

Cradle-to-Career Governing Board Staff Report

Date Report Issued: April 17, 2024
Attention: Members of Cradle-to-Career Governing Board
Subject: **Request for Governing Board Members to Adopt the Cradle-to-Career Data's Proposed Conflict of Interest Code**
Staff Contact: Julia Blair, General Counsel

At the Governing Board (Board) meeting on May 1, 2024, members of the Board will have the opportunity to discuss and adopt the Office of the Cradle-to-Career Data's (C2C) proposed Conflict of Interest Code.

Requested Action:

After review and consideration of the Notice of Intention to Adopt a Conflict of Interest Code of the Cradle-to-Career Data, Staff recommends that the Board adopt the Proposed Conflict of Interest Code.

- ❖ Move to adopt the Cradle-to-Career Data's proposed Conflict of Interest Code and related Resolution.

Background:

The Political Reform Act and its implementing regulations require that all state agencies adopt a Conflict of Interest Code that identifies individuals affiliated with the agency that are required to complete the Statement of Economic Interests (Form 700) and what types of interests must be disclosed. The Conflict of Interest Code must be adopted pursuant to a regulatory process, approved by the Fair Political Practices Commission (FPPC), and filed with the Office of Administrative Law (OAL) for publication. The rulemaking process requires that C2C makes the proposed Conflict of Interest Code available for public comment for a minimum of 45 days and provide the notice to all affected individuals.

On February 20, 2024, C2C submitted the Notice of Intention to Adopt C2C's Conflict of Interest Code, the proposed Conflict of Interest Code, and Form STD 400 to OAL to begin the 45-day notice period on March 1, 2024. The Notice of Intention to Adopt the Conflict of Interest and the proposed Conflict of Interest Code were also sent out on March 1, 2024 to all affected individuals for their review. With the 45-day public comment period expiring on April 16, 2024, and no comments received, the Board must now adopt the proposed Conflict of Interest Code prior to the FPPC providing final approval and submission to OAL for publication.

Upon adoption of the COI and related resolution memorializing the Board action, Staff will file the adopted code with OAL. The regulations will become effective once OAL files them with the Secretary of State, which should occur within 30 days after submission to OAL.

CALIFORNIA CRADLE-TO-CAREER DATA SYSTEM

CONFLICT-OF-INTEREST CODE

Title 5. Education

Division 11. Cradle-to-Career Data System

Chapter 1. Conflict of Interest Code

Section 101000 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 Appendices designating positions and establishing disclosure requirements, shall constitute the conflict-of-interest-code of the California Cradle-to-Career Data System ("C2C").

The Executive Director must file their statement of economic interests electronically with the Fair Political Practices Commission. All other individuals holding designated positions shall file their statements of economic interests with C2C, which will make the statements available for public inspection and reproduction (Government Code Section 81008). All statements will be retained by C2C.

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

APPENDIX A

Designated Positions Disclosure Category

Member of the Governing Board 1, 2
Data & Tools Advisory Board Member 3
Community Engagement Advisory Board Member 3
Executive Director 1, 2
Attorney (all levels) 1, 2
C.E.A. (all levels) 1, 2
Staff Services Manager (all levels) 1, 2
Associate Governmental Program Analyst 2
Staff Services Analyst 2
Information Technology Manager (all levels) 3
Information Technology Specialist (all levels) 3
Information Technology Associate (all levels) 3
Research Data Specialist (all levels) 1, 2
Consultants/New positions *

*Consultants/New Positions shall be included in the list of designated positions and shall disclose pursuant to category one subject to the following limitation: the Executive Director 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 is not required to comply fully with the disclosure requirements in this category. Such written determination shall include a description of the 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.)

APPENDIX B

Disclosure Categories

Category 1:

Interests in real property of the type to be purchased or leased by the California Cradle-to-Career Data System for its use.

Category 2:

Designated positions in this category shall disclose 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 California Cradle-to-Career Data System.

Category 3:

Designated positions in this category shall disclose investments and business positions in business entities and source of income (including receipt of gifts, loans, and travel payments) if the business entity or source provides information technology or telecommunications goods, products or services including computer hardware or software companies, computer consultant services, IT training companies, data processing firms and media services.

RESOLUTION NO. 24-03
ADOPTION OF THE PROPOSED REGULATIONS
IMPLEMENTING C2C'S CONFLICT OF INTEREST CODE

MAY 1, 2024

WHEREAS, the Office of Cradle-to-Career Data is established pursuant to Education Code section 10862 to serve as a neutral administrative body of the California Cradle-to-Career Data System to establish and maintain a longitudinal data system that provides a source for actionable data and research on education, economic, and health outcomes for individuals, families, and communities, and provide for expanded access to tools and services that support the navigation of the education-to-employment pipeline, and under the direction of the Governing Board established pursuant to Education Code section 10864;

WHEREAS, the Political Reform Act and its implementing regulations require that all state agencies and departments adopt a Conflict of Interest Code that identifies individuals affiliated with the agency or department that are required to complete the Statement of Economic Interests (Form 700) and what types of interests must be disclosed;

WHEREAS, the Conflict of Interest Code must be adopted pursuant to a regulatory process, approved by the Fair Political Practices, and filed with the Office of Administrative Law for publication;

WHEREAS, the Office of Cradle-to-Career Data staff has made available for public comment the Conflict of Interest code for 45 days, mailed the proposed code to all affected individuals, and received no public comments; and

WHEREAS, the Cradle-to-Career Data System Governing Board is authorized pursuant to Education Code section 10866(d)(7) to adopt regulations, including emergency regulations.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Cradle-to-Career Data System as follows:

Section 1. The proposed regulations constituting the Conflict of Interest Code are hereby approved in substantially the form presented on this date.

Section 2. The Executive Director is hereby authorized, for and on behalf of the Governing Board, to submit such regulations, with any and all required supporting documentation, to the Fair Political Practices Commission and the Office of Administrative Law and proceed as required under the Administrative Procedures Act.

Section 3. The Executive Director is hereby authorized to execute and deliver any documents and take any steps that the Executive Director may deem necessary or advisable in order to effectuate the purposes of this resolution.

CERTIFICATE OF THE EXECUTIVE DIRECTOR
(Attesting to Action of the Authority)
Sacramento, California

I, Mary Ann Bates, Executive Director of the Cradle-to-Career Data System, hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 24-03, ADOPTION OF THE PROPOSED REGULATIONS IMPLEMENTING C2C'S CONFLICT OF INTEREST CODE, as adopted at a meeting of the Cradle-to-Career Data System held at 1102 Q Street, Sacramento, California 95814, on May 1, 2024, for which meeting all of the members of said Authority had due notice; and that at the meeting the staff recommendation was adopted by the following votes:

AYES:

NOES:

ABSTAINS:

ABSENT:

This resolution expires one year after the adoption date. Extensions must be approved by the Authority in a public meeting.

I further certify that the original minutes of said meeting and a copy of the original Resolution adopted at said meeting are on file in the Office of Cradle-to-Career Data; and that the Resolution has not been amended, modified, or rescinded in any manner since the date of its adoption, and the same is now in full force and effect.

IN WITNESS WHEREOF, I have executed this certificate.

By:

Mary Ann Bates, Executive Director
May 1, 2024