February 4, 2015

TO: Santa Clara County Board of Education
FROM: Anna Song, Chair, Policy Development Subcommittee
VIA: Jon R. Gundy, County Superintendent of Schools
SUBJECT: Second Reading of Revised Board Policy 5144 and Board Bylaw 9270

Associated Goals
GOAL 4: Improve organizational effectiveness and efficiency

Background
On November 19, 2014 the Policy Development Subcommittee met and approved the revision of the following Board Policy and Board Bylaw:

BP 5144 Discipline
Policy updated to reflect new federal guidance encouraging the use of disciplinary measures that provide appropriate interventions and supports rather than exclusionary discipline practices (e.g., suspension and expulsion). Policy also reflects new law (AB 97, 2013) which requires the district's LCAP to include goals for addressing student engagement and school climate and adds optional language related to the establishment of a discipline matrix listing consequences associated with various violations. BP updated to include information from BP 5144.1 Suspension and Expulsion/Due Process as it relates to county offices of education.

BB 9270 Conflict of Interest
Required annual update to policy and additions/modifications to the list of designated positions that are required to file statements of economic interests.

Fiscal Implications
The proposed revision has no fiscal implications.

Requested Action
Second reading and adoption of revised Board Policy 5144 and Board Bylaw 9270
Santa Clara County Office of Education
Board Policy
Discipline/Suspension and Expulsion/Due Process

BP 5144
Students

The Santa Clara County Board of Education (County Board) desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Board believes that high expectations for student behavior, effective classroom management, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as means for correcting student misbehavior. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

The Santa Clara County Office of Education (SCCOE) has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated it may be necessary to remove a student from SCCOE programs.

The County Superintendent of Schools (County Superintendent) or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at SCCOE schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of SCCOE discipline policies and practices.

In addition, the County Superintendent or designee's strategies shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.5 - Student Success Teams)

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be those specified in law and/or administrative regulation.

The SCCOE shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The County Superintendent or designee shall comply with procedures for notices and appeals as specified in law and/or administrative regulation. (Education Code 48911, 48915, 48915.5)

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

The administrative staff at each site may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and SCCOE regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 35291.5, 32282)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 9320 - Meetings and Notices)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the SCCOE’s nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

SCCOE goals for improving school climate shall be included in the SCCOE’s local control and accountability plan, as required by law.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)
Legal Reference:
CIVIL CODE
1714.1 Parental liability for child's misconduct
EDUCATION CODE
32280-32288 School safety plans
35146 Closed sessions
35291 Rules
35291.5-35291.7 School-adopted discipline rules
48900-48926 Suspension and expulsion
48980-48985 Notification of parents or guardians
49000-49001 Prohibition of corporal punishment
49330-49335 Injurious objects
CODE OF REGULATIONS, TITLE 5
307 Participation in school activities until departure of bus
353 Detention after school

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and
Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009
CDE PROGRAM ADVISORIES
Classroom Management: A California Resource Guide for Teachers and Administrators of
Elementary and Secondary Schools, 2000
STATE BOARD OF EDUCATION POLICIES
01-02 School Safety, Discipline, and Attendance, March 2001
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January
2014
WEB SITES
CDE: http://www.cde.ca.gov
USDOE, Office of Civil Rights: http://www.ed.gov/about/offices/list/ocr
CSBA: http://www.csba.org
Public Counsel: http://www.fixschooldiscipline.org

Policy adopted: October 20, 2010
revised: February 4, 2015

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
Santa Clara County Office of Education
Board Policy
Discipline/Suspension and Expulsion/Due Process

BP 5144
Students

The Santa Clara County Board of Education (County Board) desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Board believes that high expectations for student behavior, effective classroom management, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinedisciplinary measures that exclude students from instruction as means for correcting student misbehavior. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

The Santa Clara County Office of Education (SCCOE) has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated it may be necessary to remove a student from SCCOE programs.

The County Superintendent of Schools (County Superintendent) or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at SCCOE schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of SCCOE discipline policies and practices.

In addition, the County Superintendent or designee's strategies shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required by law or when other means of correction have been documented to have failed. (Education Code 48900.5)
Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be those specified in law and/or administrative regulation.

The SCCOE shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The County Superintendent or designee shall comply with procedures for notices and appeals as specified in law and/or administrative regulation. (Education Code 48911, 48915, 48915.5)

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

The administrative staff at each site may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and SCCOE regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 35291.5, 32282)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the SCCOE's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)
SCCOE goals for improving school climate shall be included in the SCCOE’s local control and accountability plan, as required by law.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student’s behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5136 - Gangs)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.5 - Student Success Teams)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Santa Clara County Superintendent of Schools or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Legal Reference:

CIVIL CODE
1714.1 Parental liability for child's misconduct
EDUCATION CODE
32280-32288 School safety plans
Closed sessions
Rules
School-adopted discipline rules
Weekend classes
Restriction from recess
Suspension and expulsion
Notification of parents or guardians
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Participation in school activities until departure of bus
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Management Resources:
CSBA PUBLICATIONS
Protecting Our Schools: District Strategies to Combat School Violence, 1999
Providing a Safe, Nondiscriminatory School Environment for Transgender and
Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CDE PROGRAM ADVISORIES
Physical Exercise as Corporal Punishment, CIL 89/9-3
Corporal Punishment, CIL: 88/9-5
Classroom Management: A California Resource Guide for Teachers and Administrators of
Elementary and Secondary Schools, 2000
STATE BOARD OF EDUCATION POLICIES
School Safety, Discipline, and Attendance, March 2001
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USDOE, Office of Civil Rights: http://www.ed.gov/about/offices/list/ocr
CSBA: http://www.csba.org
Public Counsel: http://www.fixschooldiscipline.org

SANTA CLARA COUNTY OFFICE OF EDUCATION
Policy adopted: October 20, 2010   San Jose, California
The Santa Clara County Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the county office of education and the public. In accordance with law, County Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

(cf. 9005 - Governance Standards)

The County Board shall adopt a resolution that specifies the terms of the county office of education's conflict of interest code, the county office of education's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the County Board shall review the county office of education's conflict of interest code and submit any changes to the code reviewing body.

When a change in the county office of education's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the county office of education's conflict of interest code, the Santa Clara County Superintendent of Schools or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

County Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the county office of education's conflict of interest code. A County Board member who leaves office or a designated employee who leaves county office of education employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or county office of education employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)
(cf. 9222 - Resignation)
Conflict of Interest under the Political Reform Act

A County Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the County Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the County Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A County Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the county office of education to any course of action, or enters into any contractual agreement on behalf of the county office of education. (2 CCR 18702.1)

A County Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the County Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A County Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the County Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Conflict of Interest under Government Code 1090

County Board members, employees, or county office of education consultants shall not be financially interested in any contract made by the County Board on behalf of the county office of education, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a County Board member has such a financial interest, the county office of education is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A County Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a County Board member's spouse/registered domestic partner has been a county office of education employee for at least one year prior to the County Board member's election or appointment. (Government Code 1091.5)

A County Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a County Board meeting and noted in the official County Board minutes. The affected County Board member shall not vote or debate on the matter or attempt to influence any other County Board member to enter into the contract. (Government Code 1091)
Even if there is not a prohibited conflict of interest, a County Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a County Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the County Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Common Law Doctrine Against Conflict of Interest

A County Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a County Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Incompatible Offices and Activities

County Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the County Board member's duties as an officer of the county office of education. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

County Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the county office of education for County Board members and designated employees. (Government Code 89506)
Honoraria

County Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches

2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the county office of education for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:
EDUCATION CODE
1006 Qualifications for holding office
35107 School district employees
35230-35240 Corrupt practices, especially:
35233 Prohibitions applicable to members of governing boards
41000-41003 Moneys received by school county offices of education
FAMILY CODE
297.5 Rights, protections, and benefits of registered domestic partners
GOVERNMENT CODE
1090-1099 Prohibitions applicable to specified officers
1125-1129 Incompatible activities
81000-91014 Political Reform Act of 1974, especially:
82011 Code reviewing body
87100-87103.6 General prohibitions
87200-87210 Disclosure
87300-87313 Conflict of interest code
87500 Statements of economic interests
89501-89503 Honoraria and gifts
91000-91014 Enforcement
PENAL CODE
85-88 Bribe's
CODE OF REGULATIONS, TITLE 2
18110-18997 Regulations of the Fair Political Practices Commission, especially:
18702.5 Public identification of a conflict of interest for Section 87200 filers
COURT DECISIONS
ATTORNEY GENERAL OPINIONS

Management Resources:
CSBA PUBLICATIONS
Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS
Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
WEB SITES
CSBA: http://www.csba.org
Institute of Local Government: http://www.ca-ilg.org

Note: This document is the conflict of interest code for Santa Clara County Office of Education and is subject to statutory requirements for review and approval by the County Board of Supervisors. In order to be effective by law, any time updates are to be made to this section, the Human Resources Office must be consulted and the code amendment must be sent to the County of Santa Clara Office of the County Counsel for review and code-reviewing body approval by the County Board of Supervisors pursuant to Government Code section 87303.

Bylaw SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted: November 2, 2011 San Jose, California
revised: October 17, 2012
revised: September 18, 2013
RESOLUTION ADOPTING A
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 Santa Clara County Office of Education 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 SCCOE'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 Santa Clara County Office of Education 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 Santa Clara County Office of Education's conflict of interest code shall be rescinded and superseded by this resolution and Appendix;

NOW THEREFORE BE IT RESOLVED that the Santa Clara County Office of Education Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day of __________, ________ at a meeting, by the following vote:

AYES:_____ NOES:_____ ABSENT:_____

Attest:

______________________________
Board President
Conflict of Interest Code of the
Santa Clara County Office of Education

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Exhibits specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the SCCOE's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interests/Form 700 in accordance with the disclosure categories listed in the attached Exhibits. The Statement of Economic Interests shall be filed with the SCCOE's filing official and with the SCCOE’s code reviewing body. If statements are received in signed paper format, the SCCOE’s filing official shall make and retain a copy and forward the original of this statement to the SCCOE’s 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 SCCOE’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.

The SCCOE’s filing official shall make the statements available for public inspection and reproduction pursuant to Government Code section 81008.

This document is the conflict of interest code for Santa Clara County Office of Education and is subject to statutory requirements for review and approval by the County Board of Supervisors. In order to be effective by law, any time updates are to be made to this section, the Human Resources Office must be consulted and the code amendment must be sent to the County of Santa Clara Office of the County Counsel for review and code-reviewing body approval by the Count Board of Supervisors pursuant to Government Code section 87303.
<table>
<thead>
<tr>
<th>Designated Position</th>
<th>Disclosure Category</th>
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<tbody>
<tr>
<td>Member of the Board of Education</td>
<td>1</td>
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<tr>
<td>County Superintendent of Schools</td>
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<td>Deputy Superintendent</td>
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<td>Chief Strategy Officer</td>
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<td>Chief Academic Officer</td>
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<td>Chief Business Officer</td>
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<td>Chief Human Resources Officer</td>
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<td>Chief Schools Officer</td>
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<tr>
<td>Chief Technology Officer</td>
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<td>General Counsel</td>
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<td>Administrator Charter Schools</td>
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<td>Assistant Controller</td>
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<td>Buyer</td>
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<td>Buyer, Senior</td>
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<tr>
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<td>Controller</td>
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<td>Consultant</td>
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<td>Director - Alternative Education</td>
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<tr>
<td>Assistant Director – Alternative Education</td>
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<tr>
<td>Director – Curriculum &amp; Instruction</td>
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<td>Director – District Business Services</td>
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<td>Director – District &amp; Leadership Support</td>
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<td>Director - Early Learning Services</td>
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<td>Director – Early Start</td>
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<td>Director - Environmental Education</td>
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<td>Director - General Services</td>
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<td>Director – Head Start</td>
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<td>Director – Human Resources</td>
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<td>Director – Information Systems</td>
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<td>Director - Internal Business Services</td>
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<td>Director – Media &amp; Communication Services</td>
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<td>Director – Multilingual Education Services</td>
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<td>Director – Migrant Education</td>
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<td>Director - Special Education</td>
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<td>Assistant Director – Special Education</td>
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<td>Director – STEAM Program</td>
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<td>Director – Special Projects</td>
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<td>Director – State &amp; Federal Programs</td>
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<td>Director – State Preschool</td>
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<tr>
<td>Director – Technology Programs &amp; Instructional Support</td>
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</tbody>
</table>
Internal Auditor 2
Manager – Application Support 2
Manager – State & Federal Programs 2
Manager – Head Start Planning & Support 2
Manager - Purchasing Services 2
Manager – Risk & Liability 2
Manager - Network & Technical Support Services 2
Manager - Special Education Programs 2
Manager – Systems Administration 2
Manager – Web Services & Application Development 2
Supervisor – Food Services 2
Supervisor – Foster Youth 1
Supervisor – Maintenance and Operations 2
Supervisor - Print Services 2
Newly Created Position *
Newly Created Positions

Newly Created Positions that make or participate in the making of decisions that may foreseeably have a material effect on any financial interest, and which specific position title is not yet listed in an SCCOE'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 SCCOE'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 SCCOE has a newly created position that must file statements of economic interests, the SCCOE'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 SCCOE'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 SCCOE 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 county boundaries, or within two miles of county boundaries or of any land owned or used by the SCCOE; and
   b. Investments in, business positions in, and income (includes gifts, loans, and travel payments) from sources which are engaged in the acquisition or disposal of real property within the SCCOE’s boundaries, 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 SCCOE, or manufacture or sell supplies, book, machinery, or equipment of the type used by the SCCOE.

2. Category 2: A person designated in Category 2 shall disclose:
   a. Investments in, business positions in, and income (includes gifts, loans, and travel payments) from sources which are contractors or subcontractors engaged in work services of the type used by the department which the designated person manages or directs.
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3. Disclosure for Consultants
   a. Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the SCCOE’s conflict of interest code subject to the following limitation: The County 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.

For disclosure purposes a consultant is defined in Regulation 2 CCR 18701.
Santa Clara COE
Board Bylaw
Conflict Of Interest

BB 9270
Board Bylaws

The Santa Clara County Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the county office of education and the public. In accordance with law, County Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

(cf. 9005 - Governance Standards)

The County Board shall adopt a resolution that specifies the terms of the county office of education's conflict of interest code, the county office of education's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the County Board shall review the county office of education's conflict of interest code and submit any changes to the code reviewing body.

When a change in the county office of education's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the county office of education's conflict of interest code, the Santa Clara County Superintendent of Schools or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

County Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the county office of education's conflict of interest code. A County Board member who leaves office or a designated employee who leaves county office of education employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or county office of education employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)
(cf. 9222 - Resignation)
Conflict of Interest under the Political Reform Act

A County Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the County Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the County Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A County Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the county office of education to any course of action, or enters into any contractual agreement on behalf of the county office of education. (2 CCR 18702.1)

A County Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the County Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A County Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the County Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Conflict of Interest under Government Code 1090

County Board members, employees, or county office of education consultants shall not be financially interested in any contract made by the County Board on behalf of the county office of education, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a County Board member has such a financial interest, the county office of education is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A County Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a County Board member's spouse/registered domestic partner has been a county office of education employee for at least one year prior to the County Board member's election or appointment. (Government Code 1091.5)

A County Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a County Board meeting and noted in the official County Board minutes. The affected County Board member shall not vote or debate on the matter or attempt to influence any other County Board member to enter into the contract. (Government Code 1091)
Even if there is not a prohibited conflict of interest, a County Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a County Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the County Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Common Law Doctrine Against Conflict of Interest

A County Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a County Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Incompatible Offices and Activities

County Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the County Board member's duties as an officer of the county office of education. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

County Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the county office of education for County Board members and designated employees. (Government Code 89506)
Honoraria

County Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches

2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the county office of education for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:
EDUCATION CODE
1006 Qualifications for holding office
35107 School district employees
35230-35240 Corrupt practices, especially:
35233 Prohibitions applicable to members of governing boards
41000-41003 Moneys received by school county offices of education
FAMILY CODE
297.5 Rights, protections, and benefits of registered domestic partners
GOVERNMENT CODE
1090-1099 Prohibitions applicable to specified officers
1125-1129 Incompatible activities
81000-91014 Political Reform Act of 1974, especially:
82011 Code reviewing body
87100-87103.6 General prohibitions
87200-87210 Disclosure
87300-87313 Conflict of interest code
87500 Statements of economic interests
89501-89503 Honoraria and gifts
91000-91014 Enforcement
PENAL CODE
85-88 Bribe
CODE OF REGULATIONS, TITLE 2
18110-18997 Regulations of the Fair Political Practices Commission, especially:
18702.5 Public identification of a conflict of interest for Section 87200 filers
COURT DECISIONS
ATTORNEY GENERAL OPINIONS  

Management Resources:  
CSBA PUBLICATIONS  
Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010  
FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS  
Can I Vote? A Basic Overview of Public Officials’ Obligations Under the Conflict-of-Interest Rules, 2005  
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS  
Understanding the Basics of Public Service Ethics: Transparency Laws, 2009  
WEB SITES  
CSBA: http://www.csba.org  
Institute of Local Government: http://www.ca-ilg.org

Note: This document is the conflict of interest code for Santa Clara County Office of Education and is subject to statutory requirements for review and approval by the County Board of Supervisors. In order to be effective by law, any time updates are to be made to this section, the Human Resources Office must be consulted and the code amendment must be sent to the County of Santa Clara Office of the County Counsel for review and code-reviewing body approval by the County Board of Supervisors pursuant to Government Code section 87303.

Bylaw SANTA CLARA COUNTY OFFICE OF EDUCATION  
adopted: November 2, 2011 San Jose, California  
revised: October 17, 2012  
revised: September 18, 2013
RESOLUTION ADOPTING A
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 Santa Clara County Office of Education 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 SCCOE'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 Santa Clara County Office of Education 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 Santa Clara County Office of Education's conflict of interest code shall be rescinded and superseded by this resolution and Appendix;

NOW THEREFORE BE IT RESOLVED that the Santa Clara County Office of Education Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS ______ day of __________, ______ at a meeting, by the following vote:

AYES:____ NOES:____ ABSENT:____

Attest:

__________________________________
Board President
Conflicts of Interest Code of the
Santa Clara County Office of Education

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Exhibits specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the SCCOE's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interests/Form 700 in accordance with the disclosure categories listed in the attached Exhibits. The Statement of Economic Interests shall be filed with the SCCOE's filing official and with the SCCOE's code reviewing body. If statements are received in signed paper format, the SCCOE's filing official shall make and retain a copy and forward the original of this statement to the SCCOE's 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 SCCOE'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.

The SCCOE's filing official shall make the statements available for public review and inspection and reproduction pursuant to Government Code section 81008.

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EXHIBIT A
Designated Positions

<table>
<thead>
<tr>
<th>Designated Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member of the Board of Education</td>
<td>1</td>
</tr>
<tr>
<td>County Superintendent of Schools</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Chief Strategy Officer</td>
<td>1</td>
</tr>
<tr>
<td>Chief Academic Officer</td>
<td>2</td>
</tr>
<tr>
<td>Chief Business Officer</td>
<td>1</td>
</tr>
<tr>
<td>Chief Human Resources Officer</td>
<td>2</td>
</tr>
<tr>
<td>Chief Schools Officer</td>
<td>1</td>
</tr>
<tr>
<td>Chief Technology Officer</td>
<td>2</td>
</tr>
<tr>
<td>General Counsel</td>
<td>1</td>
</tr>
<tr>
<td>Administrator Charter Schools</td>
<td>2</td>
</tr>
<tr>
<td>Assistant Controller</td>
<td>2</td>
</tr>
<tr>
<td>Buyer</td>
<td>2</td>
</tr>
<tr>
<td>Buyer, Senior</td>
<td>2</td>
</tr>
<tr>
<td>Charter School Financial Analyst</td>
<td>2</td>
</tr>
<tr>
<td>Controller</td>
<td>2</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Director - Alternative Education</td>
<td>1</td>
</tr>
<tr>
<td>Assistant Director – Alternative Education</td>
<td>1</td>
</tr>
<tr>
<td>Director – Curriculum &amp; Instruction</td>
<td>2</td>
</tr>
<tr>
<td>Director – District Business Services</td>
<td>2</td>
</tr>
<tr>
<td>Director – District &amp; Leadership Support</td>
<td>2</td>
</tr>
<tr>
<td>Director - Early Learning Services</td>
<td>2</td>
</tr>
<tr>
<td>Director – Early Start</td>
<td>1</td>
</tr>
<tr>
<td>Director - Environmental Education</td>
<td>2</td>
</tr>
<tr>
<td>Director - General Services</td>
<td>1</td>
</tr>
<tr>
<td>Director – Head Start</td>
<td>1</td>
</tr>
<tr>
<td>Director – Human Resources</td>
<td>2</td>
</tr>
<tr>
<td>Director – Information Systems</td>
<td>2</td>
</tr>
<tr>
<td>Director - Internal Business Services</td>
<td>2</td>
</tr>
<tr>
<td>Director – Media &amp; Communication Services</td>
<td>2</td>
</tr>
<tr>
<td>Director – Multilingual Education Services</td>
<td>2</td>
</tr>
<tr>
<td>Director – Migrant Education</td>
<td>2</td>
</tr>
<tr>
<td>Director - Special Education</td>
<td>1</td>
</tr>
<tr>
<td>Assistant Director – Special Education</td>
<td>1</td>
</tr>
<tr>
<td>Director – STEAM Program</td>
<td>2</td>
</tr>
<tr>
<td>Director – Special Projects</td>
<td>2</td>
</tr>
<tr>
<td>Director – State &amp; Federal Programs</td>
<td>2</td>
</tr>
<tr>
<td>Director – State Preschool</td>
<td>1</td>
</tr>
<tr>
<td>Director – Technology Programs &amp; Instructional Support</td>
<td>2</td>
</tr>
<tr>
<td>Position</td>
<td>Number</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Internal Auditor</td>
<td>2</td>
</tr>
<tr>
<td>Manager – Application Support</td>
<td>2</td>
</tr>
<tr>
<td>Manager – Categorical &amp; Special Projects State &amp; Federal Programs</td>
<td>2</td>
</tr>
<tr>
<td>Manager – Head Start Planning &amp; Support</td>
<td>2</td>
</tr>
<tr>
<td>Manager - Purchasing Services</td>
<td>2</td>
</tr>
<tr>
<td>Manager – Risk &amp; Liability</td>
<td>2</td>
</tr>
<tr>
<td>Manager - Network &amp; Technical Support Services</td>
<td>2</td>
</tr>
<tr>
<td>Manager - Special Education Programs</td>
<td>2</td>
</tr>
<tr>
<td>Manager – Systems Administration</td>
<td>2</td>
</tr>
<tr>
<td>Manager – Web Services &amp; Application Development</td>
<td>2</td>
</tr>
<tr>
<td>Supervisor – Food Services</td>
<td>2</td>
</tr>
<tr>
<td>Supervisor – Foster Youth</td>
<td>1</td>
</tr>
<tr>
<td>Supervisor – Maintenance and Operations</td>
<td>2</td>
</tr>
<tr>
<td>Supervisor - Print Services</td>
<td>2</td>
</tr>
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<td>Newly Created Position</td>
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