

**PSCOC LEASE ASSISTANCE APPLICATION
ANNUAL CONFLICT OF INTEREST QUESTIONNAIRE
FOR SCHOOL YEAR 2018-2019**

Charter School Name: _____ School District: _____

The following definitions apply to this Questionnaire:

- **“Interested party”** An employee of a school district or charter school who has authority to procure or make decisions regarding procurement, purchasing or contracting on behalf of the district or charter school or an employee who is in a position to influence such decisions; or a member of a district school board or charter school governing body (collectively referred to as “governing body), who has a direct or indirect financial interest, as defined below.

- **“Financial interest”** A person has a financial interest if the person has, directly or indirectly, through business, investment, or family relationship:
 - a. An ownership or investment interest in any entity with which the school district or charter school has a transaction or arrangement (e.g. a property lease);
 - b. A compensation arrangement with the school district or charter school or with any entity or individual with which the school district or charter school has a transaction or arrangement; or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the school district or charter school is negotiating a transaction or arrangement.

- **“Family Member”** means a spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister or sister-in-law of a member of the governing body or the head administrator. *NMSA 1978 §22-8B-10 (2009).*

Please include as an attachment to this Questionnaire a current list of governing council members, a current list of school board and/or charter school foundation members, and if applicable, a copy of governing board minutes approving exception to anti-nepotism laws.

Question 1: Briefly describe the property selection process and actions taken to ensure that the leased premises were in the best interest of the district/school. _____

Question 2: Briefly describe how the lease premises support the current or future space needs of the district/school. _____

Question 3: Briefly describe how the determination was made that the negotiated lease was at or below fair market value. _____

Question 4: In selecting the leased facility was the site selected competitively from other potential school sites?

Yes _____ No _____

Describe the selection process, the number of sites considered, the number of offers made, and the reason the selected leased site was chosen: _____

_____ How
was it determined that the selected site and lease was a good value? _____

Question 5: Can any of the parties to the lease be considered an “interested party” or an immediate family member of an “interested party” as defined in definitions above?

Yes _____ No _____

If no, then skip Question 6 and proceed to Question 7.

Question 6: If you answered “Yes” to Question No. 5 provide the following information:

a. Which party to the lease has a financial interest? _____

b. Describe the financial interest of the party identified in 6.a. _____

c. Was the financial interest disclosed to the governing body prior to execution of the lease?

Yes _____ No _____

If yes, attach a copy of the governing body minutes of the meeting at which the financial interest was disclosed and/or any other documentation evidencing disclosure.

If no, explain why the financial interest was not disclosed prior to execution of the lease or whether some other consideration of the financial interest was made by the governing body or district/school employee executing the lease: _____

d. If the financial interest was not properly disclosed, describe possible remedies and justification of how the benefits of continuing the current lease outweigh the conflict. _____

Describe any hardship that would result if the PSCOC denied lease assistance. _____

Question 7: Does your district/charter school have a written Conflict of Interest policy and written disclosure of conflicts requirement?

Yes _____ No _____ If yes, attach a copy of your policy.

Question 8: If you do not have a written policy addressing conflict of interest, does your governing body or district/charter school have an internal rule or procedure that addresses entering into contracts with interested persons?
Yes _____ No _____
If yes, attach a copy of the written rule or procedure.

FOR STATE CHARTER SCHOOLS WITH A FOUNDATION HOLDING THE LEASE OR A LEASE PURCHASE AGREEMENT

Question 9: Does the school receive or possibly receive a benefit from a foundation that holds the lease or lease purchase agreement with the school for which lease assistance is requested, from monies that come from public sources, including lease reimbursement?
Yes _____ No _____

If yes, please identify the benefit received or which might be provided and the source of the public funds that are ultimately used by the foundation to provide this benefit.

Question 10: Does any interested party or other school employee sit on a foundation board or work for the foundation that holds the lease or lease purchase agreement with the school for which lease assistance is requested?
Yes _____ No _____
If yes, please answer the following questions:

What role does the employee or interested party have (a) at the school and (b) at the foundation?

Does the employee or interested party make decisions or have authority over finances at the foundation that ultimately may provide a benefit to the school (such as hiring school employees for additional services through the foundation or provide services for the school through the foundation) from monies that come from public sources, including lease reimbursement? If so, please describe the benefits that could be provided and the decisions or authority that the employee or interested party participate in.

Is a conflict of interest created due to the employee or interested party acting in one capacity at the school and another at the foundation? Please describe:

If the school does not believe that a conflict of interest is created, please describe why no conflict of interest has not been created?

CERTIFICATION

The undersigned hereby certify that to the best of their knowledge the answers to this questionnaire are true and accurate. If any of the answers to this Questionnaire change, the authorized representative of the district/charter school will notify the PSCOC through PSFA within thirty (30) days of the following:

the school does not believe that a conflict of interest exists at the school regarding issues disclosed above

the school believes that a potential conflict of interest exists at the school regarding issues disclosed above that has been addressed as follows: _____

Check one:

the lease and price negotiated for the property was in the best interest of the district/charter school and there were no violations of any conflict of interest laws.

a financial interest was not properly disclosed and the district/charter school requests an exception due to the undue hardship that will result to the district/charter school by avoiding the prohibited conflict when weighed against the public interest served.

due to extenuating circumstances the district/charter school requests additional time to respond.

School Board President or Governing Council President:

Date:

Print Name: _____
Print Title: _____

State Chartered Charter School Administrator:

Date:

Print Name: _____
Print Title: _____

Locally Chartered School District Superintendent or Designee:

Date:

Print Name: _____

School District: _____

Signatures certify that to the best of their knowledge the information contained herein is complete and accurate

Signatures and printed names of ALL Board Members or Governing Council members:

Date:

Print Name: _____

Date:

Print Name: _____

Date:

Print Name: _____

Date:

Print Name: _____

Date:

Print Name: _____

Date:

Print Name: _____

Date:

Print Name: _____

Date:

Print Name: _____

Date:

Print Name: _____

(Please Duplicate This Page For Additional Council Members)