AGENDA
MERCED COUNTY BOARD OF EDUCATION
April 21, 2025

REGULAR BOARD MEETING

Merced County Office of Education - 632 West 13th Street, Merced CA 95341 – Board Room
The meeting begins at 3:00 p.m.

[These proceedings may be recorded.]

I. Open

A. Call to Order at _____ PM by Chairperson _____

B. Roll Call:

Dennis Hanks, Chairperson	_____
Tim Razzari, Vice Chairperson	_____
Frank Fagundes, Member	_____
Rodrigo Espinosa, Member	_____
Geneva Brett, Member	_____

C. Others Present: _____

II. Flag Salute - Pledge of Allegiance to the Flag

III. Consent Agenda: Items listed under Consent Agenda are considered to be routine administrative functions and will be acted on by the Board in one motion and one vote. Any items under the Consent Agenda may be discussed; however, if the item needs further clarification and discussion, it may be removed from the Consent Agenda at the request of the Board or the Superintendent and considered separately. Information concerning the Consent Agenda items will be provided to each Board Member for study before the meeting. It is understood that the Superintendent recommends approval of all consent items unless otherwise noted. *(Board Bylaw 9322)*

A. Minutes of Regular Meeting on March 17, 2025

Motioned by _____ Seconded by _____ Vote _____

IV. Written Communications

A. Correspondence Received By Chairperson

B. Correspondence Received By Board Members:

1. CSBA Merced County Delegate Update Letter from Zachery Ramos (Page 9)

C. Correspondence Received By Superintendent

V. Call for Public Comments on Agenda & Non-Agenda Items

During this portion of the agenda, the public is invited to address the Board on any item of interest that is within the Board's jurisdiction *(Education Code 35145.5; Government Code 54954.3)*. The Board shall conduct no discussion, deliberation, or action on any item not appearing on the posted agenda, except as authorized by law raised (*Education Code 35145.5, Government Code 54954.2)*. Members of the public are limited to five minutes on each topic or agenda item and, public participation cannot exceed 20 minutes total for each topic or agenda item *(Government Code 54954.3; Board Bylaw 9322 & 9323)*.

VI. Future Agenda Items

A. MCOE Schools Graduation Dates

VII. Superintendent's and Board Member's Report (Information/Discussion Only)

A. Review of Board Bylaws: *(For approval at the May Board Meeting)* — Steve Tietjen
1. 9010 – Public Statements (Page 13)
2. 9012 – Board Member Electronic Communications (Page 15)
3. 9100 – Organization (Page 19)
4. 9150 – Student Body Members *(not applicable)* (Page 22)
5. 9223 – Filing Vacancies (Page 26)
6. 9224 – Oath or Affirmation (Page 32)
7. 9240 – Board Training (Page 33)
8. 9260 – Legal Protection (Page 36)
9. 9270 – Conflict of Interest *(Bylaw & Exhibit)* (Page 38)

B. Public Disclosure of Collective Bargaining Agreement (DCBA) — Janet Riley
California School Employees Association (CSEA) Chapter #541,
Term 7/1/2024 to 6/30/2027 - 3 years (2024-25, 2025-26, and 2026-27) (Page 48)

C. Report on Attendance — Superintendent/Board Members
1. MCSBA Spring Dinner – March 27, 2025
2. Central Valley Education Coalition Dinner – April 10, 2025

D. Board Member's Report *(if any)* — Board Members

E. Superintendent's Report — Steve Tietjen

VIII. Business Items for Action

A. Merced County School Board Association (MCSBA) Fall Conference — Steve Tietjen

It is recommended that the Board of Education authorize Board Members' attendance at the Annual MCSBA Fall Conference, October 10-12, 2025, at Hyatt Regency Monterey (Page 53)

Motioned by _____ Seconded by _____ Vote _____

B. MCOE Employee Recognition Resolutions — Steve Tietjen

It is recommended that the Board of Education approve MCOE Employee Recognition Resolutions as submitted

1. **Resolution No. 2025-08** in Recognition of California Day of the Teacher, (Page 54) May 6, 2025, **Merced County Office Teachers Association (MCOTA)**
2. **Resolution No. 2025-09** in Recognition of California Day of the Teacher, (Page 55) May 6, 2025, **CSEA Chapter 856, Unit B – Head Start**
3. **Resolution No. 2025-10** in Recognition of Classified School Employee's Recognition Week – May 18-24, 2025, **CSEA Chapter 541** (Page 56)
4. **Resolution No. 2025-11** in Recognition of Classified School Employee's Recognition Week – May 18-24, 2025, **CSEA Chapter 856, Unit A – Head Start** (Page 57)

Motioned by _____ Seconded by _____ Vote _____

IX. **Call for Public Comments: Identified Closed Session Agenda Items**
During this portion of the agenda, the public is invited to address the Board on identified closed session items before adjournment into Closed Session.

The Board will proceed into a Closed Session.

X. **Closed Session** Pursuant to Education Code 35146 to Hear Appeal of Denial of Interdistrict Attendance Request – **Appeal # 2025-01** – 3:30 PM

XI. **Closed Session** to Deliberate Interdistrict Attendance **Appeal #2025-01**

The Board will proceed into an Open Session.

XII. **Open Session** Report Action of Interdistrict Attendance **Appeal #2025-01**

Moved by_____ Seconded by_____ Roll Call Vote:

Hanks	_____
Razzari	_____
Fagundes	_____
Espinosa	_____
Brett	_____

Adjournment: _____ PM

Motioned by _____ Seconded by _____ Vote _____

Americans With Disabilities Act Assistance: Auxiliary aids and services include a wide range of services and devices that promote effective communication for individuals with disabilities. If you require such assistance, please notify the Office of the Superintendent at (209) 381-6601 as soon as possible. Every effort will be made to give primary consideration to expressed preferences or provide equally effective means of communication to ensure equal access to the meetings of the Merced County Board of Education.
(Government Code 54954.2) (Board Bylaw 9320 & 9322)

Availability of Documents for Public Inspection: Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Merced County Office of Education to all or a majority of the members of the Merced County Board of Education less than 72 hours before that meeting are available for public inspection in the Superintendent's Office at the Merced County Office of Education, 632 West 13th Street, Merced, CA 95341, during normal business hours. The agenda is made available on our website: www.mcoe.org *(Government Code 54957.5) (Board Bylaw 9320 & 9322)*

Merced County Board of Education

Consent Agenda

MERCED COUNTY
Office of Education
NURTURE • SERVE • LEAD

Steve M. Tietjen, Ed.D. | County Superintendent of Schools

MINUTES
MERCED COUNTY BOARD OF EDUCATION
March 17, 2025

REGULAR BOARD MEETING

Merced County Office of Education Board Room
632 W. 13th Street, Merced, CA 95341

I. Opening

A. Board Chairperson, Dennis Hanks, called the regular meeting of the Merced County Board of Education to order at 3:00 PM.

B. Members present were Dennis Hanks, Tim Razzari, Frank Fagundes, and Geneva Brett. Rodrigo Espinosa was absent.

C. Others present: Laura Andrews, Barbara Brown, Rosa Casillas, Kimberly Chastain, Natalie Flores, Nate Gomes, Martin Macias, Dylan McMullen, Kathleen Ochoa, Patricia Orozco, Estela Perez, Amanda Press, Alex Putzey, Nathan Quevedo, Janet Riley, Christina Vara, Kristie Williams, Maria Cuevas Executive Assistant to the Superintendent, Steve M. Tietjen-County Superintendent

II. Flag Salute – Pledge of Allegiance to the Flag

III. Presentation

A. Presentation of Plaques to MCOE Outstanding Classified, Certificated, and Management Employees for the Quarter ending March 2025

1. Classified Employee: Sabrina Desalez, Educational Services Dept.
2. Classified Employee: Amanda Press, Early Education Dept.
3. Certificated Employee: Jesse Flores, Special Education Dept.
4. Management Employee: Patricia Orozco, Educational Services Dept.

Outstanding Employee Awards were presented to Sabrina Desalez, Outstanding Classified Employee, Educational Services, Outstanding Classified Employee, Amanda Press, Early Education, Outstanding Certificated Employee, Jesse Flores Special Education, and Outstanding Management Employee, Patricia Orozco, with Educational Services.

B. Presentation of the California School Public Relations Association (CalSPRA) awards

1. Award of Merit Annual Report – 2023 Annual Education Report
2. Award of Excellence – One Pill Will Kill Commercial Video
3. Award of Excellence – After School Student Education Services Department

Nathan Quevedo shared with the Board the awards that were presented to MCOE at the California School Public Relations Association (CalSPRA) conference on March 7, 2025. MCOE was presented with three awards, one Award of Merit and two Awards of Excellence.

C. Presentation of the MCOE Blooming Futures

Director, Barbara Brown provided a brief overview of the MCOE Blooming Futures in the absence of Coordinator, Caleb Hampton.

IV. Consent Agenda: Items listed under Consent Agenda are considered to be routine administrative functions and will be acted on by the Board in one motion and one vote. Any items under the Consent Agenda may be discussed; however, if the item needs further clarification and discussion, it may be removed from the Consent Agenda at the request of the Board or the Superintendent and considered separately. Information concerning Consent Agenda items will be provided to each Board member for study before the meeting. It is understood that the Superintendent recommends approval of all consent items unless otherwise noted. *(Board Bylaw 9322)*

A. Minutes of Regular Meeting on February 18, 2025
B. Resolution No. 2025-06 Recognizing April 2025 as the Week of the Young Child Month
C. Resolution No. 2025-07 Retirement Resolution Honoring Yooncho Saeteurn

Frank Fagundes moved and **Geneva Brett** seconded the motion to approve the Consent Agenda as submitted. The motion carried with a vote of 4-0, *(Espinosa was absent)*.

V. Written Communications

A. Correspondence Received By Chairperson: None.
B. Correspondence Received By Board Member: None.
C. Correspondence Received By Superintendent: None.

VI. Call for Public Comments on Agenda & Non-Agenda Items

The public was invited to address agenda items, submit items within the subject matter jurisdiction of the Board for future consideration, or speak to issues related to the function and operation of the County Board of Education.

No comments were made.

VII. Future Agenda Items – None.

VIII. Superintendent's and Board Members' Report (Information/Discussion Only)

A. Board Member's Report

Chairperson, Dennis Hanks attended a Dinner and Movie offered by the MCOE Mathematics Team on Friday, March 14, 2025, at the Mainzer in Merced. There was a film screening of *Counted Out-Math is Power*. During the dinner, the community debriefed and discussed with the MCOE Math Team.

B. Superintendent's Report: NONE

IX. Business Items for Action

A. Merced County Association of Realtors Appreciation Dinner

It was recommended that the Board of Education approve for the Board Members to attend the upcoming special evening dinner to thank all the Local Elected-Officials. Dinner is sponsored by the Merced County Association of Realtors.

Frank Fagundes moved and **Tim Razzari** seconded a motion to approve the Board Members to attend the appreciation dinner on Thursday, March 27, 2025, from 5:00 pm to 7:00 pm. The motion was carried with a vote of 4-0 *(Espinosa was absent)*.

B. Central Valley Education Coalition Legislative Luncheon

It was recommended that the Board of Education approve the attendance of the Board Members at the Central Valley Education Coalition (CVEC) Legislative Luncheon.

Geneva Brett moved and **Tim Razzari** seconded a motion to approve for the Board Members to attend the CVEC Legislative Luncheon on Thursday, April 10, 2025. The motion carried with a vote of 4-0 *(Espinosa was absent)*.

C. 2024-2025 Second Interim Report

It was recommended that the Board of Education approve the Second Interim Report and Criteria and Standards Review.

Janet Riley and Rosa Casillas presented the 2024-2025 Second Interim Report for the Board to review and approve.

Frank Fagundes moved and **Geneva Brett** seconded a motion to approve the Second Interim Report and the Criteria and Standards. The motion was carried with a vote of 4-0 *(Espinosa absent)*.

XI. Adjournment

Tim Razzari moved and **Geneva Brett** seconded the motion to adjourn the regular meeting of the Merced County Board of Education at 3:50 PM. The motion carried with a vote of 4-0 *(Espinosa was absent)*.

Respectfully submitted,

Steve M. Tietjen, Ed.D.
County Superintendent of Schools
Secretary to the Board of Education

SMT/mc

Merced County Board of Education

Written Communication

MERCED COUNTY
Office of Education
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Steve M. Tietjen, Ed.D. | County Superintendent of Schools

April 3, 2025

Dear Fellow School Board Members of Merced County,

I hope this message finds you well and enjoying the early days of spring. As one of your two California School Boards Association (CSBA) Delegates, I wanted to take a moment to provide you with a few updates and share my gratitude for your continued leadership and involvement in our region.

1. Valley Legislative Action Week Update
I'm happy to share that our recent Valley Legislative Action Week was a great success. Board members from both Stanislaus and Merced Counties came together to voice our questions, concerns, and ideas in productive conversations with Assemblywoman Esmeralda Soria and Assemblyman Juan Alanis. One key topic of discussion was the challenge many districts face in transitioning to zero-emission school buses. Thanks to those conversations, Assemblywoman Soria has introduced AB 1111, a CSBA-sponsored bill that would extend the current mandate and offer additional support to LEAs.
A hearing for AB 1111 (Soria) is scheduled for April 9, and I encourage any LEA interested in submitting a letter of support to use the attached template. I'd also like to thank Kurt Kollmann, Board Member from Merced Union High School District, for representing Merced County so well by attending both legislative meetings.

2. Teacher Support Section Launch
We officially launched the Teacher Support Section at the Gustine Traveling Library Headquarters (417 5th Street), and it has already served 57 teachers from across Merced County. Educators have received books, classroom supplies, art tools, and even free meal coupons to support students in need. I'm grateful to those who attended our grand opening and helped share the word. Thanks to the success of the program and support from new partners, we're expecting to receive $20,000 in new supplies with help from the Maria Ramos Education Grant and our library headquarters.

3. Gratitude to Kelly Thomas
I want to extend heartfelt thanks to Kelly Thomas of Winton School District for her service as a CSBA Delegate. Kelly has been a tremendous advocate and partner in our work, and I deeply appreciate her leadership and contributions to our region.

4. Congratulations to Mary Worthington
Please join me in welcoming our newly elected CSBA Delegate, Mary Worthington of Delhi Unified School District. I'm looking forward to working with her as we continue to build on the strong foundation laid by those before us and shine a bright spotlight on the incredible work of our Merced County school districts.

5. Merced County School Board Association Dinner
Thank you to everyone who attended the MCSBA Dinner in Winton. It was a well-attended and inspiring evening filled with delicious food, fantastic student performances, and renewed commitment from the MCSBA Board. They shared exciting plans to strengthen engagement and collaboration across all boards. I strongly encourage each of you to have a representative attend the next meeting on April 28 at the Merced County Office of Education. A response link was emailed to help the Association plan and better meet our collective needs.

6. Countywide Committees for Board Members
If you're looking to get more involved, we have several active committees open to board members, including the Grants Committee, AI in Education Committee, and others focused on timely and impactful topics. These groups are a great way to deepen your understanding, bring resources to your district, and connect with fellow leaders across the county.

7. Stay Connected
As always, I welcome your ideas, questions, and concerns. Please don't hesitate to reach out to me by email, phone, text, or even by letter. It remains a true honor to serve as your CSBA Delegate, and I am so grateful for your continued trust and support.

Wishing you a joyful and successful spring season!

Warm regards,
Zachery Ramos
California School Boards Association Delegate
Gustine Unified School District

MERCED COUNTY
OFFICE OF EDUCATION
RECEIVED
APR 7 2025
Superintendent's Office

_____, 2025

The Honorable Al Muratsuchi
Chair, Assembly Committee on Education
1020 N Street, Room 159
Sacramento, CA 95814

AB 1111 (Soria) – SUPPORT
Hearing Date: April 9, 2025

Dear Chair Muratsuchi:

_____ is pleased to support Assembly Bill 1111, which addresses challenges that local educational agencies (LEAs) face in adopting zero-emission school buses by extending the mandate to only purchase or contract for zero-emission schoolbuses.

Current law requires that LEAs only purchase or contract for zero-emission schoolbuses starting January 1, 2035, where feasible, with one very limited exemption.

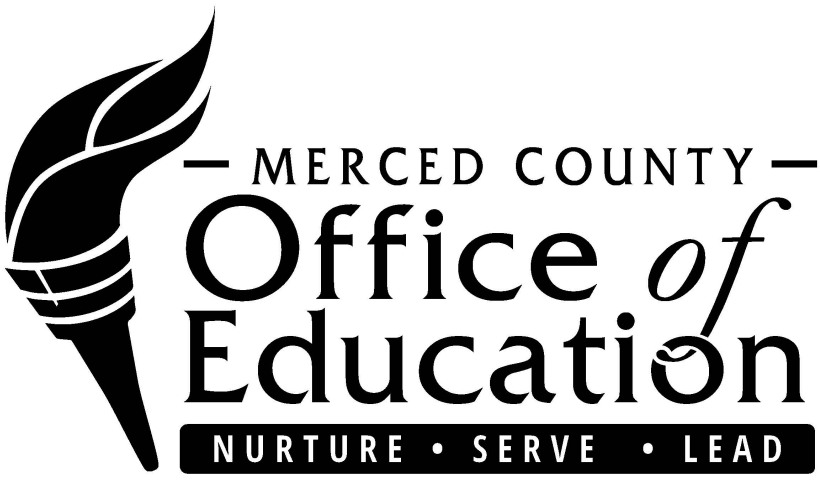
A recent survey of superintendents found that only 11 percent of respondents were confident they could comply with this requirement. The same survey noted that challenges to adopting zero-emission school buses include cost, lack of charging infrastructure or power issues, and increased maintenance. LEAs have also raised concerns regarding the viability of using zero-emission schoolbuses for irregular travel with longer drive times, such as field trips or athletic events, even if zero-emission buses can be used for many daily routes. Additionally, many LEAs have indicated it has become more difficult to procure conventional or low-emission schoolbuses for routes where there is no feasible zero-emission option, an unintended consequence of existing law. These are significant barriers that need to be overcome.

The research shows that LEAs can face significant challenges to meet the zero-emission school bus requirement, and existing law does not allow enough flexibility to account for many of the reasons why these buses may not be feasible for many LEAs. While zero-emission technology continues to evolve, it needs time to do so. The additional time and flexibility that AB 1111 provides is critical to ensuring zero-emission schoolbuses are a feasible option for many LEAs.

For these reasons, the _____ is pleased to support Assembly Bill 1111.

Merced County Board of Education

Superintendent's and Board Members Report



Steve M. Tietjen, Ed.D. | County Superintendent of Schools

Merced County Board of Education

Bylaws

Review - April 21, 2025

Approval - May 19, 2025

MERCED COUNTY
Office of Education
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Steve M. Tietjen, Ed.D. | County Superintendent of Schools

PUBLIC STATEMENTS

The County Board recognizes the responsibility of County Board Members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the Merced County Office of Education (MCOE), and their rights ~~of County Board members~~ to freely express their personal views ~~and encourages open discussion of issues during the County Board meeting~~. However, to ensure communication of a consistent, unified message regarding MCOE issues, board members are expected to respect the authority of the County Board to choose its representatives, to communicate its positions, and to abide by established protocols. ~~The County Board believes that effective County Board members have a responsibility to express themselves, whether in agreement or disagreement with the County Board majority, in ways that promote the County Board's ability to make decisions that affect Merced County Office of Education (MCOE).~~

Board Spokesperson

All public statements authorized to be made on behalf of the County Board shall be made by the County Board chairperson or by the County Superintendent or, with respect to a specific issue or topic, other designated representative as designated by the County Superintendent.

~~*(cf. 9121 - Officers and Duties)*~~
~~*(cf. 9200 - Limits of Board Member Authority)*~~

When speaking for MCOE, the County Board encourages its spokespersons to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the County Board's leadership.

County Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the County Board or by law. (Government Code 54963)

~~*(cf. 9005 - Governance Standards)*~~
~~*(cf. 9011 - Disclosure of Confidential/Privileged Information)*~~

Statements by Individual County Board Members

When speaking to community groups, the media, or other members of the public, individual County Board members should recognize that their statements may be perceived as reflecting the views and positions of the County Board. County Board members have a responsibility to identify ~~personal~~when a viewpoint~~s~~ is held by an individual County Board member rather than the ~~as such and not as the viewpoint of the~~ County Board as a whole. For example, a County Board member may include a disclaimer on the County Board member's personal social media account that the County Board member is expressing personal viewpoints and not those of the County Board or the MCOE.

~~*(cf. 1100 - Communication with the Public)*~~
~~*(cf. 1112 - Media Relations)*~~

PUBLIC STATEMENTS

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

~~*(cf. 1113 - MCOE Web Site)*~~
~~*(cf. 1114 - MCOE Sponsored Social Media)*~~
~~*(cf. 1340 - Access to MCOE Records)*~~
~~*(cf. 9012 - Board Member Electronic Communications)*~~

Legal Reference:

EDUCATION CODE
35010 Control of district; prescription and enforcement of rules
GOVERNMENT CODE
~~*6250-6270*~~ *California Public Records Act*
54960 Actions to stop or prevent violation of meeting provisions
54963 Confidential information in closed session

Management Resources:

COURT DECISIONS
Lindke v. Freed (2024) 601 U.S. 187
WEB SITES
CSBA: http://www.csba.org
California County Boards of Education: http://www.theccbe.org

Cross References:

0450 Comprehensive Safety Plan
1000 Concepts And Roles
1100 Commication With The Public
1112 Media Relations
1113 District And School Websites
1114 District-Sponsored Social Media
1160 Political Processes
1340 Access To District Records
2110 Superintendent Responsibilities
4143 Negotiations/Consultation
4143.1 Public Notice – Personnel Negotiations
4243 Negotiations/Consultation
4243.1 Public Notice – Personnel Negotiations
9000 Role of the Board
9005 Governance Standards
9011 Disclosure of Confidential/Privileged Information
9012 Board Member Electronic Communications
9121 President
9140 Board Representative
9200 Limits of Board Member Authority
9230 Orientation

Bylaw Adopted: 5/3/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 12/16/13, 12/14/2020, FOR REVIEW 4/21/2025 Merced, California

BOARD MEMBER ELECTRONIC COMMUNICATIONS

The County Board recognizes that electronic communication among County Board members and between County Board members, Merced County Office of Education (MCOE) administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of MCOE and its schools. County Board members shall exercise caution so as to ensure compliance with the Brown Act, the Public Records Act, and other applicable laws.~~that electronic communications are not used as a means for the County Board to deliberate outside of an agendized County Board meeting nor to circumvent the public's right to access records regarding MCOE business.~~

~~*(cf. 1100 - Communication with the Public)*~~
~~*(cf. 9000 - Role of the Board)*~~
~~*(cf. 9322 - Agenda/Meeting Materials)*~~

A majority of the County Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

~~*(cf. 9320 - Meetings and Notices)*~~

Examples of permissible electronic communications concerning MCOE business include, but are not limited to, dissemination of County Board meeting agendas and agenda packets, reports of activities from the County Superintendent, and reminders regarding meeting times, dates, and places.

County Board members may engage in separate conversations or communications with members of the public on a social media platform to answer questions, provide information, or solicit information regarding a matter that is within the subject matter jurisdiction of the County Board, as long as a majority of the County Board does not use the platform to discuss among themselves any business of a specific nature that is within the subject matter jurisdiction of the County Board. A County Board member is prohibited from responding directly to any communication from other County Board members regarding matters that are within the subject matter jurisdiction of the County Board or using digital icons (e.g., "likes" or "emojis") to express reactions to communications made by other County Board members. (Government Code 54952.2)

Whenever a County Board member uses a social media platform to communicate with the public about MCOE business or County Board activities, the County Board member shall not block access to a member of the public based on the viewpoint expressed by that individual.

County Board members may use electronic communications to discuss matters that do not pertain to MCOE business, regardless of the number of County Board members participating in the discussion.

BOARD MEMBER ELECTRONIC COMMUNICATIONS

County Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A County Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that ~~his/her~~their response does not necessarily reflect the views of the County Board as a whole. Any complaint or request for information should be forwarded to the County Superintendent in accordance with Board Bylaw~~s~~ 9010 – Public Statements ~~and protocols~~ so that the issue may receive proper consideration and be handled through the appropriate MCOE process. As appropriate, communication received from the media shall be forwarded to the County Superintendent or designated MCOE spokesperson.

~~*(cf. 1112 - Media Relations)*~~
~~*(cf. 1312.1 - Complaints Concerning MCOE Employees)*~~
~~*(cf. 1312.2 - Complaints Concerning Instructional Materials)*~~
~~*(cf. 1312.3 - Uniform Complaint Procedures)*~~
~~*(cf. 1312.4 - Williams Uniform Complaint Procedures)*~~
~~*(cf. 3320 - Claims and Actions Against the MCOE)*~~
~~*(cf. 9005 - Governance Standards)*~~
~~*(cf. 9121 - Officers and Duties)*~~
~~*(cf. 9200 - Limits of Board)*~~

In order to minimize the risk of improper disclosure, County Board members shall avoid reference to confidential information and information acquired during closed session.

~~*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*~~
~~*(cf. 5125 - Student Records)*~~
~~*(cf. 9011 - Disclosure of Confidential/Privileged Information)*~~
~~*(cf. 9321 - Closed Session Purposes and Agendas)*~~

Like other writings concerning MCOE business, a County Board member's electronic communications, including, but not limited to, emails and text messages, may be subject to disclosure under the California Public Records Act, regardless of whether they are sent or received on County Board member's personal or MCOE-provided account or device.

~~*(cf. 1340 - Access to MCOE Records)*~~
~~*(cf. 3580 - MCOE Records)*~~

To the extent possible, electronic communications regarding any MCOE-related business shall be transmitted through a MCOE-provided device or account. When any such communication is transmitted through a County Board member's personal device or account, he/she shall copy the communication to a MCOE electronic storage device for easy retrieval.

County Board members should use county office of education email accounts and servers for communications related to County Board business. County Board members may use electronic communications to discuss matters that do not pertain to MCOE business,

regardless of the number of County Board members participating in the discussion, and such personal communications are generally not subject to public disclosure. However county office of education email accounts and servers should not be used for these communications.

~~*(cf. 9010 - Public Statements)*~~

This Bylaw does not apply to County Board member electronic communications not related to MCOE business or not conducted by a County Board member in their official capacity.

Legal Reference:

EDUCATION CODE
1011 Time and place of meetings
35140 Time and place of meetings
35145 Public meetings
35145.5 Agenda; public participation; regulations
35147 Open meeting law exceptions and applications
GOVERNMENT CODE
6250-6270 California Public Records Act
11135 State programs and activities, discrimination
54950-54963 The Ralph M. Brown Act, especially:
54952.2 Meeting, defined
54953 Meetings to be open and public; attendance
54954.2 Agenda posting requirements, board actions
7920.000-7930.215 California Public Records Act
COURT DECISIONS
~~*Garnier v. Poway Unified School District, No. 17-cv-2215-W (JLB), 2019 WL 4736208 (S.D. Cal. September 26, 2019)*~~
~~*Knight First Amendment Institute at Columbia University v. Trump, 928 F.3d 226 (2019)*~~
Lindke v. Freed (2024) 601 U.S. 187
City of San Jose v. Superior Court (2017) 2 Cal.5th 608

Management Resources:

CSBA PUBLICATIONS
Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017
The Brown Act: School Boards and Open Meeting Laws, rev. 20~~19~~23
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. 2007*~~
WEB SITES
CSBA: http://www.csba.org
CSBA, GAMUT Meetings:
http://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy
California Attorney General's Office: http://oag.ca.gov
Attorney General's Office: http://oag.ca.gov
Institute for Local Government: http://www.ca-ilg.org
League of California Cities: http://www.cacities.org

BOARD MEMBER ELECTRONIC COMMUNICATIONS

Cross References:

- *1100 Communication With The Public*
- *1112 Media Relations*
- *1113 District And School Websites*
- *1113 District And School Websites*
- *1113-E(1) District And School Websites*
- *1114 District-Sponsored Social Media*
- *1114 District-Sponsored Social Media*
- *1312.1 Complaints Concerning District Employees*
- *1312.1 Complaints Concerning District Employees*
- *1312.2 Complaints Concerning Instructional Materials*
- *1312.2 Complaints Concerning Instructional Materials*
- *1312.2-E(1) Complaints Concerning Instructional Materials*
- *1312.3 Uniform Complaint Procedures*
- *1312.3 Uniform Complaint Procedures*
- *1312.3-E(1) Uniform Complaint Procedures*
- *1312.3-E(2) Uniform Complaint Procedures*
- *1312.4 Williams Uniform Complaint Procedures*
- *1312.4-E(1) Williams Uniform Complaint Procedures*
- *1312.4-E(2) Williams Uniform Complaint Procedures*
- *1340 Access To District Records*
- *1340 Access To District Records*
- *3320 Claims And Actions Against The District*
- *3580 District Records*
- *3580 District Records*
- *5125 Student Records*
- *5125 Student Records*
- *9000 Role Of The Board*
- *9005 Governance Standards*
- *9010 Public Statements*
- *9121 President*
- *9200 Limits Of Board Member Authority*
- *9230 Orientation*
- *9320 Meetings And Notices*
- *9322 Agenda/Meeting Materials*
- *9323.2 Actions By The Board*
- *9323.2-E(1) Actions By The Board*

Bylaw Adopted: 5/3/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 3/19/18, 12/14/2020, 3/15/21, FOR REVIEW 4/21/2025 Merced, California

ORGANIZATION

Composition and Jurisdiction

The County Board is comprised of five trustees. Each member of the County Board shall be an elector of the trustee area which ~~he/she~~they represent~~s~~ and shall be elected by electors of the trustee area. (Education Code 1000)

Trustee Areas

The trustee areas for the County Board are as defined by the official map on file in Merced County Office of Education and the revised areas which became effective ~~November 10, 2003~~January 18, 2022. Changes to the trustee areas shall be made in accordance with Education Code 1002.

Annual Organizational Meeting

Each year, the County Board shall hold an annual organizational meeting. ~~The meeting at which the organization is conducted shall be either the first meeting on or after the second Friday in December, or the first meeting on or after the first day in July, depending upon whether, pursuant to Section 1007, the terms of office of board members commence on the second Friday in December or the first day in July.~~In any year in which a regular election of MCOE County Board members is conducted, the organizational meeting shall be held within 15 days following the second Friday in December after the regular election. During all other years, the meeting may be held on any date in December, but no later than December 20th. (Education Code 1009, 35143)

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~~*(cf. 9140 - Board Representatives)*~~
~~*(cf. 9320 - Meetings and Notices)*~~
~~*(cf. 9220 - County Board Elections)*~~

During any year in which a regular election is conducted, the County Board, at the regular meeting held immediately prior to the second Friday in December, shall select the day and time of the organizational meeting. For any other year, the day and time of the organizational meeting shall be selected at the last regular meeting held immediately before the annual meeting. On behalf of the County Board, the County Superintendent of Schools shall be notified of the day and time selected. Within 15 days prior to the date of the annual meeting, the County Superintendent shall notify in writing all County Board members and members-elect of the date and time selected for the meeting. (Education Code 35143)

Election of Officers

At the organizational meeting, the County Board shall:

1. Elect a chairperson and a vice chairperson from its members during an open session of the annual organizational meeting. (Education Code 35022)

ORGANIZATION

~~*(cf. 9121 - Officers and Duties)*~~
~~*(cf. 9320 - Meetings and Notices)*~~

2. Announce the County Superintendent of Schools as secretary and executive officer of the County Board (Education Code 1010)

3. Authorize signatures

4. ~~Develop~~Approve a schedule of regular meetings for the year

~~5. Develop~~and a County Board calendar for the year stating the time when important governance matters will be addressed

~~6~~5. Designate County Board members to serve on County Board standing committees and, as appropriate, to represent the County Board on interagency committees of which the County Board is a member or to which the County Board is invited to participate

6. Review and/or consider resources that define and clarify the County Board's governance and leadership roles and responsibilities including, but not limited to, governance standards, meeting protocols, County Board rules and bylaws, and other County Board development materials.

~~*(cf. 9130 - Board Committees)*~~
~~*(cf. 9140 - Board Representatives)*~~

Legal Reference:
EDUCATION CODE
1002 Trustee areas
1007 Elections
1009 Annual organizational meeting; date and notice
1010 County Superintendent- ex-officio secretary and executive officer
1011 Regular meetings
5017 Term of office
35143 Annual organizational meeting date, and notice
35145 Public meetings
GOVERNMENT CODE
54950-54963 Ralph M. Brown Act, open meeting laws
54953 Meetings to be open and public; attendance
ATTORNEY GENERAL OPINIONS
68 OPS. CAL. ATTY. GEN. 65 (1985)
59 OPS. CAL. ATTY. GEN. 619, 621-622 (1976)

ORGANIZATION

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California County Boards of Education: http://www.theccbe.org

Cross References:
9000 Role of the Board
9005 Governance Standards
9121 President
9123 Clerk
9140 Board Representative
9223 Filling Vacancies
9224 Oath or Affirmation
9230 Orientation
9240 Board Training
9320 Meetings and Notices
9323 Meeting Conduct

Bylaw Adopted: 5/3/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 10/18/16, 11/16/2020, FOR REVIEW 4/21/2025 Merced, California

Bylaw 9150: Student Board Members

Status: ADOPTED

Original Adopted Date: 12/01/2019 | **Last Revised Date:** 03/01/2025 | **Last Reviewed Date:** 03/01/2025

CSBA NOTE: The following optional Board bylaw is for use by any district maintaining one or more high schools.

There are two bases of authority for creating one or more student positions on a district Governing Board. Education Code 35012 authorizes high school students to petition for student representation on a district Board. Additionally, Education Code 35160 grants broad authority to the Board, which includes authorization for the Board to create one or more student Board member positions. When established by student petition, Education Code 35012 also imposes certain requirements related to eligibility, selection, term, and scope of responsibilities. There are no such imposed requirements when established by the Board's own authority. However, it is recommended that Boards adopt the Education Code 35012 requirements as a best practice. Therefore, except where indicated, the following Board bylaw reflects the requirements of Education Code 35012. For Boards that create one or more student Board member positions pursuant to Education Code 35160, this Board bylaw should be revised to reflect district practice.

In order to enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

Credit, Compensation, and Liability

CSBA NOTE: Pursuant to Education Code 35012 and 35120, the Board has discretion to award elective course credit for service as a student Board member and/or to provide the student Board member(s) with monthly financial compensation. The following paragraphs should be deleted or modified to reflect district practice.

The student Board member(s) shall receive elective course credit for service as a student Board member based on the number of equivalent daily instructional minutes for the student Board member's services provided. (Education Code 35120)

Additionally, the student Board member(s) shall receive monthly compensation of $_____. A student Board member who receives monthly compensation shall receive compensation when absent from a Board meeting if the Board, by resolution duly adopted and included in its minutes, finds that at the time of the Board meeting the student Board member was performing services outside the Board meeting for the district, was ill, was on jury duty, or was absent due to a hardship considered acceptable by the Board. (Education Code 35120)

CSBA NOTE: Pursuant to Education Code 35012, student Board members are entitled to reimbursement for mileage expenses to the same extent as other members of the Board. This law does not address other travel expenses that may be incurred by student Board members related to training or to the performance of authorized services. As such, other travel expenses are not necessarily reimbursable for student Board members, except with prior Board approval.

The student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board. (Education Code 35012)

A student Board member is not liable for any acts of the Board. (Education Code 35012)

Student Board Member Positions Based on Petition

CSBA NOTE: Boards that have already established student Board member position(s) should delete the following section.

High school students may submit a petition to the Board requesting the creation of at least one student Board member position.

To qualify for Board consideration, the petition shall contain the signatures of at least 500 students or 10 percent of the number of students regularly enrolled in district high schools, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall adopt a Board bylaw or amend this Board bylaw to create at least one student Board member position on the Board. (Education Code 35012)

Student Board Member Positions Based on Board Authority

CSBA NOTE: The following optional section is for a Board that, on its own authority pursuant to Education Code 35160, has established one or more student Board member positions. Boards that have not established or do not want to establish student Board member position(s) should delete the following section.

There shall be ___ student Board member position(s) on the Board. (Education Code 35160)

Student Board Member Eligibility, Selection, and Term

Each student Board member shall be enrolled in a district high school and shall be selected by a vote of the appliable student body. (Education Code 35012)

If the district has more high schools than student Board member positions, the student Board member position(s) shall rotate annually between the high schools of the district.

The term of the student Board member(s) shall be one year, commencing each July 1. The Board may adjust the term of a student Board member only if a vacancy occurs or to provide more students with an opportunity to serve on the Board. (Education Code 35012)

Role and Responsibilities of Student Board Members

The student Board member(s) shall have the right to attend all Board meetings except closed sessions. (Education Code 35012)

The student Board member(s) shall also be invited to attend staff briefings, or be provided with a separate staff briefing, within the same timeframe as the briefing of other Board members. Additionally, the student Board member(s) shall receive all materials given to Board members between meetings, except for materials that pertain to closed session items, at the same time they are presented to other Board members. (Education Code 35012)

The student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues. (Education Code 35012)

The student Board member(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. *Preferential voting* means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote. (Education Code 35012)

CSBA NOTE: Pursuant to Education Code 35012, the Board may adopt a resolution authorizing its student Board member(s) to make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. The following optional paragraph is for use by districts that have adopted a resolution granting such authority.

The student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

The student Board member(s) shall be appointed to subcommittees of the Board in the same manner as other Board members, although a student Board member may decline an appointment. The availability of all subcommittee members, including the availability of the student Board member(s), may be considered when scheduling subcommittee meetings. (Education Code 35012)

The student Board member(s) shall not be considered members of the Board for purposes of the Brown Act. (Education Code 35012)

The student Board member(s) shall not be counted in determining the vote required to carry any measure before the Board or whether a quorum is in attendance at a Board meeting.

The student Board member(s) shall be invited to attend functions of the Board, such as forums, meetings with students and parents/guardians, and other general assemblies. (Education Code 35012)

CSBA NOTE: Pursuant to Education Code 35012, as amended by SB 1445 (Ch. 327, Statutes of 2024), the Board may authorize the student Board member(s) to make restorative justice recommendations regarding expulsions if certain conditions are met. The following optional paragraph is for use by districts that choose to grant such

authority.

On a case-by-case basis, the student Board member(s) may make restorative justice recommendations to the Board regarding specific expulsion matters. In order for such a recommendation to be made, the student who is subject to the expulsion and that student's parent/guardian shall first provide written consent. If such consent is given, the Superintendent or designee shall provide the student Board member(s) with information regarding the expulsion but only to the extent necessary for the student Board member(s) to provide a recommendation related to restorative justice to the Board. (Education Code 35012)

Student Board Member Training

CSBA NOTE: The following section is optional.

The Superintendent or designee may, at district expense, provide learning opportunities to the student Board member(s) through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of leadership skills and their Board responsibilities.

The Superintendent or designee may periodically provide information to student Board member candidates to give them an understanding of the position. Once selected, the incoming student Board member(s) shall be provided an orientation designed to build knowledge of the district and an understanding of the responsibilities and expectations of the position.

Alternate Student Board Member

If the Board determines that a student Board member is not fulfilling the duties of the position, the Board may appoint another student to serve out the term of the student Board member. If an alternate student Board member is appointed, the Board shall suspend the prior student Board member's rights and privileges related to service on the Board. (Education Code 35012)

Elimination of Student Board Member Position

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)

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

State	Description
Ed. Code 33000.5	Appointment of student member to State Board of Education
Ed. Code 35012	Board members; number, election and terms
Ed. Code 35120	Student board membership
Ed. Code 35160	Authority of governing boards
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services
Website	California Association of Student Councils
Website	California Association of Student Leaders
Website	CSBA

Cross References	Description
0410	Nondiscrimination In District Programs And Activities
3350	Travel Expenses

Cross References	Description
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
6142.3	Civic Education
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
9130	Board Committees
9230	Orientation
9240	Board Training
9250	Remuneration, Reimbursement And Other Benefits
9250-E(1)	Remuneration, Reimbursement And Other Benefits
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9324	Minutes And Recordings

FILLING VACANCIES

Events Causing a Vacancy

A vacancy on the County Board may occur for any of the following events:

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

2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of ~~his/her~~the office for the remainder of ~~his/her~~the term (Government Code 1770)

3. A County Board member's resignation in accordance with Board Bylaw 9222 – Resignation (Government Code 1770)

   A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A County Board member may not defer the effective date of ~~his/her~~the resignation for more than 60 days after ~~he/she~~they file~~s~~ the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A County Board member's removal from office, including by recall (Elections Code 11000-1138~~46~~; Government Code 1770)

5. A County Board member's ceasing to be a resident of the district (Government Code 1770)

   A vacancy on the County Board also occurs when a County Board member ceases to inhabit the trustee area which ~~he/she~~they represents on the County Board. (58 Ops.Cal.Atty.Gen. 888 (1975); 81 Ops.Cal.Atty.Gen. 98 (1998))

6. A County Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)

   a. Upon Merced County Office of Education (MCOE) business with the approval of the County Board

   b. With consent of the County Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the County Board

c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the County Board member for this purpose exceeds six months, the County Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the County Board may appoint an interim member to serve ~~in his/her~~during the absence. If two or more members of the County Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the County Board may immediately appoint one or more interim members as necessary to enable the County Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent County Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A County Board member's ceasing to discharge the duties of ~~his/her~~the office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)

8. A County Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

9. A County Board member's refusal or neglect to file ~~his/her~~the required oath or bond within the time prescribed (Government Code 1770)

~~*(cf. 9224 - Oath or Affirmation)*~~

10. The decision of a competent tribunal declaring void a County Board member's election or appointment (Government Code 1770)

11. A County Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

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

FILLING VACANCIES

Timelines for Filling a Vacancy

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

1. When a vacancy occurs within four months of the end of a County Board member's term, the County Board shall take no action. (Education Code 1008, 5093)

~~2. When a vacancy occurs longer than four months before the end of a County Board member's term, the County Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order of election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)~~

~~3.~~2. When a vacancy occurs ~~from~~between six months ~~to~~and 130 days before a regularly scheduled County Board election at which the vacant position is not scheduled to be filled, the vacancy shall be filled in a special election ~~to fill the position shall be~~ consolidated with the regular election. The person so elected shall take office at the first regularly scheduled County Board meeting following the certification of the election and shall serve only until the end of the term of the position which ~~he/she~~the person was elected to fill. (Education Code 5093)

3. When a vacancy occurs any time outside of the statutory time windows identified in Items #1 and #2 above, the County Board shall either order an election or make a provisional appointment within 60 days of the date of the vacancy or the filing of the member's deferred resignation, whichever is sooner. (Education Code 5091, 5093)

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Eligibility for Appointment

In order to be appointed ~~or elected~~ to fill a vacancy on the County Board, a person must meet the eligibility requirements specified in Education Code 1000, 1006, 35107 and described in Board Bylaw 9220 – Governing Board Elections.

~~*(cf. 9220 – County Board Elections)*~~

Provisional Appointments ~~Process~~

Advertisements shall be placed in the local media to solicit candidate applications or nominations in order to draw from the largest possible number of candidates. The County Board may designate the County Superintendent, the legal counsel or a committee of less than a quorum of the County Board to screen and ensure the eligibility of candidates for the vacant County Board position. The County Board shall interview the candidates at a public

meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

~~*(cf. 9130 – Board Committees)*~~
~~*(cf. 9323.2 – Actions by the Board)*~~

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

1. In three public places in the trustee area

2. On the MCOE's website

3. In a newspaper of general circulation published in the county, if such a newspaper exists

The notice shall contain: (Education Code 5092)

1. The fact of the vacancy or resignation

~~1.~~2. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation

~~2.~~3. The full name of the provisional appointee to the County Board and the date of the provisional appointee's appointment

~~3. The date of the appointment~~

4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment.

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

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and an ~~district~~ election will not be held, the County

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FILLING VACANCIES

Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and appointee shall be seated at the organizational meeting as if elected at the ~~district~~ election. (Education Code 5328)

~~*(cf. 9100 - Organization)*~~

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

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

Legal Reference:

EDUCATION CODE
1000 Composition and trustee area, county board of education
1006 Qualifications for holding office, county board of education
1007 Elections
1008 County board vacancies
5000-5033 Elections
5090-5095 Vacancies
5200-5208 Districts governed by boards of education
5300-5304 Elections
5320-5329 Order and call of election
5340-5345 Consolidation of elections
5360-5363 Election notice
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions, elections
35107 Eligibility of board members
35178 Resignation with deferred effective date
ELECTIONS CODE
10600-10604 School district elections
11381-11386 Candidates for recall
GOVERNMENT CODE
1064 Absence from state
1770 Vacancies: definition
3000-3003 Forfeiture of office
3060-3075 Removal other than by impeachment
6061 One time notice
54950-54963 The Ralph M. Brown Act
PENAL CODE
88 Bribery, forfeiture from office

FILLING VACANCIES

UNITED STATES CODE, TITLE 18
704 Military medals or decorations
ATTORNEY GENERAL OPINIONS
58 Ops.Cal.Atty.Gen. 888 (1975)
81 Ops.Cal.Atty.Gen. 98 (1998)
105 Ops.Cal.Atty.Gen. 182 (2022)

Management Resources:
CSBA PUBLICATIONS
Filling a Board Vacancy, rev. ~~May 2012~~2022
WEB SITES
CSBA: http://www.csba.org
California State Attorney General's Office, Quo Warranto Applications: http://ag.ca.gov/opinions/quo_warranto.php

Cross References:
1113 District and School Websites
1340 Access to District Records
9100 Organization
9110 Terms of Office
9130 Board Committees
9220 Governing Board Elections
9222 Resignation
9224 Oath or Affirmation
9230 Orientation
9323.2 Actions by the Board

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 9/17/12, 6/15/15, 10/18/16, 12/14/2020, FOR REVIEW 4/21/25 Merced, California

OATH OR AFFIRMATION

Prior to entering upon the duties of the~~ir~~ office of a County Board of Education trustee or exercising any function of a County Board trustee, ~~all~~each County Board ~~members~~trustees shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

~~*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*~~

The oath or affirmation may be administered and certified by a County Board ~~member~~trustee, secretary or assistant secretary to the County Board, Superintendent, deputy or assistant superintendent, principal, or County Superintendent of Schools or any other person authorized in Education Code 60 or Government Code 1225.

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

Legal Reference:

EDUCATION CODE
60 Persons authorized to administer and certify oaths
GOVERNMENT CODE
1225 Right to administer and certify oaths
1303 Misdemeanor for failure to take oath
1360-1369 Oath of office
3100-3109 Oath or affirmation of allegiance
CALIFORNIA CONSTITUTION
Article 20, Section 3 Oath of office
COURT DECISIONS
Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544
Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22
WEBSITE
CSBA District and County Office of Education Legal Services

Cross References:

4112.3 Oath of Affirmation
4212.3 Oath of Affirmation
4312.3 Oath of Affirmation
9100 Organization
9110 Terms of Office
9220 Governing Board Elections
9223 Filling Vacancies

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 12/14/2020, FOR REVIEW 4/21/2024 Merced, California

BOARD TRAINING

Ethics Training

The County Board ~~recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.~~believes that its ability to effectively and responsibly govern is essential to promoting student achievement, building positive community relations, and protecting the public interest in county schools. County Board members shall participate in mandatory ethics training, as outlined below, and are encouraged to participate in ongoing opportunities for professional development sufficient to help them understand their responsibilities, stay abreast of new developments in education, and improve governance skills.

~~*(cf. 9000 - Role of the Board)*~~
~~*(cf. 9005 - Governance Standards)*~~

Unless a County Board member's term expires prior to January 1, 2026, each County Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter. (Government Code 53235)

Once completed, the County Board member shall inform the County Superintendent. A record of each County Board member's participation in the required ethics training shall be retained.

The County Board president shall work with the County Superintendent or designee to provide an orientation to newly elected or appointed County Board members consistent with County Bord Bylaw 9230 – Orientation.

County Board Development

The County Board may select a member or members of the board to attend meeting of any society, association, or organization for which the County Board has subscribed for membership, or any convention to which the governing board of a school district or community college district may pay the expenses of any employee. The actual expenses of the member or members shall be allowed and paid out of the Merced County Office of Education (MCOE) general fund with prior budgetary approval. (Education Code 1096).

The County Board president shall work with the County Superintendent or designee to include funds for professional development and associated reasonable travel expenses for the County Board as a whole and for each individual County Board member in the MCOE's proposed annual budget.

Consistent with the availability of funds in the MCOE's adopted annual budget, the County Board president or designee may annually develop, and bring to the County Board for adoption at a County Board meeting, a County Board professional development calendar

designed to assist the County Board as a whole in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, community relations, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

County Board members are encouraged to consider participating in the professional development opportunities offered by California School Board Association (CSBA) such as the Institute for New and First-Time Board Members, Masters in Governance Progrm, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, Policy Update Webinars, and Ethics Trainings.

Consistent with County Board Bylaw 9320 – Meetings and Notices, County Board members may attend a professional development opportunity as part of a conference or similar public gathering, such as the Annual Education Conference and Trade Show hosted by CSBA, so long as ~~with other County Board members and/or with the County Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team-building exercises. In such cases,~~ a majority of the County Board members ~~shall~~do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the ~~Merced County Office of Education's (~~MCOE's~~)~~ jurisdiction, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.

~~*(cf. 9320 - Meetings and Notices)*~~

County Board members shall report to the County Board, orally or in writing, on the County Board activities they attend, for the purpose of sharing the acquired knowledge or skills with the full County Board and enlarging the benefit of the activity to the County Board and MCOE.

~~Funds for County Board development shall be budgeted annually.~~

~~*(cf. 3100 - Budget)*~~
~~*(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)*~~

Legal Reference:

EDUCATION CODE
1095 Membership in organizations
GOVERNMENT CODE
53234-53235.2 Ethics training
54950-54963 The Ralph M. Brown Act~~, especially~~
54952.2 Meeting defined

BOARD TRAINING

Management Resources:

CSBA PUBLICATIONS
Call to Order: A Blueprint for Great Board Meetings, 2015
Professional Governance Standards for County Boards, October 2014
CALIFORNIA COUNTY BOARDS OF EDUCATION PUBLICATIONS
A Guide to Effective Governance, February 27, 2015
WEB SITES
CSBA: http://www.csba.org
California County Boards of Education: http://www.theccbe.org
National School Boards Association: http://www.nsba.org

Cross References:

0000	*Vision*
0100	*Philosophy*
0200	*Goals For The School District*
1112	*Media Relations*
2111	*Superintendent Governance Standards*
2140	*Evaluation Of The Superintendent*
3100	*Budget*
3100	*Budget*
6000	*Concepts And Roles*
9000	*Role Of The Board*
9000-E(1)	*Roled Of The Board*
9005	*Governance Standards*
9100	*Organization*
9121	*President*
9150	*Student Board Members*
9220	*Governing Board Elections*
9220-E(1)	*Governing Board Elections*
9230	*Orientation*
9250	*Remuneration, Reimbursement And Other Benefits*
9250-E(1)	*Remuneration, Reimbursement And Other Benefits*
9270	*Conflict Of Interest*
9270-E(1)	*Conflict Of Interest*
9320	*Meetings And Notices*
9400	*Board Self-Evaluation*

LEGAL PROTECTION

Liability Insurance

The Merced County Office of Education (MCOE) shall provide ~~Liability~~ insurance necessary to protect County Board members from liability ~~and employees while acting within the scope of their office or employment shall be provided~~caused by a negligent act or omission that occurs within the scope of the County Board member's office in accordance with Education Code 35208.

~~*(cf. 3530 - Risk Management/Insurance)*~~

Protection Against Personal Liability

No County Board member shall be liable for any harm caused by the County Board member's negligent act or omission when acting within the scope of the County Board member's responsibilities, including, but not limited to, County Board responsibilities as specified in Board Bylaw 9000 – Role of the Board. Additionally, no County Board member shall be vicariously liable for injuries caused by the MCOE's acts or omissions. (Education Code 35208; Government Code 820.9)

In addition, ~~N~~no County Board member shall be liable for harm caused by ~~his/her~~the County Board member's act or omission if the County Board member was~~when~~ acting within the scope of County Board member's responsibilities~~.~~, ~~The act or omission must be~~made in conformity with federal, state and local laws, and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC ~~6733, 6736~~7946)

The protection against liability shall not apply when: (20 USC ~~6736~~7946)

1. The County Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.

2. The County Board member caused harm by operating a motor vehicle.

3. The County Board member was not properly licensed, if required, by the State for such activities.

4. The County Board member was found by a court to have violated a federal or state civil rights law.

5. The County Board member was under the influence of alcohol or any drug at the time of the misconduct.

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of

terrorism for which the County Board member has been convicted in a court.

7. The misconduct involved a sexual offense for which the County Board member has been convicted in a court.

Nothing in this Board Bylaw is intended to protect a County Board member from criminal or civil liability for injury caused by the County Board member's own wrongful conduct, for certain violations of law, including the Brown Act, or for liability from the requirement to reimburse the MCOE under certain circumstances as specified in law. (Government Code 820.9, 825, 825.6, 54959, 54960)

Legal Reference:

EDUCATION CODE
17029.5 Contract funding; board liability
35208 Liability insurance
35214 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)
GOVERNMENT CODE
815.3 Intentional torts
820-823 Tort Claims Act
825-825.6 Indemnification of ~~public entity~~elected officials
1090-1098 ~~Conflicts of interest, p~~Prohibitions applicable to specified officers
54950-54963 The Ralph M. Brown Act
87100-89503 Conflicts of interest
UNITED STATES CODE, TITLE 18
16 Crime of violence defin~~ed~~ition
UNITED STATES CODE, TITLE 20
~~6731-6738~~7941-7948 Teacher Protection Act
COURT DECISIONS
Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)
WEBSITES
CSBA District and County Office of Education Legal Services

Cross References:

1330.1 Joint Use Agreements
3530 Risk Management/Insurance
4119.1 Civil and Legal Rights
4219.1 Civil and Legal Rights
4319.1 Civil and Legal Rights
9000 Role of the Board
9124 Attorney
9323.2 Actions by the Board

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 12/14/2020, FOR REVIEW 4/21/2025 Merced, California

CONFLICT OF INTEREST

Merced County Office of Education (MCOE) desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of MCOE and the public. Accordingly, no County Board member, County Superintendent, MCOE employee, or other person in a designated position designated in the MCOE's conflict of interest code, shall participate in the making of any decision for the MCOE when the decision will or may be affected by ~~his/her~~their financial, family, or other personal interest or consideration as defined by law.

~~*(cf. 9005 - Governance Standards)*~~

Even if ~~there is not~~ a prohibited conflict of interest does not exist, a County Board member or the County Superintendent shall abstain from voting or acting on personnel matters that uniquely affect the County Board member's or the County Superintendent's relatives. However, the County Superintendent may vote or act on collective bargaining agreements and personnel matters that affect a class of employees to which their relative belongs. Relative means an adult who is related to the County Board member or the County Superintendent by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

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.

Conflict of Interest Code

The County Board shall adopt a resolution that specifies the terms of MCOE's conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, ~~specifies~~delineates the MCOE's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the MCOE's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the County Board shall review MCOE's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the County Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in MCOE's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be

submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing MCOE's conflict of interest code, the County Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

~~*(cf. 9320 - Meetings and Notices)*~~
~~*(cf. 4117.2/4217.2/4317.2 - Resignation)*~~
~~*(cf. 9222 - Resignation)*~~

Conflict of Interest under the Political Reform Act

A County Board member, County Superintendent or designated employee shall not make, participate in making, or in any way use or attempt to use ~~his/her~~an official position to influence a governmental decision in which ~~he/she~~the County Board member, County Superintendent, or designated employee knows or has reason to know that ~~he/she has~~there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, ~~on one or more of the County Board member's, County Superintendent's or designated employee's "economic interests," which is distinguishable from the effect on the public generally,~~ on the County Board member's, County Superintendent's or designated employee's, ~~or other person in a designated position, his/her~~ immediate family, or financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A County Board member, County Superintendent or designated employee makes a governmental decision when, acting within the authority of ~~his/her~~the office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contracts or appears before a MCOE official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a County Board member, County Superintendent or designated employee shall participate in the making of a contract in which ~~he/she~~the County Board member, County Superintendent or designated employee has a financial interest if ~~his/her~~such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

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. ~~He/she~~They may remain on the dais, but ~~his/her~~their presence shall not be counted towards achieving a quorum for that matter. A County Board member or County Superintendent 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 18702.1)

CONFLICT OF INTEREST

Conflict of Interest from Campaign Contributions

Prior to the County Board or County Superintendent rendering a decision in a proceeding before the MCOE involving a contract, license, permit, or other entitlement for use, as defined by Government Code 84308, a County Board member or County Superintendent whose campaign committee received a contribution of more than $500 from any party or participant to the proceeding, or from an agent of such a party or participant, in the prior 12 months, and the party who made such a contribution, shall both publicly disclose that fact on the record of the proceeding. Additionally, if a County Board member or County Superintendent willfully or knowingly received a contribution to the County Board member's or County Superintendent's campaign committee of more than $500 from any party or participant to such a proceeding, or from an agent of a party or participant, in the prior 12 months, and knows or has reason to know that the participant has a financial interest in the MCOE's decision, the County Board member or County Superintendent shall not make, participate in making, or in any way attempt to use the County Board member's or County Superintendent's official position to influence the MCOE's decision in the proceeding. However, a County Board member or County Superintendent may make, participate in making, or attempt to use the County Board member's or County Superintendent's official position to influence the decision if the contribution is returned within 30 days after the decision was made or after the County Board member or County Superintendent knows or should have known about the contribution and the proceeding, whichever is later.

All County Board members and the County Superintendent are prohibited from accepting, soliciting, or directing a contribution of more than $500 to a candidate or ballot measure campaign committee from any party or participant to a proceeding before the MCOE involving a contract, license, permit, or other entitlement for use, as defined by Government Code 84308, or from an agent of a party or participant, while the proceeding is pending before the MCOE and for 12 months following the date the MCOE renders a final decision in the proceeding, if the County Board member or County Superintendent knows or has reason to know that the participant has a financial interest in the MCOE's decision. However, if a County Board member or the County Superintendent does accept, solicit, or direct such a contribution during those 12 months but did not do so knowingly or willingly, the County Board member or the County Superintendent may cure the violation by ensuring that the contribution, or the portion exceeding $500, is returned within 30 days of accepting, soliciting, or directing the contribution. The County Board member or County Superintendent shall maintain records of curing the violation. (Government Code 84308)

For a County Board member or the County Superintendent, a proceeding becomes "pending" when an item involving the contract, license, permit, or other entitlement for use, as defined by Government Code 84308, is placed on a County Board agenda for discussion or decision or when it is reasonably foreseeable that the proceeding will come before the MCOE for a decision. For a party or participant, and the agent of a party of participant, a proceeding becomes "pending" when an application is filed with the district, or, if the proceeding process

does not require an application, when the proceeding is before the MCOE for a decision or other action. (Government Code 84308)

The contributions disclosure requirements and restrictions above do not apply to contracts that are required to be competitively bid, labor contracts, personal employment contracts, contracts valued under $50,000, contracts where no party receives financial compensation, or contracts with another governmental agency. (Government Code 84308)

Form 700

Each County Board member~~s~~, the County Superintendent and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in MCOE's conflict of interest code. A County Board member or County Superintendent who leaves office, or a designated employee who leaves MCOE employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or MCOE employment. (Government Code 87302~~, 87302.6~~)

Additional Requirements for Boards that Manage Public Investments

A County Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

2. ~~Recues himself/herself from discussing and voting on the matter,~~Not discuss or vote on the matter, or otherwise acting in violation of Government Code 87100. The County Board member shall not be counted toward achieving a quorum while the item is discussed.

~~However, the County Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public~~.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded~~, unless the matter has been placed on the portion of the agenda reserved for uncontested matters~~.

However, the County Board member who manages public investments, as defined by Government Code 87200, may speak on the issue during the time that the general public

speaks on it. Additionally, for a County Board member, if the matter has been placed on the consent calendar, the County Board member shall abstain from voting on the consent calendar or, if the County Board removes the item from the consent calendar, the County Board member shall abstain from voting on the item. In any event, the County Board member shall refrain from discussing or voting on the item. However, the County Board member is not required to leave the room during consideration of the consent calendar.
~~If the item is on the consent calendar, the County Board member must recues himself/herself from discussing or voting on that matter, but the County Board member is not required to leave the room during consideration of the consent calendar~~.

4. If ~~the County Board's~~a decision is made during closed session, disclose ~~his/her~~the interest orally during the open session preceding the closed session.

This disclosure shall be limited to a declaration that ~~his/her~~the recusal is because of a conflict of interest pursuant to Government Code 87100. ~~He/she~~The County Board member shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the County Board's decision.

~~*(cf. 3430 - Investing)*~~
~~*(cf. 9321 - Closed Session Purpose and Agendas)*~~
~~*(cf. 9321.1 - Closed Session Actions and Reports)*~~

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

County Board members, the County Superintendent, designated employees, or MCOE consultants shall not be financially interested in any contract made by the County Board or County Superintendent on behalf of MCOE, including in the development, ~~preliminary~~internal discussions, negotiations, ~~compromises~~modifications, planning, ~~reasoning~~deliberation of issues, and specifications and solicitations for bids. If a County Board member, ~~or~~ County Superintendent, designated employee or MCOE consultant has such a financial interest, MCOE is barred from entering into the contract. (Government Code 1090; *Klistoff v. Superior Court* (2007) 157 Cal.App. 5th 469)

Remote Interest Exception to Government Code 1090

A County Board member or County Superintendent shall not be considered to be financially interested in a contract ~~if he/she has~~in which there is 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 or County Superintendent shall not ~~approve,~~ vote or debate on the matter or attempt to influence any other County Board member to enter into the contract. (Government Code 1091)

CONFLICT OF INTEREST

Noninterest Exception to Government Code 1090

A County Board member or County Superintendent shall not be considered to be financially interested in a contract if ~~his/her interest is~~ any "noninterest" as ~~defined~~specified in Government Code 1091.5. One such noninterest is when a County Board member's or County Superintendent's spouse/registered domestic partner has been an MCOE employee for at least one year prior to the County Board member's or County Superintendent's election or appointment, or in any other "noninterest" specified in ~~.~~ ~~(~~Government Code 1091.5~~).~~

Common Law Doctrine Against Conflict of Interest

A County Board member and County Superintendent shall abstain from any official action in which ~~his/her~~their private or personal interest may conflict with ~~his/her~~ official duties pursuant to the common law doctrine against conflict of interest.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a County Board member or County Superintendent 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 18708.

Incompatible Offices and Activities

County Board members and County Superintendents 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 and County Superintendent's duties as an officer of MCOE. (Government Code 1099, 1126)

~~*(cf. 4136/4236/4336 - Nonschool Employment)*~~

Gift

County Board members, the County Superintendent and designated employees may accept gifts only under the conditions and limitations specified in law including, but not limited to, Government Code 89503 and 2 CCR 18730.

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

In addition, the limitation on gifts does not apply to informational material such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

CONFLICT OF INTEREST

Gifts of travel and related lodging and subsistence shall be subject to the current gift conditions and limitations, except when: ~~as described in (~~Government Code 89506)~~.~~

1. The travel is in connection with a speech given by a County Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.

2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by MCOE for County Board members, County Superintendent and designated employees. (Government Code 89506)

Honoraria

County Board members, County Superintendent and designated employees 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 conference, convention, meeting, social event, meal or like 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 MCOE for donation into the general fund without being claimed as a deduction from income for tax purposes

Advice

Any County Board member, who, in good faith, believes that they may be subject to the requirements of this Bylaw and has questions, is unclear, or is unsure regarding the application of the requirements of this Bylaw to any particular instance or situation, may seek

advice from the County Board's legal counsel with the permission of the County Board Superintendent, County Board Chairperson or majority of the County Board.

Training

Unless a County Board member's term expires prior to January 1, 2026, each County Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter as specified in County Board Bylaw 9240 – Board Training.

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Legal Reference:

EDUCATION CODE
1006 ~~Qualifications for holding office~~Prohibition against school district employees serving on county board of education
35107 School district employees
35230-35240 Corrupt practices
35233 Prohibitions applicable to members of governing boards
4100-41003 Moneys received by school districts
41015 Investments
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
53234-53235.2 Ethics Training
81000-91014 Political Reform Act ~~of 1974, especially:~~
82011 Code reviewing body
82019 Definition~~,~~; designated employee
82028 Definition~~,~~; gift
82030 Definition~~,~~; income
82033 Definition~~,~~; interest in real property
82034 Definition~~,~~; investment
84308 Campaign Disclosure
87100-87~~103.6~~505 ~~General prohibitions~~Political Reform Act; conflict of interest
~~87200-87210 Disclosure~~
~~87300-87313 Conflict of interest code~~
~~87500 Statements of economic interests~~
89501-89503 Honoraria and gifts
89506 Ethics; travel
91000-91014 Enforcement
PENAL CODE
85-88 Bribes
PUBLIC CONTRACT CODE
6102 Bribery of public official; voidable contract
REVENUE AND TAXATION CODE
203 Taxable and exempt property~~:~~ colleges
CODE OF REGULATIONS, TITLE 2

CONFLICT OF INTEREST

18110-18997 Regulations of the Fair Political Practices Commission, especially:
18438.1-18438.8 Campaign contribution-based conflicts of interest
18700-187~~0~~760 ~~General prohibitions~~Conflicts of Interest
18722-18740 Disclosure of interests
18753-18756 Conflict of interest codes
18940.2 Gift limit amount
COURT DECISIONS
McGee v. Balfour Beatty Construction, LLC, et al. (~~4/12/20~~16, ~~No. B262850~~) 247 Cal.App.4th 235
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
105 Ops.Cal.Atty.Gen. 69 (2022)
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
Advice Letter: A-96-314 (December 18, 1996)
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

Cross References:
1340 Access to District Records
1700 Relations Between Private Industry and the Schools
3230 Federal Grant Funds
3300 Expenditures and Purchases
3311 Bids
3400 Management of District Assets/Accounts
3430 Investing
3470 Debt Issuance and Management
3600 Consutants
4112.8 Employment of Relatives

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CONFLICT OF INTEREST

4117.2 Resignation
4136 Nonschool Employment
4312.8 Employment of Relatives
4317.2 Resignation
4336 Nonschool Employment
6161.1 Selection and Evaluation of Instructional Materials
7140 Architectural and Engineering Services
7214 General Obligation Bonds
9000 Role of the Board
9005 Governance Standards
9140 Board Representatives
9200 Limits of Board Member Authority
9220 Governing Board Elections
9222 Resignation
9230 Orientation
9240 Board Training
9320 Meetings and Notices
9321 Closed Session
9323 Meeting Conduct

Bylaw Adopted: 9/10/2008;
Revised: 7/7/09, 12/13/10, 4/23/12, 5/19/14, 11/17/14, 10/18/16, 09/21/2020, FOR REVIEW 4/21/2025

MERCED COUNTY OFFICE OF EDUCATION
Merced, California

FORM FOR PUBLIC DISCLOSURE
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756
(Statutes of 2004, Chapter 25), Government Code 3547.5 & 3540.2)

Merced County Office of Education **County Office**

Government Code Section 3547.5: **Before** a public school employer enters into a written agreement with an exclusive representative covering matters within the scope of representation, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years, shall be disclosed at a public meeting of the public school employer.

Intent of Legislation: To ensure that members of the public are informed of the major provisions of a collective bargaining agreement before it becomes binding on the school district.

(This information is pulled from the SUMMARY section of this file which should be completed FIRST)

MAJOR PROVISIONS OF PROPOSED AGREEMENT WITH THE

CA School Employees Assocation (CSEA-541) **BARGAINING UNIT**

To be acted upon by the Governing Board at its meeting on: ***04/21/25***

A. **PERIOD OF AGREEMENT:**

The proposed bargaining agreement covers the period beginning: ***07/01/24***
and ending: ***06/30/27***
for the following fiscal years ***2024-25 2025-26 2026-27***: ***2024-25, 2025-26, 2026-27***

B. **TOTAL COST CHANGE TO IMPLEMENT PROPOSED AGREEMENT (SALARIES & BENEFITS)**

The total change in costs for salaries and employee benefits in the proposed agreement:

1.	Current Year Costs Before Agreement	***$46,551,720.37***
2.	Current Year Costs After Agreement	***$48,556,699.94***
3.	Total Cost Change	***$2,004,979.57***
4.	Percentage Change	***4.31%***
5.	Value of a 1% Change	***$373,477.00***

C. **PERCENTAGE SALARY CHANGE FOR AVERAGE, REPRESENTED EMPLOYEE**

The total percentage change in salary, including annual step and column movement on the salary schedule (as applicable), for the average, represented employee under this proposed agreement:

1.	Salary Schedule change (% Change To Existing Salary Schedule) (% change for one time bonus/stipend or salary reduction)	***4.5%***
2.	Step & Column (Average % Change Over Prior Year Salary Schedule)	***1.6%***
3.	TOTAL PERCENTAGE CHANGE FOR THE AVERAGE, REPRESENTED EMPLOYEE	***6%***
4.	Change in # of Work Days (+/-) Related to % Change	
5.	Total # of Work Days to be provided in Fiscal Year	
6.	Total # of Instructional Days to be provided in Fiscal Year (applicable to Certificated BU agreements only)	

FORM FOR PUBLIC DISCLOSURE
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756
(Statutes of 2004, Chapter 25), Government Code 3547.5 & 3540.2)

Merced County Office of Education **County Office**

D. **PERCENTAGE BENEFITS CHANGE FOR BOTH STATUTORY AND DISTRICT-PROVIDED EMPLOYEE BENEFITS INCLUDED IN THIS PROPOSED AGREEMENT:**

1.	Cost of Benefits Before Agreement	***$19,678,990.99***
2.	Cost of Benefits After Agreement	***$20,474,699.44***
3.	Percentage Change in Total Costs	***4.04%***

E. **IMPACT OF PROPOSED AGREEMENT ON DISTRICT RESERVES**

State-Recommended Minimum Reserve Level (after implementation of Proposed Agreement)

1.	Based On Total Expenditures and Other Uses in the General Fund of:	***$151,163,801.43***
2.	Percentage Reserve Level State Standard for District:	***2.0%***
3.	Amount of State Minimum Reserve Standard:	***$3,023,276.03***

SPECIAL RESERVE FUND (Fund 17, as applicable)

7.	Reserve for Economic Uncertainties (Object 9789)	***$10,841,343.02***

TOTAL DISTRICT RESERVES, applicable to State Minimum Reserve Standard:

8.	General Fund & Special Reserve Fund:	***$13,864,619.05***
9.	Percentage of General Fund Expenditures/Uses	***9.17%***

FORM FOR PUBLIC DISCLOSURE
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756
(Statutes of 2004, Chapter 25), Government Code 3547.5 & 3540.2)

Merced County Office of Education **County Office**

F. **MULTIYEAR CONTRACT AGREEMENT PROVISIONS**

3 year agreement, 4.5%, 3%, 1%.

G. **FINANCIAL IMPACT OF PROPOSED AGREEMENT IN SUBSEQUENT FISCAL YEARS**
The following assumptions were used to determine that resources will be available to fund these obligations in future fiscal years (including any compensation and/or noncompensation provisions specified below that have been agreed upon if the proposed agreement is part of a multi-year contract):

Various grants, state and federal funding sources.

H. **NARRATIVE OF AGREEMENT**

3 year agreement, 4.5%, 3%, 1%; and 2025/26 increase of $250.00 cap $15,000; 2026/27 increase of $250.00 cap $15,250.

I. **SOURCE OF FUNDING FOR PROPOSED AGREEMENT**

The following source(s) of funding have been identified to fund the proposed agreement

Various grants, state and federal funding sources.

FORM FOR PUBLIC DISCLOSURE
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756
(Statutes of 2004, Chapter 25), Government Code 3547.5 & 3540.2)

Merced County Office of Education **County Office**

CERTIFICATION

To be signed by the County Superintendent AND Chief Business Official when submitted for Public Disclosure and by the Board President (or clerk) after public hearing on the proposed agreement.

County Office of Education with a Qualified or Negative Certification: Per Govenment Code 3540.2, signatures of the County Superintendent and Chief Business Official must accompany the Summary Disclosure sent to the Superintendent at least 10 working days to review and comment.

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted for public disclosure in accordance with the requirements of AB 1200, AB 2756 and GC 3547.5.

We hereby certify that the costs incurred by the Count Office under this agreement can be met by the County Office during the term of the agreement.

	Monday, April 21, 2025
County Office Superintendent - signature	***Date***
	Monday, April 21, 2025
Chief Business Official- signature	***Date***

After public disclosure of the major provisions contained in this Summary, the Governing Board, at its meeting on **4/21/2025** ***took action to approve the proposed Agreement with the*** **CA School Employees Assocation (CSEA-541)** ***Bargaining Unit.***

	Monday, April 21, 2025
President (or Clerk), Governing Board ***(signature)***	***Date***

Merced County Board of Education

Business Items for Action

MERCED COUNTY
Office of Education
NURTURE • SERVE • LEAD

Steve M. Tietjen, Ed.D. | County Superintendent of Schools

Annual MCSBA Fall Conference
October 10-12, 2025

Early Bird Registration $300

ends June 13, 2025

Regular Registration $330 ends August 22, 2025
Late Registration $440 ends September 5, 2025

(No refunds after September 2, 2025)

REGISTER

For more information contact Ceci Perez 209.381.6634

Hyatt Regency Monterey



1 Old Golf Course Road - Monterey, CA 93940
831.372.1234

Starting April 1, 2025

(Last day to book a room September 1, 2025)

SPECIAL ROOM RATES: $269
Click here to book your hotel today

Hotel MUST Be Paid BEFORE ARRIVAL. Deadline for paying by check will be September 20, 2025. Districts are to put their name on the check as well as the names of the attendees and "MCSBA Conference".

Merced County Board of Education
Dennis Hanks, Chairperson
Tim Razzari, Vice Chairperson
Frank Fagundes, Member
Rodrigo Espinosa, Member
Geneva Brett, Member

Merced County Office of Education
NURTURE • SERVE • LEAD

Resolution No. 2025-08

In Recognition of
California Day of the Teacher
Merced County Office Teachers Association

Whereas, we celebrate the 43rd annual California Day of the Teacher; and

Whereas, an educated citizenry serves as the foundation of our democracy; and

Whereas, today's teachers mold the minds and train the workforce of the future; and

Whereas, no other profession touches as many people with such a lasting effect; and

Whereas, good teaching grows in value and pays dividends far beyond the classroom; and

Whereas, excellence in our state begins with California's teachers; and

Whereas, California's teachers are among the best-educated, most credentialed, and hardest-working educators in the country; and

Now, Therefore, Be It Resolved, that the Merced County Board of Education joins the Merced County Superintendent of Schools in proclaiming Wednesday, **May 6, 2025**, as ***Day of the Teacher*** to honor the contribution of teachers to quality education in the state of California and in the Merced County Office of Education.

Adopted this **21st** day of **April** year of **2025** by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steve M. Tietjen, Ed.D., Secretary to the Board
Merced County Superintendent of Schools

Merced County Board of Education
Dennis Hanks, Chairperson
Tim Razzari, Vice Chairperson
Frank Fagundes, Member
Rodrigo Espinosa, Member
Geneva Brett, Member

Resolution No. 2025-09

In Recognition of
California Day of the Teacher
CSEA Chapter 856, Unit B – Head Start

Whereas, we celebrate the 43rd annual California Day of the Teacher; and

Whereas, an educated citizenry serves as the foundation of our democracy; and

Whereas, today's teachers mold the minds and train the workforce of the future; and

Whereas, no other profession touches as many people with such a lasting effect; and

Whereas, good teaching grows in value and pays dividends far beyond the classroom; and

Whereas, excellence in our state begins with California's teachers; and

Whereas, California's teachers are among the best educated, most credentialed, and hardest-working educators in the country; and

Now, Therefore, Be It Resolved, that the Merced County Board of Education joins the Merced County Superintendent of Schools in proclaiming that Wednesday, **May 6, 2025**, as ***Day of the Teacher*** to honor the contribution of teachers to quality education in the state of California and in the Merced County Office of Education.

Adopted this **21st** day of **April** year of **2025** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve M. Tietjen, Ed.D., Secretary to the Board
Merced County Superintendent of Schools

Merced County Board of Education
Dennis Hanks, Chairperson
Tim Razzari, Vice Chairperson
Frank Fagundes, Member
Rodrigo Espinosa, Member
Geneva Brett, Member

Merced County Office of Education
NURTURE • SERVE • LEAD

Resolution No. 2025-10

In Recognition of Classified School Employee Week CSEA Chapter 541

Whereas, classified professionals provide valuable services to the schools and students of the Merced County Office of Education; and

Whereas, classified professionals contribute to the establishment and promotion of a positive instructional environment; and

Whereas, classified professionals serve a vital role in providing for the welfare and safety of Merced County Office of Education's students; and

Whereas, classified professionals employed by the Merced County Office of Education strive for excellence in all areas relative to the educational community.

Now, Therefore, Be It Resolved, that the Merced County Board of Education joins the Merced County Superintendent of Schools and hereby recognizes and wishes to honor the contribution of the classified professionals to quality education in the State of California and in the Merced County Office of Education and declares the week of **May 18-24, 2025**, as ***Classified School Employee Week*** in the Merced County Office of Education.

Adopted this **21st** day of **April** year of **2025** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve M. Tietjen, Ed.D., Secretary to the Board
Merced County Superintendent of Schools

Merced County Board of Education
Dennis Hanks, Chairperson
Tim Razzari, Vice Chairperson
Frank Fagundes, Member
Rodrigo Espinosa, Member
Geneva Brett, Member

Merced County Office of Education
NURTURE • SERVE • LEAD

Resolution No. 2025-11

In Recognition of
Classified School Employee Week
CSEA Chapter 856, Unit A – Head Start

Whereas, classified professionals provide valuable services to the schools and students of the Merced County Office of Education; and

Whereas, classified professionals contribute to the establishment and promotion of a positive instructional environment; and

Whereas, classified professionals serve a vital role in providing for the welfare and safety of Merced County Office of Education's students; and

Whereas, classified professionals employed by the Merced County Office of Education strive for excellence in all areas relative to the educational community.

Now, Therefore, Be It Resolved, that the Merced County Board of Education joins the Merced County Superintendent of Schools and hereby recognizes and wishes to honor the contribution of the classified professionals to quality education in the State of California and in the Merced County Office of Education and declares the week of **May 18-24, 2025**, as ***Classified School Employee Week*** in the Merced County Office of Education.

Adopted this **21st** day of **April** year of **2025** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve M. Tietjen, Ed.D., Secretary to the Board
Merced County Superintendent of Schools