Question: Can someone serve on a charter school board if that person works for (or has a substantial economic interest in) a company that does business with that charter school?

Answer: Potentially, yes – if all of the following criteria are met:

1. The board member must be a salaried or wage-earning employee;
2. The board member’s salary must remain substantially unaffected by the contractual relationship between the board member’s employer and the charter school;
3. The board member must own less than a “controlling interest” in the company; and
4. The board member cannot be an officer, director, trustee, or partner in the company.

- La. Ethics Board Docket No. 82-02D; La. Ethics Board Docket No. 2012-149

Recusal: Even if the above criteria are met, a board member is still prohibited from participating in any transaction involving the school and any company that the board member works for or has a substantial economic interest in:

- The board member may participate in discussion and debate concerning the matter, if he or she first verbally discloses the nature of the conflict or potential conflict of interest.
- The board member must recuse him or herself from voting or otherwise acting upon any transaction involving a conflict of interest.
- The board member must file a financial disclosure statement as to the income he/she receives from his/her employer that does business with the charter school.


Example: Board of Ethics’ Opinion, re: Kira Orange Jones & BESE

La. Ethics Board Docket No. 2012-149

- The Board of Ethics ruled that Kira Orange Jones met the (above) four-part test that permits her to serve as a BESE Board Member while her employer, Teach For America (TFA), has a business contract with BESE to do business in Louisiana.
- The Board of Ethics also acknowledged that per La. R.S. 42:1114, Kira Orange Jones must file a financial disclosure statement each year disclosing the income she receives from TFA.

More Information


Please note: LAPCS In Briefs are merely reference guides that summarize the law and are not legal advice. LAPCS strongly encourages all charter schools to read laws and policies in full and to always check with your school’s attorney and authorizer.

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