

## **Title 5. Education**

### **Division 1.5. Education Audit Appeals Panel**

#### **Chapter 1. General Provisions**

##### **§19802. Education Audit Appeals Panel -- Conflict of Interest Code**

The Political Reform Act (Government Code Section 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 California 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 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, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Education Audit Appeals Panel (EAAP)**.

Members of the Panel, their designees, 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 **EAAP**. All statements must be made available for public inspection and reproduction under Government Code Section 81008.

NOTE: Authority cited: Sections 81008, 87300, 87306, Government Code. Reference: Section 87302, Government Code.

## Appendix

<i>Designated Positions</i>	<i>Disclosure Category</i>
Members of the Panel or their designees	I, II
Executive Officer	I, II
Attorney IV	I, II
Attorney III	I, II
Supervisor I	I, II
Analyst II	I, II
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 Officer 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 comply fully with the disclosure requirements described 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 Officer'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 Category I:***

Persons in this category must report investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source provides leased facilities, products, equipment, vehicles, machinery or services (including training or consulting services) of the type utilized by the EAAP.

### ***Disclosure Category II:***

Persons in this category must report sources of income\* (including receipt of gifts, loans, and travel payments), from local educational agencies authorized in statute to pursue appeals before the EAAP.

\*Filers are not required to report salary, reimbursement for expenses or per diem, or social security, disability, or other similar benefit payments received by the filer or their spouse or registered domestic partner from a federal, state, or local government agency.

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#### §19802. Education Audit Appeals Panel -- Conflict of Interest Code.

The Political Reform Act, (Government Code Section 81000, et seq.) requires ~~each~~ state and local government ~~agency agencies~~ to adopt and promulgate ~~a~~ conflict of interest ~~code. codes.~~ The Fair Political Practices Commission has adopted a regulation, (2-~~Cal.~~ California Code of ~~Regs., Regulations~~ Section 18730), ~~which that~~ contains the terms of a standard conflict of interest ~~code. It code, which~~ can be incorporated by reference ~~and~~ in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission ~~after public notice and hearings~~ to conform to amendments in the Political Reform Act. Therefore, the terms of 2-~~Cal.~~ California Code of ~~Regs., Regulations~~ Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by ~~reference and, along with reference. This regulation and~~ the attached Appendix, ~~in which members and employees are designated and disclosure categories are set forth and the place of filing is specified, designating positions and establishing disclosure categories,~~ shall constitute the conflict of interest code of the ~~Education Audit Appeals Panel (agency).~~ Education Audit Appeals Panel (EAAP).

~~Designated employees shall file statements of economic interests with the agency, which shall make the statements available for public inspection and reproduction. Upon receipt of the statements of the members of the Panel or their designees and of the Executive Officer, the agency shall make and retain copies of the statements and send the originals to the Fair Political Practices Commission. Members of the Panel, their designees, 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 EAAP. All statements must be made available for public inspection and reproduction under Government Code Section 81008.~~

NOTE: Authority cited: Sections 81008, 87300, 87306, Government Code. Reference: Section 87302, Government Code.

## Appendix

### *Designated Positions*

### *Disclosure Category*

Members of the Panel ~~(includes designees)~~ or their designees

I, II

Executive Officer

I, II

~~Employees in all legal classifications~~ I

~~Employees in Staff Services Analyst and Associate  
Governmental Program Analyst positions who may affect  
decisions regarding equipment, goods, or services~~ I

Attorney IV

I, II

Attorney III

I, II

Supervisor I

I, II

Analyst II

I, II

~~All contracted consultants~~ Consultants/New Positions

\*

### *Disclosure Category I:*

~~Persons in this category must report all investments, business positions, and income, including gifts, loans, and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery, or services, including training or consulting services, of the type utilized by the Education Audit Appeals Panel, as well as all sources of income, excluding salary, from local education agencies authorized in statute to pursue appeals before the Education Audit Appeals Panel.~~

\*Consultants/new positions shall be included in the list of designated ~~employees~~ positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, or new position, although ~~in~~ a "designated position," is hired to perform a range of duties that is limited in scope and ~~hence~~ thus is not required to comply fully with the disclosure requirements described 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 Officer'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 Category I:**

Persons in this category must report investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source provides leased facilities, products, equipment, vehicles, machinery or services (including training or consulting services) of the type utilized by the EAAP.

**Disclosure Category II:**

Persons in this category must report sources of income\* (including receipt of gifts, loans, and travel payments), from local educational agencies authorized in statute to pursue appeals before the EAAP.

\*Filers are not required to report salary, reimbursement for expenses or per diem, or social security, disability, or other similar benefit payments received by the filer or their spouse or registered domestic partner from a federal, state, or local government agency.