



## **1.0 Purpose**

- 1.1 The Government Code requires public entities to adopt and maintain a conflict of interest code. As a nonprofit, public charter school the Governing Board recognizes the value in avoiding conflicts of interest within its governance structure. The purpose of this policy is to protect the Nord Country School (“Charter School”) against private interests and to assist the Board in recognizing and avoiding these conflicts.

## **2.0 Adoption**

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

## **3.0 Designated Employees**

- 3.1 Employees of the Charter School, including Board members, 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.

## **4.0 Statement of Economic Interest – Time of Filing**

- 4.1 Each designated employee, including Board members, 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.
- 4.2 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 by participation in the decision 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.

## **5.0 Statements Filed With Charter School**

- 5.1 All Statements shall be supplied by the Charter School. All Statements shall be retained on file at the Charter School.

## **6.0 Disqualification**

- 6.1 No designated employee shall make, participate in making, or attempt 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 or on:
  - 6.1.1 Any business entity or real property in which the designated employee has a direct or indirect investment or interest worth two thousand dollars (\$2,000) or more.
  - 6.1.2 Any source of income aggregating five hundred dollars (\$500) or more in value provided or promised to, or received by, the designated employee within twelve months prior to the decision. (This category does not include gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status.)
  - 6.1.3 Any business entity in which the designated employee is the director, officer, partner, trustee, employee, or holds any position of management.
  - 6.1.4 Any donor of gifts totaling \$460 or more in value provided or promised to the designated employee within twelve months prior to the decision; any intermediary or agency for such a donor.
- 6.2 No designated employee shall be prevented from making or participating in any decision to the extent that his/her participation is legally required for the decision to be made. (The need to break a tie vote does not make the designated employee's participation legally required.)

## **7.0 Manner of Disqualification**

- 7.1 When a designated employee (who is not a member of the Governing Board) 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 Administrator, 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.
- 7.2 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 then refrain from participating in the decision in any way.

## **8.0 Definition of Terms**

- 8.1 As applicable to a 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.

## 9.0 Designated Positions – Exhibit A

| <u>Designated Position</u>   | <u>Assigned Disclosure Category</u> |
|--|-------------------------------------|
| Members of the Governing Board   | 1, 2, 3                             |
| Nonprofit Corporate Officers (i.e. President, Vice-Presidents, Secretary and/or Co-Secretaries, and Treasurer) | 1, 2, 3                             |
| Principal of Charter School  | 1, 2, 3                             |
| Chief Business Officer   | 1, 2, 3                             |
| Consultants  | *                                   |

\*Consultants 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 Principal of Charter School 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 Principal of Charter School'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.)

## 10.0 Disclosure Categories – Exhibit B

### 10.1 Category One Reporting

- 10.1.1 Interests in real property which are located in whole or in part within the boundaries (and a two-mile radius) of the county in which Nord Country School operates.
- 10.1.2 Investments in, income, including gifts, loans, and travel payments, from, and business positions in any business entity of the type which engages in the acquisition or disposal of real property or are engaged in building construction or design.
- 10.1.3 Investments in, income, including gifts, loans, and travel payments, from, and business positions in any business entity of the type which engages in, the manufacture, sale, repair, rental or distribution of school supplies, books, materials, school furnishings or equipment to be utilized by Nord Country School.

### 10.2 Category Two Reporting

- 10.2.1 Investments in, income, including gifts, loans, and travel payments, from, and business positions in any business entity of the type which engages in the

manufacture, sale, repair, rental or distribution of school supplies, books, materials, school furnishings or equipment to be utilized by Nord Country School, its parents, teachers and students for educational purposes. This includes, but is not limited to, educational supplies, textbooks and items used for extracurricular courses.

### 10.3 Category Three Reporting

10.3.1 Investments in, income, including gifts, loans, and travel payments, from, sources which are engaged in the performance of work or services of the type to be utilized by Nord Country School, its parents, teachers and students for educational purposes. This includes, but is not limited to, student services commonly provided in public schools such as speech therapists and counselors.

## **11.0 Adoption and Review**

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|------|---------------------|------------|
| 11.1 | Originally Adopted: | 6/14/2005  |
| 11.2 | Most Recent Review: | 10/28/2020 |