

YUBA COUNTY BOARD OF EDUCATION

935 14th Street
Marysville, CA 95901

Agenda

July 14, 2021



Marjorie Renicker, Vice President

John Nicoletti

Angela Lewis

Desiree Hastey, President

Eva Teagarden

Trustee Area 1

Trustee Area 2

Trustee Area 3

Trustee Area 4

Trustee Area 5



Francisco Reveles, Ed.D.
Superintendent

YUBA COUNTY BOARD OF EDUCATION

REGULAR MEETING

Wednesday, July 14, 2021 – 4:30 P.M.

NOTICES:

The Yuba County Office of Education encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meeting, contact the Superintendent's Office at 530-749-4853 well in advance of the meeting so that we may make every reasonable effort to accommodate you (Cal. Gov. Code, § 54954.2, subd. (a)(1)).

The agenda packet and supporting materials can be viewed at the Yuba County Office of Education located at 935 14th Street, Marysville, CA, or <https://www.yubacoe.org/> . For more information, please call 530-749-4853.

NOTE: This meeting is being agendized to allow staff and the public to participate in the meeting via teleconference, pursuant to the Governor's Executive Order N-29-20 dated March 17, 2020. Executive Order N-29-20 authorizes local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically to all members of the public and staff in effort to observe social distancing recommendations. Members of the public are encouraged to participate in the teleconference.

JOIN ZOOM MEETING:

Meeting ID: 920 4445 8730

Password: 009538

<https://yubacoe-org.zoom.us/j/92044458730?pwd=OURQUkMxY0xHYzZjMUJrNFYwZ0FnUT09>

or

One tap mobile:

+16699009128,,92044458730#

or

Dial by your location:

+1 669 900 9128 US

PUBLIC PARTICIPATION:

NOTE: Please mute your phone or microphone when you are not speaking. If you would like to participate in the Public Comments portion of the meeting, or comment on a specific agenda item, you may do so by texting your FIRST AND LAST NAME to 530-645-2560 or by messaging the Clerk (Zoom Host) in the chat section during the Zoom teleconference. The Clerk will notify the Chair that you would like to comment. Please wait for the Chair to recognize you before speaking. Remember to unmute your phone or microphone to speak.

AGENDA

1. CALL TO ORDER, ATTENDANCE, AND PLEDGE OF ALLEGIANCE
2. APPROVAL OF AGENDA **ACTION ITEM**
3. CONSENT AGENDA **ACTION ITEM**

3.1 APPROVAL OF JUNE 23, 2021, BOARD MINUTES – Pages 1-5

The above items are self-explanatory. All items on the Consent Agenda are considered a routine item or one that has been previously discussed. Any Board Member may request that an item be pulled for further discussion.

4. PUBLIC COMMENTS ON NON-AGENDA ITEMS

This item is being placed on the agenda to allow any member of the public to speak on non-agenda items or to share information with the Board. Please follow the Public Participation instructions listed above under Notices if you would like to participate in the Public Comments portion of the meeting. Individual speakers will be allowed five minutes to address the Board ~ fifteen minutes' total time for public input on each item.

The California Government Code, Section 54954.2(a)(2) states, *“No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.”*

5. SUPERINTENDENT’S REPORT

- 5.1 QUARTERLY REPORT ON WILLIAMS UNIFORM COMPLAINTS - Page 6 **INFORMATION ITEM**
Dr. Reveles

Dr. Reveles will share the Quarterly Report on Williams Uniform Complaints for April 1, 2021 – June 30, 2021, 4th Quarter, pursuant to Education Code §35186.

- 5.2 THIS ITEM PROVIDES AN OPPORTUNITY FOR THE DIRECTORS/SUPERINTENDENT/BOARD MEMBERS TO SHARE VARIOUS ITEMS OF INTEREST **INFORMATION ITEM**

6. EDUCATIONAL SERVICES

- 6.1 AMERICAN RESCUE PLAN ACT (ARP) - Pages 7-12 **ACTION ITEM**
Bobbi Abold

The American Rescue Plan Act (ARP) signed into law on March 11, 2021, provided nearly \$122 billion for the Elementary and Secondary School Relief Fund (ESSER). ARP ESSER, also known as ESSER III, requires Local Educational Agencies (LEAs) receiving ESSER III funds to submit an LEA Plan for the Safe Return to In-Person Instruction and Continuity of Services.

7. POLICY UPDATES

- 7.1 APPROVAL OF BOARD BYLAW No. 9223 –
FILLING VACANCIES - Pages 13-19
Halee Pomeroy

ACTION ITEM

BB 9223 – Filling Vacancies, is a Board Bylaw outlining all required elements for filling a board vacancy. This updated version includes Education, Election, Government, and Penal Code regulations that were not listed in the 2002 adopted version of Bylaw BB 9223.

8. OTHER ITEMS

INFORMATION ITEM

9. ADVANCED PLANNING

- 9.1 NEXT REGULAR BOARD MEETING
AUGUST 11, 2021 – 4:30P.M.
LOCATION: ZOOM CONFERENCE

**INFORMATION/
ACTION ITEM**

PROPOSED CHANGE IN LOCATION FOR REMAINING 2021 BOARD MEETINGS:
YUBA COUNTY ONE STOP – BECKWOURTH ROOM, 1114 YUBA STREET,
MARYSVILLE, CA 95901 – Page 20

On June 11, 2021, the Governor issued [Executive Order N-08-21](#), which addresses the expiration of numerous executive orders issued during the pandemic, including but not limited to those addressing the Brown Act. Authorizations of Executive Orders N-29-20 and N-35-20 to hold “virtual” Brown Act meetings without the public being present will expire on September 30, 2021.

Following current CDPH guidelines, masks will be required** for unvaccinated individuals in indoor public settings and businesses. For additional information, individuals should refer to [CDC Recommendations for Safer Activities](#).

10. ADJOURN

ACTION ITEM

TOPIC	DISCUSSION	ACTION TAKEN
1. CALL TO ORDER	President Desiree Hastey called a regular meeting of the Yuba County Board of Education to order on June 23, 2021, at 4:32 p.m. virtually via Zoom teleconference.	CALLED TO ORDER: 4:32 p.m.
ATTENDANCE, PLEDGE OF ALLEGIANCE	Board members in attendance via Zoom conference; Desiree Hastey, Marjorie Renicker, Angela Lewis, and Eva Teagarden. Board member absent; John Nicoletti. Trustee Renicker led the recital of the Pledge of Allegiance.	QUORUM PRESENT
2. APPROVAL OF AGENDA	President Desiree Hastey directed Board members to the June 23, 2021, Agenda for their review and approval.	MOTION: To approve the June 23, 2021, Agenda as presented MOTION: Marjorie Renicker SECOND: Eva Teagarden ROLE CALL VOTE: Marjorie Renicker – Aye Angela Lewis - Aye Eva Teagarden – Aye Desiree Hastey – Aye John Nicoletti - Absent MOTION APPROVED
3. CONSENT AGENDA	3.1 Approval of June 16, 2021, Board Meeting Minutes President Desiree Hastey directed board members to the June 23, 2021, Consent Agenda for their review and approval.	MOTION: To approve the June 23, 2021, Consent Agenda as presented MOTION: Marjorie Renicker SECOND: Angela Lewis ROLE CALL VOTE: Marjorie Renicker – Aye Angela Lewis – Aye Eva Teagarden – Aye Desiree Hastey – Aye

		John Nicoletti - Absent MOTION APPROVED
4. PUBLIC COMMENTS ON NON-AGENDA ITEMS	There were no public comments on non-agenda items.	
5. SUPERINTENDENT'S REPORT	<p>5.1 Presentation of Joint Proclamation for Violette Begley</p> <p>Dr. Reveles shared his presentation of Joint Proclamation in honor of Violette Begley's years of service with the Yuba County Office of Education.</p> <p>Former Superintendent of the Yuba County Office of Education, Richard Teagarden, and Assistant Superintendent of Instruction, Bobbi Abold, both expressed appreciation for Ms. Begley.</p> <p>5.2 This Item Provides an Opportunity for the Directors/Superintendent/Board Members to Share Various Items of Interest</p> <p>Trustee Renicker shared that she attended the graduation ceremony for Special Education Regional Programs. Trustee Renicker thanked Special Education Principals, Joshua Brock and Courtney Coburn and the Special Education Staff for putting together the graduation ceremony.</p>	

<p>6. EDUCATIONAL SERVICES</p>	<p>6.1 Public Hearing on the Proposed Local Control Accountability Plan (LCAP) of the Yuba County Office of Education for 2021-2022</p> <p>President Desiree Hastey called a Public Hearing to order at 4:44 p.m. virtually via Zoom teleconference.</p> <p>It is required that a public hearing on the proposed LCAP of the Yuba County Office of Education for 2021-2022 to be held. This time is designated for the public to ask questions or make comments concerning the LCAP. There were no questions or comments made from the public concerning the LCAP prior to board approval.</p> <p>Bobbi Abold, Assistant Superintendent of Instruction, led a PowerPoint presentation on the Proposed Local Control Accountability Plan (LCAP) of the Yuba County Office of Education for 2021-2022. She shared various goals within this proposed plan in collaboration with county wide partners to provide a continuum of instructional programs and comprehensive services for the Yuba County youth.</p> <p>6.2 Adoption of the Local Control Accountability Plan (LCAP) for the Yuba County Office of Education for 2021-2022</p> <p>President Desiree Hastey directed board members to the Proposed Local Control Accountability Plan (LCAP) for their review and approval of adoption as presented.</p>	<p>CALLED TO ORDER: 4:44 p.m. MOTION: To close the public hearing MOTION: Eva Teagarden SECOND: Marjorie Renicker ROLL CALL VOTE: Marjorie Renicker – Aye Angela Lewis – Aye Eva Teagarden – Aye Desiree Hastey – Aye John Nicoletti - Absent PUBLIC HEARING ADJOURNED: 5:03 p.m.</p> <p>REGULAR SESSION CALLED TO ORDER: 5:03 p.m. MOTION: Adoption of the Local Control Accountability Plan (LCAP) of the Yuba County Office of Education for 2021-2022 MOTION: Eva Teagarden SECOND: Marjorie Renicker ROLL CALL VOTE: Marjorie Renicker – Aye Angela Lewis – Aye Eva Teagarden – Aye</p>
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	<p style="text-align: center;">6.3 Approval of the Yuba County Office of Education System of Support Plan</p> <p>President Desiree Hastey directed board members to the System of Support Plan for their review and approval.</p> <p style="text-align: center;">6.4 Approval of the School Plan for Student Achievement – Title 1 Part A – Thomas E. Mathews Community School/Harry P.B. Carden Court School</p> <p>President Desiree Hastey directed board members to the School Plan for Student Achievement (SPSA) – Title 1 Part A – Thomas E. Mathews Community School/Harry P.B. Carden Court School, for their review and approval.</p> <p>Shelby Rider, Resource Specialist Teacher, questioned why the Yuba County Career Preparatory Charter School was not a qualified Title 1 School. Bobbi Abold responded by explaining that the Yuba County Career Preparatory Charter School did not meet the Free and Reduced Lunch criteria. Terri Ryland, Fiscal Consultant, also provided clarification.</p>	<p>Desiree Hastey – Aye John Nicoletti - Absent MOTION APPROVED</p> <p>MOTION: Approval of the Yuba County Office of Education System of Support Plan MOTION: Eva Teagarden SECOND: Angela Lewis ROLL CALL VOTE: Marjorie Renicker – Aye Angela Lewis – Aye Eva Teagarden – Aye Desiree Hastey – Aye John Nicoletti - Absent MOTION APPROVED</p> <p>MOTION: Approval of the School Plan for Student Achievement – Title 1 Part A – Thomas E. Mathews Community School/Harry P.B. Carden Court School MOTION: Eva Teagarden SECOND: Marjorie Renicker ROLL CALL VOTE: Marjorie Renicker – Aye Angela Lewis – Aye Eva Teagarden – Aye Desiree Hastey – Aye John Nicoletti - Absent MOTION APPROVED</p>
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<p>7. FISCAL SERVICES</p>	<p>7.1 Adoption of the Budget for the Yuba County Office of Education for 2021-2022</p> <p>President Desiree Hastey directed board members to the 2021-2022 Budget for the Yuba County Office of Education, for review and approval of adoption.</p>	<p>MOTION: Adoption of the Budget for the Yuba County Office of Education for 2021-2022 MOTION: Marjorie Renicker SECOND: Angela Lewis ROLL CALL VOTE: Marjorie Renicker – Aye Angela Lewis – Aye Eva Teagarden – Aye Desiree Hastey – Aye John Nicoletti - Absent MOTION APPROVED</p>
<p>8. OTHER ITEMS</p>	<p>There were no other items to share.</p>	
<p>9. ADVANCED PLANNING</p>	<p>9.1 Annual Financing Corporation Meeting Wednesday, June 23, 2021 5:30 p.m. (or shortly thereafter) Via Zoom Conference</p> <p>9.2 Next Regular Board Meeting Wednesday, July 14, 2021 4:30 p.m. – Via Zoom Conference</p>	
<p>10. ADJOURNMENT</p>	<p>There being no further business for discussion, the meeting adjourned at 5:23 p.m.</p>	<p>MOTION: To adjourn the Yuba County Board of Education Meeting MOTION: Eva Teagarden SECOND: Margie Renicker ROLE CALL VOTE: Marjorie Renicker – Aye Angela Lewis - Aye Eva Teagarden – Aye Desiree Hastey – Aye John Nicoletti - Absent MEETING ADJOURNED: 5:23 p.m.</p>

Respectfully submitted,

Recorded by:
Ashley Marin

Francisco Reveles, Ed.D.
Superintendent, Yuba County Office of Education

Yuba County Superintendent of Schools

935 14th Street
Marysville, CA 95901

Quarterly Report on Williams Uniform Complaints (Education Code 35186(d))

District Name: Yuba County Office of Education

Person completing this form: Francisco Reveles, Ed. D.

Title: Superintendent

Quarterly Report Submission Date: June 30, 2021

- October 2020 (for July-September 2020)
1st Quarter
- January 2021 (for October-December 2020)
2nd Quarter
- April 2021 (for January-March 2021)
3rd Quarter
- July 2021 (for April-June 2021)
4th Quarter

Date for information to be reported publicly at governing board meeting: July 14, 2021

No Complaints were filed with any school in the county programs during the quarter indicated above.

Complaints were filed with schools in the county programs during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	0		
Facilities Conditions	0		
TOTALS	0		

Francisco Reveles, Ed.D.

Print Name of County Superintendent

Francisco Reveles

Signature of County Superintendent

American Rescue Plan Act Elementary and Secondary School Relief Fund (ESSER III) Safe Return to In-Person Instruction Local Educational Agency Plan Template

Background on ESSER

The American Rescue Plan Act (ARP) signed into law on March 11, 2021, provided nearly \$122 billion for the Elementary and Secondary School Relief Fund (ESSER). ARP ESSER, also known as ESSER III, funds are provided to State educational agencies in the same proportion as each State received under Title I-A of the Elementary and Secondary Education Act (ESEA) in fiscal year (FY) 2020. The U.S. Department of Education (ED) published Interim Final Requirements (IFR) on April 22, 2021 requiring Local Educational Agencies (LEAs) receiving ESSER III funds to submit an LEA Plan for the Safe Return to In-Person Instruction and Continuity of Services. If an LEA had already developed a plan for safe return to in-person instruction and continuity of services prior to the enactment of ARP that meets the statutory requirements of section 2001(i) but did not address all of the requirements in the IFR, the LEA must revise and post its plan no later than six months after receiving its ESSER III funds. This applies even if an LEA has been operating full-time in-person instruction but does not apply to fully virtual schools and LEAs.

The IFR and ARP statute, along with other helpful resources, are located here:

- April 2021 IFR: <https://www.govinfo.gov/content/pkg/FR-2021-04-22/pdf/2021-08359.pdf>
- ARP Act text: <https://www.congress.gov/117/bills/hr1319/BILLS-117hr1319enr.pdf>
- Centers for Disease Control and Prevention (CDC) COVID-19 School Operation Guidance: https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html#anchor_1616080023247
- ED COVID-19 Handbook Volume I: <https://www2.ed.gov/documents/coronavirus/reopening.pdf>
- ED COVID-19 Handbook Volume II: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>
- ESEA Evidence-Based Guidance: <https://oese.ed.gov/files/2020/07/guidanceeuseseseinvestment.pdf>
- ED FAQs for ESSER and Governor's Emergency Education Relief (GEER): https://oese.ed.gov/files/2021/05/ESSER.GEER_FAQs_5.26.21_745AM_FINAL_b0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf

Purpose of the Template

The IFR issued by ED outlines several requirements for all LEAs that receive ESSER III funds, including that LEAs have in place a plan for ensuring safety during in-person instruction (either in-progress or planned) as well as ensuring continuity of services should the LEA or one or more of its schools be required to close temporarily for COVID-19-related public health reasons in the future. LEAs who had a plan in place by March 11, 2021, which incorporated opportunity for public comment and was posted publicly have six months from the date their ESSER III Assurances were completed to update and revise the plans to meet those requirements. Examples of previous plans that may be allowable would be a completed Cal/OSHA or Assembly Bill 86 plan, as long as it meets the requirements previously stated. LEAs which did not have a statutorily compliant plan in place as of March 11, 2021, must create and post this plan within 30 days of completing their ESSER III Assurances. If you have questions as to which category applies to your LEA, please contact EmergencyServices@cde.ca.gov. Plans are required for all LEAs, regardless of operating status, unless an LEA is fully virtual with no physical location. All plans must be reviewed, and, as appropriate, revised, at least every six months to incorporate new or revised CDC guidance and other changed factors.

This template has been created to assist LEAs in the creation of these plans and to ensure all required elements are met. The following requirements and assurances pertain to both the statutory requirements and the IFR published by ED. LEAs may provide any additional information they believe are helpful in assessing their plan. If you have any questions, please contact EmergencyServices@cde.ca.gov.

LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

LEA Name:

Option for ensuring safe in-person instruction and continuity of services:

has developed a plan

will amend its plan

1. Please choose one:

The LEA had a plan, as of March 11, 2021, that is already compliant with the ARP statute and will review and, as appropriate, revise it every six months to take into consideration the additional requirements of the IFR; or

NOTE: If your LEA already has a compliant plan as of March 11, 2021, and has assured such by checking the box above, then you may skip questions 2-4 and complete the Assurance and Contact sections.

The LEA has amended/created a plan compliant with the IFR using this template and has posted/will post it within 30 days of completing the ESSER III Assurances.

NOTE: If checking the box above that you are using this template to meet the 30 day plan requirements, you must respond to each question in the template.

Please note whether the LEA has a compliant plan and include a link to the plan, or acknowledge that the LEA is submitting a new plan and will post it within 30 days of receiving funds.

2. The LEA will maintain the health and safety of students, educators, and other school and LEA staff, and the extent to which it has adopted policies, and a description of any such policies, on each of the CDC's safety recommendations, including: universal and correct wearing of masks; modifying facilities to allow for physical distancing; handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials.

Describe how the LEA will maintain, or continue to maintain, health and safety policies and procedures. Include a description of any adopted policies and procedures regarding the CDC's safety recommendations (or available LEA website links to such policies). Include descriptions of appropriate accommodations adopted and coordination efforts conducted with outside State and local health officials. Please include or describe current public health conditions, applicable State and local rules and restrictions, and other contemporaneous information that informs your decision-making process.

3. The LEA will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health and other needs, which may include student health and food services.

Describe how the LEA will ensure continuity of services in case isolation, quarantine, or future school closures are required, including how the LEA will meet the needs of students with disabilities and English learners.

4. The LEA sought public comments in the development of its plan and took those comments into account in the development of its plan.

Describe the LEA's policy or practice that provided the public with an opportunity to provide comments and feedback and the collection process. Describe how any feedback was incorporated into the development of the plan.

In addition, the LEA provides the following assurances:

The LEA has made (in the case of statutorily compliant plans) or will make (in the case of new plans) its plan publicly available no later than 30 days after receiving its ARP ESSER allocation.

- Please insert link to the plan:

The LEA sought public comment in the development of its plan and took those public comments into account in the development of its plan.

The LEA will periodically review and, as appropriate revise its plan, at least every six months.

The LEA will seek public comment in determining whether to revise its plan and, if it determines revisions are necessary, on the revisions it makes to the plan.

- If the LEA revises its plan, it will ensure its revised plan addresses each of the aspects of safety currently recommended by the Centers for Disease Control (CDC), or if the CDC has revised its guidance, the updated safety recommendations at the time the LEA is revising its plan.
- The LEA has created its plan in an understandable and uniform format.
- The LEA's plan is, to the extent practicable, written in a language that parents can understand, or if not practicable, orally translated.
- The LEA will, upon request by a parent who is an individual with a disability, provide the plan in an alternative format accessible to that parent.

The following person or persons is/are the appropriate contact person for any questions or concerns about the aforementioned plan.

Please list name(s), title(s), address, county, and contact information for the person or persons responsible for developing, submitting, and amending the LEA plan.

TITLE: Filling Vacancies	
Approved by: _____ <p style="text-align: center;"><i>Desiree Hastey, Board President</i></p>	Series: Board Bylaws Version: 3 Effective Date: July 14, 2021 Previous Policy September 11, Date: 2002 Revised By: Policy Committee Policy Number: BB 9223

Events Causing a Vacancy

A vacancy on the County Board of Education may occur for 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, including by recall (Elections Code 11384; Government Code 1770)
5. A County Board member's ceasing to inhabit the trustee area which he/she represents 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

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 in his/her absence.

If two or more members of the County Board 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 its 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 his/her 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 his/her 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 his/her 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 more than four months before the end of a County Board member's term, 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 unless a special election as described in item #3 below is required. (Education Code 5091, 5093)

3. When a vacancy occurs between six months and 130 days before a regularly scheduled County Board election, but the vacant position is not scheduled to be filled during that election, 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 he/she was elected to fill. (Education Code 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.

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.

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)

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

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.

Legal Reference:

EDUCATION CODE

1000 Composition and trustee area, county board of education

1006 Qualifications for holding office, county board of education

1007 Elections

5090-5095 Vacancies

5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of election

5340-5345 Consolidation of elections

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3000-3003 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)
81 Ops.Cal.Atty.Gen. 98 (1998)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. May 2012

WEB SITES

CSBA: <http://www.csba.org>

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

http://ag.ca.gov/opinions/quo_warranto.php

BYLAWS OF THE BOARD

Filling Vacancies

A vacancy on the Board of Education may occur for any of the events specified in Government Code 1770 or a failure to elect. Removal by recall election shall also create a vacancy on the Board.

Within sixty (60) days of the date of the vacancy or the filing of the Board member's deferred resignation, the Board shall either order an election for the next regular election date or make a provisional appointment.

If the vacancy occurs within four months of the end of the Board member's term, the Board shall not fill the vacancy.

Provisional Appointment

When making a provisional appointment, the Board desires to draw from the widest possible number of candidates. The Board shall:

1. Advertise the vacancy in suitable local media.
2. Solicit applications or nominations of any legally qualified citizen interested in serving on the Board.
3. Provide candidates with appropriate information regarding Board member responsibilities.
4. Announce names of candidates and accept public input either in writing or at a public meeting.
5. Interview the candidates at a public meeting.
6. Select the provisional appointee by majority vote at a public meeting.

Within ten days after the appointment is made, the Board shall post notices of the vacancy or dated resignation and the provisional appointment. The notice shall be published in the local newspaper and posted in at least three public places.

The notice shall contain:

1. The full name of the appointee.
2. The date of appointment.
3. A statement notifying the voters that the provisional appointment shall become effective immediately and shall continue unless a petition calling for an election is filed in the office of the County Superintendent of Schools.

The person appointed shall hold office until the next regularly scheduled election for Board members and shall be afforded all the powers and duties of a Board member upon appointment.

Legal Reference:

EDUCATION CODE

5090 Definition (vacancy)

5091 Special election or provisional appointment

5092 Public notice of vacancy and provisional appointment

5093 Re vacancies occurring near end of term and incumbent not reelected

5094 Power of president of county board of education when majority of offices vacant

5095 Powers of remaining board members and new electees or appointees

5200 Districts governed by boards of education

5304 Duties of the governing board (re school district elections)

5325 Publication of information regarding district elections

5424 Expenses of conducting legal recall election

35107 Eligibility

ELECTIONS CODE

11384 Vacancy in office if majority vote for recall

GOVERNMENT CODE

1770 Vacancies: definition

3060-3074 Removal other than by impeachment

Bylaw Adopted: May 9, 1990

Revised: September 11, 2002

2021 YCOE Board Meeting Schedule

The Second Wednesday of Each Month

Beginning at 4:30 p.m. at the Yuba County One Stop, Beckwourth Room, 1114 Yuba Street, Marysville, CA 95901 ~~via Zoom Conference (until further notice)~~

January 13, 2021

February 10, 2021

March 10, 2021

April 14, 2021

May 12, 2021

June 16, 2021*

June 23, 2021**

July 14, 2021

August 11, 2021

September 8, 2021

October 13, 2021

November 10, 2021

December 13, 2021***

* Third Wednesday in June to allow additional time for Budget preparation

** Two Board Meetings in June (LCAP & Budget Approval)

*** December Annual Organizational meeting to be held on or after the second Friday of December to be AB 2449 compliant, AND help prior to the First Interim Report approval deadline (December 15)

Adopted 12/14/2020

Revised 7/14/2021