



**SANTA BARBARA COUNTY BOARD OF EDUCATION
POLICY COMMITTEE**

4400 Cathedral Oaks Road
Santa Barbara, CA 93110

MEETING

October 4, 2022 – 2:00 p.m.
Virtual meeting, online via Zoom

MINUTES

The Santa Barbara County Board of Education's Policy Committee held this meeting on Tuesday, October 4, 2022, as a virtual meeting due to the COVID-19 pandemic. Assembly Bill 361 allows local agencies flexibility in conducting public meetings virtually during a declared state of emergency.

UNAPPROVED

In Attendance: Marybeth Carty, Judy Frost, Bruce Porter, Michelle de Werd, Susan Salcido, Mari Baptista, Bridget Baublits, Anna Freedland, Austin Payne

GENERAL FUNCTIONS

1. Call to order

The meeting was called to order at 2:03 p.m. by Committee Chair Porter.

2. Public comments

None.

ACTION ITEMS

3. Approval of minutes of meeting held August 10, 2022

Minutes of the meeting held August 10, 2022 were approved.

MOVED: Mrs. Carty

SECONDED: Mrs. Frost

VOTE: Passed 3-0

4. Approval of new board policies

The committee approved the new board policies (BP) listed below as corrected, with the references section titled, "Cross Reference Code," removed. The references section in a board policy is not part of the policy and removing a references section does not change the substance of the policy. The committee approved recommending the full board adopt the new BPs listed below as corrected:

Board Policy Title	BP Number – Certificated Personnel	BP Number – Classified Personnel	BP Number – Management Personnel
Administrative Staff Organization			4301
Recruitment and Selection	4111	4211	4311
Legal Status Requirement	4111.2	4211.2	4311.2
Certification	4112.2		
Contracts			4312.1
Interns	4112.21		
Employment of Relatives	4112.8	4212.8	4312.8
Employee Notifications	4112.9	4212.9	4312.9

MOVED: **Mrs. Frost**

SECONDED: **Mrs. Carty**

VOTE: **Passed 3-0**

5. Continue discussion on Board Policy 5117.1 – Interdistrict Attendance Appeals (revised)

At the request of the Board Policy Committee, the superintendent provided information related to children of active military parents/guardians. The committee discussed the information and considered whether to incorporate criterion 1(B), related to children of active military parents/guardians, which was previously presented to the committee for consideration at its August meeting, into BP 5117.1. The committee also considered, again, criteria 2(E) through 6(I), which were previously presented to the committee for consideration at its August meeting. The following motion was made:

MOTION: Approve Board Policy 5117.1 – Interdistrict Attendance Appeals (revised) as it is written, not to include criteria 1(B) through 6(I) in the BP, and recommend adoption by the full board.

MOVED: **Mrs. Carty**

SECONDED: **Mrs. Frost**

VOTE: **Passed 3-0**

ADJOURNMENT

6. Adjournment to the next regular meeting on January 19, 2023.

The meeting was adjourned at 2:55 p.m. to the next regular meeting on January 19, 2023.

MOVED: **Mrs. Frost**

SECONDED: **Mrs. Carty**

VOTE: **Passed 3-0**



**SANTA BARBARA COUNTY BOARD OF EDUCATION
POLICY COMMITTEE**

4400 Cathedral Oaks Road
Santa Barbara, CA 93110

MEETING

January 5, 2023 – 1:15 p.m.

MINUTES

The Santa Barbara County Board of Education Policy Committee held this meeting on Thursday, January 5, 2023, as a hybrid meeting due to weather conditions. Additionally, Resolution No. 2313, adopted by the board on December 9, 2022, recognized a state of emergency and reauthorized teleconferenced meetings for a period of thirty days, per AB 361.

UNAPPROVED

In Attendance: Marybeth Carty, Michelle de Werd, Bruce Porter, Judy Frost, Susan Salcido, Mari Baptista, Bridget Baublits, Anna Freedland

GENERAL FUNCTIONS

1. Call to order

The meeting was called to order at 1:16 p.m. by Committee Chair Porter.

2. Public comments

None.

DISCUSSION ITEM

3. Future board policies

The committee discussed potential future board policies related to conflict of interest and superintendent salary. Staff agreed to draft sample policies for the committee to consider at the next meeting on January 19, 2023.

ADJOURNMENT

4. Adjournment

The meeting was adjourned at 1:48 p.m. to the next regular meeting to be held on January 19, 2023.

MOVED: Mrs. Carty

SECONDED: Mrs. de Werd VOTE: Passed 3-0

Agenda Item 5 Materials



PERSONNEL - ALL EMPLOYEES

BOARD POLICY – ACCEPTABLE USE AGREEMENT

BP 4040

The County Board of Education and the County Superintendent of Schools recognize that technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting SBCEO office and program operations; and improving access to and exchange of information. The County Superintendent of Schools or designee expect all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use SBCEO technology primarily for purposes related to their employment.

SBCEO technology includes, but is not limited to, computers, the SBCEO's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through SBCEO-owned or personally owned equipment or devices.

The County Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of SBCEO technology. Upon employment and whenever significant changes are made to the SBCEO's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use SBCEO technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The County Superintendent or designee shall ensure that all SBCEO sites with Internet access that qualify for E-rate discounts have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 7131; 47 USC 254)

The County Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the SBCEO, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the County Superintendent or designee may monitor employee usage of SBCEO technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct SBCEO business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of SBCEO technology to the County Superintendent or designee.

Inappropriate use of SBCEO technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Gov. Code 3543.1
Gov. Code 6250-6270
Pen. Code 502
Pen. Code 632
Veh. Code 23123
Veh. Code 23123.5
Veh. Code 23125

Description

Rights of employee organizations
California Public Records Act
Computer Crimes, remedies
Eavesdropping on or recording confidential communications
Wireless telephones in vehicles
Mobile communication devices; text messaging while driving
Wireless telephones in school buses

Federal

20 USC 7101-7122
20 USC 7131
47 CFR 54.520

Description

Student Support and Academic Enrichment Grants
Internet Safety
Internet safety policy and technology protection measures, E-rate discounts

Management Resources

Court Decision
Court Decision
Website
Website
Website
Website
Website

Description

City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332
City of San Jose v. Superior Court (2017) 2 Cal.5th 608
[Federal Communications Commission](#)
[American Library Association](#)
[California Department of Education](#)
[CSBA](#)
[U.S. Department of Education](#)

ADOPTED BY COUNTY BOARD:
REVISED:

September 7, 2017
Pending

Superintendent Policy 4040: Acceptable Use Of Technology

Status: ADOPTED

Original Adopted Date: 07/01/2001 | **Last Revised Date:** 07/01/2015 | **Last Reviewed Date:** 07/01/2015

The Governing Board recognizes that technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use district technology primarily for purposes related to their employment.

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 7131; 47 USC 254)

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of district technology to the Superintendent or designee.

Inappropriate use of district technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.



STUDENTS

Clean

BOARD POLICY – **STUDENT AND FAMILY PRIVACY RIGHTS**

BP 5022

The County Board of Education respects the rights of students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

The County Superintendent of Schools or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
5. The sale by students of products or services to raise funds for school-related or education-related activities
6. Student recognition programs

The County Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including their name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

However, the County Education Office shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code 234.7, 49076.7)

The County Superintendent or designee may consult with parents/guardians regarding

the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
 - b. Instructional materials used as part of their children's educational curriculum
4. Any nonemergency physical examinations or screenings that the school may administer

The County Superintendent or designee shall notify parents/guardians of the adoption or continued use of the County Education Office's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

20 USC 1232g

20 USC 1232h

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Protection of pupil rights

Management Resources

Website

Website

Website

Description

[U.S. Department of Education, Family Policy Compliance Office](#)

[CSBA](#)

[California Department of Education](#)

State

Ed. Code 234.7

Ed. Code 49076.7

Ed. Code 49450-49458

Ed. Code 49602

Ed. Code 51101

Ed. Code 51513

Ed. Code 51514

Description

Student protections related to immigration and citizenship status

Student records; data privacy; social security numbers

Physical examinations

Confidentiality of personal information received during counseling

Parents Rights Act of 2002

Test, questionnaire, survey, or examination concerning personal beliefs

Nonremoval of survey questions pertaining to sexual orientation

Ed. Code 51938

or gender identity
Sexual Health and HIV/AIDS Prevention Education Act; notice
and parental excuse

ADOPTED BY COUNTY BOARD: December 2, 2004
REVISED:

STUDENTS

Marked

POLICY – STUDENT AND FAMILY PRIVACY RIGHTS

BP 5022

~~This policy applies to students enrolled in programs operated by the Santa Barbara County Education Office (SBCEO), which includes students who receive special education and related services, students in juvenile court schools, and students in county community schools.~~

~~The County Board of Education and County Superintendent of Schools recognize that personal information concerning students in County Education Office operated programs as referenced above and their families should be kept private in accordance with law. Upon approval by the County Superintendent, program staff may administer or distribute survey instruments to students that are designed for the purpose of collecting personal information related to surveys that are sanctioned by the California Department of Education and/or its agents. The County Superintendent or designee shall ensure that these instruments are administered in accordance with law and administrative regulation.~~

~~The County Superintendent or designee has consulted with parents/guardians regarding the development and implementation of this policy.~~

~~ADOPTED BY COUNTY BOARD: December 2, 2004~~

County Board Policy 5022: Student And Family Privacy Rights

Status: ADOPTED

Original Adopted Date: 11/01/2002 | **Last Revised Date:** 03/01/2018 | **Last Reviewed Date:** 03/01/2018

The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
5. The sale by students of products or services to raise funds for school-related or education-related activities
6. Student recognition programs

OPTION 1:

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

OPTION 1 ENDS HERE

OPTION 2:

In addition, the Superintendent or designee may collect, disclose, or use a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, or telephone number for the purpose of marketing or selling that information or providing the information to others for that purpose.

However, the district shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families. (Education Code 234.7, 49076.7)

OPTION 2 ENDS HERE

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
 - b. Instructional materials used as part of their children's educational curriculum
 - c. Instruments used in the collection of personal information for the purpose of marketing or sale
4. Any nonemergency physical examinations or screenings that the school may administer

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Protection of pupil rights
Management Resources	Description
Website	U.S. Department of Education, Family Policy Compliance Office
Website	CSBA
Website	California Department of Education
State	Description
Ed. Code 234.7	Student protections related to immigration and citizenship status
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49450-49458	Physical examinations
Ed. Code 49602	Confidentiality of personal information received during counseling
Ed. Code 51101	Parents Rights Act of 2002
Ed. Code 51513	Test, questionnaire, survey, or examination concerning personal beliefs
Ed. Code 51514	Nonremoval of survey questions pertaining to sexual orientation or gender identity
Ed. Code 51938	Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

Cross References

Code	Description
1113	County Office Of Education And School Web Sites
1113	County Office Of Education And School Web Sites
1113-E(1)	County Office Of Education And School Web Sites



STUDENTS

Clean

BOARD POLICY – **STUDENT WELLNESS**

BP 5030

The County Board of Education recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The County Superintendent of Schools or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the County Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

School Wellness Council

The County Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, County Board members, program managers, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b; 7 CFR 210.31)

To fulfill this requirement, the County Superintendent or designee may appoint a school wellness council or other district committee and a program manager or wellness council coordinator. The council may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

The County Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The wellness council may advise the district on health-related issues, activities, policies, and programs. At the discretion of the County Superintendent or designee, the duties of the council may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

Goals for Nutrition, Physical Activity, and Other Wellness Activities

The County Superintendent shall adopt specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing such goals, the County Superintendent or designee shall review and consider evidence-based strategies and techniques. (42 USC 1758b; 7 CFR 210.31)

The district's nutrition education and physical education programs shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

The nutrition education program may include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education may be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

The County Superintendent or designee may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

Professional development may be regularly offered to program managers, and staff, as well as health education teachers, physical education teachers, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The County Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

The County Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. The County Superintendent may promote work-site wellness programs and provide opportunities for regular physical activity among employees.

Nutrition Guidelines for All Foods Available at School

For all foods and beverages available on each campus during the school day, the district shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773, and

1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the district's ability to provide nutritious meals and snacks, district schools may participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

The County Superintendent or designee shall provide access to free, potable water in the food service area during meal times in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and by serving water in an appealing manner.

The County Board believes that all foods and beverages sold to students at district schools, including those available outside the district's reimbursable food services program, should support the health curriculum and promote optimal health. Nutrition standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutrition standards.

The County Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

The County Superintendent also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

To reinforce the district's nutrition education program, the County Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (Education Code 49431.9; 7 CFR 210.31)

Program Implementation and Evaluation

The County Superintendent designates the individual identified below as the individual responsible for ensuring that each school site complies with the district's wellness policy. (42 USC 1758b; 7 CFR 210.31)

Bridget Baublits
Associate Superintendent, Educational Services

805-964-4711 extension 5265
bbaublits@sbceo.org

The County Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.31)

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The County Superintendent or designee shall invite feedback on district and school wellness activities from program managers, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The County Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness.

Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program
4. Extent to which foods and beverages sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutrition standards
5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards
6. Results of the state's physical fitness test at applicable grade levels
7. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity

8. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate
10. As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

In addition, the County Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results of both the district and state evaluations shall be submitted to the County Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Notifications

The County Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available to the public on an annual basis. The County Superintendent or designee shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.31)

The County Superintendent or designee may distribute this information through the most effective methods of communication, including district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the CDE.

Records

The County Superintendent or designee shall retain records that document compliance with 7 CFR 210.31, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements,

including requirements to make the policy and assessment results available to the public. (7 CFR 210.31)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal	Description
42 USC 1751-1769j	National School Lunch Program
42 USC 1758b	Local wellness policy
42 USC 1771-1793	Child Nutrition Act
42 USC 1773	School Breakfast Program
42 USC 1779	Rules and regulations, Child Nutrition Act
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 210.31	Wellness policy
7 CFR 220.1-220.22	National School Breakfast Program
Management Resources	Description
California Department of Education Publication	Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009
California Department of Education Publication	Health Framework for California Public Schools: Kindergarten through Grade 12, 2003
California Project Lean Publication	Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
Center for Collaborative Solutions	Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security, Jan 2015
Centers for Disease Control & Prevention Publication	School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev. 2012
Court Decision	Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012
CSBA Publication	School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006
CSBA Publication	Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009
CSBA Publication	Physical Education and California Schools, Policy Brief, rev. October 2007
CSBA Publication	Physical Activity and Physical Education in California Schools, Research Brief, April 2010
CSBA Publication	Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012
CSBA Publication	Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012
CSBA Publication	Integrating Physical Activity into the School Day, Governance Brief, April 2016
CSBA Publication	Increasing Access to Drinking Water in Schools, Policy Brief, April 2013
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
Federal Register	Rules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170

National Assoc of State Boards of
Education Pub
U.S. Department of Agriculture
Publication
Website

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State

5 CCR 15500-15501

5 CCR 15510

5 CCR 15530-15535

5 CCR 15550-15565

Ed. Code 33350-33354

Ed. Code 38086

Ed. Code 49430-49434

Ed. Code 49490-49494

Ed. Code 49500-49505

Ed. Code 49510-49520

Ed. Code 49530-49536

Ed. Code 49540-49546

Ed. Code 49547-49548.3

Ed. Code 49550-49562

Ed. Code 49565-49565.8

Ed. Code 49570

Ed. Code 51210

Ed. Code 51210.1-51210.2

Ed. Code 51210.4

Ed. Code 51220

Ed. Code 51222

Ed. Code 51223

Ed. Code 51795-51798

Ed. Code 51880-51921

Fit, Healthy and Ready to Learn, rev. 2012

Dietary Guidelines for Americans, 2016

[U.S. Department of Agriculture, Healthy Meals Resource System](#)

[U.S. Department of Agriculture, Food Nutrition Service, wellness policy](#)

[Society for Nutrition Education](#)

[School Nutrition Association](#)

[National Association of State Boards of Education](#)

[National Alliance for Nutrition and Activity](#)

[Dairy Council of California](#)

[CSBA](#)

[Centers for Disease Control and Prevention](#)

[Center for Collaborative Solutions](#)

[California School Nutrition Association](#)

[California Project LEAN \(Leaders Encouraging Activity and Nutrition\)](#)

[California Healthy Kids Resource Center](#)

[California Department of Public Health](#)

[California Department of Education, Nutrition Services Division](#)

[Alliance for a Healthier Generation](#)

[Action for Healthy Kids](#)

Description

Food sales by student organizations

Mandatory meals for needy students

Nutrition education

School lunch and breakfast programs

CDE responsibilities re: physical education

Free fresh drinking water

Pupil Nutrition, Health, and Achievement Act of 2001

School breakfast and lunch programs

School meals

Nutrition

Child Nutrition Act

Child care food program

Comprehensive nutrition services

Meals for needy students

California Fresh Start pilot program

National School Lunch Act

Course of study for grades 1-6

Physical education, grades 1-6

Nutrition education

Course of study for grades 7-12

Physical education

Physical education, elementary schools

School instructional gardens

Comprehensive health education

ADOPTED BY COUNTY BOARD: March 6, 2008
REVISED:

POLICY- STUDENT WELLNESS

BP 5030

~~The County Board of Education believes that the physical health and well being of its students are essential to their education. It also acknowledges the Federal mandates that the County Education Office provide instruction that enhances the health of its students. (42 USC 1751)~~

~~The Board is committed to a wellness program that:~~

- ~~1. promotes health, including nutrition as an integral component, in a continuum from Pre-Kindergarten through Grade Twelve,~~
- ~~2. follows a curriculum based on the California State Health Frameworks and other mandates,~~
- ~~3. incorporates the necessary instruction time into the school year,~~
- ~~4. provides training to certificated staff, and~~
- ~~5. engages SBCEO schools with the community.~~

~~The program addresses three components of health: health education, nutrition, and physical activity.~~

~~Health Education — Health and nutrition education designed to foster health literacy among students — the capacity of the individual to obtain, understand, interpret, and use basic health information and services to enhance personal health. Core health facts, concepts, and skills that can be taught and assessed as presented in the California State Health Framework and other resources.~~

~~Nutrition — Adequate and nourishing food that enables students to grow, learn and maintain health and provides a positive and immediate impact on student academic achievement. Good nutrition as an integral component of the pre-kindergarten through Grade Twelve curriculum, teaching, and assessments.~~

~~Physical Activity — Promoting lifelong engagement in activities that have a positive effect on cardiovascular and muscular-skeletal systems. Benefits of physical activity include:~~

- ~~• physical, emotional and intellectual well being;~~
- ~~• enhancement of learning and school achievement;~~
- ~~• reduction of stress and anxiety;~~
- ~~• development of healthy habits;~~
- ~~• promotion of lifelong fitness;~~

STUDENTS

POLICY - STUDENT WELLNESS

BP 5030

-2-

- ~~prevention of chronic diseases.~~

~~SBCEO programs will support and collaborate with individual school districts' policies that include the Federal Child Nutrition, Women, Infants and Children (WIC) Reauthorization Act of 2004 (note in 42 USC 1751).~~

~~Implementation will be achieved as follows:~~

- ~~1. SBCEO programs located on school district campuses will comply with the district's wellness policy and collaborate with the district to support and insure implementation within SBCEO's programs.~~
- ~~2. Each SBCEO program will develop internal protocols for professional development for staff around wellness policies.~~
- ~~3. Any categorical program operating outside of a district site will develop internal protocols to comply with this policy as it relates to the components of health for students and staff.~~
- ~~4. Monitoring of policy implementation — Within each program, the administrator or designee will establish a department wellness committee to ensure compliance with the district's and or County Education Office policy.~~

ADOPTED BY COUNTY BOARD:

March 6, 2008

STUDENTS

POLICY - STUDENT WELLNESS

BP 5030

-3-

BP 5030

County Board Policy 5030: Student Wellness

Status: ADOPTED

Original Adopted Date: 07/01/2011 | Last Revised Date: 12/01/2016 | Last Reviewed Date: 12/01/2016

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

School Wellness Council

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b; 7 CFR 210.31)

To fulfill this requirement, the Superintendent or designee may appoint a school wellness council or other district committee and a wellness council coordinator. The council may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The wellness council shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

Goals for Nutrition, Physical Activity, and Other Wellness Activities

The Board shall adopt specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 1758b; 7 CFR 210.31)

The district's nutrition education and physical education programs shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

Professional development may be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

Nutrition Guidelines for All Foods Available at School

For all foods and beverages available on each campus during the school day, the district shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773, and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

The Superintendent or designee shall provide access to free, potable water in the food service area during meal times in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and by serving water in an appealing manner.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's reimbursable food services program, should support the health curriculum and promote optimal health. Nutrition standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutrition standards.

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for

students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (Education Code 49431.9; 7 CFR 210.31)

Program Implementation and Evaluation

The Superintendent designates the individual(s) identified below as the individual(s) responsible for ensuring that each school site complies with the district's wellness policy. (42 USC 1758b; 7 CFR 210.31)

(Title or Position)
(Phone Number)
(Email Address)

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.31)

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program
4. Extent to which foods and beverages sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutrition standards

5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards
6. Results of the state's physical fitness test at applicable grade levels
7. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
8. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results of both the district and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Notifications

The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.31)

The Superintendent or designee shall distribute this information through the most effective methods of communication, including district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the CDE.

Records

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.31, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.31)

Federal	Description
42 USC 1751-1769j	National School Lunch Program
42 USC 1758b	Local wellness policy

42 USC 1771-1793	Child Nutrition Act
42 USC 1773	School Breakfast Program
42 USC 1779	Rules and regulations, Child Nutrition Act
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 210.31	Wellness policy
7 CFR 220.1-220.22	National School Breakfast Program
Management Resources	Description
California Department of Education Publication	Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009
California Department of Education Publication	Health Framework for California Public Schools: Kindergarten through Grade 12, 2003
California Project Lean Publication	Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
Center for Collaborative Solutions	Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security, Jan 2015
Centers for Disease Control&Prevention Publication	School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev. 2012
Court Decision	Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012
CSBA Publication	School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006
CSBA Publication	Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009
CSBA Publication	Physical Education and California Schools, Policy Brief, rev. October 2007
CSBA Publication	Physical Activity and Physical Education in California Schools, Research Brief, April 2010
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CSBA Publication	Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012
CSBA Publication	Integrating Physical Activity into the School Day, Governance Brief, April 2016
CSBA Publication	Increasing Access to Drinking Water in Schools, Policy Brief, April 2013
CSBA Publication	Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
Federal Register	Rules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170
National Assoc of State Boards of Education Pub	Fit, Healthy and Ready to Learn, rev. 2012
U.S. Department of Agriculture Publication	Dietary Guidelines for Americans, 2016
Website	U.S. Department of Agriculture, Healthy Meals Resource System
Website	U.S. Department of Agriculture, Food Nutrition Service, wellness policy

Website	Society for Nutrition Education
Website	School Nutrition Association
Website	National Association of State Boards of Education
Website	National Alliance for Nutrition and Activity
Website	Dairy Council of California
Website	CSBA
Website	Centers for Disease Control and Prevention
Website	Center for Collaborative Solutions
Website	California School Nutrition Association
Website	California Project LEAN (Leaders Encouraging Activity and Nutrition)
Website	California Healthy Kids Resource Center
Website	California Department of Public Health
Website	California Department of Education, Nutrition Services Division
Website	Alliance for a Healthier Generation
Website	Action for Healthy Kids
State	Description
5 CCR 15500-15501	Food sales by student organizations
5 CCR 15510	Mandatory meals for needy students
5 CCR 15530-15535	Nutrition education
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 33350-33354	CDE responsibilities re: physical education
Ed. Code 38086	Free fresh drinking water
Ed. Code 49430-49434	Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49490-49494	School breakfast and lunch programs
Ed. Code 49500-49505	School meals
Ed. Code 49510-49520	Nutrition
Ed. Code 49530-49536	Child Nutrition Act
Ed. Code 49540-49546	Child care food program
Ed. Code 49547-49548.3	Comprehensive nutrition services
Ed. Code 49550-49562	Meals for needy students
Ed. Code 49565-49565.8	California Fresh Start pilot program
Ed. Code 49570	National School Lunch Act
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51210.1-51210.2	Physical education, grades 1-6
Ed. Code 51210.4	Nutrition education
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51795-51798	School instructional gardens
Ed. Code 51880-51921	Comprehensive health education

Cross References

Code	Description
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals



STUDENTS

CLEAN

BOARD POLICY – CHILD ABUSE PREVENTION AND REPORTING

BP 5141.4

The County Board is committed to supporting the safety and well-being of County Education Office students and desires to facilitate the prevention of and response to child abuse and neglect. The County Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The County Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

The County Education Office's instructional program may provide age-appropriate and culturally sensitive child abuse prevention curriculum, which explains students' rights to live free of abuse, includes instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, informs students of available support resources, and teaches students how to obtain help and disclose incidents of abuse.

The County Education Office's programs also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The County Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

Child Abuse Reporting

The County Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the County Education Office comprehensive safety plan. (Education Code 32282)

County Education Office employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

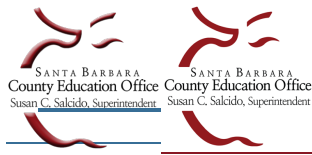
The County Superintendent or designee shall provide training regarding the duties of mandated reporters as required by law and as specified in the accompanying administrative regulation. (Education Code 44691; Penal Code 11165.7)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy."

Federal	Description
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions
Management Resources	Description
California Department of Education Publication	Health Framework for California Public Schools, Kindergarten Through Grade Twelve
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve
Court Decision	Camreta v. Greene (2011) 131 S.Ct. 2020
Website	U.S. Department of Health and Human Services, Child Welfare Information Gateway
Website	California Department of Social Services, Children and Family Services Division
Website	California Department of Education, Safe Schools
Website	California Attorney General's Office, Suspected Child Abuse Report Form
State	Description
5 CCR 4650	Filing complaints with CDE, special education students
Ed. Code 32280-32289	School safety plans
Ed. Code 33195	Heritage schools, mandated reporters
Ed. Code 33308.1	Guidelines on procedure for filing child abuse complaints
Ed. Code 44252	Teacher credentialing
Ed. Code 44691	Staff development in the detection of child abuse and neglect
Ed. Code 44807	Duty concerning conduct of students
Ed. Code 48906	Notification when student released to peace officer
Ed. Code 48987	Dissemination of reporting guidelines to parents
Ed. Code 49001	Prohibition of corporal punishment
Ed. Code 51220.5	Parenting skills education
Ed. Code 51900.6	Sexual abuse and sexual assault awareness and prevention
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 152.3	Duty to report murder, rape, or lewd or lascivious act
Pen. Code 273a	Willful cruelty or unjustifiable punishment of child; endangering life or health
Pen. Code 288	Definition of lewd or lascivious act requiring reporting
W&I Code 15630-15637	Dependent adult abuse reporting

ADOPTED BY COUNTY BOARD:	October 5, 1989
REVISED:	May 7, 1992
	April 7, 1994
	February 2, 2012
	September 7, 2017
	December 13, 2019



STUDENTS

MARKED

BOARD POLICY – CHILD ABUSE PREVENTION AND REPORTING

BP 5141.4

The County Board is committed to supporting the safety and well-being of County Education Office students and desires to facilitate the prevention of and response to child abuse and neglect. The County Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The County Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

The County Education Office's instructional program ~~shall~~ may provide ~~include~~ age-appropriate and culturally sensitive child abuse prevention curriculum, ~~which.~~ This curriculum shall explains students' rights to live free of abuse, includes instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, informs students of available support resources, and teaches students how to obtain help and disclose incidents of abuse.

The County Education Office's programs s also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

~~The County Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the County Education Office's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.~~

The County Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

Child Abuse Reporting

The County Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the County Education Office

comprehensive safety plan. (Education Code 32282)

County Education Office employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The County Superintendent or designee shall provide training regarding the duties of mandated reporters as required by law and as specified in the accompanying administrative regulation. (Education Code 44691; Penal Code 11165.7)

“Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.”

Legal Reference:

Federal

42 USC 11434a

Management Resources

California Department of Education
Publication

California Department of Education
Publication

Court Decision

Website

Website

Website

Website

State

5 CCR 4650

Ed. Code 32280-32289

Ed. Code 33195

Ed. Code 33308.1

Ed. Code 44252

Ed. Code 44691

Ed. Code 44807

Ed. Code 48906

Ed. Code 48987

Ed. Code 49001

Ed. Code 51220.5

Ed. Code 51900.6

Pen. Code 11164-11174.3

Pen. Code 152.3

Pen. Code 273a

Pen. Code 288

W&I Code 15630-15637

Description

McKinney-Vento Homeless Assistance Act; definitions

Description

Health Framework for California Public Schools, Kindergarten
Through Grade Twelve

Health Education Content Standards for California Public Schools,
Kindergarten Through Grade Twelve

Camreta v. Greene (2011) 131 S.Ct. 2020

[U.S. Department of Health and Human Services, Child Welfare
Information Gateway](#)

[California Department of Social Services, Children and Family
Services Division](#)

[California Department of Education, Safe Schools](#)

[California Attorney General's Office, Suspected Child Abuse
Report Form](#)

Description

Filing complaints with CDE, special education students

School safety plans

Heritage schools, mandated reporters

Guidelines on procedure for filing child abuse complaints

Teacher credentialing

Staff development in the detection of child abuse and neglect

Duty concerning conduct of students

Notification when student released to peace officer

Dissemination of reporting guidelines to parents

Prohibition of corporal punishment

Parenting skills education

Sexual abuse and sexual assault awareness and prevention

Child Abuse and Neglect Reporting Act

Duty to report murder, rape, or lewd or lascivious act

Willful cruelty or unjustifiable punishment of child; endangering life
or health

Definition of lewd or lascivious act requiring reporting

Dependent adult abuse reporting

EDUCATION CODE

~~32280-32288 Comprehensive school safety plans~~
~~33195 Heritage schools, mandated reporters~~
~~33308.1 Guidelines on procedure for filing child abuse complaints~~
~~44252 Teacher credentialing~~
~~44691 Staff development in the detection of child abuse and neglect~~
~~44807 Duty concerning conduct of students~~
~~48906 Notification when student released to peace officer~~
~~48987 Dissemination of reporting guidelines to parents~~
~~49001 Prohibition of corporal punishment~~
~~51220.5 Parenting skills education~~
~~51900.6 Sexual abuse and sexual assault awareness and prevention~~

PENAL CODE

~~152.3 Duty to report murder, rape, or lewd or lascivious act~~
~~273a Willful cruelty or unjustifiable punishment of child; endangering life or health~~
~~288 Definition of lewd or lascivious act requiring reporting~~
~~11164-11174.3 Child Abuse and Neglect Reporting Act~~

WELFARE AND INSTITUTIONS CODE

~~15630-15637 Dependent adult abuse reporting~~

CODE OF REGULATIONS, TITLE 5

~~4650 Filing complaints with CDE, special education students~~

UNITED STATES CODE, TITLE 42

~~11434a McKinney-Vento Homeless Assistance Act; definitions~~

COURT DECISIONS

~~Camreta v. Greene (2011) 131 S.Ct. 2020~~

Management Resources:

GALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve~~
~~Health Framework for California Public Schools, Kindergarten Through Grade Twelve~~

WEB SITES

~~California Attorney General's Office, Suspected Child Abuse Report Form:~~
~~http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf~~
~~California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>~~
~~California Department of Social Services, Children and Family Services Division:~~
~~<http://www.childsworld.ca.gov>~~
~~U.S. Department of Health and Human Services, Child Welfare Information Gateway:~~
~~<https://www.childwelfare.gov/can>~~

ADOPTED BY COUNTY BOARD: October 5, 1989

REVISED: May 7, 1992
April 7, 1994
February 2, 2012
September 7, 2017
December 13, 2019

County Board Policy 5141.4: Child Abuse Prevention And Reporting **Status: ADOPTED**

Original Adopted Date: 07/01/2002 | **Last Revised Date:** 06/01/2021 | **Last Reviewed Date:** 06/01/2021

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

The district's instructional program may provide age-appropriate and culturally sensitive child abuse prevention curriculum which explains students' right to live free of abuse, includes instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, informs students of available support resources, and teaches students how to obtain help and disclose incidents of abuse.

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

In addition, student identification cards for students in grades 7-12 shall include the National Domestic Violence Hotline telephone number. (Education Code 215.5)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters as required by law and as specified in the accompanying administrative regulation. (Education Code 44691; Penal Code 11165.7)

Federal	Description
42 USC 11434a	McKinney-Vento Homeless Assistance Act; definitions
Management Resources	Description
California Department of Education Publication	Health Framework for California Public Schools, Kindergarten Through Grade Twelve
California Department of Education Publication	Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Court Decision
Website

Website

Website
Website

State

5 CCR 4650
Ed. Code 32280-32289
Ed. Code 33195
Ed. Code 33308.1

Ed. Code 44252
Ed. Code 44691

Ed. Code 44807
Ed. Code 48906
Ed. Code 48987
Ed. Code 49001
Ed. Code 51220.5
Ed. Code 51900.6

Pen. Code 11164-11174.3
Pen. Code 152.3
Pen. Code 273a

Pen. Code 288
W&I Code 15630-15637

Camreta v. Greene (2011) 131 S.Ct. 2020

[U.S. Department of Health and Human Services, Child Welfare Information Gateway](#)

[California Department of Social Services, Children and Family Services Division](#)

[California Department of Education, Safe Schools](#)

[California Attorney General's Office, Suspected Child Abuse Report Form](#)

Description

Filing complaints with CDE, special education students
School safety plans

Heritage schools, mandated reporters

Guidelines on procedure for filing child abuse complaints

Teacher credentialing

Staff development in the detection of child abuse and neglect

Duty concerning conduct of students

Notification when student released to peace officer

Dissemination of reporting guidelines to parents

Prohibition of corporal punishment

Parenting skills education

Sexual abuse and sexual assault awareness and prevention

Child Abuse and Neglect Reporting Act

Duty to report murder, rape, or lewd or lascivious act

Willful cruelty or unjustifiable punishment of child; endangering life or health

Definition of lewd or lascivious act requiring reporting

Dependent adult abuse reporting

Cross References

Code

5142

5142

Description

[Safety](#)

[Safety](#)



STUDENTS

Clean

BOARD POLICY – FREEDOM OF SPEECH AND EXPRESSION

BP 5145.2

The County Board of Education believes that free inquiry and exchange of ideas are essential parts of a democratic education. The County Board and the County Superintendent of Schools respect students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

On-Campus Expression

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (Education Code 48907)

Student expression on district or school Internet web sites and online media shall generally be afforded the same protections as in print media.

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. (Education Code 48907)

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law. (Education Code 48907)

The County Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)

Off-Campus Expression

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The County Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

20 USC 4071-4074

Description

Equal Access Act

Management Resources

Court Decision

Description

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Court Decision

Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439

Court Decision

Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530

Court Decision

Lovell v. Poway Unified School District, (1996) 90 F.3d 367

Court Decision

Leeb v. DeLong, (1988) 198 Cal.App.3d 47

Court Decision

Lavine v. Blaine School District, (2001, 9th Cir.) 257 F.3d 981

Court Decision

J.S. v. Bethlehem Area School District, (2000) 757 A.2d 412 (Pa. Commw. 2000)

Court Decision

Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

Court Decision

Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088

Court Decision

Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350

Court Decision

Beussink v. Woodland R-IV School District, (1998) 30 F.Supp. 2d 1175

Court Decision

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Website

[CSBA](#)

Website

[California Department of Education](#)

State

CA Constitution Article 1, Section 2

Ed. Code 48907

Ed. Code 48950

Ed. Code 51520

Description

[Freedom of speech and expression](#)

Students' exercise of free expression; rules and regulations

Freedom of speech and other communication

Prohibited solicitations on school premises

ADOPTED BY COUNTY BOARD:

July 3, 1975

REVISED:

June 7, 1984

January 6, 1994

April 7, 1994



STUDENTS

Marked

BOARD POLICY – FREEDOM OF SPEECH AND EXPRESSION

The County Board of Education believes that free inquiry and exchange of ideas are essential parts of a democratic education. The County Board of Education and the County Superintendent of Schools respect students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular, whether controversial or not, through their speech, their writing, their clothing, and the printed materials they choose to post or distribute.

On-Campus Expression

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (Education Code 48907)

Student expression on district or school Internet web sites and online media shall generally be afforded the same protections as in print media.

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. (Education Code 48907)

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law. (Education Code 48907)

The County Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)

Off-Campus Expression

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The County Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

Policy Reference Disclaimer:

~~Student liberties of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of all members of the school community.~~

~~Students shall be free to post or distribute handbills, leaflets and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning either school or out-of-school issues. Students may not post or distribute materials regarding the meetings of non-curricular student-initiated groups.~~

~~The County Superintendent or designee will ensure that due process is followed when resolving disputes regarding student freedom of expression in accordance with administrative regulations.~~

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Federal

20 USC 4071-4074

Management Resources

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Website

Website

State

Description

Equal Access Act

Description

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439

Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530

Lovell v. Poway Unified School District, (1996) 90 F.3d 367

Leeb v. DeLong, (1988) 198 Cal.App.3d 47

Lavine v. Blaine School District, (2001, 9th Cir.) 257 F.3d 981

J.S. v. Bethlehem Area School District, (2000) 757 A.2d 412 (Pa. Commw. 2000)

Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088

Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350

Beussink v. Woodland R-IV School District, (1998) 30 F.Supp. 2d 1175

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

CSBA

California Department of Education

Description

CA Constitution Article 1, Section 2
Ed. Code 48907
Ed. Code 48950
Ed. Code 51520

Freedom of speech and expression
Students' exercise of free expression; rules and regulations
Freedom of speech and other communication
Prohibited solicitations on school premises

ADOPTED BY COUNTY BOARD:
REVISED:

July 3, 1975
June 7, 1984
January 6, 1994
April 7, 1994

County Board Policy 5145.2: Freedom Of Speech/Expression

Status: ADOPTED

Original Adopted Date: 03/01/1993 | **Last Revised Date:** 11/01/2007 | **Last Reviewed Date:** 11/01/2007

The Governing Board believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

On-Campus Expression

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (Education Code 48907)

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The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)

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A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

Court Decision	Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503
Court Decision	Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439
Court Decision	Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530
Court Decision	Lovell v. Poway Unified School District, (1996) 90 F.3d 367
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Court Decision	Lavine v. Blaine School District, (2001, 9th Cir.) 257 F.3d 981
Court Decision	J.S. v. Bethlehem Area School District, (2000) 757 A.2d 412 (Pa. Commw. 2000)
Court Decision	Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562
Court Decision	Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088
Court Decision	Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350
Court Decision	Beussink v. Woodland R-IV School District, (1998) 30 F.Supp. 2d 1175
Court Decision	Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
Website	CSBA
Website	California Department of Education
State	Description
CA Constitution Article 1, Section 2	Freedom of speech and expression
Ed. Code 48907	Students' exercise of free expression; rules and regulations
Ed. Code 48950	Freedom of speech and other communication
Ed. Code 51520	Prohibited solicitations on school premises



BOARD BYLAW

BOARD POLICY – **CONFLICT OF INTEREST**

BP 9270

The County Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the county education office (CEO) and the public. In accordance with law, County Board members, and all SBCEO employees designated by law, shall disclose any conflict of interest and, as necessary, shall abstain from participating in any decisions or discussions that could affect or be effected by those interests, especially, as prohibited by Government Code 1090, those interests related to contracts. The County Board shall consult legal counsel whenever an actual or potential conflict of interest arises.

The County Board shall adopt a resolution that specifies the terms of its conflict of interest code, designates any consultant positions required to complete conflict of interest reporting, and establishes disclosure categories required for each position. The conflict of interest code must be approved by the appropriate code reviewing body. Upon request by the code reviewing body, the County Board shall review the conflict of interest code and submit any changes to the code reviewing body.

When a change in the conflict of interest code is necessitated due to changed circumstances, such as the hiring of a new consultant in a position that is not already designated in the conflict of interest code or a change to an existing consultant's scope of work in a manner that changes the consultant's position to a designated position, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the conflict of interest code, the County Board shall provide members of the community, the County Superintendent of Schools, CEO staff, and consultants of the County Board adequate notice and a fair opportunity to present their views. (Government Code 87311)

County Board members shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the conflict of interest code. A County Board member who leaves office shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office. (Government Code 87302, 87302.6)

Conflict of Interest under the Political Reform Act

A County Board member shall not make, participate in making, or in any way use or attempt to use their official position to influence a governmental decision in which they know or have reason to know that they have a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more

of the County Board member's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the County Board member's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A County Board member is involved in making a governmental decision when, acting within the authority of their office or position, they vote on a matter, appoint a person, obligate or commit the County Board to any course of action, or vote to enter into or approve any contractual agreement on behalf of the County Board. (2 CCR 18704)

A County Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the County Board shall abstain from voting on the matter. Although they may remain on the dais, if they do choose to stay their presence shall not be counted towards achieving a quorum for that matter. A County Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the County Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18700)

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

County Board members shall not be financially interested in any contract made by the County Board and shall not be included in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids for such contracts. If a County Board member has such a financial interest, the County Board is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A County Board member shall not be considered to be financially interested in a contract if their interest is a "noninterest" as defined in Government Code 1091.5.

A County Board member shall not be considered to be financially interested in a contract if they have only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a County Board meeting and noted in the official County Board minutes. The affected County Board member shall not vote or debate on the matter or attempt to influence any other County Board member's vote. (Government Code 1091)

To avoid the appearance of impropriety, County Board members may decide not to participate in any discussion or action involving contracts where their interest is a "noninterest" or "remote interest" as described in Education Code 1091 and 1091.5.

Common Law Doctrine Against Conflict of Interest

A County Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties. The County Board shall consult legal counsel whenever an actual or potential conflict of interest arises.

County Board members shall abstain from voting on personnel matters that uniquely affect relatives. Relative means an adult who is related to the County Board member by blood, affinity, or adoptive relationship within the third degree.***

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a County Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18705.

Incompatible Offices and Activities

County Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the County Board member's duties as an officer of the COE. (Government Code 1099, 1126)

Gifts

County Board members may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the County Board for its members. (Government Code 89506)

Honoraria

County Board members shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the COE for donation into the general fund without being claimed as a deduction from income for tax purposes

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

CSBA Publication

Fair Political Practices Commission
 Publication

Institute For Local Government Publication

Institute for Local Government Publication

Website

Website

Website

Description

92 Ops.Cal.Atty.Gen. 26 (2009)
 92 Ops.Cal.Atty.Gen. 19 (2009)
 89 Ops.Cal.Atty.Gen. 217 (2006)
 86 Ops.Cal.Atty.Gen. 138(2003)
 85 Ops.Cal.Atty.Gen. 60 (2002)
 82 Ops.Cal.Atty.Gen. 83 (1999)
 81 Ops.Cal.Atty.Gen. 327 (1998)
 80 Ops.Cal.Atty.Gen. 320 (1997)
 69 Ops.Cal.Atty.Gen. 255 (1986)
 68 Ops.Cal.Atty.Gen. 171 (1985)
 65 Ops.Cal.Atty.Gen. 606 (1982)
 63 Ops.Cal.Atty.Gen. 868 (1980)
 Thorpe v. Long Beach Community College District, (2000) 83
 Cal.App.4th 655
 McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No.
 B262850)
 Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511
 Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
 Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
 Conflict of Interest: Overview of Key Issues for Governing Board
 Members, Fact Sheet, July 2010
 Can I Vote? A Basic Overview of Public Officials' Obligations
 Under the Conflict-of-Interest Rules, 2005
 Understanding the Basics of Public Service Ethics: Personal
 Financial Gain Laws, 2009
 Understanding the Basics of Public Service Ethics: Transparency
 Laws, 2009
[Institute for Local Government](#)
[Fair Political Practices Commission](#)
[CSBA](#)

State

2 CCR 18110-18997
 2 CCR 18700-18760
 2 CCR 18722-18740
 2 CCR 18753-18756
 Ed. Code 1006

Ed. Code 35107
 Ed. Code 35230-35240
 Ed. Code 35233

Description

[Regulations of the Fair Political Practices Commission](#)
[Conflicts of Interest](#)
[Disclosure of interests](#)
[Conflict of interest codes](#)
[Prohibition against school district employees serving on county
 board of education](#)
 School district employees
 Corrupt practices
 Prohibitions applicable to members of governing boards

Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 1125-1129	Incompatible activities
Gov. Code 81000-91014	Political Reform Act of 1974
Gov. Code 82011	Code reviewing body
Gov. Code 82019	Definition, designated employee
Gov. Code 82028	Definition, gift
Gov. Code 82030	Definition, income
Gov. Code 82033	Definition, interest in real property
Gov. Code 82034	Definition, investment
Gov. Code 87100-87103.6	General prohibitions
Gov. Code 87200-87210	Disclosure
Gov. Code 87300-87313	Conflict of interest code
Gov. Code 87500	Statement of economic interests
Gov. Code 89501-89503	Honoraria and gifts
Gov. Code 89506	Ethics; travel
Gov. Code 91000-91014	Enforcement
Pen. Code 85-88	Bribes
Rev. & Tax Code 203	Taxable and exempt property - colleges

ADOPTED BY COUNTY BOARD: February 3, 1977

REVISED: July 5, 1984, March 7, 1985, December 5, 1985, December 4, 1986, 3, 1987, May 2, 1991, January 2, 1992, December 3, 1992, December 1, 1993, December 1, 1994, December 7, 1995, November 7, 1996, December 3, 1998, March 2, 2000, November 2, 2000, January 3, 2002, November 6, 2003, November 4, 2004, January 5, 2006, December 7, 2006, December 6, 2007, December 4, 2008, January 7, 2010, December 2, 2010, February 2, 2012, March 7, 2013, December 12, 2013, December 11, 2014, February 2, 2017, PENDING



BOARD BYLAW

EXHIBIT – CONFLICT OF INTEREST

BP 9270

RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

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

WHEREAS, the Santa Barbara County Board of Education has 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 County Board's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, 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 87300 and 87306; and

WHEREAS, the County Board has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

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

NOW THEREFORE BE IT RESOLVED that the Santa Barbara County Board of Education adopts the following Conflict of Interest Code including its Appendix of Designated Positions and Disclosure Categories.

PASSED AND ADOPTED THIS [REDACTED] day of [REDACTED], [REDACTED] at a meeting, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Attest:

Secretary/President

Conflict of Interest Code of the Santa Barbara County Board of Education

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the County Board of Education's conflict of interest code.

County Board members and all other individuals in designated positions shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the appropriate code reviewing body. The County Board shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
 - a. Interests in real property located entirely or partly within county boundaries, or within two miles of the county boundaries, or of any land owned or used by the County Board.
 - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the county, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the County Board, or manufacture or sell supplies, books, machinery, or equipment of the type used by the County Board.
2. Category 2: A person designated Category 2 shall disclose:
 - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
 - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs.
3. Category 3 Full Disclosure: Because it has been determined that the SBCEO's Board members and/or County Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
 - a. Interests in real property located entirely or partly within county boundaries, or within two miles of county boundaries, or of any land owned or used by the SBCEO.
 - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

Designated Positions

Designated Position	Disclosure Category
Members, County Board of Education	3
Members, Personnel Commission	1
County Superintendent of Schools	3
Deputy Superintendent	3

Associate Superintendents	3
Legal Counsel	1
Consultants to the County Board	2
Administrator	3
Advisor	3
Controller	3
Coordinator	3
Director	3
Manager	3

Disclosures for Consultants

Consultants who are hired pursuant to Education Code 1042 may be designated individuals who are required to disclose financial interests as determined on a case-by-case basis. The determination shall be in writing and 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 County Board, makes a governmental decision pursuant 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 SBCEO to enter into, modify, or renew a contract that requires SBCEO approval
5. Grant SBCEO approval to a contract that requires SBCEO approval and in which the SBCEO is a party, or to the specifications for such a contract
6. Grant SBCEO approval to a plan, design, report, study, or similar item
7. Adopt or grant SBCEO approval of SBCEO policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the SBCEO, serves in a staff capacity with the SBCEO 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 SBCEO that would otherwise be performed by an individual holding a position specified in the SBCEO's conflict of interest code. (2 CCR 18700.3)

Exhibit Reference Disclaimer:

These references are not intended to be part of the exhibit itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this exhibit. Instead, they are provided as additional resources for those interested in the subject matter of the exhibit.

State

2 CCR 18110-18997
2 CCR 18700-18760
2 CCR 18722-18740
2 CCR 18753-18756
Ed. Code 1006

Ed. Code 35107
Ed. Code 35230-35240
Ed. Code 35233
Ed. Code 41000-41003
Ed. Code 41015
Fam. Code 297.5

Gov. Code 1090-1099
Gov. Code 1125-1129
Gov. Code 81000-91014
Gov. Code 82011
Gov. Code 82019
Gov. Code 82028
Gov. Code 82030
Gov. Code 82033
Gov. Code 82034
Gov. Code 87100-87103.6
Gov. Code 87200-87210
Gov. Code 87300-87313
Gov. Code 87500
Gov. Code 89501-89503
Gov. Code 89506
Gov. Code 91000-91014
Pen. Code 85-88
Rev. & Tax Code 203

Management Resources

Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Court Decision

Court Decision

Description

[Regulations of the Fair Political Practices Commission](#)
[Conflicts of Interest](#)
[Disclosure of interests](#)
[Conflict of interest codes](#)
[Prohibition against school district employees serving on county board of education](#)
School district employees
Corrupt practices
Prohibitions applicable to members of governing boards
Moneys received by school districts
Investments
Rights, protections, and benefits of registered domestic partners
Prohibitions applicable to specified officers
Incompatible activities
Political Reform Act of 1974
Code reviewing body
[Definition; designated employee](#)
Definition; gift
Definition; income
Definition; interest in real property
Definition; investment
General prohibitions
Disclosure
[Conflict of interest code](#)
Statement of economic interests
Honoraria and gifts
Ethics; travel
Enforcement
Bribes
Taxable and exempt property - colleges

Description

63 Ops.Cal.Atty.Gen. 868 (1980)
65 Ops.Cal.Atty.Gen. 606 (1982)
68 Ops.Cal.Atty.Gen. 171 (1985)
69 Ops.Cal.Atty.Gen. 255 (1986)
80 Ops.Cal.Atty.Gen. 320 (1997)
81 Ops.Cal.Atty.Gen. 327 (1998)
82 Ops.Cal.Atty.Gen. 83 (1999)
85 Ops.Cal.Atty.Gen. 60 (2002)
86 Ops.Cal.Atty.Gen. 138(2003)
89 Ops.Cal.Atty.Gen. 217 (2006)
92 Ops.Cal.Atty.Gen. 19 (2009)
92 Ops.Cal.Atty.Gen. 26 (2009)
Davis v. Fresno Unified School District (2015) 237
Cal.App.4th 261
Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Court Decision	Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235
Court Decision	Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655
CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission Publication	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government Publication	Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	Fair Political Practices Commission

APPROVED BY BOARD OF SUPERVISORS: August 6, 1984, March 25, 1985, January 21, 1986, January 12, 1987, February 1, 1988, June 25, 1991, January 28, 1992, January 5, 1993, January 4, 1994, January 24, 1995, January 16, 1996, January 21, 1997, February 9, 1999, April 4, 2000, January 2, 2001, February 19, 2002, March 2, 2004, January 18, 2005, February 28, 2006, February 6, 2007, February 26, 2008, February 17, 2009, March 2, 2010, February 1, 2011, June 18, 2013, February 10, 2015, April 11, 2017, PENDING

Board Bylaw 9270: Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 06/01/2016 | **Last Reviewed Date:** 06/01/2016

The County Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the county office of education (COE) and the public. In accordance with law, County Board members shall disclose any conflict of interest and, as necessary, shall abstain from participating in any decisions or discussions that could affect or be effected by those interests, especially, as prohibited by Government Code 1090, those interests related to contracts. The County Board shall consult legal counsel whenever an actual or potential conflict of interest arises.

The County Board shall adopt a resolution that specifies the terms of its conflict of interest code, designates any consultant positions required to complete conflict of interest reporting, and establishes disclosure categories required for each position. The conflict of interest code must be approved by the appropriate code reviewing body. Upon request by the code reviewing body, the County Board shall review the conflict of interest code and submit any changes to the code reviewing body.

When a change in the conflict of interest code is necessitated due to changed circumstances, such as the hiring of a new consultant in a position that is not already designated in the conflict of interest code or a change to an existing consultant's scope of work in a manner that changes the consultant's position to a designated position, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the conflict of interest code, the County Board shall provide members of the community, the County Superintendent of Schools, COE staff, and consultants of the County Board adequate notice and a fair opportunity to present their views. (Government Code 87311)

County Board members shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the conflict of interest code. A County Board member who leaves office shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office. (Government Code 87302, 87302.6)

Conflict of Interest under the Political Reform Act

A County Board member shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the County Board member's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the County Board member's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A County Board member is involved in making a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the County Board to any course of action, or votes to enter into or approve any contractual agreement on behalf of the County Board. (2 CCR 18704)

A County Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the County Board shall abstain from voting on the matter. Although he/she may remain on the dais, if they do choose to stay their presence shall not be counted towards achieving a quorum for that matter. A County Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the County Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18700)

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

County Board members shall not be financially interested in any contract made by the County Board and shall not be included in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids for such contracts. If a County Board member has such a financial interest,

the County Board is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A County Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5.

A County Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a County Board meeting and noted in the official County Board minutes. The affected County Board member shall not vote or debate on the matter or attempt to influence any other County Board member's vote. (Government Code 1091)

To avoid the appearance of impropriety, County Board members may decide not to participate in any discussion or action involving contracts where his/her interest is a "noninterest" or "remote interest" as described in Education Code 1091 and 1091.5.

Common Law Doctrine Against Conflict of Interest

A County Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties. The County Board shall consult legal counsel whenever an actual or potential conflict of interest arises.

County Board members shall abstain from voting on personnel matters that uniquely affect relatives. Relative means an adult who is related to the County Board member by blood, affinity, or adoptive relationship within the third degree.***

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a County Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18705.

Incompatible Offices and Activities

County Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the County Board member's duties as an officer of the COE. (Government Code 1099, 1126)

Gifts

County Board members may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the County Board for its members. (Government Code 89506)

Honoraria

County Board members shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
 2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the COE for donation into the general fund without being claimed as a deduction from income for tax purposes
-

POLICY -- CONFLICT OF INTEREST

BP 9270

The Political Reform Act, Government Code Sections 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 Cal. Adm. Code Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and along with the attached Appendices "A" and "B" in which employees and officials are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Santa Barbara County Education Office.

Pursuant to Section 4 of the standard Code, designated employees and officials shall file statements of economic interest with the Santa Barbara County Education Office. Upon receipt of the statements of the County Superintendent of Schools and members of the County Board of Education, the County Education Office shall make and retain a copy and forward the originals of these statements to the Elections Division of the Santa Barbara County Clerk/Recorder. Statements for all other designated employees will be retained by the County Education Office.

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EXHIBIT "A"
DESIGNATED POSITIONS

- I. Persons occupying the following positions are designated employees and officials, and must disclose financial interests in Categories 1 and 2 defined in Exhibit "B".

Members, County Board of Education
Members, Personnel Commission
County Superintendent of Schools
Deputy Superintendent
Assistant Superintendents
Legal Counsel

- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 2 of Exhibit "B".

None

- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 3 of Exhibit "B".

Administrator
Advisor
Controller
Coordinator
Director
Manager

- IV. Consultants are included in the list of designated positions and must disclose financial interests defined in Categories 1, 2, and 3 of Exhibit "B", subject to the following limitation:

The County Superintendent of Schools or designee 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 fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The County Superintendent/designee'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.

EXHIBIT "B"
DISCLOSURE CATEGORIES

CATEGORY 1

- A. Interests in real property which is located in whole or in part within the jurisdiction of the County Education Office if the fair market value of the interest is One Thousand Dollars (\$1,000.) or more.
- B. Investments in or income from business entities which are contractors or subcontractors which are or have been within the previous two-year period engaged in or in the foreseeable future may engage in the performance of building construction or design for the County Education Office.
- C. Investments in or income from persons or business entities engaged in the acquisition of or disposal of real property within the jurisdiction of the County Education Office.

CATEGORY 2

Investments in or income from business entities which within the last two years have contracted or in the future foreseeably may contract with the County Education Office to provide work, services, materials, machinery or equipment.

CATEGORY 3

Investments in or income from business entities which within the last two years have contracted or in the future foreseeably may contract with the County Education Office to provide work, services, materials, machinery or equipment of the type utilized by the department for which the designated employee is a manager or director.

BYLAWS

POLICY -- CONFLICT OF INTEREST

BP 9270

-4-

ADOPTED BY COUNTY BOARD:	February 3, 1977
REVISED:	July 5, 1984
APPROVED BY BOARD OF SUPERVISORS:	August 6, 1984
REVISED:	March 7, 1985
APPROVED BY BOARD OF SUPERVISORS:	March 25, 1985
REVISED:	December 5, 1985
APPROVED BY BOARD OF SUPERVISORS:	January 21, 1986
REVISED:	December 4, 1986
APPROVED BY BOARD OF SUPERVISORS:	January 12, 1987
REVISED:	December 3, 1987
APPROVED BY BOARD OF SUPERVISORS:	February 1, 1988
REVISED:	May 2, 1991
APPROVED BY BOARD OF SUPERVISORS:	June 25, 1991
REVISED:	January 2, 1992
APPROVED BY BOARD OF SUPERVISORS:	January 28, 1992
REVISED:	December 3, 1992
APPROVED BY BOARD OF SUPERVISORS:	January 5, 1993
REVISED:	December 1, 1993
APPROVED BY BOARD OF SUPERVISORS:	January 4, 1994
REVISED:	December 1, 1994
APPROVED BY BOARD OF SUPERVISORS:	January 24, 1995
REVISED:	December 7, 1995
APPROVED BY BOARD OF SUPERVISORS:	January 16, 1996
REVISED:	November 7, 1996
APPROVED BY BOARD OF SUPERVISORS:	January 21, 1997
REVISED:	December 3, 1998
APPROVED BY BOARD OF SUPERVISORS:	February 9, 1999
REVISED:	March 2, 2000
APPROVED BY BOARD OF SUPERVISORS:	April 4, 2000
REVISED:	November 2, 2000
APPROVED BY BOARD OF SUPERVISORS:	January 2, 2001
REVISED:	January 3, 2002
APPROVED BY BOARD OF SUPERVISORS:	February 19, 2002
REVISED:	November 6, 2003
APPROVED BY BOARD OF SUPERVISORS:	March 2, 2004
REVISED:	November 4, 2004
APPROVED BY BOARD OF SUPERVISORS:	January 18, 2005
REVISED:	January 5, 2006
APPROVED BY BOARD OF SUPERVISORS:	February 28, 2006
REVISED:	December 7, 2006
APPROVED BY BOARD OF SUPERVISORS:	February 6, 2007
REVISED:	December 6, 2007
APPROVED BY BOARD OF SUPERVISORS:	February 26, 2008
REVISED:	December 4, 2008
APPROVED BY BOARD OF SUPERVISORS:	February 17, 2009
REVISED:	January 7, 2010
APPROVED BY BOARD OF SUPERVISORS:	March 2, 2010
REVISED:	December 2, 2010
APPROVED BY BOARD OF SUPERVISORS:	February 1, 2011
REVISED:	February 2, 2012
APPROVED BY BOARD OF SUPERVISORS:	
REVISED:	March 7, 2013
APPROVED BY BOARD OF SUPERVISORS:	June 18, 2013
REVISED:	December 12, 2013
APPROVED BY BOARD OF SUPERVISORS:	
REVISED:	December 11, 2014

BYLAWS

POLICY -- CONFLICT OF INTEREST

BP 9270

-5-

APPROVED BY BOARD OF SUPERVISORS
REVISED:

February 10, 2015
February 2, 2017

Agenda Item 6 Materials

Human Resources-Related Board Policies for the Santa Barbara County Board of Education 2022-2023

Red = revised from current

Blue = new

Beige highlight = policies coming before the Board Policy Committee on 1/19/23

8/22	10/22	1/23	TBD	TBD	Policy #	Title
X					4000	Concepts And Roles
X					4020	Drug And Alcohol-Free Workplace
X					4030	Nondiscrimination In Employment
X					4033	Lactation Accommodation
		X			4040	Acceptable Use Agreement
						CERTIFICATED
X					4100	Certificated Personnel
	X				4111	Recruitment And Selection
	X				4111.2	Legal Status Requirement
	X				4112.2	Certification
	X				4112.21	Interns
	X				4112.8	Employment Of Relatives
	X				4112.9	Employee Notifications
		X			4113	Assignment
		X			4113.4	Temporary Modified/Light-Duty Assignment
X					4113.5	Working Remotely
			X		4114	Transfers
X					4115	Evaluation/Supervision
			X		4116	Probationary/Permanent Status
		X			4117.13	Early Retirement Option
		X			4117.2	Resignation
		X			4117.3	Personnel Reduction
		X			4118	Dismissal/Suspension/Disciplinary Action
		X			4119.1	Civil And Legal Rights
X					4119.11	Sexual Harassment
		X			4119.21	Professional Standards
		X			4119.22	Dress And Grooming
		X			4119.23	Unauthorized Release Of Confidential Privileged Information
		X			4119.24	Maintaining Appropriate Adult-Student Interactions

Human Resources-Related Board Policies for the Santa Barbara County Board of Education 2022-2023

X					4119.25	Political Activities Of Employees
			X		4119.41	Employees With Infectious Disease
			X		4119.42	Exposure Control Plan For Bloodborne Pathogens
			X		4119.43	Universal Precautions
			X		4121	Temporary/Substitute Personnel
X					4131	Staff Development
			X		4132	Publication Or Creation Of Materials
			X		4135	Soliciting And Selling
X					4136	Nonschool Employment
			X		4140	Bargaining Units
		X			4141	Collective Bargaining Agreement
		X			4141.6	Concerted Action/Work Stoppage
		X			4143	Negotiations/Consultation
			X		4143.1	Public Notice - Personnel Negotiations
X					4144	Complaints
X					4151	Employee Compensation
X					4154	Health And Welfare Benefits
				X	4156.2	Awards And Recognition
				X	4156.3	Employee Property Reimbursement
				X	4157	Employee Safety
				X	4158	Employee Security
				X	4159	Employee Assistance Programs
X					4161	Leaves
					4161.9	Catastrophic Leave Program
						CLASSIFIED
X					4200	Classified Personnel
	X				4211	Recruitment And Selection
	X				4211.2	Legal Status Requirement
	X				4212.8	Employment Of Relatives
	X				4212.9	Employee Notifications
		X			4213.4	Temporary Modified/Light-Duty Assignment
X					4213.5	Working Remotely
X					4215	Evaluation/Supervision
			X		4216	Probationary/Permanent Status
		X			4217.2	Resignation

Human Resources-Related Board Policies for the Santa Barbara County Board of Education 2022-2023

		X			4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
		X			4219.1	Civil And Legal Rights
X					4219.11	Sexual Harassment
		X			4219.21	Professional Standards
		X			4219.22	Dress And Grooming
		X			4219.23	Unauthorized Release Of Confidential/Privileged Information
		X			4219.24	Maintaining Appropriate Adult-Student Interactions
X					4219.25	Political Activities Of Employees
			X		4219.41	Employees With Infectious Disease
			X		4219.42	Exposure Control Plan For Bloodborne Pathogens
			X		4219.43	Universal Precautions
			X		4222	Teacher Aides/Paraprofessionals
					4227	Temporary Athletic Team Coaches
X					4231	Staff Development
			X		4232	Publication Or Creation Of Materials
			X		4235	Soliciting And Selling
X					4236	Nonschool Employment
			X		4240	Bargaining Units
		X			4241	Collective Bargaining Agreement
		X			4241.6	Concerted Action/Work Stoppage
		X			4243	Negotiations/Consultation
			X		4243.1	Public Notice - Personnel Negotiations
X					4244	Complaints
X					4251	Employee Compensation
X					4254	Health And Welfare Benefits
				X	4256.2	Awards And Recognition
				X	4256.3	Employee Property Reimbursement
				X	4257	Employee Safety
				X	4258	Employee Security
				X	4259	Employee Assistance Programs
X					4261	Leaves
				X	4261.3	Professional Standards
			X		4261.9	Catastrophic Leave Program
						MANAGEMENT
X					4300	Administrative And Supervisory Personnel

Human Resources-Related Board Policies for the Santa Barbara County Board of Education 2022-2023

	X				4301	Administrative Staff Organization
	X				4311	Recruitment And Selection
	X				4311.2	Legal Status Requirement
	X				4312.1	Contracts
	X				4312.8	Employment Of Relatives
	X				4312.9	Employee Notifications
		X			4313.2	Demotion/Reassignment
		X			4313.4	Temporary Modified/Light-Duty Assignment
X					4313.5	Working Remotely
		X			4314	Transfers
X					4315	Evaluation/Supervision
		X			4317.13	Early Retirement Option
		X			4317.2	Resignation
		X			4319.1	Civil And Legal Rights
X					4319.11	Sexual Harassment
		X			4319.21	Professional Standards
		X			4319.22	Dress And Grooming
		X			4319.23	Unauthorized Release Of Confidential/Privileged Information
		X			4319.24	Maintaining Appropriate Adult-Student Interactions
X					4319.25	Political Activities Of Employees
			X		4319.41	Employees With Infectious Disease
			X		4319.42	Exposure Control Plan For Bloodborne Pathogens
			X		4319.43	Universal Precautions
X					4331	Staff Development
			X		4332	Publication or Creation of Materials
			X		4335	Soliciting And Selling
X					4336	Nonschool Employment
			X		4340	Bargaining Units
X					4344	Complaints
X					4351	Employee Compensation
X					4354	Health And Welfare Benefits
				X	4356.2	Awards And Recognition
				X	4356.3	Employee Property Reimbursement
				X	4357	Employee Safety
				X	4358	Employee Security

Human Resources-Related Board Policies for the Santa Barbara County Board of Education 2022-2023

			X	4359	Employee Assistance Programs
X				4361	Leaves
		X		4361.9	Catastrophic Leave Program



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – ASSIGNMENT

BP 4113

In order to serve the best interests of students and the educational program, the County Superintendent of Schools or designee assigns certificated personnel to positions for which they are qualified pursuant to their certification, preparation, professional experience, and aptitude.

Teachers may be assigned to any program within the SBCEO in accordance with the collective bargaining agreement or Board policy.

Assignment to Courses/Classes

The County Superintendent or designee shall assign teachers based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the County Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare the teacher to provide instruction in that subject.

When specifically authorized by law or regulation, the County Superintendent or designee may, with the teacher's consent, assign a teacher to a position outside the teacher's credential authorization in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual. Such assignments shall be annually approved by the County Superintendent. In such cases, the County Superintendent or designee shall reference in SBCEO records the statute or regulation under which the assignment is authorized.

If at any time a certificated employee is required by the SBCEO to accept an assignment which the employee believes is not legally authorized by the employee's credential, the employee shall notify the County Superintendent or designee, in writing, of the misassignment. Within 15 working days, the County Superintendent or designee shall notify the employee of the legality of the assignment. No adverse action shall be taken against an employee who files a notice of misassignment. (Education Code 44258.9)

Vacancies and Misassignments

Annually, the SBCEO shall review potential misassignments and vacant positions throughout the SBCEO. Upon receiving notification from CTC of the availability of data regarding potential misassignments and vacant positions in the SBCEO, the County Superintendent or designee shall review the data within 60 days. When necessary, the County Superintendent or designee may respond by submitting additional documentation showing that an employee is legally authorized for an assignment and/or that a position



identified as vacant was miscoded and a legally authorized employee is assigned to the position. (Education Code 44258.9)

If the SBCEO subsequently receives, within 90 days of CTC's initial notification, a notification indicating that a certificated employee in the SBCEO is assigned to a position for which the employee has no legal authorization, the SBCEO shall correct the assignment within 30 calendar days. (Education Code 44258.9)

The SBCEO shall serve as the monitoring authority for teacher assignments in any charter school it has authorized, in accordance with Education Code 44258.9-44258.10.

Any complaint alleging teacher misassignment or vacancy shall be filed and addressed through the SBCEO's procedures specified in AR 1312.4 - Williams Uniform Complaint Procedures.

The school accountability report card for each school shall include any assignment of teachers outside their subject areas of competence, misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period. (Education Code 33126)

Equitable Distribution of Qualified and Experienced Teachers

The County Superintendent or designee shall identify and address the equitable distribution of highly qualified and experienced teachers among SBCEO programs, including those with higher than average levels of low-income, minority, and/or academically underperforming students. The County Superintendent or designee shall annually maintain a report with comparisons of teacher qualifications across SBCEO schools, including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver.

Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.

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Federal

20 USC 6311
20 USC 6312
20 USC 6601-6651

Description

State plan
Local educational agency plan
Teacher and Principal Training and Recruiting Fund

Management Resources

California Department of Education
Publication

Description

Every Student Succeeds Act 2016-17 School Year Transition Plan,
April 2016



California Department of Education
Publication
Commission on Teacher Credentialing
Publication
Commission on Teacher Credentialing
Publication
U.S. Department of Education Guidance

Website
Website
Website
Website

State

5 CCR 80003-80005
5 CCR 80020-80020.5
5 CCR 80335
5 CCR 80339-80339.6
Ed. Code 33126
Ed. Code 35035
Ed. Code 35186
Ed. Code 37616
Ed. Code 44225.6
Ed. Code 44250-44277
Ed. Code 44314
Ed. Code 44824
Ed. Code 44955
Gov. Code 3543.2

California State Plan to Ensure Equitable Access to Excellent
Educators
The Administrator's Assignment Manual. rev. September 2007

Administrator's Assignment Manual - Updates and Revisions, May
2014
Improving Teacher Quality State Grants: ESEA Title II, Part A , rev.
October 5, 2006

[U.S. Department of Education](#)

[CSBA](#)

[Commission on Teacher Credentialing](#)

[California Department of Education](#)

Description

Credential authorizations
Additional assignment authorizations
Performance of unauthorized professional services
Unauthorized certificated employee assignment
School accountability report card
Powers and duties of the superintendent; transfer authority
Complaints regarding teacher vacancy or misassignment
Notice of public hearing on year-round schedule
Commission report to the legislature re: teachers
Credentials and assignment of teachers
Subject matter programs, approved subjects
Assignment of teachers to weekend classes
Reduction in number of permanent employees
Scope of representation

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – DEMOTION, REASSIGNMENT

BP 4313.2

The County Superintendent or designee may authorize the demotion or reassignment of any administrative or supervisory employee when such action is determined to be in the best interest of the SBCEO.

The County Superintendent or designee shall ensure that the SBCEO complies with all applicable statutory deadlines and due process procedures when an employee is to be demoted or reassigned.

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Management Resources

Court Decision
Court Decision

Court Decision

Court Decision
Court Decision

Description

Skelly v. California Personnel Board, (1975) 15 Cal.3d 194
Schultz v. Regents of the University of California, (1984) 160 Cal. App. 3d 768
Jefferson v. Compton Unified School District, (1993) 14 Cal. App. 4th 32
Hentschke v. Sink, (1973) 34 Cal. App. 3d 19
Ellerbroek v. Saddleback Valley Unified School District, (1981) 125 Cal. App 3d 348

State

Ed. Code 35031
Ed. Code 44660-44665

Ed. Code 44850.1
Ed. Code 44896
Ed. Code 44897
Ed. Code 44951

Description

Term of employment
Evaluation and assessment of performance of certificated employees
No tenure in administrative or supervisory position
Transfer of administrator or supervisor to teaching position
Classification of administrator or supervisor to a teaching position
Continuation in position unless notified, administrative or supervisory personnel
Definitions (including disciplinary action, cause)
Notification of charges, classified employees

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL – CERTIFICATED EMPLOYEES

BOARD POLICY – **TEMPORARY MODIFIED, LIGHT-DUTY ASSIGNMENT** BP 4113.4

The County Board of Education and the County Superintendent of Schools recognize that, when employees have temporarily disabling medical conditions, temporary modified or light-duty assignments can allow the SBCEO to continue to use their valuable knowledge, skills, and abilities while minimizing time away from work. Temporary modified/light-duty assignments may also serve to facilitate the employee's transition back to the employee's regular duties or full-time work.

Any employee may request a modified or light-duty assignment when the employee has a temporary medical condition which prevents the performance of the essential functions of the employee's current assignment or position. The County Superintendent or designee shall determine, on a case-by-case basis, whether a suitable temporary position currently exists to accommodate the physical restrictions specified by the employee's medical provider.

An employee's initial assignment to a temporary modified or light-duty position shall be for a limited duration, not to exceed 30 days. At the end of the initial assignment, the employee may request that the County Superintendent or designee extend the assignment. When requesting any such extension, the employee shall submit documentation from the employee's medical provider verifying that the employee is still temporarily disabled and is not medically able to return to regular assignment. Temporary assignments generally shall not exceed 90 days, but may be extended at the discretion of the County Superintendent or designee for an additional 90 days upon verification by the employee's medical provider that such an extension will allow the employee to return to unrestricted regular duties.

An employee who rejects a temporary modified/light-duty assignment may be subject to a loss of workers' compensation benefits in accordance with SBCEO's insurance policy.

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Federal

29 USC 2601-2654
42 USC 12101-12213

Description

Family Care and Medical Leave Act
Equal opportunity for individuals with disabilities

Management Resources

Court Decision
Website
Website

Description

Raine v. City of Burbank, (2006) 135 Cal.App.4th 1215
[U.S. Equal Employment Opportunity Commission](#)
[California Department of Fair Employment and Housing](#)

State

Ed. Code 44984
Ed. Code 45192

Description

Required rules for industrial accident and illness leave
Industrial accident and illness leave for classified employees



Gov. Code 12900-12996
Gov. Code 12945.1-12945.2

Fair Employment and Housing Act
California Family Rights Act

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL – CLASSIFIED EMPLOYEES

BOARD POLICY – **TEMPORARY MODIFIED, LIGHT-DUTY ASSIGNMENT** BP 4213.4

The County Board of Education and the County Superintendent of Schools recognize that, when employees have temporarily disabling medical conditions, temporary modified or light-duty assignments can allow the SBCEO to continue to use their valuable knowledge, skills, and abilities while minimizing time away from work. Temporary modified/light-duty assignments may also serve to facilitate the employee's transition back to the employee's regular duties or full-time work.

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Federal

29 USC 2601-2654
42 USC 12101-12213

Description

Family Care and Medical Leave Act
Equal opportunity for individuals with disabilities

Management Resources

Court Decision
Website
Website

Description

Raine v. City of Burbank, (2006) 135 Cal.App.4th 1215
[U.S. Equal Employment Opportunity Commission](#)
[California Department of Fair Employment and Housing](#)

State

Ed. Code 44984

Description

Required rules for industrial accident and illness leave

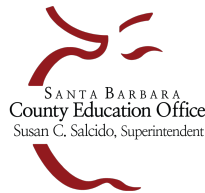


Ed. Code 45192
Gov. Code 12900-12996
Gov. Code 12945.1-12945.2

Industrial accident and illness leave for classified employees
Fair Employment and Housing Act
California Family Rights Act

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – **TEMPORARY MODIFIED, LIGHT-DUTY ASSIGNMENT** BP 4313.4

The County Board of Education and the County Superintendent of Schools recognize that, when employees have temporarily disabling medical conditions, temporary modified or light-duty assignments can allow the SBCEO to continue to use their valuable knowledge, skills, and abilities while minimizing time away from work. Temporary modified/light-duty assignments may also serve to facilitate the employee's transition back to the employee's regular duties or full-time work.

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Federal

29 USC 2601-2654
42 USC 12101-12213

Description

Family Care and Medical Leave Act
Equal opportunity for individuals with disabilities

Management Resources

Court Decision
Website
Website

Description

Raine v. City of Burbank, (2006) 135 Cal.App.4th 1215
[U.S. Equal Employment Opportunity Commission](#)
[California Department of Fair Employment and Housing](#)

State

Description

Temporary Modified, Light-Duty Assignment – Board Policy 4313.4



Ed. Code 44984
Ed. Code 45192
Gov. Code 12900-12996
Gov. Code 12945.1-12945.2

Required rules for industrial accident and illness leave
Industrial accident and illness leave for classified employees
Fair Employment and Housing Act
California Family Rights Act

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL – CERTIFICATED EMPLOYEES

BOARD POLICY – **EARLY RETIREMENT OPTION**

BP 4117.13

When it is beneficial to the SBCEO, the County Superintendent of Schools or designee may offer certificated employees the option to retire early in accordance with law.

Two Years of Service Credit Retirement Incentive

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the County Superintendent of Schools or designee may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

Before taking formal action to approve this service incentive, the County Superintendent of Schools or designee shall determine that encouraging early retirement would be in the best interest of the SBCEO due to the curtailment of services or changes in the manner in which services are performed and that the retirement will result in a net savings to the SBCEO. The County Superintendent of Schools or designee shall demonstrate and certify that the formal action taken would result in a net savings to the SBCEO. (Education Code 22714, 44929)

The County Superintendent of Schools or designee may also consider the impact of the early retirement option on the staffing needs of SBCEO programs.

To be eligible for the two years of service credit option, the employee must have five or more years of service credit and must retire during a period of 60 to 120 days after the County Superintendent of Schools or designee takes formal action to implement the option. (Education Code 22714)

In providing the early retirement option, the SBCEO shall meet all conditions as specified in Education Code 22714 and 44929.

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Management Resources

CA State Teachers' Retirement System
Publication
Court Decision

Website

Description

Retirement Incentive Program, Frequently Asked Questions

United Teacher of Los Angeles v. Los Angeles Unified School
District (1994) 24 Cal.App. 4th 1510

[California State Teachers' Retirement System](#)



State

Ed. Code 22714

Ed. Code 44929

Description

Service credit under STRS; additional two years

Service credit under STRS; additional two years

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – TRANSFERS

BP 4314

The County Board of Education and the County Superintendent of Schools recognize the importance of placing employees in positions that best utilize their skills and talents, help improve student achievement, and provide the most benefit to the SBCEO.

The County Superintendent or designee shall approve the transfer or rotation of administrative or supervisory personnel to the same position at another location for reasons including, but not limited to, the need to improve student achievement and operational efficiency, utilize the skills and talents of the employee more effectively, provide opportunities for professional growth, provide an opportunity for evaluating employees in different school settings or locations, and best accommodate the overall needs of the SBCEO.

The County Superintendent or designee shall establish procedures to enable administrative or supervisory personnel to request a transfer to a vacant position.

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Management Resources

Court Decision

Description

Hentschke v. Sink, (1973) 34 Cal. App. 3d 19

State

Ed. Code 35031

Ed. Code 35035

Ed. Code 44850.1

Ed. Code 44896

Ed. Code 44897

Ed. Code 44951

Description

Term of employment

Powers and duties of the superintendent; transfer authority

No tenure in administrative or supervisory position

Transfer of administrator or supervisor to teaching position

Classification of administrator or supervisor to a teaching position

Continuation in position unless notified, administrative or supervisory personnel

Ed. Code 45101

Definitions (including disciplinary action, cause)

Ed. Code 45113

Notification of charges, classified employees

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – **EARLY RETIREMENT OPTION**

BP 4317.13

When it is beneficial to the SBCEO, the County Superintendent of Schools or designee may offer certificated employees the option to retire early in accordance with law.

Two Years of Service Credit Retirement Incentive

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the County Superintendent of Schools or designee may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

Before taking formal action to approve this service incentive, the County Superintendent of Schools or designee shall determine that encouraging early retirement would be in the best interest of the SBCEO due to the curtailment of services or changes in the manner in which services are performed and that the retirement will result in a net savings to the SBCEO. The County Superintendent of Schools or designee shall demonstrate and certify that the formal action taken would result in a net savings to the SBCEO. (Education Code 22714, 44929)

The County Superintendent of Schools or designee may also consider the impact of the early retirement option on the staffing needs of SBCEO programs.

To be eligible for the two years of service credit option, the employee must have five or more years of service credit and must retire during a period of 60 to 120 days after the County Superintendent of Schools or designee takes formal action to implement the option. (Education Code 22714)

In providing the early retirement option, the SBCEO shall meet all conditions as specified in Education Code 22714 and 44929.

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Management Resources

CA State Teachers' Retirement System
Publication
Court Decision

Website

Description

Retirement Incentive Program, Frequently Asked Questions

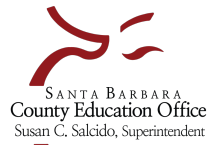
United Teacher of Los Angeles v. Los Angeles Unified School
District (1994) 24 Cal.App. 4th 1510

[California State Teachers' Retirement System](#)

State

Description

Early Retirement Option– Board Policy 4317.13



Ed. Code 22714
Ed. Code 44929

Service credit under STRS; additional two years
Service credit under STRS; additional two years

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – RESIGNATION

BP 4117.2

Any SBCEO employee who desires to resign their position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as their last day at work. The County Board of Education and the County Superintendent of Schools encourage employees to provide advance notice that is appropriate for the position they hold.

The County Superintendent of Schools authorizes the designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the County Superintendent or designee may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received. (Education Code 44930, 45201)

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Management Resources

Court Decision

Description

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829

State

5 CCR 80303

5 CCR 80304

Ed. Code 35161

Ed. Code 44420

Ed. Code 44433

Ed. Code 44930

Ed. Code 45201

Description

Reports of change in employment status, alleged misconduct

Notice of sexual misconduct

Board delegation of any powers or duties

Failure to fulfill contract as ground for suspension of diplomas and certificates

Unauthorized departure from service as unprofessional conduct

Acceptance and date of resignation

Power to accept resignation

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL - CLASSIFIED EMPLOYEES

BOARD POLICY – RESIGNATION

BP 4217.2

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Management Resources

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Description

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829

State

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Ed. Code 35161

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Description

Reports of change in employment status, alleged misconduct

Notice of sexual misconduct

Board delegation of any powers or duties

Failure to fulfill contract as ground for suspension of diplomas and certificates

Unauthorized departure from service as unprofessional conduct

Acceptance and date of resignation

Power to accept resignation

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – RESIGNATION

BP 4317.2

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Management Resources

Court Decision

Description

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829

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Ed. Code 45201

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Reports of change in employment status, alleged misconduct

Notice of sexual misconduct

Board delegation of any powers or duties

Failure to fulfill contract as ground for suspension of diplomas and certificates

Unauthorized departure from service as unprofessional conduct

Acceptance and date of resignation

Power to accept resignation

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – PERSONNEL REDUCTION

BP 4117.3

The County Board of Education and the County Superintendent of Schools or designee may reduce the number of probationary and permanent certificated employees when, in its opinion, any of the following conditions makes such reduction necessary:

1. Average daily attendance (ADA) in all of the classrooms in the SBCEO program during the first six months of the school year have declined below the level for the same period in either of the previous two school years. (Education Code 44955)
2. A particular kind of service is to be reduced or discontinued not later than the beginning of the following school year. (Education Code 44955)
3. Attendance in the SBCEO program will decline in the following year as a result of the termination of an interdistrict tuition agreement. (Education Code 44955)
4. An amendment of state law requires modification of the curriculum. (Education Code 44955)
5. During the time period between five days after the enactment of the Budget Act and August 15 of that fiscal year, the County Superintendent of Schools or designee determines that SBCEO's total revenue limit per ADA for the fiscal year of that Budget Act has not increased by at least two percent. (Education Code 44955.5)

Determination of the Order of Layoffs

When it is necessary to reduce the number of certificated employees for any of the reasons listed above, the services of employees shall be terminated in the inverse of the order in which they were employed by the SBCEO in probationary status, except as otherwise authorized by law. (Education Code 44844, 44955)

The County Superintendent or designee shall maintain the seniority list for this purpose and shall make it available upon request.

Unless otherwise provided by law, a permanent employee shall have the right to be retained over a probationary employee or any employee with less seniority if the position is one for which the employee is certificated and competent to render service. (Education Code 44955)

To determine the order of termination between employees who first rendered paid service on the same date, the County Superintendent or designee shall rank order those employees solely on the basis of the needs of the SBCEO and students. Upon the request



of an employee whose order of termination is to be determined based on such ranking, the County Superintendent or designee shall furnish the employee, no later than five days prior to the commencement of the administrative hearing on the layoff, a written statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking the employee relative to the other employees in the group. (Education Code 44955)

The SBCEO may deviate from terminating certificated employees in order of seniority for either of the following reasons: (Education Code 44955, 44956)

1. To fill a demonstrated specific need for personnel to teach a specific course or courses of study, or to provide services authorized by a services credential with a specialization in either student personnel services or health for a school nurse, when the certificated employee has the necessary special training and experience which others with more seniority do not possess
2. To maintain or achieve compliance with constitutional requirements related to equal protection of the law

Notice and Hearing Rights

When it becomes necessary to reduce the number of permanent and/or probationary employees pursuant to Education Code 44955 as specified in items #1-4 above, the SBCEO shall give notice to the affected employees, no later than March 15, stating the reasons for the action and the employees' right to a hearing. The SBCEO shall adhere to the notice, hearing, and layoff procedures in Education Code 44949, 44955, and other applicable provisions of law.

When an employee has requested a hearing before an administrative law judge regarding the reduction or discontinuation of services, the County Superintendent shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations of the administrative law judge shall be binding on the County Superintendent. (Education Code 44949)

The County Superintendent or designee may conduct its own hearing, adopt the administrative law judge's proposed decision, refer the case back to the administrative law judge for additional evidence, or reject or modify the proposed decision and make its own determination based upon its review of the record.

Following a final decision, the County Superintendent or designee shall give final notice, in the manner specified, to the affected employees before May 15 unless the parties agree otherwise in accordance with procedures required by law. (Education Code 44955)

When layoffs become necessary pursuant to Education Code 44955.5 as specified in item



#5 above, layoff proceedings shall be carried out as required by law but in accordance with a schedule of notice and hearing adopted by the County Superintendent. (Education Code 44955.5)

Reappointment

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees shall have the right to reappointment, in order of seniority, for 39 months from the date of termination. Probationary certificated employees shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (Education Code 44846, 44956, 44957)

During the period of the preferred right to reappointment, permanent certificated employees shall, in the order of original employment, be offered first opportunity for substitute service during the absence of any employee who has been granted a leave of absence or who is temporarily absent from duty. Such substitute service may be terminated upon the return to duty of the other employee. Such substitute service shall not affect the retention of the employees' previous classification and rights. Probationary certificated employees shall have the same right to substitute service during the period of preferred right to reappointment to the extent required by law, subject to the rights of permanent certificated employees. (Education Code 44918, 44956, 44957)

Before reappointing any certificated employee to teach a subject which the employee has not previously taught and for which the employee does not have a teaching credential or which is not within the employee's major area of postsecondary study, the County Superintendent or designee shall require the employee to pass a subject matter competency test in the appropriate subject. (Education Code 44956)

Reappointed certificated employees shall not be subject to any requirements that were not imposed on employees who continued in service. Their period of absence shall be treated as a leave of absence and not considered a break in the continuity of their service. (Education Code 44956, 44957)

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Management Resources

Court Decision
Court Decision

Court Decision
Court Decision

Court Decision

Description

Moreland Teachers Assoc. v. Kurze, (1980) 109 Cal.App.3d 648
King v. Berkeley Unified School District, (1979) 89 Cal.App.3d 1016
Forker v. Board of Trustees, (1984) 160 Cal.App.3d 13
Cousins v. Weaverville Elementary School District, (1994) 24 Cal.App.4th 1846
California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135



Court Decision

Website

State

22 CCR 1089-1
Ed. Code 44830
Ed. Code 44949
Ed. Code 44955
Ed. Code 44955.5
Ed. Code 44956-44959.5
Gov. Code 3543.2
Unemp. Ins. Code 1089

Bakersfield Elementary Teachers Association v. Bakersfield City
School District, (2006) 145 Cal.App.4th 1260

[CSBA](#)

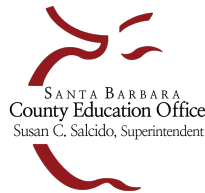
Description

[Notification of unemployment insurance benefits](#)

Employment of certificated persons
Dismissal of probationary employees
Reduction in number of permanent employees
Termination of certificated employees
Rights of employees
Scope of representation
Notification of unemployment insurance benefits

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – **DISMISSAL, SUSPENSION, DISCIPLINARY ACTION**

BP 4118

The County Board of Education and the County Superintendent of Schools expect all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, and administrative regulation. Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

The County Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

Suspension/Dismissal Procedures

The County Superintendent's designee shall notify the County Superintendent whenever there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the County Superintendent or designee finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, they may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The County Superintendent or designee shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

Based on the written statement of charges, the County Superintendent or designee may give notice to the employee of the intention to suspend or dismiss the employee at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)



Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the County Superintendent or designee shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the County Superintendent or designee shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during the instructional year of the school site where the employee is physically employed and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the County Superintendent or designee shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by SBCEO rules and regulations, the County Superintendent or designee may, if it deems it necessary, immediately suspend the employee from assigned duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the County Superintendent or designee may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1, 44940)



When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the County Superintendent or designee shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the SBCEO and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)

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State	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 44008	Effect of termination of probation
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44425	Conviction of a sex or narcotic offense
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 44830.1	Criminal record summary certificated employees
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence
Ed. Code 45055	Drawing of warrants for teachers
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51530	Advocacy or teaching of communism
Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms; enhancement of prison terms
Federal	Description
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses



Management Resources

Commission on Teacher Credentialing
Publication

Court Decision

Court Decision

Court Decision

Website

Website

Website

Website

Website

Website

Description

California's Laws and Rules Pertaining to the Discipline of
Professional Certificated Personnel, 2007

Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Crowl v. Commission on Professional Competence, (1990) 225
Cal. App. 3d 334

Morrison v. State Board of Education (1969) 1 Cal.3d 214

[Office of the Attorney General](#)

[Office of Administrative Hearings](#)

[Department of General Services, About Teacher Dismissal Case
Type](#)

[CSBA District and County Office of Education Legal Services](#)

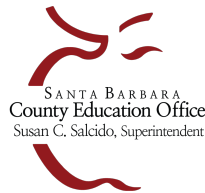
[Commission on Teacher Credentialing](#)

[CSBA](#)

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL – CLASSIFIED EMPLOYEES

BOARD POLICY – DISMISSAL, SUSPENSION, DISCIPLINARY ACTION (MERIT SYSTEM)

BP 4218.1

The County Board of Education and the County Superintendent of Schools expect all employees to perform their jobs satisfactorily and exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law, any applicable collective bargaining agreement, and the rules of the personnel commission.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, administrative regulation, or Personnel Commission rule.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

The County Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

A permanent classified employee shall be subject to suspension, demotion, or dismissal only for one or more of the causes designated by rule of the personnel commission. (Education Code 45302, 45304)

When such serious disciplinary action is being contemplated against an employee, the SBCEO shall adhere to disciplinary procedures developed by the personnel commission. Due process shall be afforded to the employee, including proper notice, an opportunity for the employee to meet with a designated SBCEO official ("Skelly officer") or to respond in writing to the charges, and an opportunity to appeal the SBCEO's decision with the personnel commission in accordance with Education Code 45305-45307. If the matter is



addressed in a hearing before the personnel commission, the decision of the personnel commission shall be final.

However, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. The ruling of the administrative law judge shall be binding on the SBCEO and the employee. (Education Code 45312)

Policy Reference Disclaimer:

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State

CA Constitution Article 1, Section 1
Civ. Code 1286.2
Ed. Code 11500-11506
Ed. Code 35161
Ed. Code 44009
Ed. Code 44010
Ed. Code 44011
Ed. Code 44031
Ed. Code 44940
Ed. Code 44940.5

Ed. Code 44990-44994
Ed. Code 45101
Ed. Code 45109
Ed. Code 45123
Ed. Code 45124
Ed. Code 45202
Ed. Code 45240-45320
Ed. Code 45302-45307

Gov. Code 12900-12996
Gov. Code 54957
H&S Code 11054
H&S Code 11055
H&S Code 11056
H&S Code 11357-11361
H&S Code 11363
H&S Code 11364
H&S Code 11370.1
Pen. Code 11165.2-11165.6
Pen. Code 1192.7
Pen. Code 187
Pen. Code 667.5
Pen. Code 830.32
Veh. Code 1808.8

Description

Inalienable rights
[Grounds for vacating decision of arbitrator](#)
[Programs to encourage parent involvement](#)
Board delegation of any powers or duties
Conviction of specified crimes
Sex offense; definitions
Controlled substance offense
Personnel file contents and inspection
Compulsory leave of absence for certificated persons
Procedures when employees are placed on compulsory leave of absence
Testimony of minor witnesses at dismissal or suspension hearings
Definitions; disciplinary action and cause
Fixing of duties
Employment after conviction of controlled substance offense
Dismissal of sexual psychopath
Transfer of accumulated sick leave and other benefits
Merit system
Suspension, dismissal, or other disciplinary action; classified employees
Fair Employment and Housing Act
Complaints against employees; right to open session
Schedule I; substances included
Schedule II; substances included
Schedule III; substances included
Marijuana
Peyote
Opium
Possession of controlled substances with a firearm
Child abuse or neglect; definitions
Plea bargaining limitation
Murder
Prior prison terms; enhancement of prison terms
School district and community college police
School bus drivers; dismissal for safety-related cause

Federal**Description**



42 USC 12101-12213
U.S. Constitution

Management Resources

CA School Personnel Comm Association
Publication

Court Decision
Court Decision

Court Decision

Court Decision

Court Decision

Court Decision
Website
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Website

Website
Website

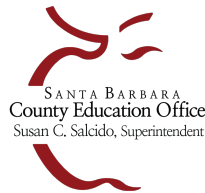
Americans with Disabilities Act
Amendment 1, Free exercise, free speech, and establishment
clauses

Description

Merit Rules and Regulations: CSPCA Recommended Personnel
Policies and Procedures Manual for California School Merit
Systems, 2014
Kennedy v. Bremerton (2022) 142 S.Ct. 2407
California School Employees Association v. Personnel
Commission (1970) 3 Cal.3d 139
California School Employees Association v. Bonita Unified School
District (2008) No. B200141
California School Employees v. Livingston Union School District
(2007) 149 Cal. App. 4th 391
CSEA v. Foothill Community College District (1975) 52 Cal. App.
3rd 150
Skelly v. California Personnel Board (1975) 15 Cal.3d 194
[Office of the Attorney General](#)
[Office of Administrative Hearings](#)
[Department of General Services, About Teacher Dismissal Case
Type](#)
[CSBA District and County Office of Education Legal Services](#)
[California School Personnel Commissioners Association](#)

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – CIVIL AND LEGAL RIGHTS

BP 4119.1

The County Board of Education and the County Superintendent of Schools believe that the personal life of an employee is not an appropriate concern of the SBCEO, except as it may directly relate to the performance of the employee's duties.

SBCEO employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time including when employees are not on duty or engaged in the supervision or instruction of students.

The SBCEO shall make no inquiry concerning the personal values, attitudes, and beliefs of SBCEO employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no SBCEO employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the SBCEO reserves the right to access any publicly available information about any employee.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

When necessary to protect the health, welfare, or safety of students and staff, school officials may search SBCEO property under an employee's control.

Whistleblower Protection

An employee shall have the right to disclose to a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the SBCEO or an SBCEO employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The County Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)



No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the SBCEO's complaint procedures. After filing a complaint with the SBCEO, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or SBCEO responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, SBCEO policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.
2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.
4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

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State

CA Constitution Article 1, Section 1
Ed. Code 200-262.4
Ed. Code 44040

Ed. Code 44110-44114
Ed. Code 48907

Ed. Code 48950
Ed. Code 49091.24
Ed. Code 7050-7058
Gov. Code 12650-12656
Gov. Code 12940-12953
Gov. Code 3540.1
Gov. Code 3543.5
Gov. Code 815.3
Gov. Code 820-823
Gov. Code 825.6
Lab. Code 1102.5-1106

Description

Inalienable rights
[Prohibition of discrimination](#)
Discrimination based on employee's appearance before certain boards or committees
Reporting by school employees of improper governmental activity
Exercise of free expression; time, place and manner rules and regulations
Speech and other communication
Teacher rights to refuse evaluation/survey of personal life
Political activities of school officers and employees
False claims actions
Discrimination prohibited; unlawful practices
Public employment; definitions
Interference with employee's rights prohibited
Intentional torts
Tort claims act
Indemnification of public entity
Whistleblower protections

Federal

18 USC 16
20 USC 1681-1688

20 USC 7941-7948
42 USC 12101-12213
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17
U.S. Constitution

Description

Crime of violence; definition
Title IX of the Education Amendments of 1972; discrimination based on sex
Teacher liability protection
Americans with Disabilities Act
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended
Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources

Court Decision
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Description

Kennedy v. Bremerton (2022) 142 S.Ct. 2407
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Garcetti v. Ceballos (2006) 547 U.S. 410
Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Johnson v. Poway Unified School District (2011) 658 F.3d 954
O'Conner v. Ortega (1987) 480 U.S. 709
Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
[CSBA District and County Office of Education Legal Services](#)
[California Office of the Attorney General](#)

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CLASSIFIED EMPLOYEES

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Gov. Code 12940-12953
Gov. Code 3540.1
Gov. Code 3543.5
Gov. Code 815.3
Gov. Code 820-823
Gov. Code 825.6
Lab. Code 1102.5-1106

Federal

18 USC 16
20 USC 1681-1688

20 USC 7941-7948
42 USC 12101-12213
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17
U.S. Constitution

Management Resources

Court Decision
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Court Decision
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Website
Website

Description

Inalienable rights
[Prohibition of discrimination](#)
Discrimination based on employee's appearance before certain boards or committees
Reporting by school employees of improper governmental activity
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Speech and other communication
Teacher rights to refuse evaluation/survey of personal life
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Public employment; definitions
Interference with employee's rights prohibited
Intentional torts
Tort claims act
Indemnification of public entity
Whistleblower protections

Description

Crime of violence; definition
Title IX of the Education Amendments of 1972; discrimination based on sex
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Americans with Disabilities Act
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended
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Description

Kennedy v. Bremerton (2022) 142 S.Ct. 2407
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Johnson v. Poway Unified School District (2011) 658 F.3d 954
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Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
[CSBA District and County Office of Education Legal Services](#)
[California Office of the Attorney General](#)

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – CIVIL AND LEGAL RIGHTS

BP 4319.1

The County Board of Education and the County Superintendent of Schools believe that the personal life of an employee is not an appropriate concern of the SBCEO, except as it may directly relate to the performance of the employee's duties.

SBCEO employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time including when employees are not on duty or engaged in the supervision or instruction of students.

The SBCEO shall make no inquiry concerning the personal values, attitudes, and beliefs of SBCEO employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no SBCEO employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the SBCEO reserves the right to access any publicly available information about any employee.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

When necessary to protect the health, welfare, or safety of students and staff, school officials may search SBCEO property under an employee's control.

Whistleblower Protection

An employee shall have the right to disclose to a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the SBCEO or an SBCEO employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The County Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate,

Civil and Legal Rights– Board Policy 4319.1



threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the SBCEO's complaint procedures. After filing a complaint with the SBCEO, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or SBCEO responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, SBCEO policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.
2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.
4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.
8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

Policy Reference Disclaimer:

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State

CA Constitution Article 1, Section 1
Ed. Code 200-262.4
Ed. Code 44040

Ed. Code 44110-44114
Ed. Code 48907

Ed. Code 48950
Ed. Code 49091.24
Ed. Code 7050-7058
Gov. Code 12650-12656
Gov. Code 12940-12953
Gov. Code 3540.1
Gov. Code 3543.5
Gov. Code 815.3
Gov. Code 820-823
Gov. Code 825.6
Lab. Code 1102.5-1106

Federal

18 USC 16
20 USC 1681-1688

20 USC 7941-7948
42 USC 12101-12213
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17
U.S. Constitution

Management Resources

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Website
Website

Description

Inalienable rights
[Prohibition of discrimination](#)
Discrimination based on employee's appearance before certain boards or committees
Reporting by school employees of improper governmental activity
Exercise of free expression; time, place and manner rules and regulations
Speech and other communication
Teacher rights to refuse evaluation/survey of personal life
Political activities of school officers and employees
False claims actions
Discrimination prohibited; unlawful practices
Public employment; definitions
Interference with employee's rights prohibited
Intentional torts
Tort claims act
Indemnification of public entity
Whistleblower protections

Description

Crime of violence; definition
Title IX of the Education Amendments of 1972; discrimination based on sex
Teacher liability protection
Americans with Disabilities Act
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended
Amendment 1, Free exercise, free speech, and establishment clauses

Description

Kennedy v. Bremerton (2022) 142 S.Ct. 2407
New Jersey v. T.L.O. (1985) 469 U.S. 325
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ADOPTED BY COUNTY BOARD:
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PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – PROFESSIONAL STANDARDS

BP 4119.21

The County Board of Education and the County Superintendent of Schools expect SBCEO employees to maintain the highest ethical standards, behave professionally, follow SBCEO policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the SBCEO, advances the goals of the SBCEO's educational programs, and contributes to a positive school climate.

The County Superintendent encourages SBCEO employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee is expected to acquire the knowledge and skills necessary to fulfill the employee's responsibilities and to contribute to the learning and achievement of SBCEO students.

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members

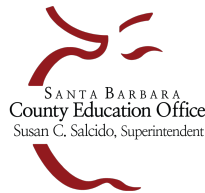


7. Willfully disrupting SBCEO or school operations by loud or unreasonable noise or other action
 8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on SBCEO or affiliated district property, or at a school-sponsored activity
 9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records
 10. Divulging confidential information about students, SBCEO employees, or SBCEO operations to persons or entities not authorized to receive the information
 11. Using SBCEO equipment or other SBCEO resources for the employee's own commercial purposes or for political activities
 12. Using SBCEO equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity
- Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the County Superintendent or designee may monitor employee usage of SBCEO technological resources at any time without the employee's consent.
13. Causing damage to or engaging in theft of property belonging to students, staff, or the SBCEO
 14. Wearing inappropriate attire

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the program manager or County Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the SBCEO's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The County Superintendent or designee shall notify local law enforcement as appropriate.



An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The SBCEO prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the SBCEO's complaint process shall be subject to discipline.

Notifications

The section(s) of the SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO web sites. (Education Code 44050)

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Management Resources

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Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Council of Chief State School Officers Publication	Professional Standards for Educational Leaders, 2015
National Education Association Publication	Code of Ethics of the Education Profession, 1975
Website	WestEd
Website	CSBA
Website	Council of Chief State School Officers
Website	Commission on Teacher Credentialing
Website	California Teachers Association
Website	California School Employees Association
Website	California Federation of Teachers
Website	California Department of Education
Website	Association of California School Administrators
WestEd Publication	Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

State

State	Description
5 CCR 80303	Reports of change in employment status, alleged misconduct
5 CCR 80331-80338	Rules of conduct for professional educators
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 48980	Parent/Guardian notifications
Pen. Code 11164-11174.4	Child Abuse and Neglect Reporting Act

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL - CLASSIFIED EMPLOYEES

EXHIBIT – PROFESSIONAL STANDARDS **CODE OF ETHICS OF THE EDUCATION PROFESSION** **Preamble**

BP 4119.21

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

Principle I. Commitment to the Student

The educator strives to help each student realize their potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
5. Shall not intentionally expose the student to embarrassment or disparagement
6. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage



8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

Principle II. Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
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[California Department of Education](#)

[Association of California School Administrators](#)

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5 CCR 80331-80338

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Description

Reports of change in employment status, alleged misconduct

Rules of conduct for professional educators

[Educational equity; prohibition of discrimination on the basis of sex](#)

Employee code of conduct; interaction with students

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PERSONNEL - CLASSIFIED EMPLOYEES

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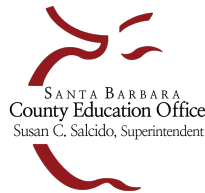
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Reports of change in employment status, alleged misconduct
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[Educational equity; prohibition of discrimination on the basis of sex](#)
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ADOPTED BY COUNTY BOARD:
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PERSONNEL - CLASSIFIED EMPLOYEES

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PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – PROFESSIONAL STANDARDS

BP 4319.21

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 11. Using SBCEO equipment or other SBCEO resources for the employee's own commercial purposes or for political activities
 12. Using SBCEO equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity
- Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the County Superintendent or designee may monitor employee usage of SBCEO technological resources at any time without the employee's consent.
13. Causing damage to or engaging in theft of property belonging to students, staff, or the SBCEO
 14. Wearing inappropriate attire

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the program manager or County Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the SBCEO's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to



a report to the Commission on Teacher Credentialing. The County Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The SBCEO prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the SBCEO's complaint process shall be subject to discipline.

Notifications

The section(s) of the SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO web sites. (Education Code 44050)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Management Resources	Description
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession, 2009
Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Council of Chief State School Officers Publication	Professional Standards for Educational Leaders, 2015
National Education Association Publication	Code of Ethics of the Education Profession, 1975
Website	WestEd
Website	CSBA
Website	Council of Chief State School Officers
Website	Commission on Teacher Credentialing
Website	California Teachers Association
Website	California School Employees Association
Website	California Federation of Teachers
Website	California Department of Education
Website	Association of California School Administrators
WestEd Publication	Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

State

State	Description
5 CCR 80303	Reports of change in employment status, alleged misconduct
5 CCR 80331-80338	Rules of conduct for professional educators
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 48980	Parent/Guardian notifications
Pen. Code 11164-11174.4	Child Abuse and Neglect Reporting Act



ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CLASSIFIED EMPLOYEES

EXHIBIT – PROFESSIONAL STANDARDS **CODE OF ETHICS OF THE EDUCATION PROFESSION** **Preamble**

BP 4319.21

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

Principle I. Commitment to the Student

The educator strives to help each student realize their potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
5. Shall not intentionally expose the student to embarrassment or disparagement
6. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage



8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

Principle II. Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
2. Shall not misrepresent their professional qualifications
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position
5. Shall not assist a noneducator in the unauthorized practice of teaching
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
7. Shall not knowingly make false or malicious statements about a colleague
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action

Source: National Education Association, 1975

Exhibit Reference Disclaimer:

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Management Resources

Commission on Teacher Credentialing
Publication
Commission on Teacher Credentialing
Publication
Council of Chief State School Officers

Description

California Standards for the Teaching Profession, 2009
California Professional Standards for Educational Leaders,
February 2014
Professional Standards for Educational Leaders, 2015



Publication

National Education Association Publication

Website

Website

Website

Website

Website

Website

Website

Website

Website

WestEd Publication

Code of Ethics of the Education Profession, 1975

[WestEd](#)

[CSBA](#)

[Council of Chief State School Officers](#)

[Commission on Teacher Credentialing](#)

[California Teachers Association](#)

[California School Employees Association](#)

[California Federation of Teachers](#)

[California Department of Education](#)

[Association of California School Administrators](#)

Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

State

5 CCR 80303

5 CCR 80331-80338

Ed. Code 200-262.4

Ed. Code 44050

Ed. Code 44242.5

Ed. Code 48980

Pen. Code 11164-11174.4

Description

Reports of change in employment status, alleged misconduct

Rules of conduct for professional educators

[Educational equity; prohibition of discrimination on the basis of sex](#)

Employee code of conduct; interaction with students

Reports and review of alleged misconduct

Parent/Guardian notifications

Child Abuse and Neglect Reporting Act



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – DRESS AND GROOMING

BP 4119.22

The County Board of Education and the County Superintendent of Schools believe that appropriate dress and grooming by SBCEO employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

The SBCEO shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

The SBCEO shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

The SBCEO shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

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Management Resources

CA Dept of Fair Employment and Housing
Publication

Court Decision

Court Decision

Court Decision

Court Decision

Public Employment Relations Board
Decision

Description

Transgender Rights in the Workplace

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189

East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856

Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100

Santa Ana Unified School District (1998) 22 PERC P29, 136



Public Employment Relations Board
Decision
Website
Website

State

Ed. Code 35160
Ed. Code 35160.1
Gov. Code 12926
Gov. Code 12940
Gov. Code 12949
Gov. Code 3543.2

Inglewood United School District (1985) 10 PERC P17, 000

[California Public Employment Relations Board](#)
[California Department of Fair Employment and Housing](#)

Description

Authority of governing boards
Broad authority of school districts
Definitions
Unlawful discriminatory employment practices
Dress standards, consistency with gender identity
Scope of representation

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CLASSIFIED EMPLOYEES

BOARD POLICY – DRESS AND GROOMING

BP 4219.22

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Domico v. Rapides Parish School Board (5th Cir. 1982) 675
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Public Employment Relations Board Decision
Website
Website

Inglewood United School District (1985) 10 PERC P17, 000
[California Public Employment Relations Board](#)
[California Department of Fair Employment and Housing](#)

State

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Gov. Code 12926
Gov. Code 12940
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Description

Authority of governing boards
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ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – DRESS AND GROOMING

BP 4319.22

The County Board of Education and the County Superintendent of Schools believe that appropriate dress and grooming by SBCEO employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

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[California Public Employment Relations Board](#)

[California Department of Fair Employment and Housing](#)

**State**

Ed. Code 35160
Ed. Code 35160.1
Gov. Code 12926
Gov. Code 12940
Gov. Code 12949
Gov. Code 3543.2

Description

Authority of governing boards
Broad authority of school districts
Definitions
Unlawful discriminatory employment practices
Dress standards, consistency with gender identity
Scope of representation

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – UNAUTHORIZED RELEASE OF CONFIDENTIAL PRIVILEGED INFORMATION

BP 4119.23

The County Board of Education and the County Superintendent of Schools recognize the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the County Board of Education or Personnel Commission authorizes disclosure of that information. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the County Board of Education or the Personnel Commission to meet lawfully in closed session. (Government Code 54963)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if the employee has received training or notice as to the requirements of this policy. (Government Code 54963)

The County Superintendent of Schools or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.

The SBCEO shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board of Education or Personnel Commission action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of County Board of Education or Personnel Commission action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action



3. Disclosing information that is not confidential

Other Disclosures

An employee who willfully releases confidential/privileged information about the SBCEO, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of the employee's official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the County Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

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Federal

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources

Website

Description

[CSBA](#)

State

Ed. Code 35010

Ed. Code 35146

Ed. Code 35160

Ed. Code 44031

Ed. Code 44932

Ed. Code 44933

Ed. Code 45113

Ed. Code 49060-49079

Gov. Code 1098

Gov. Code 54950-54963

Gov. Code 6250-6270

Description

Control of district; prescription and enforcement of rules

Closed sessions regarding suspensions

Authority of governing boards

Personnel file contents, inspection

Grounds for dismissal of permanent employees

Other grounds for dismissal

Notification of charges, classified employees

Student records

Disclosure of confidential information

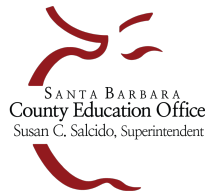
The Ralph M. Brown Act

California Public Records Act

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL - CLASSIFIED EMPLOYEES

BOARD POLICY – UNAUTHORIZED RELEASE OF CONFIDENTIAL, PRIVILEGED INFORMATION

BP 4219.23

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2. Expressing an opinion concerning the propriety or legality of County Board of Education or Personnel Commission action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action



3. Disclosing information that is not confidential

Other Disclosures

An employee who willfully releases confidential/privileged information about the SBCEO, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of the employee's official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the County Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

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Federal

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

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Website

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[CSBA](#)

State

Ed. Code 35010

Ed. Code 35146

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Ed. Code 44932

Ed. Code 44933

Ed. Code 45113

Ed. Code 49060-49079

Gov. Code 1098

Gov. Code 54950-54963

Gov. Code 6250-6270

Description

Control of district; prescription and enforcement of rules

Closed sessions regarding suspensions

Authority of governing boards

Personnel file contents, inspection

Grounds for dismissal of permanent employees

Other grounds for dismissal

Notification of charges, classified employees

Student records

Disclosure of confidential information

The Ralph M. Brown Act

California Public Records Act

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – UNAUTHORIZED RELEASE OF CONFIDENTIAL, PRIVILEGED INFORMATION

BP 4319.23

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1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board of Education or Personnel Commission action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of County Board of Education or Personnel Commission action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action



3. Disclosing information that is not confidential

Other Disclosures

An employee who willfully releases confidential/privileged information about the SBCEO, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of the employee's official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

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Federal

20 USC 1232g

Description

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Description

[CSBA](#)

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Ed. Code 44031

Ed. Code 44932

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Ed. Code 45113

Ed. Code 49060-49079

Gov. Code 1098

Gov. Code 54950-54963

Gov. Code 6250-6270

Description

Control of district; prescription and enforcement of rules

Closed sessions regarding suspensions

Authority of governing boards

Personnel file contents, inspection

Grounds for dismissal of permanent employees

Other grounds for dismissal

Notification of charges, classified employees

Student records

Disclosure of confidential information

The Ralph M. Brown Act

California Public Records Act

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS

BP 4119.24

The County Board of Education and the County Superintendent of Schools desire to provide a positive school environment that protects the safety and well-being of SBCEO students. The County Superintendent expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who has been identified as mandated reporter, who observes or has knowledge of another employee's violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The County Superintendent or designee may also notify law enforcement as appropriate. The SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO web sites. (Education Code 44050)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the program manager

When communicating electronically with students, employees shall use SBCEO equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor employee usage of SBCEO technology at any time without advance notice or consent.

5. Creating or participating in social networking sites for communication with students, other than those created by the SBCEO, without the prior written approval of the program manager or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization



12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

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State

5 CCR 80303
5 CCR 80304
Ed. Code 44030.5
Ed. Code 44050
Ed. Code 44242.5
Ed. Code 44940
Ed. Code 48980
Pen. Code 11164-11174.3

Description

Reports of change in employment status, alleged misconduct
Notice of sexual misconduct
Reporting change in employment status due to alleged misconduct
Employee code of conduct; interaction with students
Reports and review of alleged misconduct
Compulsory leave of absence for certificated persons
Parent/Guardian notifications
Child Abuse and Neglect Reporting Act

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CLASSIFIED EMPLOYEES

BOARD POLICY – **MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS**

BP 4219.24

The County Board of Education and the County Superintendent of Schools desire to provide a positive school environment that protects the safety and well-being of SBCEO students. The County Superintendent expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who has been identified as mandated reporter, who observes or has knowledge of another employee's violation of this policy shall report the information to the County Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the County Superintendent or designee. The County Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The County Superintendent or designee may also notify law enforcement as appropriate.

The SBCEO's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or SBCEO web sites. (Education Code 44050)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the program manager

When communicating electronically with students, employees shall use SBCEO equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The County Superintendent or designee may monitor employee usage of SBCEO technology at any time without advance notice or consent.

5. Creating or participating in social networking sites for communication with students, other than those created by the SBCEO, without the prior written approval of the program manager or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Policy Reference Disclaimer:

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Description

Reports of change in employment status, alleged misconduct
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Employee code of conduct; interaction with students
Reports and review of alleged misconduct
Compulsory leave of absence for certificated persons
Parent/Guardian notifications
Child Abuse and Neglect Reporting Act

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – **MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS**

BP 4319.24

The County Board of Education and the County Superintendent of Schools desire to provide a positive school environment that protects the safety and well-being of SBCEO students. The County Superintendent expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

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5 CCR 80304	Notice of sexual misconduct
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Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 48980	Parent/Guardian notifications
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – COLLECTIVE BARGAINING AGREEMENT

BP 4141

The County Board of Education and the County Superintendent of Schools recognize that collective bargaining agreements are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The County Superintendent is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

Following adoption of the collective bargaining agreement, the County Superintendent or designee shall review related Board policies and recommend to the Board any action needed to maintain consistency with the agreement. Whenever a Board policy or Personnel Commission rule conflicts with a provision in the collective bargaining agreement, the agreement shall be binding for those employees covered by the terms of the agreement. Whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail as to those employees for whom the law applies.

Upon request by the Public Employment Relations Board, the County Superintendent or designee shall provide, within 15 days of the request, a copy of the written agreement and any amendments. (8 CCR 32120)

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Management Resources

Website
Website
Website
Website
Website

Description

[State Mediation and Conciliation Service \(SMCS\)](#)
[CSBA](#)
[Center for Collaborative Solutions](#)
[California Public Employment Relations Board](#)
[California Public Employee Relations](#)

State

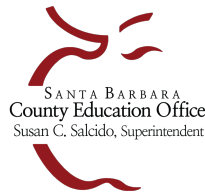
8 CCR 31001-32997
Ed. Code 35035
Ed. Code 35036
Ed. Code 35160
Ed. Code 35160.1
Ed. Code 45220-45320
Gov. Code 3540-3549.3

Description

Regulations of employee relations boards
Powers and duties of the superintendent; transfer authority
Voluntary transfers
Authority of governing boards
Broad authority of school districts
Merit system, classified employees
Educational Employment Relations Act

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CLASSIFIED EMPLOYEES

BOARD POLICY – COLLECTIVE BARGAINING AGREEMENT

BP 4241

The County Board of Education and the County Superintendent of Schools recognize that collective bargaining agreements are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The County Superintendent is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

Following adoption of the collective bargaining agreement, the County Superintendent or designee shall review related Board policies and recommend to the Board any action needed to maintain consistency with the agreement. Whenever a Board policy or Personnel Commission rule conflicts with a provision in the collective bargaining agreement, the agreement shall be binding for those employees covered by the terms of the agreement. Whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail as to those employees for whom the law applies.

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Management Resources

Website
Website
Website
Website
Website

Description

[State Mediation and Conciliation Service \(SMCS\)](#)
[CSBA](#)
[Center for Collaborative Solutions](#)
[California Public Employment Relations Board](#)
[California Public Employee Relations](#)

State

8 CCR 31001-32997
Ed. Code 35035
Ed. Code 35036
Ed. Code 35160
Ed. Code 35160.1
Ed. Code 45220-45320
Gov. Code 3540-3549.3

Description

Regulations of employee relations boards
Powers and duties of the superintendent; transfer authority
Voluntary transfers
Authority of governing boards
Broad authority of school districts
Merit system, classified employees
Educational Employment Relations Act

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – **CONCERTED ACTION, WORK STOPPAGE**

BP 4141.6

The County Board of Education and the County Superintendent of Schools recognize the importance of maintaining ongoing positive relations with employees and engaging in fair, respectful negotiations with employee organizations. The County Superintendent desires to reach agreement on employment contracts in a manner that prevents disruption to school operations and minimizes impact on student achievement.

The County Superintendent recognizes that advance planning is necessary to ensure that, in the event of a work stoppage, strike, or other concerted employee activity, students continue to receive educational services to which they are entitled. The County Superintendent or designee shall develop a written plan which shall include strategies for the provision of internal and external communications, preservation of student and staff safety, maintenance of SBCEO operations, and appropriate student instruction and supervision during a work slowdown or stoppage. Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

If an employee organization gives notice that it intends to strike, the County Superintendent or designee shall notify the Public Employment Relations Board, Employment Development Department, employees in the striking unit, other SBCEO employees, parents/guardians, students, law enforcement, the media, and others as appropriate.

Employees should be held accountable for their behavior during any labor dispute. The SBCEO may take disciplinary action against any employee who engages in an unlawful concerted action or in unlawful behavior in an otherwise protected activity, taking into account the seriousness of the behavior and the SBCEO's efforts to rebuild relations following the withholding of services by employees.

However, the SBCEO shall not discontinue or threaten to discontinue employer contributions for health care or other medical coverage for any employee or their enrolled dependents for the duration of the employee's participation in an authorized strike, as defined in Government Code 3141 and specified in the accompanying administrative regulation.

Policy Reference Disclaimer:

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Management Resources

Public Employment Relations Board
Decision
Public Employment Relations Board
Decision

Description

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC
13152
Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC
13110



Website
Website
Website

State

Ed. Code 35204
Ed. Code 35205
Ed. Code 37200-37202
Gov. Code 3140-3142
Gov. Code 3540-3549.3
Gov. Code 3543.5-3543.6
Gov. Code 3548-3548.8

[State Mediation and Conciliation Service \(SMCS\)](#)
[CSBA](#)
[California Public Employment Relations Board](#)

Description

Contract with attorney in private practice
Contract for legal services
School calendar
Public Employee Health Protection Act
Educational Employment Relations Act
Unfair labor practices
Impasse procedures

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CLASSIFIED EMPLOYEES

BOARD POLICY – **CONCERTED ACTION, WORK STOPPAGE**

BP 4241.6

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Management Resources

Public Employment Relations Board
Decision

Public Employment Relations Board
Decision

Website

Website

Website

State

Ed. Code 35204

Ed. Code 35205

Ed. Code 37200-37202

Gov. Code 3140-3142

Gov. Code 3540-3549.3

Gov. Code 3543.5-3543.6

Gov. Code 3548-3548.8

Description

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC
13152

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC
13110

[State Mediation and Conciliation Service \(SMCS\)](#)

[CSBA](#)

[California Public Employment Relations Board](#)

Description

Contract with attorney in private practice

Contract for legal services

School calendar

Public Employee Health Protection Act

Educational Employment Relations Act

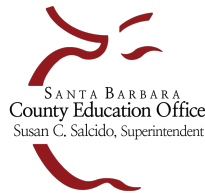
Unfair labor practices

Impasse procedures

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PERSONNEL - CERTIFICATED EMPLOYEES

BOARD POLICY – **NEGOTIATIONS, CONSULTATION**

BP 4143

The County Board of Education and the County Superintendent of Schools recognize its responsibility to represent the public's interests in the collective bargaining process. In ratifying agreements on employee contracts, the County Superintendent shall balance the needs of staff and the priorities of the SBCEO in order to provide students with a high-quality instructional program based on a sound, realistic budget.

The County Superintendent or shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations. The County Superintendent shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of SBCEO's goals and priorities.

The County Superintendent and its bargaining team shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

When the SBCEO intends to make any change to matters within the scope of representation, it shall give reasonable written notice of its intent to the exclusive representative for the purpose of providing the exclusive representative a reasonable amount of time to negotiate with the SBCEO regarding the proposed changes. (Government Code 3543.2)

A reasonable number of representatives of the employee organization shall have the right to receive reasonable periods of released time without loss of SBCEO compensation when meeting and negotiating and/or for the processing of grievances. (Government Code 3543.1)

The County Superintendent and its bargaining team shall establish standards of conduct pertaining to the negotiations process for members of the bargaining team. Certain meetings related to negotiations shall not be open to the public in accordance with Government Code 3549.1 and 54957.6, except as otherwise required by law. Matters discussed in these meetings shall be kept in strict confidence in accordance with law.

The County Superintendent and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the SBCEO. (Government Code 3543.5)

The County Superintendent shall monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the SBCEO's short- and long-term fiscal, programmatic, instructional, and personnel goals.



The County Superintendent or designee shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect SBCEO goals unless otherwise agreed upon by the SBCEO and exclusive representative.

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the County Superintendent for acceptance.

Any agreement adopted by the County Superintendent may be for a term not to exceed three years. (Government Code 3540.1)

In the event of an impasse in negotiations, the SBCEO shall participate in good faith in mediation and fact-finding procedures pursuant to Government Code 3548-3548.8. (Government Code 3543.5)

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing and ratified by the County Superintendent or designee and the employees' exclusive representative.

Consultation

The exclusive representative of certificated staff may consult with the County Superintendent or designee on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

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Management Resources

Public Employment Relations Board
Decision
Website
Website
Website
Website
Website

Description

Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
[State Mediation and Conciliation Service \(SMCS\)](#)
[CSBA](#)
[Center for Collaborative Solutions](#)
[California Public Employment Relations Board](#)
[California Public Employee Relations](#)

State

Ed. Code 44987
Ed. Code 45210
Gov. Code 3540-3549.3

Description

Service as officer of employee organization (certificated)
Service as officer of employee organization (classified)
Educational Employment Relations Act

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PERSONNEL - CLASSIFIED EMPLOYEES

BOARD POLICY – **NEGOTIATIONS CONSULTATION**

BP 4243

The County Board of Education and the County Superintendent of Schools recognize its responsibility to represent the public's interests in the collective bargaining process. In ratifying agreements on employee contracts, the County Superintendent shall balance the needs of staff and the priorities of the SBCEO in order to provide students with a high-quality instructional program based on a sound, realistic budget.

The County Superintendent or shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations. The County Superintendent shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of SBCEO's goals and priorities.

The County Superintendent and its bargaining team shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

When the SBCEO intends to make any change to matters within the scope of representation, it shall give reasonable written notice of its intent to the exclusive representative for the purpose of providing the exclusive representative a reasonable amount of time to negotiate with the SBCEO regarding the proposed changes. (Government Code 3543.2)

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The County Superintendent and its bargaining team shall establish standards of conduct pertaining to the negotiations process for members of the bargaining team. Certain meetings related to negotiations shall not be open to the public in accordance with Government Code 3549.1 and 54957.6, except as otherwise required by law. Matters discussed in these meetings shall be kept in strict confidence in accordance with law.

The County Superintendent and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the SBCEO. (Government Code 3543.5)



The County Superintendent shall monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the SBCEO's short- and long-term fiscal, programmatic, instructional, and personnel goals.

The County Superintendent or designee shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect SBCEO goals unless otherwise agreed upon by the SBCEO and exclusive representative.

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the County Superintendent for acceptance.

Any agreement adopted by the County Superintendent may be for a term not to exceed three years. (Government Code 3540.1)

In the event of an impasse in negotiations, the SBCEO shall participate in good faith in mediation and fact-finding procedures pursuant to Government Code 3548-3548.8. (Government Code 3543.5)

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing and ratified by the County Superintendent or designee and the employees' exclusive representative.

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The exclusive representative of certificated staff may consult with the County Superintendent or designee on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

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Decision
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Website
Website
Website
Website

Description

Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
[State Mediation and Conciliation Service \(SMCS\)](#)
[CSBA](#)
[Center for Collaborative Solutions](#)
[California Public Employment Relations Board](#)
[California Public Employee Relations](#)

State

Ed. Code 44987
Ed. Code 45210
Gov. Code 3540-3549.3

Description

Service as officer of employee organization (certificated)
Service as officer of employee organization (classified)
Educational Employment Relations Act



ADOPTED BY COUNTY BOARD:
REVISED:

Pending

Agenda Item 7 Materials

Board Bylaw 9500: County Superintendent's Remuneration

Status: ADOPTED

Original Adopted Date: 03/01/2021 | **Last Reviewed Date:** 03/01/2021

The County Board of Education believes that the County Superintendent of Schools renders essential services that promote the success of students and of the educational programs of the county office of education and should be fairly compensated for such service. In accordance with law, the County Board shall fix the salary of the County Superintendent and may adopt a remuneration package that includes, but is not limited to, salary, allowances, health and welfare benefits, and other benefits as appropriate.

The County Board may determine the County Superintendent's salary at any point during the term of employment. However, any decreases in salary shall only be considered in consultation with legal counsel.

The County Superintendent shall not increase the County Superintendent's own salary, financial remuneration, benefits, or pension without bringing the matter to the attention of the County Board for its discussion and approval. (Education Code 1209)

OPTION 1: (County offices of education with elected superintendents)

Any discussion and/or action taken on the County Superintendent's remuneration, including, but not limited to, salary, financial remuneration, benefits, or pension, shall take place in open session at a regularly scheduled meeting of the County Board, which shall not be held during a special meeting. (Education Code 1209; Government Code 54956)

OPTION 2: (County offices of education with appointed superintendents)

Any discussion and/or final action taken on the County Superintendent's remuneration, including, but not limited to, salary, financial remuneration, benefits, or pension, shall take place in open session at a regularly scheduled meeting of the County Board, which shall not be held during a special meeting. However, the County Board may meet in closed session with its designated representative(s) who are involved in negotiations regarding the County Superintendent's salary or benefits to review the County Board's position or instruct its designated representative(s). (Education Code 1209; Government Code 53262, 54956, 54957)

During the open meeting at which the County Board will take final action on the County Superintendent's salary or fringe benefits, the County Board shall, prior to taking action, orally report a summary of the recommended action. (Government Code 54953)

Any action taken on the County Superintendent's remuneration shall be reflected in the County Board's minutes. (Government Code 53262)

The County Superintendent shall receive reimbursement for actual and necessary traveling expenses. (Education Code 1200, 1201)

**SBCEO Sample Policy for County Superintendent's Remuneration
With Notes from Other Counties' Board Policies & the CSBA Sample Policy to Address
Items Brought Up by the Board Policy Committee During Discussion at the 1/5/23 Meeting**

CSBA Sample Board Policy 9500 for COEs:

The County Board of Education believes that the County Superintendent of Schools renders essential services that promote the success of students and of the educational programs of the county office of education and should be fairly compensated for such service. In accordance with law, the County Board shall fix the salary of the County Superintendent and may adopt a remuneration package that includes, but is not limited to, salary, allowances, health and welfare benefits, and other benefits as appropriate.

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The County Superintendent shall not increase the County Superintendent's own salary, financial remuneration, benefits, or pension without bringing the matter to the attention of the County Board for its discussion and approval. (Education Code 1209)

Any discussion and/or action taken on the County Superintendent's remuneration, including, but not limited to, salary, financial remuneration, benefits, or pension, shall take place in open session at a regularly scheduled meeting of the County Board, which shall not be held during a special meeting. (Education Code 1209; Government Code 54956)

During the open meeting at which the County Board will take final action on the County Superintendent's salary or fringe benefits, the County Board shall, prior to taking action, orally report a summary of the recommended action. [GC 54953]

Any action taken on the County Superintendent's remuneration shall be reflected in the County Board's minutes. [GC 53262]

Legal Authority and Purview of the County Board

Draft language for Santa Barbara County Board Policy consideration after reviewing legal codes and Placer, San Mateo, and Monterey Board Policies:

The County Board relies on a number of regulatory and legal proclamations to substantiate its authority to fix the salary of the County Superintendent, namely:

1. Article 9 (IX), Section 3.1 (b) of the California Constitution – “Notwithstanding any provision of this Constitution to the contrary, the county board of education or joint county board of education, as the case may be, shall fix the salary of the county superintendent of schools.”

2. Education Code (EC) 1207 – “... the salary of an incumbent (county superintendent) shall not be reduced during the term for which he (sic) was elected or appointed or for any consecutive new term to which he (sic) is elected or appointed.”

However, the California Attorney General has opined in 61 Ops.Cal.Atty.Gen. 384 (1978) that the adoption of Section 3.1(b) of Article 9 of the California Constitution voided the provision of EC 1207 and that the County Board retains power to fix the salary of the County Superintendent including increasing or decreasing the salary during the County Superintendent's term of office.

The Attorney General also opined that any decrease could not be retroactive. Given the conflict recognized by the Attorney General between the California Constitution and EC 1207, it is recommended that the County Board contact legal counsel prior to decreasing a County Superintendent's salary.

3. EC 1209 – “A county superintendent of schools shall not increase his or her salary, financial remuneration, benefits, or pension in any manner or for any reason without bringing the matter to the attention of the county board of education for its discussion at a regularly scheduled public meeting and without the approval of the county board of education.” [Refer also to Government Code (GC) 54956]

The Board recognizes that in setting the salary of the Superintendent, it is not doing so based on the Board's evaluation of the Superintendent's job performance. The assessment of the job performance of an elected official is reserved for the people [the electorate].

Considerations for Setting the Superintendent's Salary

Comparison Agencies

Draft language for Santa Barbara County Board Policy consideration:

It is the intention of the Santa Barbara County Board of Education to consider relevant comparable information when determining the County Superintendent's compensation.

Information may include:

- Class III counties - county superintendents in the Class III counties
- Largest school districts in Santa Barbara County (Lompoc Unified, Santa Barbara Unified, Santa Maria-Bonita, Santa Maria Joint Union)
- Region 8 COEs (County Offices are clustered into regions. In the California County Superintendents Organization, Region 8 includes the following counties: Kern, San Luis Obispo, Santa Barbara, and Ventura)

For Comparison, Placer, San Mateo, and Monterey Board Policies

Placer

- No Class III counties review “since varying degree of costs of living and the

unlikelihood of individuals not residing in Placer County interested in serving as Placer County Superintendent of Schools.”

- *Largest unified, elementary and high school district superintendents’ base salary in the county*

San Mateo

- *Class III counties*
- *Class II counties*
- *All school district superintendents*
- *Bay Area county superintendents*
- *SMCOE deputy and associate superintendents*

Monterey

- *Class III counties*
- *The four (4) largest district superintendents and the two (2) community college presidents in the County.*
- *Superintendent experience - “For an incoming County Superintendent, the experience in Public Education.”*

Health and Welfare Benefits

Draft language for Board Policy consideration:

The County Superintendent shall receive the same health and welfare benefits available to Santa Barbara County Education Office certificated employees.

For Comparison, Placer, San Mateo, and Monterey Board Policies

Placer

- *The same health and welfare benefits provided to management employees*
- *Life insurance policy (\$100,000)*

San Mateo

- *“**Continue health and welfare benefits**, organizational longevity, and phone stipend with no additional adjustments.”*

Monterey

- *The same benefits given to management staff will be considered.*

Longevity

Draft language for Board Policy consideration:

The County Superintendent shall receive the same longevity opportunities as are available to Santa Barbara County Education Office certificated employees.

For Comparison, Placer, San Mateo, and Monterey Board Policies

Placer

- *“The County Superintendent is **not eligible** for retiree health benefits or **longevity**”*

San Mateo

- “Continue health and welfare benefits, **organizational longevity**, and phone stipend with no additional adjustments.”

Monterey

- “[current county superintendent]...**currently receives stipends for longevity**, her masters and doctorate degrees.”

Annual Increases

Historically, the board has approved the same negotiated increase for the superintendent (sometimes referred to as COLA, which can be interpreted in multiple ways) as all certificated employees.

For Comparison, Placer, San Mateo, and Monterey Board Policies

Placer

- 5% increments between a 4-step salary schedule.
- Once the County Superintendent has been placed on step 4, the County Office of Education shall contribute 5% of step 4 in a deferred compensation form of a 403(b). At the beginning of each calendar year, the County Office of Education shall increase the deferred compensation percentage an additional 2.5% until the amount reached is 15%. (2022: current county superintendent on step 4)
- No “me too”: “desire to separate the County Superintendent from the salary increases of the employees to avoid the perception of conflict (aka: me too) when she bargains with employee groups”

San Mateo

- No mention of annual increases or “me too.” Memo says the board will consider compensation again in 2 years.

Monterey

- 5% increments between a 4-step salary schedule (2022: current county superintendent placed on step 1)
- Co. supt. may request COLA be placed on board agenda whenever a COLA is provided to management staff

Travel, Retirement Contributions, Life Insurance, and Other Additional Stipends

Current practice:

- Graduate degree (same for all employees): Masters \$800 OR PhD \$1,500
- SBCEO-issued cell phone
- ACSA membership

For Comparison, Placer, San Mateo, and Monterey Board Policies

Placer

- Graduate degree: \$1,500
- Deferred compensation: 403(b) account, as stated above (current: 15% of base

- salary)
- \$650/month for use of personal vehicle; mileage reimbursement for travel outside a 30 mile radius
- \$100,000 life insurance policy through Schools Insurance Group (SIG)

San Mateo

- \$9,500 annual travel allowance
- \$20,500 Retirement contribution by SMCOE

Monterey

- Masters degree and doctoral degree
- Mobile device/home device allowance or MCOE issued device(s)

Timing Considerations for When to Set the Superintendent Salary

For Comparison, Placer, San Mateo, and Monterey Board Policies

Placer

- “The desire to review and increase the county superintendent’s salary only once during a four-year term, typically before the start of a new term.
- “The desire to avoid yearly action by the board to increase the superintendent’s salary.”

San Mateo

- Annually
- The board will review the superintendent’s compensation in two years (in 2024), per a 2022 memo to the board

Monterey

“As there is no statutory requirement as to when a review is to be conducted in order to fix or change the County Superintendent’s salary, the policy of the County Board is to do so when:

1. It is clear that the office will be assumed by someone other than the sitting County Superintendent as the result of an upcoming election. In this case, it will be the intent of the County Board to fix the salary and compensation prior to the deadline for a candidate to withdraw from the election.
2. An incumbent County Superintendent is about to begin a new term.
3. An appointment has been made to fulfill the remainder of the current term for County Superintendent.
4. At the request of any County Board member or the County Superintendent to place on an upcoming agenda item to consider conducting a salary compensation review. The agenda item will then be placed on the agenda for one of the next two scheduled County Board meetings and will be conducted if a majority of the Trustees present at that meeting support the motion.
5. At the request of the County Superintendent, an item may be placed on the agenda to align a cost of living adjustment for the County Superintendent with the cost of living being given to management staff.”

New Superintendent and Incumbent Superintendent

For Comparison, Placer, San Mateo, and Monterey Board Policies

Placer

"A newly elected or appointed County Superintendent will be placed at Step 1 of the Superintendent's Salary Schedule. The County Board of Education may approve an initial placement other than Step 1."

San Mateo

No notation.

Monterey

"As there is no statutory requirement as to when a review is to be conducted in order to fix or change the County Superintendent's salary, the policy of the County Board is to do so when:

- 1. It is clear that the office will be assumed by someone other than the sitting County Superintendent as the result of an upcoming election. In this case, it will be the intent of the County Board to fix the salary and compensation prior to the deadline for a candidate to withdraw from the election.*
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Maximum Compensation, or Cap

For Comparison, Placer, San Mateo, and Monterey Board Policies

Placer

"If Step 4 of the county superintendent salary is higher than the average district superintendent salary, then the county superintendent's salary schedule shall remain the same."

San Mateo

No notation.

Monterey

No notation.



Rough Draft of a Board Policy on County Superintendent Remuneration

BYLAWS

BOARD POLICY – COUNTY SUPERINTENDENT’S REMUNERATION

BP 9500

The County Board of Education (County Board) believes that the County Superintendent of Schools (County Superintendent) renders essential services that promote the success of students and of the educational programs of the County Education Office and should be fairly compensated for such service. In accordance with law, the County Board shall fix the salary of the County Superintendent and may adopt a remuneration package that includes, but is not limited to, salary, allowances, health and welfare benefits, and other benefits as appropriate.

The County Board may determine the County Superintendent's salary at any point during the term of employment. However, any decreases in salary shall only be considered in consultation with legal counsel.

The County Superintendent shall not increase the County Superintendent's own salary, financial remuneration, benefits, or pension without bringing the matter to the attention of the County Board for its discussion and approval. (Education Code 1209)

Any discussion and/or action taken on the County Superintendent's remuneration, including, but not limited to, salary, financial remuneration, benefits, or pension, shall take place in open session at a regularly scheduled meeting of the County Board, which shall not be held during a special meeting. (Education Code 1209; Government Code 54956)

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Considerations for Setting the County Superintendent's Salary

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Health and Welfare Benefits

The County Superintendent shall receive the same health and welfare benefits available to County Education Office certificated employees.

Longevity

The County Superintendent shall receive the same longevity opportunities as are available to County Education Office certificated employees.

Annual Increases

TBD

Travel, Retirement Contributions, Life Insurance, and Other Additional Stipends

- Graduate degree (same for all employees): Masters \$800 OR PhD \$1,500
- SBCEO-issued cell phone
- ACSA membership

Timing Considerations for When to Set the Superintendent Salary

TBD

New Superintendent and Incumbent Superintendent

TBD

Maximum Compensation, or Cap

TBD

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<INSERT REFERENCES HERE>

ADOPTED BY COUNTY BOARD:

REVISED: