

**Conflict of Interest Code of the  
Milpitas Unified School District**

The provisions of 2 CCR § 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the District's Conflict of Interest Code. The full text of 2 CCR § 18730 may be found at <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>.

Governing Board members and designated employees shall file Statements of Economic Interest/Form 700 in accordance with the disclosure categories listed in the Appendix. The Statements of Economic Interests shall be filed with the District's Filing Official or designee (in the Superintendent's Office). If Statements are received in signed paper format, the district's filing official shall make and retain a copy and forward the original of this Statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If Statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both the district's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive notice and access to the e-filed Statement simultaneously.

All persons assuming a designated position must file a statement within 30 days of assuming office; all designated employees shall file annual statements no later than April 1<sup>st</sup>; all persons leaving a designated position must file a statement within 30 days after leaving office.

The District's Filing Official or designee shall make the statements available for public review and inspection subject to Government Code section 81008.

**APPENDIX**

**Exhibit A  
*Designated Positions***

<u>Designated Position</u>	<u>Disclosure Category</u>
Governing Board Member	1
Assistant Principal	2
Assistant Superintendent of Business Services	1
Assistant Superintendent of Human Relations	1
Assistant Superintendent of Learning and Development	1
Coordinator II, Learning and Development	2
Coordinator of Child Development Centers	2
Coordinator of Early Childhood	2

**MILPITAS UNIFIED SCHOOL DISTRICT  
POLICIES AND BYLAWS  
CONFLICT OF INTEREST**

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Coordinator of Student Services	2
Director of Bond/Facilities	1
Director of Business Services	1
Director of Facilities and Modernization	2
Director of Human Relations	2
Director of Learning and Development	2
Director of Maintenance, Operations and Transportation	2
Director of Student Nutrition	2
Director of Student Services	2
Director of Technology Services	2
Executive Director of Human Relations	2
Information Systems Manager/Network Manager	2
Principal	2
Program Manager, Special Education	2
Purchasing/Contracts/Bond Budget Manager	1
Student Information Systems Manager	2
Superintendent of Schools	1
Supervisor, BIT	2
Supervisor, Business Services	2
Supervisor, Maintenance, Operations, Transportation	2
Supervisor, Network Systems Administrator	2
Supervisor, Student Nutrition	2
Consultant	3
Newly Created Position	*

**\*Newly Created Positions**

Newly Created Positions that make or participate in the making of governmental decisions that may foreseeably have a material effect on any financial interest, and which specific position title is not yet listed in the district's conflict of interest code are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Superintendent or designee may determine in writing that a particular newly created position, 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 broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Superintendent or designee'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. (Gov. Code Section 81008.)

As soon as the district has a newly created position that must file statements of economic interests, the district's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's

electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the exact position title of the newly created position into eDisclosure and the district's filing official shall ensure that any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the district shall update this conflict-of-interest code to reflect the exact position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

Exhibit B  
Disclosure Categories

1. **Category 1:** A person designated in Category 1 shall disclose:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the District; and
  - b. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the District, or manufacture or sell supplies, books, machinery, or equipment of the type used by the District.

**Category 2:** A person in Category 2 shall disclose:

- a. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs; and
- b. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

2. **Category 3:** Disclosures for Consultants

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the conflict of interest code, subject to the following limitation: The Superintendent or designee 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 comply fully with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the District, makes a government decision whether to: (2 CCR 18700.3)

- (i) Approve a rate, rule, or regulation;
- (ii) Adopt or enforce a law;
- (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
- (iv.) Authorize the agency to enter into, modify, or renew a contract provided is the type of contract that requires agency approval;
- (v.) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
- (vi.) Grant agency approval to a plan, design, report, study, or similar item;
- (vii.) Adopt, or grant agency approval of, policies, standards, or guidelines, for the agency, or for any subdivision thereof; or

A consultant is also an individual who, pursuant to a contract with the District, serves in a staff capacity with the District, and in that capacity participates in making governmental decision as defined in Regulation 18704 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's Conflict of Interest Code under Government Section 87302.

**Initial Adoption by the Board:**

1/25/77

**Amended:**

5/23/78

1/25/83

1/27/87

6/11/96

2/08/11

05/14/13 (Code approved by the Co. of Santa Clara Board of Supervisors)