

New Code



Section: 100
Policy: 002
Revised: January 20, 2015

Conflict of Interest Policy

I. ADOPTION

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., the Forest Charter School hereby adopts this Conflict of Interest Code ("Code"), which shall apply to all governing board members and all other designated employees of Forest Charter School ("Charter School"), as specifically required by California Government Code Section 87300.

II. DEFINITION OF TERMS

As applicable to a California public charter school, the definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, specifically California Code of Regulations Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

III. DESIGNATED EMPLOYEES

Employees of this Charter School, including governing board members for election and/or appointment to the governing board, who hold positions that involve the making or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, shall be "designated employees." The designated positions are listed in "Exhibit A" attached to this policy and incorporated by reference herein.

IV. STATEMENT OF ECONOMIC INTERESTS: FILING

Each designated employee, including governing board members for election and/or appointment to the governing board, shall file a Statement of Economic Interest ("Statement") at the time and manner prescribed below, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee's position is assigned in "Exhibit A."

An investment, interest in real property or income shall be reportable, if the business entity in which the investment is held, the interest in real property, the business position, or source of income may foreseeably be affected materially by a decision made or participated in by the

designated employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in "Exhibit B."

Statements Filed With the Charter School. Statements of Economic Interests (Form 700) shall be filed with the Charter school's filing officer. The filing officer shall make and retain a copy and forward the original to the County Board of Supervisors.

V. DISQUALIFICATION

No designated employee shall make, participate in making, or try to use his/her official position to influence any Charter School decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family.

VI. MANNER OF DISQUALIFICATION

A. Non-Governing Board Member Designated Employees

When a non-Governing Board member designated employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Charter School Principal, who shall record the employee's disqualification. In the case of a designated employee who is head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority.

B. Governing Board Member Designated Employees

Governing Board members shall disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made part of the Board's official record. The Board member shall refrain from participating in the decision in any way (i.e., the Board member with the disqualifying interest shall refrain from voting on the matter and shall leave the room during Board discussion and when the final vote is taken) and comply with any applicable provisions of the Charter School bylaws.

EXHIBIT A

Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in "Exhibit B" (i.e., categories 1, 2, and 3).
 - A. Members of the Governing Board and their alternates (if applicable)
 - B. Executive Director of Charter School
 - C. Business Director of Charter School
 - D. Assistant Director of Charter School
 - E. Academic Dean of Charter School
 - F. Consultants¹

- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of "Exhibit B."
 - A. Not applicable.

- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of "Exhibit B."
 - A. Contractor.

¹ The Charter School Executive Director may determine, in writing, that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Charter School Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location of interest code.

EXHIBIT B

Disclosure Categories

Category 1 Reporting:

- A. Interest in real property which is located in whole or in part either (1) within the boundaries of the District, or (2) within two miles of the boundaries of the District, including any leasehold, beneficial or ownership interests or option to acquire such interest in real property.

(Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a 10% interest or greater.)

- B. Investments in or income from persons or business entities which are contractors or sub-contractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the District.

- C. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the jurisdiction.

(Investment includes any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interests.)

(Investments of any individual include a pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.)

(Investment does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.)

Category 2 Reporting:

- A. Investments in or income from business entities which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Charter School Executive Director Investments include interests described in Category 1.

Category 3 Reporting:

- A. Investments in or income from business entities which are contractors or sub-contractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Charter School Executive Director. Investments include the interests described in Category 1.

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NEVADA COUNTY
BOARD SUPERVISORS**Forest Charter School
Board Policy – BP 2710****ADMINISTRATION****Conflict of Interest**

The Forest Charter School shall adopt and promulgate Conflict of Interest Codes in compliance with the Political Reform Act, Government Code section 81000, et seq. The Fair Political Practices Commission has adopted a standard set of regulations which contains the terms of the Conflict of Interest Code. (CCR, Title 2, Sec. 18730)

The standard regulations, enumerated in California Code of Regulations, Title 2, Sec. 18730, are hereby incorporated by reference. The Forest Charter School, and designated employees shall abide by the terms of the standard regulation. Statements of Economic Interests (Form 700) shall be filed with the Nevada County Board of Supervisors pursuant to Section 4 of the standard regulations.

DESIGNATED POSITIONS:

Charter Council Members
Director/Principal
Business Manager
Consultants

All employees described in the section above, DESIGNATED POSITIONS, shall file with Forest Charter School.

REQUIRED DISCLOSURE Government Code §§ 87100, et seq.

Governing Council members and designated employees assigned to this category must report:

- a. Interests in real property which are located in whole or in part:
 1. within the boundaries of the District
 2. within two miles of the boundaries of the District, or
 3. within two miles of any land owned or used by the District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments in business entities or income from sources which engage in the acquisition of real property within the jurisdiction.
- c. Investments in business entities or income from sources which:
 1. are contractors or subcontractors engaged in the performance of work or services of the type utilized by the District, or
 2. which manufacture or sell supplies, books, machinery or equipment of the type utilized by the employee's department. For the purposes of this category a principal's department is the entire school.

CONSULTANTS

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation.

The Director may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Legal Reference: G.C. §§ 81000-91015, 87100, 87200-87313, et seq.
California Code of Regulations Sections - 18701(a) and 18701(a)(2)
FPPC Regulation - 18730

Approved by Board of Supervisors at its August 12, 2008 meeting.