

# QUID PRO NO

School Officials and Conflicts of Interest:  
Issues Affecting Lawyers

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## LOCAL GOVERNMENT CODE CHAPTER 176 REPORTING REQUIREMENTS

Requires Local Government Officers and vendors to disclose certain business relationships, gifts, and family relationships

Recusal not required

## CHAPTER 176 REPORTING REQUIREMENTS

- Local Government Officer includes
  - Board members
  - Superintendent (chief executive)
  - Agent of district who exercises discretion in planning, recommending, selecting, or contracting of vendor
    - Agent is a third party who transacts business or manages an affair for and under authority of district, includes employee of district

### SECTION 176.003: DISCLOSURES BY LOCAL GOVERNMENT OFFICERS

- Disclosures required when a vendor is entering into a contract or considering entering into a contract with a district and one of the following:
  - Taxable (non-investment) income to LGO (or LGO family member) > \$2,500 in preceding 12 months
  - Gifts to LGO (or LGO family member) valued at \$100 or more in preceding 12 months
  - "Family relationship" between vendor and LGO (3rd degree by consanguinity or 2nd by affinity)
- Form CIS - Conflicts Disclosure Statement
- File by 5 p.m. on 7th business day after person becomes aware of facts requiring filing

## SECTION 176.003: DISCLOSURES BY LOCAL GOVERNMENT OFFICERS

### Disclosures not required for certain gifts

- Political contribution as defined by Election Code
- Food accepted as a guest
  - no longer applies to travel, lodging and entertainment
- Gift offered because of kinship or personal, professional, or business relationship independent of LGO status.

## SECTION 176.006: DISCLOSURES BY VENDORS

- Disclosures required by vendor based on the same three triggers in 176.003

- income, gift or “family relationship”

### Form CIQ - Conflicts Disclosure Statement

- File by 7th business day after later of the date the vendor:
  - begins discussions/negotiations to enter contract or submits written response or proposal to the district, OR
  - becomes aware of relationship or gift
- Duty to file updated questionnaire when statement becomes incomplete or inaccurate

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## Title search: Quid Pro No: School Officials and Conflicts of Interest

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First appeared as part of the conference materials for the  
35<sup>th</sup> Annual School Law Conference session

"Quid Pro No: School Officials and Conflicts of Interest "