

## 2014 Local Agency Biennial Notice

Name of Agency: Family Partnership Home Study Charter School  
Mailing Address: P.O. Box 490 Santa Maria Ca 93456  
Contact Person: Todd Mitchell Phone No: 348-3333  
E-Mail: todd.mitchell@fpcharter.org

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one box):

☒ An amendment is required. The following amendments are necessary:

(Mark all that apply.)

- ☐ Include new positions (including consultants) that must be designated
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☒ Delete positions that no longer make or participate in making governmental decisions
- ☐ Other (describe) please see attached changes

☐ The code is currently under review by the code reviewing body.

☐ No amendment is required. (If your code is more than five years old, amendments may be necessary.)

### Verification

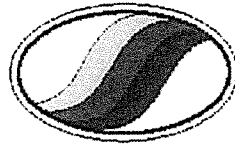
*This agency's conflict of interest code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions. The code includes all other provisions required by Government Code Section 87302.*

Tom Mitchell  
Signature of Chief Executive Officer

September 23, 2014  
Date

Complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than October 1, 2014, or by the date specified by your agency, if earlier, to:  
(PLACE RETURN ADDRESS OF THE CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC



**FPCharter**

*Family • School • Community*

PO Box 490, Santa Maria, CA 93456 • (805) 348 3333 • fax (805) 348 3334 • [www.FPCharter.org](http://www.FPCharter.org)

Agenda Item: C1

TO: FP Charter Governing Council

FROM: Todd Mitchell, Executive Director  
Andrea Reiswig, Business Technician

DATE: September 22, 2014

ITEM: Revision to FP Charter Conflict of Interest

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Revisions made:

1. Each of the first 6 pages is marked as page 2; (This has been corrected)
2. Second page, middle of the page refers to "County Council of Supervisors";
3. Exhibit A designates the positions that must report and then specifies the categories that each designated individual must disclose under. At the end of each group, is the designation of "Other Employees". Such designations imply that all employees of the school must report under all categories, which would include all teachers, maintenance workers, secretaries etc. Is that the schools intent?

Recommendation: Recommend that Governing Council approves revised Conflict of Interest.

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CONFLICTS OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974  
(GOVERNMENT CODE §§ 87100, ET SEQ.)

I. Adoption

The Governing Council hereby adopts this Conflict of Interest Code ("Code"), which shall apply to all governing council members, candidates for member of the board, and all other designated employees of the **Family Partnership Home Study Charter School** ("School").

II. Definitions

"Designated Employees" are employees of the School, Council 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. The designated positions are listed in Exhibit "A" attached to this policy and incorporated herein by reference.

"Common Directors" are those Council members that sit on the Council of Directors of the School and the Council of directors of another corporation with which the School is considering entering a contract or transaction.

"Interested Directors" are those Council members, or their family members, compensated by the School for services rendered to it within the previous 12 months, whether as a full- or part-time employee, independent contractor or otherwise, excluding any reasonable compensation paid to a director as director.

III. Disclosure Statements

A. Statement of Economic Interest

Each designated employee, including governing Council 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 by participation in the decision 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.

Contents of Statements

**Initial Statements:** Initial Statements shall disclose any reportable investments, interests in real property, business positions held on the effective date of the Code and income received during

the twelve (12) months prior to the effective date of the Code.

**Assuming Office Statements:** Assuming Office Statements shall disclose any reportable investments, business positions, interests in real property held on, and income received during the 12 months before the date of assuming office or the date of being appointed or nominated.

**Annual Statements:** Annual Statements shall disclose reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year.

**Leaving Office Statement:** Leaving Office Statements shall disclose reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

#### **Timing of Filings**

An initial Statement shall be filed by each designated employee within 30 days after the effective date of the Code. Thereafter, each new designated employee shall file a Statement within 30 days after assuming office. Each designated employee shall file an annual Statement 30 days after the charter school's annual meeting. Every designated employee who leaves office shall file a Statement within 30 days of leaving office.

#### **Statements Filed With the Charter School**

All Statements shall be supplied by the Charter School on forms prescribed by the Fair Political Practices Commission. 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 ~~Council~~ Board of Supervisors.

#### **B. Common Director Disclosure Statement**

At the commencement of an individual's term with the Charter School and at the beginning of each fiscal year, each Councilmember shall complete a Common Director Disclosure Statement and provide it to the Charter School identifying all organizations for which he/she is a Councilmember or committee member that are not otherwise disclosed in the Statement of Economic Interest.

#### **IV. Disqualification**

**Designated Employees:** No Designated Employee may make, participate in making, or in any way use or attempt 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 Designated Employee or a member of his or her immediate family on:

- Any business entity or real property in which the designated employee has a direct or indirect investment or interest worth two thousand dollars (\$2,000) or more.
- Any source of income totaling five hundred dollars (\$500) 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.)
- The designated employee's personal finances or those of his/her immediate family. A decision will have an effect on this economic interest if the decision will result in the personal expenses, income, assets or liabilities of the designated employee or his/her immediate family increasing or decreasing.
- Any business entity in which the designated employee is the director, officer, partner, trustee, employee, or any kind of manager.
- Any business entity that is a parent or subsidiary of, or is otherwise related to, a business entity in which the designated employee has an interest.
- Any donor, or intermediary or agent of a donor, of gifts totaling \$360 or more in value provided to, promised to, or received by the designated employee within twelve months prior to the time when the decision is made.

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.)

**Common Directors:** No Common Director may make, participate in making, or in any way use or attempt to use his/her official position to influence any Charter School decision which involves the Common Director's other directorship.

**Interested Directors:** Not more than 49 percent of the persons serving on the Council of the Charter School may be Interested Directors.

### **Manner of Disqualification**

**Designated Employees:** 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 Director, who shall record the employee's disqualification. In the case of the Charter School Director, this determination and disclosure shall be made in writing to the Governing Board.

Governing Council members shall orally disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made following the announcement of the agenda item, but before the discussion or vote commences. This disclosure shall be made part of the Board's official record. The disqualified Councilmember shall then refrain from participating in the decision in any way, but may remain seated if desired.

If the decision is made during a closed session, the member's disqualification may be made orally during the open session before the body goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest under Government Code section 87100. The declaration shall be made part of the official public record. The member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the decision.

The following must be confirmed in the affirmative prior to the Board's acceptance of a contract or transaction with a Designated Employee or Common Director:

- That the transaction is entered into for the benefit of the Charter School;
- That the transaction was fair and reasonable for the Charter School at the time it enters into the transaction;
- That after reasonable investigation under the circumstances, the Council determines, in good faith, that the Charter School could not have obtained a more advantageous arrangement with reasonable effort. Documentation of the results of the investigation shall be retained either in the Council minutes and/or in the school's financial files.

Disqualified Designated Employees and Common Directors shall not be counted toward achieving a quorum while the item is discussed.

Policy  
Adopted: June 24, 2009

**FAMILY PARTNERSHIP HOME STUDY CHARTER SCHOOL**  
Solvang, California

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**GOVERNANCE POLICY #7B – CONFLICT OF INTEREST CODE – POLITICAL REFORM ACT COMPLIANT**

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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. Members of Committees of the Governing Board
  - D. Director of Charter School
  - E. Assistant Director
  - F. Chief Business Officer
  - G. Director of Personnel Services
  - H. Assistant Director of Personnel Services
  - I. Consultants
  - J. ~~Other Employees~~
- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of Exhibit B.
  - A. Purchasing Manager
  - B. Assistant Business Officer
  - C. ~~Other Employees~~
- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of Exhibit B.
  - A. Information Systems Technician
  - B. Contractor
  - C. ~~Other Employees~~

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EXHIBIT B  
Disclosure Categories

Category 1 Reporting:

- A. Interest in real property which is located in whole or in part either (1) within the geographical service area of the School, 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 \$2,000.

(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 sub-contractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the geographical service area of the School.

- C. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the geographical service area of the School.

(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 \$2,000. No source of income is reportable unless the income received by or promised to the public official aggregates \$500 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 department for which the designated employee is Manager or Director. Investments include interests 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 department for which the designated employee is Manager or Director. Investments include the interests described in Category 1.

Council Governance

Council Policy #7B

CONFLICTS OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974  
(GOVERNMENT CODE §§ 87100, *ET SEQ.*)

I. Adoption

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II. Definitions

“Designated Employees” are employees of the School, Council 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. The designated positions are listed in Exhibit “A” attached to this policy and incorporated herein by reference.

“Common Directors” are those Council members that sit on the Council of Directors of the School and the Council of directors of another corporation with which the School is considering entering a contract or transaction.

“Interested Directors” are those Council members, or their family members, compensated by the School for services rendered to it within the previous 12 months, whether as a full- or part-time employee, independent contractor or otherwise, excluding any reasonable compensation paid to a director as director.

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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 by participation in the decision 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.

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the twelve (12) months prior to the effective date of the Code.

**Assuming Office Statements:** Assuming Office Statements shall disclose any reportable investments, business positions, interests in real property held on, and income received during the 12 months before the date of assuming office or the date of being appointed or nominated.

**Annual Statements:** Annual Statements shall disclose reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year.

**Leaving Office Statement:** Leaving Office Statements shall disclose reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

### **Timing of Filings**

An initial Statement shall be filed by each designated employee within 30 days after the effective date of the Code. Thereafter, each new designated employee shall file a Statement within 30 days after assuming office. Each designated employee shall file an annual Statement 30 days after the charter school's annual meeting. Every designated employee who leaves office shall file a Statement within 30 days of leaving office.

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### **B. Common Director Disclosure Statement**

At the commencement of an individual's term with the Charter School and at the beginning of each fiscal year, each Councilmember shall complete a Common Director Disclosure Statement and provide it to the Charter School identifying all organizations for which he/she is a Councilmember or committee member that are not otherwise disclosed in the Statement of Economic Interest.

### **IV. Disqualification**

**Designated Employees:** No Designated Employee may make, participate in making, or in any way use or attempt 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 Designated Employee or a member of his or her immediate family on:

- Any business entity or real property in which the designated employee has a direct or indirect investment or interest worth two thousand dollars (\$2,000) or more.
- Any source of income totaling five hundred dollars (\$500) 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.)
- The designated employee's personal finances or those of his/her immediate family. A decision will have an effect on this economic interest if the decision will result in the personal expenses, income, assets or liabilities of the designated employee or his/her immediate family increasing or decreasing.
- Any business entity in which the designated employee is the director, officer, partner, trustee, employee, or any kind of manager.
- Any business entity that is a parent or subsidiary of, or is otherwise related to, a business entity in which the designated employee has an interest.
- Any donor, or intermediary or agent of a donor, of gifts totaling \$360 or more in value provided to, promised to, or received by the designated employee within twelve months prior to the time when the decision is made.

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**Interested Directors:** Not more than 49 percent of the persons serving on the Council of the Charter School may be Interested Directors.

### **Manner of Disqualification**

**Designated Employees:** 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 Director, who shall record the employee's disqualification. In the case of the Charter School Director, this determination and disclosure shall be made in writing to the Governing Council.

Governing Council members shall orally disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made following the announcement of the agenda item, but before the discussion or vote commences. This disclosure shall be made part of the Board's official record. The disqualified Councilmember shall then refrain from participating in the decision in any way, but may remain seated if desired.

If the decision is made during a closed session, the member's disqualification may be made orally during the open session before the body goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest under Government Code section 87100. The declaration shall be made part of the official public record. The member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the decision.

The following must be confirmed in the affirmative prior to the Board's acceptance of a contract or transaction with a Designated Employee or Common Director:

- That the transaction is entered into for the benefit of the Charter School;
- That the transaction was fair and reasonable for the Charter School at the time it enters into the transaction;
- That after reasonable investigation under the circumstances, the Council determines, in good faith, that the Charter School could not have obtained a more advantageous arrangement with reasonable effort. Documentation of the results of the investigation shall be retained either in the Council minutes and/or in the school's financial files.

Disqualified Designated Employees and Common Directors shall not be counted toward achieving a quorum while the item is discussed.

Policy

Adopted: June 24, 2009

Revised: September 22, 2014

**FAMILY PARTNERSHIP HOME STUDY CHARTER SCHOOL**  
Santa Maria, California

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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 Council
  - B. Candidates for Member of the Governing Council
  - C. Members of Committees of the Governing Council
  - D. Executive Director of Charter School
  - E. Assistant Director/Principal
  - F. Chief Business Officer
  - G. Director of Personnel Services
  - H. Assistant Director of Personnel Services
  
- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of Exhibit B.
  - A. Purchasing Manager
  - B. Assistant Business Officer
  
- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of Exhibit B.
  - A. Information Systems Technician



EXHIBIT B  
Disclosure Categories

Category 1 Reporting:

- A. Interest in real property which is located in whole or in part either (1) within the geographical service area of the School, 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 \$2,000.

(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 sub-contractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the geographical service area of the School.

- C. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the geographical service area of the School.

(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 \$2,000. No source of income is reportable unless the income received by or promised to the public official aggregates \$500 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 department for which the designated employee is Manager or Director. Investments include interests 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 department for which the designated employee is Manager or Director. Investments include the interests described in Category 1.