

Advisory Opinion

IECDB AO 2002-18

October 31, 2002

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351-1.2, the Iowa Ethics and Campaign Disclosure Board takes the opportunity to issue its opinion on an Area Education Agency employee serving on a local school board. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 56 and 68B and rules in Iowa Administrative Code chapter 351.

OPINION:

The issue has been raised if an employee of an Area Education Agency (AEA) may, as part of the employee's duties, work with a school in the district in which the employee also serves as a school board member.

Iowa Code section 68B.2A prohibits any person who "serves or is employed by a political subdivision of the state" from engaging in "any outside employment or activity which is in conflict with the person's official duties and responsibilities." Subsection (1)"c" sets out an impermissible conflict where the "outside employment or activity is subject to the official control, inspection, review, audit, or enforcement authority of the person, during the performance of the person's duties of office or employment."

If issues involving the AEA were to come before the school board, then pursuant to Iowa Code section 68B.2A(2)"b" the person would be required to "disclose the existence of the conflict and refrain from taking any official action or perform any official duty" relating to the issue.

Therefore, so long as the person follows the procedural safeguards in the statute, working with the school on behalf of the AEA and serving on the school board would not be prohibited.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
1st Vice-Chair Geraldine Leinen
2nd Vice-Chair Gwen Boeke
Mark McCormick
Bernie McKinley
Phyllis Peters

Submitted by: W. Charles Smithson, Board Legal Counsel