

Santa Barbara County Education Office

BOARD BOOK and AGENDA



October 2022



SANTA BARBARA COUNTY BOARD OF EDUCATION

4400 Cathedral Oaks Road
P.O. Box 6307
Santa Barbara, CA 93160-6307

REGULAR MEETING
October 6, 2022 – 2:00 p.m.

AGENDA

Online Viewing Option

Individuals who are unable to attend the board meeting in person may view the board meeting online by clicking on the link below or by copying and pasting it into a web browser:

<https://us02web.zoom.us/j/82189592752?pwd=aXo5TnRRNTlYaCtONGJUdElxUDIWQT09>

Public Comment Procedure

Public comment may be made in person at the board meeting. Persons wishing to address the board are requested to complete a “Request to Address Board” form, available at the meeting room entrance, and deliver it to the secretary prior to the time the meeting is called to order. During the time for public comment specified on the agenda, the board will acknowledge requests to speak on agenda items as well as topics not on the agenda, but within the subject matter jurisdiction of the board. The total amount of time for public comments will be 15 minutes. The amount of time an individual speaker may speak is typically 5 minutes but may be adjusted upon consent of the board depending on the total number of persons wishing to be heard. If the speaker needs more time, they may submit written comments.

Interpretation/Interpretación

Spanish interpretation of the board meeting will be available at the meeting. Live simultaneous interpretation will also be provided for those viewing online. Se proporcionará interpretación al español para la reunión de la junta directiva. También se ofrecerá interpretación simultánea en directo para quienes lo vean a través de Internet.

Video Recording

The board meeting will be video recorded. The video recording and transcript will be made available online at <https://www.sbceo.org/board/materials>.

Assistance with Meeting

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact the superintendent's office at (805) 964-4711 or email afreedland@sbceo.org by 10:00 a.m. the day before the meeting. Notification at least 72 hours prior to the meeting will assist the superintendent in making suitable arrangements.

GENERAL FUNCTIONS

1. Call to Order and Pledge of Allegiance

2. Spanish Interpretation/Interpretación

The president will announce that Spanish interpretation of the board meeting is available.

(La presidente anunciará que hay interpretación en español disponible durante la reunión de la junta directiva.)

3. Brief Instructions Related to Video Recording the Board Meeting

Brief instructions will be provided on the video recording of the board meeting, including using microphones at board member places.

4. Roll Call

5. Changes to the Agenda

The president will announce any additions, deletions, or changes in the order of business on the agenda at this time.

6. President and Board Comments

7. Public Comments

The total amount of time for public comments will be 15 minutes. The amount of time an individual speaker may speak is typically 5 minutes, however, with board consent, and depending on the number of persons wishing to be heard, the president may increase or decrease the time allowed for individual speakers. If the speaker needs more time, they may submit written comments.

SUPERINTENDENT'S REPORT

8. Superintendent's Report (Attachment)

The superintendent's report is presented as an information item.

PRESENTATION

9. Presentation on the Innovate Program at Dos Pueblos High School, Santa Barbara Unified School District [Time Approximate: 2:30 p.m.]

Kelly Choi, Dos Pueblos High School teacher and director of the Innovate program, will provide a presentation to the board about the program. Mrs. Choi may be joined by Innovate students. Mrs. Choi is a former Santa Barbara County Teacher of the Year.

Synthesized from Kelly Choi: "Innovate DP was established in 2021 as an evolution of The Academy for Success, which had been highly successful for over a decade. Through our experiences, we became passionate about changing school, not only for our most marginalized, but for all students. We focused on the students who were consistently truant, experiencing frequent discipline issues when they did attend school, and were receiving Ds and Fs in their classes. We invited students to join our program and all invited students said yes. The program began as Innovate DP with an academic plan enhanced by teachers building personal relationships with the students. 100% of our students finished their year on track to graduate and 72% are on track to enroll in a four-year college."

CONSENT AGENDA

At this time, the board will consider all of the items below together and can act upon them with a single vote. These items are considered to be routine and do not require separate discussion. Individual consent items may be removed and considered separately at the request of a board member or staff. The superintendent recommends approval of all consent items.

10. Minutes of Special Meeting Held August 22, 2022 (Attachment)

11. Minutes of Special Meeting Held August 26, 2022 (Attachment)

- 12. Minutes of Special Meeting Held August 29, 2022**
(Attachment)

- 13. Minutes of Regular Meeting Held September 1, 2022**
(Attachment)

- 14. Registration of Credentials and Other Certification Documents: Issuance of Temporary County Certificates**
(Attachment)

Registration of credentials and other certification documents registered in the Santa Barbara County Education Office from August 7, 2022 to September 6, 2022, and the issuance of temporary county certificates for that same time period.

- 15. Acceptance of Donations**
(Attachment)

Acceptance of donations on the attached donations list for the following departments:

- Special Education
- Teacher Programs and Support

- 16. Declaration of Surplus**
(Attachment)

Declaration of surplus on the attached surplus list for the following departments:

- Early Care and Education
- Information Technology Services

Motion to approve all consent items:

MOVED:

SECONDED:

VOTE:

ACTION ITEMS

- 17. Recommended Approval of Grant Application – Consolidated Programs**
(Attachment)

The superintendent recommends approval for submission of application to the California Department of Education (CDE) for 2022-23 funding for Consolidated Categorical Programs as listed in the attachment. This application is submitted to the CDE once a year.

MOVED:

SECONDED:

VOTE:

18. Recommended Adoption of Gann Resolution
(Attachment)

The superintendent recommends the adoption of Resolution No. 2306 for the Gann Appropriations Limit Calculation. This resolution is an annual item that comes before the board for approval.

[Roll Call Vote:]

MOVED:

SECONDED:

VOTE:

19. Posting Board Minutes on the SBCEO Website

Discussion and action on posting historical board minutes on the SBCEO website. Currently, the SBCEO County Board of Education page links to:

- January to October 2022 agendas, minutes, presentations, and materials
- January to December 2021 agendas, minutes, and materials
- January to December 2020 agendas

SBCEO completed a transition from “former website” to “current website” in March 2020. The primary purpose for the transition was to come into compliance with the Americans with Disabilities Act (ADA) and web accessibility standards. We also modernized the website, organized functionality, and added features and content -- the website was last updated in a major way around 2006.

MOVED:

SECONDED:

VOTE:

20. Recommended Adoption of Resolution for Exception to 180-day Wait Period
(Attachment)

The superintendent recommends adoption of Resolution No. 2307 for an exception to the 180-day wait period to hire a Public Employees’ Retirement System (PERS) retired annuitant.

[Roll Call Vote:]

MOVED:

SECONDED:

VOTE:

21. Recommended Adoption of Resolution Proclaiming Red Ribbon Week
(Attachment)

The superintendent recommends adoption of Resolution No. 2308 proclaiming October 23-31, 2022, as Red Ribbon Week in Santa Barbara County.

[Roll Call Vote:]

MOVED:

SECONDED:

VOTE:

22. Recommended Adoption of Resolution Recognizing a State of Emergency and Reauthorizing Teleconferenced Meetings
(Attachment)

In accordance with AB 361, Resolution No. 2309 recognizes a state of emergency and reauthorizes teleconferenced meetings for a period of thirty (30) days.

[Roll Call Vote:]

MOVED:

SECONDED:

VOTE:

DISCUSSION ITEM

23. Eligibility of Community College Employees for Appointment to County Board of Education
(Attachment)

Board discussion of legal counsel's opinion. The attachment consists of four Attorney General opinions.

INFORMATION ITEMS

24. Personnel Report
(Attachment)

The classified personnel report is presented as an information item.

25. Williams/Valenzuela Uniform Complaints Quarterly Report
(Attachment)

The Williams/Valenzuela Uniform Complaints Quarterly Report indicating no complaints filed for the period of June 16, 2022 through September 15, 2022, for Juvenile Court and Community Schools, and Special Education, is presented to the board as an information item.

26. Correspondence
(Attachment)

September 14, 2022 correspondence from the California Department of Education confirming approval of the Santa Barbara County Education Office 2021-22 through 2023-24 Local Control and Accountability Plan (LCAP) for the 2022-23 school year.

FUTURE AGENDA ITEMS

27. Future agenda items

ADJOURNMENT

28. Adjournment to the next regular meeting to be held November 3, 2022.

MOVED:

SECONDED:

VOTE:

Superintendent's Report



Santa Barbara County Education Office

4400 Cathedral Oaks Rd, PO Box 6307, Santa Barbara, CA 93160-6307
Telephone: (805) 964-4711 • FAX: (805) 964-4712 • sbceo.org

Susan C. Salcido, Superintendent of Schools

Superintendent's Report October 6, 2022

Attendance in Juvenile Court and Community Schools on Sept. 27, 2022:

- FitzGerald Community School: 9
- Dos Puertas: 15
- Los Robles: 6

School Safety: On September 14, law enforcement officials responded to a report of an active shooter at Bishop Garcia Diego High School. The Santa Barbara Police Department (SBPD) responded and investigated-- the report was a hoax. It appears that the Bishop incident may have been a part of a statewide hoax that affected several districts in California on that same day.

Crisis communication is essential and, using the 9/14/22 incident as an example, the lock down at Bishop prompted a series of interconnected communication needs across schools and SBCEO offices. For example, Hope School District, which shares a campus with SBCEO programs, Hope Elementary, and a credit union, also locked down/locked out; La Colina Junior High School locked down, Santa Barbara High School locked down. Cross-town personal communication moves quickly, and parents and community members look to school leaders for answers. I appreciated the direct communication with SBPD and Sheriff's Office and look forward to significantly increasing and improving communication-strategy planning with all first responder agencies across our county.

Santa Barbara County Superintendent's Student Advisory Committee: I am currently working on launching a Student Advisory Committee, to include high school student representatives from across the county. Some of the goals: hear from students directly about their aspirations, seek input and feedback on specific topics, and invite students to share insights with the County Board of Education at regularly scheduled meetings.

Superintendents' Advance: On September 26, my office coordinated a Santa Barbara County Superintendents' Advance (retreat). The Advance is an annual event, co-created with local superintendents, to learn, share, and connect across the county. We formally welcomed three new superintendents (Santa Maria-Bonita, Solvang, and Vista), and spent time on discussing equity-centered leadership to improve student outcomes for all students.

Joint Use Agreement with Cathedral Oaks Children's Center (CCOC) Update:

In July 2022, the County Board of Education adopted Resolution No. 2301, allowing SBCEO to proceed with the negotiation and preparation of a Joint Use Agreement with CCOC for the vacant portable at 4400 Cathedral Oaks Road. SBCEO has been working closely with CCOC, and we are in the final stages of completing an agreement for a three-year term. This preschool will be operated by CCOC. I plan to bring the final agreement to the Board for ratification at its November or December Board meeting, whichever date is closest to completing the Joint Use Agreement process. I look forward to welcoming the CCOC children, families, and staff to our Cathedral Oaks campus sometime around October/November/December 2022.

Curriculum and Instruction (C&I) Division

Universal Pre-K: SBCEO was awarded \$1,029,130 for the competitive Early Educator Teacher Development Grant to increase the number of highly-qualified teachers available to serve in Transitional Kindergarten (TK) and California State Preschool Programs (CSPP) throughout Santa Barbara County.

This grant allows us to provide 1) career pathways for certification, and 2) training in specific competencies including instruction in inclusive classrooms, culturally responsive instruction; supporting dual language learners; enhancing social-emotional learning; implementing healing- informed and restorative practices.

SBCEO applied on behalf of 17 of our 18 districts and all charter schools who serve TK and K teachers as well as all CSPPs in the county. Santa Maria-Bonita School District will be running a complementary program for their teachers and was awarded just over \$250K.

Our new director of early learning, Cristina Ortega, will be leading this work with Carla Benchoff, director of learning support in C&I, and Janelle Willis, director of Early Care & Education.

A Salute to Teachers: Our annual *A Salute Teachers* event will take place on Saturday, November 5, 2022, at the Music Academy of the West in Santa Barbara. We will be honoring the 2023 Teacher of the Year, Joanna Hendrix (SBCEO), the Performing Arts Teacher of the Year, Jennifer Peterson (Lompoc), three Distinguished New Educators, and three Distinguished Mentors. Board members will receive invitations to this event, which celebrates all teachers and their impact in our county.

Local Control and Accountability Plans (LCAP): All 20 district LCAPs were reviewed and approved. This year, local educational agencies (LEA) had to incorporate new statutory requirements, including required goals and the calculation of carry-over obligation. The comprehensive review and iterative clarification process is a collaboration between C&I and School Business Advisory Services (SBAS). All LCAPs are posted on the LEA websites as well as on our SBCEO website. The SBCEO support team has already launched activities for the 2023-24 planning year.

Professional Learning, Networks, and Customized Support: The C&I team is providing professional learning through workshops, networks, and direct customized support to districts. A highlight for October is that Dr. Gabi Bell-Jiménez will present “Taller para el desarrollo de destrezas de lectoescritura en español” (Workshop for Literacy Development in Spanish) for dual-language teachers. SBCEO is a pioneer COE in providing Spanish language professional learning. Our Social Emotional Learning Network continues to meet, and will feature Ricky Robinson, an expert on building resilience and emotional healing classrooms. We have awarded several grants to district teams to support Social Emotional Learning (SEL). Additional districts are taking part in the Multi-tiered System of Support (MTSS) training. District-requested customized support topics include: Professional Learning Communities (PLCs) focus on learning goal prioritization and formative assessment; Designated ELD; High Impact Tutoring training, Positive Behavior Intervention Supports (PBIS), mathematics, and literacy support.

Educational Services Division

Responding to the Opioid Crisis: Assistant Superintendent Bridget Baublits hosted the second virtual informational session on September 16, 2022, for K-12 public, private, and charter school leaders on responding to the Opioid crisis. The session covered several topics including Fentanyl 101, Narcan as a response, requirements for Narcan delivery (i.e., board policy updates and staff training), communication plans, and prevention education. Between the two sessions, nine districts, three private schools, and one charter school attended.

Career Technical Education (CTE): CTE Teacher Industry Tours: In collaboration with the Santa Maria Valley Chamber of Commerce, the SBCEO CTE department is coordinating Teacher Industry Tours next month. Three dates are planned, each focused on the following sectors: Manufacturing/Engineering, Business/ICT/Cybersecurity, and Agriculture and Natural Resources/Environmental Resources. Santa Maria Joint Union High School District, Orcutt Union School District, and Lompoc Unified School District are participating in the first tours, with plans to expand across the county in the coming months. These one-day events will allow teachers to visit several businesses, then have networking time and lunch provided by the Chamber. Businesses will provide a tour, give an overview of the company, discuss what skills potential employees should have, and how best to prepare students for jobs in the respective field.

As mentioned in last month’s Superintendent’s Report, the CTE department will present at a statewide CTE conference in November. We received confirmation from the conference organizer that the presentation will not be recorded.

Juvenile Court and Community Schools (JCCS): Los Prietos Boys Camp Transition Planning Educational Workgroup: On September 14, 2022, County Probation and SBCEO co-chaired the first educational workgroup meeting to begin planning for the transition of the camp program to the Juvenile Justice Center in Santa Maria. The group

included partners from Santa Barbara City College (SBCC), Allan Hancock College (AHC), the Workforce Development Board, and other community organizations. The educational workgroup will meet monthly to develop an action plan to be presented to the Juvenile Justice Coordinating Council (JJCC) in December. We will provide regular updates to the County Board of Education about transition plans.

Special Education Division

On September 8 and 22, SBCEO Special Education Division staff participated in the “2022 Refresh Summit, Supporting Transition from Part C to Part B Services for Black and Latino Students in Santa Barbara County,” hosted by the Alpha Resource Center. The purpose of this two-part community event was to discuss collaborative approaches and partnerships to assist transitions from Early Start to special education services. This event included participants from Tri-Counties Regional Center, Santa Barbara County Special Education Local Plan Area (SELPA), Help Me Grow Santa Barbara County, Mixteco/Indigena Community Organizing Project (MICOP), Promotores Network, and various attendees from local educational agencies.

My facilitation and/or attendance at recent countywide meetings and events (partial list):

- 8/30 SBCEO-Santa Barbara County Public Health Department (SBCPHD) meeting for public and private school leaders
- 8/31 School safety meeting with south county school district superintendents, charter school principals, and the Santa Barbara Police Department Interim Chief Arroyo
- 9/1 Santa Barbara County School Boards Association (SBCSBA) Executive Committee meeting
- 9/1 Santa Maria Valley Chamber of Commerce Annual Awards Gala
- 9/7 Gateway Educational Services, a non-profit learning center in Santa Barbara
- 9/9-11 California County Boards of Education (CCBE) Annual Conference, Monterey
- 9/13 SBCEO-SBCPH meeting for public and private school leaders: updates and information on COVID-19, monkeypox, and extreme heat guidance
- 9/14 Fighting Back Leadership Coalition meeting
- 9/15 KUHL radio live interview
- 9/15 School/district visits:
 - Delta High School (Santa Maria Joint Union High School District)
 - Solvang School District
 - Los Olivos School District
 - Santa Ynez Valley Union High School District
- 9/16 California State University Channel Islands tour & meeting with President Richard Yao; the dean of the school of education, Dr. Elizabeth Orozco; Peer Ambassador students; and other staff members
- 9/21 New school board candidate workshop, in partnership with SBCSBA
- 9/22 Visit to Canalino School in Carpinteria: Dual Language Immersion (DLI) program

- 9/22 Rotary Club of Carpinteria – presentation on SBCEO programs and services
9/26 1-Day Superintendents' Advance (retreat) for all SB County district superintendents

Future event for County Board of Education attendance consideration:

- November 30, 2022 (pre-conference day), and December 1-3, 2022 (conference): California School Boards Association (CSBA) Annual Education Conference (AEC), San Diego. Information about the conference:
<http://aec.csba.org/program/>

Consent Agenda



SANTA BARBARA COUNTY BOARD OF EDUCATION

4400 Cathedral Oaks Road
P.O. Box 6307
Santa Barbara, CA 93160-6307

SPECIAL MEETING

August 22, 2022 – 2:00 p.m.

MINUTES

The Santa Barbara County Board of Education held this meeting on Monday, August 22, 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

GENERAL FUNCTIONS

1. Call to Order and Pledge of Allegiance

The special meeting of the County Board of Education was called to order at 2:01 p.m. by Board President Judy Frost, followed by the Pledge of Allegiance.

2. Spanish Interpretation/Interpretación

Spanish interpretation of the board meeting was announced.

3. Roll Call

Board Members Present

Marybeth Carty
Maggi Daane
Michelle de Werd
Judith Frost
Joe Howell
Bruce Porter

Staff Members Present

Susan Salcido, superintendent
Craig Price, legal counsel
Austin Payne, legal counsel
Anna Freedland, executive assistant

Alli Adams	Bridget Baublits
Ellen Barger	Nicole Evenson
Mari Baptista	Bill Ridgeway

Others Present

Roseanne Crawford
Bruce McRoy
Jessica Sanchez, interpreter
Ralph
Yazmin

4. Changes to the Agenda

None.

5. President and Board Comments

None.

6. Public Comments for Items on the Agenda

The following member of the public addressed the County Board of Education regarding agenda item number 7:

Bruce McRoy

ACTION ITEM

7. Review Applications Received to Fill Board Vacancy for Trustee Area No. 2 by Provisional Appointment and Review Next Steps in the Process

The board reviewed the applications received to fill the vacancy for Trustee Area No. 2 by provisional appointment. The board determined the process going forward: the full board would interview candidates at the special board meeting on August 26, 2022, all candidates would receive the interview questions ahead of time, and the full board would deliberate and select finalist(s) at a special board meeting on August 29, 2022.

The board approved extending an opportunity to interview to six qualified candidates subject to the superintendent speaking to two candidates to get confirmation that one will re-register to vote at their current address and that another understood that should they be selected as the provisional appointment,

they would need to resign their position as an adjunct professor at a local community college.

MOVED: **Mr. Howell**

SECONDED: **Mrs. de Werd**

VOTE: **Passed 6-0**

ADJOURNMENT

8. Adjournment to the next special meeting to be held August 26, 2022, at 9 a.m.

The meeting was adjourned at 3:27 p.m. to the next special meeting to be held August 26, 2022, at 9 a.m.

MOVED: **Mrs. Daane**

SECONDED: **Mr. Howell**

VOTE: **Passed 6-0**

Judith Frost, President
County Board of Education

Dr. Susan Salcido, Secretary
County Board of Education



SANTA BARBARA COUNTY BOARD OF EDUCATION

4400 Cathedral Oaks Road
P.O. Box 6307
Santa Barbara, CA 93160-6307

SPECIAL MEETING
August 26, 2022 – 9:00 a.m.

MINUTES

UNAPPROVED

GENERAL FUNCTIONS

1. Call to Order and Pledge of Allegiance

The special meeting of the County Board of Education was called to order at 9:03 a.m. by Board President Judy Frost, followed by the Pledge of Allegiance.

2. Spanish Interpretation

The president announced that Spanish interpretation of the board meeting was available.

3. Roll Call

Board Members Present

Marybeth Carty
Maggi Daane
Michelle de Werd
Judith Frost
Joe Howell
Bruce Porter

Staff Members Present

Susan Salcido, superintendent
Austin Payne, legal counsel
Anna Freedland, executive assistant

Ellen Barger	Mari Baptista
Camie Barnwell	Matt Evans

4. Changes to the Agenda

None.

5. President and Board Comments

None.

6. Public Comments for Items on the Agenda

None.

ACTION ITEM

7. Interview Candidates for Provisional Appointment to the Board for Trustee Area No. 2 and Potentially Deliberate and Select Finalist(s)

The board interviewed candidates for provisional appointment to the board for Trustee Area No. 2. The candidates interviewed in the order listed below. No action was taken by the board. The board will deliberate and select finalist(s) at a special meeting on August 29, 2022.

9:10–9:30 a.m.	Tyree Byrd
9:40–10:00 a.m.	Nadra Ehrman
10:10–10:30 a.m.	Robert D. Niehaus
10:40–11:00 a.m.	Mary Osgood
11:10–11:30 a.m.	Alex Niles

ADJOURNMENT

8. Adjournment to the next special meeting to be held August 29, 2022. The next regular meeting will be held September 1, 2022.

The meeting was adjourned at 11:25 a.m. to the next special meeting to be held August 29, 2022.

MOVED: **Mrs. Daane**

SECONDED: **Mr. Howell**

VOTE: **Passed 6-0**

Judith Frost, President
County Board of Education

Dr. Susan Salcido, Secretary
County Board of Education



SANTA BARBARA COUNTY BOARD OF EDUCATION

4400 Cathedral Oaks Road
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SPECIAL MEETING
August 29, 2022 – 9:00 a.m.

MINUTES

UNAPPROVED

GENERAL FUNCTIONS

1. Call to Order and Pledge of Allegiance

The special meeting of the County Board of Education was called to order at 9:07 a.m. by Board President Judy Frost, followed by the Pledge of Allegiance.

2. Spanish Interpretation

The president announced that Spanish interpretation of the board meeting was available.

3. Roll Call

Board Members Present

Marybeth Carty
Maggi Daane
Michelle de Werd
Judith Frost
Joe Howell
Bruce Porter

Staff Members Present

Susan Salcido, superintendent
Austin Payne, legal counsel
Anna Freedland, executive assistant

Camie Barnwell
Mari Baptista

Matt Evans
Bill Ridgeway

Arlene Sherchan

Others Present

Hugo Santos-Gomez, interpreter

4. Changes to the Agenda

None.

5. President and Board Comments

None.

6. Public Comments for Items on the Agenda

None.

ACTION ITEM

7. Deliberate and Select Finalist(s) for Provisional Appointment to the Board for Trustee Area No. 2

The board deliberated on the candidates it interviewed on August 26, 2022. The board approved the selection of Nadra Ehrman as the finalist for provisional appointment to the board for Trustee Area No. 2, to be made at the regular board meeting on September 1, 2022.

MOVED: **Mr. Howell** SECONDED: **Mrs. Daane** VOTE: **Passed 4-1-0-1**
Aye: Carty / Daane / Frost / Howell **No: Porter** **Abstain: de Werd**

ADJOURNMENT

8. Adjournment to the next regular meeting to be held September 1, 2022.

The meeting was adjourned at 9:59 a.m. to the next regular meeting to be held September 1, 2022.

MOVED: **Mrs. Daane** SECONDED: **Mrs. Carty** VOTE: **Passed 6-0**

Judith Frost, President
County Board of Education

Dr. Susan Salcido, Secretary
County Board of Education



SANTA BARBARA COUNTY BOARD OF EDUCATION

4400 Cathedral Oaks Road
P.O. Box 6307
Santa Barbara, CA 93160-6307

REGULAR MEETING
September 1, 2022 – 2:00 p.m.

MINUTES

UNAPPROVED

GENERAL FUNCTIONS

1. Call to Order and Pledge of Allegiance

The regular meeting of the County Board of Education was called to order at 2:00 p.m. by Board President Judy Frost, followed by the Pledge of Allegiance.

2. Spanish Interpretation

Spanish interpretation of the board meeting was announced.

3. Roll Call

Board Members Present

Marybeth Carty
Maggi Daane
Michelle de Werd
Nadra Ehrman
Judith Frost
Joe Howell
Bruce Porter

Staff Members Present

Susan Salcido, superintendent
Austin Payne, legal counsel
Anna Freedland, executive assistant

Alli Adam	Bridget Baublits	Nicole Evenson	Amy Ramos
Ellen Barger	Denice Cora	Matt Evans	Bill Ridgeway
Camie Barnwell	Tracie Cordero	Debra Hood	Arlene Sherchan
Mari Baptista	Kirsten Escobedo	Luis Medina	

Others Present

Norma Cuevas, Classified School Employee of the Year
Kim Domingues, Classified School Employee of the Year
Holly Edds, superintendent, Orcutt Union School District
Michelle Fox, principal, Mary Buren School
Jane Gallet, Classified School Employee of the Year
Brad Gitchell, head of maintenance, Orcutt Union School District
Jana Graham, Classified School Employee of the Year
Carmen Jaramillo, chair, Personnel Commission
Hugo Santos-Gomez, interpreter
Rachel Steidl, executive director, YouthWell
Friends and family members of classified staff honorees

4. Changes to the Agenda

None.

5. President and Board Comments

The president and board members commented on various matters, including:

- Remembering the meaning behind Labor Day holiday
- A recent Santa Barbara County School Boards Association (SBCSBA) Executive Committee meeting which included a presentation from Rachael Steidl of YouthWell, a Santa Barbara County non-profit organization

6. Public Comments

None.

ORGANIZATIONAL ITEMS

7. Provisional Appointment to the Board for Trustee Area No. 2

The board approved the provisional appointment of Nadra Ehrman to the vacant board seat for Trustee Area No. 2.

MOVED: Mrs. Carty SECONDED: Mrs. Daane VOTE: Passed 4-2
Aye: Carty / Daane / Frost / Howell No: de Werd / Porter

8. Oath of Office

The superintendent administered the oath of office to Nadra Ehrman as the provisional appointment to the board for Trustee Area No. 2. Ms. Ehrman then assumed her seat on the board.

RECOGNITION

9. Santa Barbara County Classified School Employees of the Year Recognition

The superintendent provided background on the Classified School Employee of the Year program. Dr. Salcido and the members of the board announced the Santa Barbara County Classified School Employees of the Year: Timothy Romine, Orcutt Union School District; Kim Domingues, Orcutt Union School District; Ernesto Vela, Orcutt Union School District; Chandra Lauer, Santa Maria Joint Union High School District; Norma Cuevas, Guadalupe Union School District; Jane Gallet, Orcutt Union School District; Jana Graham, Orcutt Union School District. The board members presented honorees with certificates of recognition.

PRESENTATION

10. Presentation on the YouthWell Organization

Executive Director of YouthWell, Rachel Steidl, provided a presentation to the board about the non-profit organization and its work with schools on mental health services for students.

SUPERINTENDENT'S REPORT

11. Superintendent's Report

The superintendent's report was included in the board book and was presented as an information item. Dr. Salcido also shared four additional information items:

- Enrollment numbers in SBCEO's school programs:
 - Juvenile Court and Community Schools: Dos Puertas School – 17 students, Los Robles High School – 3 students, Peter B. FitzGerald Community School – 7 students (3 junior high and 4 high school)
 - Early Care and Education Program: 282 children in preschools and infant/toddler centers
 - Special Education programs: 711 children countywide, which can be broken down into 3 general types: 1) Early start (infants) – 103 children, 2) direct service districts – 98 students, 3) regional: TK-12 extensive support needs program – 62 students, itinerate vision and deaf and hard of hearing program – 75 students, and preschool – 373 children, which will most likely double by the end of the school year
- Workshop for new school board candidates hosted by the Santa Barbara County School Boards Association (SBCSBA) on September 21, 2022, at 6 p.m. It will be a free virtual workshop facilitated by Chelsea Olson

Murphy, attorney with Lozano Smith. Current board members are welcome to attend.

- Optional tours of SBCEO's Juvenile Court and Community Schools
- Optional luncheon for former board member Dr. Peter MacDougall

CONSENT AGENDA

The board approved all consent agenda items:

12. Minutes of Meeting Held July 26, 2022

13. Minutes of Meeting Held August 4, 2022

14. Registration of Credentials and Other Certification Documents: Issuance of Temporary County Certificates

Registration of credentials and other certification documents registered in the Santa Barbara County Education Office from July 7, 2022 to August 6, 2022, and the issuance of temporary county certificates for that same time period.

15. Acceptance of Donations

Acceptance of donations for the following department:

- Teacher Programs and Support

16. Declaration of Surplus

Declaration of surplus for the following departments:

- Early Care and Education
- Educational Technology Services

17. Recommended Issuance of High School Graduation Diploma

Issuance of a high school graduation diploma to the following students:

Dos Puertas School

- Student CSIS # 6195263714 – July 20, 2022
- Student CSIS # 5195153722 – August 5, 2022
- Student CSIS # 9195270221 – August 5, 2022

Motion to approve all consent items:

MOVED: Mr. Howell

SECONDED: Mrs. Carty

VOTE: Passed 7-0

ACTION ITEMS

18. Board Policies, Reading and Adoption

The following board policies were presented for reading and adoption. The board adopted the policies.

Human Resources/Personnel-Related Board Policies

General:

- BP 4000 – Concepts and Roles (new)
- BP 4020 – Drug and Alcohol-Free Workplace (revised)
- BP 4030 – Nondiscrimination in Employment (revised)
- BP 4033 – Lactation Accommodation (new)

Certificated Personnel:

- BP 4100 – Certificated Personnel (new)
- BP 4113.5 – Working Remotely (new)
- BP 4115 – Evaluation/Supervision (revised)
- BP 4119.11 – Sexual Harassment (revised)
- BP 4119.25 – Political Activities of Employees (new)
- BP 4131 – Staff Development (revised)
- BP 4136 – Nonschool Employment (revised)
- BP 4144 – Complaints (new)
- BP 4151 – Employee Compensation (new)
- BP 4154 – Health and Welfare Benefits (new)
- BP 4161 – Leaves (revised)
- BP 4161.9 – Catastrophic Leave Program (new)

Classified Personnel:

- BP 4200 – Classified Personnel (new)
- BP 4213.5 – Working Remotely (new)
- BP 4215 – Evaluation/Supervision (new)
- BP 4219.11 – Sexual Harassment (new)
- BP 4219.25 – Political Activities of Employees (revised)
- BP 4231 – Staff Development (new)
- BP 4236 – Nonschool Employment (new)
- BP 4244 – Complaints (new)
- BP 4251 – Employee Compensation (new)
- BP 4254 – Health and Welfare Benefits (revised)
- BP 4261 – Leaves (new)
- BP 4261.9 – Catastrophic Leave Program (new)

Management:

- BP 4300 – Administrative and Supervisory Personnel (new)
- BP 4313.5 – Working Remotely (new)
- BP 4315 – Evaluation/Supervision (new)
- BP 4319.11 – Sexual Harassment (new)

- BP 4319.25 – Political Activities of Employees (new)
- BP 4331 – Staff Development (new)
- BP 4336 – Nonschool Employment (new)
- BP 4344 – Complaints (new)
- BP 4351 – Employee Compensation (new)
- BP 4354 – Health and Welfare Benefits (new)
- BP 4361 – Leaves (new)
- BP 4361.9 – Catastrophic Leave Program (new)

Students-Related Board Policy

- BP 5141.21 – Administering Medication and Monitoring Health Conditions (revised)

MOVED: **Mr. Porter**

SECONDED: **Mrs. Carty**

VOTE: **Passed 7-0**

19. Record Board Meetings

The superintendent reported on the mechanics of how video recording of board meetings could be accomplished. Meetings could be recorded using SBCEO equipment and could begin at the next board meeting. Legal counsel shared information related to Americans with Disabilities Act (ADA) requirements and video recording. The board approved video recording board meetings to begin with the next regular board meeting in October.

MOVED: **Mrs. de Werd**

SECONDED: **Mrs. Daane**

VOTE: **Passed 7-0**

20. California County Boards of Education (CCBE) General Membership Meeting Voting Member

The board approved Judy Frost, board president, to be the voting representative at CCBE General Membership meetings on September 9 and December 2, 2022.

MOVED: **Mr. Howell**

SECONDED: **Mrs. Carty**

VOTE: **Passed 7-0**

21. Recommended Adoption of Resolution Recognizing a State of Emergency and Reauthorizing Teleconferenced Meetings

In accordance with AB 361, the board adopted Resolution No. 2305 recognizing a state of emergency and reauthorizing teleconferenced meetings for a period of thirty (30) days.

Ayes: 7

Noes: 0

Absent: 0

Abstain: 0

MOVED: **Mrs. Daane**

SECONDED: **Mrs. de Werd**

VOTE: **Passed 7-0-0-0**

INFORMATION ITEM

22. Personnel Report

The certificated and classified personnel reports were presented as an information item.

FUTURE AGENDA ITEMS

23. Future agenda items

The following were mentioned as potential future agenda items:

- Presentation on the Dos Pueblos High School “Innovate” program, a three-year program for students who “self-identify as high school dropouts.” Presentation by Kelly Choi, former Santa Barbara County Teacher of the Year and current director of the “Innovate” program.
- Updated board governance calendar
- Posting historical board minutes, 5-7 years’ worth, on the SBCEO website

ADJOURNMENT

24. Adjournment to the next regular meeting to be held October 6, 2022.

The meeting was adjourned at 4:03 p.m. to the next regular meeting to be held October 6, 2022.

MOVED: Mrs. Carty

SECONDED: Mrs. Daane

VOTE: Passed 7-0

Judith Frost, President
County Board of Education

Dr. Susan Salcido, Secretary
County Board of Education

**Registration of Credentials or Other Certification Documents
Issuance of Temporary County Certificates
August 7, 2022 - September 6, 2022**

Name**Type of Credential / Permit****Expiration Date: 2022**

Lindsay	Felchle	30-Day Substitute Teaching Permit
Daisy	Flores	30-Day Substitute Teaching Permit
Lisa	Grady	Single Subject Teaching Credential
Clemente	Moreno	Multiple Subject Teaching Credential
Deserae	Rodriguez	30-Day Substitute Teaching Permit

Expiration Date: 2023

Nancy	Abrams	Special Ed Limited Assignment Teaching Permit
Sonia	Aguilera	30-Day Substitute Teaching Permit
Michelle	Alanis	30-Day Substitute Teaching Permit
Cameron	Allen	30-Day Substitute Teaching Permit
Jose	Alonso	30-Day Substitute Teaching Permit
Denise	Alvarado	Administrative Services Credential
Denise	Alvarado	Multiple Subject Teaching Credential
Scott	Alvarez	Administrative Services Credential
Guadalupe	Baltazar	30-Day Substitute Teaching Permit
Katelyn	Barbarick	30-Day Substitute Teaching Permit
Margaret	Begin-Roh	30-Day Substitute Teaching Permit
Zoe	Bennett	30-Day Substitute Teaching Permit
Swapna	Birdsall	30-Day Substitute Teaching Permit
Ashley	Bluem	30-Day Substitute Teaching Permit
Tian	Boydston	30-Day Substitute Teaching Permit
Erik	Bravo	30-Day Substitute Teaching Permit
Stacy	Brookhyser	30-Day Substitute Teaching Permit
Carol	Caposella	Multiple Subject Teaching Credential
Katharine	Castillo-Dunlap	30-Day Substitute Teaching Permit
Victoria	Chavez	30-Day Substitute Teaching Permit
Amy	Clark	30-Day Substitute Teaching Permit
Brenda	Clarke	Administrative Services Credential
Brenda	Clarke	Education Specialist Instruction Credential
Carol	Cornelius	30-Day Substitute Teaching Permit
Donnell	Coulehan	30-Day Substitute Teaching Permit
Dyanna	Cress	30-Day Substitute Teaching Permit
Kenneth	Cress	30-Day Substitute Teaching Permit
Sara	Culmone	30-Day Substitute Teaching Permit
Shayna	Davis	30-Day Substitute Teaching Permit
Monya	Davison	30-Day Substitute Teaching Permit
Candace	DeGeare	Multiple Subject Teaching Credential
Emily	Dietz	30-Day Substitute Teaching Permit

Crystal	Dolan	30-Day Substitute Teaching Permit
Constance	Earl	Multiple Subject Teaching Credential
Cole	Elliott	30-Day Substitute Teaching Permit
Kaitlin	Eng-DenBaars	Special Ed Limited Assignment Teaching Permit
Jennifer	Ewald	30-Day Substitute Teaching Permit
Rosa	Gallegos	30-Day Substitute Teaching Permit
Amanda	Gallup	30-Day Substitute Teaching Permit
Gabriela	Garcia	30-Day Substitute Teaching Permit
David	Garcia Jr.	30-Day Substitute Teaching Permit
McKinnley	Gault	30-Day Substitute Teaching Permit
Marina	Gindis	Single Subject Teaching Credential
Samuel	Gonzalez	30-Day Substitute Teaching Permit
Cristina	Gonzalez	30-Day Substitute Teaching Permit
Olivia	Green-Johnson	30-Day Substitute Teaching Permit
Carolina	Gutierrez	30-Day Substitute Teaching Permit
Kelee	Harding	30-Day Substitute Teaching Permit
Cheryl	Hayes	30-Day Substitute Teaching Permit
Julian	Hemphill	30-Day Substitute Teaching Permit
Anais	Jimenez	30-Day Substitute Teaching Permit
Cameran	Johnson	30-Day Substitute Teaching Permit
Kristen	Johnson	30-Day Substitute Teaching Permit
Lisa	Johnson	30-Day Substitute Teaching Permit
Glenn	Jones	30-Day Substitute Teaching Permit
Paul	Kanarek	30-Day Substitute Teaching Permit
Kyle	Klein	Multiple Subject Teaching Credential
Melanie	Krystkowiak	30-Day Substitute Teaching Permit
Thomas	Larson	30-Day Substitute Teaching Permit
Diamond	Leyva	30-Day Substitute Teaching Permit
Nicolas	Lopez	30-Day Substitute Teaching Permit
Christine	Macko	30-Day Substitute Teaching Permit
Samuel	Majewski	30-Day Substitute Teaching Permit
Melinda	Martinez	Substitute Teaching Permit for Prospective Teachers
Erin	McCoy	30-Day Substitute Teaching Permit
Victor	Mendoza	30-Day Substitute Teaching Permit
Marilyn	Mercado	30-Day Substitute Teaching Permit
Alyson	Metcalfe	30-Day Substitute Teaching Permit
Andrew	Mize	30-Day Substitute Teaching Permit
Heather	Montoya	30-Day Substitute Teaching Permit
Catherine	Moody	30-Day Substitute Teaching Permit
Nancy	Morgan	30-Day Substitute Teaching Permit
Stanley	Munro	Single Subject Teaching Credential
Stanley	Munro	Specialist Instruction Credential (Reading)
Christin	Musick	Multiple Subject Teaching Credential
Jody	Nelson	30-Day Substitute Teaching Permit
Ngoc	Nguyen	30-Day Substitute Teaching Permit
Monica	Nunez	30-Day Substitute Teaching Permit
Niyvi	Oropeza	Gen Ed Limited Assignment Teaching Permit
Jessica	Orozco	30-Day Substitute Teaching Permit
Regina	Orosco	Short-Term Staff Permit
Diego	Pacheco	Short-Term Staff Permit

Virginia	Pavlakovich	30-Day Substitute Teaching Permit
Eimile	Pay	Short-Term Staff Permit
Carly	Pregadio	Multiple Subject Teaching Credential
Frank	Ramos	30-Day Substitute Teaching Permit
Michelle	Renaud	30-Day Substitute Teaching Permit
Carolyn	Richards	30-Day Substitute Teaching Permit
Roderick	Robles	30-Day Substitute Teaching Permit
Griffith	Ruby	30-Day Substitute Teaching Permit
Paloma	Salgado	30-Day Substitute Teaching Permit
Morgan	Saltamachio	30-Day Substitute Teaching Permit
James	Savage	30-Day Substitute Teaching Permit
Lauren	Shepherd	Provisional Internship Permit
Cara	Smith	Pupil Personnel Services Credential
Steve	Sortino	30-Day Substitute Teaching Permit
Rebecca	Stoupppe	30-Day Substitute Teaching Permit
Jonathan	Sturholm	30-Day Substitute Teaching Permit
Kathy	Swift	30-Day Substitute Teaching Permit
Renee	Syson	30-Day Substitute Teaching Permit
Marguerite	Threlkeld	30-Day Substitute Teaching Permit
Kelly	Timmerman	30-Day Substitute Teaching Permit
Karen	Van Gool	30-Day Substitute Teaching Permit
Alexia	Vance	30-Day Substitute Teaching Permit
Nhung Katryna	Vong	30-Day Substitute Teaching Permit
Alan	Wells	30-Day Substitute Teaching Permit
Tyler	Whitmore	30-Day Substitute Teaching Permit
Lorraine	Williams	30-Day Substitute Teaching Permit
Diana	Yaghmour	30-Day Substitute Teaching Permit
Amy	Yamate	30-Day Substitute Teaching Permit
Christopher	Yee	30-Day Substitute Teaching Permit

Expiration Date: 2024

Neida	Arevalo	Speech-Language Pathology Services Credential
Marivel	Bravo	Pupil Personnel Services Credential
Kimberly	Brown	Multiple Subject Teaching Credential
Brooke	Butler	Education Specialist Instruction Credential
Arianna	Cannon	Education Specialist Instruction Credential
Ellis	Dandee	Multiple Subject Teaching Credential
Shakenya	Edison	Administrative Services Credential
Shakenya	Edison	Pupil Personnel Services Credential
Susan	Everroad	Multiple Subject Teaching Credential
Meagan	Feller	Pupil Personnel Services Credential
Madison	Gregory	Multiple Subject Teaching Credential
Jackson	Hall	Single Subject Teaching Credential
Shena	Kieval	Reading and Literacy Leadership Specialist
Shena	Kieval	Multiple Subject Teaching Credential
Shayne	MacCuish	Administrative Services Credential
Elisa	Ramirez	Single Subject Teaching Credential
Saige	Reynoso	Multiple Subject Teaching Credential

Enrique	Rico-Lua	Education Specialist Instruction Credential
Jasmine	Riley	Administrative Services Credential
Irene	Russo	30-Day Substitute Teaching Permit
Sonora	Sanchez	Multiple Subject Teaching Credential
Arianna	St. Oegger	Education Specialist Instruction Credential
Alexandria	Strachan	Single Subject Teaching Credential
Nicholas	Taylor	Administrative Services Credential
Nicholas	Taylor	Multiple Subject Teaching Credential
Jose	Vega	Single Subject Teaching Credential
Justina	Walch	Multiple Subject Teaching Credential
Andrea	Zuckerbraun	Multiple Subject Teaching Credential

Expiration Date: 2025

Sarah	Abouelnasr	Single Subject Teaching Credential
Sylvie	Asselin	Single Subject Teaching Credential
Alyssa	Boger	Speech-Language Pathology Services Credential
Kimberly	Brown	Single Subject Teaching Credential
Tawny	Camacho	Education Specialist Instruction Credential
Julie	Diani	Education Specialist Instruction Credential
Amanda	Domingues	Career Technical Education Teaching Credential
Rebecca	Jones	Career Technical Education Teaching Credential
Cher	Manich	Administrative Services Credential
Gloria	Morgan	Multiple Subject Teaching Credential
Crystal	Nance	Multiple Subject Teaching Credential
Michael	Nott	Career Technical Education Teaching Credential
Carol	Paasch	Education Specialist Instruction Credential
Linda	Ramirez	Multiple Subject Teaching Credential
Serina	Rodriguez	Pupil Personnel Services Credential
Kat	Ross	Single Subject Teaching Credential
Lynne	Sheffield	Administrative Services Credential
Lynne	Sheffield	Single Subject Teaching Credential
Russell	Thomas	Career Technical Education Teaching Credential
Joan	Western	Single Subject Teaching Credential
Matthew	Zich	Single Subject Teaching Credential

Expiration Date: 2026

Fernando	Aguila	Single Subject Teaching Credential
Gretchen	Albarran	Multiple Subject Teaching Credential
Vanessa	Balcazar	Multiple Subject Teaching Credential
Erica	Becker	Education Specialist Instruction Credential
Sarah	Breithaupt	Single Subject Teaching Credential
Josefina	Cabrera	Administrative Services Credential
Sylvia	Calvo	Pupil Personnel Services Credential
Alana	Cross	Education Specialist Instruction Credential
Katherine	Daly	Single Subject Teaching Credential
Justin	Fraser	Career Technical Education Teaching Credential

Steven	Gambril	Designated Subjects CTE Teaching Credential
Gillian	Gonzalez	Education Specialist Instruction Credential
Rosalba	Gonzalez	Pupil Personnel Services Credential
Amy	Jardin	Multiple Subject Teaching Credential
Ayslyn	Leslie	Multiple Subject Teaching Credential
Melissa	Meraz	Multiple Subject Teaching Credential
Pamela	Morse	Pupil Personnel Services Credential
Nicola	Petch-Baker	Single Subject Teaching Credential
Ivana	Siufanga	Education Specialist Instruction Credential
Elizabeth	Viggianelli	Multiple Subject Teaching Credential
Kirsten	Wampler	Education Specialist Instruction Credential
Paige	Winders	Education Specialist Instruction Credential

Expiration Date: 2027

Kathryn	Adame	Multiple Subject Teaching Credential
Derek	Aguilar	Single Subject Teaching Credential
Gretchen	Albarran	Education Specialist Instruction Credential
Andrea	Alvarez	Administrative Services Credential
Andrea	Alvarez	Multiple Subject Teaching Credential
Howard	Anderson	Multiple Subject Teaching Credential
Sylvie	Asselin	Multiple Subject Teaching Credential
Jared	Banks	Multiple Subject Teaching Credential
Kate	Barker	Multiple Subject Teaching Credential
Maria Teresa	Baro	Single Subject Teaching Credential
Nicole	Barr	Single Subject Teaching Credential
Luz	Bernal	Child Development Site Supervisor Permit
Alisyn	Blanton	Multiple Subject Teaching Credential
Leigh	Bode	Single Subject Teaching Credential
Paul	Bommersbach	Administrative Services Credential
Paul	Bommersbach	Multiple Subject Teaching Credential
Holly	Bosse	Multiple Subject Teaching Credential
Emily	Bott	Child Development Site Supervisor Permit
Leah	Bourgeois	Multiple Subject Teaching Credential
Julia	Bowen	Multiple Subject Teaching Credential
Laura	Brady	Single Subject Teaching Credential
Heather	Bruski	Multiple Subject Teaching Credential
Patricia	Buchmiller	Multiple Subject Teaching Credential
Patricia	Buchmiller	Specialist Instruction Cred in Bilingual Crosscultural Ed
Jesus	Campos	Pupil Personnel Services Credential
Jennifer	Capshaw	Multiple Subject Teaching Credential
Lucy	Carleton	Single Subject Teaching Credential
Artesia	Carlton	Child Development Program Director Permit
Cristina	Carrillo	Single Subject Teaching Credential
Rhett	Carter	Administrative Services Credential
Rhett	Carter	Single Subject Teaching Credential
Mark	Casady	Multiple Subject Teaching Credential
Douglas	Cavette	Single Subject Teaching Credential
Jennifer	Checchio	Multiple Subject Teaching Credential

Stephanie	Cleary	Clinical or Rehabilitative Services Credential
Jennifer	Cloud	Single Subject Teaching Credential
Daniel	Coombs	Single Subject Teaching Credential
Elizabeth	Cothran	Multiple Subject Teaching Credential
Anna	Covington	Multiple Subject Teaching Credential
Mariana	Crane	Education Specialist Instruction Credential
Joleen	Cross	Multiple Subject Teaching Credential
Wendy	Culver	Multiple Subject Teaching Credential
Scott	Da Silva	Education Specialist Instruction Credential
Allison	Daugherty	Multiple Subject Teaching Credential
Amanda	De Witte	Single Subject Teaching Credential
Jenna	Dee	Single Subject Teaching Credential
Veronica	Diaz	Multiple Subject Teaching Credential
Francisco	Diaz Real	Single Subject Teaching Credential
Jennifer	Dolan	Single Subject Teaching Credential
Jennifer	Dolan	Multiple Subject Teaching Credential
Hayley	Duguran	Single Subject Teaching Credential
Katy	Edwards	Pupil Personnel Services Credential
Andrew	Eisner	Single Subject Teaching Credential
Janel	Ellis	Single Subject Teaching Credential
Maria	Ellis	Multiple Subject Teaching Credential
Holly	Erassarret	Multiple Subject Teaching Credential
Perla	Estrada	Multiple Subject Teaching Credential
Manuel	Felix	Single Subject Teaching Credential
Ian	Fiedorek	Single Subject Teaching Credential
Mary	Fisher	Multiple Subject Teaching Credential
Justin	Fraser	Single Subject Teaching Credential
Kirk	Fridrich	Multiple Subject Teaching Credential
Elva	Fuentes	Pupil Personnel Services Credential
Karla	Gallagher	Single Subject Teaching Credential
Monica	Gonzales	Single Subject Teaching Credential
Gerlyn	Gonzalez	Single Subject Teaching Credential
Maria	Gonzalez	Multiple Subject Teaching Credential
Emily	Goodall	Education Specialist Instruction Credential
Ashley	Griffin	Multiple Subject Teaching Credential
Gary	Guliasi	Multiple Subject Teaching Credential
Patricia	Gutierrez	Single Subject Teaching Credential
Laken	Hamby	Education Specialist Instruction Credential
Michael	Hamilton	Single Subject Teaching Credential
Kristin	Hammond	Single Subject Teaching Credential
Nicole	Harbour	Library Media Teacher Services Credential
Nicole	Harbour	Single Subject Teaching Credential
Kelly	Hatton	Administrative Services Credential
Kelly	Hatton	Multiple Subject Teaching Credential
Kelly	Hatton	Single Subject Teaching Credential
Elizabeth	Hawkins	Single Subject Teaching Credential
Natasha	Henley	Multiple Subject Teaching Credential
Natasha	Henley	Pupil Personnel Services Credential
Rocio	Hernandez	Child Development Site Supervisor Permit
Stephanie	Hernandez	Multiple Subject Teaching Credential

Cynthia	Holm	Designated Subjects Voc Ed Teaching Credential
Crystl	Hotchner	Single Subject Teaching Credential
Alyssa	Hudson	Education Specialist Instruction Credential
Gloria	Ino	Multiple Subject Teaching Credential
Michelle	Jerez	Single Subject Teaching Credential
Brandon	Jewett	Single Subject Teaching Credential
Joel	Jory	Administrative Services Credential
Joel	Jory	Single Subject Teaching Credential
Morgan	Kanemoto	Single Subject Teaching Credential
Morgan	Kanemoto	Specialist Instruction Credential (Agriculture)
Jennifer	Kerr	Multiple Subject Teaching Credential
Diana	Kirsch	Multiple Subject Teaching Credential
Johana	Kleiman	Child Development Site Supervisor Permit
Asher	Kleinsmith	Single Subject Teaching Credential
Simon	Kurth	Multiple Subject Teaching Credential
Kristen	Landeros	Education Specialist Instruction Credential
Kristen	Landeros	Multiple Subject Teaching Credential
Alice	Laufer	Single Subject Teaching Credential
Kevin	Leclair	Single Subject Teaching Credential
Christine	Lindblad	Multiple Subject Teaching Credential
Emily	Little	Education Specialist Instruction Credential
Jacob	Lopez	Multiple Subject Teaching Credential
Patricia	Lopez	Single Subject Teaching Credential
Candice	Loretto	Multiple Subject Teaching Credential
Emily	Ludden	Single Subject Teaching Credential
Terri	Maa	Education Specialist Instruction Credential
Annette	MacCuish	Single Subject Teaching Credential
Timothy	Macias	Multiple Subject Teaching Credential
Fred	Madrigal	Administrative Services Credential
Justin	Magdaleno	Education Specialist Instruction Credential
Rachel	Malfo	Speech-Language Pathology Services Credential
Christopher	Mastrovito	Single Subject Teaching Credential
Victoria	Mc Alevey	Single Subject Teaching Credential
Robin	McCulley	Multiple Subject Teaching Credential
Deanne	McGraw	Multiple Subject Teaching Credential
Heather	Mcperson	Multiple Subject Teaching Credential
Carinne	Miller	Single Subject Teaching Credential
Mary	Miller	Children's Center Instruction Permit
Maria	Miramontes	Child Development Program Director Permit
Caitlin	Molina	Multiple Subject Teaching Credential
Cecilia	Molina	Administrative Services Credential
Cecilia	Molina	Single Subject Teaching Credential
Sarah	Montalvo	Pupil Personnel Services Credential
Mariana	Montiel	Single Subject Teaching Credential
Stanley	Munro	Administrative Services Credential
Linda	Nadalet	Speech-Language Pathology Services Credential
Susan	Nielsen	Pupil Personnel Services Credential
Cassidy	O'Leary	Child Development Site Supervisor Permit
Shannon	O'Neal	Single Subject Teaching Credential
Kylie	O'Keefe	Speech-Language Pathology Services Credential

Graham	Oleson	Single Subject Teaching Credential
Maritza	Olguin	Single Subject Teaching Credential
Niyvi	Oropeza	Single Subject Teaching Credential
Patricia	Pantoja	Single Subject Teaching Credential
Elizabeth	Paredes	Single Subject Teaching Credential
Luisa	Parkinson	Multiple Subject Teaching Credential
Laurel	Patterson	Multiple Subject Teaching Credential
Maury	Pendergrast	Multiple Subject Teaching Credential
Ivan	Perkins	Multiple Subject Teaching Credential
Thea	Pirnat	Multiple Subject Teaching Credential
Kelly	Porter	Single Subject Teaching Credential
Anthony	Ranii	Administrative Services Credential
Anthony	Ranii	Multiple Subject Teaching Credential
Holly	Real	Single Subject Teaching Credential
Kevin	Reed	Single Subject Teaching Credential
Kevin	Reed	Multiple Subject Teaching Credential
Darlene	Regalado	Multiple Subject Teaching Credential
Suzanne	Rhyne	Multiple Subject Teaching Credential
Susan	Richards	Multiple Subject Teaching Credential
Erica	Rivera	Pupil Personnel Services Credential
Suzanne	Rocco	Single Subject Teaching Credential
Jeannette	Roemling	Multiple Subject Teaching Credential
John	Root	Single Subject Teaching Credential
Andrew	Rotondi	Single Subject Teaching Credential
Brenda	Rubio	Multiple Subject Teaching Credential
Jill	Saeli	School Nurse Services Credential
Emma	Savaso	Multiple Subject Teaching Credential
Lisa	Savaso	Multiple Subject Teaching Credential
Rebekah	Schellenberg	Education Specialist Instruction Credential
Victoria	Scherpel	Single Subject Teaching Credential
John	Schmid	Multiple Subject Teaching Credential
Matthew	Schwarberg	Multiple Subject Teaching Credential
Rachael	Seals	Multiple Subject Teaching Credential
Rachael	Seals	Education Specialist Instruction Credential
Shea	Sechler	Education Specialist Instruction Credential
Kristina	Sewell	Single Subject Teaching Credential
Laura	Shelton	Multiple Subject Teaching Credential
Terri	Simmer	Multiple Subject Teaching Credential
Allison	Slauenwhite	Multiple Subject Teaching Credential
Ramsey	Smith	Single Subject Teaching Credential
Carly	Smoot	Administrative Services Credential
Carly	Smoot	Single Subject Teaching Credential
Natalie	Spevak	Administrative Services Credential
Natalie	Spevak	Single Subject Teaching Credential
Leigh	Stephenson	Single Subject Teaching Credential
Nela	Steric	Single Subject Teaching Credential
Bryan	Stevenson	Multiple Subject Teaching Credential
Laura	Sweeney	Multiple Subject Teaching Credential
Jessica	Swerdfeger	Education Specialist Instruction Credential
Karin	Sylvester	Single Subject Teaching Credential

Vilma	Tabilo	Multiple Subject Teaching Credential
Myrna	Taira	Multiple Subject Teaching Credential
Francine	Taran	Multiple Subject Teaching Credential
Alyssa	Tognazzini	Multiple Subject Teaching Credential
Linda	Trigueiro	Single Subject Teaching Credential
Patrick	Trotter	Single Subject Teaching Credential
Jason	Trujillo	Single Subject Teaching Credential
Mary	Valadez	Multiple Subject Teaching Credential
Geneva	Valdez	Clinical or Rehabilitative Services Credential
Claudia	Vega	Multiple Subject Teaching Credential
Dayeli	Vega	Child Development Assistant Permit
Whitney	Veley	Multiple Subject Teaching Credential
Jerred	Vidal	Single Subject Teaching Credential
Tara	Vowels	Multiple Subject Teaching Credential
Rebecca	Waid	Single Subject Teaching Credential
Rebecca	Waid	Multiple Subject Teaching Credential
Lisa	Walters	Single Subject Teaching Credential
Kathryn	Warner	Multiple Subject Teaching Credential
Brett	Weiberg	Administrative Services Credential
Brett	Weiberg	Multiple Subject Teaching Credential
Tiffany	Widle	Multiple Subject Teaching Credential
Jennifer	Wilson	Multiple Subject Teaching Credential
Alisha	Winters	Multiple Subject Teaching Credential
Whitney	Wolfsohn	Multiple Subject Teaching Credential
Jessica	Zamora	Multiple Subject Teaching Credential
Jessica	Zeitsoff	Multiple Subject Teaching Credential
Matthew	Zich	Multiple Subject Teaching Credential
Meredith	Zicht	Multiple Subject Teaching Credential
Kaedrun	Zieger	Child Development Associate Teacher Permit
Amy	Zuchowicz	Multiple Subject Teaching Credential

Expiration Date: 2028

Dayanara	Armenta	Single Subject Teaching Credential
Gerardo	Arroyo	Multiple Subject Teaching Credential
Franceen	Balderama	Multiple Subject Teaching Credential
Shannon	Barr	Multiple Subject Teaching Credential
Amanda	Barrett	Multiple Subject Teaching Credential
Sally	Becker	Multiple Subject Teaching Credential
Katelin	Bergman	Multiple Subject Teaching Credential
Matthew	Bishop	Single Subject Teaching Credential
Darrell	Black	Pupil Personnel Services Credential
Raven	Bouregy	Single Subject Teaching Credential
Charlotte	Burkley	Multiple Subject Teaching Credential
Blair	Butler	Multiple Subject Teaching Credential
Aaron	Butler-Martin	Multiple Subject Teaching Credential
Aaron	Butler-Martin	Education Specialist Instruction Credential
Grace	Butler-Martin	Multiple Subject Teaching Credential
Kelli	Cain	Multiple Subject Teaching Credential

Arianna	Cannon	Multiple Subject Teaching Credential
Hannah	Cantrell	Multiple Subject Teaching Credential
Monique	Carrillo	Multiple Subject Teaching Credential
Hannah	Caruana	Multiple Subject Teaching Credential
Jacob	Castillo	Single Subject Teaching Credential
Isela	Castro	Education Specialist Instruction Credential
Elizabeth	Comeaux	Multiple Subject Teaching Credential
Elizabeth	Comeaux	Education Specialist Instruction Credential
Edwin	Cota	Multiple Subject Teaching Credential
Edwin	Cota	Education Specialist Instruction Credential
Kristen	Crockett	Multiple Subject Teaching Credential
Caroline	Cushman	Multiple Subject Teaching Credential
Holly	Edds	Administrative Services Credential
Holly	Edds	Multiple Subject Teaching Credential
Nancy	Eisner	Multiple Subject Teaching Credential
Kaityln	Elster	Multiple Subject Teaching Credential
Brandi	Ferguson	Multiple Subject Teaching Credential
Rebecca	Frank	Multiple Subject Teaching Credential
Rebecca	Frank	Specialist Instruction Credential in Special Education
Cherie	Frederiksen	Multiple Subject Teaching Credential
Iain	Garcia	Multiple Subject Teaching Credential
Allison	Gonzales	Multiple Subject Teaching Credential
Bernardo	Gonzalez	Single Subject Teaching Credential
Nicholas	Goodman	Single Subject Teaching Credential
Amanda	Gregory	Multiple Subject Teaching Credential
Rolando	Grijalva	Education Specialist Instruction Credential
Michael	Guerra	Single Subject Teaching Credential
Darin	Hansen	Single Subject Teaching Credential
Tessa	Hutchison	Single Subject Teaching Credential
Krystina	Iles-Brunk	Multiple Subject Teaching Credential
Celia	Jimenez	Multiple Subject Teaching Credential
Angela	Kim	Single Subject Teaching Credential
Matthew	Kissel	Single Subject Teaching Credential
Molly	Lawrence	Administrative Services Credential
Molly	Lawrence	Pupil Personnel Services Credential
Alexia	Limon	Multiple Subject Teaching Credential
Yirong	Lu	Education Specialist Instruction Credential
Carmen	Mangino	Multiple Subject Teaching Credential
Crystal	Marshall	Multiple Subject Teaching Credential
Harrison	Masters	Single Subject Teaching Credential
Madeline	McKay	Multiple Subject Teaching Credential
Jill	Menegon	Multiple Subject Teaching Credential
Gabriella	Meninger	Education Specialist Instruction Credential
Kateri	Milanesa	Multiple Subject Teaching Credential
Mackenzie	Miller	Single Subject Teaching Credential
Valeria	Moreno	Multiple Subject Teaching Credential
Ashley	Morse	Multiple Subject Teaching Credential
Carly	Muller	Multiple Subject Teaching Credential
Stephanie	Navarrete	Education Specialist Instruction Credential
Samantha	Northam	Single Subject Teaching Credential

Alysha	Olson	Single Subject Teaching Credential
Daisy	Ordaz	Education Specialist Instruction Credential
Sulema	Palomino	Multiple Subject Teaching Credential
Sarah	Phillips	Single Subject Teaching Credential
Morgan	Remy	Multiple Subject Teaching Credential
Jasmin	Reyes	Pupil Personnel Services Credential
Madeline	Roberson	Multiple Subject Teaching Credential
Eric	Salgado	Multiple Subject Teaching Credential
Ashley	Sandoval	Multiple Subject Teaching Credential
Kristen	Silver	Multiple Subject Teaching Credential
Ashley	Somics	Multiple Subject Teaching Credential
Arianna	St. Oegger	Multiple Subject Teaching Credential
Sierra	Taylor	Single Subject Teaching Credential
Julia	Vasquez	Education Specialist Instruction Credential
Kimura	Yamamoto	Single Subject Teaching Credential
Marisol	Zepeda	Single Subject Teaching Credential

Certificates of Competence

Erica	Becker	Crosscultural, Language, & Academic Devel Cert
Kimberly	Brown	Crosscultural, Language, & Academic Devel Cert
Carol	Caposella	Crosscultural, Language, & Academic Devel Cert
Steven	Gambriel	Certificate of Completion of Staff Development
Marina	Gindis	Crosscultural, Language, & Academic Devel Cert
Laura	Marsh	Crosscultural, Language, & Academic Devel Cert
Victoria	Mc Alevey	Crosscultural, Language, & Academic Devel Cert
Clemente	Moreno	Crosscultural, Language, & Academic Devel Cert
Gloria	Morgan	Certificate of Completion of Staff Development
Stanley	Munro	Crosscultural, Language, & Academic Devel Cert
Cristina	Ortega	Bilingual Crosscultural, Language, & Academic Devel Cert
Carol	Paasch	Crosscultural, Language, & Academic Devel Cert
Nicholas	Taylor	Crosscultural, Language, & Academic Devel Cert
Whitney	Veley	Crosscultural, Language, & Academic Devel Cert
Joan	Western	Crosscultural, Language, & Academic Devel Cert
Andrea	Zuckerbraun	Bilingual Crosscultural, Language, & Academic Devel Cert

Name**Type of Credential / Permit****Temporary County Certificates**

Tuba	Abbasi	Pupil Personnel Services Credential
J'Nay	Almaguer	Short-Term Staff Permit
Efrain	Alvarez	Short-Term Staff Permit
Jose	Araujo	Provisional Internship Permit
Guadalupe	Baltazar	Short-Term Staff Permit
Ashley	Calloway	Short-Term Staff Permit
Rina	Campos	Pupil Personnel Services Credential
Daniel	Coombs	Crosscultural, Language, & Academic Devel Permit
Elisa	Endy	Short-Term Staff Permit
Josef	Gertner	Single Subject Teaching Credential
Bridget	Gunn	Single Subject Teaching Credential
Marcus	Guzman	Provisional Internship Permit
J'Nay	Hawthorne	Short-Term Staff Permit
Armando	Hurtado	Pupil Personnel Services Credential
Holly	Johnson	Single Subject Teaching Credential
Said	Laaroua	Single Subject Teaching Credential
Diana	Le Blanc	Pupil Personnel Services Credential
Silvia	Mejia	Short-Term Staff Permit
Selene	Negrete	Short-Term Staff Permit
Sylvia	Ojeda	Short-Term Staff Permit
Obed	Otero	Provisional Internship Permit
Hailey	Pickles	Speech-Language Pathology Services Credential
Rebecca	Prado	Short-Term Staff Permit
Katrina	Randall	Single Subject Teaching Credential
Jennifer	Rios	Single Subject Teaching Credential
Paola	Rubio	School Nurse Services Credential
Morgan	Rydell	Education Specialist Instruction Credential
Elizabeth	Shank	Short-Term Staff Permit
Maria	Soria	Pupil Personnel Services Credential
Hannah	Trefts	30-Day Substitute Teaching Permit



Santa Barbara County Education Office

4400 Cathedral Oaks Rd, PO Box 6307, Santa Barbara, CA 93160-6307
Telephone: (805) 964-4711 • FAX: (805) 964-4712 • sbceo.org

Susan C. Salcido, Superintendent of Schools

Santa Barbara County Board of Education
Recommended Approval for Acceptance of Donations
October 6, 2022

Special Education

Visionally Impaired Program

- \$1,000 from Rotary Club of Santa Maria Breakfast
- \$3,500 from Santa Maria Noontimers Lions Club

Teacher Programs and Support

A Salute to Teachers event

- \$500 from Weiser and Grant Dentistry
- \$2,500 from ExxonMobil-Santa Ynez Unit
- \$2,500 from Santa Barbara Teachers Federal Credit Union
- \$3,500 from Santa Barbara City College



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Susan C. Salcido, Superintendent of Schools

Santa Barbara County Board of Education
Recommended Approval for Declaration of Surplus
October 6, 2022

Early Care and Education

- SB 17649 COMPUTER, Dell Desktop

Information Technology Services

- SB 17841 SERVER, Dell, Power Edge Hyper-V
- SB 18779 SERVER, Dell, Power Edge Hyper V1
- SB 18780 SERVER, Dell, Power Edge Hyper V2
- SB 19630 SERVERS, Dell, Power Edge Hyper V3 and V4

The value of items listed above does not exceed \$25,000.

Action Items



Santa Barbara County Education Office

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Susan C. Salcido, Superintendent of Schools

Santa Barbara County Board of Education Recommended Approval for Project Grant/Funding Application

Department initiating grant: Educational Services

Director or individual responsible: Bridget Baublits

Grant period (from-to): July 1, 2022 – June 30, 2023

Granting agency: California Department of Education
Consolidated Programs Management Unit

Amount of funding requested: Various

Brief description of project:

The purpose of the 2022-23 Application for Funding for Consolidated Categorical Programs is to declare the intent of the Santa Barbara County Education Office to apply for the 2022-23 funding.

The following information is included in the application:

- 1) Participate in 2022-23 Consolidated Program
 - a) Title I-D
 - b) Title II-A
- 2) Certification of Assurances
- 3) School Improvement and Professional Development
- 4) Report of Title I student participation, academic performance, and outcomes
- 5) Expenditure reports of 2020-21 and 2021-22 for select Federal programs
- 6) Homeless Education policy, requirements, and implementation



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Susan C. Salcido, Superintendent of Schools

RESOLUTION FOR ADOPTING THE GANN LIMIT Resolution No. 2306

WHEREAS, in November of 1979, the California electorate did adopt Proposition 4, commonly called the Gann Amendment, which added Article XIII-B to the California Constitution; and,

WHEREAS, the provisions of that Article establish maximum appropriation limitations, commonly called "Gann Limits," for public agencies, including county superintendents of schools; and,

WHEREAS, the Santa Barbara County Education Office must establish a revised Gann Limit for the 2021-2022 fiscal year and a projected Gann Limit for the 2022-2023 fiscal year in accordance with the provisions of Article XIII-B and applicable statutory law; and,

WHEREAS, Government Code Section 7902.1 provides that county superintendents of schools may increase their Gann Limits under specified circumstances;

NOW, THEREFORE, BE IT RESOLVED that the County Board of Education does provide public notice that the attached calculations and documentation of the Gann Limits for the 2021-2022 and 2022-2023 fiscal years are made in accord with applicable constitutional and statutory law;

AND BE IT FURTHER RESOLVED that this board does provide public notice that the attached calculations and documentation of the Gann Limits for the 2021-2022 and 2022-2023 fiscal years include an increase of \$3,958,435.72 to the 2021-2022 Gann Limit pursuant to the provisions of Government Code Section 7902.1;

AND BE IT FURTHER RESOLVED that the Superintendent notifies the Director of the State Department of Finance of the increase to the 2021-2022 Gann Limit;

AND BE IT FURTHER RESOLVED that this board does hereby declare that the appropriations in the Budget for the 2021-2022 and 2022-2023 fiscal years do not exceed the limitations imposed by Proposition 4;

PASSED AND ADOPTED this 6th day of October, 2022, at a regular meeting of the Santa Barbara County Board of Education by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Judith Frost, President
Santa Barbara County Board of Education

Dr. Susan Salcido, Clerk/Secretary
Santa Barbara County Board of Education

	2021-22 Calculations			2022-23 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
A. PRIOR YEAR DATA (2020-21 Actual Appropriations Limit and Gann ADA are from county's prior year Gann data reported to the CDE. LCFF data are from the 2020 annual LCFF Target Entitlement Exhibit.) PRIOR YEAR APPROPRIATIONS LIMIT 1. Program Portion of Prior Year Appropriations Limit (A3 times [A6 divided by (A6 plus A7)], not to exceed A6) Excess is added to Other Services portion. 2. Other Services Portion of Prior Year Appropriations Limit (A3 minus A1) 3. TOTAL PRIOR YEAR APPROPRIATIONS LIMIT (Preload/Line D16, PY column) PRIOR YEAR GANN ADA 4. Program ADA (Preload/Line B3, PY column) 5. Other ADA (Preload/Line B4, PY column) PRIOR YEAR LCFF 6. LCFF Alternative Education Grant (Preload/Line A28, Alternative Education Grant, 2020-21 Annual County LCFF Calculation) 7. LCFF Operations Grant, (Preload/Line A1, Operations Grant, 2020-21 Annual County LCFF Calculation) ADJUSTMENTS TO PRIOR YEAR LIMIT AND ADA ADJUSTMENTS TO PRIOR YEAR LIMIT 8. Reorganizations and Other Transfers 9. Temporary Voter Approved Increases 10. Less: Lapses of Voter Approved Increases 11. TOTAL ADJUSTMENTS TO PRIOR YEAR LIMIT (Lines A8 plus A9 minus A10) 12. Adjustments to Program Portion ([Lines A1 divided by A3] times Line A11) 13. Adjustments to Other Services Portion (Lines A11 minus A12) ADJUSTMENTS TO PRIOR YEAR ADA (Only for reorganizations and other transfers, and only if adjustments to the appropriations limit amounts are entered in Line A8 or A12 above) 14. Adjustments to Program ADA 15. Adjustments to Other ADA	2020-21 Actual			2021-22 Actual		
	1,894,175.00		1,894,175.00			1,894,175.00
	34,125,126.02		34,125,126.02			36,243,529.08
	36,019,301.02		36,019,301.02			38,137,704.08
	100.90		100.90			33.64
	65,804.95		65,804.95			61,122.01
	1,894,175.00		1,894,175.00			1,894,175.00
	7,729,722.00		7,729,722.00			7,729,722.00
	Adjustments to 2020-21			Adjustments to 2021-22		
			0.00			0.00
	0.00		0.00	0.00		0.00
			0.00			0.00
B. CURRENT YEAR GANN ADA CURRENT YEAR PROGRAM ADA (2021-22 data should tie to Principal Apportionment Software Attendance reports and include ADA for charter schools reporting with the COE) 1. Total County Program ADA (Form A, Line B1d) 2. Total Charter Schools ADA (Form A, Line C2d plus C6d) 3. Total Current Year ADA (Lines B1 through B2) CURRENT YEAR DISTRICT ADA 4. Total District Gann ADA (Sum of all District Form GANN, Line B3)	2021-22 Annual Report			2022-23 Annual Estimate		
	33.64	0.00	33.64	27.76	0.00	27.76
	0.00	0.00	0.00	0.00	0.00	0.00
	33.64	0.00	33.64	27.76	0.00	27.76
	2021-22 P2 Report			2022-23 P2 Estimate		
			61,122.01			61,828.62
C. CURRENT YEAR LOCAL PROCEEDS OF TAXES/STATE AID RECEIVED TAXES AND SUBVENTIONS (Funds 01, 09, and 62) 1. Homeowners' Exemption (Object 8021) 2. Timber Yield Tax (Object 8022) 3. Other Subventions/In-Lieu Taxes (Object 8029) 4. Secured Roll Taxes (Object 8041) 5. Unsecured Roll Taxes (Object 8042) 6. Prior Years' Taxes (Object 8043) 7. Supplemental Taxes (Object 8044) 8. Ed. Rev. Augmentation Fund (ERAF) (Object 8045) 9. Penalties and Int. from Delinquent Taxes (Object 8048) 10. Receipts from County Bd. of Supervisors (Object 8070) 11. Other In-Lieu Taxes (Object 8082) 12. Comm. Redevelopment Funds (Objects 8047 & 8625) 13. Parcel Taxes (Object 8621) 14. Other Non-Ad Valorem Taxes (Object 8622) (Taxes only) 15. Penalties and Int. from Delinquent Non-LCFF Taxes (Object 8629) (Only those for the above taxes)	2021-22 Actual			2022-23 Budget		
	144,986.08		144,986.08	143,890.00		143,890.00
	0.00		0.00	0.00		0.00
	0.00		0.00	0.00		0.00
	33,658,749.45		33,658,749.45	33,641,241.00		33,641,241.00
	994,889.46		994,889.46	1,001,517.00		1,001,517.00
	85,603.09		85,603.09	33,950.00		33,950.00
	1,165,203.66		1,165,203.66	499,051.00		499,051.00
	0.00		0.00	0.00		0.00
	0.00		0.00	0.00		0.00
	0.00		0.00	0.00		0.00
	1,546.77		1,546.77	755.00		755.00
	2,260,996.83		2,260,996.83	2,116,673.00		2,116,673.00
	0.00		0.00	0.00		0.00
	0.00		0.00	0.00		0.00
	0.00		0.00	0.00		0.00

	2021-22 Calculations			2022-23 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
16. Transfers to Charter Schools in Lieu of Property Taxes (Object 8096)						
17. TOTAL TAXES AND SUBVENTIONS (Lines C1 through C16)	38,311,975.34	0.00	38,311,975.34	37,437,077.00	0.00	37,437,077.00
OTHER LOCAL REVENUES (Funds 01, 09, and 62)						
18. To General Fund from Bond Interest and Redemption Fund (Excess debt service taxes) (Object 8914)						
19. TOTAL LOCAL PROCEEDS OF TAXES (Lines C17 plus C18)	38,311,975.34	0.00	38,311,975.34	37,437,077.00	0.00	37,437,077.00
EXCLUDED APPROPRIATIONS						
20a. Medicare (Enter federally mandated amounts only from objs. 3301 and 3302; do not include negotiated amounts)			387,111.30			433,420.00
20b. Qualified Capital Outlay Projects						
OTHER EXCLUSIONS						
21. Americans with Disabilities Act						
22. Unreimbursed Court Mandated Desegregation Costs						
23. Other Unfunded Court-ordered or Federal Mandates						
24. TOTAL EXCLUSIONS (Lines C20 through C23)			387,111.30			433,420.00
STATE AID RECEIVED (Funds 01, 09, and 62)						
25. LCFF - CY (objects 8011 and 8012)	4,358,202.00		4,358,202.00	4,226,545.00		4,226,545.00
26. LCFF/Revenue Limit State Aid - Prior Years (Object 8019)	0.00		0.00	0.00		0.00
27. TOTAL STATE AID RECEIVED (Line C25 plus C26)	4,358,202.00	0.00	4,358,202.00	4,226,545.00	0.00	4,226,545.00
DATA FOR INTEREST CALCULATION						
28. Total Revenues (Funds 01, 09 & 62, objects 8000-8799)	65,135,925.31		65,135,925.31	66,643,876.00		66,643,876.00
29. Total Interest and Return on Investments (Funds 01, 09, and 62, objects 8660 and 8662)	359,859.82		359,859.82	283,390.00		283,390.00
D. APPROPRIATIONS LIMIT CALCULATIONS						
PRELIMINARY APPROPRIATIONS LIMIT						
1. Revised Prior Year Program Limit (Lines A1 plus A12)			1,894,175.00			1,894,175.00
2. Inflation Adjustment			1.0573			1.0755
3. Program Population Adjustment (Lines B3 divided by [A4 plus A14]) (Round to four decimal places)			0.3334			0.8252
4. PRELIMINARY PROGRAM LIMIT (Lines D1 times D2 times D3)			667,703.92			1,681,085.24
5. Revised Prior Year Other Services Limit (Lines A2 plus A13)			34,125,126.02			36,243,529.08
6. Inflation Adjustment			1.0573			1.0755
7. Other Services Population Adj. (Lines B4 divided by [A5 plus A15]) (Round to four decimal places)			0.9288			1.0116
8. PRELIMINARY OTHER SERVICES LIMIT (Lines D5 times D6 times D7)			33,511,564.44			39,432,082.55
9. PRELIMINARY TOTAL APPROPRIATIONS LIMIT (Lines D4 plus D8)			34,179,268.36			41,113,167.79
APPROPRIATIONS SUBJECT TO THE LIMIT						
10. Local Revenues Excluding Interest (Line C19)			38,311,975.34			37,437,077.00
11. Preliminary State Aid Calculation						
a. Maximum State Aid in Local Limit (Lesser of Line C27 or [Lines D9 minus D10 plus C24]; if negative, then zero)			0.00			4,109,510.79
12. Local Revenues in Proceeds of Taxes						
a. Interest Counting in Local Limit (Lines C29 divided by [C28 minus C29] times [D10 plus D11a])			212,840.04			177,423.17
b. Total Local Proceeds of Taxes (Lines D10 plus D12a)			38,524,815.38			37,614,500.17
13. State Aid in Proceeds of Taxes (lesser of Line D11a or [Lines D9 minus D12b plus C24]; if negative, then zero)			0.00			3,932,087.62
14. Total Appropriations Subject to the Limit						
a. Local Revenues (Line D12b)			38,524,815.38			
b. State Subventions (Line D13)			0.00			
c. Less: Excluded Appropriations (Line C24)			387,111.30			
d. TOTAL APPROPRIATIONS SUBJECT TO THE LIMIT (Lines D14a plus D14b minus D14c)			38,137,704.08			

	2021-22 Calculations			2022-23 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
15. Adjustments to the Limit Per Government Code Section 7902.1 (Line D14d minus D9)			3,958,435.72			
SUMMARY	2021-22 Actual			2022-23 Budget		
16. Adjusted Appropriations Limit (Lines D9 plus D15)			38,137,704.08			41,113,167.79
17. Appropriations Subject to the Limit (Line D14d)			38,137,704.08			

* Please provide below an explanation for each entry in the adjustments column.

Nicole Evenson, Administrator - Internal Services
Gann Contact Person

805.964.4711 ext. 5227 nevenson@sbceo.org
Contact Phone Number



Santa Barbara County Education Office

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Susan C. Salcido, Superintendent of Schools

Resolution No. 2307 Resolution for Exception to the 180-Day Wait Period GC§§ 7522.56 & 21229

WHEREAS, in compliance with Government Code section 7522.56 the Santa Barbara County Education Office must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since the retiree's retirement date; and

WHEREAS, Stephanie Demchak retired from the Santa Barbara County Education Office from the position of Braille Transcriber effective August 12, 2022; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is February 12, 2023 without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Santa Barbara County Education Office and Stephanie Demchak certify that Stephanie Demchak has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Santa Barbara County Superintendent of Schools hereby appoints Stephanie Demchak as an extra help retired annuitant to perform the duties of Braille Transcriber for the Santa Barbara County Education Office under Government Code section 21229, effective October 17, 2022; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties; divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position, effective July 1, 2022, is \$5854 per month and the hourly equivalent is \$33.64 and the minimum base salary for this position is \$4,174 and the hourly equivalent is \$23.99; and

WHEREAS, the hourly rate paid to Stephanie Demchak will be \$33.64 per hour; and

WHEREAS, Stephanie Demchak has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the Santa Barbara County Superintendent of Schools hereby certifies the nature of the appointment of Stephanie Demchak as described herein and detailed in the attached appointment document that this appointment is necessary to fill the critically needed position of Braille Transcriber for the Santa Barbara County Education Office by October 17, 2022 to help assist with the work in excess of what current staff can do and to properly train the employee who will be assuming the specialized responsibilities.

PASSED AND ADOPTED this 6th day of October 2022, at a regular meeting of the Santa Barbara County Board of Education by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Judy Frost, President
Santa Barbara County Board of Education

Dr. Susan Salcido, Clerk/Secretary
Santa Barbara County Board of Education



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Susan C. Salcido, Superintendent of Schools

Resignation/Retirement Form

To: Susan C. Salcido, County Superintendent of Schools
Santa Barbara County Education Office

I hereby resign my position for the following reason:

- ☒ Retirement
☐ Resignation: Please explain
Stephanie L Demchak

Name	Stephanie L Demchak		
Position	Braille Transcriber		
Last Day of Employment	08/12/2022		
Signature	<i>Stephanie Demchak</i>	Date	05/26/2022
Forwarding Address and Phone Number: (Important for mailing pay warrant, retirement and W-2 forms.)			
Address	[REDACTED]		
City, State & Zip	[REDACTED]		
Phone Number	[REDACTED]		

Assistant Superintendent (Optional):

Resignation accepted	<i>Kirsten Escobedo</i>	Date	06/01/2022
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For Human Resources Use:

Resignation accepted	<i>Mari Baptista</i>	Date	09/15/2022
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Susan C. Salcido, Superintendent of Schools

Classified Personnel Substitute Status Notice

September 15, 2022

Stephanie Demchak

Date First Employed	Retirement Plan
04-07-94	PERS

Put on Payroll	Take off Payroll
Limited Term/Substitute	

Effective Date	Classification	Range & Step	Hourly
10-17-2022	Braille Transcriber	72-Y	33.64

Pending post-retirement PERS 180-day waiver to be submitted to PERS on 10/7/2022
pending Board Resolution approval on 10/6/2022

Workshift and locations vary according to assignments.
Timesheets are due by the 5th of the month for work done the previous month.
Substitutes are paid on the last working day of the month.

Amy R. Ramos

Director, Human Resources



Classification Plan 2022-2023

Administrative Support Series	Salary Range	<i>Information Technology Support Specialist - Bilingual</i>	88
<i>Administrative Analyst</i>	77	<i>Senior Software Engineer</i>	99
<i>Administrative Assistant</i>	72	<i>Technology Support Administrative Assistant</i>	73
<i>Administrative Assistant, Superintendent's Office (Confidential) -</i>	75	Instructional Series	Salary Range
<i>Administrative Support Supervisor</i>	90	<i>Braille Transcriber</i>	72
<i>Alternative Payment Program Supervisor</i>	80	<i>Child Care Assistant</i>	53
<i>Executive Assistant to the County Superintendent (Confidential) -</i>	90	<i>Child Care Services Technician</i>	61
<i>Office Assistant</i>	67	<i>Educational Interpreter, American Sign Language, Certified</i>	86
<i>Program Associate</i>	72	<i>Educational Interpreter, American Sign Language, Waiver</i>	82
<i>Reprographics Administrative Assistant</i>	70	<i>Health Advocate</i>	62
<i>Senior Administrative Assistant</i>	75	<i>Health Advocate - Bilingual</i>	64
<i>Training and Development Assistant</i>	73	<i>Paraeducator</i>	60
Clerical Series	Salary Range	<i>Paraeducator, Behavioral Intervention</i>	62
<i>Child Development Technician</i>	70	<i>Teaching Assistant</i>	64
<i>Clerical Assistant</i>	61	<i>Vocational Assistant</i>	60
<i>Clerical Interpreter</i>	68	<i>Youth Support and Service Specialist - Bilingual</i>	60
<i>Clerical Translator</i>	68	Maintenance/Operations/Transportation Series	Salary Range
<i>Data Entry Clerk</i>	53	<i>Custodian</i>	58
<i>Instructional Materials and Mail Clerk</i>	65	<i>Custodian/Delivery Driver</i>	60
<i>Inventory Specialist</i>	69	<i>Custodian/Maintenance Worker</i>	62
<i>Liaison/Clerk, Child Development and Child Care Food Program</i>	61	<i>Delivery Specialist I</i>	62
<i>Switchboard Operator/Receptionist - Bilingual</i>	62	<i>Delivery Specialist II</i>	64
Data Analysis Series	Salary Range	<i>Lead Custodian/Maintenance Worker</i>	64
<i>Educational Data Analyst</i>	84	<i>Maintenance and Operations Supervisor</i>	77
<i>Student Information Specialist</i>	72	Media and Design Series	Salary Range
Fiscal/Business Series	Salary Range	<i>Communications Specialist</i>	77
<i>Accounting Assistant</i>	66	<i>Digital Media Resources Developer</i>	87
<i>Accounting Supervisor</i>	92	<i>Mixed Media Specialist</i>	74
<i>Accounting Technician</i>	72	<i>Reprographics Supervisor</i>	77
<i>Accounting Technician, Senior</i>	76	<i>Webmaster</i>	87
<i>Finance Systems Supervisor</i>	94		
<i>Financial Analyst</i>	80		
<i>Payroll Specialist</i>	75		
<i>Payroll Supervisor</i>	92		
<i>Payroll Systems Supervisor</i>	94		
<i>Payroll Technician</i>	75		
Food Service Series	Salary Range		
<i>Food Service Worker</i>	53		
Healthcare Series	Salary Range		
<i>Licensed Vocational Nurse</i>	82		
<i>School Occupational Therapist</i>	96		
<i>Welcome Every Baby (WEB) Nurse</i>	96		
Human Resources Series	Salary Range		
<i>Benefits Technician</i>	70		
<i>CalSTRS Retirement Benefits Counselor</i>	95		
<i>Certificated Human Resources Specialist</i>	79		
<i>Certificated Human Resources Technician</i>	70		
<i>Classified Human Resources Analyst</i>	84		
<i>Classified Human Resources Specialist</i>	79		
<i>Human Resources Supervisor</i>	90		
Information Technology Series	Salary Range		
<i>Computer/Network Support Supervisor</i>	97		
<i>Computer/Network Technician II</i>	87		
<i>Computer/Network Technician, Information Technology Services</i>	88		

Effective July 1, 2022



Santa Barbara County Education Office
Classified Monthly Salary Schedule 2022-2023
12 months

Range/Step	A	B	C	D	E	F	G	H	I	J	K	L	M	Range/Step
53	2736	2887	3046	3212	3388	3405	3422	3439	3456	3471	3490	3506	3522	53
54	2806	2958	3123	3294	3476	3493	3509	3527	3544	3560	3578	3598	3616	54
55	2861	3019	3186	3362	3548	3563	3583	3602	3620	3639	3657	3676	3696	55
56	2922	3082	3251	3429	3618	3637	3656	3674	3695	3712	3730	3751	3768	56
57	2985	3150	3322	3508	3700	3717	3736	3756	3773	3793	3812	3830	3848	57
58	3058	3227	3405	3593	3789	3809	3826	3844	3864	3882	3902	3920	3938	58
59	3130	3302	3485	3674	3877	3895	3915	3933	3951	3973	3994	4014	4034	59
60	3200	3376	3562	3759	3966	3985	4006	4027	4046	4069	4089	4110	4130	60
61	3266	3448	3637	3837	4049	4070	4091	4112	4132	4152	4174	4194	4215	61
62	3345	3528	3723	3927	4143	4162	4184	4206	4225	4246	4266	4288	4308	62
63	3422	3609	3809	4019	4239	4259	4279	4301	4321	4343	4365	4389	4412	63
64	3495	3687	3890	4104	4328	4351	4372	4397	4419	4441	4463	4485	4509	64
65	3578	3775	3983	4204	4433	4456	4478	4502	4523	4545	4568	4590	4614	65
66	3656	3857	4069	4293	4528	4550	4572	4594	4618	4639	4662	4684	4710	66
67	3739	3945	4162	4394	4634	4656	4679	4702	4726	4750	4775	4799	4825	67
68	3817	4027	4248	4481	4730	4753	4778	4803	4828	4851	4875	4900	4925	68
69	3910	4125	4351	4590	4844	4868	4892	4918	4941	4965	4990	5014	5040	69
70	3999	4218	4451	4694	4955	4978	5004	5027	5052	5076	5103	5129	5156	70
71	4083	4308	4544	4792	5057	5081	5108	5135	5161	5186	5214	5239	5265	71
72	4174	4402	4643	4897	5168	5193	5221	5247	5273	5298	5325	5351	5378	72
73	4269	4506	4752	5013	5287	5315	5341	5367	5393	5419	5445	5474	5501	73
74	4363	4605	4857	5126	5406	5432	5459	5487	5515	5544	5571	5598	5627	74
75	4459	4706	4963	5237	5526	5554	5582	5611	5639	5667	5695	5723	5751	75
76	4568	4820	5083	5364	5657	5685	5713	5741	5769	5798	5826	5856	5885	76
77	4669	4926	5198	5485	5786	5815	5845	5875	5905	5935	5964	5994	6025	77
78	4771	5034	5311	5603	5911	5940	5971	5999	6030	6060	6090	6121	6150	78
79	4879	5148	5431	5728	6043	6073	6102	6133	6162	6193	6225	6256	6289	79
80	4993	5269	5560	5865	6187	6220	6251	6283	6315	6346	6378	6411	6443	80
81	5103	5383	5679	5993	6323	6354	6386	6419	6450	6481	6513	6546	6576	81
82	5219	5505	5809	6130	6467	6499	6531	6562	6596	6630	6663	6696	6731	82
83	5338	5632	5940	6266	6611	6644	6678	6713	6746	6779	6814	6847	6880	83
84	5453	5753	6069	6403	6755	6788	6823	6857	6890	6925	6958	6993	7030	84
85	5579	5885	6209	6551	6909	6945	6981	7015	7052	7087	7122	7159	7194	85
86	5702	6015	6346	6694	7065	7100	7137	7171	7206	7244	7278	7313	7352	86
87	5829	6150	6489	6845	7222	7258	7292	7328	7367	7404	7441	7478	7516	87
88	5964	6293	6639	7004	7390	7428	7466	7502	7540	7579	7614	7652	7690	88
89	6097	6432	6786	7161	7554	7591	7629	7666	7703	7743	7783	7821	7860	89
90	6232	6573	6936	7317	7719	7759	7799	7838	7878	7917	7956	7997	8035	90
91	6389	6739	7109	7500	7913	7953	7992	8032	8070	8112	8153	8194	8236	91
92	6549	6907	7289	7690	8114	8154	8196	8238	8278	8321	8361	8402	8444	92
93	6709	7077	7468	7878	8310	8352	8392	8435	8477	8520	8564	8607	8651	93
94	6879	7258	7657	8078	8522	8566	8609	8653	8694	8739	8781	8824	8869	94
95	7065	7453	7862	8296	8752	8793	8838	8882	8927	8972	9016	9062	9106	95
96	7244	7642	8061	8506	8974	9019	9063	9108	9154	9199	9247	9293	9338	96
97	7425	7832	8263	8719	9199	9247	9293	9338	9386	9432	9480	9526	9575	97
98	7606	8024	8465	8931	9421	9469	9516	9563	9610	9659	9708	9757	9805	98
99	7799	8227	8681	9160	9664	9711	9761	9809	9858	9907	9956	10007	10058	99
100	7994	8435	8898	9387	9906	9954	10005	10056	10106	10157	10208	10258	10308	100
Range/Step	A	B	C	D	E	F	G	H	I	J	K	L	M	Range/Step



Santa Barbara County Education Office
Classified Monthly Salary Schedule 2022-2023
12 months

Range/Step	N	O	P	Q	R	S	T	U	V	W	X	Y	Range/Step
53	3541	3557	3573	3593	3611	3628	3649	3683	3722	3759	3797	3833	53
54	3636	3654	3672	3693	3710	3729	3749	3785	3823	3860	3900	3938	54
55	3714	3732	3752	3770	3789	3809	3826	3864	3903	3942	3982	4022	55
56	3788	3806	3824	3843	3862	3881	3900	3938	3978	4019	4056	4098	56
57	3868	3886	3906	3924	3942	3964	3983	4024	4061	4104	4145	4186	57
58	3961	3980	4001	4022	4041	4061	4083	4125	4164	4207	4248	4293	58
59	4054	4077	4097	4117	4138	4157	4179	4219	4263	4307	4350	4394	59
60	4150	4171	4192	4213	4234	4253	4273	4318	4360	4404	4449	4493	60
61	4235	4255	4276	4296	4318	4340	4362	4407	4451	4496	4540	4585	61
62	4328	4351	4372	4397	4419	4441	4463	4509	4553	4599	4645	4691	62
63	4433	4456	4478	4502	4523	4545	4568	4614	4660	4708	4753	4801	63
64	4531	4553	4575	4599	4622	4643	4666	4714	4759	4807	4855	4904	64
65	4636	4659	4681	4703	4728	4752	4776	4825	4871	4921	4968	5020	65
66	4733	4757	4781	4807	4832	4855	4879	4929	4976	5027	5077	5129	66
67	4847	4871	4896	4921	4946	4968	4993	5045	5095	5146	5196	5249	67
68	4949	4972	4997	5022	5047	5070	5097	5148	5198	5251	5303	5355	68
69	5063	5089	5115	5143	5168	5193	5221	5273	5325	5378	5432	5487	69
70	5180	5207	5234	5260	5286	5313	5339	5390	5445	5499	5554	5611	70
71	5291	5318	5344	5371	5396	5424	5449	5502	5558	5614	5670	5726	71
72	5404	5431	5457	5485	5513	5541	5568	5624	5682	5738	5796	5854	72
73	5530	5558	5586	5614	5642	5670	5698	5756	5813	5871	5928	5989	73
74	5655	5683	5712	5740	5768	5796	5824	5882	5940	5999	6060	6121	74
75	5778	5806	5834	5865	5894	5925	5955	6015	6075	6135	6196	6259	75
76	5916	5945	5976	6006	6036	6065	6095	6157	6220	6280	6345	6409	76
77	6054	6085	6116	6144	6174	6204	6237	6298	6361	6425	6489	6555	77
78	6181	6209	6242	6274	6305	6338	6368	6432	6498	6562	6628	6692	78
79	6321	6353	6384	6417	6448	6479	6512	6576	6642	6709	6776	6843	79
80	6474	6506	6538	6569	6604	6637	6670	6739	6805	6873	6943	7011	80
81	6611	6644	6678	6713	6746	6779	6814	6880	6951	7018	7088	7161	81
82	6764	6798	6833	6866	6899	6934	6968	7039	7109	7180	7253	7325	82
83	6913	6949	6984	7018	7055	7090	7126	7197	7268	7342	7414	7490	83
84	7065	7100	7137	7171	7206	7244	7278	7352	7425	7498	7575	7649	84
85	7229	7265	7300	7336	7374	7411	7449	7523	7598	7676	7752	7829	85
86	7388	7427	7464	7500	7538	7577	7613	7690	7767	7845	7922	8002	86
87	7554	7591	7629	7666	7703	7743	7783	7860	7939	8017	8098	8179	87
88	7731	7769	7808	7848	7887	7925	7966	8046	8126	8207	8291	8371	88
89	7901	7939	7979	8017	8058	8098	8141	8220	8303	8386	8470	8554	89
90	8074	8116	8156	8199	8240	8280	8322	8404	8488	8573	8660	8746	90
91	8277	8317	8359	8400	8443	8485	8528	8614	8700	8786	8875	8962	91
92	8486	8529	8573	8617	8660	8702	8746	8833	8922	9011	9101	9193	92
93	8692	8735	8779	8822	8868	8911	8957	9048	9137	9228	9320	9414	93
94	8913	8959	9003	9049	9093	9139	9185	9276	9370	9464	9560	9653	94
95	9152	9197	9245	9291	9336	9384	9430	9524	9620	9715	9813	9911	95
96	9386	9432	9480	9526	9575	9622	9672	9769	9865	9965	10065	10166	96
97	9622	9672	9719	9769	9817	9865	9914	10014	10114	10215	10317	10421	97
98	9855	9904	9952	10003	10054	10104	10155	10255	10359	10461	10567	10671	98
99	10108	10159	10210	10261	10309	10362	10415	10519	10625	10731	10838	10947	99
100	10360	10413	10465	10518	10570	10623	10675	10782	10891	10999	11109	11220	100
Range/Step	N	O	P	Q	R	S	T	U	V	W	X	Y	Range/Step



Classification Plan 2022-2023

Administrative Support Series

	Salary Range
Administrative Analyst	77
Administrative Assistant	72
Administrative Assistant, Superintendent's Office (Confidential) -	75
Administrative Support Supervisor	90
Alternative Payment Program Supervisor	80
Executive Assistant to the County Superintendent (Confidential) -	90
Office Assistant	67
Program Associate	72
Reprographics Administrative Assistant	70
Senior Administrative Assistant	75
Training and Development Assistant	73

Clerical Series

	Salary Range
Child Development Technician	70
Clerical Assistant	61
Clerical Interpreter	68
Clerical Translator	68
Data Entry Clerk	53
Instructional Materials and Mail Clerk	65
Inventory Specialist	69
Liaison/Clerk, Child Development and Child Care Food Program	61
Switchboard Operator/Receptionist - Bilingual	62

Data Analysis Series

	Salary Range
Educational Data Analyst	84
Student Information Specialist	72

Fiscal/Business Series

	Salary Range
Accounting Assistant	66
Accounting Supervisor	92
Accounting Technician	72
Accounting Technician, Senior	76
Finance Systems Supervisor	94
Financial Analyst	80
Payroll Specialist	75
Payroll Supervisor	92
Payroll Systems Supervisor	94
Payroll Technician	75

Food Service Series

	Salary Range
Food Service Worker	53

Healthcare Series

	Salary Range
Licensed Vocational Nurse	82
School Occupational Therapist	96
Welcome Every Baby (WEB) Nurse	96

Human Resources Series

	Salary Range
Benefits Technician	70
CalSTRS Retirement Benefits Counselor	95
Certificated Human Resources Specialist	79
Certificated Human Resources Technician	70
Classified Human Resources Analyst	84
Classified Human Resources Specialist	79
Human Resources Supervisor	90

Information Technology Series

	Salary Range
Computer/Network Support Supervisor	97
Computer/Network Technician II	87
Computer/Network Technician, Information Technology Services	88

Information Technology Support Specialist - Bilingual	88
Senior Software Engineer	99
Technology Support Administrative Assistant	73

Instructional Series

	Salary Range
Braille Transcriber	72
Child Care Assistant	53
Child Care Services Technician	61
Educational Interpreter, American Sign Language, Certified	86
Educational Interpreter, American Sign Language, Waiver	82
Health Advocate	62
Health Advocate - Bilingual	64
Paraeducator	60
Paraeducator, Behavioral Intervention	62
Teaching Assistant	64
Vocational Assistant	60
Youth Support and Service Specialist - Bilingual	60

Maintenance/Operations/Transportation Series

	Salary Range
Custodian	58
Custodian/Delivery Driver	60
Custodian/Maintenance Worker	62
Delivery Specialist I	62
Delivery Specialist II	64
Lead Custodian/Maintenance Worker	64
Maintenance and Operations Supervisor	77

Media and Design Series

	Salary Range
Communications Specialist	77
Digital Media Resources Developer	87
Mixed Media Specialist	74
Reprographics Supervisor	77
Webmaster	87



Santa Barbara County Education Office
Classified Hourly Salary Schedule 2022-2023
12 months

Range/Step	A	B	C	D	E	F	G	H	I	J	K	L	M	Range/Step
53	15.72	16.59	17.51	18.46	19.47	19.57	19.67	19.76	19.86	19.95	20.06	20.15	20.24	53
54	16.13	17.00	17.95	18.93	19.98	20.07	20.17	20.27	20.37	20.46	20.56	20.68	20.78	54
55	16.44	17.35	18.31	19.32	20.39	20.48	20.59	20.70	20.80	20.91	21.02	21.13	21.24	55
56	16.79	17.71	18.68	19.71	20.79	20.90	21.01	21.11	21.24	21.33	21.44	21.56	21.66	56
57	17.16	18.10	19.09	20.15	21.26	21.36	21.47	21.59	21.68	21.80	21.91	22.01	22.11	57
58	17.57	18.55	19.57	20.65	21.78	21.89	21.99	22.09	22.21	22.31	22.43	22.53	22.63	58
59	17.99	18.98	20.03	21.11	22.28	22.39	22.50	22.60	22.71	22.83	22.95	23.07	23.18	59
60	18.39	19.40	20.47	21.60	22.79	22.90	23.02	23.14	23.25	23.39	23.50	23.62	23.74	60
61	18.78	19.82	20.90	22.05	23.27	23.39	23.51	23.63	23.75	23.86	23.99	24.10	24.22	61
62	19.22	20.28	21.40	22.57	23.81	23.92	24.05	24.17	24.28	24.40	24.52	24.64	24.76	62
63	19.67	20.74	21.89	23.10	24.36	24.48	24.59	24.72	24.83	24.96	25.09	25.22	25.36	63
64	20.09	21.19	22.36	23.59	24.87	25.01	25.13	25.27	25.40	25.52	25.65	25.78	25.91	64
65	20.56	21.70	22.89	24.16	25.48	25.61	25.74	25.87	25.99	26.12	26.25	26.38	26.52	65
66	21.01	22.17	23.39	24.67	26.02	26.15	26.28	26.40	26.54	26.66	26.79	26.92	27.07	66
67	21.49	22.67	23.92	25.25	26.63	26.76	26.89	27.02	27.16	27.30	27.44	27.58	27.73	67
68	21.94	23.14	24.41	25.75	27.18	27.32	27.46	27.60	27.75	27.88	28.02	28.16	28.30	68
69	22.47	23.71	25.01	26.38	27.84	27.98	28.11	28.25	28.40	28.53	28.68	28.82	28.97	69
70	22.98	24.24	25.58	26.98	28.48	28.61	28.76	28.89	29.03	29.17	29.33	29.48	29.63	70
71	23.47	24.76	26.11	27.54	29.06	29.20	29.36	29.51	29.66	29.80	29.97	30.11	30.26	71
72	23.99	25.30	26.68	28.14	29.70	29.84	30.01	30.16	30.30	30.45	30.60	30.75	30.91	72
73	24.53	25.90	27.31	28.81	30.39	30.55	30.70	30.84	30.99	31.14	31.29	31.46	31.61	73
74	25.07	26.47	27.91	29.46	31.07	31.22	31.37	31.53	31.70	31.86	32.02	32.17	32.34	74
75	25.63	27.05	28.52	30.10	31.76	31.92	32.08	32.25	32.41	32.57	32.73	32.89	33.05	75
76	26.25	27.70	29.21	30.83	32.51	32.67	32.83	32.99	33.16	33.32	33.48	33.66	33.82	76
77	26.83	28.31	29.87	31.52	33.25	33.42	33.59	33.76	33.94	34.11	34.28	34.45	34.63	77
78	27.42	28.93	30.52	32.20	33.97	34.14	34.32	34.48	34.66	34.83	35.00	35.18	35.34	78
79	28.04	29.59	31.21	32.92	34.73	34.90	35.07	35.25	35.41	35.59	35.78	35.95	36.14	79
80	28.70	30.28	31.95	33.71	35.56	35.75	35.93	36.11	36.29	36.47	36.66	36.84	37.03	80
81	29.33	30.94	32.64	34.44	36.34	36.52	36.70	36.89	37.07	37.25	37.43	37.62	37.79	81
82	29.99	31.64	33.39	35.23	37.17	37.35	37.53	37.71	37.91	38.10	38.29	38.48	38.68	82
83	30.68	32.37	34.14	36.01	37.99	38.18	38.38	38.58	38.77	38.96	39.16	39.35	39.54	83
84	31.34	33.06	34.88	36.80	38.82	39.01	39.21	39.41	39.60	39.80	39.99	40.19	40.40	84
85	32.06	33.82	35.68	37.65	39.71	39.91	40.12	40.32	40.53	40.73	40.93	41.14	41.34	85
86	32.77	34.57	36.47	38.47	40.60	40.80	41.02	41.21	41.41	41.63	41.83	42.03	42.25	86
87	33.50	35.34	37.29	39.34	41.51	41.71	41.91	42.11	42.34	42.55	42.76	42.98	43.20	87
88	34.28	36.17	38.16	40.25	42.47	42.69	42.91	43.11	43.33	43.56	43.76	43.98	44.20	88
89	35.04	36.97	39.00	41.16	43.41	43.63	43.84	44.06	44.27	44.50	44.73	44.95	45.17	89
90	35.82	37.78	39.86	42.05	44.36	44.59	44.82	45.05	45.28	45.50	45.72	45.96	46.18	90
91	36.72	38.73	40.86	43.10	45.48	45.71	45.93	46.16	46.38	46.62	46.86	47.09	47.33	91
92	37.64	39.70	41.89	44.20	46.63	46.86	47.10	47.34	47.57	47.82	48.05	48.29	48.53	92
93	38.56	40.67	42.92	45.28	47.76	48.00	48.23	48.46	48.72	48.97	49.22	49.47	49.72	93
94	39.53	41.71	44.01	46.43	48.98	49.23	49.48	49.73	49.97	50.22	50.47	50.71	50.97	94
95	40.60	42.83	45.18	47.68	50.30	50.53	50.79	51.05	51.30	51.56	51.82	52.08	52.33	95
96	41.63	43.92	46.33	48.89	51.57	51.83	52.09	52.34	52.61	52.87	53.14	53.41	53.67	96
97	42.67	45.01	47.49	50.11	52.87	53.14	53.41	53.67	53.94	54.21	54.48	54.75	55.03	97
98	43.71	46.11	48.65	51.33	54.14	54.42	54.69	54.96	55.23	55.51	55.79	56.07	56.35	98
99	44.82	47.28	49.89	52.64	55.54	55.81	56.10	56.37	56.66	56.94	57.22	57.51	57.80	99
100	45.94	48.48	51.14	53.95	56.93	57.21	57.50	57.79	58.08	58.37	58.67	58.95	59.24	100
Range/Step	A	B	C	D	E	F	G	H	I	J	K	L	M	Range/Step



Santa Barbara County Education Office
Classified Hourly Salary Schedule 2022-2023
12 months

Range/Step	N	O	P	Q	R	S	T	U	V	W	X	Y	Range/Step
53	20.35	20.44	20.53	20.65	20.75	20.85	20.97	21.17	21.39	21.60	21.82	22.03	53
54	20.90	21.00	21.10	21.22	21.32	21.43	21.55	21.75	21.97	22.18	22.41	22.63	54
55	21.34	21.45	21.56	21.67	21.78	21.89	21.99	22.21	22.43	22.66	22.89	23.11	55
56	21.77	21.87	21.98	22.09	22.20	22.30	22.41	22.63	22.86	23.10	23.31	23.55	56
57	22.23	22.33	22.45	22.55	22.66	22.78	22.89	23.13	23.34	23.59	23.82	24.06	57
58	22.76	22.87	22.99	23.11	23.22	23.34	23.47	23.71	23.93	24.18	24.41	24.67	58
59	23.30	23.43	23.55	23.66	23.78	23.89	24.02	24.25	24.50	24.75	25.00	25.25	59
60	23.85	23.97	24.09	24.21	24.33	24.44	24.56	24.82	25.06	25.31	25.57	25.82	60
61	24.34	24.45	24.57	24.70	24.82	24.94	25.07	25.33	25.58	25.84	26.09	26.35	61
62	24.87	25.01	25.13	25.27	25.40	25.52	25.65	25.91	26.17	26.43	26.70	26.96	62
63	25.48	25.61	25.74	25.87	25.99	26.12	26.25	26.52	26.78	27.06	27.32	27.59	63
64	26.04	26.17	26.29	26.43	26.56	26.68	26.82	27.09	27.35	27.63	27.90	28.18	64
65	26.64	26.78	26.90	27.03	27.17	27.31	27.45	27.73	27.99	28.28	28.55	28.85	65
66	27.20	27.34	27.48	27.63	27.77	27.90	28.04	28.33	28.60	28.89	29.18	29.48	66
67	27.86	27.99	28.14	28.28	28.43	28.55	28.70	28.99	29.28	29.57	29.86	30.17	67
68	28.44	28.57	28.72	28.86	29.01	29.14	29.29	29.59	29.87	30.18	30.48	30.78	68
69	29.10	29.25	29.40	29.56	29.70	29.84	30.01	30.30	30.60	30.91	31.22	31.53	69
70	29.77	29.93	30.08	30.23	30.38	30.53	30.68	30.98	31.29	31.60	31.92	32.25	70
71	30.41	30.56	30.71	30.87	31.01	31.17	31.32	31.62	31.94	32.26	32.59	32.91	71
72	31.06	31.21	31.36	31.52	31.68	31.84	32.00	32.32	32.66	32.98	33.31	33.64	72
73	31.78	31.94	32.10	32.26	32.43	32.59	32.75	33.08	33.41	33.74	34.07	34.42	73
74	32.50	32.66	32.83	32.99	33.15	33.31	33.47	33.80	34.14	34.48	34.83	35.18	74
75	33.21	33.37	33.53	33.71	33.87	34.05	34.22	34.57	34.91	35.26	35.61	35.97	75
76	34.00	34.17	34.34	34.52	34.69	34.86	35.03	35.39	35.75	36.09	36.47	36.83	76
77	34.79	34.97	35.15	35.31	35.48	35.66	35.84	36.20	36.56	36.93	37.29	37.67	77
78	35.52	35.68	35.87	36.06	36.24	36.43	36.60	36.97	37.34	37.71	38.09	38.46	78
79	36.33	36.51	36.69	36.88	37.06	37.24	37.43	37.79	38.17	38.56	38.94	39.33	79
80	37.21	37.39	37.57	37.75	37.95	38.14	38.33	38.73	39.11	39.50	39.90	40.29	80
81	37.99	38.18	38.38	38.58	38.77	38.96	39.16	39.54	39.95	40.33	40.74	41.16	81
82	38.87	39.07	39.27	39.46	39.65	39.85	40.05	40.45	40.86	41.26	41.68	42.10	82
83	39.73	39.94	40.14	40.33	40.55	40.75	40.95	41.36	41.77	42.20	42.61	43.05	83
84	40.60	40.80	41.02	41.21	41.41	41.63	41.83	42.25	42.67	43.09	43.53	43.96	84
85	41.55	41.75	41.95	42.16	42.38	42.59	42.81	43.24	43.67	44.11	44.55	44.99	85
86	42.46	42.68	42.90	43.10	43.32	43.55	43.75	44.20	44.64	45.09	45.53	45.99	86
87	43.41	43.63	43.84	44.06	44.27	44.50	44.73	45.17	45.63	46.07	46.54	47.01	87
88	44.43	44.65	44.87	45.10	45.33	45.55	45.78	46.24	46.70	47.17	47.65	48.11	88
89	45.41	45.63	45.86	46.07	46.31	46.54	46.79	47.24	47.72	48.20	48.68	49.16	89
90	46.40	46.64	46.87	47.12	47.36	47.59	47.83	48.30	48.78	49.27	49.77	50.26	90
91	47.57	47.80	48.04	48.28	48.52	48.76	49.01	49.51	50.00	50.49	51.01	51.51	91
92	48.77	49.02	49.27	49.52	49.77	50.01	50.26	50.76	51.28	51.79	52.30	52.83	92
93	49.95	50.20	50.45	50.70	50.97	51.21	51.48	52.00	52.51	53.03	53.56	54.10	93
94	51.22	51.49	51.74	52.01	52.26	52.52	52.79	53.31	53.85	54.39	54.94	55.48	94
95	52.60	52.86	53.13	53.40	53.66	53.93	54.20	54.74	55.29	55.83	56.40	56.96	95
96	53.94	54.21	54.48	54.75	55.03	55.30	55.59	56.14	56.70	57.27	57.84	58.43	96
97	55.30	55.59	55.86	56.14	56.42	56.70	56.98	57.55	58.13	58.71	59.29	59.89	97
98	56.64	56.92	57.20	57.49	57.78	58.07	58.36	58.94	59.53	60.12	60.73	61.33	98
99	58.09	58.39	58.68	58.97	59.25	59.55	59.86	60.45	61.06	61.67	62.29	62.91	99
100	59.54	59.84	60.14	60.45	60.75	61.05	61.35	61.97	62.59	63.21	63.84	64.48	100
Range/Step	N	O	P	Q	R	S	T	U	V	W	X	Y	Range/Step



Santa Barbara County Education Office

4400 Cathedral Oaks Rd, PO Box 6307, Santa Barbara, CA 93160-6307
Telephone: (805) 964-4711 • FAX: (805) 964-4712 • sbceo.org

Susan C. Salcido, Superintendent of Schools

Resolution No. 2308

Proclaiming October 23-31, 2022 as “Red Ribbon Week” in Santa Barbara County

WHEREAS, the effects of alcohol and drug abuse are devastating to young people's lives, futures, and families;

WHEREAS, substance abuse and misuse is one of the major challenges our Nation faces in securing a safe and healthy future for our youth;

WHEREAS, schools provide an environment for students to feel safe and to learn about making healthy choices in their lives;

WHEREAS, it is imperative that visible, unified efforts by community members and schools be launched to prevent drug and alcohol abuse and to support prevention education efforts;

WHEREAS, the Santa Barbara County Friday Night Live Program at the Council on Alcoholism and Drug Abuse (CADA) and Fighting Back Santa Maria Valley are coordinating the county's Red Ribbon Campaign, in cooperation with the National Red Ribbon Campaign, to offer youth the opportunity to demonstrate their commitment to drug-free and alcohol abuse-free lifestyles by wearing and displaying red ribbons during this week-long campaign;

WHEREAS, the Red Ribbon Campaign will be celebrated throughout the United States during “Red Ribbon Week” October 23-31, 2022;

NOW THEREFORE, BE IT RESOLVED, that the Santa Barbara County Board of Education does hereby support October 23-31, 2022 as “Red Ribbon Week” and encourages schools and communities to participate in drug prevention education activities, making a visible statement that we are firmly committed to a drug-free and alcohol abuse-free community.

BE IT FURTHER RESOLVED, that the Santa Barbara County Board of Education encourages all citizens to pledge:

“Celebrate Life. Live Drug Free.”

Judith Frost, President
Santa Barbara County Board of Education

Dr. Susan Salcido, Secretary
Santa Barbara County Board of Education



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Susan C. Salcido, Superintendent of Schools

Resolution No. 2309

Recognizing a State of Emergency and Reauthorizing Teleconferenced Meetings

WHEREAS, in response to the novel coronavirus (“COVID-19”) pandemic, Governor Newsom adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Ralph M. Brown Act (“Brown Act”) were followed; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, which immediately amended the Brown Act allowing governing boards to continue holding virtual meetings outside the teleconferencing requirements of Government Code section 54953(b), if the board makes a finding that there is a proclaimed State of Emergency, and either (1) state or local officials have imposed or recommended social distancing measures, or (2) meeting in person would present imminent risks to the health or safety of attendees due to the emergency; and

WHEREAS, on March 4, 2020, Governor Newsom declared a statewide emergency arising from COVID-19 pursuant to Government Code section 8625; and

WHEREAS, on September 1, 2022, the Santa Barbara County Board of Education passed resolution No. 2305 authorizing virtual board meetings for at least 30 days; and

WHEREAS, AB 361 requires governing boards to make findings every 30 days that the board has reconsidered the circumstances of the State of Emergency and that either the State of Emergency continues to directly impact the ability of the members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, social distancing measures continue to be recommended by the Santa Barbara County Public Health Department to mitigate the spread of COVID-19; and

WHEREAS, the Santa Barbara County Board of Education is committed to open and transparent governance in compliance with the Brown Act; and

WHEREAS, the Santa Barbara County Board of Education is conducting virtual meetings by way of telephonic and/or internet-based services as to allow members of the public to fully participate in meetings and offer public comment.

NOW THEREFORE, BE IT RESOLVED, by the Santa Barbara County Board of Education:

1. The Santa Barbara County Board of Education has reconsidered the circumstances of the State of Emergency and recognizes that the State of Emergency in the State of California continues to exist due to the COVID-19 pandemic;
2. The Santa Barbara County Board of Education recognizes that social distancing measures remain recommended by state and local officials;
3. The Santa Barbara County Board of Education authorizes the use of teleconferencing for all meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, for a period of thirty (30) days from the adoption of this resolution, or such a time that the Governing Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3).

PASSED AND ADOPTED by the Santa Barbara County Board of Education on **October 6, 2022**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA

I, Dr. Susan Salcido, Clerk/Secretary of the Governing Board, do hereby certify that the foregoing is a full and correct copy of a resolution duly passed and adopted by said Board at a regularly called and conducted meeting held on said date:

Clerk/Secretary of the Governing Board

Discussion Item

104 Ops. Cal. Atty. Gen. 25 (Cal.A.G.), 2021 WL 4496944

Office of the Attorney General

State of California
Opinion No. 21-101
September 24, 2021

***1 ANNETTE GONZALEZ-BUTTNER**
THE IMPERIAL COUNTY OFFICE OF EDUCATION

The IMPERIAL COUNTY OFFICE OF EDUCATION requests leave to sue ANNETTE GONZALEZ-BUTTNER in quo warranto to oust her from her public office as a trustee of the Imperial County Board of Education. The quo warranto application alleges that ouster is required on the ground that Gonzalez-Buttner also holds a second, incompatible, public office as a trustee of the Imperial Community College Board.

We conclude that whether the doctrine of incompatible public offices precludes Annette Gonzalez-Buttner from simultaneously serving as a trustee of both the Imperial County Board of Education and the Imperial Community College Board presents substantial questions of law and fact that would ordinarily warrant a judicial resolution. Because Ms. Gonzalez-Buttner no longer holds the offices in question, however, we deny this quo warranto application as moot.

INTRODUCTION AND BACKGROUND

Schools and community colleges in California have governing boards at both the state and local level. For grades K-12, the State Board of Education, the governing body of the California Department of Education, sets statewide policy.¹ At the local level, each county has a county office of education, which supports local school districts by, among other things, formulating new curricula and planning business and personnel systems.² Each county office of education is headed by a county superintendent and governed by a county board of education.³ In a “general law” county, a county board of education consists of five or seven trustees, elected by the voters of the trustee areas that they represent, for terms of four years.⁴ Imperial County is a general law county, and its County Board of Education consists of five members, each representing a trustee area of the County Office of Education.⁵

California's community college system consists of community college districts, managed statewide by the Board of Governors of the California Community Colleges.⁶ Locally, every community college district has a governing board of five to seven members, who may be elected at large or by trustee area.⁷ The Imperial Community College District has a board consisting of seven trustees, each serving terms of four years and representing one of seven trustee areas.⁸

The Imperial County Board of Education and the Imperial Community College Board govern the entire territory of Imperial County except a small portion in the county's northwest corner.⁹

In November 2017, Annette Gonzalez-Buttner won re-election as Trustee for Area One on the Imperial County Board of Education, for a term set to expire in December 2022.¹⁰ In November 2020, Gonzalez-Buttner won election for the first time as Trustee for Area One on the Imperial Community College Board, for a term ending in December 2024.¹¹

***2** The Imperial County Office of Education has requested our permission to file a lawsuit in quo warranto to remove Gonzalez-Buttner from her seat on its board of education. Government Code section 1099 prohibits the simultaneous holding of multiple

incompatible public offices, and the County Office contends that the two offices Gonzalez-Buttner holds—trusteeships of the county board of education and community college board—are legally incompatible based on potential clashes of duties and loyalties. As a result, the County Office asserts that Gonzalez-Buttner forfeited her position on the board of education when sworn into her position on the community college board.

Quo warranto is a civil action used most commonly to challenge an incumbent public official's right or eligibility to hold a given public office.¹² This form of action is codified in section 803 of the Code of Civil Procedure, which provides that “[a]n action may be brought by the attorney-general, in the name of the people of this state, upon his own information, or upon a complaint of a private party, against any person who usurps, intrudes into, or unlawfully holds or exercises any public office ... within this state.”¹³

Where a private party¹⁴ seeks to pursue a quo warranto action to oust an incumbent public official from office, that party (also sometimes known as the “relator”) must first apply for and obtain the Attorney General's consent. In determining whether to consent to the proposed action, we do not attempt to resolve the merits of the controversy. Rather, we employ a three-part analysis that considers:

- (1) whether quo warranto is an available and appropriate remedy;
- (2) whether there is a substantial issue of law or fact concerning the official's right to hold office that warrants a judicial resolution; and
- (3) whether authorizing the quo warranto action will serve the public interest.¹⁵

As discussed in greater detail below, we conclude here that the first two of these three conditions are met, but that the third is not because the matter has become moot by intervening events such that Gonzalez-Buttner no longer holds the two offices at issue in the County Office's quo warranto application. Accordingly, although quo warranto would ordinarily lie to determine the compatibility (or incompatibility) of these two offices, we must deny the present application.

ANALYSIS

1. Availability of Quo Warranto Remedy

Government Code section 1099, subdivision (b), specifically directs that the forfeiture of an incompatible public office is “enforceable pursuant to Section 803 of the Code of Civil Procedure,” which codifies quo warranto procedures. Under section 1099, subdivision (a), a “public office” includes membership on a governmental board or body, such as a county board of education or a community college district.¹⁶ Thus, quo warranto is an available remedy here.

2. Substantial Issues Regarding Incompatibility

*3 We next examine whether there are substantial issues of law or fact as to the incompatibility of the offices in question. Government Code section 1099 provides that “[a] public officer, including, but not limited to, an appointed or elected member of a government board, commission, committee, or other body, shall not simultaneously hold two public offices that are incompatible.”¹⁷ This prohibition applies only when each position is a public office, not “a position of employment,” and does not apply where “simultaneous holding of the particular offices is compelled or expressly authorized by law.”¹⁸ It “springs from considerations of public policy which demand that a public officer discharge his or her duties with undivided loyalty.”¹⁹ Two offices are incompatible if one of them has supervisory, auditory, removal, or veto power over the other.²⁰ They are also incompatible if “there is a possibility of a significant clash of duties or loyalties between the offices.”²¹

To find that two public offices are incompatible, a conflict need not have actually occurred; it is enough that a conflict may occur in the regular operation of the statutory plan.²² Indeed, “[o]nly one potential significant clash of duties or loyalties is necessary to make offices incompatible.”²³ A finding of incompatibility does not allow the conflicted officeholder to “omit to perform one of the incompatible roles. The doctrine was designed to avoid the necessity for that choice.”²⁴ Instead, upon a finding that two offices are incompatible, “a public officer shall be deemed to have forfeited the first office upon acceding to the second.”²⁵ Here, as noted above, both of the positions at issue are public offices. And it is the first office—an elected trustee of the County Board of Education—that would be forfeited upon a judicial finding of incompatibility.

Turning then to the issue of incompatibility of these public offices, as a threshold matter, we dispose of two statutory provisions set forth above as inapplicable here. First, the simultaneous holding of the two public offices held by Gonzalez-Buttner is not “compelled or expressly authorized by law,” so the exception in Government Code section 1099 presents no bar to our consideration of potential incompatibility.²⁶ Second, neither office has supervisory, audit, removal, or veto power over the other, so this theory may be eliminated as a possible source of incompatibility.²⁷ Accordingly, we focus our attention on whether, as the County Office contends, there may be a significant clash of duties or loyalties between the two offices resulting in incompatibility.²⁸ In conducting this inquiry, we first review our past opinions for guidance.

*4 Although we have not previously undertaken a full analysis of whether the two offices at issue here are incompatible, we have previously concluded that a county board of education trustee may not simultaneously serve as a State Board of Education trustee²⁹ and that a separate county board of education trustee may not simultaneously serve as a county planning commissioner.³⁰ Similarly, we have found that a local community college trustee may not serve as a State Assemblymember at the same time.³¹

We have also previously observed that, “in the usual situation, the offices of a trustee of a school district and trustee of a community college district with overlapping boundaries would be found to constitute incompatible offices.”³² In support of this broad statement, we cited an unpublished advice letter that we issued in 1975.³³ In that informal letter, we concluded that it would violate the prohibition against holding incompatible offices for an elementary school district board member to also be a trustee of a community college district or a high school district where the jurisdictions of the two offices overlapped.³⁴ In reaching that conclusion, we cited several shared areas of responsibility where potential significant clashes of mutually-held powers and duties could arise. Those areas included providing community recreation; participating in joint exercise of powers agreements; acquiring real property through eminent domain; otherwise disposing of personal and real property; and exercising the capacity to sue (and be sued).³⁵ Later, in a published opinion, we primarily relied on this letter in concluding that the same person could not lawfully serve as trustee of both a high school district and an elementary school district whose territorial jurisdictions overlapped.³⁶

These opinions are instructive, but none of them addresses the precise issue before us: whether the offices of county board of education trustee and community college district trustee are incompatible. So we proceed by identifying the duties of these offices. Then, keeping the reasoning of these earlier opinions in mind, we ascertain whether any potential conflicts may appear where the same individual occupies both offices.

The Imperial County Office of Education, which is governed by its board of education and superintendent, works in conjunction with 16 independent school districts located within the county to provide services to help meet the educational needs of the county's students.³⁷ It also operates four community schools that generally serve students who have had serious problems with discipline, attendance, or the justice system.³⁸ In “establishing and maintaining” these community schools, the county board of education is “deemed to be a school district.”³⁹

*5 As a general matter, the duties of a county board of education are prescribed in the Education Code.⁴⁰ In the main, a county board of education must adopt rules and regulations governing itself, approve the county superintendent's annual budget before its submission to the county board of supervisors, approve the county superintendent's annual county school service fund budget for submission to the state superintendent, and review the county superintendent's annual audit report.⁴¹ The county board of education may also adopt rules and regulations governing the county superintendent, review and revise the superintendent's annual estimate of anticipated revenue and expenditures, contract with specially trained persons for services to the county board of education, and fill by appointment any vacancy in the office of superintendent.⁴² The county board of education may also assume certain duties and functions transferred to it by the county board of supervisors. These include: approving the superintendent's estimate of anticipated revenue and expenditures; allowing for specified office expenses; implementing programs of community recreation; the acquisition, lease, or conveyance of real property for the superintendent's offices; and "any other duties and functions of an educational, or educational and recreational, nature which by law are required or permitted to be performed by the county board of supervisors."⁴³

The Imperial Community College District, which is governed by its board and chief executive officer, operates Imperial Valley College.⁴⁴ As a community college, Imperial Valley College provides academic and vocational instruction through the second year of college.⁴⁵ Education Code section 70902 sets forth the duties of the governing board of a community college district. Section 70902 requires that each board "shall establish, maintain, operate, and govern one or more community colleges in accordance with law."⁴⁶ Further, each board "may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established."⁴⁷ In support of its statutory mandate, the board must establish rules and regulations for the district's colleges; create policies regarding academics and facilities; employ personnel; determine the district's budgets; and manage, control, hold, and convey the district's property.⁴⁸

An examination of the powers of these two boards reveals areas in which potential significant clashes of duties or loyalties exist for a person serving on them simultaneously.

*6 First, both boards may approve the purchase, leasing, and disposal of real property within their overlapping jurisdictions.⁴⁹ It is conceivable that both the office of education and the community college district would be interested in purchasing the same site. Using the power of eminent domain, the two entities also might condemn the same property or even each other's property where a greater necessity is shown.⁵⁰ Where one public official serves on two bodies, both of which may exercise such powers in the same area, we have found a potential conflict resulting in divided loyalty.⁵¹ Gonzalez-Buttner acknowledges that the boards "each have some statutory authority regarding land acquisition" but asserts that this "does not automatically create incompatibility of offices." Gonzalez-Buttner supports her argument with the example of the Board of Regents of the University of California and the Board of Trustees of the California State University. Both of these boards also have statutory duties regarding land acquisition. Yet, she observes, by statute or the state Constitution, some state officials must sit on both boards: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, and the Speaker of the State Assembly.⁵² But although state law "may override the rule against holding incompatible offices whenever it chooses,"⁵³ as it does in the case of these two university boards, it does *not* authorize someone to simultaneously serve on a county board of education and community college board with overlapping jurisdictions. Therefore, the statutory authorization exception in Government Code section 1099 does not apply to the offices at issue here.⁵⁴

Second, another significant potential clash of interests arises between these offices from the possibility that the two boards will enter into agreements with each other. A county board of education and a community college board both possess the power to enter into or approve certain kinds of contracts with each other.⁵⁵ For example, a county board of education must approve

any contract between the county superintendent and a community college board “to provide for the use by the [community college] district of audiovisual equipment and apparatus.”⁵⁶ In addition, both boards may enter into agreements with each other under the Joint Exercise of Powers Act to jointly exercise a power that their districts share.⁵⁷ The interests of one institution in negotiating, approving, or carrying out any of these contracts may very well differ from the interests of the other institution.⁵⁸

Third, a potential conflict of loyalties stems from the fact that the members of the Imperial County Board of Education serve as the Imperial County Committee on School District Organization.⁵⁹ Upon petition of a community college board, a county committee on school district organization “may provide for the establishment, rearrangement, or abolishment of trustee areas in any community college district or increase or decrease the number of members of the governing board” of the community college district.⁶⁰ In addition, if a community college board fails to adjust its trustee-area boundaries by March 1 following the decennial census, the county committee on school district reorganization must do so.⁶¹ The committee's approval is also required as to petitions to reorganize community college districts by means of transferring territory between them.⁶² We have found that simultaneous membership on a committee on school district reorganization and a school board within that committee's jurisdiction is barred by the rule against holding incompatible public offices given this “readily apparent” potential for conflict.⁶³ We see the same potential for conflict here.

*7 These three areas of potentially clashing duties and loyalties are not exhaustive; other potential bases of conflict appear. For instance, Education Code section 72104 prohibits a person from simultaneously serving on the boards of a high school district and community college district that are “coterminous.”⁶⁴ Although the Imperial County Board of Education technically may not be a “high school district,” its board of education acts as a “school district” in establishing and maintaining four community schools, which include the high-school grades.⁶⁵ It therefore might reasonably be argued that the spirit, if not the letter, of section 72104 would be implicated.⁶⁶ Also, a county board of education, by agreement with the board of supervisors, may compete with a community college board in furnishing programs for community recreation within the same jurisdiction.⁶⁷ We are also aware of a board policy of the Imperial County Board of Education that authorizes the superintendent, with the board's approval, to provide funds to the Imperial Community College District when it “does not have sufficient funds to meet current operating expenses,” to be repaid by the end of the fiscal year.⁶⁸ It is axiomatic that a lender and a borrower potentially have conflicting interests. More generally, each district has the capacity to sue or be sued, and the possibility that each board may have to determine whether to sue the other and make decisions about the course of any litigation may also result in potentially clashing interests for the same person serving on both boards.⁶⁹

In sum, we find that several potentially significant clashes of duties or loyalties might exist between the two offices at issue here, and therefore conclude that a substantial question of fact or law regarding incompatibility of offices exists.

3. Because of Intervening Events That Have Rendered the Incompatible-Office Issue Moot, Granting the Application Would Not Serve the Public Interest

We ordinarily view the existence of a substantial question of fact or law as presenting an adequate “public purpose” to warrant granting leave to sue in quo warranto, absent countervailing considerations.⁷⁰ As it happens, such a consideration has arisen in this case, and we must therefore deny the current application for leave to sue as moot, despite our findings that quo warranto would otherwise be available and that there are substantial issues of incompatibility between the two public offices that are the subject of the application.

While this application was pending, an Imperial County jury convicted Gonzalez-Buttner of four felonies—two counts of perjury, one count of grand theft, and one count of false declaration of candidacy—based on misrepresentations of her legal residence to serve on the county board of education. The trial court in the criminal case later sentenced Gonzalez-Buttner to

a three-year term of imprisonment. As a result of Gonzalez-Buttner's conviction, she was removed from office on both the Imperial County Board of Education and the Imperial Community College Board.⁷¹

*8 In light of these developments, the dual office-holding that served as the basis for the present application no longer exists, thereby mooted the claim that Gonzalez-Buttner holds two legally incompatible public offices. Under these particular circumstances, we do not believe it is in the public interest to authorize the initiation of a quo warranto lawsuit—which would consume scarce judicial resources—to litigate a moot question. For these reasons, and despite our analysis and conclusion as to the merits of the incompatibility issue, the application for leave to sue in quo warranto is DENIED.

Rob Bonta
Attorney General
Lawrence M. Daniels
Deputy Attorney General

Footnotes

- 1 Cal. Const., art. IX, § 7; Ed. Code, §§ 33000, 33030-33032; State Board of Ed. < <https://www.cde.ca.gov/be/> > (as of Sep. 2, 2021).
- 2 *San Jose Unified School Dist. v. Santa Clara County Off. of Ed.* (2017) 7 Cal.App.5th 967, 971.
- 3 Cal. Const., art. IX, §§ 3, 3.2, 7; Ed. Code, § 1000; *San Jose Unified School Dist. v. Santa Clara County Off. of Ed.*, *supra*, 7 Cal.App.5th at p. 971.
- 4 Ed. Code, §§ 1000, 1007, 5017. In a “charter” county, the county board of supervisors or county charter prescribes the manner that the county board of education's members are selected. (Cal. Const., art. IX, § 3.3; Ed. Code, § 1000; see Cal. State Assn. of Counties, County Structure & Powers < <https://www.counties.org/general-information/county-structure-0/> > [as of Sep. 2, 2021].)
- 5 Imperial County Office of Ed., Imperial County Bd. of Trustees < <https://www.icoe.org/about-icoe/board-trustees/> > (as of Sep. 2, 2021).
- 6 Ed. Code, §§ 70900, 70901; 97 Ops.Cal.Atty.Gen. 62, 62 (2014).
- 7 Ed. Code, §§ 70900, 70902; 97 Ops.Cal.Atty.Gen., *supra*, at p. 62.
- 8 Ed. Code, §§ 5017, 72023.
- 9 Imperial County Office of Ed., Imperial County Bd. of Ed. Trustee Area Map < <https://drive.google.com/file/d/0BlhR38T5XypWT2dYWjY2ZnhjeDA/view> > (as of Sep. 2, 2021); Imperial Valley College, Imperial Community College Dist. Trustee Area Map < <https://www.imperial.edu/docs/board-of-trustees/district-maps/2836-ivccd-overview-map/file> > (as of Sep. 2, 2021); Maps of World, Imperial County Map < <https://www.mapsofworld.com/usa/county-maps/california/imperial-county-map.html> > (as of Sep. 2, 2021).
- 10 On July 18, 2017, the Imperial County Board of Supervisors accepted a resolution of the Imperial County Board of Education to move its staggered elections from odd to even years, commencing in 2020. (Imperial County Bd. of Supervisors, Board Agenda Fact Sheet (Jul. 18, 2017) < https://imperial.granicus.com/MetaViewer.php?view_id=2&clip_id=1115&meta_id=171700 >; see Ed. Code, § 1007, subd. (a); Elec. Code, §§ 1302, subd. (b), 10404.5, 14052.) Consequently, the next election for Gonzalez-Buttner's seat was extended from November 2021 to November 2022. (Elec. Code, § 10404.5, subd. (g).)
- 11 Although both designated as “Area One” by their respective agencies, the boundaries of these two trustee areas differ.
- 12 Code Civ. Proc., § 803; *Nicolopoulos v. City of Lawndale* (2001) 91 Cal.App.4th 1221, 1225; 76 Ops.Cal.Atty.Gen. 157, 162-163 (1993).

- 13 Code Civ. Proc., § 803.
- 14 We construe section 803's reference to a "private party" to include local government agencies and the officials who represent them. (76 Ops.Cal.Atty.Gen. 157, 163 (1993); see, e.g., *People ex rel. City of Alameda v. Smith* (1936) 16 Cal.App.2d 333, 334; 100 Ops.Cal.Atty.Gen. 26, 26-27, fn. 3 (2018); 78 Ops.Cal.Atty.Gen. 134, 134, fn. 1 (1995).)
- 15 *Rando v. Harris* (2014) 228 Cal.App.4th 868, 879; 72 Ops.Cal.Atty.Gen. 15, 20 (1989).
- 16 Additionally, as we have previously found, a trustee of a county board of education— the particular board membership being challenged in the quo warranto application— undoubtedly holds a public office. (79 Ops.Cal.Atty.Gen. 155, 157 (1996); 31 Ops.Cal.Atty.Gen. 170, 170-171 (1958).) The same holds true for the other allegedly incompatible position at issue, trustee of a community college board. (56 Ops.Cal.Atty.Gen. 556, 557 (1973); 47 Ops.Cal.Atty.Gen. 79, 80 (1966).) Under the common law standard, each is a public office because it is (1) a governmental position, (2) created by law, (3) having a continuing and permanent tenure, (4) in which the incumbent performs a public function for the public benefit and exercises some of the state's sovereign powers. (*Moore v. Panish* (1982) 32 Cal.3d 535, 545; *People ex rel. Chapman v. Rapsey* (1940) 16 Cal.2d 636, 637-640; 98 Ops.Cal.Atty.Gen. 94, 96-97 (2015).)
- 17 Gov. Code, § 1099, subd. (a).
- 18 Gov. Code, § 1099, subds. (a), (c).
- 19 68 Ops.Cal.Atty.Gen. 337, 339 (1985).
- 20 Gov. Code, § 1099, subd. (a)(1).
- 21 Gov. Code, § 1099, subd. (a)(2).
- 22 98 Ops.Cal.Atty.Gen., *supra*, at p. 96.
- 23 85 Ops.Cal.Atty.Gen. 199, 200 (2002).
- 24 67 Ops.Cal.Atty.Gen. 409, 414 (1984), quoting 3 McQuillin, *Municipal Corporations* (rev. ed. 1973) § 12.67, pp. 295-296.
- 25 Gov. Code, § 1099, subd. (b).
- 26 Gov. Code, § 1099, subd. (a).
- 27 Gov. Code, § 1099, subd. (a)(1).
- 28 Gov. Code, § 1099, subd. (a)(2).
- 29 31 Ops.Cal.Atty.Gen., *supra*, at pp. 170-172.
- 30 79 Ops.Cal.Atty.Gen., *supra*, at p. 159.
- 31 47 Ops.Cal.Atty.Gen., *supra*, at pp. 79-81.
- 32 83 Ops.Cal.Atty.Gen. 50, 52 (2000). In that particular opinion, however, we arrived at the conclusion that the offices involved were *not* incompatible based on the unusual facts presented. Specifically, the community college district at issue was merely an advisory committee without executive authority, and thus its members did not meet the legal definition of holding a public office. In turn, this meant that the dual officeholder in that situation did not hold two public offices and so was not subject to the prohibition against holding incompatible public offices.
- 33 83 Ops.Cal.Atty.Gen., *supra*, at p. 51, citing Cal.Atty.Gen., Indexed Letter, No. I.L. 75-22 (Feb. 18, 1975). "An indexed letter is different from a formal opinion of the Attorney General, which is widely disseminated throughout the state and is ultimately published in bound volumes. Indexed letters are kept in the Attorney General's four libraries and are ordinarily made available to interested members of the public upon request." (*Cal. Coastal Com. v. Quanta Investment Corp.* (1980) 113 Cal.App.3d 579, 593, fn. 11.)

- 34 I.L. 75-22, *supra*, at p. 1.
- 35 I.L. 75-22, *supra*, at pp. 4-5.
- 36 68 Ops.Cal.Atty.Gen. 171, 172-175 (1985); accord, 79 Ops.Cal.Atty.Gen. 284, 286-288 (1996) (granting quo warranto application as to these two offices).
- 37 Imperial County Office of Ed., Imperial County Superintendent of Schools < <https://www.icoe.org/about-icoe/imperial-county-superintendent-schools>> (as of Sep. 2, 2021).
- 38 Imperial County Office of Ed., School Sites < <https://www.icoe.org/alternative-education/school-sites>> (as of Sep. 2, 2021); Cal. Dept. of Ed., School Directory Search Results < <https://www.cde.ca.gov/SchoolDirectory/results?districts=252&status=1&search=1>> (as of Sep. 2, 2021); see Ed. Code, §§ 1980 (“A county board of education may establish one or more community schools”), 1981 (specifying requirements for enrollment in a county community school); Cal. Dept. of Ed., County Community Schools < <https://www.cde.ca.gov/sp/eo/cc/>> (as of Sep. 2, 2021) (“County community schools are public schools that are run by county offices of education. They educate students in kindergarten through grade twelve who are expelled from school or who are referred because of attendance or behavior problems. They also serve students who are homeless, on probation or parole, and who are not attending any school”).
- 39 Ed. Code, § 1984; 79 Ops.Cal.Atty.Gen., *supra*, at pp. 157-158.
- 40 Ed. Code, § 1040 et seq.
- 41 Ed. Code, § 1040.
- 42 Ed. Code, §§ 1042, subd. (c), 1080.
- 43 Ed. Code, § 1080.
- 44 Imperial Valley College, Imperial Community College Bd. of Trustees < <https://www.imperial.edu/about/college-governance/board-of-trustees>> (as of Sep. 2, 2021); Imperial Community College Dist., Bd. of Trustees eGovernance Site < <https://go.boarddocs.com/ca/caiccd/Board.nsf/Public>> (as of Sep. 2, 2021).
- 45 Ed. Code, § 66010.4, subd. (a)(1); see Ed. Code, § 66010.4, subd. (a) (articulating missions and functions of California's community colleges).
- 46 Ed. Code, § 70902, subd. (a)(1).
- 47 Ed. Code, § 70902, subd. (a)(1).
- 48 Ed. Code, § 70902, subd. (a)(2), (b).
- 49 Ed. Code, §§ 1042, subd. (c), 1048, 1080, subd. (c), 1082, 70902, subds. (b)(6), (b)(13), 81190, 81363.5, 81600, 81601, 81606; Imperial County Bd. of Ed., Bd. Policy 3450 & Bd. Bylaw 9000; Imperial Community College Dist., Bd. Policy 2330.
- 50 Code Civ. Proc., § 1240.610; Ed. Code, §§ 1047, 1080, 70902, subd. (b)(13); Imperial County Bd. of Ed., Bd. Policy 3450; 101 Ops.Cal.Atty.Gen. 56, 68 & fn. 82 (2018).
- 51 102 Ops.Cal.Atty.Gen. 31, 37 (2019); 85 Ops.Cal.Atty.Gen., *supra*, at pp. 201-202.
- 52 See Cal. Const., art. IX, § 9, subd. (a); Ed. Code, § 66602, subd. (a).
- 53 102 Ops.Cal.Atty.Gen. 39, 48 (2019).
- 54 See Gov. Code, § 1099, subd. (a) (holding of incompatible offices is prohibited “unless simultaneous holding of the particular offices is compelled or expressly authorized by law”).

- 55 Ed. Code, §§ 1080, subd. (c), 1250, 1721, 1770, 1941, 1946, 17604, 70902, subd. (b)(6), 81645; Gov. Code, § 23004, subd. (c); Pub. Contract Code, §§ 20650, 20651; Cal. Code Regs., tit. 5, § 59502, subd. (e).
- 56 Ed. Code, § 1250; see also Ed. Code, §§ 1721 (county board of education must approve any agreement with community college district board for county superintendent's preparation of courses of study), 1770 (provision of library services), 1941 (services for screening and directing teachers), 1946 (centralized in-service training programs for employees).
- 57 Ed. Code, § 81603; Gov. Code, §§ 6500, 6502, 6516.6, subd. (c)(4)(E).
- 58 See 101 Ops.Cal.Atty.Gen. 81, 86 (2018) ("The contractual relationship between the District and the City poses a significant potential for conflicting interests or loyalties"); 101 Ops.Cal.Atty.Gen., *supra*, at p. 63 ("Negotiating any such agreement, even if for the purpose of collaboration, would also entail a division of loyalties for a dual office holder").
- 59 Ed. Code, §§ 4020, 5019; Imperial County Office of Ed., County Com. on School Dist. Reorganization <<https://www.icoe.org/about-icoe/county-committee-school-district-reorganization>> (as of Sep. 2, 2021).
- 60 Ed. Code, § 72022.
- 61 Ed. Code, § 5019.5, subd. (b).
- 62 Ed. Code, §§ 74108, 74110.
- 63 68 Ops.Cal.Atty.Gen. 240, 241-244 (1985); see also 101 Ops.Cal.Atty.Gen., *supra*, at pp. 66-67 (in deducing incompatibility as to the offices of county superintendent and city council member, relying in part on the county superintendent's role in advising the county board of education sitting as the committee on school district reorganization).
- 64 Ed. Code, § 72104; see Merriam-Webster <<https://www.merriam-webster.com/dictionary/coterminous>> (as of Sep. 2, 2021) (defining coterminous as "having the same or coincident boundaries"). Whether, in this case, the boundaries of the office of education and community college district are coterminous (not just overlapping) has not been established.
- 65 Ed. Code, § 1984.
- 66 See Ed. Code, § 1983 (assigning the board's responsibilities in administering courses of study for county community schools); but see 83 Ops.Cal.Atty.Gen., *supra*, at p. 51 & fn. 1 (in denying a quo warranto application on another ground, noting in passing "the possibly determinative fact that ... [Education Code section 72104] does not prescribe automatic forfeiture as a consequence of its violation").
- 67 Ed. Code, §§ 1080, subd. (d), 10900-10903, 70902, subd. (a)(1).
- 68 Imperial County Bd. of Ed., Bd. Policy 3420.
- 69 Ed. Code, §§ 35160, 35160.2, 35162, 72000, subd. (a); *Ward v. San Diego School Dist.* (1928) 203 Cal. 712, 718-719; *Kirchmann v. Lake Elsinore Unified School Dist.* (2000) 83 Cal.App.4th 1098, 1114-1115; 79 Ops.Cal.Atty.Gen., *supra*, at p. 287.
- 70 98 Ops.Cal.Atty.Gen., *supra*, at p. 101; 95 Ops.Cal.Atty.Gen. 67, 75 (2012).
- 71 See generally Gov. Code, § 1770, subd. (h).

104 Ops. Cal. Atty. Gen. 25 (Cal.A.G.), 2021 WL 4496944

2021 WL 5183143 (Cal.A.G.)

Office of the Attorney General

State of California
Opinion No. 20-102
November 2, 2021

***1 THE HONORABLE JOSE MEDINA**
MEMBER OF THE STATE ASSEMBLY

THE HONORABLE JOSE MEDINA, MEMBER OF THE STATE ASSEMBLY, has requested an opinion on a question relating to charter school employees serving on county boards of education.

QUESTION PRESENTED AND CONCLUSION

May an executive director or other employee of a charter school serve as a member of the county board of education in the county where their employing school is located?

No. An executive director or other charter school employee—like employees of a traditional public school—may not serve as a member of the county board of education in the county where their employing school is located.

BACKGROUND

The Constitution requires the Legislature to provide for county boards of education.¹ The Legislature accomplished this in Education Code section 1000, which creates county boards of education consisting of five or seven members, with each member elected by the voters of a trustee area.² A county board of education generally oversees the schools in the county and approves the budget put forth by the county superintendent.³

Charter schools are a class of public schools usually initiated by some combination of teachers, parents, community leaders, and community-based organizations.⁴ Charter schools operate differently from traditional public schools: they are governed by California's Charter Schools Act,⁵ which exempts them from many laws governing traditional school districts.⁶ Our Supreme Court has explained that the Charter Schools Act “is intended to allow ‘teachers, parents, pupils, and community members to establish ... schools that operate independently from the existing school district structure.’”⁷ The Act “seeks to expand learning opportunities, encourage innovative teaching methods, provide expanded public educational choice, and promote educational competition and accountability within the public school system.”⁸

Charter schools require a charter from the public school system to operate. The charter approval process typically begins at the school district level, although in certain circumstances it begins with the county board of education.⁹ A party wishing to operate a charter school presents a petition to the governing board of the school district in which the charter school would be located.¹⁰ If the district board denies the petition, the petitioner may present it to the relevant county board of education.¹¹ If the county board of education also denies the petition, the petitioner may appeal that denial to the State Board of Education.¹² If the district or county board grants a charter petition, the granting board is designated as the chartering authority.¹³ If the State Board of Education grants a charter petition, it designates either the district or county board as the chartering authority.¹⁴

*2 Although charter schools generally operate independently from the traditional public school system, they are nonetheless subject to public oversight and regulation.¹⁵ It is this public oversight that prompts the question before us: may a charter school employee sit on a county board of education that has jurisdiction over their employing charter school?

ANALYSIS

We first consider whether the incompatible offices doctrine, codified by Government Code section 1099, prohibits charter school employees from serving as a member of the county board of education in the county where their employing school is located. That inquiry turns in part on whether the employee occupies a “public office” subject to section 1099. As explained below, we conclude that some—but not all—charter school employees are “public officers” under section 1099, and would be prohibited from serving as a member of the board of education due to the potential for conflict between their two positions. We then consider Education Code section 1006, which extends the rule against holding incompatible offices to prohibit any employee of a “school district” from serving on the county board of education with jurisdiction over that school district. We conclude that the Legislature intended this prohibition to apply to charter school employees as well as traditional public school employees, making it impermissible for any employee of a charter school to serve as a member of the county board of education in the county where their employing school is located.

Government Code Section 1099—The Incompatible Offices Doctrine

We begin by analyzing whether the incompatible offices doctrine bars the executive director or other employees of a charter school from serving on the county board of education in the county where their employing school is located. The incompatible offices doctrine—originally developed as common law and later codified as Government Code section 1099—prohibits a person from holding two incompatible public offices.¹⁶ Offices are incompatible if, “[b]ased on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.”¹⁷ If two offices are incompatible, the officer is “deemed to have forfeited the first office upon acceding to the second.”¹⁸

The threshold inquiry in any incompatible offices analysis is whether each position at issue constitutes a public office or instead is merely one of public employment.¹⁹ For purposes of the incompatible offices doctrine generally, a public office is “a position in government (1) which is created or authorized by the Constitution or some law; (2) the tenure of which is continuing and permanent, not occasional or temporary; (3) in which the incumbent performs a public function for the public benefit and exercises some of the sovereign powers of the state.”²⁰ “Sovereign powers of the state” include statutorily imposed duties related to the exercise of state police powers; power to dispose of public property; power to incur financial obligations on the part of the government; and the power to act in business or political dealings between individuals and the public, where the public must act through official agencies.²¹

*3 If both positions are “public offices,” the next inquiry is whether they are incompatible. The test for determining whether offices are incompatible is whether “one of the offices has supervisory, auditory or removal power over the other or if there would be any significant clash of duties or loyalties in the exercise of official duties,” or if public policy considerations otherwise make it improper for one person to hold both offices.²² “Only one potential significant clash of duties or loyalties is necessary to make offices incompatible.”²³ An actual conflict is not required. Rather, “the mere possibility of a conflict is sufficient to make two offices incompatible.”²⁴

The question here asks whether the position of member of a county board of education is incompatible with the position of charter school employee. As to the threshold inquiry, we have already concluded that a county board of education member holds a “public office.”²⁵ But many charter school employees merely hold a “position of employment” that is not subject to the prohibition of section 1099.²⁶ The incompatible offices doctrine only applies to charter school employees where they hold a

position that qualifies as “a public office.” We have identified at least two situations in which a charter school employee may also be a charter school official. We analyze each situation below.

Charter School Board Members

The Education Code expressly allows charter school employees to serve on the board governing their charter school.²⁷ The Court of Appeal has recognized that charter school board members “stand on the same constitutional footing as noncharter school board members,” and “are officers of public schools to the same extent as members of other boards of education of public school districts.”²⁸ We have already concluded that members of public school district boards are public officers for incompatible offices purposes.²⁹ And the Legislature has directed that the article of the Government Code containing section 1099 applies to charter schools and any “entity managing a charter school.”³⁰ We thus conclude that charter school governing board members, like the members of public school district boards, are public officers for purposes of section 1099.

Turning to the incompatibility analysis, we note that we have previously found that positions on various boards of education with overlapping jurisdiction are incompatible offices.³¹ Here, we similarly conclude that acting as a member of a charter school governing board is incompatible with acting as a member of the county board of education for the county in which the charter school is located. County boards of education interact with charter schools in three main ways: as chartering authorities, in exercising general oversight of the schools under their jurisdiction, and as an appellate body within the chartering process. Based on these interactions, if an individual is both a member of the governing board of a charter school and the county board of education with jurisdiction over that charter school, there is a serious possibility that the individual will have conflicting duties or loyalties.

*4 First, the county board of education may be called on to evaluate a proposed charter; and, if the county board becomes the chartering authority, it will have the power to revoke or renew the school's charter.³² The county board's role in determining the charter school's initial and continued existence would surely create a significant clash of loyalties for an individual serving on both the board of the charter school and the county board of education. Additionally, the county board's authority to make these existential decisions regarding a charter school can result in litigation, and we have previously identified the potential for two entities to sue each other as supporting a determination of incompatible offices.³³ As the chartering authority, the county board would also have significant and ongoing oversight functions, including ensuring compliance with all reporting requirements, monitoring the fiscal condition of the school, and receiving complaints.³⁴ As noted above, where one office has supervisory authority over another, the offices are incompatible.³⁵

Second, outside of its role as a chartering authority, a county board of education interacts with all charter schools under its jurisdiction through a general public oversight role.³⁶ Responsibility for charter school oversight within a county is shared among the county board of education, the county office of education, and the county superintendent.³⁷ The county board is the governing board of the county office of education, and the county superintendent is the head of the county office of education.³⁸ Charter schools must respond to all reasonable inquiries from the county office of education, including inquiries regarding their financial records.³⁹

The county superintendent is charged with monitoring and investigating charter schools within the county.⁴⁰ County superintendents are either appointed by the county board of education or elected; in either case, the board sets the superintendent's salary and approves the superintendent's budget.⁴¹ Charter schools must annually provide the county superintendent with a preliminary budget, a local control and accountability plan, two interim financial reports, and a final report for the year.⁴² The county superintendent may investigate and monitor the operations of charter schools within the county based on complaints by parents or other information justifying an investigation.⁴³ And the county superintendent may

review or audit the expenditures and internal controls of any charter school in the county if there is “reason to believe that fraud, misappropriation of funds, or other illegal fiscal practices have occurred.”⁴⁴ Thus, both through its own powers and because it controls the budget (and in some cases the appointment) of the county superintendent, a county board of education is significantly involved in the public oversight of charter schools within its jurisdiction. These oversight responsibilities present the possibility of “clashing duties or loyalties” should one individual serve on the boards of both entities.⁴⁵

***5** Third and finally, county boards of education sometimes act as appellate bodies with respect to the charter approval and continuation process. If a district revokes a charter, the school may appeal that revocation to the county board of education.⁴⁶ Similarly, if a school district does not renew a charter, the charter school may appeal that decision to the county board of education.⁴⁷ A significant clash of duties would occur if a district revoked or declined to renew a charter and the school appealed that revocation to the county board of education.

For all of these reasons, a county board of education member who is also a member of the board governing a charter school in that county would face the “possibility of a significant clash of duties or loyalties between the offices.”⁴⁸ Accordingly, if a charter school employee serves on the governing board of the school, that employee may not also serve as a member of the county board of education.

Charter School Executive Director

The second situation in which a charter school employee might be a public officer for purposes of the incompatible offices doctrine involves a charter school executive director. We have not previously examined whether a charter school director is a public officer and have not found any judicial authority on point. To resolve the question in any particular case, we would need to know more about the specific executive director position. As explained below, however, we expect that in many cases the position of charter school executive director will not be a public office.

We received conflicting comments regarding whether a charter school executive director is a public office. One commenter argued in the affirmative, noting that we have previously found a county superintendent of schools to be a public officer for incompatible offices purposes, and that a court has determined that a charter school superintendent is a public official in the context of the standard of proof for a libel claim.⁴⁹ But county and charter school superintendents are significantly different from directors of individual charter schools, which are likely more akin to traditional public school principals. And although we have not directly answered the question whether school principals are employees or public officers for purposes of section 1099, the available authority and evidence of legislative intent suggests that they are employees.⁵⁰ This commenter also urged that charter school executive directors exercise sovereign state powers in the sense that the Legislature has delegated the function of public education to them in the Charter Schools Act. But the role of charter school director appears to be executing decisions made by the charter school board, to whom the state power of public education has been delegated. We have found no authority indicating that charter school directors exercise independent judgment and discretion with respect to delegated state powers.⁵¹

***6** Another commenter argued that an executive director of a charter school is a position of employment rather than a public office. That commenter analogized to the position of executive director of a housing authority, which we have found to be a position of employment.⁵² The commenter posited that executive director of a charter school is similar to executive director of a housing authority because both exist as a function of contract, in contrast to positions created and defined by law. Statutorily defined duties are evidence that an officer is exercising delegated sovereign state power.⁵³ This point is persuasive.

We do not doubt that there may be some circumstances in which a charter school's executive director will qualify as a public officer. Some executive directors may sit on the school's governing board and be a public officer of the school for that reason.⁵⁴ In other cases, executive directors may qualify as public officers because of the specific state powers they exercise.⁵⁵ In general,

though, we would expect that charter school directors—like school principals—would be deemed employees rather than public officers. Neither traditional school principals nor charter school executive directors have duties defined by law, and thus they typically carry out the directives of their employer rather than exercising sovereign state authority. This stands in contrast to, for instance, the position of county superintendents, whom the Education Code requires to generally oversee schools in the county, oversee the finances of school districts, and enforce the course of study, among other things.⁵⁶ Because the position of charter school director is not created by law and does not necessarily exercise sovereign state power, the position is not categorically a public office for purposes of the incompatible offices doctrine.⁵⁷

To summarize, our analysis of the incompatible offices doctrine leads us to conclude that some—but not all—charter school employees will be prohibited from serving on their county board of education by Government Code section 1099. Because that analysis does not fully answer the question presented, we next examine whether Education Code section 1006 would prohibit charter school employees from serving on their county board of education.

Education Code Section 1006—Eligibility for County Boards of Education

Education Code section 1006 directs that “[a]ny registered voter is eligible to be a member of the county board of education except the county superintendent of schools or any member of his or her staff, or any employee of a school district that is within the jurisdiction of the county board of education.”⁵⁸ Our analysis here considers whether charter school employees are included in the prohibition against school district employees serving on county boards of education.⁵⁹

*7 We begin with the statutory text. “School district” as used in section 1006 is ambiguous as to whether charter schools are included in its meaning.⁶⁰ The language of section 1006 itself does not provide any clarification as to whether a charter school constitutes a “school district” within the meaning of that provision, so we look to the surrounding statutory framework. There we find that the Legislature sometimes considers charter schools to be school districts, and sometimes distinguishes them. For example, charter schools are considered school districts for certain public finance statutes. Most notably, charter schools are “deemed” to be school districts for purposes of public school funding.⁶¹ And they are subject to fiscal oversight in the same manner as traditional public school districts.⁶² Charter schools also fall into the same category as school districts for most open meeting and conflict-of-interest laws: In 2019, the Legislature added a provision to the Charter Schools Act directing that charter schools (and entities managing charter schools) are subject to the Ralph M. Brown Act, the Bagley-Keene Open Meeting Act, the California Public Records Act, the Political Reform Act, and the article of the Government Code containing section 1099 and section 1090 (which prohibits conflicts of interest in government contracts).⁶³

Of course, one of the defining characteristics of charter schools is that in many other contexts the Legislature treats them differently from traditional public school districts. Most notably, the “mega-waiver” in the Charter Schools Act exempts charter schools from most laws pertaining to school districts.⁶⁴ This waiver provides operational independence and frees charter schools to innovate, giving them control over their curricula and exempting them from requirements like adopting specific textbooks.⁶⁵ Thus, the surrounding statutory framework does not provide a clear answer.

Standard canons of statutory interpretation also point in different directions. Given that the Legislature sometimes specifically identifies when charter schools should be treated as school districts, its failure to do so in section 1006 could indicate that the Legislature did not intend charter schools to be covered.⁶⁶ Moreover, as a general matter, statutory “[a]mbiguities are to be resolved in favor of eligibility to office.”⁶⁷ On the other hand, as discussed above, when the Legislature has specifically confronted the question of whether to treat charter schools as school districts for the purpose of other public integrity statutes, it has chosen to do so. And principles of statutory construction generally counsel in favor of strictly enforcing conflict-of-interest statutes to achieve public policy goals.⁶⁸

*8 Because none of these sources provides a clear answer, we look to the legislative history and evidence of the legislative purpose of section 1006. We have previously opined that the purpose of section 1006 is to extend the common law rule against holding incompatible offices beyond its application to two public offices to a situation where one position is a public office and the other is a position of public employment.⁶⁹ As originally enacted, section 1006 did not have the explicit jurisdictional limit that is in the current text, and the original text could have been read to exclude any school district employee from serving on *any* county board of education.⁷⁰ In construing the original text, however, we opined that the Legislature intended to prohibit membership only with respect to the county board of education having jurisdiction over an individual's employing school district.⁷¹

In reaching that conclusion, we observed that section 1006 effectively extended the common-law doctrine of incompatible offices.⁷² We explained that Section 1006 applied the incompatible offices doctrine to a scenario where one position is a public office (in that case, member of the county board of education) and the other is public employment (in that case, substitute teacher).⁷³ We reasoned that the evolution of county boards of education from appointed bodies that were legally mandated to include both credentialed teachers and the county superintendent, to elected bodies from which school district employees were excluded, demonstrated that the Legislature intended the exclusion of teachers only from county boards of education that had jurisdiction over their employing district.⁷⁴ As we acknowledged, it was unclear what policy considerations motivated this shift, but “whatever the reason, incompatibility was set.”⁷⁵

In 2012, the Legislature amended section 1006 to its current form, and the history of that amendment shows that the Legislature sought to balance an individual's right to serve on a board of education against the potential for a conflict of interest if that individual were to serve on a board that had jurisdiction over their employing district.⁷⁶ As originally introduced, the amendment would have eliminated the ban on school district employees serving on county boards, meaning that a school district employee could serve as a member of *any* county board of education, including the one having jurisdiction over their employing district.⁷⁷ But then legislators recognized the potential for conflicts of interest if district employees were allowed to serve on the county board of education with jurisdiction over their employing district. A bill analysis identified the aims of the amendment as “eliminating the unnecessary prohibition against school employees serving on county boards of education in counties *other than* the ones in which they are employed,” protecting “the constitutional rights of school employees,” and “allowing county boards of education to benefit from the unique insight that these employees can offer.”⁷⁸ The analysis also noted that the bill would align section 1006 with the reasoning of our prior Attorney General Opinion.⁷⁹

*9 The Legislature thus amended section 1006 “to allow only employees of school districts that are not within the jurisdiction of the county office of education to serve on that county's board of education.”⁸⁰ This alleviated concerns over the conflicts of interest that could arise when county boards of education reviewed and certified a district's budget, acted as the appellate body with respect to disciplinary decisions and charter school proposals, or monitored compliance with legal settlements.⁸¹ Legislators indicated that this approach balanced the general right of district employees to serve on county boards of education against the need to avoid conflicts of interest.⁸²

With that legislative purpose in mind, we conclude that the Legislature intended the phrase “any employee of a school district” in section 1006 to include charter school employees. The practical consequences that flow from that interpretation support this conclusion.⁸³ A charter school employee who served as a member of the county board of education in the same county as their school would face a potential clash of duties or loyalties in several ways. As discussed above, as a county board of education member, they might be called on to revoke or renew their school's charter; to make litigation decisions regarding the school's charter; to oversee the school and ensure its compliance with reporting requirements; to investigate the school; or to act as a member of an appellate body with respect to the charter approval and continuation process.⁸⁴ The potential for conflict is manifest.

Finally, treating charter schools as school districts for purposes of section 1006 is also consistent with our previous opinion on charter school employees and conflict-of-interest laws.⁸⁵ Before the Legislature amended the Charter Schools Act to clarify that California's primary government ethics laws applied to charter schools, we concluded that a charter school was a "school district ... or other local public agency" for the purposes of the Brown Act and the Public Records Act. After noting that charter schools were deemed school districts subject to the control of the public school system with regard to public funding, and that school districts were expressly covered by the Brown Act's open-meeting rules and the Public Records Act's public-access rules, we reasoned: "'school districts' are subject to sunshine laws, and charter schools are 'school districts' for purposes of receiving state funding. What charter schools do with the public money that they receive is a matter of legitimate concern to the taxpaying public."⁸⁶ We also concluded that charter schools were subject to Government Code section 1090's prohibition on financial interests in government contracts and the Political Reform Act: "Seeing that corporate charter schools are licensed and paid to participate in the essential public function of providing a mandatory free education to California's children, we conclude that they are bound by all of the public-integrity laws that we examine here."⁸⁷

***10** Similar reasoning supports our conclusion here that charter schools are school districts for the purpose of Education Code section 1006, which is a conflict-of-interest law in relevant part. Charter schools are part of our state governance structure; they receive state funding and participate in the essential public function of providing mandatory free education.⁸⁸ Thus, with respect to service on government boards with jurisdiction over their employing schools, charter school employees are analogous to traditional public school district employees.

Recent legislation reinforces this conclusion. As noted, in 2019 the Legislature added a provision to the Charter Schools Act confirming our decision that California's sunshine and conflict-of-interest laws applied to charter schools.⁸⁹ And in 2020, the Legislature precluded the State Board of Education from waiving the application of the statute applying the public integrity laws to charter schools.⁹⁰ This clarification refers to a provision allowing the state board to waive certain requirements upon request from a school district or county board of education.⁹¹ By making government ethics laws applicable to charter schools, and by applying to charter schools an exemption process that by its language only applies to school districts and county boards of education, the Legislature has treated charter schools as school districts with respect to other government ethics laws. We conclude that the Legislature had a similar intent in enacting Education Code section 1006, and intended for this provision to cover employees of charter schools as well as employees of traditional public school districts.

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Footnotes

1 Cal. Const., art. IX, § 7.

2 A recent amendment to Education Code section 1000 allows high school students within a county to petition their county board of education to include one or two pupil members on the board, which are in addition to the number of board members prescribed. Any pupil members have "preferential voting rights," which allow expression of opinion but are not counted in determining the outcome of a vote. (Stats. 2021, ch. 669, § 1.)

3 Ed. Code, §§ 1040, 1042, 1043, 1080; 85 Ops.Cal.Atty.Gen. 77, 77 (2002).

- 4 See Cal. Dept. of Education, Private Schools Frequently Asked Questions, What Is a Charter School?, < <https://www.cde.ca.gov/sp/ps/psfaq.asp#a9>> (as of Nov. 2, 2021).
- 5 Ed. Code, § 47600 et seq.
- 6 Ed. Code, § 47610.
- 7 *Wells v. One2One Learning Foundation* (2006) 39 Cal.4th 1164, 1186, quoting Ed. Code, § 47601.
- 8 *Ibid.*, citing Ed. Code, § 47601, subds. (a)-(g).
- 9 Ed. Code, §§ 47605, subd. (a) (petition submitted to governing board of school district), 47605.5 (petition submitted to county board where school would serve students for whom county office is responsible for direct education), 47605.6 (petition submitted to county board where school would provide services for pupils across districts within county).
- 10 Ed. Code, § 47605, subd. (a)(1).
- 11 Ed. Code, § 47605, subds. (k)(1)(A)(i), (k)(1)(A)(ii).
- 12 Ed. Code, §§ 47605, subds. (k)(2), (k)(2)(E). There is an exception for counties in which the county board of education has jurisdiction over a single school district. In those cases, the petitioner may elect to submit a petition denied by the district board directly to the state board. (Ed. Code, § 47605, subd. (k)(1)(B).)
- 13 *California School Bds. Assn. v. State Bd. of Ed.* (2010) 186 Cal.App.4th 1298, 1307.
- 14 Ed. Code, § 47605, subd. (k)(2)(E).
- 15 *Today's Fresh Start, Inc. v. Los Angeles County Office of Ed.* (2013) 57 Cal.4th 197, 206.
- 16 Gov. Code, § 1099 & *id.*, subd. (f) ("This section codifies the common law rule prohibiting an individual from holding incompatible offices").
- 17 Gov. Code, § 1099, subd. (a)(2).
- 18 Gov. Code, § 1099, subd. (b).
- 19 Gov. Code, § 1099, subds. (a) (public officer shall not hold two offices that are incompatible), (c) (section does not apply to positions of employment, including civil service positions).
- 20 101 Ops.Cal.Atty.Gen. 81, 83 (2018), quoting 68 Ops.Cal.Atty.Gen. 337, 342 (1985).
- 21 73 Ops.Cal.Atty.Gen. 183, 184-185 (1990), quoting *Schaefer v. Superior Court* (1952) 113 Cal.App.2d 428, 432-433.
- 22 85 Ops.Cal.Atty.Gen. 60, 61 (2002); Gov. Code, § 1099, subd. (a); *People ex rel. Lacey v. Robles* (2020) 44 Cal.App.5th 804, 819.
- 23 85 Ops.Cal.Atty.Gen., *supra*, at p. 61.
- 24 93 Ops.Cal.Atty.Gen. 110, 111 (2010).
- 25 79 Ops.Cal.Atty.Gen. 155, 157 (1996).
- 26 See Gov. Code, § 1099, subd. (c).
- 27 Ed. Code, § 47604.1, subd. (d) (notwithstanding Article 4 of the Government Code, which contains sections 1090 and 1099, a charter school employee is not disqualified from serving on the governing body of the charter school because of their employment status).
- 28 *Wilson v. State Bd. of Educ.* (1999) 75 Cal.App.4th 1125, 1141.

- 29 56 Ops.Cal.Atty.Gen. 556, 557 (1973) (“local school district board is unquestionably a public office”).
- 30 Ed. Code, § 47604.1, subd. (b)(3).
- 31 See 68 Ops.Cal.Atty.Gen. 171 (1985) (member of high school district board and member of elementary school district board within that high school district are incompatible offices); 31 Ops.Cal.Atty.Gen. 170 (1958) (member of a county board of education and member of State Board of Education are incompatible offices); Cal.Atty.Gen., Indexed Letter, No. I.L. 75-22 (Feb. 18, 1975) (member of elementary school district board is incompatible office with respect to member of community college district board or member of high school district board).
- 32 Ed. Code, §§ 47605, subd. (k)(1)(A)(i) (charter petition denied by district may be presented to county), 47607, subds. (a)(2) (chartering authority may grant renewals), (f) (chartering authority may revoke charter).
- 33 See, e.g., *Am. Indian Model Sch. v. Oakland Unified Sch. Dist.* (2014) 227 Cal. App. 4th 258 (charter operator petitioned for writ of mandate challenging district's revocation of its charter, affirming partial grant of mandate); 68 Ops.Cal.Atty.Gen., *supra*, at p. 173, citing No. I.L. 75-22, *supra*, at pp. 4-5 (person holding office on two boards may have to decide whether one board should sue the other, and would face additional conflicts during ensuing litigation).
- 34 Ed. Code, §§ 47604.32 & *id.*, subds. (a)(3), (a)(4), 47605, subd. (e)(4)(E)(i).
- 35 85 Ops.Cal.Atty.Gen., *supra*, at p. 61.
- 36 *Today's Fresh Start*, *supra*, 57 Cal.4th at p. 206 (although approved charter schools operate independently of the traditional public school administrative structure, they are nevertheless subject to public oversight).
- 37 *Id.* at p. 207, fn. 4.
- 38 *San Jose Unified School Dist. v. Santa Clara County Office of Education* (2017) 7 Cal.App.5th 967, 971.
- 39 Ed. Code, § 47604.3.
- 40 Ed. Code, §§ 1241.5, subd. (c), 47604.4, subd. (a).
- 41 Cal. Const., art. IX, §§ 3 (county superintendent may be elected or appointed by county board of education, with the manner determined by the county electorate), 3.1, subd. (b) (county board of education sets county superintendent's salary); Ed. Code, §§ 1040, subd. (c) (county board of education approves county superintendent's budget before submission to county board of supervisors), 1042, subd. (e) (where county superintendent is elected and a vacancy occurs mid-term, county board may appoint interim superintendent upon adoption of such authority at public meeting).
- 42 Ed. Code, § 47604.33, subd. (a).
- 43 Ed. Code, § 47604.4, subd. (a).
- 44 Ed. Code, § 1241.5, subd. (c).
- 45 Gov. Code, § 1099, subd. (a)(2).
- 46 Ed. Code, § 47607, subd. (i).
- 47 Ed. Code, § 47607.5, subd. (a).
- 48 Gov. Code, § 1099, subd. (a)(2).
- 49 101 Ops.Cal.Atty.Gen. 56, 60-61 (2018) (Contra Costa County Superintendent of Schools is a public officer because duties are statutorily prescribed, “performs important governmental functions requiring the exercise of independent judgment and discretion,” and may expend government funds); *Ghafur v. Bernstein* (2005) 131 Cal.App.4th 1230, 1237-1239 (charter school superintendent was

- public official for libel purposes because, like traditional public school superintendent, she had substantial control over governmental affairs and position was of such community importance to invite discussion and scrutiny).
- 50 See, e.g., Ed. Code, § 44670 (providing for evaluation of principals, and appearing in Part and Chapter addressing employees); see also *Grant v. Adams* (1977) 69 Cal.App.3d 127, 132 (principals serve at pleasure of governing board, treating principal's claim regarding demotion as a question of public employment).
- 51 See 101 Ops.Cal.Atty.Gen., *supra*, at p. 61 (finding a particular superintendent to be a public officer because, among other reasons, they perform “important governmental functions requiring the exercise of independent judgment and discretion”).
- 52 81 Ops.Cal.Atty.Gen. 274, 275-276 (1998).
- 53 See *id.* at p. 276, quoting Cal.Atty.Gen., Indexed Letter, No. I.L. 78-102 (July 18, 1978) (concluding that although the position of secretary and executive director of a housing authority is authorized by statute, “the position, if created at all, is a creature of a contract entered into by the authority, which sets the terms of employment,” and distinguishing the position from one where duties are statutorily defined).
- 54 See *ante*, pp. 5-6 and fn. 27.
- 55 Cf. *Ghafur v. Bernstein*, *supra*, 131 Cal.App.4th at pp. 1237-1239 (charter school superintendent had substantial control over governmental affairs and position was of such community importance to invite discussion and scrutiny, making superintendent a public official for purposes of libel laws).
- 56 101 Ops.Cal.Atty.Gen., *supra*, at pp. 60-61.
- 57 See 101 Ops.Cal.Atty.Gen., *supra*, at p. 83 (public office is created or authorized by law and exercises some of the sovereign powers of the state).
- 58 Ed. Code, § 1006, subd. (a).
- 59 Some school districts themselves operate charter schools, referred to as “affiliated” or “dependent” charter schools. (See Mikhail Zinshteyn, Quick Guide: Understanding Charter Schools, July 20, 2017, < <https://edsources.org/2017/10-things-to-know-about-charter-schools/583984>>.) Employees of such charter schools would appear to be employees of the district to the same extent as people working at a traditional public school. (See generally Ed. Code, tit. 2 [Elementary & Secondary Education], div. 3 [Local Administration], pt. 25 [Employees], art. 2 [Employment] [treating school district as employer in various contexts]; *Vasquez v. Happy Valley Union School Dist.* (2008) 159 Cal.App.4th 969, 974 [treating school district as employer, e.g., “Permanent teachers are those who a school district has employed for two complete consecutive school years,” and “A school district may terminate a permanent teacher only for misconduct or due to a reduction in the overall number of teachers”].) Thus, these charter school employees are clearly covered by the prohibition against district employees serving on the county school board.
- 60 *Gateway Community Charters v. Spiess* (2017) 9 Cal.App.5th 499, 507 (“though charter schools in some ways and for some purposes are treated as public school districts, for other purposes they are not”); *Wells v. One2One Learning Foundation* (2006) 39 Cal.4th 1164, 1186 (for certain purposes, charter schools are “deemed” to be school districts).
- 61 Ed. Code, § 47612, subd. (c) (charter school deemed school district for purposes of “Article 1 (commencing with Section 14000) of Chapter 1 of Part 9 of Division 1 of Title 1, Section 41301, Section 41302.5, Article 10 (commencing with Section 41850) of Chapter 5 of Part 24 of Division 3, Section 47638, and Sections 8 and 8.5 of Article XVI of the California Constitution”).
- 62 Ed. Code, § 47612, subd. (a) (“A charter school shall be deemed to be under the exclusive control of the officers of the public schools for purposes of Section 8 of Article IX of the California Constitution, with regard to the appropriation of public moneys to be apportioned to any charter school, including, but not necessarily limited to, appropriations made for purposes of this chapter”).
- 63 Ed. Code, § 47604.1, Stats. 2019, ch. 3 (S.B. 126), § 1.
- 64 Ed. Code, § 47610 (“A charter school shall comply with [title 2, division 4, part 26.8 of the Education Code] and all of the provisions set forth in its charter, but is otherwise exempt from the laws governing school districts,” and providing exceptions); *Anderson Union*

High School Dist. v. Shasta Secondary Home School (2016) 4 Cal.App.5th 262, 278 (Education Code section 47610, “known as the mega-waiver statute, exempts charter schools from most of the laws that govern school districts”).

65 See *Wilson v. State Bd. of Educ.*, *supra*, 75 Cal.App.4th at pp. 1140-1142 (through the Charter Schools Act, “the Legislature has exercised its discretion to sanction a certain degree of flexibility and operational independence,” giving charter schools control over curriculum); *id.* at pp. 1145-1146 (charter schools exempt from requirement to adopt textbooks).

66 See, e.g., *Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1117 (“Where different words or phrases are used in the same connection in different parts of a statute, it is presumed the Legislature intended a different meaning”).

67 *Carter v. Commission on Qualifications of Judicial Appointments* (1939) 14 Cal.2d 179, 182.

68 *Thomson v. Call* (1985) 38 Cal.3d 633, 650.

69 69 Ops.Cal.Atty.Gen. 290, 291-292 (1986), citing and quoting 68 Ops.Cal.Atty.Gen. 240, 244 (1985).

70 Former Ed. Code, § 1006, subd. (a), Stats. 1976, ch. 1010, § 2 (“Any registered voter is eligible to be a member of the county board of education except the county superintendent of schools, any member of his staff, or any employee of a school district”).

71 69 Ops.Cal.Atty.Gen., *supra*, at p. 295.

72 *Id.* at p. 291 (1986) (considering whether a substitute teacher may serve on a county board of education).

73 *Ibid.*, citing and quoting 68 Ops.Cal.Atty.Gen. 240, 244 (1985).

74 69 Ops.Cal.Atty.Gen., *supra*, at pp. 293-295.

75 *Id.* at pp. 294-295.

76 Stats. 2012, ch. 499, § 1; see *Coalition of Concerned Communities, Inc. v. City of Los Angeles* (2004) 34 Cal.4th 733, 737 (legislative history is an appropriate aid in determining legislative intent).

77 Assem. Com on Ed., Analysis of Assem. Bill No. 1662 (2011-2012 Reg. Sess.) as introduced Feb. 14, 2012, Apr. 16, 2012, p. 1.

78 Sen. Com. on Ed., Analysis of Assem. Bill No. 1662 (2011-2012 Reg. Sess.) as amended Apr. 26, 2012, pp. 1-2, italics added.

79 *Id.* at p. 2, referencing 69 Ops.Cal.Atty.Gen. 290 (1986).

80 Assem. Com. on Ed., analysis of Assem. Bill No. 1662 (2011-2012 Reg. Sess.) as introduced Feb. 14, 2012, Apr. 16, 2012, p. 2 (recommending this amendment).

81 *Id.* at p. 1.

82 Sen. Com on Ed., Analysis of Assem. Bill 1662 (2011-2012 Reg. Sess.) as amended Apr. 26, 2012, for hearing Jun. 13, 2012, pp. 2-3.

83 *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1386 (“first task in construing a statute is to ascertain the intent of the Legislature so as to effectuate the purpose of the law”); *id.* at p. 1387 (where ambiguity exists, “consideration should be given to the consequences that will flow from a particular interpretation”).

84 See discussion *ante*, at pp. 6-8.

85 101 Ops.Cal.Atty.Gen. 92, 98 (2018).

86 *Ibid.*, citations omitted.

87 *Id.* at p. 96.

88 *Ibid.*

- 89 Ed. Code, § 47604.1, Stats. 2019, ch. 3 (S.B. 126), § 1.
- 90 Ed. Code, § 47604.1, subd. (g), Stats. 2020, ch. 24 (S.B. 98), § 42.
- 91 Ed. Code, § 33050.

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69 Ops. Cal. Atty. Gen. 290 (Cal.A.G.), 1986 WL 193436

Office of the Attorney General

State of California

Opinion No. 86-601

December 31, 1986

***1 THE HONORABLE CHARLES R. MACK**
COUNTY COUNSEL
COUNTY OF YOLO

THE HONORABLE CHARLES R. MACK, County Counsel, County of Yolo, has requested an opinion on the following question:

May a member of a county board of education serve as a substitute teacher for a district which falls within the board's jurisdiction and may he or she do so for one which does not?

CONCLUSION

A member of a county board of education may not serve as a substitute teacher in a district which falls within the board's jurisdiction but may do so in one which does not.

ANALYSIS

Article IX, section 7 of the California Constitution calls for the Legislature to "provide for the appointment or election of ... a board of education in each county or for the election of a joint county board of education for two or more counties."¹ This has been done in chapter 1 (§ 1000 et seq.) of part 2 to division 1 of title 1 of the Education Code.² Section 1000 provides for the establishment of a county board of education of five or seven members, with each member being "an elector of the trustee area which he represents and ... elected by the electors of the trustee area." Elections are held on the date and in the manner prescribed for the election of members of governing boards of school districts if the latter are held throughout the county on the same date; otherwise the election is consolidated with the direct primary election. (§ 1007.)³

Section 1006 sets forth the qualifications for membership on a county board of education:

"Any registered voter is eligible to be a member of the county board of education except the county superintendent of schools, any member of his staff, or any employee of a school district." (Emphasis added.)

We are asked whether a member of the county board of education may serve as a substitute teacher. We find the section dispositive of the question and conclude that under it a member of a county board of education may not serve as a substitute teacher in a school district which falls within the jurisdiction of the board but may do so in one which does not.

On its face, section 1006 does not answer our question directly. The question is whether a member of a county board of education may serve as a substitute teacher whereas section 1006 states its prohibition from the other direction, making any employee of a school district ineligible to serve on the county board of education. Nevertheless, as we proceed to show, the section serves to answer the question, and assuming for the moment that a substitute teacher is an employee of a school district, prohibits the substitute from serving on the county board.

The wording of section 1006 is stated in terms of eligibility to be, as opposed to becoming, a member of the county board of education. This suggests a legislative direction that the same person not simultaneously be a board member and a school district employee at any point in time. Essentially what the section does then is “extend the common law rule against holding incompatible offices to situations where it would not otherwise apply: [to those] where ... one position is a public office [the member of the county board of education (31 Ops.Cal.Atty.Gen. 170, 171 (1958))] and the other is public employment [the substitute teacher (Main v. Claremont Unified School Dist. (1958) 161 Cal.App.2d 189, 197, Leymel v. Johnson (1930) 105 Cal.App. 694, 702; 9 Ops.Cal.Atty.Gen. 64, 66 (1947))] .” (68 Ops.Cal.Atty.Gen. 240, 244 (1985); cf. 68 Ops.Cal.Atty.Gen. 337, 339-340 (1985).)

***2** Logically speaking the prohibition stated in section 1006 and the one contemplated by the question are thus but two sides of the same coin of mutual exclusion that the Legislature has set between being a member of the county board of education and being a substitute teacher.⁴ While nothing in it prohibits a member of the county board from accepting appointment as a substitute teacher, it would prohibit a holding of both positions simultaneously. A substitute teacher could not qualify to be a member of the county board, and a member of the county board who became a substitute teacher would vacate the office for the teaching position as if the doctrine of incompatible offices applied to cause that result. (Cf. 68 Ops.Cal.Atty.Gen. 240, 243-244, *supra*.)⁵

The foregoing discussion of course has assumed that a substitute teacher is an “employee of a school district” within section 1006’s prohibition. Returning to section 1006 to test it, we see “any employee of a school district” as being ineligible to be a member of the county board of education. There can be no serious question that substitute teachers are included. The word “any” indicates a broad coverage (64 Ops.Cal.Atty.Gen., 192, 202 (1981)), one “indiscriminately of whatever kind”. (20 Ops.Cal.Atty.Gen. 31, 33 (1952) citing Webster’s New Int’l. Dict.) Therefore in using it, it is apparent that the Legislature intended all school district employees to be included. Although distinctions exist between substitutes and other classifications of school district employment (cf. Wood v. Los Angeles City School Dist. (1935) 6 Cal.App.2d 400, 402-403), substitute teachers nonetheless are “employees of a school district”. (Id. at p. 402.) They are classified as “substitute employees” (§ 44917; cf. Cal. Const., art. IX, § 6) “at the time of employment” (§ 44916); they are “employed in positions requiring certification qualifications to fill positions of regularly employed persons absent from service” (§ 44917); and their position is created and fixed, unless statutory mandate compels otherwise, by a “contract of employment”. (Rutley v. Belmont Elementary Sch. Dist. (1973) 31 Cal.App.3d 702, 705; Matthews v. Board of Education (1962) 198 Cal.App.2d 748, 752-753; Woods v. Los Angeles City School Dist., *supra*, 6 Cal.App.2d 400, 402.) As an “employee of a school district”, a substitute teacher would be ineligible to be a member of the county board of education, and by parity of the demand of mutual exclusion the Legislature has set, a member of a county board of education could not serve as a substitute teacher and retain his or her office.

The sixty-four dollar question to be resolved, however is whether that mutual exclusion extends across jurisdictional lines—i.e., whether it prohibits a member of a county board of education from substitute teaching in a district that is outside the county board’s jurisdiction. Facially section 1006 indicates that it does.

***3** Once again, the section provides that:

“Any registered voter is eligible to be a member of the county board of education except ... any employee of a school district.” (Emphasis added.)

The emphasized words are important. In contrast to using the definite article “the” to describe and particularize “the county board of education” and “the county superintendent of schools” (cf. 67 Ops.Cal.Atty.Gen. 452, 454 (1984); cf. People v. Enlow (Colo.1957) 310 P.2d 539, 546; Kittridge and Farley, Advanced English Grammar (Boston: Ginn & Co., 1913) at p. 77, § 173(1)), the Legislature has used the word “any” to modify “employee” and the indefinite article “a” to modify “school district”. Like the word “any”, the last modifier indicates an indiscriminate and broad coverage designating an object as merely one of a general class or kind (Kittridge and Farley, Advanced English Grammar, *supra*, at p. 77, § 173(2) as opposed to one that is distinct from others of the same kind. (Id., at § 173(1).) The Legislature therefore has not chosen to limit the type of school district in which a substitute might teach and so be ineligible for membership on the board, but has indiscriminately applied the

section's prohibition to all of them to create that ineligibility. As we have seen, that is merely the other side of the coin of saying that a member of a county board of education may not be employed as a substitute teacher in any school district.

Nevertheless, is that broad prohibition still somehow circumscribed by the board's jurisdiction? In other words, was it meant to mean "any school district over which the county board has jurisdiction"? Inasmuch as elections to county boards of education are geared to county organization (see fn. 3, ante, & accompanying text) and inasmuch as the members represent particular trustee areas within that jurisdiction, it has been suggested that the "circumscription" is implicit in the section's framework.

Ordinarily we would be wont to reject the suggestion, for to accept it would mean we would have to add words to a statute, a venture that may not be done under the guise of statutory construction (cf. *Vallerga v. Dept. Alcoholic Bev. Control* (1959) 53 Cal.2d 313, 318; *Kirkwood v. Bank of America* (1954) 43 Cal.2d 333, 341) even to "supply legislative omissions from [a] statute in an attempt to make it conform to a presumed intention of the Legislature not expressed in the statutory language." (*Cemetery Board v. Telophase Society of America* (1978) 87 Cal.App.3d 847, 858.) Section 1006 on its face prohibits any employee of a school district from being a member of a county board of education and there is nothing contained therein limiting that to employees of school districts that are under a county board's jurisdiction. Nevertheless, statutes are to be interpreted to effect the purpose for their enactment (Cf. *Select Base Materials v. Board of Equalization* (1959) 51 Cal.2d 640, 645) and the legislative history of a statute is a legitimate aid in divining that purpose. (*Calif. Mfrs. Assn. v. Public Utilities Com.* (1979) 24 Cal.3d 836, 844; *County of San Diego v. Milotz* (1953) 119 Cal.App.2d Supp. 871, 880.) Thus, "to ascertain [the legislative] object and purpose [we] may look into contemporaneous and prior legislation on the same subject and the external and historical facts and conditions which led to its enactment. [Citation.]" (*Grannis v. Superior Court* (1905) 146 Cal. 245, 247-248.)

*4 The prohibition found in section 1006 derives verbatim from a 1955 addition to the Education Code. (Stats.1955, ch. 744, § 3, p. 1246 adding § 304 to the [1943] Ed.Code.) Before then, indeed with little variation since 1875, the Code not only required that some of the members of a county board of education be credentialed teachers, but also that the county superintendent of schools be a member of the board as well. (See Stats.1943, ch. 71, § 304, p. 318; [1943] Ed.Code, § 304: "experienced teachers holding not lower than elementary school certificates in full force and effect"; cf., Code Amdts. 1875-76, ch. LXXVI, § 31, p. 28, amending Pol.Code, § 1768: "Each County Board of Examination [sic] is composed of the County School Superintendent ... and not less than three teachers, who follow the profession of teaching at the time they are chosen...."; see also former Sch.Code, §§ 2.1260, 2.1236.) The reason for the sudden change in the long established composition of a County Board of Education is found in another salient change that was made to the Education Code at the same time. The two go hand-in-hand and by exploring the other we can understand our first.

At the time the aforementioned earlier provisions of the Education Code were operative and required a county board of Education to be composed in part of practicing teachers, county boards of education were appointive bodies. (See e.g., Stats.1943, ch. 71, §§ 302, 303, [1943] Ed.Code, §§ 301, 302, 303 (2 of 4 members appointed annually by Board of Supervisors for a 2-year term (or by the County Superintendent of Schools, who was also appointed by the board); Code Amdts. 1875-1876, ch. LXXVI, § 1 amending Pol.Code, § 1768 (not less than three teachers appointed by the County School Superintendent); cf. former Sch.Code, §§ 2.1260, 2.1262, 2.1263.) In 1955, however, that was changed and the county board was made an elected body of five or seven members, elected at large, with at least one member residing in each designated trustee area within the board's jurisdiction. (Stats.1955, ch. 744, § 2, p. 1240 amending [1943] Ed.Code, § 304; compare, [1959] Ed.Code, § 601 (each member must be an elector of the trustee area which he represents and elected by the electors of the trustee area) and present Ed.Code, § 1000.)

We can thus see how drastic changes in the nature and composition of a county board of education were wrought by these two 1955 amendments to the Education Code: the board would now be elected and not appointed, and teachers, i.e., employees of a school district, were no longer eligible to serve on it. (Stats.1955, ch. 744, §§ 2 and 3, respectively.) Again, we believe the two go hand-in-hand and that the prohibition on teachers serving on the board came as a corollary to the fact that the board was now to be an elected body. For some reason the Legislature felt it undesirable for persons serving on a county board of education to be teachers in trustee areas anywhere within the board's jurisdiction where members of the board would be elected at large. Perhaps the Legislature felt that membership on a county board might give an employee of a district within the jurisdiction an

unfair advantage over other employees, especially where the district needed something from the board. Or perhaps it thought more generally that an employee's loyalty to his or her district would be inconsistent with an impartial treatment of all districts under the board's jurisdiction. Whatever the reason, incompatibility was set.

*5 And there we find the answer to the question of circumscription. If the foregoing was the Legislature's purpose for enacting the precursor to section 1006, its rationale for imposing ineligibility would not extend to school trustee areas that were not to be represented on a county board and over which a county board of education did not have jurisdiction. In other words, the reason for prohibiting a teacher from serving on a county board of education which has jurisdiction over a district in which he or she teaches would not apply to his or her serving on a board of education which did not. Contrapositively, the want of such mutual exclusion would mean that a member of a county's board of education might be employed as a teacher in a district over which a county board did not have jurisdiction.

We therefore conclude accordingly that a member of a county board of education may not serve as a substitute teacher in a school district which falls within the board's jurisdiction but may serve as such in one which does not.

JOHN K. VAN DE KAMP

Attorney General

RONALD M. WEISKOPF

Deputy Attorney General

Footnotes

- 1 Charter counties may provide by charter for election of the members of their boards of education. (Cal. Const. art. IX, § 3.3.) Two or more chartered counties may establish one joint county board of education by special election but it is governed by general law and not county charter. (Id., § 3.2.)
- 2 Section references herein are to the current Education Code.
- 3 Elections of school district boards are usually held biennially in each succeeding odd-number year (§ 5000; cf. 34 Ops.Cal.Atty.Gen. 264 (1959); but see §§ 5008, 5093) and are governed by the provisions of the Elections Code (§ 5300). The county clerk (or registrar of voters) performs the duties incident to the preparation for, and holding of, all district elections. (§ 5303.)
- 4 “An implication [e.g., if X is any employee of a school district, then X may not be a member of the county board of education] and its contrapositive [e.g., if X is a member of the county board of education, then X may not be any employee of a school district] are simultaneously true or false; i.e., they are equivalent.” (Allendoerfer & Oakley, *Principles of Mathematics* (New York: McGraw-Hill Co., Inc., 1955) Ch. 1 (Logic), § 10, Theorem 4, at p. 26.)
- 5 If vacating the office of member of the county board of education did not follow, section 1006's purpose of prohibiting a school district employee from being, as opposed to becoming, a member of the county board could easily be evaded. An employee need only resign the teaching position, become a member of the board, and then take the teaching position anew.

69 Ops. Cal. Atty. Gen. 290 (Cal.A.G.), 1986 WL 193436

2022 WL 1509924 (Cal.A.G.)

Office of the Attorney General

State of California
Opinion No. 22-302
May 5, 2022

***1 MARK TARDIF**

MARK TARDIF, a registered voter and resident of the Orange County Department of Education's First Trustee District, has applied to this office for leave to sue REBECCA "BECKIE" GOMEZ in quo warranto to remove her from her public office as a member of the Orange County Board of Education representing the Department of Education's First Trustee District. The application asserts that Gomez, while serving her term on the County Board of Education, assumed a second and incompatible public office as a member of the Tustin City Council, in violation of Government Code section 1099, and by doing so forfeited her seat on the Board of Education.

We conclude that there is a substantial legal issue as to whether Gomez is simultaneously holding incompatible public offices as a member of both the Orange County Board of Education and the Tustin City Council. Consequently, and because the public interest will be served by allowing the proposed quo warranto action to proceed, the application for leave to sue is GRANTED.

INTRODUCTION AND BACKGROUND

The Orange County Department of Education supports and oversees the finances of 28 school districts, which collectively serve more than 600 schools and approximately 475,000 students within Orange County.¹ The Department also provides direct instruction to thousands of students throughout the county through its special education and alternative school programs, which include a number of "county community schools."² The Department is governed by the Orange County Board of Education, which consists of five members who represent the five geographical trustee areas of the county.³ The voters of each trustee area elect their respective board members for four- year terms.⁴ Trustee District One includes the cities of Fountain Valley and Santa Ana, as well as portions of the cities of Garden Grove and Tustin.⁵

In the March 3, 2020 primary election, Rebecca "Beckie" Gomez was elected to a four-year term on the Orange County Board of Education representing the First Trustee District, and she was sworn into that office at the Board meeting held on July 1, 2020.⁶ In the November 3, 2020 general election—while already serving as a member of the Board of Education—Gomez won election to a four-year term on the Tustin City Council, and she was sworn into that office on December 1, 2020.⁷

The applicant here is Mike Tardif, who resides in the Orange County Department of Education's First Trustee District. Tardif contends that the two offices Gomez currently holds are legally incompatible under Government Code section 1099. Section 1099(b) provides that an incumbent public officeholder who assumes a second, incompatible public office thereby forfeits the first office held, and that this forfeiture is enforceable through an action in quo warranto. Based on this alleged incompatibility of offices, Tardif requests our permission to initiate a quo warranto lawsuit in superior court that would seek to oust Gomez from her seat on the Orange County Board of Education. Tardif's application relies on Opinion No. 21-103, issued in October 2021, in which we granted a similar application to proceed in quo warranto against another County Board of Education member, Tim Shaw. Shaw was alleged to be holding incompatible offices as member of the Orange County Board of Education representing the Fourth Trustee District, and as a member of the La Habra City Council.⁸ Tardif argues that the same result should obtain here because Gomez's dual office-holding necessarily entails the same incompatibility as Shaw's.

*2 In opposition, Gomez contends that there is no incompatibility between the two offices she currently holds, and therefore disagrees with our prior opinion granting leave to sue against Shaw. In addition, Gomez argues that quo warranto is not even an available remedy under the circumstances and that, in any event, the public interest weighs against authorizing a quo warranto lawsuit here.

ANALYSIS

Quo warranto is a civil action used, among other purposes, to challenge an incumbent public official's right or eligibility to hold a given public office.⁹ This form of action is codified in section 803 of the Code of Civil Procedure, which provides that “[a]n action may be brought by the attorney-general, in the name of the people of this state, upon his own information, or upon a complaint of a private party, against any person who usurps, intrudes into, or unlawfully holds or exercises any public office ... within this state.”¹⁰

Where, as here, a private party seeks to pursue a quo warranto action in superior court, that party (known in this context as a relator, or proposed relator) must first apply for and obtain the Attorney General's consent to do so. In determining whether to grant that consent, we do not attempt to resolve the merits of the controversy. Rather, we consider (1) whether quo warranto is an available and appropriate remedy; (2) whether the proposed relator has raised a substantial issue of law or fact that warrants judicial resolution, and (3) whether authorizing the quo warranto action will serve the public interest.¹¹ Here, the answer to all three questions is “yes” and we therefore grant leave to sue.

1. Availability of Quo Warranto Remedy

Section 1099(b) directs that the forfeiture of an incompatible public office is “enforceable pursuant to Section 803 of the Code of Civil Procedure,” which authorizes an action in the nature of quo warranto to remove a person who unlawfully holds any public office. Under section 1099(a), a “public office” includes membership on a governmental board or body, such as a county board of education or a city council. Thus, quo warranto is an available and appropriate remedy here.

Without addressing section 1099(b), Gomez argues that quo warranto is unavailable. Specifically, she contends that because Orange County is a charter county, the Education Code vests the “manner of selection of the county board of education” in the county charter or the Board of Supervisors,¹² effectively insulating the selection of such officers from legal review on quo warranto. We disagree. Section 1099(b)'s prescription of quo warranto as the means of challenging and enforcing the forfeiture of a public office when legal incompatibility exists makes no exception for the circumstances Gomez cites. In any event, the challenge here has nothing to do with the manner of Gomez's selection to the County Board. Rather, it goes directly to the question of whether the two offices she currently holds are incompatible. Under the circumstances, section 1099(b) is properly invoked and authorizes quo warranto.

2. Substantial Issues Regarding Incompatibility

*3 We next examine whether there are substantial issues of law or fact as to the incompatibility of the two public offices in question. Section 1099 provides that “[a] public officer, including, but not limited to, an appointed or elected member of a government board, commission, committee, or other body, shall not simultaneously hold two public offices that are incompatible ..., unless simultaneous holding of the particular offices is compelled or expressly authorized by law.”¹³ The prohibition “springs from considerations of public policy which demand that a public officer discharge his or her duties with undivided loyalty.”¹⁴ Among other things, two offices are incompatible in circumstances where “there is a possibility of a significant clash of duties or loyalties between the offices.”¹⁵ Upon a finding that two offices are legally incompatible, “a public officer shall be deemed to have forfeited the first office upon acceding to the second.”¹⁶

To find that two offices are incompatible based on a significant clash of duties or loyalties, a conflict need not have actually occurred; it is enough that a conflict *may* occur in the regular operation of the statutory plan.¹⁷ It is not necessary that the clash of duties or loyalties occur in all or in the greater part of the official functions; incompatibility exists when the holder of the two offices cannot in every instance discharge the duties of each.¹⁸ Indeed, “[o]nly one potential significant clash of duties or loyalties is necessary to make offices incompatible.”¹⁹ When two offices are deemed incompatible, the conflicted officeholder may not escape the effects of the doctrine by choosing not “to perform one of the incompatible roles. The doctrine was designed to avoid the necessity for that choice.”²⁰

As mentioned above, we recently determined in Opinion No. 21-103 that there was a substantial legal issue as to whether the public offices of member of the Orange County Board of Education and member of a city council for a city that lies within the same jurisdiction are legally incompatible.²¹ That opinion in turn relied on an opinion we issued in 2018 in which we determined that the comparable public offices of superintendent of a county office of education and member of a city council were incompatible where the territorial jurisdiction of the two offices overlapped.²²

In Opinion No. 21-103, we found numerous instances where the duties and loyalties of an individual holding seats on both the Orange County Board of Education and a city council (for a city located within that county) could significantly clash. We observed, for example, that the two governing bodies could: differ on the location of school sites within the dual officeholder's city; attempt to use their powers of eminent domain to condemn and acquire the same (or each other's) real property; compete with each other in providing programs of community recreation; or disagree on matters relating to school district reorganizations.²³ The potential for such differing priorities and objectives creates conflict and incompatibility for a dual officeholder with an obligation to pursue the best interests of each of the agencies represented.²⁴ In addition, we noted that the Orange County Board of Education functions as a school district in certain respects (such as in its direct operation of county community schools), and that our conclusion was therefore consistent with previous Attorney General opinions concluding that offices of school district trustee and city council member were incompatible where their territorial jurisdiction overlapped.²⁵

*4 We recognize that Gomez disagrees with Opinion No. 21-103, in which we granted leave to sue Tim Shaw under markedly similar circumstances. In particular, she criticizes that opinion for what she contends is a failure to sufficiently address or explain what it means for a clash of duties or loyalties to be “significant” within the meaning of section 1099. But while Opinion No. 21-103 did not undertake to define the term “significant” explicitly,²⁶ the analysis makes clear that significant clashes appear in situations where the interests of both represented agencies diverge or conflict, adversely affecting the dual officeholder's ability to represent the best interests of each one.²⁷

We stand by the analysis in Opinion No. 21-103 and conclude that it applies to Gomez's situation as well. Gomez will be able to raise her criticisms of that opinion and other substantive arguments to the superior court that decides the merits of this matter. As mentioned above, in deciding whether to grant leave to sue, we do not resolve the merits of the controversy. We merely determine whether the proposed relator has raised a substantial question of law or fact as to the proposed defendant's right or eligibility to hold office. For the reasons set forth above and in Opinion No. 21-103, we believe that there is, at the very least, a substantial issue as to whether the two offices Gomez currently occupies are incompatible.

3. The Public Interest Favors Authorizing the Proposed Action

We also conclude that it is in the public interest to have this matter conclusively resolved through the prescribed legal process of quo warranto.²⁸ We generally view the need for judicial resolution of a substantial question of fact or law as a sufficient “public purpose” to warrant granting leave to sue, absent countervailing circumstances.²⁹

Gomez argues, however, that there *are* countervailing circumstances here. For one, she notes there are three cases already in litigation—which she characterizes as involving the Orange County Board of Education and the extent of its powers—that implicate the issues raised in this application, and that we should not authorize the proposed quo warranto lawsuit, at least not before the other cases are resolved. For another, she says that we should afford some deference to the fact that several individuals over the years have held simultaneous offices on the County Board and their respective city councils without facing a challenge to their incumbency in quo warranto. For a third, she contends that proposed relator Tardif, a current candidate for the State Assembly whom she alleges is pursuing this matter for political reasons, would be a “poor representative of the People.” We are not persuaded.

First, none of the other cases involving the County Board addresses the allegation made here that Gomez is currently holding incompatible offices. And even assuming that a court's determination as to the extent of the County Board's authority or powers in some other dispute(s) might have some attenuated relevance to the present incompatibility question, it would not afford the relief sought in the proposed quo warranto action.

*5 Second, the fact that the substantial question of incompatibility that we have identified here has not yet been judicially resolved despite other instances of potentially improper dual office holding is not a reason to deny the present application. If anything, the presence of an unresolved but recurring question actually weighs *in favor of* granting leave to sue here.

Third, as we have mentioned on prior occasions, “[w]e normally do not attempt to assess the motivation of individual relators.”³⁰ Regardless of the purpose behind the filing of the application, “we are concerned with ensuring that all public officials have undivided loyalties when performing their public duties.”³¹

Accordingly, the application for leave to sue in quo warranto is GRANTED.

Rob Bonta
Attorney General
Marc J. Nolan
Deputy Attorney General

Footnotes

- 1 Orange County Dept. of Ed., About OCDE, <https://ocde.us/AboutOCDE/Pages/default.aspx> (as of Apr. 27, 2022).
- 2 *Ibid.*; see Cal. Dept. of Ed., County Community Schools, <https://www.cde.ca.gov/sp/co/cc/> (as of Apr. 27, 2022) (“County community schools are public schools that are run by county offices of education. They educate students in kindergarten through grade twelve who are expelled from school or who are referred because of attendance or behavior problems. They also serve students who are homeless, on probation or parole, and who are not attending any school”).
- 3 Orange County Bd. of Ed., About the Board, <https://ocbe.us/Pages/About.aspx> (as of Apr. 27, 2022).
- 4 *Ibid.*
- 5 Orange County Bd. of Ed., Dist. 1, Rebecca “Beckie” Gomez, <https://ocbe.us/Pages/Trustee-First-District.aspx>, (as of Apr. 27, 2022).
- 6 Orange County Dept. of Ed., Orange Co. Bd. of Ed., Minutes of July 1, 2020 Regular Meeting, p. 1, <https://ocde.us/Board/Documents/2020MinutesandTranscripts/Minutes07.01.2020.pdf> (as of Apr. 27, 2022).
- 7 City of Tustin, City Council, Minutes of Dec. 1, 2020 Regular Meeting, p. 4, <https://www.tustinca.org/282/Meetings-Agendas> (as of Apr. 27, 2022).

- 8 104 Ops.Cal.Atty.Gen. 58 (2021). As noted in that opinion, the City of La Habra lies within the County Department of Education's Fourth Trustee District. After we granted that application, Shaw resigned from the County Board of Education and the La Habra City Council.
- 9 Code Civ. Proc., § 803; *Nicolopoulos v. City of Lawndale* (2001) 91 Cal.App.4th 1221, 1225; 76 Ops.Cal.Atty.Gen. 157, 162-163 (1993).
- 10 Code Civ. Proc., § 803; see *Rando v. Harris* (2014) 228 Cal.App.4th 868, 873; 97 Ops.Cal.Atty.Gen. 12, 14 (2014).
- 11 *Rando v. Harris*, *supra*, 228 Cal.App.4th at pp. 868, 879; 72 Ops.Cal.Atty.Gen. 15, 20 (1989).
- 12 See Ed. Code, § 1000(a).
- 13 Gov. Code, § 1099(a). No law compels or expressly authorizes the simultaneous holding of the offices at issue here.
- 14 68 Ops.Cal.Atty.Gen. 337, 339 (1985).
- 15 Gov. Code, § 1099(a)(2).
- 16 Gov. Code, § 1099(b).
- 17 98 Ops.Cal.Atty.Gen. 94, 96 (2015).
- 18 *People ex rel. Chapman v. Rapsey* (1940) 16 Cal.2d 636, 641-642.
- 19 85 Ops.Cal.Atty.Gen. 199, 200 (2002).
- 20 67 Ops.Cal.Atty.Gen. 409, 414 (1984), quoting 3 McQuillin, *Municipal Corporations* (rev. ed. 1973) § 12.67, pp. 295-296.
- 21 104 Ops.Cal.Atty.Gen., *supra*, at pp. 61-65.
- 22 101 Ops.Cal.Atty.Gen. 56 (2018). The offices at issue there were Superintendent of the Contra Costa County Office of Education and member of the City Council for the City of Concord, which lies within the boundaries of Contra Costa.
- 23 104 Ops.Cal.Att.Gen., *supra*, at pp. 62-64.
- 24 *Ibid.*
- 25 *Id.* at pp. 64-65; see, e.g., 73 Ops.Cal.Atty.Gen. 354, 356-357 (1990); 65 Ops.Cal.Atty.Gen. 606, 607-608 (1982); 48 Ops.Cal.Atty.Gen. 141, 143 (1966).
- 26 In earlier opinions, we have noted that section 1099 provides no specific definition for the term “significant,” and that traditional rules of statutory construction dictate giving the term its ordinary meaning. In this context, we have found that the term's ordinary meaning corresponds to the dictionary definitions of “significant” as “having or likely to have influence or effect,” or “probably caused by something other than mere chance.” (93 Ops.Cal.Atty.Gen. 104, 108 (2010); see 101 Ops.Cal.Atty.Gen. 81, 85-86 (2018); Webster's Eleventh Collegiate Dict. (2020) p. 1159.)
- 27 See 104 Ops.Cal.Atty.Gen., *supra*, at pp. 63 (“In these instances as well, the interests and purposes of the two agencies may well diverge, creating a conflict for a dual officeholder elected to represent the best interests of both”), 64 (“Thus, the Orange County Board of Education retains a substantial interest in school district reorganizations throughout the county, and that interest may well diverge with the interests of the City of La Habra and other cities within the county”), 65 (“An individual serving in both governing bodies could therefore encounter any number of situational conflicts because what is best for the city may not always be what is best for the school district (and vice- versa), thereby compromising the dual officeholder's ability to vigorously represent and advocate for both constituencies”).
- 28 See Gov. Code, § 1099(b).

29 98 Ops.Cal.Atty.Gen., *supra*, at p. 101; 95 Ops.Cal.Atty.Gen. 77, 87 (2012).

30 75 Ops.Cal.Atty.Gen. 112, 116 (1992); see also 95 Ops.Cal.Atty.Gen. 67, 75, fn. 39 (2012).

31 95 Ops.Cal.Atty.Gen., *supra*, at p. 75, fn. 39, and authorities there cited.

2022 WL 1509924 (Cal.A.G.)

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Information Items

Santa Barbara County Board of Education

Classified Personnel Report

October 6, 2022

Appointments

Limited Term/Substitute

Berg, Michael September 9, 2022

Paraeducator • Special Education • Various Sites
• Hourly as needed

Clark, Dionysius August 23, 2022

Paraeducator • Special Education • Various Sites
• Hourly as needed

Pacheco, Maria August 19, 2022

Paraeducator • Special Education • Various Sites
• Hourly as needed

Petrosian, Kanakara September 8, 2022

Paraeducator • Special Education • Various Sites
• Hourly as needed

Read, Joseph August 23, 2022

Paraeducator • Special Education • Various Sites
• Hourly as needed

Santana, Rosalie September 8, 2022

Paraeducator • Special Education • Various Sites
• Hourly as needed

Santos, Martha August 15, 2022

Paraeducator • Special Education • Various Sites
• Hourly as needed

Tadayon, Mohammad

August 26, 2022

Paraeducator • Special Education • Various Sites
• Hourly as needed

Probationary

Hernandez, Ana

September 1, 2022

Paraeducator • Special Education • Arthur Hapgood Preschool
70% • 10 months

Tadayon, Mohammad

September 12, 2022

Paraeducator • Special Education • Montecito Union School
81.25% • 10 months

Changes

Anniversary Increase

Carbajal, Silvia

September 1, 2022

Paraeducator • Special Education • Infant Services, South/Valley
50% • 12 months

Cervantes, Juan

September 1, 2022

Custodian • Internal Services • Operations South
100% • 12 months

Cuevas, Lucia

September 1, 2022

Switchboard Operator/Receptionist - Bilingual • Human Resources • Human Resources Staff
100% • 12 months

Deines, Jenia

September 1, 2022

Paraeducator • Special Education • Olga Reed Elementary
77.5% • 10 months

Garcia, Gwendolyn

September 1, 2022

Certificated Human Resources Technician • Human Resources • Credentials Human Resources Staff
100% • 12 months

Kerrutt-Dent, Erin
Payroll Technician • Internal Services • Payroll
100% • 12 months
September 1, 2022

Nolasco, Priscilla
Office Assistant • Human Resources • Human Resources Staff
50% • 12 months
September 1, 2022

Ramos, Crystal
Clerical Translator • Special Education • Special Education Support Staff North
50% • 11 months
September 1, 2022

Rodriguez, Elizabeth
Paraeducator • Special Education • Vision Services
75% • 10 months
September 1, 2022

Differential - Add

Robles, Esther
Paraeducator • Special Education • Arellanes Junior High School
87.5% • 10 months
Specialized Health Care
August 23, 2022

Teran, Ruby
Paraeducator • Special Education • Olga Reed Elementary
77.5% • 10 months
Specialized Health Care
August 23, 2022

Teran, Ruby
Paraeducator • Special Education • Olga Reed Elementary
77.5% • 10 months
Specialized Health Care
August 26, 2022

Differential - Remove

Acheoual, Nancy
Paraeducator • Special Education • Robert Bruce Preschool
70% • 10 months
Specialized Health Care x 2
August 9, 2022

Ramirez, Raquel

August 9, 2022

Paraeducator • Special Education • Oakley Preschool
67.5% • 10 months
Specialized Health Care x 2

Rubio, Paloma

August 9, 2022

Paraeducator • Special Education • Oakley Preschool
70% • 10 months
Specialized Health Care x 2

Increased Time (Voluntary)

Walker, Kristen

September 1, 2022

Digital Media Resources Developer • Educational Technology Services • Educational Technology Services
72.5% • 12 months
From .60

Probation to Permanent

Inda-Orozco, Maria

September 1, 2022

Clerical Assistant • Children and Family Resource Services • Health Linkages - South County
100% • 12 months

Martinez, Nancy

September 1, 2022

Health Advocate - Bilingual • Children and Family Resource Services • Health Linkages - South County
100% • 12 months

Nash, Shalane

September 1, 2022

Paraeducator • Special Education • Regency Preschool
67.5% • 10 months

Reclassification

Gadler Bell, Marilee

August 1, 2022

School Occupational Therapist • Special Education • School Occupational Therapy Services
100% • 12 months
From range 96 to 99

Kolster, Megan

August 11, 2022

School Occupational Therapist • Special Education • School Occupational Therapy Valley
100% • 10 months
From range 96 to 99

Separation

Resignation

Kephart, Mackenzie

July 1, 2022

Paraeducator • Special Education • Montecito Union School
81.25% • 10 months

Mercier, Shannon

June 9, 2022

Paraeducator • Special Education • Montecito Union School
81.25% • 10 months

Pimentel, Karen

September 16, 2022

Child Care Assistant • Early Care and Education • La Honda State Preschool
75% • 10 months

Sanchez De Diaz, Luz

September 16, 2022

Program Associate • Transitional Youth Services • Transitional Youth
100% • 12 months

Quarterly Report
on
Williams/Valenzuela Uniform Complaints
[Education Code § 35186]

2022

District: SBCEO

Name of person completing this form: Bridget Baublits

Title of person completing this form: Assistant Superintendent

Please provide the date when this information will be reported publicly at the district governing board meeting:

October 6, 2022

Quarterly report submission date (check one):

☐

April (Jan.—March)

☐

July (April—June)


☒

October (July—Sept.)

☐

January (Oct.—Dec.)

General Subject Area	Total no. of complaints	No. of complaints resolved	No. of complaints unresolved
Textbooks and instructional materials	0	0	0
Teacher vacancy or misassignment	0	0	0
Facilities conditions	0	0	0
Valenzuela/CAHSEE intensive instruction and services	0	0	0
TOTALS	0	0	0


Signature of district superintendent

September 15, 2022

Date



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

September 14, 2022

Susan Salcido, Superintendent
Santa Barbara County Office of Education
4400 Cathedral Oaks Road
Santa Barbara, CA 93110-1042

Dear Superintendent Salcido:

Please accept this letter as a formal notification that the State Superintendent of Public Instruction has approved the Santa Barbara County Office of Education's 2021–22 through 2023–24 Local Control and Accountability Plan for the 2022–23 school year, consistent with California *Education Code* Section 52070.5(d).

On behalf of the Superintendent, we thank you and your staff for your persistent efforts to increase student achievement and close opportunity and achievement gaps for all of your students. We look forward to continued partnership with the Santa Barbara County Office of Education as we continue to ensure opportunities for every student in California to have a world-class education.

If you have any questions regarding this subject, please contact Joshua Strong, Administrator, Local Agency Systems Support Office, by phone at 916-982-2310 or by email at jstrong@cde.ca.gov.

Sincerely,

/s/

William McGee, Director
Student Achievement and Support Division

WM:js