Helix Charter High School
A California Charter School

Policy Statement 19
CONFLICT OF INTEREST CODE
APPROVED; DECEMBER 15, 2003

I. ADOPTION

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., Helix Charter High School hereby adopts this Conflict of Interest Code ("Code"), which shall apply to all governing board members, candidates for member of the governing board, and all other designated employees of Helix Charter High School ("Charter School"), a specifically required by California Government Code Section 87300.

II. DESIGNATED EMPLOYEES

Employees of this Charter School, including governing board members and candidates, 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.

III. STATEMENT OF ECONOMIC INTERESTS: TIME OF FILING

Each designated employee, including governing board members and candidates, 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.

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 participate in 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.

A. Initial Statements. All designated employees employed by the Charter School on the effective date of this Code, as originally adopted, promulgated and approved by the Charter School, shall file statements within 30 days after the effective date of this Code. Thereafter, each person in a position that becomes by an amendment to this Code a "designated employee" shall file an Initial Statement within 30 days after the effective date of the amendment.

B. Governing Board Candidates. Candidates for election to the governing board shall file statements within 5 days after the final date for filing nomination intention.

C. Assuming Office Statements. All persons assuming designated positions after the effective date of the Code shall file statements within 30 days after assuming designated positions.

1. Annual Statements. All designated employees shall file statements no later than June 1.

2. Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

3. Statements for Persons Who Resign 30 Days After Appointment. Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an Assuming or Leaving Office Statement.

4. Statements Filed With the Charter School. All Statements shall be supplied by the Charter School. All statements shall be filed with the Charter School. The Charter School's filing officer shall make and retain a copy and forward the original to the County Board of Supervisors.

IV. STATEMENTS OF ECONOMIC INTEREST: CONTENTS OF AND TIME PERIOD COVERED BY THE STATEMENTS

A. Contents of Initial Statements. Initial Statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code and income received during the 12 months prior to the effective date of the Code.

B. Contents of Assuming Office Statements. Assuming Office Statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office.

C. Contents of Annual Statements. Annual Statements shall disclose any reportable investments, interest in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first Annual Statement shall begin on the effective date of the Code or date of assuming office, whichever is later. The statement shall include any reportable investment or interest in real property, partially or wholly acquired or disposed of during the period covered by the statement, with the date of acquisition of disposal.

D. Contents of Leaving Office Statements. Leaving Office Statements shall disclose reportable investments, interest in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office. The statement shall include any reportable investment or

interest in real property, partially or wholly acquired or disposed of during the period covered by the statement, with the date of acquisition or disposal.

V. STATEMENTS OF ECONOMIC INTERESTS: MANNER OF REPORTING

A. Investment and Real Property Disclosure

When an investment or interest in real property is required to be disclosed, the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property; and

4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars ($1000), exceeds ten thousand dollars ($10,000), or exceeds one hundred thousand dollars ($100,000). This information need not be provided with respect to an interest in real property, which is used principally as the residence of the filer. Reportable investments or interest in real property do include those in excess of one thousand dollars ($1,000) held by the filer's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the filer, spouse and dependent children together own a direct, indirect or beneficial interest of 10% or more.

B. Personal Income Disclosure

Personal income is required to be reported under this Code, the statement shall contain the following:

1. The name and address of each source of income aggregating $250 or more in value or $50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars ($1,000) or less, greater than one thousand dollars ($1,000), or greater than ten thousand dollars ($10,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was received; and

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

C. Business Entity Income Disclosure

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity; and

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such a person was equal to or greater than ten thousand dollars ($10,000).

D. Business Positions Disclosure

When reporting business positions, a designated employee shall list the name of each business entity not specified above in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management; a description of the business activity in which the entity is engaged; and designated employee's position with the business entity.

VI. DISQUALIFICATION

No designated employee shall make, participate in making, or try 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:

A. Any business entity or real property in which the designated employee has a direct or indirect investment or interest worth one thousand dollars ($1000) or more.

B. Any source of income totaling two hundred fifty dollars ($250) or more provided or promised to the designated employee within twelve months prior to the decision. (This category does not include gifts or loans made at regular rates by commercial lending institutions.)

C. Any business entity in which the designated employee is the director, officer, partner, trustee, employee, or any kind of manager.

D. Any donor of gifts totaling $250 or more in value provided or promised to the designated within twelve months prior to the decision; any intermediary or agency for such a donor.

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.)

VII. MANNER OF DISQUALIFICATION

When a designated employee 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 Charter School Principal who shall record the employee's disqualification

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.

VIII. DEFINITION OF TERMS

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.

EXHIBIT A

Designated Positions

I. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in Exhibit B (i.e. categories 1, 2, and 3).

A. Members of the Governing Board
B. Candidates for member of the Governing Board
C. Principal of Charter School
D. Assistant Principal
E. Consultants [1]
F. Other Employees [2]

II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of Exhibit B.

A. Manager of School Facilities
B. Business Manager
C. Other Employees [3]

III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of Exhibit B.

A. Contractor
B. Other Employees [4]

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[1] The Principal 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 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's determination is a public record and shall be retained for public inspection in the same manner and location of interest code.

[2] "Other Employees" include any employee occupying a position that requires the employee to make a governmental decision that foreseeably and materially affects a personal financial interest, source of income, or a business position in a business entity.

[3] "Other Employees" include any employee with authority to make purchases that may foreseeably and materially affect an investment and/or business position in business entities or who are in a position to influence a governmental decision that may foreseeably and materially affect an investment and/or business position in a business entity.

[4] "Other Employees" include employees with authority to make purchases that may foreseeably and materially effect investments and business positions in business entities which provide services, supplies, materials or equipment in which the employee has authority to purchase.

EXHIBIT B

Disclosure Categories

Category 1 Reporting:

A. Interest in real property which is located in whole or in part either (1) within the boundaries of the District, or (2) within two miles of the boundaries of the District, including any leasehold, beneficial or ownership interests or option to acquire such interest in real property, if the fair market value of the interest is greater than $1,000.

(Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.)

B. Investments in or income from persons or business entities which are contractors or subcontractors, which are or have been within the previous two-year period engaged in the performance of building construction or design within the District.

C. Investments or income from persons or business entities engaged in the acquisition or disposal of real property within the jurisdiction.

(Investment includes any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interests.)

(Investments of any individual include a pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.)

(Investment does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.)

(No investment or interest in real property is reportable unless its fair market value exceeds $1,000. No source of income is reportable unless the income received by or promised to the public official aggregates $250 or more in value or $50 or more in value if the income was a gift during the preceding 12-month reporting period.)

Category 2 Reporting:

A. Investments in or income from business entities which manufacture or sell supplies, books, machinery or equipment of the type utilized by the charter school. Investments include interest described in Category 1.

Category 3 Reporting:

A. Investments in or income from business entities which are contractors or sub-contractors engaged in the performance of work or services of the type utilized by the charter school. Investments include the interests described in Category 1.