

INDIANA
STATE ETHICS COMMISSION

FEB 14 2019



ETHICS DISCLOSURE STATEMENT
CONFLICTS OF INTEREST – DECISIONS AND VOTING
State Form 55880 (R / 10-15)
OFFICE OF THE INSPECTOR GENERAL
IC 4-2-6-9

FILED

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name (last) Ernest	Name (first) Byron	Name (middle) L.
Name of office or agency Indiana State Board of Education	Job title Board Member, Secretary	
Address of office (number and street) 143 West Market Street	City Indianapolis	ZIP code 46204
Office telephone number (317) 232-2000	Office e-mail address (required) bernest@sboe.in.gov	

Describe the conflict of interest:

Due to Dr. Ernest's association with the Indiana State Board of Education ("Board"), he partakes in the Board's responsibilities regarding oversight of Indiana's lowest performing schools. As part of these responsibilities, the Board may authorize the State of Indiana ("State") to intervene in a school to improve a school's performance, which can result in the Indiana Department of Education ("IDOE") entering into contracts with private entities which the Board approves.

In August 2011, pursuant to IC 20-31-9 and IC 20-31-9.5, the Board authorized the State to intervene in a number of chronically failing schools, collectively ("Turnaround Academies").

With regard to these Turnaround Academies, the Board authorized IDOE to contract with Charter School's USA ("CSUSA") to serve as the operator of these schools and voted to approve the requisite contracts to accomplish this task. While Dr. Ernest was not a member of the Board at the time of the initial intervention, Dr. Ernest did vote to reaffirm the intervention status of these schools at the April 16, 2016, Board meeting. During subsequent Board meetings, Dr. Ernest voted to approve the CSUSA contract extensions and other matters related to funding the Turnaround Academies.

Dr. Ernest is currently employed with a company known as Noble Education Initiative ("NEI"). The focus of this position is teacher recruitment and teacher professional development. NEI is a Delaware not-for-profit company doing business in Florida and other states across the country. NEI provides a wide range of services including leadership, curriculum, career-tech program development, in addition to classroom and grant management, data analysis, auditing/evaluation, eight step process implementation and full school operations. As part of its business model, NEI contracts with CSUSA to provide services as a subcontractor for CSUSA for schools it operates in Florida, Georgia, Louisiana, Illinois, North Carolina, South Carolina and Indiana. CSUSA maintains ultimate authority to accept or deny NEI recommendations regarding the operations of the Turnaround Academies.

As a result of Dr. Ernest's employment with NEI, which did not begin until November 27, 2017, the Board's Ethics Officer sought guidance from the Office of the Inspector General, which ultimately resulted in an advisory opinion from the Indiana State Ethics Commission. Pursuant to the opinion issued by the Commission, Dr. Ernest agreed that he would not participate in any matters pertaining to CSUSA. During the February 6, 2019, Board meeting, an agenda item labeled "CSUSA Transition Update" was presented to the Board. This agenda item was for discussion purposes only, and no vote occurred. When the Board reached the CSUSA discussion item during the meeting, Dr. Ernest left the room and did not participate in the discussion.

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Describe the screen established by your ethics officer: (Attach additional pages as needed.)

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1. The Board's Ethics Officer shall monitor Dr. Ernest's involvement in any matter involving CSUSA or NEI to ensure that the screening procedures are followed
2. If any matter regarding CSUSA, including CSUSA's current contract, is presented to the Board for a vote or decision, Dr. Ernest will recuse himself from the vote and discussion, as well as submit an Ethics Disclosure Statement with the OIG
3. If any matter regarding NEI is presented to the Board for a vote or decision, Dr. Ernest will recuse himself from the vote and discussion, as well as submit an Ethics Disclosure Statement with OIG
4. Dr. Ernest will not be permitted access to any confidential information concerning CSUSA or NEI without the written approval of the Board's Ethics Officer
5. Board staff will screen Dr. Ernest from any and all involvement in matters involving CSUSA and NEI; further Board staff will refrain from any discussion in Dr. Ernest's presence that might be related to matters involving CSUSA or NEI
6. The involvement of Dr. Ernest on the Board and employment with NEI shall not serve as an endorsement by the Board of NEI or CSUSA
7. The Board's Ethics Officer will provide written notice to the OIG anytime the screening procedures are implemented
8. These screening procedures shall remain in place for the duration of Dr. Ernest's employment with NEI and his service as a Board member

All aspects of the screening process were adhered to by Dr. Ernest and the Board's Ethics Officer.

AFFIRMATION

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee

Date signed (month, day, year)

Printed full name of state officer, employee or special state appointee

Dr. Byron L. Ernest

2-6-2019

FOR ETHICS OFFICER USE ONLY

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer

Date signed (month, day, year)

Printed full name of ethics officer

Timothy A. Schultz

Timothy Schultz

2/6/19

Schultz, Timothy A

INDIANA

STATE ETHICS COMMISSION

From: Dr. Byron L. Ernest <byronerrest10@gmail.com>
Sent: Thursday, February 14, 2019 12:19 PM
To: Schultz, Timothy A
Cc: Kwiatkowski, Lee A (GOV)
Subject: Recusal February Meeting

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**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

I will be recusing myself from the discussion item involving CSUSA discussion at the February 6th meeting.

Positively,

Byron

Dr. Byron L. Ernest

Brewer, Dale L

FEB 14 2019

From: Schultz, Timothy A
Sent: Thursday, February 14, 2019 12:28 PM
To: IG Info **FILED**
Subject: Conflict of Interest – Decisions and Voting - Recusal Disclosure Form (Dr. Ernest)
Attachments: Ernest (disclosure form) (Feb 2019) (signed).pdf

Good afternoon:

Please find attached a disclosure statement pertaining to a member of the Indiana State Board of Education who recently recused himself from a vote/discussion.

If you have any questions please do not hesitate to contact me.

Thank you.

Timothy A. Schultz
General Counsel
Indiana State Board of Education
(O) 317.233.4088 | www.in.gov/sboe | F: 317.234.8726
143 W. Market, Suite 500, Indianapolis, IN 46204



INDIANA STATE BOARD OF EDUCATION

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