

Materials for Board Policy Committee Meeting, February 29, 2024

5000s (# proposed: 2)

New Board Policies

Number	Title	Clean Copy	CSBA Sample
5141.6	School Health Services	Clean Copy	CSBA Sample
5145.6	Parent/Guardian Notifications	Clean Copy	CSBA Sample

9000s (# proposed: 9)

New and Revised Board Policies

Number	Title	Existing/Current Board Policy	Suggested New or Revised Board Policy	CSBA Sample
9010	Public Statements	<p>BP 2009 - Request for Board Endorsements</p> <p><small>Note: BP 2009 has not (yet) been incorporated into the new drafted language. This is a placeholder for discussion.</small></p>	NEW (PDF)	CSBA Sample
9011	Disclosure of Confidential / Privileged Information	-	NEW (PDF)	CSBA Sample
9100	Organization	<p>Current BP 9100 (revised 12/13/19)</p>	<p>Revised - Marked (PDF)</p> <p>Revised - Clean (PDF)</p>	CSBA Sample
9130	Board Committees	<p>Current BP 9130 (revised 04/07/94)</p> <p>BP 1010 - Organization: Ad Hoc Committees</p> <p><small>Note: BP 1010 has not (yet) been incorporated into the new drafted language. This is a placeholder for discussion.</small></p>	<p>Revised - Marked (PDF)</p> <p>Revised - Clean (PDF)</p> <p>NEW Exhibit (PDF)</p>	CSBA Sample
9200	Limits of Board Member	-	NEW (PDF)	CSBA Sample

Materials for Board Policy Committee Meeting, February 29, 2024

	Authority			
9220	Governing Board Elections	Current BP 9220 (Revised 12/13/19)	Revised - Marked (PDF) Revised - Clean (PDF)	CSBA Sample
9222	Resignation	-	NEW (PDF)	CSBA Sample
9223	Filling Vacancies	Current BP 9223 (Revised 04/07/94)	Revised - Marked (PDF) Revised - Clean (PDF)	CSBA Sample
9224	Oath or Affirmation	-	NEW (PDF)	CSBA Sample



STUDENTS

NEW

BOARD POLICY – SCHOOL HEALTH SERVICES

BP 5141.6

The County Board of Education (County Board) and the County Superintendent of Schools (County Superintendent) recognize that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The County Board and County Superintendent further recognize that schools are uniquely positioned to increase health equity and to help ensure that all students have access to necessary health care services. Santa Barbara County Education Office (SBCEO) operated programs may provide access to health services at or near SBCEO county operated programs through the establishment of a health center and/or mobile van(s) that serve multiple campuses, and may utilize telehealth as a delivery mechanism to increase access to health care services in schools.

The County Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in SBCEO county operated programs. Based on the results of this needs assessment and the availability of resources, the County Superintendent or designee shall recommend the types of health services to be provided by SBCEO, including preventative programming and intervention strategies to address students' physical, mental, and behavioral health needs.

The County Superintendent or designee may seek funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

The County Superintendent may prioritize school health services to County-operated programs serving students with the greatest need, including schools with medically underserved populations and/or a high percentage of low-income and uninsured children and youth.

School health services shall be provided under the supervision of a licensed health care professional. SBCEO may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

SBCEO nurses shall be involved in planning and implementing the school health services as appropriate.

The County Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, nutrition and physical fitness programs, and other activities designed to create a healthy school environment. The County Superintendent or designee shall encourage joint planning and

regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

To further encourage student access to health care services, the County Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but are not limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law.

Consent and Confidentiality

The County Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6930, Health and Safety Code 124260, or other applicable law.

The County Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

Payment/Reimbursement for Services

The County Superintendent or designee may bill public and private insurance programs and other applicable programs for reimbursement of services as appropriate. Services may be provided free of charge or on a sliding scale in accordance with law.

Certain SBCEO county-operated programs shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

Program Evaluation

In order to continuously improve school health services, the County Superintendent shall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

Policy Reference Disclaimer:

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

Federal

42 CFR 431.300

42 USC 1320c-9

42 USC 1397aa-1397mm

45 CFR 164.500-164.534

Description

Use and disclosure of information on Medicaid applicants and recipients

Prohibition against disclosure of records

State Children's Health Insurance Program

Health Insurance Portability and Accountability Act (HIPAA)

Management Resources	Description
CA Department of Health Care Services Publication	LEA Medi-Cal Provider Manual
CA Dept of Health Care Services Publication	California School-Based Medi-Cal Administrative Activities Manual
CA School-Based Health Alliance Publication	How to Fund Health Services in Your School District, September 2014
CA School-Based Health Alliance Publication	Documenting the Link Between School-Based Health Centers and Academic Success, May 2014
California Department of Education Publication	Health Framework for California Public Schools, Kindergarten Through Grade Twelve
CSBA Publication	Promoting Oral Health for California's Students: New Role, New Opportunities for Schools, Policy Brief, November 2008
CSBA Publication	Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008
National Center For Youth Law Publication	Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015
Website	National Center for Youth Law
Website	CSBA, Practi-Cal Program
Website	Centers for Medicare and Medicaid Services
Website	Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study
Website	Center for Health and Health Care in Schools
Website	California School-Based Health Alliance
Website	California School Nurses Organization
Website	California Department of Public Health
Website	California Department of Health Care Services
Website	California Department of Education, Health Services and School Nursing
Website	California County Superintendents Educational Services Association
State	Description
17 CCR 2950-2951	Hearing tests
17 CCR 6800-6874	Child Health and Disability Prevention program; health assessments
22 CCR 51009	Confidentiality
22 CCR 51050-51192	Definitions of Medi-Cal providers and services
22 CCR 51200	Requirements for providers
22 CCR 51231.2	Wheelchair van requirements
22 CCR 51270	Local educational agency provider; conditions for participation
22 CCR 51304	Limitations on specified benefits
22 CCR 51309	Psychology, physical therapy, occupational therapy, speech pathology, audiological services
22 CCR 51323	Medical transportation services
22 CCR 51351	Targeted case management services
22 CCR 51360	Local educational agency; types of services
22 CCR 51491	Local educational agency eligibility for payment
22 CCR 51535.5	Reimbursement to local educational agency providers
Ed. Code 49423.5	Specialized physical health care services
Ed. Code 49557.2-49558	Eligibility for free and reduced-price meals; sharing information with Medi-Cal
Gov. Code 95020	Individualized family service plan
H&S Code 104830-104865	School-based application of fluoride or other tooth decay-inhibiting agent
H&S Code 121020	HIV/AIDS testing and treatment; parental consent for minor under age 12
H&S Code 123110	Minor's right to access health records

H&S Code 123115	Limitation on parent/guardian access to minor's health records
H&S Code 123800-123995	California Children's Services Act
H&S Code 124025-124110	Child Health and Disability Prevention Program
H&S Code 124172-124174.6	Public School Health Center Support Program
H&S Code 124260	Mental health services; consent by minors age 12 and older
H&S Code 130300-130317	Health Insurance Portability and Accountability Act (HIPAA)
W&I Code 14059.5	Definition of "medically necessary"
W&I Code 14115	Medi-Cal claims process
W&I Code 14115.8	LEA Medi-Cal Billing Option, program guide
W&I Code 14124.90	Third-party health coverage
W&I Code 14132.06	Covered benefits; health services provided by local educational agencies
W&I Code 14132.47	Administrative claiming process and targeted case management

APPROVED BY COUNTY BOARD:

County Board Policy 5141.6: School Health Services

Status: ADOPTED

Original Adopted Date: 11/01/2008 | **Last Revised Date:** 06/01/2023 | **Last Reviewed Date:** 06/01/2023

INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.

CSBA NOTE: The following optional policy should be revised to reflect district practice. This policy addresses the provision of health services at or near school sites (e.g., a school-based or school-linked health center or mobile van) through the employment of or contract with health care professionals or community health centers, including by way of telehealth.

Pursuant to Education Code 49419, the California Department of Education (CDE) has created an Office of School-Based Health Programs to assist districts with current CDE health-related programs, and to provide technical assistance, outreach, and information to districts on allowable services and submission of claims. School-based health programs provide resources, support, and information to address the physical, mental, and/or behavioral health needs of school communities, including students and staff. For more information, see CDE's website.

The 2022 Bipartisan Safer Communities Act (P.L. 117-159), which amended the Protecting Access to Medicare Act of 2014 (42 USC 1396a), requires the Secretary of Health and Human Services (CalHHS) to publish best practices to support the delivery of services to students covered under Medicaid and the Children's Health Insurance Program (CHIP) via telehealth in schools, including mental health and substance use disorder services. See the section entitled "Medi-Cal Billing" in the accompanying administrative regulation.

Other CSBA sample policies and/or administrative regulations address specific health requirements and services for students. For example, see BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions, AR 5141.24 - Specialized Health Care Services, BP/AR 5141.3 - Health Examinations, AR 5141.32 - Health Screening for School Entry, and BP 5141.5 - Mental Health.

The Governing Board recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The Board further recognizes that schools are uniquely positioned to increase health equity and to help ensure that all students have access to necessary health care services. The district may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses, and may utilize telehealth as a delivery mechanism to increase access to health care services in schools.

The Board and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in district schools and the community. Based on the results of this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the district, including preventative programming and intervention strategies to address students' physical, mental, and behavioral health needs.

CSBA NOTE: School health centers are generally funded by a combination of insurance reimbursements; state, federal, and county grants; district funds; subsidies from community clinics or hospitals; and/or private donations.

Board approval shall be required for any proposed use of district resources and facilities to support school health services. The Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

The Board may prioritize school health services to schools serving students with the greatest need, including schools with medically underserved populations and/or a high percentage of low-income and uninsured children and youth.

School health services shall be provided under the supervision of a licensed health care professional. The Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

If a school nurse is employed by the school or district, the nurse shall be involved in planning and implementing the school health services as appropriate.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The California Department of Education's (CDE), "Health Framework for California Public Schools," recommends a coordinated school health approach which integrates health services, health education, physical education, parent/community involvement, nutrition services, psychological and counseling services, a safe and healthy school environment, and health promotion for staff.

Welfare and Institutions Code 5961-5961.5 established the Children and Youth Behavioral Health Initiative, which was created to enhance, expand, and redesign the systems that support behavioral health for students under age 25, with the goal of delivering equitable, appropriate, timely, and accessible behavioral health services and supports. More information and resources are available on CalHHS' website.

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, nutrition and physical fitness programs, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

CSBA NOTE: The following optional paragraph is for use by districts that choose to engage in outreach and enrollment efforts to encourage eligible students' participation in no-cost or low-cost health coverage programs.

Education Code 49557.2 authorizes the district to include on the application for free and reduced-price meals information about the Medi-Cal program and a student's potential eligibility. Pursuant to Education Code 49558, districts may release information on the free and reduced-price meals application to the local agency that determines eligibility under the Medi-Cal program, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information. See BP/AR 3553 - Free and Reduced Price Meals.

To further encourage student access to health care services, the Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but are not limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law.

Consent and Confidentiality

CSBA NOTE: Parent/guardian consent is generally required prior to providing health services to a minor student. However, Family Code 6920-6930 specify exceptions under which minors do not need parent/guardian consent prior to receiving services, including an exception for a minor age 12 years or older to consent to medical care related to the prevention of a sexually transmitted disease, for medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem, or for medical care related to an injury caused by intimate partner violence. In addition, Health and Safety Code 124260 allows a minor age 12 or older to consent to outpatient mental health services if, in the opinion of a professional person, as defined, the minor is mature enough to participate intelligently in the mental health treatment or counseling services. In this case, the child's parent/guardian must be involved unless the professional person determines it would be inappropriate.

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6930, Health and Safety Code 124260, or other applicable law.

CSBA NOTE: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500-164.534) mandates actions that "covered entities" must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release. Districts with questions about the applicability of HIPAA should consult CSBA's District and County Office of Education Legal Services or district legal counsel as appropriate.

Additionally, the California Confidentiality of Medical Information Act (CMIA) (Civil Code 56-56.37) prohibits a

health care provider, a health care service plan, or contractor from disclosing medical information without first obtaining permission of the individual. Civil Code 56.10, as amended by SB 1184 (Ch. 993, Statutes of 2022), authorizes a health care provider or a health care service plan to disclose medical information that complies with HIPAA to a school-linked services coordinator, pursuant to a written authorization between the health provider and the student. A "school-linked services coordinator" means an individual located on a school campus or under contract by a county behavioral health provider agency for the treatment and health care operations and referrals of students and their families that holds one of the following credentials or licenses: pupil personnel services, school nurse, marriage and family therapy, educational psychology, or professional clinical counseling.

In addition, 22 CCR 51270 requires districts serving as Medi-Cal providers to comply with confidentiality requirements specified in Education Code 46090 and 49073-49079, Welfare and Institutions Code 14100.2, 22 CCR 51009, 42 USC 1320c-9, and 42 CFR 431.300; see the section entitled "Payment/Reimbursement for Services" below. Also see the accompanying administrative regulation regarding additional requirements for Medi-Cal billing, including the requirement to enter into a Provider Participation Agreement and Annual Report with the California Department of Health Care Services (DHCS).

Pursuant to Education Code 49428.15, CDE is required to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address student behavioral health, including instruction on how to maintain student privacy and confidentiality, consistent with federal and state privacy laws. CDE has identified such a training program, "Youth Mental Health First Aid," which is available on its website.

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

Payment/Reimbursement for Services

CSBA NOTE: Some school health services, such as medical and related services specified in an individualized education program for students with disabilities, must be provided free of charge. For other services, districts may charge a fee and are entitled to seek third-party reimbursement from students' private insurance and state or federal programs such as Medi-Cal or the Child Health and Disability Prevention program. See the accompanying administrative regulation.

The Superintendent or designee may bill public and private insurance programs and other applicable programs for reimbursement of services as appropriate. Services may be provided free of charge or on a sliding scale in accordance with law.

CSBA NOTE: The following optional paragraph is for use by districts that have received approval from the DHCS to serve as Medi-Cal providers. Pursuant to Welfare and Institutions Code 14132.06 and 22 CCR 51051 and 51190.1, to the extent that federal funding is available, local educational agencies (LEAs) may receive partial Medi-Cal reimbursement through the LEA Medi-Cal Billing Option for health services provided to an enrolled student under age 22 who is certified for Medi-Cal and/or a member of the student's family. In addition, pursuant to Welfare and Institutions Code 14132.47, LEAs may be reimbursed through the Medi-Cal Administrative Activities (MAA) program for some of their administrative costs associated with school-based health and outreach activities that are not claimable under the LEA Medi-Cal Billing Option or other programs. See the accompanying administrative regulation.

Districts may receive assistance with Medi-Cal billing through CSBA's Practi-Cal program. See CSBA's website for further information.

The district shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

Program Evaluation

In order to continuously improve school health services, the Board shall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

The Superintendent or designee shall provide the Board with periodic reports that may include, but are not necessarily limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; measures of school climate; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the

policy.

Federal References

	Description
42 CFR 431.300	Use and disclosure of information on Medicaid applicants and recipients
42 USC 1320c-9	Prohibition against disclosure of records
42 USC 1397aa-1397mm	State Children's Health Insurance Program
45 CFR 164.500-164.534	Health Insurance Portability and Accountability Act (HIPAA)

Management Resources References

	Description
CA Department of Health Care Services Publication	LEA Medi-Cal Provider Manual
CA Dept of Health Care Services Publication	California School-Based Medi-Cal Administrative Activities Manual
CA School-Based Health Alliance Publication	How to Fund Health Services in Your School District, September 2014
CA School-Based Health Alliance Publication	Documenting the Link Between School-Based Health Centers and Academic Success, May 2014
California Department of Education Publication	Health Framework for California Public Schools, Kindergarten Through Grade Twelve
CSBA Publication	Promoting Oral Health for California's Students: New Role, New Opportunities for Schools, Policy Brief, November 2008
CSBA Publication	Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008
National Center For Youth Law Publication	Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015
Website	National Center for Youth Law - https://simbli.eboardsolutions.com/SU/rWqbVi1x2WCuGlcphMslsh2yQ==
Website	CSBA, Practi-Cal Program - https://simbli.eboardsolutions.com/SU/osj9cVthno059t2BIfslshzHw==
Website	Centers for Medicare and Medicaid Services - https://simbli.eboardsolutions.com/SU/8cHplusWPwuermDuW0plusvzXfVw==
Website	Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study - https://simbli.eboardsolutions.com/SU/MKXplusroVsDAAUy5fMmloplusng==
Website	Center for Health and Health Care in Schools - https://simbli.eboardsolutions.com/SU/IUBge93PEmHaWbbZteiquw==
Website	California School-Based Health Alliance - https://simbli.eboardsolutions.com/SU/AP2woR1fGSOslrNWDENoA==
Website	California School Nurses Organization - https://simbli.eboardsolutions.com/SU/y9UnslshTdDn6hY1DMTI3f6eQ==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==
Website	California Department of Health Care Services - https://simbli.eboardsolutions.com/SU/slshcbdN8s1slshplus8ePOCd4fpQ7Q==
Website	California Department of Education, Health Services and School Nursing - https://simbli.eboardsolutions.com/SU/8gslshmouplus2E8Rmx2avRDQPxw==
Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/FJy7Gf2djdpluso3aMdrnckQ==

State References

	Description
17 CCR 2950-2951	Hearing tests - https://simbli.eboardsolutions.com/SU/MedMEQ0Cedro066RKeINDw==

17 CCR 6800-6874	Child Health and Disability Prevention program; health assessments - https://simbli.eboardsolutions.com/SU/2HhexRytdgKqeiq665fqEA==
22 CCR 51009	Confidentiality - https://simbli.eboardsolutions.com/SU/9Ra0oplusgjqEw5FSRj1Y5RhA==
22 CCR 51050-51192	Definitions of Medi-Cal providers and services - https://simbli.eboardsolutions.com/SU/kERMLu1VDplusslsh6dzkpludMzUGA==
22 CCR 51200	Requirements for providers - https://simbli.eboardsolutions.com/SU/UQlfaxnRXavxH1iMhK5Bag==
22 CCR 51231.2	Wheelchair van requirements - https://simbli.eboardsolutions.com/SU/fgh9KlxZffbAsAxo4fcDhw==
22 CCR 51270	Local educational agency provider; conditions for participation - https://simbli.eboardsolutions.com/SU/CTr6GAXoy397Rj4nqkFcBQ==
22 CCR 51304	Limitations on specified benefits - https://simbli.eboardsolutions.com/SU/gKXAjwbtKM1ehmlveDLslshXA==
22 CCR 51309	Psychology, physical therapy, occupational therapy, speech pathology, audiological services - https://simbli.eboardsolutions.com/SU/JplusO0slshwAaSlmYc9rToHXjA==
22 CCR 51323	Medical transportation services - https://simbli.eboardsolutions.com/SU/MDftOcwR3WYrZzEFcZXBmQ==
22 CCR 51351	Targeted case management services - https://simbli.eboardsolutions.com/SU/SAkqqpXGRCDsus29fCRGTA==
22 CCR 51360	Local educational agency; types of services - https://simbli.eboardsolutions.com/SU/zR8yhQ2FqNMBzTSHcLILWg==
22 CCR 51491	Local educational agency eligibility for payment - https://simbli.eboardsolutions.com/SU/fpUUVD1fR7XY4ikyPUdSVw==
22 CCR 51535.5	Reimbursement to local educational agency providers - https://simbli.eboardsolutions.com/SU/Xtjl3eVKpmdCQ86slshGojFFA==
Ed. Code 49423.5	Specialized physical health care services
Ed. Code 49557.2-49558	Eligibility for free and reduced-price meals; sharing information with Medi-Cal
Gov. Code 95020	Individualized family service plan
H&S Code 104830-104865	School-based application of fluoride or other tooth decay-inhibiting agent
H&S Code 121020	HIV/AIDS testing and treatment; parental consent for minor under age 12
H&S Code 123110	Minor's right to access health records
H&S Code 123115	Limitation on parent/guardian access to minor's health records
H&S Code 123800-123995	California Children's Services Act
H&S Code 124025-124110	Child Health and Disability Prevention Program
H&S Code 124172-124174.6	Public School Health Center Support Program
H&S Code 124260	Mental health services; consent by minors age 12 and older
H&S Code 130300-130317	Health Insurance Portability and Accountability Act (HIPAA)
W&I Code 14059.5	Definition of "medically necessary"
W&I Code 14115	Medi-Cal claims process
W&I Code 14115.8	LEA Medi-Cal Billing Option, program guide
W&I Code 14124.90	Third-party health coverage
W&I Code 14132.06	Covered benefits; health services provided by local educational agencies
W&I Code 14132.47	Administrative claiming process and targeted case management

Cross References

Description

- 3553 Free And Reduced Price Meals -
<https://simbli.eboardsolutions.com/SU/qEdPrLmlCZZEC2Ela64Bwg==>
- 3553 Free And Reduced Price Meals -
<https://simbli.eboardsolutions.com/SU/UsCjIMgAICI7UXZbBVP8AA==>
- 6173 Education For Homeless Children -
<https://simbli.eboardsolutions.com/SU/s5slshd8ymgzFn7slshqWplusKDB1Q==>
- 6173 Education For Homeless Children -
<https://simbli.eboardsolutions.com/SU/WTIcX8RH0pv2aCTzVrV8OQ==>
- 6173-E(1) Education For Homeless Children -
<https://simbli.eboardsolutions.com/SU/MGj5s2X8lHrOqYniPslshpflshg==>
- 6173-E(2) Education For Homeless Children -
<https://simbli.eboardsolutions.com/SU/YIVVYeiVVczlc3vejJWDPw==>
- 6173.1 Education For Foster Youth -
<https://simbli.eboardsolutions.com/SU/nislshzplusjrGFkVS0oH2vpluslm6g==>
- 6173.1 Education For Foster Youth -
<https://simbli.eboardsolutions.com/SU/y3VfXuSXaT2dYwslshV6jAKpg==>



STUDENTS

NEW

BOARD POLICY – PARENT/GUARDIAN NOTIFICATIONS

BP 5145.6

The County Board of Education (County Board) and the County Superintendent of Schools (County Superintendent) desire to promote effective communication between the SBCEO county-operated programs and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The County Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the County Superintendent or designee believes will promote parental understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a SBCEO county-operated program during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Upon request, the SBCEO shall provide notifications to qualified individuals with disabilities in alternative formats, such as braille, large front, or audio recordings, to enable such individuals to effectively participate in any program, service, or activity, as required by law.

Whenever 15 percent or more of the students enrolled in SBCEO programs speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the program's printed notifications for any reason, the employee shall inform the SBCEO Program Manager, who shall work with the parent/guardian to establish other appropriate means of communication.

Policy Reference Disclaimer:

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

Federal	Description
20 USC 1415	Procedural safeguards
20 USC 6318	Parent and family engagement
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Notice
34 CFR 200.48	Teacher qualifications
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records, disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records, annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources

	Description
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017
U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

State	Description
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services
5 CCR 18114	Notice of delinquent fees; child care services
5 CCR 18118-18119	Notice of Action; child care services
5 CCR 3052	Behavioral intervention
5 CCR 4622	Uniform complaint procedures
5 CCR 4631	Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4702	Student transfer from school identified under Open Enrollment Act
5 CCR 4917	Notification of sexual harassment policy
5 CCR 852	Exemptions from state assessments
5 CCR 863	Reports of state assessment results
Civ. Code 1798.29	District records, specifically - breach of security
Ed. Code 17288	Building standards for university campuses
Ed. Code 17611.5-17612	Notification of pesticide use
Ed. Code 221.5	Equal opportunity
Ed. Code 231.5	Sexual harassment policy
Ed. Code 262.3	Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310	Language acquisition programs
Ed. Code 313	Reclassification of English learners, parental consultation
Ed. Code 313.2	Long-term English learner, notification
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32255-32255.6	Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390	Voluntary program for fingerprinting students
Ed. Code 33479.3	The Eric Paredes Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5	Extracurricular and cocurricular activities
Ed. Code 35178.4	Notice of accreditation status
Ed. Code 35182.5	Advertising in the classroom
Ed. Code 35183	School dress code; uniforms
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211	Driver training; district insurance, parent/guardian liability
Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee codes of conduct, employee interactions with students
Ed. Code 44808.5	Permission to leave school grounds
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions

Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48350-48361	Open Enrollment Act
Ed. Code 48354	Option to transfer from school identified under Open Enrollment Act
Ed. Code 48357	Status of application for transfer from school identified under Open Enrollment Act
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850	Academic achievement of students in foster care and homeless children
Ed. Code 48900.1	Parental attendance required after suspension
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48904.3	Withholding grades, diplomas, or transcripts
Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom
Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district
Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980.3	Notification of pesticides
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063	Notification of parental rights
Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069	Absolute right to access
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records
Ed. Code 49077	Access to information concerning a student in compliance with court order
Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions

Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
Ed. Code 51938	HIV/AIDS and sexual health instruction
Ed. Code 52164	Language census
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills
Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 54444.2	Migrant education programs; parent involvement
Ed. Code 56301	Child-find system; policies regarding written notification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting
Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment
Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8483	Before/after school program; enrollment priorities
H&S Code 104420	Tobacco use prevention
H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of school drinking water
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information
H&S Code 124100-124105	Health screening and immunizations
H&S Code 1596.857	Right to enter child care facility
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus

APPROVED BY COUNTY BOARD:

County Board Policy 5145.6: Parent/Guardian Notifications

Status: ADOPTED

Original Adopted Date: 03/01/2007 | Last Revised Date: 06/01/2023 | Last Reviewed Date: 06/01/2023

INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD", "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote parental understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

CSBA NOTE: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of students experiencing homelessness pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

CSBA NOTE: Pursuant to state and federal antidiscrimination laws, including the Americans with Disabilities Act (42 USC 12101; 28 CFR 35) and Section 504 of the Rehabilitation Act of 1973 (29 USC 794), auxiliary aides and services must be provided to qualified individuals with disabilities to enable those individuals to effectively communicate and participate in public programs, services, or activities. For example, for the Medi-Cal Program, the Department of Health Care Services (DHCS), the state agency that administers the program, has issued Policy and Procedure Letters No. 21-017R and No. 23-004, which require districts to develop a plan to meet these alternative format requirements. For more information on the Medi-Cal Program, see AR 5141.6 - School Health Services.

When necessary, the district shall provide notifications to qualified individuals with disabilities in alternative formats, such as braille, large font, or audio recordings, to enable such individuals to effectively participate in any program,

service, or activity, as required by law.

CSBA NOTE: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal References

	Description
20 USC 1415	Procedural safeguards
20 USC 6318	Parent and family engagement
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Notice
34 CFR 200.48	Teacher qualifications
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
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34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records, disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records, annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources References

Description

U.S. Department of Agriculture Publication

Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017

U.S. Department of Agriculture Publication

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

State References

Description

17 CCR 2950-2951

Hearing tests -
<https://simbli.eboardsolutions.com/SU/MedMEQ0Cedro066RKeINDw==>

17 CCR 6000-6075

School attendance immunization requirements -
<https://simbli.eboardsolutions.com/SU/YzfyALHtH25cYebUH5ax1Q==>

5 CCR 11303

Reclassification of English learners

5 CCR 11511.5

English language proficiency assessment; test results

5 CCR 11523

Notice of proficiency examinations

5 CCR 18066

Child care policies regarding excused and unexcused absences

5 CCR 18094-18095

Notice of Action; child care services

5 CCR 18114

Notice of delinquent fees; child care services

5 CCR 18118-18119

Notice of Action; child care services

5 CCR 3052

Behavioral intervention

5 CCR 4622

Uniform complaint procedures

5 CCR 4631

Uniform complaint procedures; notification of decision and right to appeal

5 CCR 4702

Student transfer from school identified under Open Enrollment Act

5 CCR 4917

Notification of sexual harassment policy

5 CCR 852

Exemptions from state assessments

5 CCR 863

Reports of state assessment results

Civ. Code 1798.29

District records, specifically - breach of security -
<https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==>

Ed. Code 17288

Building standards for university campuses

Ed. Code 17611.5-17612

Notification of pesticide use

Ed. Code 221.5

Equal opportunity

Ed. Code 231.5

Sexual harassment policy

Ed. Code 262.3

Appeals for discrimination complaints; information regarding availability of civil remedies

Ed. Code 310

Language acquisition programs

Ed. Code 313

Reclassification of English learners, parental consultation

Ed. Code 313.2

Long-term English learner, notification

Ed. Code 32221.5

Insurance for athletic team members

Ed. Code 32255-32255.6

Student's right to refrain from harmful or destructive use of animals

Ed. Code 32390

Voluntary program for fingerprinting students

Ed. Code 33479.3

The Eric Paredes Sudden Cardiac Arrest Prevention Act

Ed. Code 35160.5

Extracurricular and cocurricular activities

Ed. Code 35178.4

Notice of accreditation status

Ed. Code 35182.5

Advertising in the classroom

Ed. Code 35183

School dress code; uniforms

Ed. Code 35186

Complaints concerning deficiencies in instructional materials and facilities

Ed. Code 35211

Driver training; district insurance, parent/guardian liability

Ed. Code 35256	School Accountability Report Card
Ed. Code 35258	School Accountability Report Card
Ed. Code 35291	Rules for student discipline
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 39831.5	School bus rider rules and information
Ed. Code 440	English language proficiency assessment; instruction in English language development
Ed. Code 44050	Employee codes of conduct, employee interactions with students
Ed. Code 44808.5	Permission to leave school grounds
Ed. Code 46010.1	Notice regarding excuse to obtain confidential medical services
Ed. Code 46014	Regulations regarding absences for religious purposes
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48000	Minimum age of admission
Ed. Code 48070.5	Promotion and retention of students
Ed. Code 48205	Absence for personal reasons
Ed. Code 48206.3	Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208	Students with temporary disabilities in hospitals
Ed. Code 48213	Prior notice of exclusion from attendance
Ed. Code 48216	Immunization
Ed. Code 48260.5	Notice regarding truancy
Ed. Code 48262	Need for parent conference regarding truancy
Ed. Code 48263	Referral to school attendance review board or probation department
Ed. Code 48301	Interdistrict transfers
Ed. Code 48350-48361	Open Enrollment Act
Ed. Code 48354	Option to transfer from school identified under Open Enrollment Act
Ed. Code 48357	Status of application for transfer from school identified under Open Enrollment Act
Ed. Code 48412	Certificate of proficiency
Ed. Code 48432.3	Voluntary enrollment in continuation education
Ed. Code 48432.5	Involuntary transfers of students
Ed. Code 48850	Academic achievement of students in foster care and homeless children
Ed. Code 48900.1	Parental attendance required after suspension
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Ed. Code 48906	Notification of release of student to peace officer
Ed. Code 48911	Notification in case of suspension
Ed. Code 48911.1	Assignment to supervised suspension classroom
Ed. Code 48912	Closed sessions; consideration of suspension
Ed. Code 48915.1	Expelled students; enrollment in another district
Ed. Code 48916	Readmission procedures
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48929	Transfer of student convicted of violent felony or misdemeanor

Ed. Code 48980.3	Notification of pesticides
Ed. Code 48981	Time and means of notification
Ed. Code 48982	Parent signature acknowledging receipt of notice
Ed. Code 48983	Contents of notice
Ed. Code 48984	Activities prohibited unless notice given
Ed. Code 48987	Child abuse information
Ed. Code 49013	Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063	Notification of parental rights
Ed. Code 49067	Student evaluation; student in danger of failing course
Ed. Code 49068	Transfer of permanent enrollment and scholarship record
Ed. Code 49069	Absolute right to access
Ed. Code 49073.6	Student records; social media
Ed. Code 49076	Access to student records
Ed. Code 49077	Access to information concerning a student in compliance with court order
Ed. Code 49403	Cooperation in control of communicable disease and immunizations
Ed. Code 49423	Administration of prescribed medication for student
Ed. Code 49451	Physical examinations: parent's refusal to consent
Ed. Code 49452.5	Screening for scoliosis
Ed. Code 49452.7	Information on type 2 diabetes
Ed. Code 49452.8	Oral health assessment
Ed. Code 49456	Results of vision or hearing test
Ed. Code 49471-49472	Insurance
Ed. Code 49480	Continuing medication regimen for nonepisodic conditions
Ed. Code 49510-49520	Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
Ed. Code 51229	Course of study for grades 7-12
Ed. Code 51513	Personal beliefs; privacy
Ed. Code 51938	HIV/AIDS and sexual health instruction
Ed. Code 52164	Language census
Ed. Code 52164.1	Census-taking methods; determination of primary language; assessment of language skills
Ed. Code 52164.3	Reassessment of English learners; notification of results
Ed. Code 54444.2	Migrant education programs; parent involvement
Ed. Code 56301	Child-find system; policies regarding written notification rights
Ed. Code 56321	Special education: proposed assessment plan
Ed. Code 56321.5-56321.6	Notice of parent rights pertaining to special education
Ed. Code 56329	Written notice of right to findings; independent assessment
Ed. Code 56341.1	Development of individualized education program; right to audio record meeting

Ed. Code 56341.5	Individualized education program team meetings
Ed. Code 56343.5	Individualized education program meetings
Ed. Code 56521.1	Behavioral intervention
Ed. Code 58501	Alternative schools; notice required prior to establishment
Ed. Code 60615	Exemption from state assessment
Ed. Code 60641	California Assessment of Student Performance and Progress
Ed. Code 69432.9	Submission of grade point average to Cal Grant program
Ed. Code 8483	Before/after school program; enrollment priorities
H&S Code 104420	Tobacco use prevention
H&S Code 104855	Availability of topical fluoride treatment
H&S Code 116277	Lead testing of school drinking water
H&S Code 120365-120375	Immunizations
H&S Code 120440	Sharing immunization information
H&S Code 124100-124105	Health screening and immunizations
H&S Code 1596.857	Right to enter child care facility
Pen. Code 626.81	Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5	Hearing request following denial or revocation of registration

Cross References

	Description
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/DvTEZJcxCleacNRARsR9FA==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/R8ThB6kBGDaEipr4FGp39g==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/qEdPrLmlCZZEC2Ela64Bwg==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/UsCjIMgAICI7UXZbBVP8AA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/5FeTpreR9EzG6qVhYzRAYQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/7Q5mvJgBpXPq27VXuVXslshQA==
5111	Admission - https://simbli.eboardsolutions.com/SU/d6y4VtvCmjgPplusyslshu7NjMHw==
5111	Admission - https://simbli.eboardsolutions.com/SU/orGhveMzKsIYprzmZSRSPw==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/j03qUIPGLfYfSGjWYCnL8A==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/pBTRrg6eyinzac0QsHWjUg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/s5slshd8ymgzEn7slshqWplusKDB1Q==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WTIcX8RH0pv2aCTzVrV8OQ==
6173-E(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/MGj5s2X8HrOqYniPslshpflshg==
6173-E(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/YIVVYeiVVczlc3veiJWDPw==

6173.1

Education For Foster Youth -

<https://simbli.eboardsolutions.com/SU/nislshzplusjrGFkVS0oH2vpluslm6g==>

6173.1

Education For Foster Youth -

<https://simbli.eboardsolutions.com/SU/y3VfXuSXaT2dYwslshV6jAKpg==>



NEW

BYLAWS

POLICY – PUBLIC STATEMENTS

BP 9010

The County Board of Education recognizes the responsibility of County Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the Santa Barbara County Education Office (SBCEO), and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding SBCEO issues, County Board members are expected to respect the authority of the County Board to choose its spokesperson to communicate its positions and to abide by established protocols.

All public statements authorized to be made on behalf of the County Board shall be made by the County Board president or, if appropriate, by the County Superintendent of Schools or other designated spokesperson.

When speaking for the County Board, the spokesperson is encouraged to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the County Board's leadership.

When making public statements County Board members shall not disclose confidential information or information received in closed session except when authorized by a majority of the County Board. (Government Code 54963)

When speaking to community groups, members of the public, or the media, individual County Board members should recognize that their statements may be perceived as reflecting the views and positions of the County Board. County Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the County Board.

In addition, Board members who participate on social networking sites, blogs, or other discussion or informational sites are encouraged to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for SBCEO students and the community. Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

Policy Reference Disclaimer:

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

Management Resources

Description

Public Statements – Board Policy 9010

Website	CSBA
Website	California County Boards of Education
State	Description
Gov. Code 54960	Actions to stop or prevent violation of meeting provisions
Gov. Code 54963	Confidential information in closed session
Gov. Code 7920.000-7930.170	California Public Records Act

APPROVED BY COUNTY BOARD:

Board Bylaw 9010: Public Statements

Status: ADOPTED

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

CSBA NOTE: Pursuant to Government Code 54960, the district attorney or any interested person can sue the County Board of Education in order to stop or prevent violations of the Brown Act or to determine whether any County Board rule or action which penalizes or otherwise discourages the expression of one or more of its members is valid or invalid under law.

The County Board of Education recognizes the responsibility of County Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the county office of education (COE), and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding COE issues, County Board members are expected to respect the authority of the County Board to choose its spokesperson to communicate its positions and to abide by established protocols.

CSBA NOTE: The County Board may designate the County Board president, the County Superintendent of Schools, or another spokesperson to communicate with the public on its behalf. The following paragraph should be revised to reflect County Board practice.

All public statements authorized to be made on behalf of the County Board shall be made by the County Board president or, if appropriate, by the County Superintendent of Schools or other designated spokesperson.

When speaking for the County Board, the spokesperson is encouraged to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the County Board's leadership.

When making public statements County Board members shall not disclose confidential information or information received in closed session except when authorized by a majority of the County Board. (Government Code 54963)

When speaking to community groups, members of the public, or the media, individual County Board members should recognize that their statements may be perceived as reflecting the views and positions of the County Board. County Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the County Board.

In addition, Board members who participate on social networking sites, blogs, or other discussion or informational sites are encouraged to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for COE students and the community. Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

	Description
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California County Boards of Education - https://simbli.eboardsolutions.com/SU/mBYiSVbPfsIshozMvDPid7e3A==

State References

	Description
Gov. Code 54960	Actions to stop or prevent violation of meeting provisions
Gov. Code 54963	Confidential information in closed session
Gov. Code 7920.000-7930.170	California Public Records Act

Cross References

	Description
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/5ki2bslshANYs5X2GeRI83bdw==

9230

Orientation -

<https://simbli.eboardsolutions.com/SU/Qld602O4t9GAgS8BeslshxZHw==>

COMMUNITY RELATIONS

POLICY - Requests for Board Endorsements

BP 2009

The Board is asked occasionally take a position or adopt resolutions in favor or against policy initiatives such as local or state propositions. Generally, the Board believes that taking a position on matters outside the scope of its jurisdiction is inadvisable and will not place these items on its agenda.

ADOPTED BY COUNTY BOARD: January 3, 2008



NEW

BYLAWS

POLICY – DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION BP 9011

The County Board of Education recognizes the importance of maintaining the confidentiality of information acquired as part of a County Board member's official duties. Confidential information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

A County Board member shall not disclose confidential information acquired during a closed session of a board meeting to a person not entitled to receive such information, unless a majority of the County Board has authorized its disclosure. (Government Code 54963)

For these purposes, Confidential information means a communication made in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session. (Government Code 54963)

The County Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or County Board policy, when the person is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of County Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

Other Disclosures

A County Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Such a disclosure may result in criminal prosecution. For these purposes, confidential information also includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the County Board member. (Government Code 1098)

Disclosures made to law enforcement officials when reporting improper governmental

activities are excepted from this prohibition. (Government Code 1098)

Policy Reference Disclaimer:

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

Management Resources

Attorney General Opinion
CSBA Publication

Website

State

Ed. Code 35146
Evid. Code 1040
Gov. Code 1098
Gov. Code 54950-54963
Gov. Code 54956.8
Gov. Code 54956.9
Gov. Code 54957.5
Gov. Code 54957.7
Gov. Code 54963
Gov. Code 7920.000-7930.170

Description

80 Ops.Cal.Atty.Gen. 231 (1997)
Professional Governance Standards for County Boards, October 2014

[CSBA](#)

Description

Closed session
Privilege for official information
Public officials and employees re confidential information
[The Ralph M. Brown Act](#)
Open meeting laws
Closed meeting for pending litigation
Public records
Reasons for closed session
Confidential information in closed session
California Public Records Act

APPROVED BY COUNTY BOARD:

Board Bylaw 9011: Disclosure Of Confidential/Privileged Information

Status: ADOPTED

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

The County Board of Education recognizes the importance of maintaining the confidentiality of information acquired as part of a County Board member's official duties. Confidential information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

CSBA NOTE: Government Code 54963 specifies that a person may not disclose confidential information acquired during his/her presence in a closed session. In addition, the Attorney General has opined in 80 Ops.Cal.Atty.Gen. 231 (1997) that a governing board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed. Therefore, it is recommended that the County Board of Education consult with its legal counsel before disclosing any confidential or privileged information discussed in a closed session. For more information regarding the reporting of information discussed in closed session, see BB 9321 - Closed Session .

A County Board member shall not disclose confidential information acquired during a closed session of a board meeting to a person not entitled to receive such information, unless a majority of the County Board has authorized its disclosure. (Government Code 54963)

For these purposes, Confidential information means a communication made in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session. (Government Code 54963)

CSBA NOTE: Government Code 54963 lists remedies that may be pursued for a violation of confidentiality of closed session information including injunctive relief in a court of law (e.g., injunction or restraining order), referral of a County Board member to the grand jury, or recommend disciplinary action against an employee who willfully discloses confidential information. The County Board may not take action against a person for releasing the information if the disclosure was part of an investigation by a grand jury or the district attorney's office, part of a whistleblower action, or merely an opinion as to the legality of an action by the County Board, as specified below.

The County Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or County Board policy, when the person is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of County Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

Other Disclosures

CSBA NOTE: Pursuant to Government Code 1098, it is a misdemeanor for any public officer or employee to willfully and knowingly use or disclose for pecuniary (e.g., monetary or financial) gain any confidential information acquired in the course of his/her official duties.

A County Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Such a disclosure may result in criminal prosecution. For these purposes, confidential information also includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the County Board member. (Government Code 1098)

Disclosures made to law enforcement officials when reporting improper governmental activities are excepted from this prohibition. (Government Code 1098)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

Attorney General Opinion
CSBA Publication
Website

State References

Ed. Code 35146
Evid. Code 1040
Gov. Code 1098
Gov. Code 54950-54963
Gov. Code 54956.8
Gov. Code 54956.9
Gov. Code 54957.5
Gov. Code 54957.7
Gov. Code 54963
Gov. Code 7920.000-7930.170

Cross References

9230

Description

80 Ops.Cal.Atty.Gen. 231 (1997)
Professional Governance Standards for County Boards, October 2014
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Description

Closed session
Privilege for official information
Public officials and employees re confidential information
The Ralph M. Brown Act -
<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>
Open meeting laws
Closed meeting for pending litigation
Public records
Reasons for closed session
Confidential information in closed session
California Public Records Act

Description

Orientation -
<https://simbli.eboardsolutions.com/SU/Qld602O4t9GAgS8BeslshxZHw==>



BYLAWS

POLICY – ORGANIZATION

BP 9100

~~The County Board of Education shall meet at 2:00 pm on the second Friday in December of each year for the purpose of organizing the Board for the year. At its annual organizational meeting the Board shall elect from its members a President and Vice President. Each of these officers shall be elected for a one year term and may succeed himself/herself in that office for one additional term.~~

The County Board of Education shall hold an annual organizational meeting, which shall be the first meeting on or after the second Friday in December. (Education Code 1009)

At the organizational meeting, the County Board shall:

1. Elect a president and, as applicable, other officers from its members through a process that shall not involve voting by secret ballot or the mail ballot
2. Announce the County Superintendent of Schools as secretary and executive officer of the County Board
3. Authorize signatures
4. Develop a schedule of regular meetings for the year
5. Develop a County Board calendar for the year stating the time when important governance matters will be addressed
6. Designate County Board members to serve on County Board standing committees and, as appropriate, to represent the County Board on interagency committees of which the County Board is a member or to which the County Board is invited to participate

Policy Reference Disclaimer:

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

Management Resources

Attorney General Opinion

Website

Description

68 Ops.Cal.Atty.Gen. 65 (1985)

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

Website

[CSBA](#)

Organization – Board Policy 9100

Website	California County Boards of Education
State	Description
Ed. Code 1007	Elections
Ed. Code 1009	Annual organizational meeting; date and notice
Ed. Code 1010	County Superintendent- ex-officio secretary and executive officer
Ed. Code 1011	Regular meetings
Gov. Code 54950-54963	The Ralph M. Brown Act

ADOPTED BY COUNTY BOARD: July 3, 1975

REVISED: April 3, 1980

April 7, 1994

December 13, 2019



BYLAWS

POLICY – ORGANIZATION

BP 9100

The County Board of Education shall hold an annual organizational meeting, which shall be the first meeting on or after the second Friday in December. (Education Code 1009)

At the organizational meeting, the County Board shall:

1. Elect a president and, as applicable, other officers from its members through a process that shall not involve voting by secret ballot or the mail ballot
2. Announce the County Superintendent of Schools as secretary and executive officer of the County Board
3. Authorize signatures
4. Develop a schedule of regular meetings for the year
5. Develop a County Board calendar for the year stating the time when important governance matters will be addressed
6. Designate County Board members to serve on County Board standing committees and, as appropriate, to represent the County Board on interagency committees of which the County Board is a member or to which the County Board is invited to participate

Policy Reference Disclaimer:

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Management Resources

Attorney General Opinion
Website

Description

68 Ops.Cal.Atty.Gen. 65 (1985)
[CSBA District and County Office of Education Legal Services](#)

Website

[CSBA](#)

Website

[California County Boards of Education](#)

State

Description

Ed. Code 1007
Ed. Code 1009
Ed. Code 1010

Elections
Annual organizational meeting; date and notice
County Superintendent- ex-officio secretary and executive officer

Ed. Code 1011
Gov. Code 54950-54963

Regular meetings
[The Ralph M. Brown Act](#)

ADOPTED BY COUNTY BOARD: July 3, 1975
REVISED: April 3, 1980
April 7, 1994
December 13, 2019

Board Bylaw 9100: Organization

Status: ADOPTED

Original Adopted Date: 01/01/2019 | **Last Reviewed Date:** 01/01/2019

CSBA NOTE: The following bylaw should be modified to reflect the County Board of Education's practices. Education Code 1009 requires the County Board to hold an annual organizational meeting, during which it must elect its president.

Option 1 below is for county boards whose members are elected on the same date as members of school district governing boards. AB 2449 (Ch. 146, Statutes of 2018) amended Education Code 1007 and 1009 to change the date on which such County Board members assume office and the date on which the organizational meeting must be held. Option 2 is for county boards whose members are elected at the same time as the direct primary.

OPTION 1: The County Board of Education shall hold an annual organizational meeting, which shall be the first meeting on or after the second Friday in December. (Education Code 1009)

OPTION 2: The County Board of Education shall hold an annual organizational meeting, which shall be the first meeting on or after the first day in July. (Education Code 1009)

At the organizational meeting, the County Board shall:

CSBA NOTE: Education Code 1009 only requires the County Board to elect a president. However, election of other officers may be done at the discretion of the County Board. Item #1 below may be revised to reflect County Board practice.

The California Attorney General has disapproved secret ballot voting in open meetings of public boards, as well as the casting of mail ballots, reasoning that it would run counter to the Brown Act open meeting requirements (68 Ops.Cal.Atty.Gen. 65, 1985). This prohibition applies to county boards since they are required to comply with the Brown Act pursuant to Education Code 1011 and Government Code 54950-54963.

1. Elect a president and, as applicable, other officers from its members through a process that shall not involve voting by secret ballot or the mail ballot

CSBA NOTE: Education Code 1010 establishes the County Superintendent of Schools as the ex officio secretary and executive officer of the County Board.

2. Announce the County Superintendent of Schools as secretary and executive officer of the County Board
3. Authorize signatures
4. Develop a schedule of regular meetings for the year
5. Develop a County Board calendar for the year stating the time when important governance matters will be addressed
6. Designate County Board members to serve on County Board standing committees and, as appropriate, to represent the County Board on interagency committees of which the County Board is a member or to which the County Board is invited to participate

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

Attorney General Opinion

Description

68 Ops.Cal.Atty.Gen. 65 (1985)

Website

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Website California County Boards of Education -
<https://simbli.eboardsolutions.com/SU/mBYiSVbPflshozMvDPid7e3A==>

State References

Ed. Code 1007	Elections
Ed. Code 1009	Annual organizational meeting; date and notice
Ed. Code 1010	County Superintendent- ex-officio secretary and executive officer
Ed. Code 1011	Regular meetings
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==

Description

Cross References

9121	President - https://simbli.eboardsolutions.com/SU/UC24Z1DynNTT2Y8cHym0iQ==
9130	Board Committees - https://simbli.eboardsolutions.com/SU/0ay5HzhaNsDoRcNPqVrFQw==
9140	Board Representatives - https://simbli.eboardsolutions.com/SU/hZQIYOT3iplusMESvlu6qvPUQ==
9220	Governing Board Elections - https://simbli.eboardsolutions.com/SU/GplusDpafNnEku6coTVwnU9ng==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/1yaPHBcl3eBr6cNnHVr2ww==
9324	Minutes And Recordings - https://simbli.eboardsolutions.com/SU/HONslshYslshlwuiXKulRdrJ0wslshQ==

Description

BYLAWS

POLICY -- ORGANIZATION

BP 9100

The County Board of Education shall meet at 2:00 pm on the second Friday in December of each year for the purpose of organizing the Board for the year. At its annual organizational meeting the Board shall elect from its members a President and Vice-President. Each of these officers shall be elected for a one-year term and may succeed himself/herself in that office for one additional term.

ADOPTED BY COUNTY BOARD:
REVISED:

July 3, 1975
April 3, 1980
April 7, 1994
December 13, 2019



BYLAWS

POLICY – BOARD COMMITTEES

BP 9130

~~Standing committees of the County Board of Education shall consist of, but not be limited to, the following:~~

~~Budget
Salary
Community Relations
Organization and Development
Board Policies and Procedures
Legal~~

~~Standing committees shall be composed of three board members. Members of the committee and the committee chairperson shall be appointed by the Board President.~~

The County Board of Education may establish Board committees on matters whenever it determines that such a committee is within its jurisdiction and would benefit the Santa Barbara County Education Office (SBCEO). The County Board shall define the duties, responsibilities, authority, and term of a committee at the time of the committee's establishment. Unless specifically authorized by the County Board to act on its behalf, such committees shall act in an advisory capacity only.

The County Board president shall appoint all committees with County Board approval.

Whenever so charged, County Board committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and agencies.

At the request of the County Board, the County Superintendent of Schools may serve and/or designate or nominate any SBCEO staff member to serve as an advisor to or as a non-voting member of a County Board committee.

Committee Meetings

County Board committees, other than advisory committees with less than a majority of Board members as discussed below, shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws. An agenda of any such committee meeting shall be posted not less than 24 hours prior to the meeting. Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting shall be considered as regular meetings of the committee for purposes of the Brown Act. (Government Code 54954)

Standing committees with continuing subject matter jurisdiction include, but are not limited to, those which at the County Board's request are responsible for providing advice on finance, policy, governmental relations, curriculum development, and program evaluation. An ad hoc committee formed for a limited term and charged with accomplishing a specific task in a short period of time is not a standing committee. Advisory committees composed solely of less than a quorum of the members of the County Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the County Board. (Government Code 54952)

When a majority of the members of the County Board attend an open and noticed meeting of a standing committee, the County Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

Committee Reports and Recommendations

County Board committees shall report their activities and/or recommendations to the County Board at an open meeting of the County Board, except in matters on which a closed session is required or allowed by law.

When an item has already been considered at a public meeting by a County Board committee composed exclusively of County Board members, and the meeting provided for public comment on the item before or during the committee's consideration of the item, the County Board may or may not provide for additional public comment on the item at a subsequent County Board meeting. Public comment shall be afforded, however, if the County Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

Policy Reference Disclaimer:

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

Management Resources

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Website

Website

State

Ed. Code 1040

Ed. Code 1042

Gov. Code 54952

Gov. Code 54952.2

Gov. Code 54954

Gov. Code 54954.3

Description

81 Ops.Cal.Atty.Gen. 156 (1998)

80 Ops.Cal.Atty.Gen. 308 (1997)

79 Ops.Cal.Atty.Gen. 69 (1996)

[CSBA](#)

[California County Boards of Education](#)

Description

Duties and responsibilities; county boards of education

County boards; authority

[Legislative body; definition](#)

Meeting defined

Time and place of regular meetings

Opportunity for public to address legislative body

Gov. Code 54956
Gov. Code 54956.5

Special meetings
Emergency meetings

ADOPTED BY COUNTY BOARD: April 3, 1980
REVISED: September 5, 1991
April 7, 1994



BYLAWS

POLICY – BOARD COMMITTEES

BP 9130

The County Board of Education may establish Board committees on matters whenever it determines that such a committee is within its jurisdiction and would benefit the Santa Barbara County Education Office (SBCEO). The County Board shall define the duties, responsibilities, authority, and term of a committee at the time of the committee's establishment. Unless specifically authorized by the County Board to act on its behalf, such committees shall act in an advisory capacity only.

The County Board president shall appoint all committees with County Board approval.

Whenever so charged, County Board committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and agencies.

At the request of the County Board, the County Superintendent of Schools may serve and/or designate or nominate any SBCEO staff member to serve as an advisor to or as a non-voting member of a County Board committee.

Committee Meetings

County Board committees, other than advisory committees with less than a majority of Board members as discussed below, shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws. An agenda of any such committee meeting shall be posted not less than 24 hours prior to the meeting. Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting shall be considered as regular meetings of the committee for purposes of the Brown Act. (Government Code 54954)

Standing committees with continuing subject matter jurisdiction include, but are not limited to, those which at the County Board's request are responsible for providing advice on finance, policy, governmental relations, curriculum development, and program evaluation. An ad hoc committee formed for a limited term and charged with accomplishing a specific task in a short period of time is not a standing committee. Advisory committees composed solely of less than a quorum of the members of the County Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the County Board. (Government Code 54952)

When a majority of the members of the County Board attend an open and noticed meeting of a standing committee, the County Board members who are not members of

the standing committee shall attend only as observers. (Government Code 54952.2)

Committee Reports and Recommendations

County Board committees shall report their activities and/or recommendations to the County Board at an open meeting of the County Board, except in matters on which a closed session is required or allowed by law.

When an item has already been considered at a public meeting by a County Board committee composed exclusively of County Board members, and the meeting provided for public comment on the item before or during the committee's consideration of the item, the County Board may or may not provide for additional public comment on the item at a subsequent County Board meeting. Public comment shall be afforded, however, if the County Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

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Management Resources

Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Website
Website

Description

81 Ops.Cal.Atty.Gen. 156 (1998)
80 Ops.Cal.Atty.Gen. 308 (1997)
79 Ops.Cal.Atty.Gen. 69 (1996)
[CSBA](#)
[California County Boards of Education](#)

State

Ed. Code 1040
Ed. Code 1042
Gov. Code 54952
Gov. Code 54952.2
Gov. Code 54954
Gov. Code 54954.3
Gov. Code 54956
Gov. Code 54956.5

Description

Duties and responsibilities; county boards of education
County boards; authority
[Legislative body: definition](#)
Meeting defined
Time and place of regular meetings
Opportunity for public to address legislative body
Special meetings
Emergency meetings

ADOPTED BY COUNTY BOARD: April 3, 1980
REVISED: September 5, 1991
April 7, 1994



NEW

BYLAWS

EXHIBIT – BOARD COMMITTEES

BP 9130-E(1)

Standing committees of the County Board of Education:

- Budget
- Salary
- Community Relations
- Organization and Development
- Board Policies and Procedures
- Legal

Standing committees shall be composed of three board members. Members of the committee and the committee chairperson shall be appointed by the Board President.

APPROVED BY COUNTY BOARD:

Board Bylaw 9130: Board Committees

Status: ADOPTED

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

The County Board of Education may establish Board committees on matters whenever it determines that such a committee is within its jurisdiction and would benefit the county office of education (COE). The County Board shall define the duties, responsibilities, authority, and term of a committee at the time of the committee's establishment. Unless specifically authorized by the County Board to act on its behalf, such committees shall act in an advisory capacity only.

The County Board president shall appoint all committees with County Board approval.

Whenever so charged, County Board committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and agencies.

At the request of the County Board, the County Superintendent of Schools may serve and/or designate or nominate any COE staff member to serve as an advisor to or as a non-voting member of a County Board committee.

Committee Meetings

CSBA NOTE: Government Code 54954 exempts advisory and standing committees from the Brown Act requirements to establish a time and place for holding regular meetings. In practice, these committee meetings are often held as "special meetings," for which only a 24-hour notice is required. However, if a committee provides 72-hour notice of its meeting, it will be considered a "regular meeting" for purposes of the Brown Act. The County Board should consult legal counsel when questions arise regarding the applicability of Brown Act requirements to County Board committees.

County Board committees, other than advisory committees with less than a majority of Board members as discussed below, shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws. An agenda of any such committee meeting shall be posted not less than 24 hours prior to the meeting. Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting shall be considered as regular meetings of the committee for purposes of the Brown Act. (Government Code 54954)

CSBA NOTE: County Board committees composed of less than a quorum of members of the County Board are not subject to the open meeting laws except where they have a continuing subject matter jurisdiction, or a meeting schedule established by the County Board.

In 79 Ops.Cal.Atty.Gen. 69 (1996), the Attorney General clarified that committees having a continuing subject matter jurisdiction include those providing advice at the County Board's request on budgets, audits, contracts, and personnel matters. The following paragraph reflects the County Board's areas of jurisdiction.

Standing committees with continuing subject matter jurisdiction include, but are not limited to, those which at the County Board's request are responsible for providing advice on finance, policy, governmental relations, curriculum development, and program evaluation. An ad hoc committee formed for a limited term and charged with accomplishing a specific task in a short period of time is not a standing committee. Advisory committees composed solely of less than a quorum of the members of the County Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the County Board. (Government Code 54952)

CSBA NOTE: Pursuant to Government Code 54952.2, the Brown Act is not violated if County Board members who are not members of a standing committee attend the meeting only "as observers." In 81 Ops.Cal.Atty.Gen. 156 (1998), the Attorney General clarified that those County Board members attending the meeting "as observers" may not ask questions or make statements at the meeting and that they must sit in the areas designated for members of the public.

When a majority of the members of the County Board attend an open and noticed meeting of a standing committee, the County Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

Committee Reports and Recommendations

County Board committees shall report their activities and/or recommendations to the County Board at an open meeting of the County Board, except in matters on which a closed session is required or allowed by law.

When an item has already been considered at a public meeting by a County Board committee composed exclusively of County Board members, and the meeting provided for public comment on the item before or during the committee's consideration of the item, the County Board may or may not provide for additional public comment on the item at a subsequent County Board meeting. Public comment shall be afforded, however, if the County Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

	Description
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 156 (1998)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 308 (1997)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 69 (1996)
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California County Boards of Education - https://simbli.eboardsolutions.com/SU/mBYiSVbPfsIshozMvDPid7e3A==

State References

	Description
Ed. Code 1040	Duties and responsibilities; county boards of education
Ed. Code 1042	County boards; authority
Gov. Code 54952	Legislative body; definition - https://simbli.eboardsolutions.com/SU/RgFto700eZlek60xH6P9YQ==
Gov. Code 54952.2	Meeting defined
Gov. Code 54954	Time and place of regular meetings
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54956	Special meetings
Gov. Code 54956.5	Emergency meetings

Cross References

	Description
3100	Budget Adoption And Revision - https://simbli.eboardsolutions.com/SU/fz497ZJjiJsvn2mXyA6ecQ==
9100	Organization - https://simbli.eboardsolutions.com/SU/goJBGAVQA99QL7MtuLK2HA==
9121	President - https://simbli.eboardsolutions.com/SU/UC24Z1DynNTT2Y8cHym0iQ==
9150	Student Board Members - https://simbli.eboardsolutions.com/SU/dnE3Glun3aWwVe6BGlqpg==

BYLAWS

POLICY – BOARD COMMITTEES

BP 9130

Standing committees of the County Board of Education shall consist of, but not be limited to, the following:

- Budget
- Salary
- Community Relations
- Organization and Development
- Board Policies and Procedures
- Legal

Standing committees shall be composed of three board members. Members of the committee and the committee chairperson shall be appointed by the Board President.

ADOPTED BY COUNTY BOARD: April 3, 1980
REVISED: September 5, 1991
April 7, 1994

COUNTY BOARD OF EDUCATION

POLICY -- ORGANIZATION: AD HOC COMMITTEES

BP 1010

Ad hoc committees shall be selected to study issues as needs arise. Ad hoc committees shall be composed of three board members. Members of the committee and the chairperson shall be appointed by the Board President.

ADOPTED BY COUNTY BOARD:
REVISED:

April 3, 1980
August 1, 1991
April 7, 1994



NEW

BYLAWS

POLICY – LIMITS OF BOARD MEMBER AUTHORITY

BP 9200

The County Board of Education recognizes that it has authority only as a unit and that a County Board member has no individual authority. County Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

Unless agreed to by the County Board as a whole, individual members of the County Board shall not exercise any authority with respect to any matter within the jurisdiction of the County Board. In appropriate circumstances individual County Board members may independently submit requests for information to the secretary of the County Board.

Individual County Board members do not have the authority to resolve complaints. Any County Board member approached directly by a person with a complaint should refer the complainant to the County Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate process. For the purpose of requesting information, County Board members shall also refer County Board-related correspondence to the president and the secretary of the County Board for dissemination to the rest of the County Board or placement on the agenda, as appropriate

A County Board member whose child is attending a school within the jurisdiction of the Santa Barbara County Education Office (SBCEO) should be aware of his/her role as a County Board member when interacting with SBCEO employees about his/her child. The County Board member should inform the County Superintendent before volunteering in his/her child's classroom.

Policy Reference Disclaimer:

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

Management Resources

California County Boards of Education Publication
CSBA Publication

Website
Website

Description

County Board Member Handbook: A Guide to Effective Governance, 2015
Professional Governance Standards for County Boards, October 2014

[CSBA](#)

[California County Boards of Education](#)

State

Ed. Code 1040-1042
Ed. Code 200-262.4

Description

Duties and responsibilities of County Boards
Prohibition of discrimination

Ed. Code 35160-35184
Ed. Code 51101
Gov. Code 54950-54963
Gov. Code 54952.1
Gov. Code 54952.7

Powers and duties
Rights of parents/guardians
[The Ralph M. Brown Act](#)
Member of a legislative body of a local agency
Copies of chapter to members of legislative body

APPROVED BY COUNTY BOARD:

Board Bylaw 9200: Limits Of Board Member Authority

Status: ADOPTED

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

CSBA NOTE: The following bylaw is optional.
 The County Board of Education recognizes that it has authority only as unit and that a County Board member has no individual authority. County Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

CSBA NOTE: The County Board of Education should carefully review the following paragraph and modify it to reflect local practice.
 Unless agreed to by the County Board as a whole, individual members of the County Board shall not exercise any authority with respect to any matter within the jurisdiction of the County Board. In appropriate circumstances individual County Board members may independently submit requests for information to the secretary of the County Board.

Individual County Board members do not have the authority to resolve complaints. Any County Board member approached directly by a person with a complaint should refer the complainant to the County Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate process. For the purpose of requesting information, County Board members shall also refer County Board-related correspondence to the president and the secretary of the County Board for dissemination to the rest of the County Board or placement on the agenda, as appropriate

CSBA NOTE: The following paragraph is optional. Pursuant to Education Code 51101, parents/guardians have the right to observe and/or volunteer in their child's classroom. Although this right is not affected upon election to the County Board, County Board members who have children attending schools within the jurisdiction of the county office of education should be aware of their status as County Board members and the effect of that status on school employees.

A County Board member whose child is attending a school within the jurisdiction of the county office of education (COE) should be aware of his/her role as a County Board member when interacting with COE employees about his/her child. The County Board member should inform the County Superintendent before volunteering in his/her child's classroom.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

Description

California County Boards of Education Publication	County Board Member Handbook: A Guide to Effective Governance, 2015
CSBA Publication	Professional Governance Standards for County Boards, October 2014
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California County Boards of Education - https://simbli.eboardsolutions.com/SU/mBYiSVbPfsIshozMvDPid7e3A==

State References

Description

Ed. Code 1040-1042	Duties and responsibilities of County Boards
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 35160-35184	Powers and duties
Ed. Code 51101	Rights of parents/guardians
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==
Gov. Code 54952.1	Member of a legislative body of a local agency
Gov. Code 54952.7	Copies of chapter to members of legislative body

Cross References

9230

9323.2

9323.2-E(1)

Description

Orientation -

<https://simbli.eboardsolutions.com/SU/Qld602O4t9GAgS8BeslshxZHw==>

Actions By The Board -

<https://simbli.eboardsolutions.com/SU/w9HrDCela4HAr69BxBFZBQ==>

Actions By The Board -

<https://simbli.eboardsolutions.com/SU/gDEslshpru6xeluwDIHrG4J6w==>



BYLAWS

POLICY – GOVERNING BOARD ELECTIONS

BP 9220

~~Members shall serve for terms of four (4) years. Terms shall be staggered so that members are elected at successive biennial elections, four at one election and three at the next.~~

~~Members shall take office on the second Friday of December subsequent to their election in November. Members will normally receive the oath of office at the first meeting in December.~~

The County Board of Education shall consist of seven (7) members whose terms shall be staggered so that, as nearly as practicable, one half of the members shall be elected at each regular County Board election. (Education Code 1000, 1007)

Board Member Qualifications

Other than the County Superintendent of Schools, a member of the Santa Barbara County Education Office (SBCEO) staff, or an employee of a school district that is within the jurisdiction of the County Board, any registered voter is eligible to be a member of the County Board if that person is an elector of the trustee area to be represented and is not legally disqualified from holding civil office. (Education Code 1000, 1006)

Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or to be elected as a County Board member unless granted a pardon in accordance with law. (Elections Code 20)

The County Board encourages all candidates to become knowledgeable about the role of the County Board. When available, candidates shall be provided information about the responsibilities and expectations of being a County Board member, information regarding available workshops, seminars, and/or training, the county election official's contact information, and general information about school programs, SBCEO operations, and County Board responsibilities.

Recalling a Board Member

A County Board member may be recalled as permitted by Elections Code 11000.

Proponents of a recall are required to serve, file, and publish or post a notice of intention to circulate the recall petition and to comply with other applicable law and formalities and county elections official directives. The petition, pursuant to Elections Code 11041, is required to be in the format provided by the Secretary of State and to include an estimate of the cost of conducting the special election, as determined by the county elections official, in consultation with the district.

Within 14 days after the County Board meeting at which a certificate of sufficiency of signatures on a recall petition is received from the county elections official, the County Board shall order an election to be held to determine whether the County Board member named in the petition shall be recalled. The election shall be held not less than 88, nor more than 125, days after the date that the Board orders the election. However, the election may be conducted within 180 days after the issuance of the Board's order to consolidate the election with a regularly scheduled election.

Recall elections shall be conducted in accordance with Elections Code 11381-11386.

Election Date

To reduce costs associated with conducting elections, the election of County Board members shall be consolidated with the local municipal or statewide primary or general election in accordance with a County Board resolution approved by the County Board of Supervisors. (Elections Code 1302, 10404.5) In Santa Barbara County, all school board elections, including the County Board's election, are held on the first Tuesday after the first Monday in November of each even-numbered year.

Term of Office

The term of office for County Board members elected in regular elections shall be four years, commencing on the second Friday in December following their election. (Education Code 1007, 5017)

A County Board member whose term has expired shall continue to discharge the duties of the office until a successor has qualified by taking the oath of office. (Government Code 1302, 1360)

Campaign Conduct

All candidates, including current County Board members running as incumbents, shall abide by local, state, and federal requirements regarding campaign donations, funding, and expenditures.

No candidate shall expend or accept any public money for the purpose of seeking elective office, unless the SBCEO has established a dedicated fund for those seeking election to the County Board and such funds are available to all qualified candidates without regard to incumbency or political preference. (Government Code 85300)

In order to help protect the public's trust in the electoral process as well as the public's confidence in the County Board and the SBCEO, the County Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

Statement of Qualifications

On the 125th day prior to the day fixed for the general election, the County Board secretary or designee shall deliver a notice, bearing the secretary's signature and seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the County Board to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the County Board or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

Candidates for the County Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

When the elections official allows for the electronic distribution of candidate statements, a candidate for the County Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution.

The County Board shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the County Board may require candidates to pay their estimated pro rata share of these costs to the County Board in advance pursuant to Elections Code 13307.

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the County Board, the County Board shall schedule a runoff election in accordance with law. (Education Code 5016)

Policy Reference Disclaimer:

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

Federal	Description
52 USC 10301-10508	Voting Rights Act

Management Resources

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

Court Decision

Court Decision

Court Decision

CSBA Publication

Website

Website

Website

Website

State

CA Constitution Article 2, Section 2

CA Constitution Article 7, Section 7

CA Constitution Article 7, Section 8

Ed. Code 1006

Ed. Code 35107

Ed. Code 35177

Ed. Code 35239

Ed. Code 5000-5033

Ed. Code 5220-5231

Ed. Code 5300-5304

Ed. Code 5320-5329

Ed. Code 5340-5345

Ed. Code 5360-5363

Ed. Code 5380

Ed. Code 5390

Ed. Code 5420-5426

Ed. Code 5440-5442

Ed. Code 7054

Elec. Code 10010

Elec. Code 10400-10418

Elec. Code 10509

Elec. Code 10600-10604

Elec. Code 11000

Elec. Code 1302

Elec. Code 13307

Elec. Code 13308

Elec. Code 13309

Description

105 Ops.Cal.Atty.Gen. 182 (2022)

85 Ops.Cal.Atty.Gen. 49 (2002)

83 Ops.Cal.Atty.Gen. 181 (2000)

81 Ops.Cal.Atty.Gen. 98 (1998)

69 Ops.Cal.Atty.Gen. 290 (1986)

Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660

Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223

Randall v. Sorrell, (2006) 126 S.Ct. 2479

Dusch v. Davis, (1967) 387 U.S. 112

Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017

[Institute for Local Government](#)

[Fair Political Practices Commission](#)

[CSBA](#)

[California Secretary of State's Office](#)

Description

[Voters: qualifications](#)

[Conflicting offices](#)

[Disqualification from office](#)

[Prohibition against school district employees serving on county board of education](#)

School district employees

Campaign expenditures or contributions

Compensation of governing board member of districts with less than 70 ADA

Election of school district board members

Elections

General provisions; conduct of elections

Order and call of elections

Consolidation of elections

Election notice

Compensation; election officer

Qualifications of voters

Cost of elections

Miscellaneous provisions

Use of district property; campaign purposes

District boundaries

Consolidation of elections

Notice of election by secretary

School district elections

Recall of officers

Local elections; school district election

Candidate's statement

Candidate's statement contents

Candidate's statement; indigence

Elec. Code 14025-14032	California Voting Rights Act
Elec. Code 14050-14057	California Voter Participation Rights Act
Elec. Code 20	Public office eligibility
Elec. Code 20440	Code of Fair Campaign Practices
Elec. Code 2201	Grounds for cancellation
Elec. Code 4000-4008	Elections conducted wholly by mail
Gov. Code 1021	Conviction of crime
Gov. Code 1097	Illegal participation in public contract
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 1360	Necessity of taking constitutional oath
Gov. Code 1770	Vacancy of office
Gov. Code 81000-91014	Political Reform Act of 1974
Pen. Code 424	Embezzlement and falsification of accounts by public officers
Pen. Code 661	Removal for neglect or violation of official duty
Pen. Code 68	Bribes
Pen. Code 74	Acceptance of gratuity

ADOPTED BY COUNTY BOARD: July 3, 1975

REVISED: August 1, 1991

April 7, 1994

December 13, 2019



BYLAWS

POLICY – GOVERNING BOARD ELECTIONS

BP 9220

The County Board of Education shall consist of seven (7) members whose terms shall be staggered so that, as nearly as practicable, one half of the members shall be elected at each regular County Board election. (Education Code 1000, 1007)

Board Member Qualifications

Other than the County Superintendent of Schools, a member of the Santa Barbara County Education Office (SBCEO) staff, or an employee of a school district that is within the jurisdiction of the County Board, any registered voter is eligible to be a member of the County Board if that person is an elector of the trustee area to be represented and is not legally disqualified from holding civil office. (Education Code 1000, 1006)

Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or to be elected as a County Board member unless granted a pardon in accordance with law. (Elections Code 20)

The County Board encourages all candidates to become knowledgeable about the role of the County Board. When available, candidates shall be provided information about the responsibilities and expectations of being a County Board member, information regarding available workshops, seminars, and/or training, the county election official's contact information, and general information about school programs, SBCEO operations, and County Board responsibilities.

Recalling a Board Member

A County Board member may be recalled as permitted by Elections Code 11000. Proponents of a recall are required to serve, file, and publish or post a notice of intention to circulate the recall petition and to comply with other applicable law and formalities and county elections official directives. The petition, pursuant to Elections Code 11041, is required to be in the format provided by the Secretary of State and to include an estimate of the cost of conducting the special election, as determined by the county elections official, in consultation with the district.

Within 14 days after the County Board meeting at which a certificate of sufficiency of signatures on a recall petition is received from the county elections official, the County

Board shall order an election to be held to determine whether the County Board member named in the petition shall be recalled. The election shall be held not less than 88, nor more than 125, days after the date that the Board orders the election. However, the election may be conducted within 180 days after the issuance of the Board's order to consolidate the election with a regularly scheduled election.

Recall elections shall be conducted in accordance with Elections Code 11381-11386.

Election Date

To reduce costs associated with conducting elections, the election of County Board members shall be consolidated with the local municipal or statewide primary or general election in accordance with a County Board resolution approved by the County Board of Supervisors. (Elections Code 1302, 10404.5) In Santa Barbara County, all school board elections, including the County Board's election, are held on the first Tuesday after the first Monday in November of each even-numbered year.

Term of Office

The term of office for County Board members elected in regular elections shall be four years, commencing on the second Friday in December following their election. (Education Code 1007, 5017)

A County Board member whose term has expired shall continue to discharge the duties of the office until a successor has qualified by taking the oath of office. (Government Code 1302, 1360)

Campaign Conduct

All candidates, including current County Board members running as incumbents, shall abide by local, state, and federal requirements regarding campaign donations, funding, and expenditures.

No candidate shall expend or accept any public money for the purpose of seeking elective office, unless the SBCEO has established a dedicated fund for those seeking election to the County Board and such funds are available to all qualified candidates without regard to incumbency or political preference. (Government Code 85300)

In order to help protect the public's trust in the electoral process as well as the public's confidence in the County Board and the SBCEO, the County Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

Statement of Qualifications

On the 125th day prior to the day fixed for the general election, the County Board

secretary or designee shall deliver a notice, bearing the secretary's signature and seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the County Board to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the County Board or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

Candidates for the County Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

When the elections official allows for the electronic distribution of candidate statements, a candidate for the County Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution.

The County Board shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the County Board may require candidates to pay their estimated pro rata share of these costs to the County Board in advance pursuant to Elections Code 13307.

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the County Board, the County Board shall schedule a runoff election in accordance with law. (Education Code 5016)

Policy Reference Disclaimer:

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

Federal	Description
52 USC 10301-10508	Voting Rights Act
Management Resources	Description
Attorney General Opinion	105 Ops.Cal.Atty.Gen. 182 (2022)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 49 (2002)
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 181 (2000)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 98 (1998)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Court Decision	Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660

Court Decision	Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223
Court Decision	Randall v. Sorrell, (2006) 126 S.Ct. 2479
Court Decision	Dusch v. Davis, (1967) 387 U.S. 112
CSBA Publication	Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
Website	Institute for Local Government
Website	Fair Political Practices Commission
Website	CSBA
Website	California Secretary of State's Office
State	Description
CA Constitution Article 2, Section 2	Voters: qualifications
CA Constitution Article 7, Section 7	Conflicting offices
CA Constitution Article 7, Section 8	Disqualification from office
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 35107	School district employees
Ed. Code 35177	Campaign expenditures or contributions
Ed. Code 35239	Compensation of governing board member of districts with less than 70 ADA
Ed. Code 5000-5033	Election of school district board members
Ed. Code 5220-5231	Elections
Ed. Code 5300-5304	General provisions; conduct of elections
Ed. Code 5320-5329	Order and call of elections
Ed. Code 5340-5345	Consolidation of elections
Ed. Code 5360-5363	Election notice
Ed. Code 5380	Compensation; election officer
Ed. Code 5390	Qualifications of voters
Ed. Code 5420-5426	Cost of elections
Ed. Code 5440-5442	Miscellaneous provisions
Ed. Code 7054	Use of district property; campaign purposes
Elec. Code 10010	District boundaries
Elec. Code 10400-10418	Consolidation of elections
Elec. Code 10509	Notice of election by secretary
Elec. Code 10600-10604	School district elections
Elec. Code 11000	Recall of officers
Elec. Code 1302	Local elections; school district election
Elec. Code 13307	Candidate's statement
Elec. Code 13308	Candidate's statement contents
Elec. Code 13309	Candidate's statement; indigence
Elec. Code 14025-14032	California Voting Rights Act
Elec. Code 14050-14057	California Voter Participation Rights Act
Elec. Code 20	Public office eligibility
Elec. Code 20440	Code of Fair Campaign Practices
Elec. Code 2201	Grounds for cancellation
Elec. Code 4000-4008	Elections conducted wholly by mail
Gov. Code 1021	Conviction of crime
Gov. Code 1097	Illegal participation in public contract

Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 1360	Necessity of taking constitutional oath
Gov. Code 1770	Vacancy of office
Gov. Code 81000-91014	Political Reform Act of 1974
Pen. Code 424	Embezzlement and falsification of accounts by public officers
Pen. Code 661	Removal for neglect or violation of official duty
Pen. Code 68	Bribes
Pen. Code 74	Acceptance of gratuity

ADOPTED BY COUNTY BOARD: July 3, 1975
REVISED: August 1, 1991
April 7, 1994
December 13, 2019

Board Bylaw 9220: Governing Board Elections

Status: ADOPTED

Original Adopted Date: 07/01/2019 | **Last Revised Date:** 12/01/2022 | **Last Reviewed Date:** 12/01/2022

CSBA NOTE: The following bylaw is optional. The filling of elective offices involves serious issues of constitutional and statutory concerns. Any county board of education with questions related to local elections should consult CSBA District and County Office of Education Legal Services or legal counsel.

Education Code 1000 provides that, except in a chartered county or a county unified school district, a county board will consist of five or seven members who are elected by trustee areas as determined by the county committee on school district organization. In chartered counties, the manner of selection of the county board is prescribed in the county charter or by the county board of supervisors. In a county unified school district or in a unified or elementary school district which includes all of the territory over which a county superintendent of schools has jurisdiction, the governing board of the district serves as the county board of education. The following bylaw should be revised to reflect county office of education (COE) practice.

The blank in the following paragraph should be filled in to reflect the size of the County Board of Education.

The County Board of Education shall consist of [redacted] members whose terms shall be staggered so that, as nearly as practicable, one half of the members shall be elected at each regular County Board election. (Education Code 1000, 1007)

Board Member Qualifications

CSBA NOTE: Education Code 1000 requires county boards to maintain trustee areas and to ensure that each County Board member is elected by voters residing within their respective trustee area. Except in chartered counties, which may have at-large elections, the county committee on school district organization is authorized to establish trustee areas, rearrange boundaries of trustee areas, and increase, decrease, or abolish trustee areas. A proposal for any of these purposes may be initiated by the county committee, by a petition filed by voters, or by the County Board.

In 81 Ops.Cal.Atty.Gen. 98 (1998), the Attorney General opined that under Government Code 1770 the residency requirement for school district board members is a continuing requirement for holding the office during the entire term of the board member. The same requirement would likely apply to County Board members although it is not expressly stated in Government Code 1770.

A person is ineligible to hold public office if not registered to vote. Pursuant to Elections Code 2201, the causes for cancelling an individual's voter registration include, but are not limited to, legally established mental incompetency, proof that the person is presently imprisoned or on parole for conviction of a felony, or official notification that the voter is registered to vote in another country or state.

Pursuant to Education Code 1006, any registered voter who meets the qualification requirements is eligible to be a member of the County Board, except the county superintendent of schools, any member of the county superintendent's staff, or any employee of a school district within the jurisdiction of the County Board.

Other than the County Superintendent of Schools, a member of the county office of education (COE) staff, or an employee of a school district that is within the jurisdiction of the County Board, any registered voter is eligible to be a member of the County Board if that person is an elector of the trustee area to be represented and is not legally disqualified from holding civil office. (Education Code 1000, 1006)

Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or to be elected as a County Board member unless granted a pardon in accordance with law. (Elections Code 20)

CSBA NOTE: The following paragraph is optional. See CSBA's web site for information about school board service that may be provided to candidates.

The County Board encourages all candidates to become knowledgeable about the role of the County Board. When available, candidates shall be provided information about the responsibilities and expectations of being a County Board member, information regarding available workshops, seminars, and/or training, the county election official's contact information, and general information about school programs, COE operations, and County Board

responsibilities.

Recalling a Board Member

CSBA NOTE: The following section is optional. Government Code 1770 lists events that may create a vacancy in an elective office, including by removal from office, while Elections Code 11000 provides for recall as the means for effecting such removal of a County Board member. Pursuant to Elections Code 11006, recall proceedings may be initiated by the service, filing, and publication or posting of a notice of intention to circulate a recall petition by proponents who must be registered voters of the trustee area represented by the County Board member who is being recalled. Elections Code 11020, as amended by AB 2584 (Ch. 792, Statutes of 2022), specifies the number of proponents that must be listed on the notice, depending on the number of registered voters in the trustee area involved.

A County Board member may be recalled as permitted by Elections Code 11000. Proponents of a recall are required to serve, file, and publish or post a notice of intention to circulate the recall petition and to comply with other applicable law and formalities and county elections official directives. The petition, pursuant to Elections Code 11041, is required to be in the format provided by the Secretary of State and to include an estimate of the cost of conducting the special election, as determined by the county elections official, in consultation with the district.

CSBA NOTE: Pursuant to Elections Code 11242, as amended by AB 2584, after the County Board orders an election, the recall election must be held within the period specified in the following paragraph, unless an extension beyond the specified period is necessary in order to consolidate the recall election with a regularly scheduled election.

Within 14 days after the County Board meeting at which a certificate of sufficiency of signatures on a recall petition is received from the county elections official, the County Board shall order an election to be held to determine whether the County Board member named in the petition shall be recalled. The election shall be held not less than 88, nor more than 125, days after the date that the Board orders the election. However, the election may be conducted within 180 days after the issuance of the Board's order to consolidate the election with a regularly scheduled election.

Recall elections shall be conducted in accordance with Elections Code 11381-11386.

Election Date

CSBA NOTE: The County Board should select Option 1 or 2 below to reflect the date upon which the election of County Board members is held. Pursuant to Elections Code 1302, in non-chartered counties the election of County Board members must occur on the first Tuesday of November in each odd-numbered year (Option 1), unless the County Board adopts, and the County Board of Supervisors approves, a resolution to hold the election on the same day as the statewide direct primary election, the statewide general election, or the general municipal election (Option 2). Pursuant to the Voter Participation Rights Act (VPRA), Elections Code 14050-14057, when the voter turnout in any past odd-numbered year election has been at least 25 percent less than the average voter turnout in the same jurisdiction in the past four statewide elections, the County Board is required to consolidate its election with the statewide election.

OPTION 1: The election of County Board members shall be held on the first Tuesday after the first Monday in November of each odd-numbered year. (Elections Code 1302)

OPTION 2: To reduce costs associated with conducting elections, the election of County Board members shall be consolidated with the local municipal or statewide primary or general election in accordance with a County Board resolution approved by the County Board of Supervisors. (Elections Code 1302, 10404.5)

CSBA NOTE: The following paragraph is for use by county boards that hold their elections in odd-numbered years or have consolidated their election with a municipal election rather than a statewide election.

However, if a regularly scheduled County Board election held other than on a statewide election date results in a decrease in local voter turnout of 25 percent or more compared to the average local turnout for the previous four statewide general elections, the County Board shall take action to consolidate County Board elections with statewide elections in accordance with Elections Code 14051-14052. (Elections Code 14051-14052)

Term of Office

CSBA NOTE: Option #1 below is for use by counties in which County Board members are elected on the same date

as school district governing board members in the county. Option #2 is for use by counties where the County Board election is consolidated with the direct primary election. Education Code 1007 establishes the starting date for County Board members elected under either of these circumstances. Pursuant to Education Code 5017, the term of office for district board members is four years. Although not expressly stated, it is very likely that the four-year terms also apply to County Board members.

OPTION 1: The term of office for County Board members elected in regular elections shall be four years, commencing on the second Friday in December following their election. (Education Code 1007, 5017)

OPTION 2: The term of office for County Board members elected in regular elections shall be four years, commencing on the first day of July following their election. (Education Code 1007, 5017)

CSBA NOTE: The following paragraph applies to either Option #1 or 2 above.

A County Board member whose term has expired shall continue to discharge the duties of the office until a successor has qualified by taking the oath of office. (Government Code 1302, 1360)

Campaign Conduct

All candidates, including current County Board members running as incumbents, shall abide by local, state, and federal requirements regarding campaign donations, funding, and expenditures.

CSBA NOTE: The following paragraph is optional. Government Code 85300 generally prohibits the expenditure of public funds for the purpose of seeking elective office. However, Government Code 85300 permits a candidate to expend or accept public funds for the purpose of seeking elective office if the COE establishes a dedicated fund for that purpose, provided that both (1) the public funds are available to all qualified, voluntarily participating candidates for the same office without regard to incumbency or political party preference, and (2) the COE has established criteria for determining a candidate's qualifications. For County Board elections, candidate qualifications are specified in state law (see section "Board Member Qualifications" above), and COEs should not establish additional qualification requirements. It is recommended that the COE consult CSBA District and County Office of Education Legal Services or legal counsel when establishing a dedicated fund for those seeking election to the County Board.

No candidate shall expend or accept any public money for the purpose of seeking elective office, unless the COE has established a dedicated fund for those seeking election to the County Board and such funds are available to all qualified candidates without regard to incumbency or political preference. (Government Code 85300)

CSBA NOTE: Pursuant to Elections Code 20440, county election officials present each candidate running for public office with a voluntary Code of Fair Campaign Practices for the candidate to sign. The pledge states the candidate's intent to conduct an open and fair campaign and provides that the candidate may not use or permit negative prejudice based on another candidate's race, religion, physical or mental disability, sex, gender, sexual orientation, or any other prohibited category of discrimination listed in Government Code 12940. Although neither the County Board nor opposing candidates have authority to enforce the pledge if it is violated, a candidate's signature is a matter of public record. The following optional paragraph expresses the County Board's desire that candidates for County Board membership sign and abide by the terms of the pledge.

In order to help protect the public's trust in the electoral process as well as the public's confidence in the County Board and the COE, the County Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

Statement of Qualifications

On the 125th day prior to the day fixed for the general election, the County Board secretary or designee shall deliver a notice, bearing the secretary's signature and seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the County Board to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the County Board or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

CSBA NOTE: Pursuant to Elections Code 13307, the candidate's statement is limited to 200 words (Option 1 below), unless the Board has authorized an increase to a 400-word maximum (Option 2 below).

OPTION 1: (200 Words Limit)

Candidates for the County Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

OPTION 2: (400 Words Limit)

Candidates for the County Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

CSBA NOTE: The following optional paragraph is for use by any COE that authorizes electronic distribution of candidate statements in addition to or instead of the mailed voter's pamphlet. Pursuant to Elections Code 13307, a voter may receive by mail a voter's pamphlet that contains candidate statements or, when authorized by the elections official, may opt to obtain the voter's pamphlet and related materials electronically (i.e., from the elections official's web site or via email). If a candidate chooses to submit a statement for electronic distribution only, it will not appear in the mailed voter's pamphlet.

When electronic distribution is authorized by the elections official, COEs may choose, pursuant to Elections Code 13307, whether or not to permit County Board candidates to prepare a statement for electronic distribution. The following paragraph may be revised to reflect COE practice.

When the elections official allows for the electronic distribution of candidate statements, a candidate for the County Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution.

CSBA NOTE: Prior to the beginning of the nominating period, Elections Code 13307 requires the County Board to determine whether to assume the costs of producing candidate statements or to charge candidates for the costs, regardless of whether the statements are for hard copy or electronic distribution. In 85 Ops.Cal.Atty.Gen. 49 (2002), the Attorney General opined that Elections Code 13307, which authorizes local agencies to pay for the cost of distributing candidate statements for nonpartisan elective offices, does not conflict with Education Code 7054, which prohibits the use of district resources for campaign purposes. According to the Attorney General, distributing campaign statements cannot be considered campaigning for any particular candidate in a partisan manner so as to conflict with the Education Code prohibition. The same requirement would likely apply to County Board members although it is not expressly stated.

Option 1 below is for COEs that assume the costs associated with producing candidate statements, and Option 2 is for COEs that charge candidates for the costs. The following options may be revised to reflect the method of distribution (i.e., electronic and/or hard copy) used by the COE.

OPTION 1: (Candidate Statement Paid by County Board)

The County Board shall pay the cost of printing, handling, translating, mailing, and/or electronically distributing candidate statements filed pursuant to Elections Code 13307.

OPTION 2: (Candidate Statement Paid by Candidate)

The County Board shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the County Board may require candidates to pay their estimated pro rata share of these costs to the County Board in advance pursuant to Elections Code 13307.

Tie Votes in Board Member Elections

CSBA NOTE: Pursuant to Education Code 1007, County Board elections are to be held in the same manner as district elections. Education Code 5016 prescribes the manner in which a tie may be resolved and requires the County Board to decide, before conducting any election, whether a potential tie will be resolved by lot or by a runoff election. Option 1 provides for the use of lots to determine the winner in case of a tie in every election, Option 2 provides for a runoff election in every election, and Option 3 is for use by county boards who will make this determination prior to each election.

Education Code 5016 requires the County Superintendent to provide certification of a tie vote in an election to the County Board.

OPTION 1: (Tie Decided by Lot)

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the County Board, the County Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the County Board. At that time the County Board shall determine the winner by lot. (Education Code 5016)

OPTION 2: (Tie Decided by Runoff Election)

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the County Board, the County Board shall schedule a runoff election in accordance with law. (Education Code 5016)

OPTION 3: (Tie Decided Based on County Board Determination Prior to Each Election)

Before each election, the County Board shall decide whether to resolve a potential tie by lot or by a runoff election. If the County Board has decided to resolve a tie by lot, the County Board shall, immediately after the election, notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. If the County Board has decided to resolve a tie with a runoff election, the Board shall schedule the runoff election in accordance with law. (Education Code 5016)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal References

52 USC 10301-10508

Description

Voting Rights Act

Management Resources References

Attorney General Opinion

Description

105 Ops.Cal.Atty.Gen. 182 (2022)

Attorney General Opinion

85 Ops.Cal.Atty.Gen. 49 (2002)

Attorney General Opinion

83 Ops.Cal.Atty.Gen. 181 (2000)

Attorney General Opinion

81 Ops.Cal.Atty.Gen. 98 (1998)

Attorney General Opinion

69 Ops.Cal.Atty.Gen. 290 (1986)

Court Decision

Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660

Court Decision

Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223

Court Decision

Randall v. Sorrell, (2006) 126 S.Ct. 2479

Court Decision

Dusch v. Davis, (1967) 387 U.S. 112

CSBA Publication

Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017

Website

Institute for Local Government - <https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqoPtfmA==>

Website

Fair Political Practices Commission - <https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8Ijcbw==>

Website

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Website

California Secretary of State's Office - <https://simbli.eboardsolutions.com/SU/boqYBvXk4Ayr0VpwsIsh5Z9FA==>

State References

CA Constitution Article 2, Section 2

Description

Voters; qualifications - <https://simbli.eboardsolutions.com/SU/KKLw0OnoP51tFVmcD0r0cw==>

CA Constitution Article 7, Section 7	Conflicting offices - https://simbli.eboardsolutions.com/SU/w2GJWnE8euW42mslshEhP4pdA==
CA Constitution Article 7, Section 8	Disqualification from office - https://simbli.eboardsolutions.com/SU/Q4yREwplusyW3K8LD1GiJq8Eg==
Ed. Code 1006	Prohibition against school district employees serving on county board of education - https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMy8ZX5ZPu1w==
Ed. Code 35107	School district employees
Ed. Code 35177	Campaign expenditures or contributions
Ed. Code 35239	Compensation of governing board member of districts with less than 70 ADA
Ed. Code 5000-5033	Election of school district board members
Ed. Code 5220-5231	Elections
Ed. Code 5300-5304	General provisions; conduct of elections
Ed. Code 5320-5329	Order and call of elections
Ed. Code 5340-5345	Consolidation of elections
Ed. Code 5360-5363	Election notice
Ed. Code 5380	Compensation; election officer
Ed. Code 5390	Qualifications of voters
Ed. Code 5420-5426	Cost of elections
Ed. Code 5440-5442	Miscellaneous provisions
Ed. Code 7054	Use of district property; campaign purposes
Elec. Code 10010	District boundaries
Elec. Code 10400-10418	Consolidation of elections
Elec. Code 10509	Notice of election by secretary
Elec. Code 10600-10604	School district elections
Elec. Code 11000	Recall of officers
Elec. Code 1302	Local elections; school district election
Elec. Code 13307	Candidate's statement
Elec. Code 13308	Candidate's statement contents
Elec. Code 13309	Candidate's statement; indigence
Elec. Code 14025-14032	California Voting Rights Act
Elec. Code 14050-14057	California Voter Participation Rights Act
Elec. Code 20	Public office eligibility
Elec. Code 20440	Code of Fair Campaign Practices
Elec. Code 2201	Grounds for cancellation
Elec. Code 4000-4008	Elections conducted wholly by mail
Gov. Code 1021	Conviction of crime
Gov. Code 1097	Illegal participation in public contract
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 1360	Necessity of taking constitutional oath
Gov. Code 1770	Vacancy of office
Gov. Code 81000-91014	Political Reform Act of 1974

Pen. Code 424
Pen. Code 661
Pen. Code 68
Pen. Code 74

Embezzlement and falsification of accounts by public officers
Removal for neglect or violation of official duty
Bribes
Acceptance of gratuity

Cross References

9100
9223
9230

Description

Organization -
<https://simbli.eboardsolutions.com/SU/goJBGAVQA99QL7MtuLK2HA==>
Filling Vacancies -
<https://simbli.eboardsolutions.com/SU/jvSgO29RElsh3Ssz9HbT1hQ==>
Orientation -
<https://simbli.eboardsolutions.com/SU/Qld602O4t9GAgs8BeslshxZHw==>

BYLAWS

POLICY – GOVERNING BOARD ELECTIONS

BP 9220

Members shall serve for terms of four (4) years. Terms shall be staggered so that members are elected at successive biennial elections, four at one election and three at the next.

Members shall take office on the second Friday of December subsequent to their election in November. Members will normally receive the oath of office at the first meeting in December.

ADOPTED BY COUNTY BOARD:	July 3, 1975
REVISED:	August 1, 1991
	April 7, 1994
	December 13, 2019



NEW

BYLAWS

POLICY – RESIGNATION

BP 9222

A member of the County Board of Education who wishes to resign from office shall file a written resignation with the County Superintendent of Schools. (Education Code 1008, 5090)

The resignation shall become effective when filed with the County Superintendent, except when a deferred effective date is specified in the resignation. The effective date may not be deferred for more than 60 days after the resignation is filed with the County Superintendent. (Education Code 5090, 5091)

Once filed, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

Any County Board member whose resignation is filed with a deferred effective date shall, until the effective date of the resignation, continue to exercise all the powers of the office, except that the resigning County Board member shall not have the right to vote in a provisional appointment to fill the vacancy that will thereby result. (Education Code 1008, 5091, 35178)

Any County Board member who resigns shall, within 30 days of leaving office, file a revised Statement of Economic Interest/Form 700 covering the period of time between the closing date of the last statement required to be filed and the date the County Board member leaves office. (Government Code 87302, 87500)

Policy Reference Disclaimer:

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

Management Resources

CSBA Publication

Website

Website

State

Ed. Code 1008

Ed. Code 35178

Ed. Code 5090-5095

Gov. Code 1770

Gov. Code 87300-87313

Gov. Code 87500

Description

Filling a Board Vacancy, rev. December 2010

[CSBA](#)

[California County Boards of Education](#)

Description

Vacancies; procedure for filing

Resignation with deferred effective date

Vacancy on the board

Vacancy on the board

[Conflict of interest code](#)

Statement of economic interests

APPROVED BY COUNTY BOARD:

Board Bylaw 9222: Resignation

Status: ADOPTED

Original Adopted Date: 01/01/2019 | **Last Reviewed Date:** 01/01/2019

CSBA NOTE: Pursuant to Education Code 5090, a County Board of Education member who wishes to resign from the board must file a written resignation with the County Superintendent of Schools having jurisdiction over the county office of education. The resignation results in a vacancy on the County Board which, pursuant to Government Code 1770 and Education Code 5091-5093, requires the County Board to either order an election or make a provisional appointment as appropriate, unless the vacancy occurs within four months of the end of the County Board member's term in which case the County Board will take no action. See BB 9223 - Filling Vacancies for information about timelines, processes, and eligibility requirements for filling vacancies.

A member of the County Board of Education who wishes to resign from office shall file a written resignation with the County Superintendent of Schools. (Education Code 1008, 5090)

The resignation shall become effective when filed with the County Superintendent, except when a deferred effective date is specified in the resignation. The effective date may not be deferred for more than 60 days after the resignation is filed with the County Superintendent. (Education Code 5090, 5091)

Once filed, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

CSBA NOTE: Pursuant to Education Code 35178, a school district governing board member who tenders a resignation with a deferred effective date may continue to exercise all the powers of a board member, except the right to vote in the provisional appointment of a successor, until the effective date of the resignation. Although not expressly stated in the code, the provision is also likely to apply to county boards pursuant to Education Code 1008.

Any County Board member whose resignation is filed with a deferred effective date shall, until the effective date of the resignation, continue to exercise all the powers of the office, except that the resigning County Board member shall not have the right to vote in a provisional appointment to fill the vacancy that will thereby result. (Education Code 1008, 5091, 35178)

Any County Board member who resigns shall, within 30 days of leaving office, file a revised Statement of Economic Interest/Form 700 covering the period of time between the closing date of the last statement required to be filed and the date the County Board member leaves office. (Government Code 87302, 87500)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

CSBA Publication

Description

Filling a Board Vacancy, rev. December 2010

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Website

California County Boards of Education -

<https://simbli.eboardsolutions.com/SU/mBYiSVbPfsIshozMvDPid7e3A==>

State References

Description

Ed. Code 1008

Vacancies; procedure for filing

Ed. Code 35178

Resignation with deferred effective date

Ed. Code 5090-5095

Vacancy on the board

Gov. Code 1770

Vacancy on the board

Gov. Code 87300-87313

Conflict of interest code -

<https://simbli.eboardsolutions.com/SU/YaObxMYA749OVplusgURs6YDA==>

Gov. Code 87500

Statement of economic interests

Cross References

Description

- 9223 Filling Vacancies - <https://simbli.eboardsolutions.com/SU/jVSgO29RElslsh3Ssz9HbT1hQ==>
- 9270 Conflict Of Interest - <https://simbli.eboardsolutions.com/SU/S8CVRslshMfVW6xTCj8FJvx1g==>
- 9270-E(1) Conflict Of Interest - <https://simbli.eboardsolutions.com/SU/fQqB0nqKDNJN38i7eY9nBQ==>



BYLAWS

POLICY – FILLING VACANCIES

BP 9223

~~Any vacancy on the County Board of Education shall be filled in accordance with the provisions of Education Code Section 1008.~~

Events Causing a Vacancy

A vacancy on the County Board of Education may arise from any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A County Board member's resignation (Government Code 1770)
4. A County Board member's removal from office by recall (Elections Code 11384; Government Code 1770)
5. A County Board member's ceasing to inhabit the trustee area represented on the County Board (Government Code 1770)
6. A County Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
 - a. Upon County Board business with the approval of the County Board
 - b. With the consent of the County Board, for an additional period not to exceed a total absence of 90 days. However, in the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the County Board.
 - c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the County Board member for military deployment exceeds six months, the County Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the County Board may appoint an interim member to serve during the absence.

If two or more County Board members are absent by reason of military deployment, and those absences result in the inability to establish a quorum at a regular meeting, the County Board may immediately appoint one or more interim members, as necessary, to enable the County Board to conduct business and discharge County Board responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent County Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A County Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by illness or when absent from the state without the permission required by law (Government Code 1770)
8. A County Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
9. A County Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)
10. The decision of a competent tribunal declaring void a County Board member's election or appointment (Government Code 1770)
11. A County Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
12. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a County Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the County Board shall take the following action, as appropriate: (Education Code 1008)

1. When a vacancy occurs within four months of the end of a County Board member's term, the County Board shall take no action. (Education Code 5093)
2. When a vacancy occurs between six months and 130 days before a regularly scheduled County Board election at which the vacant position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person elected shall take office at the first regularly scheduled County Board meeting following the certification of the election and shall serve until the end of the term of the position which the person was elected to fill. (Education Code 5093)
3. When a vacancy occurs any time outside of the statutory time windows identified in Items #1 and #2 above, the County Board shall either order an election or make a provisional appointment within 60 days of the date of the vacancy or the filing of the member's deferred resignation. If the County Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent of Schools must call an election to fill the vacancy. (Education Code 5091, 5093)

Eligibility

In order to be appointed or elected to fill a vacancy on the County Board, a person must meet the eligibility requirements specified in Education Code 1000 and 1006 and described in Board Bylaw 9220.

When the boundaries of the trustee area represented by a County Board member have changed since the County Board member's term of office became effective, any special election to fill the seat vacated by the County Board member shall be held subject to the trustee area boundaries in effect when the County Board member was elected.

Provisional Appointments

When a special election is not required, the County Board is authorized by law to make a provisional appointment to fill a vacancy on the County Board. Before making a provisional appointment, the County Board shall advertise in the local media to solicit candidate applications or nominations. The County Board shall ensure that applicants are eligible for County Board membership, interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Within 10 days after the appointment is made, the County Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the jurisdiction of the County Board. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date that the vacancy occurred or the date of the filing of, and the effective date of, the resignation
2. The full name of the provisional appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, the appointment shall become effective

The person appointed shall be afforded all the powers and duties of a County Board member immediately upon appointment and shall hold office until the next regularly scheduled election for County Board members. (Education Code 5091)

If within 30 days of the County Board's appointment, registered voters of the trustee area for which the appointment is made submit a petition for special election which the County Superintendent determines to be legally sufficient, the provisional appointment is terminated, and a special election shall be held in accordance with Education Code 5091 to fill the vacancy. Any such petition for a special election shall contain the county election official's estimate of the cost of conducting the special election, expressed on a per-student basis.

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and an election will not be held, the County Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the County Board shall publish a notice once in a newspaper of general circulation published in the county, or if no such newspaper exists, in a newspaper having general circulation within the county. This notice shall state that the County Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures specified above in the "Provisional Appointments" section.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

18 USC 704

Management Resources

Attorney General Opinion

Attorney General Opinion

CSBA Publication

Website

Website

State

Ed. Code 35107

Ed. Code 35178

Ed. Code 5000-5033

Ed. Code 5090-5095

Ed. Code 5200-5208

Ed. Code 5300-5304

Ed. Code 5320-5329

Ed. Code 5340-5345

Ed. Code 5360-5363

Ed. Code 5420-5426

Ed. Code 5440-5442

Elec. Code 10600-10604

Elec. Code 11000-11386

Gov. Code 1064

Gov. Code 1770

Gov. Code 3000-3003

Gov. Code 3060-3075

Gov. Code 54950-54963

Gov. Code 6061

Pen. Code 88

Description

Military medals or decorations

Description

58 Ops.Cal.Atty.Gen. 888 (1975)

105 Ops.Cal.Atty.Gen. 182 (2022)

Filling a Board Vacancy, rev. December 2010

CSBA

California State Attorney General's Office, Quo Warranto Applications

Description

School district employees

Resignation with deferred effective date

Election of school district board members

Vacancy on the board

Districts governed by boards of education

General provisions; conduct of elections

Order and call of elections

Consolidation of elections

Election notice

Cost of elections

Miscellaneous provisions

School district elections

Candidates for recall

Absence from state

Vacancy of office

Forfeiture of office

Removal other than by impeachment

The Ralph M. Brown Act

One time notice

Bribery, forfeiture from office

ADOPTED BY COUNTY BOARD: July 3, 1975

REVISED: April 3, 1980

August 1, 1991

April 7, 1994



BYLAWS

POLICY – FILLING VACANCIES

BP 9223

Events Causing a Vacancy

A vacancy on the County Board of Education may arise from any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A County Board member's resignation (Government Code 1770)
4. A County Board member's removal from office by recall (Elections Code 11384; Government Code 1770)
5. A County Board member's ceasing to inhabit the trustee area represented on the County Board (Government Code 1770)
6. A County Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
 - a. Upon County Board business with the approval of the County Board
 - b. With the consent of the County Board, for an additional period not to exceed a total absence of 90 days. However, in the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the County Board.
 - c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the County Board member for military deployment exceeds six months, the County Board may approve an additional six-month absence upon a showing that there is a reasonable expectation

that the member will return within the second six-month period, and the County Board may appoint an interim member to serve during the absence.

If two or more County Board members are absent by reason of military deployment, and those absences result in the inability to establish a quorum at a regular meeting, the County Board may immediately appoint one or more interim members, as necessary, to enable the County Board to conduct business and discharge County Board responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent County Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A County Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by illness or when absent from the state without the permission required by law (Government Code 1770)
8. A County Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
9. A County Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)
10. The decision of a competent tribunal declaring void a County Board member's election or appointment (Government Code 1770)
11. A County Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
12. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a County Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the County Board shall take the following action, as appropriate: (Education Code 1008)

1. When a vacancy occurs within four months of the end of a County Board member's term, the County Board shall take no action. (Education Code 5093)

2. When a vacancy occurs between six months and 130 days before a regularly scheduled County Board election at which the vacant position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person elected shall take office at the first regularly scheduled County Board meeting following the certification of the election and shall serve until the end of the term of the position which the person was elected to fill. (Education Code 5093)
3. When a vacancy occurs any time outside of the statutory time windows identified in Items #1 and #2 above, the County Board shall either order an election or make a provisional appointment within 60 days of the date of the vacancy or the filing of the member's deferred resignation. If the County Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent of Schools must call an election to fill the vacancy. (Education Code 5091, 5093)

Eligibility

In order to be appointed or elected to fill a vacancy on the County Board, a person must meet the eligibility requirements specified in Education Code 1000 and 1006 and described in Board Bylaw 9220.

When the boundaries of the trustee area represented by a County Board member have changed since the County Board member's term of office became effective, any special election to fill the seat vacated by the County Board member shall be held subject to the trustee area boundaries in effect when the County Board member was elected.

Provisional Appointments

When a special election is not required, the County Board is authorized by law to make a provisional appointment to fill a vacancy on the County Board. Before making a provisional appointment, the County Board shall advertise in the local media to solicit candidate applications or nominations. The County Board shall ensure that applicants are eligible for County Board membership, interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Within 10 days after the appointment is made, the County Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the jurisdiction of the County Board. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date that the vacancy occurred or the date of the filing of, and the effective date of, the resignation
2. The full name of the provisional appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, the appointment shall become effective

The person appointed shall be afforded all the powers and duties of a County Board member immediately upon appointment and shall hold office until the next regularly scheduled election for County Board members. (Education Code 5091)

If within 30 days of the County Board's appointment, registered voters of the trustee area for which the appointment is made submit a petition for special election which the County Superintendent determines to be legally sufficient, the provisional appointment is terminated, and a special election shall be held in accordance with Education Code 5091 to fill the vacancy. Any such petition for a special election shall contain the county election official's estimate of the cost of conducting the special election, expressed on a per-student basis.

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and an election will not be held, the County Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the County Board shall publish a notice once in a newspaper of general circulation published in the county, or if no such newspaper exists, in a newspaper having general circulation within the county. This notice shall state that the County Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures specified above in the "Provisional Appointments" section.

Policy Reference Disclaimer:

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

Federal

18 USC 704

Management Resources

Attorney General Opinion

Attorney General Opinion

CSBA Publication

Website

Website

State

Ed. Code 35107

Ed. Code 35178

Ed. Code 5000-5033

Ed. Code 5090-5095

Ed. Code 5200-5208

Ed. Code 5300-5304

Ed. Code 5320-5329

Ed. Code 5340-5345

Ed. Code 5360-5363

Ed. Code 5420-5426

Ed. Code 5440-5442

Elec. Code 10600-10604

Elec. Code 11000-11386

Gov. Code 1064

Gov. Code 1770

Gov. Code 3000-3003

Gov. Code 3060-3075

Gov. Code 54950-54963

Gov. Code 6061

Pen. Code 88

Description

Military medals or decorations

Description

58 Ops.Cal.Atty.Gen. 888 (1975)

105 Ops.Cal.Atty.Gen. 182 (2022)

Filling a Board Vacancy, rev. December 2010

CSBA[California State Attorney General's Office, Quo Warranto Applications](#)**Description**

School district employees

Resignation with deferred effective date

Election of school district board members

Vacancy on the board

Districts governed by boards of education

General provisions; conduct of elections

Order and call of elections

Consolidation of elections

Election notice

Cost of elections

Miscellaneous provisions

School district elections

Candidates for recall

Absence from state

Vacancy of office

Forfeiture of office

Removal other than by impeachment

[The Ralph M. Brown Act](#)

One time notice

Bribery, forfeiture from office

ADOPTED BY COUNTY BOARD: July 3, 1975

REVISED: April 3, 1980

August 1, 1991

April 7, 1994

Board Bylaw 9223: Filling Vacancies

Status: ADOPTED

Original Adopted Date: 01/01/2016 | **Last Revised Date:** 12/01/2022 | **Last Reviewed Date:** 12/01/2022

Events Causing a Vacancy

A vacancy on the County Board of Education may arise from any of the following events:

1. The death of an incumbent (Government Code 1770)

CSBA NOTE: Pursuant to Government Code 1770, a vacancy on a school district board occurs when an incumbent board member is declared physically or mentally incapacitated in a quo warranto proceeding. Although County Board of Education is a constitutionally established office, the quo warranto provision likely applies to county board members even though the specific subdivision does not apply to offices created by the California Constitution. It is strongly recommended that the County Board consult with CSBA District and County Office of Education Legal Services or legal counsel when evaluating a declaration of physical or mental incapacitation.

2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A County Board member's resignation (Government Code 1770)
4. A County Board member's removal from office by recall (Elections Code 11384; Government Code 1770)

CSBA NOTE: Education Code 1000 requires County Boards to maintain trustee areas and to ensure that each County Board member is elected by voters residing within the trustee area represented by the County Board member. Government Code 1770 provides that a vacancy can arise on the County Board when a member ceases to inhabit the trustee area that the member represents on the County Board. The Attorney General has opined that for school district governing boards, the residency requirement of Government Code 1770 is a continual requirement, meaning that an official must maintain their residency for the entirety of their term. (58 Ops.Cal.Atty.Gen. 88(1975) and 81 Ops.Cal.Atty.Gen. 98 (1998)) The same requirements would likely apply to County Board members although it is not expressly stated.

Under Education Code 1005, the boundaries of a trustee area cannot be changed so as to affect the term of office of a County Board member who has been elected and whose term has not expired.

5. A County Board member's ceasing to inhabit the trustee area represented on the County Board (Government Code 1770)

CSBA NOTE: Government Code 1064 limits the amount of time that a board member of a school district or a community college district can be absent from the State while holding office. The same requirements would likely apply to County Board members although it is not expressly stated.

6. A County Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
 - a. Upon County Board business with the approval of the County Board
 - b. With the consent of the County Board, for an additional period not to exceed a total absence of 90 days. However, in the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the County Board.
 - c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the County Board member for military deployment exceeds six months, the County Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the County Board may appoint an interim member to serve during the absence.

If two or more County Board members are absent by reason of military deployment, and those absences result in the inability to establish a quorum at a regular meeting, the County Board may immediately appoint one or more interim members, as necessary, to enable the County Board to conduct business and discharge County Board responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent County Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A County Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by illness or when absent from the state without the permission required by law (Government Code 1770)

CSBA NOTE: County Board members forfeit office and, in some cases, are disqualified from holding public office upon conviction of designated crimes as specified in the Constitution and various other state laws. Examples of crimes that result in forfeiture of office include, but are not limited to, convictions for felonies, offenses that involve a violation of official duties, bribery, selling appointments, intoxication in the discharge of official duties, misuse of public funds, conflict of interest violations, and a false claim of receipt of any military decoration or medal.

8. A County Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
9. A County Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)
10. The decision of a competent tribunal declaring void a County Board member's election or appointment (Government Code 1770)
11. A County Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

CSBA NOTE: Pursuant to Education Code 5090, a vacancy is declared when there has been a "failure to elect," meaning that the County Registrar of Voters has determined that an election will not be held because either no candidate or an insufficient number of candidates have filed to run for a County Board seat(s). Education Code 5328 authorizes the County Board to make an appointment in such circumstances.

12. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a County Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

CSBA NOTE: Education Code 1008 provides that vacancies on the County Board shall be filled in the manner prescribed in Education Code 5090-5095 for district governing boards.

When a vacancy occurs, the County Board shall take the following action, as appropriate: (Education Code 1008)

1. When a vacancy occurs within four months of the end of a County Board member's term, the County Board shall take no action. (Education Code 5093)

CSBA NOTE: Pursuant to Education Code 5091, when a vacancy occurs or when a deferred resignation has been filed four or more months before the end of a County Board member's term, the County Board shall take action, as specified below. In the event that the County Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent of Schools must call an election to fill the vacancy.

2. When a vacancy occurs between six months and 130 days before a regularly scheduled County Board election at which the vacant position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person elected shall take office at the first regularly scheduled County Board meeting following the certification of the election and shall serve until the end of the term of the position which the person was elected to fill. (Education Code 5093)
3. When a vacancy occurs any time outside of the statutory time windows identified in Items #1 and #2 above, the County Board shall either order an election or make a provisional appointment within 60 days of the date

of the vacancy or the filing of the member's deferred resignation. If the County Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent of Schools must call an election to fill the vacancy. (Education Code 5091, 5093)

Eligibility

CSBA NOTE: Education Code 1006 prohibits the County Superintendent, any County Office of Education employee, or any employee of a school district that is within the jurisdiction of the County Board from concurrently holding a position of County Board member.

In order to be appointed or elected to fill a vacancy on the County Board, a person must meet the eligibility requirements specified in Education Code 1000 and 1006 and described in Board Bylaw 9220.

CSBA NOTE: In 105 Ops.Cal.Atty.Gen. 182 (2022), the Attorney General has opined that when the boundaries of a district's trustee areas are revised or the district changes from "at-large elections" to "by-trustee area elections," and a vacancy then arises in a seat held by a Board member whose term of office began prior to the change in boundaries or election method, the vacancy should be filled using the boundaries or election method by which the incumbent Board member was elected. The requirement as it relates to the effect of changes in trustee area boundaries will likely apply to county boards.

When the boundaries of the trustee area represented by a County Board member have changed since the County Board member's term of office became effective, any special election to fill the seat vacated by the County Board member shall be held subject to the trustee area boundaries in effect when the County Board member was elected.

Provisional Appointments

CSBA NOTE: The following optional paragraph should be modified to reflect County Board practice. The County Board is authorized to make a provisional appointment to fill a vacancy pursuant to Item #3 in the section "Timelines for Filling a Vacancy" above. The law does not specify procedures for making provisional appointments for vacancies caused by reasons other than a failure to elect; however, such procedures must comply with the requirements of the Brown Act (Government Code 54950-54963). Secret ballots are prohibited by Government Code 54953. However, only an individual who meets the eligibility requirements specified in Education Code 1000 and 1006 may be appointed to fill a County Board vacancy.

See CSBA's publication, "Filling a Board Vacancy," for additional information about provisional appointments, including sample questions for interviewing and evaluating candidates.

When a special election is not required, the County Board is authorized by law to make a provisional appointment to fill a vacancy on the County Board. Before making a provisional appointment, the County Board shall advertise in the local media to solicit candidate applications or nominations. The County Board shall ensure that applicants are eligible for County Board membership, interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Within 10 days after the appointment is made, the County Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the jurisdiction of the County Board. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date that the vacancy occurred or the date of the filing of, and the effective date of, the resignation
2. The full name of the provisional appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, the appointment shall become effective

The person appointed shall be afforded all the powers and duties of a County Board member immediately upon appointment and shall hold office until the next regularly scheduled election for County Board members. (Education Code 5091)

CSBA NOTE: Pursuant to Education Code 5091, the County Superintendent of Schools is required to terminate a provisional appointment and order a special election if, within 30 days of the appointment, a petition requesting a special election to fill the vacancy is submitted by registered voters. Pursuant to Education Code 5091, as amended by SB 1061 (Ch. 831, Statutes of 2022), any such petition for a special election must contain the county elections official's estimate of the cost of conducting the special election, expressed on a per-student basis. Education Code 5091, as amended by SB 1061, also requires any such special election to be conducted not less than 88, nor more than 125, days following the County Superintendent's order of the election, unless the election may be consolidated with a regularly scheduled election which is to take place within 180 days after the issuance of the County Superintendent's order. For the conduct of County Board elections, See BB 9220 - Governing Board Elections.

If within 30 days of the County Board's appointment, registered voters of the trustee area for which the appointment is made submit a petition for special election which the County Superintendent determines to be legally sufficient, the provisional appointment is terminated, and a special election shall be held in accordance with Education Code 5091 to fill the vacancy. Any such petition for a special election shall contain the county election official's estimate of the cost of conducting the special election, expressed on a per-student basis.

Appointment Due to Failure to Elect

CSBA NOTE: The following procedure applies when an appointment is being made because of a failure to elect pursuant to Education Code 5090, 5326, and 5328 (Item #12 in section "Events Causing a Vacancy" above).

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and an election will not be held, the County Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the County Board shall publish a notice once in a newspaper of general circulation published in the county, or if no such newspaper exists, in a newspaper having general circulation within the county. This notice shall state that the County Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures specified above in the "Provisional Appointments" section.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal References

18 USC 704

Description

Military medals or decorations

Management Resources References

Attorney General Opinion

Description

58 Ops.Cal.Atty.Gen. 888 (1975)

Attorney General Opinion

105 Ops.Cal.Atty.Gen. 182 (2022)

CSBA Publication

Filling a Board Vacancy, rev. December 2010

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Website

California State Attorney General's Office, Quo Warranto Applications -

<https://simbli.eboardsolutions.com/SU/plus0W6mhrGbhBsJI5dplus4ScSQ==>

State References

Ed. Code 35107

Description

School district employees

Ed. Code 35178

Resignation with deferred effective date

Ed. Code 5000-5033

Election of school district board members

Ed. Code 5090-5095

Vacancy on the board

Ed. Code 5200-5208	Districts governed by boards of education
Ed. Code 5300-5304	General provisions; conduct of elections
Ed. Code 5320-5329	Order and call of elections
Ed. Code 5340-5345	Consolidation of elections
Ed. Code 5360-5363	Election notice
Ed. Code 5420-5426	Cost of elections
Ed. Code 5440-5442	Miscellaneous provisions
Elec. Code 10600-10604	School district elections
Elec. Code 11000-11386	Candidates for recall
Gov. Code 1064	Absence from state
Gov. Code 1770	Vacancy of office
Gov. Code 3000-3003	Forfeiture of office
Gov. Code 3060-3075	Removal other than by impeachment
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==
Gov. Code 6061	One time notice
Pen. Code 88	Bribery, forfeiture from office

Cross References

9220

Description

Governing Board Elections -
<https://simbli.eboardsolutions.com/SU/GplusDpafNnEku6coTVwnU9ng==>

9222

Resignation -
<https://simbli.eboardsolutions.com/SU/NyHSlxOosqFslshA2plusvMilHA==>

9230

Orientation -
<https://simbli.eboardsolutions.com/SU/Qld602O4t9GAgS8BeslshxZHw==>

BYLAWS

POLICY – FILING VACANCIES

BP 9223

Any vacancy on the County Board of Education shall be filled in accordance with the provisions of Education Code Section 1008.

ADOPTED BY COUNTY BOARD:
REVISED:

July 3, 1975
April 3, 1980
August 1, 1991
April 7, 1994



NEW

BYLAWS

POLICY – OATH OR AFFIRMATION

BP 9224

Prior to entering upon the duties of their office, all members of the County Board of Education shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

The oath may be administered and certified by any County Board member, the secretary or assistant secretary to the County Board, the County Superintendent of Schools, the Superintendent of Public Instruction, or any other person authorized in Education Code 60 or Government Code 1225.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

Policy Reference Disclaimer:

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

Management Resources

Court Decision
Court Decision

State

CA Constitution Article 20, Section 3
Ed. Code 60
Gov. Code 1225
Gov. Code 1303
Gov. Code 1360-1369
Gov. Code 3100-3109

Description

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22
Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Description

[Oath of office](#)

Persons authorized to administer and certify oaths
Right to administer and certify oaths
Misdemeanor for failure to take oath
Oath of office
Oath or affirmation of allegiance

APPROVED BY COUNTY BOARD:

Board Bylaw 9224: Oath Or Affirmation

Status: ADOPTED

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

CSBA NOTE: The oath or affirmation required of County Board of Education members pursuant to Article 20, Section 3, of the California Constitution is the same as that required by Government Code 3100-3109 for public employees. Government Code 1303 provides that any person who exercises any function of a public office without taking the oath of office is guilty of a misdemeanor, and Government Code 1367 provides that no compensation or reimbursement for expenses shall be paid unless the officer has taken the oath or affirmation.

Prior to entering upon the duties of their office, all members of the County Board of Education shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

CSBA NOTE: In addition to the persons listed below, Education Code 60 specifies state-level officers who may administer the oath.

The oath may be administered and certified by any County Board member, the secretary or assistant secretary to the County Board, the County Superintendent of Schools, the Superintendent of Public Instruction, or any other person authorized in Education Code 60 or Government Code 1225.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

Court Decision

Description

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

Court Decision

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

State References

Description

CA Constitution Article 20, Section 3

Oath of office - <https://simbli.eboardsolutions.com/SU/R9x0MkoG204v94pkEU0Qng==>

Ed. Code 60

Persons authorized to administer and certify oaths

Gov. Code 1225

Right to administer and certify oaths

Gov. Code 1303

Misdemeanor for failure to take oath

Gov. Code 1360-1369

Oath of office

Gov. Code 3100-3109

Oath or affirmation of allegiance