

ETHICS TRAINING FOR CHARTER SCHOOLS

Hawai'i State Ethics Commission



A white silhouette map of the Hawaiian Islands is centered on a dark blue background. The islands are arranged in a diagonal line from the top-left to the bottom-right. The largest island, Hawaii, is at the bottom right. The text "60,000 State Officials and Employees" is overlaid on the lower-left portion of the map.

60,000
State Officials and
Employees

Article XIV

Hawai'i State Constitution

Hawai'i Revised Statutes

Chapter 84 | State Ethics Code

“The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government.”

State Ethics Code applies to:



State
Legislators



State
Employees



Members of
State Boards and
Commissions

State Ethics Commission



Education



Advice



Enforcement



Disclosures

Mandatory Ethics Training



All state elected officials,
employees, & board and
commission members

Which Type of Training?



Live Webinar

Mandatory for high-level officials & board members



Self-Directed

Available for everyone else

When & How Often?

Refresher Training

Every 4 years



Initial Training

Within 90 days



Appointment of New Official





Gifts & Gifts Reporting



Fair Treatment & Nepotism



Confidential Information



Conflicts of Interests



Post-Employment

PROGRAM

Gifts

HRS § 84-11



Is there a reasonable appearance gift is offered to influence or reward you for your official action?

DON'T ACCEPT GIFT

What is a gift?



Can I accept a gift?

FACTORS TO CONSIDER



Relationship between
you/your charter school
and the donor?



Value
of the gift?



Is there a State
benefit?

Relationship



Do you take official action affecting donor?

Does donor do business with your charter school?

Relationship



Do you take official action affecting donor?

Does donor do business with your charter school?

***For vendors & contractors:
No Gifts***

Value



What is the value of the gift?

High: more likely prohibited

Nominal: more likely allowed

State Benefit



State benefit or purpose?

Yes: Gift more likely allowed

No: Gift more likely prohibited

Gifts Exceptions

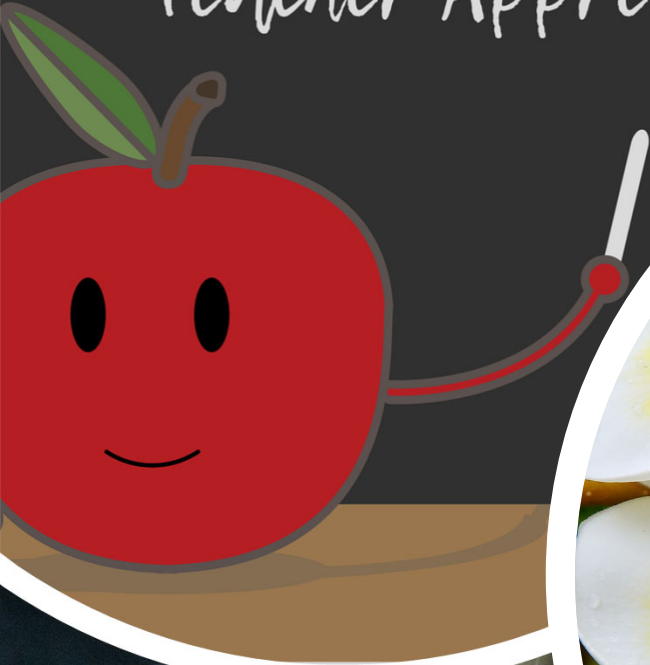
HAR §§ 21-7-3, 21-7-4



Unsplash: Michele Eckert

What gifts are ok?

Teacher Appreciation





Gifts of Travel:

- Donor?
- State Benefit/Purpose?
- Travel Upgrades?

Gifts Reporting

HRS § 84-11.5



Report gifts if:

1. Donor's interests may be affected by you or agency's action and
2. Value of item(s) > **\$200**

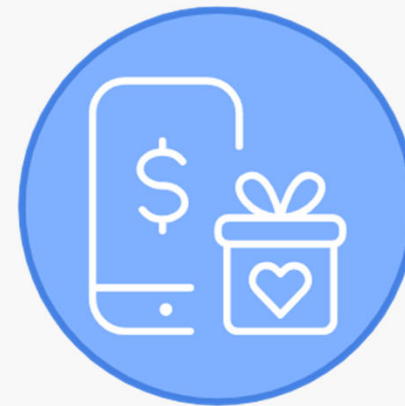
Gifts Reporting

HRS § 84-11.5



Single Gift

Value over \$200



Multiple Gifts

Combined value over \$200



Gifts Reporting
Deadline:
July 31

Gifts Disclosure Statement is a
public record

Summary: Gifts and Gifts Reporting



Don't accept gift if there is a reasonable appearance gift is offered to influence or reward you.



Report gifts over \$200 from anyone who may be affected by your actions as a state employee.



If it's under \$200, doesn't mean it is OK to accept.

Fair Treatment

HRS § 84-13



Don't use your state position to obtain unwarranted privileges, advantages, or treatment for yourself or others.

Fair Treatment

HRS § 84-13(a)(1)



Don't use your state position to obtain outside employment or contracts for yourself.

Fair Treatment

HRS § 84-13(a)(2)



Don't accept additional ("double") compensation for performing your state duties unless permitted by law.

Fair Treatment

HRS § 84-13(a)(3)



Don't use state time, equipment, facilities, or other state resources for private business purposes.

What is a private business?



For-profit
business



Nonprofit
organization



Political
campaign

Prohibited Private Business Activities in State Offices



- Doing outside work for private employer
- Selling food, crafts, etc. to co-workers
- Fundraising for private clubs, organizations, charities
- Campaign activities (asking for campaign contributions, planning campaign events, etc.)

State-Sponsored Fundraising

State resources may be used to fundraise for some state-sponsored events.

- Aloha United Way
- Hawaii Foodbank
- Blood Bank of Hawaii



Charter School & Nonprofit Fundraising

- School Fundraisers
- Events to support school activities or functions



Fair Treatment

Misappropriation of State Property:

Don't take state equipment or
machinery home for personal use.



Fair Treatment

HRS § 84-13(a)(4)



Don't enter into substantial financial transactions with subordinates or those you supervise or inspect.

Summary: Fair Treatment



Don't use your state position to get outside employment for yourself.



Don't accept additional ("double") compensation.



Don't use state resources for private business purposes.



Don't engage in substantial financial transactions with subordinates.

Nepotism Law

HRS § 84-13.2



- **Who:** State employees & state board members, except employees in legislative & judicial branches
- **Purpose:** to ensure merit-based decisions in state employment & contracting

Nepotism Law



DON'T TAKE ACTION AFFECTING RELATIVES
OR HOUSEHOLD MEMBERS

- Employment actions (hiring, supervising, etc.)
 - Contracts (awarding, administering, etc.)

Confidential Information

HRS § 84-12



Don't disclose or use
confidential info

Conflicts of Interests

HRS § 84-14



Conflicts of Interests

HRS § 84-14(a)



DISQUALIFY YOURSELF IF YOU HAVE A
CONFLICT OF INTEREST

Don't take official action directly affecting
a business in which you have a financial interest.

What is a Financial Interest?



Owner of a
business



Employed by a business



Officer or director of
a business (even if
you are not paid)



Owner of real or personal
property

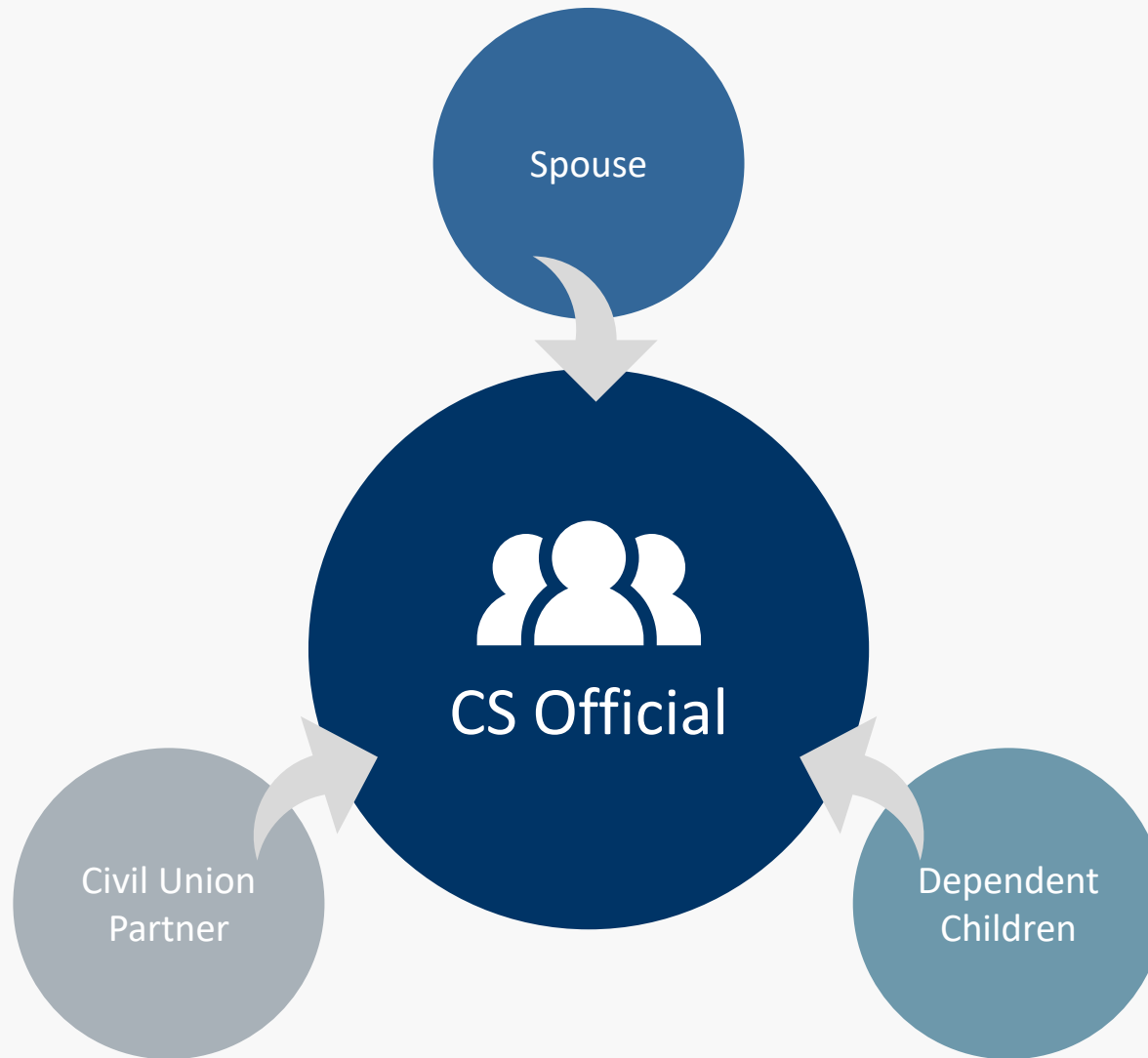


A loan or debt owed to
a business

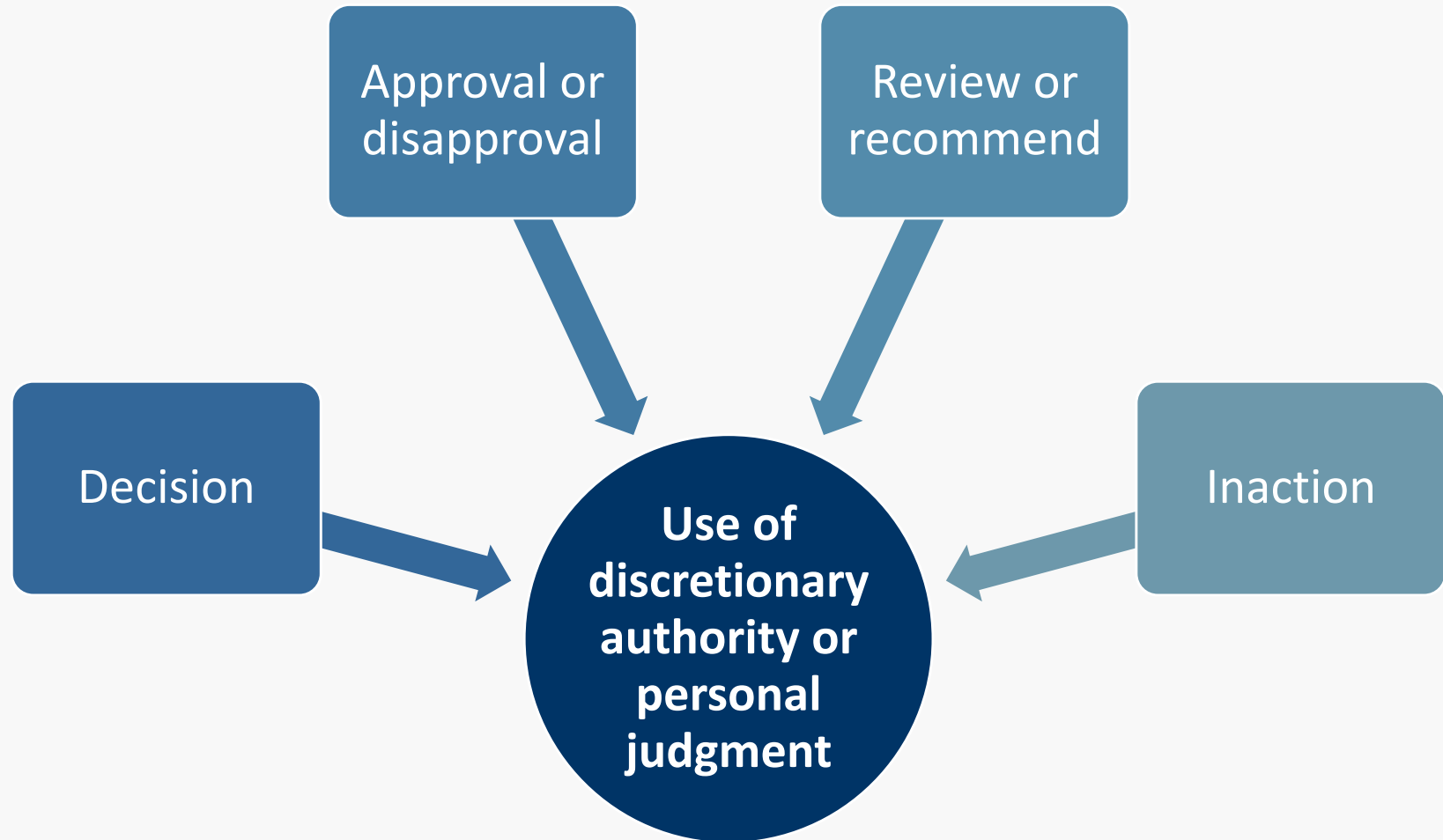


Creditor of an insolvent
business

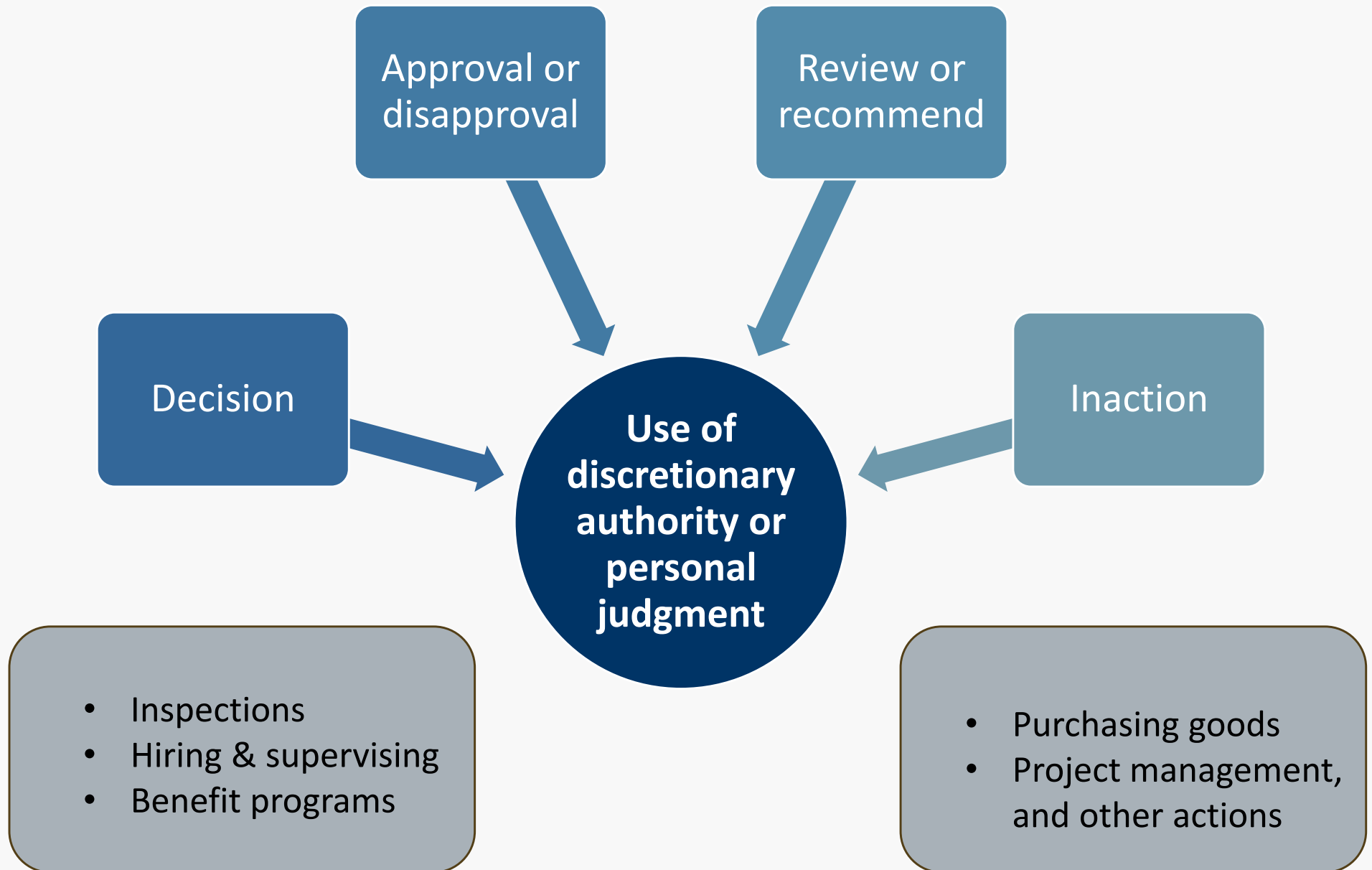
Charter School Official's Financial Interests



What is Official Action?



What is Official Action?



Conflicts of Interests

HRS § 84-14(b)



DON'T CREATE NEW CONFLICTS OF INTERESTS

Don't acquire a financial interest in a business if you are likely to take official action affecting that business.

Conflicts of Interests

HRS § 84-14(d)



DON'T ASSIST OR REPRESENT OTHERS FOR PAY

- Before your agency, or
- Matters that you worked on (or will work on) as a charter school employee/board member

Charter Schools

HRS § 302D-12



BOARD MEMBERSHIP RESTRICTIONS

- Who can serve on governing board
- “Cooling Off” Rule
- Check with Charter School Comm’n & Atty General

Conflict Scenarios

School Admin

- Teacher or Staff Only ✓

Gov Board

Conflict Scenarios

School Admin

Gov Board

- GB Member Only ✓

Conflict Scenarios

School Admin

Gov Board

Teacher/Staff AND GB Member ?

Check HRS § 302D-12

If matter directly affects employee's financial interest
(salary, promotion, etc.) – MUST RECUSE

Conflict Scenarios

Gov Board

- GB Member Only ✓

Non Profit

Conflict Scenarios

Gov Board

Non Profit

- NP Employee Only
- NP board member only



Conflict Scenarios

Gov Board

Non Profit

GB Member + NP Board Member ?

Conflict Scenarios

Gov Board

Non Profit

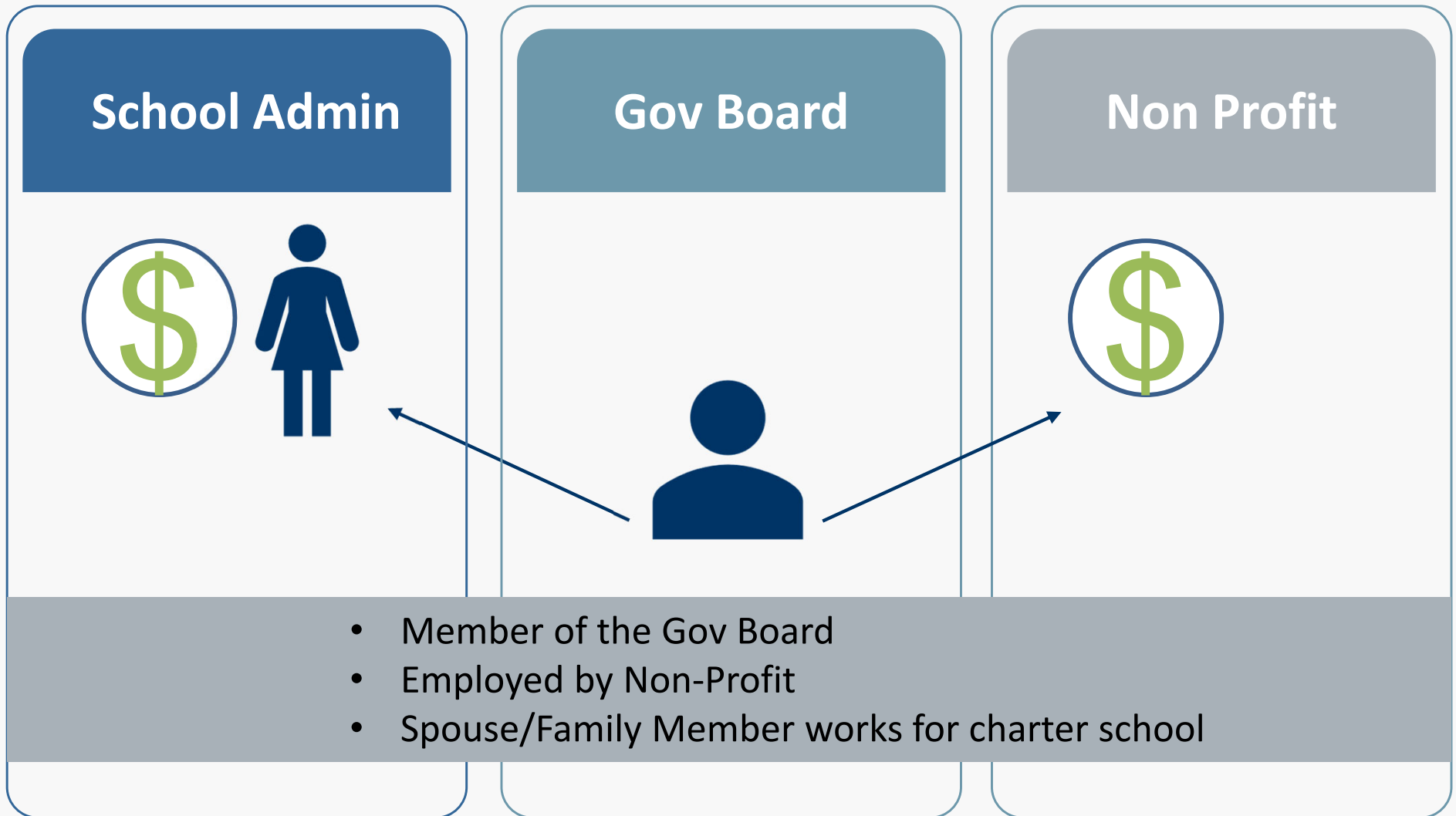
GB Member + NP Board Member ?
or
GB Member + NP Employee ?



CONFLICTS INVOLVING NONPROFITS

- Advisory Opinion No. 2015-2
- Resolution of Charge No. 2016-2

Potential Conflict Scenarios



Summary: Conflicts of Interests



Disqualify yourself when you have a conflict of interest.



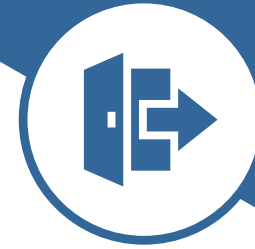
Don't create new conflicts of interests for yourself.



Don't assist others for pay before your charter school.

Post-Employment Restrictions

HRS § 84-18(b) and (c)



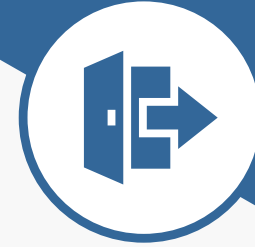
12 months:

Don't represent others as paid rep

1. before former school or
2. on matters you worked on

Post-Employment Restrictions

HRS § 84-18(a)



Forever:

Do not disclose or use
confidential information

Post-Employment Exceptions

HRS § 84-18



- ▶ Employed by the State < 6 months
(but confidentiality still applies)
- ▶ Contract to act on behalf of the State

Penalties for Ethics Violations



- ➔ Fines up to **\$5,000 per violation**
- ➔ Disciplinary action
- ➔ Recover illegal gifts or profits
- ➔ Cancel contracts or permits

Ethics Resources for Charter School Governing Boards



Online Training
(Self-Directed)



Ethics Guide



Model Conflicts of
Interests Policy



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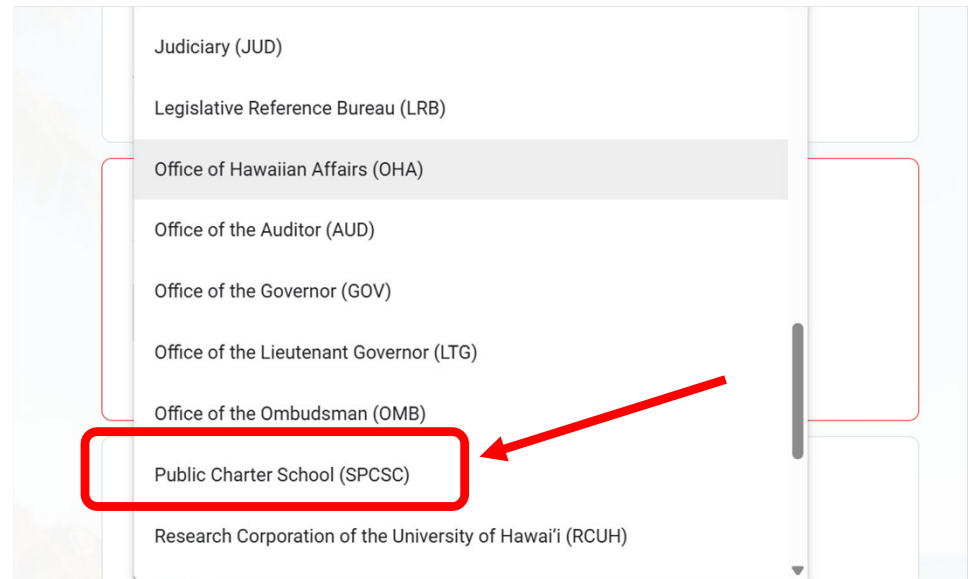
[LEARN MORE](#)

Self-Directed Training Modules for Charter Schools



At end of module: fill out training certificate

- Select “Public Charter School”
- Enter your first & last name, contact info
- Verify name & email is correctly entered



Keep a copy of your training completion certificate and remember to take a refresher in 4 yrs.

Contact us!



Email:

Info.ethics@hawaii.gov



Phone:

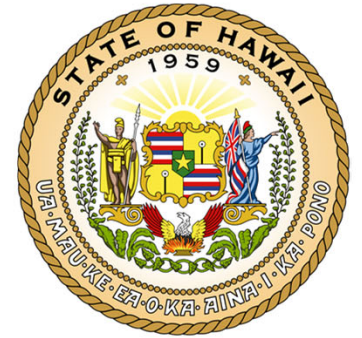
(808) 587-0460



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Mahalo!

Hawai'i State Ethics Commission

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