

ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7042

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CATEGORY: **Personnel, Staff Ethics**

EFFECTIVE: 1-10-90

SUBJECT: **Conflict of Interest Disclosure for the Evaluation and Procurement of District-Adopted Instructional Materials**

REVISED: 8-02-2002

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing conflict of interest disclosure by persons participating in the evaluation and procurement of district-adopted instructional materials; and to provide a list of positions participating on committees in the evaluation and procurement of instructional materials subject to conflict of interest disclosure.
2. **Related Procedures:**

Conflict of interest code	7040
Conflict of interest/disclosure, designated persons	7041
Outside employment of employees	7035
Criteria for instruction and for adoption and use of instructional materials	4050

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: B-1170, C-6500, I-1200, I-1210, I-1550; Government Code Sections 87000 *et seq.*; California State Board of Education Code of Conduct (May 18, 1989); Education Code Sections 60010, 60071-60075.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Curriculum and Instruction Division, Institute for Learning.
2. **Definitions**
 - a. **Designated positions:** District positions and categories of positions identified below.
 - (1) Chancellor of Instruction
 - (2) Deputy Chancellor, Institute for Learning
 - (3) Executive Director, Curriculum and Instruction Division
 - (4) Subject area directors, assistant directors, program managers, specialists, and curriculum resource teachers

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- (5) Program Manager, Instructional Media Services Unit, Curriculum and Instruction Division
 - (6) Program Manager, Materials Development Services Unit, Office of the Deputy Chancellor
 - (7) Multimedia Services Manager, Instructional Media Services Unit, Curriculum and Instruction Division
 - (8) Instructional Materials Supervisor, Instructional Materials Services Unit, Curriculum and Instruction Division
 - (9) Instructional Materials Technician, Instructional Materials Services Unit, Curriculum and Instruction Division
 - (10) Instructional Support Facility Assistant, Instructional Materials Services Unit, Curriculum and Instruction Division
 - (11) All members of instructional materials evaluation committees including site administrators, classroom and resource teachers, representatives for special student populations (e.g., GATE, biliteracy, and special education)
 - (12) Members of the community who participate on instructional materials evaluation committees
- b. **Designated employee:** Any person whose position with the district is a “designated position.”
- c. **Instructional materials:** All materials that are designed for use by students and their teachers as a learning resource and that help students to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted and may include textbooks, technology-based materials, other educational materials and tests. (Education Code Section 60010)

Examples: Books (text and reference), microfilm, multimedia materials (videotapes, CDs, records, and tapes), periodicals (newspapers and magazines), and other printed materials (charts and posters).

3. **Activities which may cause a conflict of interest** for evaluation committee members and/or employees in designated positions who have coordination or approval responsibility for instructional materials recommended for adoption or purchase include:

- a. **Using the prestige or influence** of employment with the school district or membership on an evaluation committee for the member's private gain or advantage or the private gain or advantage of another.
- b. **Using for private gain or advantage** district facilities, equipment, or supplies.
- c. **Using confidential information** acquired by virtue of employment or committee membership for the member's private gain or advantage or the private gain or advantage of another.
- d. **The acceptance or receipt** by a designated employee or spouse of any gift, money, gratuity, emolument, meal, beverage, entertainment, favor, or other valuable thing in an aggregate value of \$250 or more during any twelve-month period in the previous five years from any person, firm, or entity which does, or is likely to do, business with, or submit materials or proposals to, the school district or evaluation committee of which he/she is a member.
- e. **An interest by a designated employee** or spouse as contributor, author, editor, or consultant of any textbook or other material submitted to the committee of which he/she is a member.

4. **Activities Not Deemed a Conflict of Interest**

- a. **Serving as an editor**, consultant, contributor or author to an instructional materials publisher more than five years prior to serving as a member of an evaluation committee.
- b. **Receiving, at any time** prior to committee membership, a total payment per year of less than \$250 for all services.
- c. **Retaining no present or future right** to whatever compensation or other payments would accrue during service on the committee.

5. **Responsibilities**

- a. **Employees in designated positions** (C.2.a.) must file an “Instructional Materials Conflict of Interest Disclosure” form (E.2.) and may initiate action to disqualify themselves from making decisions in accordance with provisions of D.3. (Instructions and forms are available from the Curriculum and Instruction Division.)
- b. **Chairpersons** of district instructional materials evaluation committees must ensure that all members complete disclosure forms as explained in D.1. and forward them to the instructional materials supervisor.

D. IMPLEMENTATION

1. **Committees Coordinated by the Curriculum and Instruction Division to Evaluate and Recommend Instructional Materials for Districtwide Adoption**
 - a. **Members** file “Instructional Materials Conflict of Interest Disclosure” form (E.2.) with committee chairperson at first committee meeting and file an updated disclosure form at committee meeting where recommendations are made for adoption of instructional materials. Members appointed to a committee after first meeting file a disclosure statement with committee chairperson within ten (10) days after becoming a member.
 - b. **Chairperson** ensures that disclosure forms are completed correctly by all members of committee, appends disclosure forms to “Instructional Materials Adoption Form,” and forwards to instructional materials supervisor.
 - c. **Instructional materials supervisor** reviews disclosure forms and forwards to the Curriculum and Instruction Executive Director to identify incompatible activities as stated in C.3.
 - d. **Curriculum and Instruction Executive Director** reviews on an individual case basis disclosure forms identifying designated employee or spouse as having participated in incompatible activities as stated in C.3. and recommends one of the following actions:
 - (1) Remove employee or community member from participation on all evaluation committees and/or from positions with coordination or approval responsibility for instructional materials recommended for adoption or purchase.

- (2) In unique situations, allow employee or community member to continue to participate as a full voting member of an evaluation committee and/or function in a position with coordination or approval responsibility for instructional materials recommended for adoption, provided he/she discontinues all activities with publisher(s) during period of committee membership.
2. **Disqualifications.** Designated employees and members of community may be disqualified from participating as members of instructional materials evaluation committees or engaging in any activity that would influence the decision of any member of an evaluation committee if they have participated in incompatible activities as stated in C.3.
 - a. **Committees convened by central office**
 - (1) **Employee or member of community** who serves on an evaluation committee may initiate action to be removed from committee by notifying committee chairperson in writing. Chairperson forwards notice to instructional materials supervisor, who notes change in committee membership on evaluation records for adoption. Upon receipt of such statement, committee chairperson appoints another representative to committee.
 - (2) **Curriculum and Instruction Executive Director** initiates disqualification of a committee member. Employee or community member is notified in writing that he/she has participated in incompatible activities as stated in C.3. and of action to be taken as explained in D.1.d. Notice of action taken is forwarded to instructional materials supervisor, who records change in committee membership on evaluation records for adoption.

E. FORMS AND AUXILIARY REFERENCES

1. Conflict of Interest of the San Diego Unified School District and instruction manual for statement of economic interests, available from the Office of General Counsel
2. Instructional Materials Conflict of Interest Disclosure form, available from the Curriculum and Instruction Division

F. REPORTS AND RECORDS

1. Board reports

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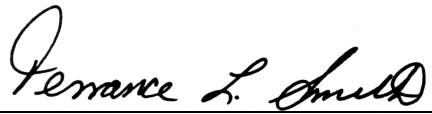
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2. Instructional materials adoption packet

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education