

Element Education Conflict of Interest Code

The Political Reform Act (Govt. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practice commission has adopted a regulation (2 CCR § 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 California 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 (or Appendices), designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of Element Education Inc.

Procedure:

Governing Board members and candidates, as well as employee positions that participate in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code shall file statements of economic interests (Form 700) with the County of San Diego within 30 days of the assumed office date, annually by April 1st, and within 30 days of the leaving office date. All statements will be retained by Element Education and the County of San Diego and will be available for public inspection and reproduction (Government Code § 81008).

The filing official for Element Education shall be the Executive Director.

Element Education - Attachment D

Conflict of Interest

APPENDIX

| Designated Positions | Disclosure Category |
|--|----------------------------|
| Members of the Governing Board & Alternates | 1, 2 |
| Candidates for Members of the Governing Board | 1, 2 |
| Executive Director | 1, 2 |
| Chief Officers | 3 |
| School Directors | 3 |
| Consultants/New Positions (as determined by Executive Director, or designee) | 1,2,3 |

Policy/Disclosure Categories:

Category 1

Designated positions assigned to this category must report:

- a. Interests in real property within the boundaries of Element Education facilities that are used by Element schools or are of the type that could be acquired by Element Education as well as real property within two miles of the property used or the potential site.
- b. Investments and business positions in business entities, and sources of income (including gifts, loans, and travel payments) of the type that engage in the purchase or sale of real property or are engaged in building construction or design.

Category 2

Designated positions assigned to this category must report investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) that are contractors engaged in the performance of work or services, or sources that manufacture, sell, repair, rent or distribute school supplies, books, materials, school furnishings or equipment of the type to be utilized by Element Education.

Category 3

Designated positions assigned to this category must report investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) that are contractors engaged in the performance of work or services, or sources that manufacture, sell, repair, rent or distribute school supplies, books, materials, school furnishings or equipment of the type to be utilized by the school.

Disclosures for Consultants

Element Education - Attachment D

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Director or designee. The Director or designee's written 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 along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the charter school, 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 any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the charter school to enter into, modify, or renew a contract that requires charter school approval
5. Grant charter school approval to a contract that requires charter school approval and in which the charter school is a party, or to the specifications for such a contract
6. Grant charter school approval to a plan, design, report, study, or similar item
7. Adopt or grant charter school approval of charter school policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the charter school, serves in a staff capacity with the charter school and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the charter school that would otherwise be performed by an individual holding a position specified in the charter school's conflict of interest code. (2 CCR 18700.3)

Procedure:

Governing Board members and candidates, as well as employee positions that participate in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code shall file statements of economic interests (Form 700) with the County of San Diego within 30 days of the assumed office date, annually by April 1st, and within 30 days of the leaving office date. All statements will be retained by Element Education and the County of San Diego and will be available for public inspection and reproduction (Government Code § 81008).

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Conflict of Interest

Subject: Conflict of Interest

Date of Origination: 1/21/2006

Last Revision Date: ~~9/23/2020~~ 03/02/2022

Scope:

| Designated Positions | Disclosure Category |
|--|----------------------------|
| Members of the Governing Board & Alternates | 1, 2 |
| Candidates for Members of the Governing Board | 1, 2 |
| Executive Director | 1, 2 |
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RESOLUTION for Adopting Conflict of Interest Code and Appendix

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

WHEREAS, Education Code section 47604.1, now requires charter schools in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Element Education, Inc. has not 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 charter schools conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, Title 2, Section 18730, of the California Code of Regulations 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 sections 87300 and 87306; and

WHEREAS, Element Education, Inc. has recently reviewed its positions, and the duties of each position, and has determined the conflict of interest code as set forth in the attached Appendix is current and necessary; and

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

NOW THEREFORE BE IT RESOLVED that Element Education, Inc.'s Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 2nd day of March, 2022 at a meeting, by the following vote:

AYES: 6 NOES: 0 ABSENT: 0

Dated: March 2, 2022

DocuSigned by:
Barbara Rohrer
05B6C40724E74BA

Board Member

DocuSigned by:
Rosella Childers
88A7DB20F7E54B4

Board Member

DocuSigned by:
Rebecca Raymond
30320A3F43EF4C7

Board Member

DocuSigned by:
Jim Sweeten
E92F769918E04F1

Board Member

DocuSigned by:
Cecilia Williams
64F07E6074D84A1

Board Member

DocuSigned by:
[Signature]
80CA65E49CAD4C4

Board Member



COSD CLERK OF THE BOARD
2022 MAR 14 PM12:28

March 8, 2022

To the County of San Diego Board of Supervisors,

Please find attached the amended Element Education Conflict of Interest Code for your approval.

Sincerely,

Terri Novacek
Executive Director