer who provides any of the services in Subparagraph (a) of this Paragraph for a governmental entity from receiving fees, commissions, or other compensation payable to the insurance producer from insurance companies for services rendered to those insurance companies for products or services sold to other governmental entities or persons that do not directly relate to the services provided by the insurance producer to the governmental entity; provided the insurance producer discloses to the governmental entity the name of any insurer or source from which he receives fees, commissions, or other.

(43) The employment of a person by a board that is created by law when the person has served as a member of the board as a designee, as authorized by law, of a mayor, but is not subject to confirmation nor confirmed by the council, of a municipality with a population of three hundred thousand or more according to the latest federal decennial census.

Acts 1979, No. 443, eff. April 1, 1980; Acts 1983, No. 719, §1•, Acts 1985, No. 220, eff. July 6, 1985; Acts 1985, No. 426, Acts 1986, No. 374, Acts 1987, No. 229, Acts 1987, No. 370, Acts 1987, No. 491, Acts 1987, No. 593, eff. July 9, 1987; Acts 1987, No. 624, Acts 1988, No. 623, eff. July 14, 1988; Acts 1989, No. 187, Acts 1990, No. 97, Acts 1991, No. 1037, §1•, Acts 1992, No. 846, eff. July 8, 1992; Acts 1993, No. 220, eff. June 2, 1993; Acts 1993, No. 257, eff. June 2, 1993; Acts 1993, No. 965, eff. August 15, 1993; Acts 1993, No. 1037, Acts 1995, No. 289, Acts 1995, No. 1156, Acts 1995, No. 1157, Acts 1996, 1st Ex. sess., No. 64, §11, Jan. 1, 1997; Acts 1997, No. 501, Acts 1997, No. 848, Acts 1997, No. 893, Acts 1997, No. 1107, Acts 2000, 1st Ex. sess., No. eff. April 19, 2000; Acts 2001, Nđ. 323, § T; 2001, No. 380L'§Ji, Äcts 2001, No. 946, June 26, 2001; Äcts- 2001, N6.-998, § r; Äcts 2001 No. 1013, Abts-Ž001; No. 1127, Acts 2003, No. 183, Acts 2003, No. 743, eff. June 27, 2003; Acts 2003, No. 977, Acts 2003, No. 992, eff. July 2, 2003; Acts 2003, No. 996, eff. July 2, 2003; Acts 2003, No. 1282, Acts 292, §1•, Acts 2004, No. 696, Acts 2004, No. 784, eff.

July 8, 2004; Acts 2006, 1st Ex. sess., No. 22, § 1, Feb. 23, 2006; Acts 2006, No. 422, eff. June 15, 2006; Acts 2007, No. 152, 2, eff. June 25, 2007; Acts 2007, No. 250, July 6, 2007; Acts 2008, 1 st Ex. sess., No. 7, eff. April 26, 2008; Acts 2008, 1 st Ex. sess., No. 13, eff. Jan. 1, 2009; Acts 2008, 1 st Ex. sess., No. 19, eff. March 10, 2008; Acts 2008, No. 173, Acts 2008, No. 301, eff. 17, 2008; Acts 2008, No. 415, eff. Jan. 1, 2009; Acts 2008, No. 514, § 1, eff. Jan. 1, 2009 (Para. (39)(a)) and §4, eff. June 30, 2008 (Para. (13) and (41)); Acts 2009, No. 308, Acts 2009, No. 384, eff. July 1, 2010; Acts 2009, No. 534, p, eff. July 16, 2009; Acts 2010, No. 597, § 1, eff. June 25, 2010; Acts 2010, No. 784, Acts 2010, No. 798, eff. June 30, 2010; Acts 2010, No. 861, §18; Acts 2011, 1 st Ex. sess., No. 35, Acts 2012, No. 737, June 11, 2012; Acts 2012, No. 811, §15, eff. July 1, 2012; Acts 2012, No. 864, Acts 2014, No. 172, Acts 2014, No. 334, eff. May 30, 2014; Acts 2014, No. 747, June 19, 2014; Acts 2016, No. 87, eff. May 11, 2016; Acts 2017, No. 30, eff. June 3, 2017; Acts 2017, No. 408, eff. June 26, 2017.

