

YUBA COUNTY BOARD OF EDUCATION

935 14th Street
Marysville, CA 95901

Agenda

August 12, 2020



Marjorie Renicker

John Nicoletti

Alisan Hastey

Desiree Hastey, President

Eva Teagarden, Vice President

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, August 12, 2020 – 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: 926 1579 0377
Password: 331641

<https://zoom.us/j/92615790377?pwd=MDBIL2xUQ2pSanlzUFMzMETwTVZ4UT09>

or

One tap mobile
+16699009128,,92615790377# US

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 calling or texting your FIRST AND LAST NAME to 530-645-2560. 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 JULY 8, 2020 BOARD MEETING MINUTES – Pages 1-5
 - 3.2 APPROVAL OF JULY 27, 2020 SPECIAL MEETING MINUTES - Pages 6-7
 - 3.3 TEMPORARY COUNTY TEACHER CERTIFICATES – Page 8

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 54595.2(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 THIS ITEM PROVIDES AN OPPORTUNITY FOR THE DIRECTORS/SUPERINTENDENT/BOARD MEMBERS TO SHARE VARIOUS ITEMS OF INTEREST **INFORMATION ITEM**

6. EDUCATIONAL SERVICES

- 6.1 PUBLIC HEARING CERTIFICATON OF STATE INSTRUCTIONAL MATERIALS SUFFICIENCY- Pages 9-17 **ACTION ITEM**
Bobbi Abold

It is required that a Public Hearing be held regarding the certification of sufficient/insufficient instructional materials pursuant to Education Code Section 60119. The public may ask questions or make comments concerning this item.

- 6.2 ADOPTION OF RESOLUTION NO. 2020-04 **ACTION ITEM**
REGARDING SUFFICIENCY OF INSTRUCTIONAL
MATERIALS AT HARRY P. B. CARDEN SCHOOL– Page 18
Bobbi Abold

In order to be eligible to receive instructional materials funds, the governing board is required to adopt a resolution stating whether each pupil within the program has sufficient or insufficient textbooks or instructional materials in specified subjects consistent with the content and cycles of the curriculum frameworks adopted by the state board pursuant to Education Code Section 60119.

Recommend the Board adopt Resolution No. 2020-04

- 6.3 APPROVAL OF 2020-2021 CONSOLIDATED **ACTION ITEM**
APPLICATION PART I - Pages 19-25
Bobbi Abold

This application is submitted annually. The Consolidated Application Part I is the application for State and Federal funds such as Title I, Title II, Title VI, Safety and others.

Recommend the Board approve the 2020-2021 Consolidated Application Part I.

7. POLICY REVIEW/UPDATE/ADOPTION

- 7.1 PUBLIC HEARING **ACTION ITEM**
REVIEW AND PREPARATION OF CONFLICT
OF INTEREST CODE FOR THE YUBA COUNTY BOARD
OF EDUCATION - Pages 26-45
Halee Pomeroy

- 7.2 ADOPTION OF BOARD BYLAWS – **ACTION ITEM**
BB 9270 & E 9270 CONFLICT OF INTEREST- Pages 39-45
Halee Pomeroy

- 7.3 ADOPTION OF RESOLUTION NO. 2020-05 - **ACTION ITEM**
RESOLUTION ADOPTING A CONFLICT OF
INTEREST CODE – Page 46
Halee Pomeroy

- 7.4 ADOPTION OF BOARD BYLAWS - **ACTION ITEM**
BB 9321 & E 9321 CLOSED SESSION - Pages 47- 66
Halee Pomeroy

8. OTHER ITEMS TO COME TO THE ATTENTION OF THE BOARD **INFORMATION ITEM**

9. ADVANCED PLANNING

9.1 NEXT REGULAR BOARD MEETING
SEPTEMBER 9, 2020 – 4:30P.M.
VIA ZOOM TELECONFERENCE

**INFORMATION/
ACTION ITEM**

9.2 REQUEST TO HOLD REGULAR BOARD MEETING
SEPTEMBER 16, 2020 – 4:30P.M.
VIA ZOOM TELECONFERENCE - Page 67
Bobbi Abold

**INFORMATION/
ACTION ITEM**

9.3 NOVEMBER 11, 2020, REGULAR BOARD
MEETING SCHEDULED ON HOLIDAY –
VETERANS DAY – REQUEST TO RESCHEDULE - Page 67
Halee Pomeroy

**INFORMATION/
ACTION ITEM**

10. ADJOURN

ACTION ITEM

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board Meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Superintendent's Office at 530-749-4853. Notification at least 48 hours prior to the meeting will enable the Superintendent's Office to make reasonable arrangements to ensure accessibility to the Board meeting.

All Open Session Agenda related documents are available to the public for viewing at the Yuba County Office of Education located at 935 14th Street, Marysville, CA 95901.

TOPIC	DISCUSSION	ACTION TAKEN
<p>1. CALL TO ORDER</p>	<p>President Desiree Hastey called a regular meeting of the Yuba County Board of Education to order on July 8, 2020 at 4:31pm virtually via Zoom Conference.</p>	<p>CALLED TO ORDER: 4:31pm</p>
<p>ATTENDANCE, PLEDGE OF ALLEGIANCE</p>	<p>Present via teleconference were; Desiree Hastey, Marjorie Renicker, John Nicoletti, Alisan Hastey and Eva Teagarden.</p> <p>Trustee Nicoletti led the recital of the Pledge of Allegiance.</p>	<p>QUORUM PRESENT</p>
<p>2. APPROVAL OF AGENDA</p>	<p>President Desiree Hastey directed board members to the July 8, 2020 Agenda for their review and approval.</p>	<p>MOTION: To approve the July 8, 2020 Agenda as presented. MOTION: John Nicoletti SECOND: Marjorie Renicker ROLE CALL VOTE: Marjorie Renicker – Aye Alisan Hastey – Aye Eva Teagarden – Aye John Nicoletti – Aye Desiree Hastey – Aye MOTION APPROVED</p>
<p>3. CONSENT AGENDA</p>	<p>President Desiree Hastey directed board members to the July 8, 2020 Consent Agenda for their review and approval.</p> <p>3.1 Approval of Minutes of June 30, 2020 Board meeting. 3.2 Temporary County Teacher Certificates</p>	<p>MOTION: To approve the July 8, 2020 Consent Agenda as presented. MOTION: Alisan Hastey SECOND: John Nicoletti ROLE CALL VOTE: Marjorie Renicker – Aye Alisan Hastey – Aye Eva Teagarden – Aye John Nicoletti – Aye Desiree Hastey – Aye MOTION APPROVED</p>

TOPIC	DISCUSSION	ACTION TAKEN
<p>4. PUBLIC COMMENTS ON NON-AGENDA ITEMS</p>	<p>There were no comments from the public.</p>	
<p>5. SUPERINTENDENT'S REPORT</p>	<p>5.1 This Item Provides an Opportunity for the Directors/Superintendent/Board Members to Share Various Items of Interest</p> <p>Dr. Reveles shared the following items:</p> <ul style="list-style-type: none"> • Update on School Reopening – YCOE Working Closely with County Health Officer and Local Pediatricians <ul style="list-style-type: none"> ➤ Leslie Cena discussed reopening plans for YCOE Special Education Programs ➤ Bobbi Abold gave an update on reopening plans for YCOE Alternative Education programs ➤ Cynthia Soares gave an update on reopening plans at Yuba County Career Preparatory Charter School • COVID-19 Taskforce Call Update • Dr. Reveles and Yuba/Sutter County Health Officer, Dr. Luu speak at Saint Isidore Church • Violette Begley gave an overview of 2019-2020 “Hold Harmless” - How it pertains to the 2020-2021 budget • Charter School Cap - Update <p>5.2 YCOE Main Office Relocation Discussion</p> <p>Dr. Reveles asked David Shirah to lead a discussion regarding the current YCOE Main Office and the Yuba County One Stop, including surrounding buildings. All in attendance were able to ask logistical questions.</p>	

TOPIC	DISCUSSION	ACTION TAKEN
	<p>5.3 <u>Closed Session</u></p> <p>Conference with Real Property Negotiators Government Code 54956.8 Property: 935 14th Street, Marysville, CA 95901; 1128 Yuba Street, Marysville, CA 95901 Negotiating parties: Yuba County Board of Education; Yuba County Office of Education; County of Yuba Under negotiation: Logistics, Price and Terms of Payment</p> <p>Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): Significant exposure to litigation. (One potential case.)</p> <p>5.4 <u>Reconvene in Open Session</u></p> <p>Conference with Real Property Negotiators Action Taken:</p> <p>President Desiree Hastey reported that no action was taken during the closed session conference with real property negotiators.</p> <p>Anticipated Litigation Action Taken:</p> <p>President Desiree Hastey noted the following action taken: The Board voted unanimously to pass a resolution (Resolution 2020-03) to reject a claim brought pursuant to the Tort Claims Act, and to give the Claimant notice of the denial.</p> <p>5.5 Community Engagement Liaison Update</p>	<p>ADJOURNED TO CLOSED SESSION: 5:25pm</p> <p>RECONVENE IN OPEN SESSION: 6:38pm</p> <p>ANTICIPATED LITIGATION - ACTION TAKEN: The Board voted unanimously to pass a resolution (Resolution 2020-03) to reject a claim brought pursuant to the Tort Claims Act, and to give the Claimant notice of the denial.</p>

TOPIC	DISCUSSION	ACTION TAKEN
	<p>Amy Nore shared the following items:</p> <ul style="list-style-type: none"> • YCOE Virtual Graduation • Personal Protective Equipment (PPE) Received from California OES/CDE for YCOE and District Programs – Sorting Underway <p>5.6 Suicide Prevention and Postvention Plan</p> <p>California Education Code (<i>EC</i>) Section 215, AB 2246 mandates that the Governing Board of any LEA that serves pupils in grades seven to twelve, inclusive, adopt a policy on pupil suicide prevention, intervention, and postvention. The policy shall specifically address the needs of high-risk groups, include consideration of suicide awareness and prevention training for teachers, and ensure that a school employee acts only within the authorization and scope of the employee’s credential or license.</p> <p>Bobbi Abold has recommended the Board adopt Yuba County Office of Education’s Suicide Prevention Policies (SP 5141.52 and AR 5141.52)</p> <p>5.7 Quarterly Report on Williams Uniform Complaints</p> <p>Dr. Reveles shared the Quarterly Report on Williams Uniform Complaints for 4th quarter, April 1, 2020 to June 30, 2020, pursuant to Education Code §35186. There were no complaints filed.</p>	<p>MOTION: To approve YCOE Suicide Prevention Policies SP 5141.52 and AR 5141.52 MOTION: John Nicoletti SECOND: Marjorie Renicker ROLE CALL VOTE: Marjorie Renicker – Aye Alisan Hastey – Aye Eva Teagarden – Aye John Nicoletti – Aye Desiree Hastey – Aye MOTION APPROVED</p>
<p>6. OTHER ITEMS</p>	<p>There were no other items to come to the attention of the Board.</p>	

TOPIC	DISCUSSION	ACTION TAKEN
<p>7. ADVANCED PLANNING</p>	<p>7.1 Next Regular Board Meeting August 12, 2020 – 4:30P.M. Via Zoom Conference</p> <p>7.2 Potential Need for Special Meeting/ Closed Session – Confidential Student Matter Via Zoom Conference</p> <p>A Special meeting was called by a Board majority vote.</p> <p>Special Meeting Closed Session – Confidential Student Matter Action under consideration: Interdistrict Transfer Appeal Student identification number: 1186263393</p> <p>The Special meeting will be held Monday, July 27, 2020 at 4:30pm via Zoom conference.</p>	<p>MOTION: To hold a Special meeting, on Monday, July 27, 2020 at 4:30 via Zoom for a Closed Session – Confidential Student Matter, Action under consideration: Interdistrict Transfer Appeal Student identification number: 1186263393 MOTION: John Nicoletti SECOND: Alisan Hastey ROLE CALL VOTE: Marjorie Renicker – Aye Alisan Hastey – Aye Eva Teagarden – Aye John Nicoletti – Aye Desiree Hastey – Aye MOTION APPROVED</p>
<p>8. ADJOURNMENT</p>	<p>There being no further business for discussion, the meeting adjourned at 6:51pm</p>	<p>MOTION: To adjourn the Yuba County Board of Education Meeting MOTION: Alisan Hastey SECOND: Marjorie Renicker ROLE CALL VOTE: Marjorie Renicker – Aye Alisan Hastey – Aye Eva Teagarden – Aye John Nicoletti – Aye Desiree Hastey – Aye MEETING ADJOURNED: 6:51pm</p>

Respectfully submitted,

Recorded by:
Halee Pomeroy

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

TOPIC	DISCUSSION	ACTION TAKEN
1. CALL TO ORDER	President Desiree Hastey called a special meeting of the Yuba County Board of Education to order on July 27, 2020 at 4:32pm virtually via Zoom Conference.	CALLED TO ORDER: 4:32pm
ATTENDANCE, PLEDGE OF ALLEGIANCE	<p>Present via Zoom conference were; Desiree Hastey, Marjorie Renicker, John Nicoletti and Eva Teagarden.</p> <p>In addition, present via Zoom conference was Heather Edwards, Legal Counsel for the Yuba County Board of Education.</p> <p>Trustee Nicoletti led the recital of the Pledge of Allegiance.</p>	QUORUM PRESENT
2. APPROVAL OF AGENDA	President Desiree Hastey directed board members to the July 27, 2020 Agenda for their review and approval.	<p>MOTION: To approve the July 27, 2020 Agenda as presented.</p> <p>MOTION: John Nicoletti</p> <p>SECOND: Marjorie Renicker</p> <p>ROLE CALL VOTE: Marjorie Renicker – Aye Eva Teagarden – Aye John Nicoletti – Aye Desiree Hastey – Aye</p> <p>MOTION APPROVED</p>
3. PUBLIC COMMENTS	There were no comments from the public.	
4. CLOSED SESSION	4.1 Closed Session Confidential Student Matter Action Under Consideration: Interdistrict Transfer Appeal Student Identification Number: 1186263393	

TOPIC	DISCUSSION	ACTION TAKEN
	<p>Trustee Alisan Hastey joined the Zoom conference at 4:34pm</p> <p>Upon a motion by trustee John Nicoletti and dually seconded by trustee Marjorie Renicker, the Board convened in closed session at 4:34pm Pursuant to Education Code 46601, the Board conducted an Interdistrict Appeal Hearing, Wheatland Union High School District, Student A.P. The hearing closed at 5:03pm and deliberations began.</p> <p style="text-align: center;">4.2 Reconvene in Open Session Confidential Student Matter</p> <p>The Board reconvened in open session at 5:43pm. Desiree Hastey, Board President, reported closed session action. With a vote of 3-2, the Board voted to deny the appeal of the denial of interdistrict transfer for student A.P.</p>	<p>TRUSTEE ALISAN HASTEY JOINED: 4:38pm</p> <p>MOTION: To enter into closed session. MOTION: John Nicoletti SECOND: Marjorie Renicker ROLE CALL VOTE: Marjorie Renicker – Aye Eva Teagarden – Aye John Nicoletti – Aye Desiree Hastey – Aye Alisan Hastey - Aye MOTION APPROVED OPENED CLOSED SESSION: 4:34pm</p> <p>RECONVENE IN OPEN SESSION: 5:43pm</p>
<p>8. ADJOURNMENT</p>	<p>There being no further business for discussion, upon a motion by trustee Alisan Hastey and dually seconded by Trustee John Nicoletti, the meeting adjourned at 5:46pm</p>	<p>MOTION: To adjourn the Special Meeting MOTION: Alisan Hastey SECOND: John Nicoletti ROLE CALL VOTE: Marjorie Renicker – Aye Alisan Hastey – Aye Eva Teagarden – Aye John Nicoletti – Aye Desiree Hastey – Aye MEETING ADJOURNED: 5:46pm</p>

Respectfully submitted,

Recorded by:
Halee Pomeroy

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

Temporary County Certificates Issued

June 26, 2020 to July 30, 2020

<u>NAME</u>	<u>CREDENTIAL APPLIED FOR</u>	<u>PREV CRED</u>	<u>TCC EXPIRE</u>
Collier, Leticia	Short Term Staffing Permit - M/M	Yes	1/31/2021
Fochs, Trent	Provisional Internship Permit - Soc Sci	Yes	1/31/2021
Miller, Jared	Provisional Internship Permit - English	Yes	1/31/2021
Smith, Monica	Emergency CLAD	Yes	1/31/2021
Wilson, Matthew	Subject Matter Autho - Social Science	Yes	12/31/2020

**Harry P. B. Carden School
High School (9-12) Instructional Materials Survey
2020-21
Reading Language Arts**

Yuba County Office of Education Board-adopted basic programs for RLA/ELD:

Grade	Adopted Textbooks/ Instructional materials	Number of Students Enrolled	Number of Textbooks available	ISBN Number	Sufficient	Insufficient
9	Character Based Literacy	1	40	Web-based Set of novels based on Standards	Yes	
10	Character Based Literacy	1	40	Web-based Set of novels based on Standards	Yes	
11	Character Based Literacy	5	40	Web-based Set of novels based on Standards	Yes	
12	Character Based Literacy	12	40	Web-based Set of novels based on Standards	Yes	

Jennifer Morrison
Director of Curriculum and Instruction

July 30, 2020
Date

**Instructional Materials Survey for compliance with Education Code Sections 1240 (i) and 60119
Adopted from CDE template
Revised 7/23/15/**

Harry P. B. Carden School
Middle School Level (Gr. 6-8) Instructional Materials Survey
2020-21
Reading Language Arts

Yuba County Office of Education SBE-adopted basic programs for RLA/ELD:

Grade	Adopted Textbooks /Instructional Materials	Number of Students Enrolled	Number of Textbooks available	ISBN Number	Sufficient	Insufficient
6	Character Based Literacy	0	40	Web-based Set of novels based on Standards	Yes	
7	Character Based Literacy	0	40	Web-based Set of novels based on Standards	Yes	
8	Character Based Literacy	0	40	Web-based Set of novels based on Standards	Yes	

Jennifer Morrison
Director of Curriculum and Instruction

July 30, 2020
Date

Instructional Materials Survey for compliance with Education Code Sections 1240 (i) and 60119
Adopted from CDE template
Updated: 07/23/15

Harry P. B. Carden School
High School Level Instructional Materials Survey
2020-21
Math

Yuba County Office of Education Alternative Program Board-approved adopted Math textbooks:

Grade	Adopted Textbooks /Instructional Materials	Number of Students Enrolled	Number of Textbooks	ISBN Number	Sufficient	Insufficient
9-12	Math Visions Project Pre-Algebra / Algebra	19	unlimited	Online	Yes	

Jennifer Morrison
Director of Curriculum and Instruction

July 30, 2020
Date

Instructional Materials Survey for compliance with Education Code Sections 1240 (i) and 60119
Adopted from CDE template
Updated: 07/23/15

**Harry P. B. Carden School
Middle School (Gr. 6-8) Instructional Materials Survey
2020-21**

Mathematics

Yuba County Office of Education Alternative Program state-adopted Math textbooks:

Grade	Adopted Textbooks /Instructional Materials	Number of Students Enrolled	Number of Textbooks	ISBN Number	Sufficient	Insufficient
6	Math Visions Project	0	unlimited	Online	Yes	
7	Math Visions Project Pre-Algebra	0	unlimited	Online	Yes	
8	Math Visions Project Algebra	0	unlimited	Online	Yes	

Jennifer Morrison
Director of Curriculum and Instruction

July 30, 2020
Date

**Instructional Materials Survey for compliance with Education Code Sections 1240 (i) and 60119
Adopted from CDE template
Updated: 07/23/15**

Harry P. B. Carden School
High School Level Instructional Materials Survey
2020-21
Science

Yuba County Office of Education Alternative Program Board-approved adopted Science textbooks:

Grade	Adopted Textbooks /Instructional Materials	Number of Students Enrolled	Number of Textbooks	ISBN Number	Sufficient	Insufficient
9-12	Glencoe/McGraw Hill Biology	19	55	0-07-829749-4	Yes	

Jennifer Morrison
Director of Curriculum and Instruction

July 30, 2020
Date

Instructional Materials Survey for compliance with Education Code Sections 1240 (i) and 60119
Adopted from CDE template
Updated: 07/23/15

Harry P. B. Carden School
Middle School Level (Grades 6 - 8) Instructional Materials Survey
2020-21
Science

Yuba County Office of Education Alternative Program adopted Science textbooks:

Grade	Adopted Textbooks /Instructional Materials	Number of Students Enrolled	Number of Textbooks	ISBN Number	Sufficient	Insufficient
6	Glencoe Earth Science	0	2	0078664233	Yes	
7	Glencoe Life Science	0	2	007877800X	Yes	
8	Glencoe Physical Science	0	2	0078600510	Yes	

Jennifer Morrison
Director of Curriculum and Instruction

July 30, 2020
Date

Instructional Materials Survey for compliance with Education Code Sections 1240 (i) and 60119
Adopted from CDE template
Updated: 07/23/15

Harry P. B. Carden School
High School Instructional Materials Survey
2020-21
History/Social Science

Yuba County Office of Education Alternative Program board-adopted textbooks:

Grade	Adopted Textbooks /Instructional Materials	Number of Students Enrolled	Number of Textbooks	ISBN Number	Sufficient	Insufficient
9	World History Globe Fearon	1	8	0-13-023992-5	Yes	
10	World History Globe Fearon	1	9	0-13-023992-5	Yes	
11	American History Globe Fearon	5	20	0-130-23809-0	Yes	
12	Civics Today Glencoe	12	15	978-0-07-880309-3	Yes	

Jennifer Morrison
Director of Curriculum and Instruction

July 30, 2020
Date

Instructional Materials Survey for compliance with Education Code Sections 1240 (i) and 60119
Adopted from CDE template
Updated: 07/23/15

Harry P. B. Carden School
Middle School Level (Grades 6 – 8) Instructional Materials Survey
2020-21
History/Social Science

Yuba County Office of Education Alternative Program board-adopted textbooks:

Grade	Adopted Textbooks /Instructional Materials	Number of Students Enrolled	Number of Textbooks	ISBN Number	Sufficient	Insufficient
6	World History Globe Fearon	0	2	0-13-023992-5	Yes	
7	World History Globe Fearon	0	2	0-13-023992-5	Yes	
8	American History Globe Fearon	0	2	0-130-23809-0	Yes	

**Harry P. B. Carden School
High School Instructional Materials Survey
2020-21**

Health

Yuba County Office of Education Alternative Program board-adopted textbooks:

Grade	Adopted Textbooks /Instructional Materials	Number of Students Enrolled	Number of Textbooks	ISBN Number	Sufficient	Insufficient
9-12	Glencoe Health	19	22	0-07-861211-X	Yes	

Jennifer Morrison
Director of Curriculum and Instruction

July 30, 2020
Date

Instructional Materials Survey for compliance with Education Code Sections 1240 (i) and 60119
Adopted from CDE template
Updated: 07/23/15

JOINT RESOLUTION

**RESOLUTION OF THE SUPERINTENDENT OF SCHOOLS AND THE BOARD OF EDUCATION IN
THE COUNTY OF YUBA, STATE OF CALIFORNIA IN THE MATTER OF:
RESOLUTION REGARDING SUFFICIENCY OF INSTRUCTIONAL MATERIALS
AT HARRY P. B. CARDEN SCHOOL**

Resolution No. 2020-04

THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF SCHOOLS OF THE COUNTY OF YUBA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the governing board of Yuba County Office of Education, in order to comply with the requirements of Education Code Section 60119, held a public hearing August 12, 2020 at 4:30 p.m., which is on or before the eighth week of school (between the first day that students attend school and the eighth week from that day) and which did not take place during or immediately following school hours; and

WHEREAS, the governing board provided at least 10-day notice of the public hearing posted in at least three public places within the County that stated the time, place, and purpose of the hearing, and;

WHEREAS, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the Yuba County Office of Education; and

WHEREAS, the definition of “sufficient textbooks or instructional materials” means that each pupil has a textbook or instructional materials, or both, to use in class and to take home; and

WHEREAS, sufficient textbooks and instructional materials were provided to each student, including English learners that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

Mathematics English/Language Arts Social Studies Science See Attached; and

WHEREAS, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes; and

WHEREAS, laboratory science equipment was available for science laboratory classes offered in grades 9-12 inclusive. Laboratory materials were purchased and/or made available as needed for lab classes; and

NOW, THEREFORE, BE IT RESOLVED, that we, the Yuba County Board of Education and Yuba County Superintendent of Schools, do hereby resolve that for the 2020-2021 school year, the Yuba County Office of Education has provided each pupil in Harry P. B. Carden School with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

I, Dr. Francisco Reveles, Superintendent of Schools in the County of Yuba, State of California, do hereby certify that this resolution, proposed jointly by the Yuba County Board of Education and Yuba County Superintendent of Schools, was duly passed and adopted at a regular meeting thereof assembled this 12th day of August, 2020, by the following vote, to wit:

AYES:
NOES:
ABSENT:

This resolution shall take effect upon its adoption.
PASSED AND ADOPTED the 12th day of August, 2020.

ATTEST: _____ Francisco Reveles, Ed.D. Secretary to the Yuba County Board of Education

Francisco Reveles, Superintendent
Yuba County Office of Education

Desiree Hastey, President
Yuba County Board of Education

2020-21 Certification of Assurances

Submission of Certification of Assurances is required every fiscal year. A complete list of legal and program assurances for the fiscal year can be found at <https://www.cde.ca.gov/fg/aa/co/ca20assurancetoc.asp>.

CDE Program Contact:

Consolidated Application Support Desk, Education Data Office, conappsupport@cde.ca.gov, 916-319-0297

Consolidated Application Certification Statement

I hereby certify that all of the applicable state and federal rules and regulations will be observed by this applicant; that to the best of my knowledge the information contained in this application is correct and complete; and I agree to participate in the monitoring process regarding the use of these funds according to the standards and criteria set forth by the California Department of Education Federal Program Monitoring (FPM) Office. Legal assurances for all programs are accepted as the basic legal condition for the operation of selected projects and programs and copies of assurances are retained on site. I certify that we accept all assurances except for those for which a waiver has been obtained or requested. A copy of all waivers or requests is on file. I certify that actual ink signatures for this form are on file.

Authorized Representative's Full Name	Bobbi Abold
Authorized Representative's Signature	
Authorized Representative's Title	Assistant Superintendent of Instruction
Authorized Representative's Signature Date	08/06/2020

*****Warning*****

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2020-21 Protected Prayer Certification

Every Student Succeeds Act (ESSA) Section 8524 specifies federal requirements regarding constitutionally protected prayer in public elementary and secondary schools. This form meets the annual requirement and provides written certification.

CDE Program Contact:

Franco Rozic, Title I Monitoring and Support Office, frozic@cde.ca.gov, 916-319-0269

Protected Prayer Certification Statement

The local educational agency (LEA) hereby assures and certifies to the California State Board of Education that the LEA has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools as set forth in the "Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools."

The LEA hereby assures that this page has been printed and contains an ink signature. The ink signature copy shall be made available to the California Department of Education upon request or as part of an audit, a compliance review, or a complaint investigation.

The authorized representative agrees to the above statement	Yes
Authorized Representative's Full Name	Bobbi Abold
Authorized Representative's Title	Assistant Superintendent of Instruction
Authorized Representative's Signature Date	08/06/2020
Comment	
If the LEA is not able to certify at this time, then an explanation must be provided in the Comment field. (Maximum 500 characters)	

*****Warning*****

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2020-21 LCAP Federal Addendum Certification

CDE Program Contact:

Local Agency Systems Support Office, LCFF@cde.ca.gov, 916-323-5233

Initial Application

To receive initial funding under the Every Student Succeeds Act (ESSA), a local educational agency (LEA) must have a plan approved by the State Educational Agency on file with the State. Within California, LEAs that apply for ESSA funds for the first time are required to complete the Local Control and Accountability Plan (LCAP), the LCAP Federal Addendum Template (Addendum), and the Consolidated Application (ConApp). The LCAP, in conjunction with the Addendum and the ConApp, serve to meet the requirements of the ESSA LEA Plan.

In order to initially apply for funds, the LEA must certify that the current LCAP has been approved by the local governing board or governing body of the LEA. As part of this certification, the LEA agrees to submit the LCAP Federal Addendum, that has been approved by the local governing board or governing body of the LEA, to the California Department of Education (CDE) and acknowledges that the LEA agrees to work with the CDE to ensure that the Addendum addresses all required provisions of the ESSA programs for which they are applying for federal education funds.

Returning Application

If the LEA certified a prior year LCAP Federal Addendum Certification data collection form in the Consolidated Application and Reporting System, then the LEA may use in this form the same original approval or adoption date used in the prior year form.

County Office of Education (COE) / District	10/05/2017
For a COE, enter the original approval date as the day the CDE approved the current LCAP. For a district, enter the original approval date as the day the COE approved the current LCAP	
Direct Funded Charter	
Enter the adoption date of the current LCAP	
Authorized Representative's Full Name	Bobbi Abold
Authorized Representative's Title	Assistant Superintendent of Instruction

*****Warning*****

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2020-21 Application for Funding

CDE Program Contact:

Consolidated Application Support Desk, Education Data Office, conappsupport@cde.ca.gov, 916-319-0297

Local Governing Board Approval

The local educational agency (LEA) is required to review and receive approval of their Application for Funding selections with their local governing board.

Date of approval by local governing board	08/12/2020
---	------------

District English Learner Advisory Committee Review

Per Title 5 of the California Code of Regulations Section 11308, if your LEA has more than 50 English learners, then the LEA must establish a District English Learner Advisory Committee (DELAC) which shall review and advise on the development of the application for funding programs that serve English learners.

DELAC representative's full name (non-LEA employee)	Bobbi Abold
DELAC review date	08/06/2020
Meeting minutes web address Please enter the web address of DELAC review meeting minutes (format http://SomeWebsiteName.xxx). If a web address is not available, then the LEA must keep the minutes on file which indicate that the application was reviewed by the committee.	
DELAC comment If an advisory committee refused to review the application, or if DELAC review is not applicable, enter a comment. (Maximum 500 characters)	DELAC review is N/A

Application for Categorical Programs

To receive specific categorical funds for a school year, the LEA must apply for the funds by selecting Yes below. Only the categorical funds that the LEA is eligible to receive are displayed.

Title I, Part A (Basic Grant) ESSA Sec. 1111et seq. SACS 3010	No
Title I, Part D Subpart 2 (Delinquent) ESSA Sec. 1401 SACS 3025	Yes
Title II, Part A (Supporting Effective Instruction) ESEA Sec. 2104 SACS 4035	Yes
Title III English Learner ESEA Sec. 3102 SACS 4203	Yes

*****Warning*****

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2020-21 Application for Funding

CDE Program Contact:

Consolidated Application Support Desk, Education Data Office, conappsupport@cde.ca.gov, 916-319-0297

<p>Title III Immigrant ESEA Sec. 3102 SACS 4201</p>	<p>No</p>
<p>Title IV, Part A (Student and School Support) ESSA Sec. 4101 SACS 4127</p>	<p>No</p>

*****Warning*****

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2020-21 Title III English Learner Student Program Subgrant Budget

The purpose of this form is to provide a proposed budget for 2020-21 English learner (EL) Student Program Subgrant funds only per the Title III English Learner Students Program requirements (ESSA, Sections 3114, 3115, & 3116).

CDE Program Contact:

Geoffrey Ndirangu, Language Policy and Leadership Office, gndirang@cde.ca.gov, 916-323-5831

Estimated Allocation Calculation

Estimated English learner per student allocation	\$114.40
Estimated English learner student count	26
Estimated English learner student program allocation	\$2,974

Note: \$10,000 minimum program eligibility criteria

If the local educational agency's estimated English learner student program allocation is less than \$10,000, then it does not meet the minimum program eligibility criteria for direct funding status and requires further action. To receive instructions regarding the consortium application process, please go to the California Department of Education Title III EL Consortium Details web page at <https://www.cde.ca.gov/sp/el/t3/elconsortium.asp>.

Budget

Professional development activities	\$0
Program and other authorized activities	\$0
English Proficiency and Academic Achievement	\$2,915
Parent, family, and community engagement	\$0
Direct administrative costs (Amount cannot exceed 2% of the estimated English learner student program allocation)	\$59
Indirect costs (LEA can apply its approved indirect rate to the portion of the subgrant that is not reserved for direct administrative costs)	\$0
Total budget	\$2,974

*****Warning*****

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2020-21 Substitute System for Time Accounting

This certification may be used by auditors and by California Department of Education oversight personnel when conducting audits and sub-recipient monitoring of the substitute time-and-effort system. Approval is automatically granted when the local educational agency (LEA) submits and certifies this data collection.

CDE Program Contact:

Arturo Ambriz, Fiscal Oversight and Support Office, AAmbriz@cde.ca.gov, 916-323-0765

The LEA certifies that only eligible employees will participate in the substitute system and that the system used to document employee work schedules includes sufficient controls to ensure that the schedules are accurate.

Detailed information on documenting salaries and wages, including both substitute systems of time accounting, are described in Procedure 905 of the California School Accounting Manual posted on the web at <https://www.cde.ca.gov/fg/ac/sa/>.

2020-21 Request for authorization	No
LEA certifies that the following is a full disclosure of any known deficiencies with the substitute system or known challenges with implementing the system (Maximum 500 characters)	

*****Warning*****

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County of Yuba Board of Supervisors

District One ~ Andy Vasquez
District Two ~ Mike Leahy
District Three ~ Doug Lofton
District Four ~ Gary Bradford
District Five ~ Randy Fletcher

RECEIVED

JUN 29 2020

YCOE-Admin

TO: Local Agencies in Yuba County
FROM: Rachel Ferris, Clerk of the Board of Supervisors
SUBJECT: Conflict of Interest – Local Agency Biennial Report
DATE: June 26, 2020

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. **No later than October 1** of each even-numbered year, each agency must submit to the Yuba County Board of Supervisors a notice indicating whether or not an amendment is necessary. The enclosed **2020 Local Biennial Notice form shall be returned to this office no later than October 1, 2020**. The Board of Supervisors is the code reviewing body for single-county agencies and the Fair Political Practices Commission is the code reviewing body for multi-county agencies.

If amendments to your agency's conflict of interest code are necessary, the amended code must be forwarded to the **Board of Supervisors for approval within 90 days**. For example, if you file the notice on October 1, 2008 indicating that an amendment is necessary, the amendment is due to the Board by December 30, 2008. An agency's amended code is not effective until it has been approved by the Board of Supervisors.

The Fair Political Practices Commission (FPPC) is available during the hours of 9:00 a.m. to 11:30 a.m. Call **1-866-ASK-FPPC** (this is a toll-free number) and press 2. You may write to the Fair Political Practices Commission at 428 J Street, Suite 620, Sacramento, California 95814 or email inquiries to: advise@fppc.ca.gov. Information is also available on their website at www.fppc.ca.gov.

Alternatively, if you have not already been granted an exemption, you may qualify for an exemption pursuant to Resolution No. 1992-38, a copy of which is attached.

2020 Conflict of Interest Code Biennial Notice Instructions for Local Agencies

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700).

By July 1, 2020: The code reviewing body must notify agencies and special districts within its jurisdiction to review their conflict of interest codes.

By October 1, 2020: The biennial notice must be filed with the agency's code reviewing body.

The FPPC has prepared a 2020 Local Agency Biennial Notice form for local agencies to complete or send to agencies within its jurisdiction to complete before submitting to the code reviewing body. The City Council is the code reviewing body for city agencies. The County Board of Supervisors is the code reviewing body for county agencies and any other local government agency whose jurisdiction is determined to be solely within the county (e.g., school districts, including certain charter schools). The FPPC is the code reviewing body for any agency with jurisdiction in *more than one county* and will contact them.

The Local Agency Biennial Notice is not forwarded to the FPPC.

If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the code reviewing body for approval within 90 days. An agency's amended code is not effective until it has been approved by the code reviewing body.

If you answer yes, to any of the questions below, your agency's code probably needs to be amended.

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the last code was approved?
- Have any positions been eliminated or re-named since the last code was approved?
- Have any new positions been added since the last code was approved?
- Have there been any substantial changes in duties or responsibilities for any positions since the last code was approved?

If you have any questions or are still not sure if you should amend your agency's conflict of interest code, please contact the FPPC. Additional information including an online webinar regarding how to amend a conflict of interest code is available on [FPPC's website](#).

2020 Local Agency Biennial Notice

Name of Agency: Yuba County Office of Education

Mailing Address: 935 14th Street, Marysville, CA 95901

Contact Person: Halee Pomeroy Phone No.: 5307494853

Email: halee.pomeroy@yubacoe.k12.ca.us Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one box):

An amendment is required. The following amendments are necessary:
(Check all that apply.)

- [Signature]* 7/16/20
Francisco Reveles, Ed.D., Yuba County Superintendent of Schools
- Include new positions
 - Revise disclosure categories
 - Revise the titles of existing positions
 - Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
 - Other (describe) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

*All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2020** or by the date specified by your agency, if earlier, to:*

Yuba County Clerk of the Board, 915 8th Street, Suite 109, Marysville CA 95901

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

BYLAWS OF THE BOARD

Conflict of Interest

Incompatible Activities

A County Board of Education member shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as a member of the County Board. (Government Code 1126)

Conflict of Interest Code

The County Board's conflict of interest code shall be comprised of the terms of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission. Upon direction by the county board of supervisors, the County Board shall review its conflict of interest code in even-numbered years. If no change in the code is required, the County Board shall submit to the county board of supervisors, by October 1, a written statement to that effect. If a change in the code is necessitated by changed circumstances, the County Board shall submit an amended code to the county board of supervisors. (Government Code 87306.5)

When a change in the County Board's conflict of interest code is necessitated by changed circumstances, amendments or revisions, the changed code shall be submitted to the county board of supervisors within 90 days after the changed circumstances necessitating the amendment to the code. (Government Code 87306)

Statements of economic interests submitted by County Board members pursuant to the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

Financial Interest

County Board members shall not be financially interested in any contract made by the County Board or in any contract they make in their capacity as County Board members. (Government Code 1090)

A County Board member shall not be considered to be financially interested in a contract if his/her interest is any of the following: (Government Code 1091.5)

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

Revised: September 11, 2013

1. The ownership of less than 3 percent of the shares of a corporation for profit contracting with the County Board, if the total income to him/her from the corporation's dividends, including the value of stock dividends, does not exceed 5 percent of his/her total annual income, and any other payments made to him/her by the corporation do not exceed 5 percent of his/her total annual income.
2. That of an officer being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty.
3. That of a recipient of public services generally provided by the County Board, on the same terms and conditions as if he/she were not a member of the County Board.
4. That of a landlord or tenant of a party contracting with the County Board if the contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state.

However, the County Board member shall be deemed to have a remote interest within the meaning of, and subject to, the provisions of Government Code 1091 if the subject matter of the contract between the County Board and the contracting party is the particular property in which the County Board member has an interest as landlord or tenant.

5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the County Board at the time of the first consideration of the contract, and provided further that such interest is noted in the County Board's official records.
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the County Board or to which the County Board has a legal obligation to give particular consideration, and provided further that such interest is noted in the County Board's official records.
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the County Board member.

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: September 11, 2013

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if the County Board member has not received and will not receive remuneration, consideration, or a commission as a result of the contract and if he/she has an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

9. That of an officer or employee of or a person having less than a 10 percent ownership interest in a bank, bank holding company, or savings and loan association with which a party to the contract with the County Board has a relationship of borrower or depositor, debtor, or creditor.

In addition, a County Board member shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A County Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract, the fact of the remote interest is disclosed to the County Board and noted in the County Board's official records, and the contract was authorized, approved or ratified in good faith by a vote of the County Board's membership sufficient for the purpose without counting the vote of the County Board member with the remote interest. Remote interests are specified in Government Code 1091(b) and they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A County Board member may participate in a County Board decision to enter into a contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101.

Bylaw Adopted: July 13, 1977
Revised: December 8, 1982 Revised: September 11, 2013
Revised: March 13, 1991
Revised: June 24, 1992
Revised: May 18, 1995
Revised: March 13, 1996
Revised: September 11, 2002

Gifts

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

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

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

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

Honoraria

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

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

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

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

Revised: September 11, 2013

**APPENDIX
DISCLOSURE CATEGORIES**

Every County Board member shall report his/her:

CATEGORY 1

1. Interests in real property located entirely or partly within county boundaries, or within two miles of county boundaries or of any land owned or used by the County Office. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
2. Investments or business positions in or income from sources which:
 - (a) Are engaged in the acquisition or disposal of real property within the County
 - (b) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the County Board and/or County Office
 - (c) Manufacture or sell supplies, books, machinery or equipment of the type used by the County Board and/or County Office

CATEGORY 2

Designated persons in this category must report investments or business positions in or income from sources which:

- (a) are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- (b) manufacture or sell supplies, books, machinery or equipment of the type by the department that the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

NOTICE: Investments include any financial interest in or security issued by a business entity including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership interest or other ownership interest.

Bylaw Adopted: July 13, 1977
 Revised: December 8, 1982 Revised: September 11, 2013
 Revised: March 13, 1991
 Revised: June 24, 1992
 Revised: May 18, 1995
 Revised: March 13, 1996
 Revised: September 11, 2002

Investments do not include: (1) a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency, or (2) assets with a fair market value of less than one thousand dollars.

Every County Board member shall file a full statement of economic interests pursuant to Government Code 87200.

Legal Reference:

EDUCATION CODE

1006 *Qualifications for holding office*

GOVERNMENT CODE

1090-1098 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

81000-91015 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

82019 *Definition of designated employee*

82028 *Definition of gifts*

82030 *Definition of income*

87100-87103.6 *General prohibitions*

87200-87210 *Disclosure*

87300-87313 *Conflict of interest code*

87500 *Statements of economic interests*

89501-89503 *Honoraria and gifts*

91000-91014 *Enforcement*

CODE OF REGULATIONS, TITLE 2

18110-18997 *Regulations of the Fair Political Practices Commission, especially:*

18702.5 *Public identification of a conflict of interest for Section 87200 filers*

COURT DECISIONS

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

86 *Ops.Cal.Atty.Gen. 138(2003)*

85 *Ops.Cal.Atty.Gen. 60 (2002)*

82 *Ops.Cal.Atty.Gen. 83 (1999)*

81 *Ops.Cal.Atty.Gen. 327 (1998)*

80 *Ops.Cal.Atty.Gen. 320 (1997)*

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

69 *Ops.Cal.Atty.Gen. 255 (1986)*

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: September 11, 2013

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

68 *Ops.Cal.Atty.Gen. 171 (1985)*

65 *Ops.Cal.Atty.Gen. 606 (1982)*

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

Revised: September 11, 2013

Attachment A

Designated Positions

The Government Code requires the conflict of interest code to identify positions which involve making or participating in decisions which may affect financial interests. For each position so designated, the code also must specify what category or categories of financial interests are to be reported.

1. Persons occupying the following positions are designated employees and must disclose financial interests in Category 1 defined in Attachment B.

Governing Board Members
Superintendent of Schools
Assistant Superintendent
District Business Administrator

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

Directors
Principals
Program Coordinators
Program Administrators

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

Revised: September 11, 2013

Attachment B

Disclosure Categories

CATEGORY 1

Designated persons in this category must report:

- (a) Interests in real property located entirely or partly within county boundaries, or within two miles of county boundaries or of any land owned or used by the County Office of Education. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

- (b) Investments or business positions in or income from sources which:
 - (1) are engaged in the acquisition or disposal of real property within the county.
 - (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the County Office of Education, or
 - (3) Manufacture or sell supplies, books, machinery or equipment of the type used by the County Office of Education.

CATEGORY 2

Designated persons in this category must report investments or business positions in or income from sources which:

- (c) are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or

- (d) manufacture or sell supplies, books, machinery or equipment of the type by the department that the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

NOTICE: Investments include any financial interest in or security issued by a business entity including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership interest or other ownership interest.

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: September 11, 2013

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

Investments do not include: (1) a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency, or (2) assets with a fair market value of less than one thousand dollars.

Bylaw Adopted: July 13, 1977

Revised: December 8, 1982

Revised: March 13, 1991

Revised: June 24, 1992

Revised: May 18, 1995

Revised: March 13, 1996

Revised: September 11, 2002

Revised: September 11, 2013

TITLE: Conflict of Interest	
Approved by: _____ <i>Yuba County Board of Education, Board President</i>	Series: Board Bylaws Version: 8 Effective Date: 8/12/2020 Previous Policy Date: 9/11/2013 Policy Number: BB 9270

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

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

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

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

Conflict of Interest under the Political Reform Act

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

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

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

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

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

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

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

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

Common Law Doctrine Against Conflict of Interest

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

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

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

Rule of Necessity or Legally Required Participation

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

Incompatible Offices and Activities

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

Gifts

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

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

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

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

Honoraria

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

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

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches

2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the COE for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35230-35240 Corrupt practices, especially:

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82003 Agency definition

82011 Code reviewing body

82019 Definition, designated employee

82028 Definition, gift

82030 Definition, income

82033 Definition, interest in real property

82034 Definition, investment

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18700-18707 General prohibitions

18722-18740 Disclosure of interests

18750.1-18756 Conflict of interest codes

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138(2003)
85 Ops.Cal.Atty.Gen. 60 (2002)
82 Ops.Cal.Atty.Gen. 83 (1999)
81 Ops.Cal.Atty.Gen. 327 (1998)
80 Ops.Cal.Atty.Gen. 320 (1997)
69 Ops.Cal.Atty.Gen. 255 (1986)
68 Ops.Cal.Atty.Gen. 171 (1985)
65 Ops.Cal.Atty.Gen. 606 (1982)
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

TITLE: Conflict of Interest	
Approved by: _____ <i>Yuba County Board of Education, Board President</i>	Series: Board Bylaws Version: New Effective Date: 8/12/2020 Previous Policy Date: N/A Policy Number: E 9270

Conflict of Interest Code of the
Yuba County Board of Education

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

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

APPENDIX

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
 - a. Interests in real property located entirely or partly within county boundaries, or within two miles of the county boundaries, or of any land owned or used by the County Board.
 - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the county, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the County Board, or manufacture or sell supplies, books, machinery, or equipment of the type used by the County Board.

2. Category 2: A person designated Category 2 shall disclose:
 - a. Investments or business positions in or income from sources which are

contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.

- b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs.

Designated Positions

Government Code requires the conflict of interest code to identify positions that involve making or participating in decisions that may affect financial interests. For each position so designated, the code also must specify what category or categories of financial interests are to be reported.

1. Persons occupying the following positions are designated employees and must disclose financial interests in Category 1.

Governing Board Members
Superintendent of Schools
Assistant Superintendent
Chief Business Officer

2. Persons occupying the following positions must disclose financial interests defined in Category 2.

Directors
Principals
Program Coordinators
Program Administrators
Consultants to the County Board

Disclosures for Consultants

Consultants who are hired pursuant to Education Code 1042 may be designated individuals who are required to disclose financial interests as determined on a case-by-case basis. The determination shall be in writing and include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the County Board, makes a governmental decision pursuant to 2 CCR 18700.3.

**YUBA COUNTY BOARD OF EDUCATION
RESOLUTION NO. 2020-05
RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE**

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

WHEREAS, the Yuba County Board of Education has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the County Board's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the County Board has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

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

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

PASSED AND ADOPTED THIS 12th day of August 2020 at a meeting, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ATTEST:

Francisco Reveles, Ed.D.
Secretary to the Yuba County Board of Education

Francisco Reveles, Superintendent
Yuba County Office of Education

Desiree Hastey, President
Yuba County Board of Education

BYLAWS OF THE BOARD

Closed Sessions

The Board may hold closed sessions only for one or more of the following purposes:

1. To consider certain "personnel matters," such as, evaluation of performance, or dismissal of an employee. The Board shall publicly report any action taken and the roll call vote, either at the public meeting during which the closed session was held or at a subsequent public meeting. The Board may also hold a closed session to hear complaints or charges against an employee, unless the employee requests a public hearing.
2. To meet with the Superintendent for the purpose of receiving updates on matters which have been placed in negotiations. Such closed sessions may be held prior to or during consultations and discussions with employee organization representatives and discussions with unrepresented employees.
3. To consider "student personnel matters," that is, suspension or disciplinary action or any other action in connection with any student in the County Office of Education programs, if a public meeting would lead to giving out information which might violate the student's right of privacy.
4. To meet with a state conciliator or a mediator who has intervened in negotiations proceedings.
5. To hear and consider "security matters" affecting the national security; to discuss with the Attorney General, District or County Counsel, Sheriff or Chief of Police or their deputies matters threatening district buildings or the public's right of access to district services or facilities.
6. To protect records which are exempt from public disclosure under Government Code 6254.
7. To meet with the Board's real property negotiator prior to the purchase, sale, exchange or lease of real property in order to instruct the negotiator regarding the price and terms of the property.

Prior to holding the closed session, the Board shall at a public meeting identify the property(ies) under negotiation and specify the person(s) with whom the negotiator may negotiate.

8. To meet with the Board's legal counsel to confer with or receive advice regarding pending litigation which, if discussed in open session, would prejudice the Board's position in the case.

Litigation shall be considered pending when any of the following circumstances exist:

- a. An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the Board is a party, has been initiated formally.
- b. (1) A point has been reached where, in the opinion of the Board on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the district.

(2) Based on existing facts and circumstances, the Board is meeting only to decide whether a closed session is authorized pursuant to paragraph (1) above.
- c. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation.

Prior to holding a closed session pursuant to this section, the Board shall state publicly whether the closed session is being held for reasons listed in subdivision (a), (b) or (c) above. If the session is closed pursuant to subdivision (a), the Board shall state the title of or otherwise specifically identify the litigation to be discussed, unless the Board states that to do so would jeopardize the County Office of Education's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

The legal counsel of the Board shall prepare and submit to the Board a memorandum stating the specific reasons and legal authority for the closed session. If the closed session is pursuant to subdivision (a), the memorandum shall include the title of the litigation. If the closed session is pursuant to subdivision (b) or (c), the memorandum shall include the existing facts and circumstances on which it is based. The legal counsel shall submit the memorandum to the Board prior to the closed session if feasible, and in any case no later than one week after the closed session. The memorandum shall be exempt from disclosure pursuant to Government Code 6254.1.

For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

9. To discuss a claim for the payment of tort liability or public liability losses incurred by the County Office of Education or any member agency under the joint powers insurance pooling agency of which the district is a member.

Time and Place of Closed Sessions

1. The Board of Education may hold a closed session at any time before, during or after a regular or special meeting.
2. The Board may adjourn a regular or special public meeting at any time and go into closed session, returning to public session as soon as the closed session is over. No closed session may be held during an emergency special meeting of the Board.

Statement of Purpose for Closed Session

When it is determined that a closed session is needed during a regular public Board meeting, the presiding officer shall publicly announce the reasons before or after the closed session. If no members of the public are present, a statement shall be made after the closed session. No matters other than those given in the statement shall be discussed or acted upon during the closed session. In the case of special, adjourned or continued meetings, the statement shall be part of the notice provided for such meetings.

If the Board plans to hold a closed session, the agenda of any regular or special meeting shall state the general reasons for the closed session.

Discussion and/or Actions by the Board

1. The Board may discuss any matter contained in the statement of purpose for the closed session at that closed session.
2. The Board may take action on any matter in the statement of purpose for the closed session.
3. Final action by the Board shall be taken at a public meeting with respect to suspension, disciplinary action, or any other action in connection with any student.

Disclosure of Confidential/Privileged Information

All confidential/privileged information shall be released only as allowed by law.

Confidential/privileged information which is produced for or which comes out during closed sessions of the Board shall not be divulged or released unless a majority of Board members agree to release the information, subject to applicable laws regarding closed sessions.

This policy is not intended to cause the withholding of information about the purpose and subject(s) of the closed session as required for public information under Government Code Section 54957.7.

Information from closed sessions shall be released by the president or chairman of the meeting in which the closed session is held.

Any Board member who willfully and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor.

Any Board member who releases confidential/privileged information contrary to the provisions of this bylaw may be publicly censured by a majority vote of the members of the Board.

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35145 Public meetings

35146 Closed session (re student suspension)

48918 Rules governing expulsion procedures; hearings and notice

49073 Release of directory information

49076 Access to records by persons without written parental consent (re invasion of privacy)

GOVERNMENT CODE

1098 Public officials and employees: confidential information

3543.2 Scope of representation

3549.1 Proceedings exempt from public meetings provisions

6250-6268 California Public Records Act

11126 Closed Sessions

54950-54962 The Ralph M. Brown Act, especially

54952.6 Action taken, definition

54956.8 Closed session with negotiator regarding real property

54956.9 Closed session with legal counsel regarding pending legislation

54956.95 Closed sessions; insurance pooling

54957 Closed session; exclusion of witnesses

54957.1 Public report of any action to appoint, employ or dismiss an employee

54957.2 Taking of minutes at closed sessions; clerk; minute book

54957.6 Closed session; representatives to employee organization(s)

54957.7 Statement of reason(s) for closed session

54962 Closed session prohibited

EVIDENCE CODE

1040 Privilege for Official Information

SACRAMENTO NEWSPAPER GUILD V. SACRAMENTO COUNTY BOARD OF SUPERVISORS (1968, 263 Cal.App. 2d 41)

Bylaw Adopted: July 13, 1977
Revised: December 8, 1982
Revised: April 10, 1991
Revised: September 11, 2002

TITLE: Closed Session	
Approved by: _____ <i>Yuba County Board of Education, Board President</i>	Series: Board Bylaws Version: Unknown Effective Date: 8/12/2020 Previous Policy Date: Unknown Policy Number: BB 9321

Closed Session

The County Board of Education is committed to complying with state open meeting laws and modeling transparency in the conduct of its business. The County Board shall hold a closed session during a regular, special, or emergency meeting only for purposes authorized by law.

The agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law and specified below. (Government Code 54954.2)

- (cf. 9320 - Meetings and Notices)
- (cf. 9322 - Agenda/Meeting Materials)

In the open session preceding the closed session, the County Board shall disclose the items to be discussed in closed session. In the closed session, the County Board may consider only those matters so disclosed. (Government Code 54957.7)

After the closed session, the County Board shall reconvene in open session before adjourning the meeting and, when applicable, shall publicly report closed session actions, the votes or abstentions thereon, and other disclosures specified below that are applicable to the matter being addressed. Such reports may be made in writing or orally at the location announced in the agenda for the closed session. (Education Code 32281; Government Code 54957.1, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document such as a contract or settlement agreement, a copy of the document shall be provided to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the document shall be made available the next business day or when the necessary retyping is complete. Whenever copies of an approved agreement will not be immediately released due to an amendment, the County Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

Confidentiality

A County Board member shall not disclose confidential information received in closed session unless the County Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The County Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual misconduct or child abuse shall be identified in any County Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

Matters Related to Students

The County Board shall meet in closed session to consider the appeal of an expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the County Board may meet in closed session for the purpose of deliberations. (Education Code 48920)

(cf. 5144.3 - Student Expulsion Appeals)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion appeal hearing," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

In taking final action, the County Board shall not release any information in violation of student privacy rights provided in 20 USC 1232g or other applicable laws. In an expulsion appeal, the County Board shall refer to the student number or other identifier and shall not disclose the student's name.

The County Board shall meet in closed session to address any student matter over which it has statutory authority, when the matter may involve disclosure of confidential student information.

Real Property Negotiations

The County Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the County Board or county office of education (COE) in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the County Board shall hold an open and public session to

identify its negotiator(s), the property under negotiation, and the person(s) with whom the negotiator may negotiate. For purposes of real property transactions, negotiators may include members of the County Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

When the County Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party to the negotiations, the County Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the COE of its approval. (Government Code 54957.1)

Pending Litigation

Based on the advice of its legal counsel, the County Board may hold a closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion of the matter in open session would prejudice the COE's or County Board's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the COE or County Board is a "party" has been initiated formally. (Government Code 54956.9(d)(1))
2. A point has been reached where, in the County Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the County Board or COE, or the County Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(d)(2), (3))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the County Board or COE

but which the County Board believes are not yet known to potential plaintiff(s) and which do not need to be disclosed.

b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the County Board or COE, which are already known to potential plaintiff(s) and which must be publicly disclosed before the closed session or specified on the agenda.

c. The receipt of a claim pursuant to the Government Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the County Board.

e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the County Board, provided that the COE official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat of litigation on the victim's behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

3. Based on existing facts and circumstances, the County Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(d)(4))

Before holding a closed session pursuant to the pending litigation exception, the County Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(d)(1), the County Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the County Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3) and shall specify the potential number of cases. When the County Board expects to initiate a suit, items related to anticipated litigation shall state that

the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(d)(4) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2b-e above. (Government Code 54954.5)

Following the closed session, the County Board shall publicly report, as applicable:
(Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that the action, defendants, and other details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the ability to serve process on unserved parties or the ability to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the County Board shall report the fact of approval, and the substance of the agreement to persons who inquire once the settlement is final. (Government Code 54957.1)

Review of Student Assessment Instruments

The County Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the County Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

Agenda items related to the review of student assessment instruments shall state that the County Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Following the closed session, the County Board shall confirm that the assessment instruments were reviewed. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

Other Matters for Closed Session

When appropriate, the County Board may also hold a closed session to discuss any of the following:

1. Security Matters

The County Board may meet in closed session with the Governor, Attorney General, district attorney, legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 if agreed to by a two-thirds vote of the County Board members present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present. (Government Code 54956.5, 54957)

(cf. 9323.2 - Actions by the Board)

Agenda items related to these security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the County Board will consult. (Government Code 54954.5)

2. Tactical Response Plan

The County Board may meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. Following the closed session, the County Board shall report any action taken to approve the plan, but need not disclose the COE's plan for tactical responses. (Education Code 32281)

3. Joint Powers Agency Issues

The County Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the COE is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

When the board of the JPA has so authorized and upon advice of legal counsel, the County Board may also meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA that has direct financial or liability implications for the COE. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the name of the

JPA, the closed session description used by the JPA, and the name of the County Board member representing the County Board on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

The County Board shall report the disposition of joint powers agency or self-insurance claims, including the name of the claimant(s), the name of the agency claimed against, the substance of the claim, and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

4. Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the County Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any County Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Following the closed session, the County Board shall publicly confirm that the report was reviewed and a response was prepared.

Legal Reference:

EDUCATION CODE

- 1040 Duties and responsibilities; county boards of education
- 1042 County boards; authority
- 1700 County school service fund
- 1703 Coordination services
- 1730 Supervision of instruction
- 1740 Supervision of attendance
- 1750 Supervision of health
- 1760 Provision of guidance services
- 32281 School safety plans
- 35145 Public meetings
- 35146 Closed session for student suspension or disciplinary action
- 48912 Governing board suspension of student
- 48918 Rules governing expulsion procedures; hearings and notice
- 49073-49079 Privacy of student records
- 60617 Closed session (re review of contents of statewide assessment)

GOVERNMENT CODE

- 815-818.9 California Government Claims Act
- 3540-3549.3 Educational Employment Relations Act
- 6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

CALIFORNIA CONSTITUTION

Article 1, Section 3 Public right to access information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

COURT DECISIONS

Moreno v. City of King, (2005) 127 Cal.App.4th 17

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107

Cal.App.4th 860

Rim of the World Unified School District v. San Bernardino County Superior Court, (2002) 104

Cal.App.4th 1393

Bell v. Vista Unified School District, (2000) 82 Cal.App. 4th 672

Kleitman v. Superior Court of Santa Clara County, (1999) 87 Cal Rptr. 2d

Furtado v. Sierra Community College District, (1998) 68 Cal.App. 4th 876

Gillespie v. San Francisco Public Library Commission, (1998) 67 Cal.App.4th 1165

Roberts v. City of Palmdale, (1993) 5 Cal. 4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App.

2d 41

ATTORNEY GENERAL OPINIONS

94 Ops.Cal.Atty.Gen. 82 (2011)

89 Ops.Cal.Atty.Gen. 110 (2006)

86 Ops.Cal.Atty.Gen. 210 (2003)

85 Ops.Cal.Atty.Gen. 77 (2002)

78 Ops.Cal.Atty.Gen. 218 (1995)

59 Ops.Cal.Atty.Gen. 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2014

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

Open and Public IV: A Guide to the Ralph M. Brown Act Supplement, September 2013

WEB SITES

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

California Office of the Attorney General: <http://www.oag.ca.gov>

League of California Cities: <http://www.cacities.org>

TITLE: Closed Session	
Approved by: _____ <i>Yuba County Board of Education, Board President</i>	Series: Board Bylaws Version: 1 Effective Date: 7/8/2020 Previous Policy Date: New Policy Number: E 9321

Exhibit 1

BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS

The County Board of Education meeting agenda shall include the following description of a closed session item, as applicable:

Matters Related to Students

CONFIDENTIAL STUDENT MATTER

Action under consideration: _____
(Specify type of action, e.g., expulsion appeal, etc.)

Student identification number: _____
(It is recommended that the student's name not be listed. The county office of education (COE) may use other means to identify the student for record-keeping purposes.)

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code 54957

Consultation with: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the County Board will consult.)

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

Education Code 32281

Consultation with: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the County Board will consult.)

Real Property Negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code 54956.8

Property: _____
(Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation.)

COE negotiator: _____
(Specify names of negotiators attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: _____
(Specify name of party; not agent.)

Under negotiation: _____
(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

Pending Litigation

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code 54956.9(d)(1)

Name of case: _____
(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Government Code 54956.9(d)(2) or (3)

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3). Number of potential cases: _____

or

Initiation of litigation pursuant to Government Code 54956.9(d)(4). Number of potential cases: _____

If applicable, facts and circumstances: _____
(The COE may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Government Code 54956.9(e)(2)-(5). These include facts and circumstances, such as an accident, disaster, incident, or transactional occurrence that might result in litigation against the COE and that are known to potential plaintiff(s).)

Joint Powers Authority Issues

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY
Government Code 54956.95

Name of claimant(s): _____
(Specify name, except pursuant to Government Code 54961 when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)

Name of agency against which the claim is made: _____

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH
DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR COE
Government Code 54956.96

Name of JPA: _____

Discussion will concern: _____
(Specify closed session description used by the JPA.)

Name of COE representative on JPA board: _____

Names of agencies or titles of representatives attending the closed session as consultants or other representatives, if applicable:

Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE
Government Code 54956.75

(No additional information is required.)

Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT

Education Code 60617

The County Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program. Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Exhibit 2

CLOSED SESSION

REPORTS OF CLOSED SESSION ACTIONS

Following a closed session during any meeting of the County Board of Education, the County Board shall reconvene in open session to present, orally or in writing, a report of any of the following actions taken during the closed session, as applicable:

Matters Related to Students

(Final action must be taken in open session. It is recommended that the student's name not be disclosed.)

Security Matters

Action taken: _____
(e.g., consultation with law enforcement; approval of contract or memorandum of understanding; approval of tactical response plan, without disclosing the details of the plan)

Board member votes/abstentions: _____

Real Property Negotiations

Action taken: _____
(Report if County Board approves a final agreement concluding real estate negotiations. If final approval rests with the other party, report as soon as the other party has approved the agreement.)

Substance of the agreement: _____

Board member votes/abstentions: _____

Existing Litigation

Action taken related to existing litigation: _____
(e.g., approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation; or approval to legal counsel of a settlement of pending litigation at any stage prior to or during a judicial or quasi-judicial proceeding. If final approval of settlement rests with the other party, report to any person upon request once the settlement is final.)

Adverse party/parties, if known: _____

Substance of the litigation: _____

Board member votes/abstentions: _____

Anticipated Litigation

Action taken: The County Board has given approval to legal counsel to initiate or intervene in a lawsuit. The action, defendants, and other details will be disclosed to any person upon request after the lawsuit is commenced, unless doing so would jeopardize the COE's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.

(The report need not initially identify the action, defendants, or other details.)

Board member votes/abstentions: _____

Joint Powers Agency Issues

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY

Name of claimant(s): _____

Name of agency against which the claim is made: _____

Substance of the claim: _____

Monetary settlement agreed upon by the claimant: _____

Board member votes/abstentions: _____

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR COE

Name of JPA: _____

Action taken: _____

(Law does not include any specific disclosures to be reported.)

Board member votes/abstentions: _____

Review of Audit from State Auditor's Office

Action taken: The County Board reviewed the confidential final draft audit report received from the California State Auditor's Office and has prepared a response.

(No additional information is required. Unless otherwise exempted by law, after the audit report is subsequently released to the public, any County Board discussion of the report must be conducted in open session.)

Review of Assessment Instruments

Action taken: The County Board reviewed the contents of a student assessment instrument approved or adopted for the statewide testing system.

GAMUT 7/19

2020 YCOE Board Meeting Schedule

The Second Wednesday of Each Month
Beginning at 4:30 p.m. at Yuba County Office of Education
935 14th Street, Marysville, CA 95901

January 15, 2020

February 12, 2020

March 11, 2020

April 8, 2020

May 13, 2020

June 10, 2020

June 17, 2020*

June 30, 2020*

July 8, 2020

(Special Board Meeting July 27, 2020)

August 12, 2020

September 9, 2020**

(Proposed Meeting: September 16, 2020**)

October 14, 2020

~~November 11~~ Proposed Meeting: November 18, 2020

December 14, 2020***

*Two Board Meetings in June (LCAP)

** Two Board Meetings in September to approve the Learning Continuity & Attendance Plan (LCAP (2))

*** 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)

Approved 12/16/2019
Revised 06/10/2020
Revised 07/08/2020
Revised 08/12/2020