

CONFLICT OF INTEREST

RESOLUTION 2019-10-18-01  
ADOPTING UPDATED CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the San José Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the San José Unified School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the San José Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Positions and Disclosure Categories.

PASSED AND ADOPTED by the Governing Board of the San José Unified School District, San José, California this 18th day of October, 2018 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Nancy Albarrán  
Superintendent and Secretary  
Governing Board of Education

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Susan Ellenberg  
Board President  
Governing Board of Education

## CONFLICT OF INTEREST (continued)

Conflict of Interest Code of the  
San José 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 interests/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The statements of economic interests shall be filed with the district's filing official. If a statement is 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 a statement is 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 access to the e-filed statement simultaneously.

The district shall make the statements available for public inspection and reproduction pursuant to Government Code section 81008.

## CONFLICT OF INTEREST (continued)

## APPENDIX

Designated Position	Disclosure Category
Administrator-Benefits	2
Administrator-Capital Projects & Accounting	2
Administrator-Data Integration Reporting	2
Administrator-Facility Project Management	2
Administrator-Human Relations	2
Administrator-Human Resources Systems	2
Administrator-Payroll	2
Administrator-Police Chief	2
Administrator-Research & Evaluation	2
Administrator-Strategic Projects	2
Administrator-Student Enrollment & Interdistrict Transfers	2
Administrator-Student Information & Enrollment Center	2
Assistant Superintendent-Administrative Services	1
Associate Superintendent-Instruction	1
Chief Business Officer	1
Consultant	3
Deputy Superintendent	1
Director-Business Support Services	2
Director-Curriculum & Instruction Secondary	2
Director-Curriculum & Instruction Elementary	2
Director-Educational Equity	2
Director-Facilities	1
Director-Finance	1
Director-Human Resources	2
Director-Special Education	2
Director-Student Operational Services	2
Director-Student Support Services	2
Director-Technology & Information Systems	2
Governing Board Member	1
Manager-Academic Supports	2
Manager-Bilingual Elementary	2
Manager-Bilingual Secondary	2

## CONFLICT OF INTEREST (continued)

Designated Position	Disclosure Category
Manager-Curriculum Elementary	2
Manager-Discipline	2
Manager-Early Education	2
Manager-Facilities & Construction	1
Manager-Guidance	2
Manager-Health & Family Support Services	2
Manager-Maintenance	2
Manager-Operations	2
Manager-Parent Education & Involvement	2
Manager-Purchasing & Contract Management	2
Manager-Risk Management	2
Manager-Secondary Education	2
Manager-Special Education	2
Manager-Student Nutrition	2
Manager-Transportation	2
Master Principal Leader Elementary	2
Principal-Broadway	2
Principal-Elementary School	2
Principal-High School	2
Principal-K-8 School	2
Principal-Middle School	2
Public Information Officer	2
Superintendent	1
Supervisor-Culinary Student Nutrition Services	2
Supervisor-Enrollment Center	2
Supervisor-Facilities	2
Supervisor-Food Services Field Operations	2
Supervisor-Technology Services	2
Supervisor-Transportation	2
Newly Created Position	*

## CONFLICT OF INTEREST (continued)

<b>Designated Position</b>	<b>Disclosure Category</b>
<b>Governing Board Member</b>	<b>1</b>
<b>Superintendent</b>	<b>1</b>
<b>Deputy Superintendent</b>	<b>1</b>
<b>Associate Superintendent</b>	<b>1</b>
<b>Assistant Superintendent</b>	<b>1</b>
<b>Director</b>	<b>1</b>
<b>Principal</b>	<b>2</b>
<b>Manager</b>	<b>2</b>
<b>Assistant Manager</b>	<b>2</b>
<b>Consultant</b>	<b>3</b>
<b>Newly Created Position</b>	<b>*</b>

## \*Newly Created Positions

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the district's conflict of interest code is 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 are 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 district'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 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 actual position title of the newly created position into eDisclosure and the district 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 add the actual

## CONFLICT OF INTEREST (continued)

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.)

## Disclosure Categories

1. Category 1: A person designated 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 that are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors that 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.
2. Category 2: A person designated Category 2 shall disclose:
  - a. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources that are contractors or subcontractors engaged in work or services of the type used by the department that the designated person manages or directs; and
  - b. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources that manufacture or sell supplies, books, machinery, or equipment of the type used by the department that the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.
3. 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 District's 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 are 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 a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## CONFLICT OF INTEREST (continued)

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

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

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 a governmental decision as defined in 2 CCR 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. (2 CCR 18700.3)