



Press Release ***April 28, 2010***

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FOR IMMEDIATE RELEASE:

ETHICS COMMISSION ADVISES COMMUNITY SCHOOLS AND OTHERS ON ETHICS RESTRICTIONS AND FAMILY HIRES

At its April 22, 2010, meeting, the Ohio Ethics Commission approved formal Advisory Opinion No. 2010-01 explaining that the Ohio Ethics Law and related statutes fully apply to community school governing board members and officers.

Advisory Opinion No. 2010-01 also emphasizes that ethics statutes prohibit *all* community school board members, officers, and employees, including teachers, from hiring or using their influence to hire family members, authorizing contracts for themselves, or receiving improper compensation for performing their public duties. Ethics statutes also apply in the same manner to those serving public school districts. (A copy of the opinion is available on the Commission's Web site at this [link](#).)

Community schools are often called "charter schools." They are nonprofit, nonsectarian schools that receive public funding as part of the state's program of education. They operate under contracts with sponsoring organizations.

An earlier Ethics Commission advisory opinion – following Ohio's previous community school legislation – held that community schools were subject to the Ohio Ethics Law but that the General Assembly had authorized limited exceptions applicable to those serving on community school governing boards. Because recently enacted legislation removed those exceptions, the new advisory opinion specifically *overrules* the Commission's previous holding recognizing those exceptions, emphasizing that all ethics statutes fully apply to community school governing board members, and reaffirms the Commission's previous holding that the Ethics Law applies to community schools.

Advisory Opinion 2010-01 also notes that, while a legislative exception in Ohio's Ethics Law exempts teachers, where they do not have or exercise administrative and supervisory

duties, from some conflict of interest and post-employment prohibitions, those non-supervisory teachers are subject to all other ethics and related laws.

The Commission has also reissued a bulletin reminding public officials and employees that they cannot hire or secure public jobs for their family members. Because summer is a time when public agencies may hire temporary employees, the Commission has reminded public officials and employees that the purposes of Ohio's anti-nepotism restrictions are to ensure open and fair public employment hiring decisions for all citizens and to remove such decisions from improper family, business, or self-interest influences. (The bulletin is available on the Commission's Web site at [link](#).)

The Ohio Ethics Commission is an independent agency that oversees the Ohio Ethics Law for most state and local public officials and employees. The Commission can provide, on its own initiative or upon request, ethics advice to public officials before they act. The Commission has been serving the public and state and local government since its formation as part of the Ohio Ethics Law in 1973.