The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

# Title 5. EDUCATION Division 1. California Department of Education Chapter 20. State Board of Education Procedures Subchapter 5. State Board of Education Conflict-of-Interest Code

## § 18660. General Provision

The Political Reform Act (Government Code sections 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the State Board of Education (Agency), except as provided below.

Board members and the Executive Director must file their statements of economic interests electronically with the Fair Political Practices Commission. All other individuals holding designated positions must file their statements with the agency. All statements must be made available for public inspection and reproduction under Government Code Section 81008.

~~Individuals holding designated positions shall file statements of economic interests with the Agency, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) Upon receipt of the statements of members of the board and the Executive Director, the agency shall make and retain a copy and forward the originals of these statements to the Fair Political Practices Commission. All other statements will be retained by the Agency.~~

EXCEPTION: As provided in 2 Cal. Code of Regulations section 18730(b)(1), the definitions contained in the Political Reform Act of 1974 shall apply to the terms used in this Code except that neither the term “investment” nor the term “business entity” shall operate to exclude any private school in California, whether or not such school is operated for profit.

| ***Designated Positions*** | ***Disclosure Category*** |
| --- | --- |
| Members of the State Board of Education | 1, 2 |
| Members of the Instructional Quality Commission and  respective instruction materials evaluation panels | 1, 2 |
| Advisory Commission on Special Education | 1, 2 |
| ~~Child Nutrition Advisory Council~~ | ~~1, 2~~ |
| California Practitioners Advisory Group | 1, 2 |
| Advisory Commission on Charter Schools | 1, 2 |
| Executive Director | 1, 2 |
| Deputy Director | 1, 2 |
| Chief Counsel | 1, 2 |
| Deputy Policy Director and Assistant Legal Counsel | 1, 2 |
| Attorney IV (Retired Annuitant) | 1, 2 |
| Director of Communications | 1, 2 |
| Education Administrator I | 1, 2 |
| Staff Services Manager I | 1, 2 |
| Principal Education Policy Consultant | 1, 2 |
| Education Programs Consultant | 1 |
| Consultants/New Positions | \* |

\*Consultants/New Positions shall be 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 Executive Director may determine in writing that a particular consultant or new 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 disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive 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. (Gov. Code Sec. 81008.)

## *Disclosure Categories*

*Category 1.* Persons in this category shall report investments, business positions, and income, including gifts, loans, and travel payments, from entities of the type that is a publisher, manufacturer, or vendor of instructional materials, or services offered to educational institutions in the State of California. They shall also report any investments, positions of management and income, including gifts, loans, and travel payments, from any private school in the State of California.

*Category 2.* Persons in this category shall report interests in real property in California.

Amendment of subchapter heading, section, Note and Appendix filed 10-17-2018; operative 11-16-2018. Approved by Fair Political Practices Commission 9-28-2018 (Register 2018, No. 31-Z).