AGENDA
MERCED COUNTY BOARD OF EDUCATION
November 16, 2026

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:

Geneva Brett, Chairperson	_____
Ryan Heller, Vice Chairperson	_____
Dennis Hanks, Member	_____
Frank Fagundes, Member	_____
Joseph Oliveira, Member	_____

C. Others Present: _____

II. Flag Salute - Pledge of Allegiance to the Flag

III. Presentation:

A. Nadine Outstanding School Psychologist Award from the California Association of School Psychologists (CASP), recognizing his exceptional contributions to the field of school psychology and dedication to supporting students with disabilities.

a. Patrick Beiswanger, MCOE School Psychologist

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. Items under the Consent Agenda may be discussed; however, if an item needs further clarification and discussion, the Board or the Superintendent may remove it from the Consent Agenda and consider it 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 October 19, 2026

B. Facilities Use Agreement Between Merced County Office of Education and Merced Kids Discovery Station – Extended Term, 10 years

C. Retirement Resolution:

a. Resolution No. 2026-31 Honoring Candace Mucci

b. Resolution No. 2026-32 Honoring Guadalupe Lozano

Motioned by _____ Seconded by _____ Vote _____

V. Written Communications

A. Correspondence Received By Chairperson

B. Correspondence Received By Board Members

C. Correspondence Received By Superintendent

VI. 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 (*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)*.

VII. Future Agenda Items

A. Administering Oath of Office to County Superintendent & Board Members – Dec. 14, 2026

B. Annual Reorganizational Meeting – Dec. 14, 2026

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

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

B. Superintendent's Report — Steve M. Tietjen

IX. Business Items for Action

A. <u>Merced County Board Bylaws</u> — Steve Tietjen

It is recommended that the Board of Education approve the following Board Bylaws:

1. 9005 – Governance Standards
2. 9011 – Disclosure of Confidential/Privileged Information
3. 9200 – Limits of Board Member Authority
4. 9220 – County Board Elections *(Bylaw & Exhibit 1)*
5. 9240 – Board Training
6. 9250 – Remuneration, Reimbursement & Other Benefits
7. 9310 – County Superintendent/County Board Policy Relationships
8. 9320 – Meeting and Notices
9. 9320.1 – Remote Meetings and Attendance
10. 9321 – Closed Session Purposes and Agenda *(Bylaw & Exhibits 1 and 2)*
11. 9322 – Agenda /Meeting Materials
12. 9323 – Meeting Conduct

Motioned by _____ Seconded by _____ Vote _____

B. <u>Quarterly Uniform Complaint Report</u> — Manuel Cavazos
Coordinator - Educational Services

It is recommended that the Board of Education review and approve the Uniform Complaint Report Summary for the Quarterly Period July 2026 through September 2026

Motioned by _____ Seconded by _____ Vote _____

C. <u>Two Years Additional Service Credit Resolution</u> [Resolution No. 2026-33] — Rosa Casillas
Interim Assistant Superintendent - Business Services

It is recommended that the Board of Education approve **Resolution No. 2026-33** Providing A Designated Period from June 7, 2027, through September 30, 2027, for Two Years' Additional Service Credit for Members Eligible to Retire in All Classifications from the Los Banos Unified School District

Motioned by _____ Seconded by _____ Vote _____

D. Salary Increase

Todd Beal, Director

Policy 4151/4251/4351 and Education Code Section 1302 require:
"The county superintendent of schools shall not increase by ten thousand dollars ($10,000) or more the salary or bonus of any employee of the MCOE unless the matter is brought to the attention of the County Board of Education for its discussion at a regularly scheduled public meeting of the County Board of Education."
The increase reflects the Board's and the Superintendent's commitment to attracting and retaining staff through competitive salaries and opportunities to advance in the County.

It is recommended that the Board of Education approve the reclassification of the following position: Arts Program Specialist.

Motioned by _____ Seconded by _____ Vote _____

E. New Superintendent's Salary Schedule

Martin Macias, Deputy Superintendent

It is recommended that the Board of Education discuss and approve the new County Superintendent of Schools' Salary, other Financial Remuneration, Health, Retirement, and other Benefits (Education Code Section 1209) effective January 2027.

Motioned by _____ Seconded by _____ Vote _____

F. Current County Superintendent's Salary Schedule *Martin Macias, Deputy Superintendent*

It is recommended that the Board of Education discuss and approve the County Superintendent of Schools' Salary, other Financial Remuneration, Health, Retirement, and other Benefits (Education Code Section 1209)

Motioned by _____ Seconded by _____ Vote _____

X. 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 **Closed** Session.*

XI. Closed Session

Conference with real property negotiator, property management, Negotiator of Real Property/Land Development issues, pursuant to Government Code Section 54956.8.

*The Board will proceed into **Open** Session.*

XII. 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

Presentation

MERCED COUNTY
Office of Education
NURTURE • SERVE • LEAD

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

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 - DRAFT
MERCED COUNTY BOARD OF EDUCATION
October 19, 2026

REGULAR BOARD MEETING

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

I. Opening

A. Board Chairperson, Geneva Brett, called the regular meeting of the Merced County Board of Education to order at 3:01 PM.

B. Members present were Geneva Brett, Dennis Hanks, Frank Fagundes, and Joseph Oliveira. Ryan Heller was absent.

C. Others present: Laura Andrews, Eleanor Andrews, Martin Macias, Maria Duran-Barajas, Marisa Etheridge, Nathan Quevedo, Laura Fong, Rosa Barragan, Stacy Shasky, Todd Beal, Cristina Vara, Ka Xiong, and Adam Bauer, Maria Cuevas - Senior Executive Assistant to the Superintendent, Steve M. Tietjen-County Superintendent

II. Flag Salute – Pledge 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 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 September 21, 2026

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

IV. Written Communications

A. Correspondence Received by Chairperson: None.

B. Correspondence Received by Board Members: None.

C. Correspondence Received by Superintendent: None.

V. 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.

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

A. The Board Members reviewed the following Board Bylaws:
(Approval will take place at the November Board Meeting)
1. 9005 – Governance Standards
2. 9011 – Disclosure of Confidential/Privileged Information
3. 9200 – Limits of Board Member Authority
4. 9220 – County Board Elections *(Bylaw & Exhibit 1)*
5. 9240 – Board Training
6. 9250 – Remuneration, Reimbursement & Other Benefits

7. 9310 – County Superintendent/County Board Policy Relationships
8. 9320 – Meeting and Notices
9. 9320.1 – Remote Meetings and Attendance
10. 9321 – Closed Session Purposes and Agenda *(Bylaw & Exhibits 1 and 2)*
11. 9322 – Agenda /Meeting Materials
12. 9323 – Meeting Conduct

B. Board Member Frank Fagundes shared that he attended the Excellence in Education on October 2, 2026, and was very impressed by the great turnout.

C. Superintendent's Report:
Excellence in Education @ Merced Theatre – October 2, 2025

VII. Business Items for Action

A. "Gann" Limit [Resolution No. 2025-38] was presented by Ka Xiong, Budget Manager with the Business Services Department. It was recommended that the Board of Education approve **Resolution No. 2026-29**, adopting the "Gann" Limit as submitted.

Dennis Hanks moved, and Frank Fagundes seconded a motion to approve Resolution No. 2026-29 adopting the "Gann" Limit as submitted. The motion carried with a vote of 4-0 (Ryan Heller was absent).

B. School Joint Exercise of Powers Agreement (Resolution No. 2026-30) was presented by Steve Tietjen and Adam Bauer. It was recommended that the Board of Education approve Resolution No. 2026-30, Adopting the Execution and Delivery of a Joint Exercise of Powers Agreement for the Establishment of the Merced County Board of Education-City of Merced Joint Powers Financing Authority.

Frank Fagundes moved, and Dennis Hanks seconded the motion to adopt the Execution and Delivery of a Joint Exercise of Powers Agreement for the Establishment of the Merced County Board of Education-City of Merced Joint Powers Financing Authority. The motion carried with a vote of 4-0 (Ryan Heller was absent).

B. School Plan for Student Achievement (SPSA) 2026-2027 was presented by Maria Duran-Barajas, Director with the Special Education Department. It was recommended that the Board of Education approve the 2026-2027 School Plans for Student Achievement for the Merced County Office of Education Special Education

Dennis Hanks moved, and Joseph Oliveira seconded the motion to approve the 2026-2027 School Plans for Student Achievement for the Merced County Office of Education. The motion carried with a vote of 4-0 (Ryan Heller was absent).

XV. Adjournment

Dennis Hanks moved, and **Frank Fagundes** seconded the motion to adjourn the regular meeting of the Merced County Board of Education at 3:28 PM. The motion was carried with a vote of 4-0 (Ryan Heller was absent).

Respectfully submitted,

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

SMT/mc

FACILITIES USE AGREEMENT
BETWEEN MERCED COUNTY OFFICE OF EDUCATION AND
Merced Kids Discovery Station

RECURRING USE

This Facilities Use Agreement ("Agreement") is entered into on October 1, , 2026 ("Effective Date"), by and between the Merced County Office of Education ("MCOE") and Merced Kids Discovery Station ("Organization" and, collectively with MCOE, the "Parties").

RECITALS

WHEREAS, pursuant to Education Code sections 38130 *et seq.* (the "Civic Center Act"), MCOE may provide for the use of the MCOE facilities as a civic center where such use is consistent with school purposes and does not interfere with the regular conduct of schoolwork; and

WHEREAS, when MCOE facilities are not in use for MCOE purposes, MCOE is willing, pursuant to the Civic Center Act, to grant Organization use of MCOE facilities on the terms set forth in, and subject to the conditions of, this Agreement.

NOW, THEREFORE, in consideration of the covenants and conditions of this Agreement, including the recitals hereof, which are incorporated herein by this reference, the Parties agree as follows:

AGREEMENT

1. **Term**. This Agreement will commence on the Effective Date, and shall continue for an initial term of ten (10) years (the "Initial Term"), unless earlier terminated as provided herein or extended by written agreement signed by the Parties. Organization shall have the option to extend the term of this Agreement for two (2) additional periods of five (5) years each (each, an "Extension Term") on the same terms and conditions set forth in this Agreement, by giving MCOE written notice of its election to extend at least one hundred eighty (180) days before the expiration of the Initial Term or the first Extension Term, as applicable, provided that Organization is not then in material default beyond any applicable cure period. The Initial Term, together with any Extension Terms, is referred to herein as the "Term."

2. **Facilities Use.** In accordance with the terms and conditions set forth in this Agreement, MCOE will provide Organization with use and access to the building space and outdoor areas at the MCOE Yosemite Center at 350 West Yosemite Avenue, Merced, CA 95348, as more particularly described and depicted in Exhibit A, together with the nonexclusive use,

in common with MCOE, of the Yosemite Center parking lots (the "Facilities"). A map and description of the Facilities is attached as **Exhibit A** and incorporated herein. The aforementioned Facilities will be provided 24 hours seven days a week. Organization shall ensure that the Facilities will be maintained in a clean and sanitary manner, free of debris and hazards.

3. **Fees.** Organization shall pay MCOE an annual use fee ("Fee") for the Facilities use in the amount of one dollar ($1.00) payable on the first business day of July of each year during the duration of this Agreement. Organization shall make checks payable to Merced County Office of Education and deliver payment either in person or by U.S. mail to Merced County Office of Education, 632 West 13th Street, Merced, CA 95341. Each year's facilities use Fee must be received by MCOE on the first business day of July of each year ("Due Date"). If payment is not made by the Due Date, MCOE may prohibit Organization from using the Facilities. Additionally, a late fee of one percent (1%) shall apply and interest shall accrue thereafter on such late payment commencing thirty (30) days after the Due Date. The payment by Organization of any late fees or interest shall in no event excuse or cure any default by Organization or waive MCOE's legal rights and remedies with respect to such default.

If payment and accrued interest is not made within thirty (30) days of the Due Date, MCOE may, at its sole discretion, terminate this Agreement by providing Organization with thirty (30) days written notice of termination.

4. **Donations and Fees.** Any collection of fees by Organization from any member of the public shall be consistent with applicable law, this Agreement, and MCOE's adopted policies and administrative regulation governing use of its facilities. Organization:

MAY solicit donations for events held pursuant to this Agreement.
MAY charge admission or registration fee for events held pursuant to this Agreement.

5. **Conditions to Use.**

a. Organization shall not interfere with the performance by any MCOE employee of his or her responsibilities for the MCOE.
b. Organization will provide MCOE a quarterly schedule of events.
c. Organization will not serve alcohol on the premises without specific permission from MCOE.
d. Organization must provide plans and descriptions of structural alterations, This includes any attachments to the wall which require the wall to be opened up.
e. The organization, each August 1, will provide MCOE with proof of non-profit status.

6. **Maintenance and Custodial Services.** Organization is solely responsible for day-to-day maintenance of the Facilities and shall comply with MCOE's policies regarding the operations and maintenance of the Facilities.

Upon the expiration or earlier termination of this Agreement, Organization shall surrender the Facilities in the same condition as received, ordinary wear and tear and alterations which were approved by MCOE excepted.

Organization shall be solely responsible for providing and paying directly for custodial services for the Facilities. Custodial services shall result in a level of performance consistent with custodial services maintained by MCOE for its other MCOE facilities. Organization shall bear the cost of such custodial services, including the salary and benefits of the custodian and the cost of any cleaning supplies and tools necessary for the custodian to provide services. Organization shall purchase, store and provide all consumable materials which the custodian shall use in provisioning the Facilities 'restrooms, including, but not limited to, toilet paper, soap, and paper towels. Regular inspections of the building will be undertaken by MCOE staff to ensure upkeep meets standards.

7. **Utilities.** Organization shall pay its pro rata share (calculated by the square footage of building space used by Organization) of the expenses of internet, and waste disposal/recycling. MCOE shall cover the cost of water, sewer, electricity and gas utilities.

8. **Advertising.** Organization may not, either in print or by other means, advertise its use of Facilities without the prior written approval of MCOE. Any advertising or promotional material for an Organization event that is the subject of this Agreement or that includes a reference to the Facilities as the location for Organization's event(s) shall prominently state, "This program is not sponsored by the Merced County Office of Education. The Merced County Office of Education is not liable for any incidents related to the program."

9. **Facilities Licensed "AS IS".** The Facilities are licensed to Organization, and Organization accepts the Facilities, in their existing "AS IS" condition on the date of this Agreement. Organization also accepts the Facilities subject to all existing MCOE uses. In the event that structural changes, additions, or improvements to the Facilities, including, but not limited to, repairs and maintenance to the plumbing or HVAC systems, roofing repairs, and electrical issues, Organization shall be responsible for a pro rata share of such repairs and maintenance based on the square footage of the leased Facilities and the square footage of the Yosemite Center as a whole.

Organization acknowledges that neither MCOE, nor any officer, employee or agent of MCOE has made any representation or warranty with respect to the condition of the Facilities, the suitability of the Facilities for the intended use by Organization, or compliance of the Facilities with the Americans with Disabilities Act of 1990 (or any accessibility guidelines or other regulations promulgated thereunder). Any agreements, warranties or representations not expressly contained in this Agreement shall in no way

bind MCOE, and Organization expressly waives all claims for damages by reason of any statement, representation, warranty, promise or agreement, if any, not contained in this Agreement.

10. **Alterations and Additions.**

a. Organization shall not make any structural alterations, additions, or improvements to the Facilities without obtaining the advance, written consent of MCOE. Any alterations, additions, or improvements shall be made at Organization's expense and shall remain on and be surrendered with the Facilities at the termination of this Agreement, unless otherwise specified by MCOE. Any person entering the Facilities to make alterations, additions, or improvements for Organization shall be subject to all applicable state laws as well as MCOE's policies and regulations regarding safety and security. While the Facilities are used as a school site, Organization shall comply with all requirements outlined in Education Code section 45125.1 and maintain continuous direct supervision of all such persons if the Facilities are in concurrent use by MCOE students.

b. MCOE may impose as a condition to the aforesaid consent such requirements as MCOE may deem necessary in its sole discretion, including, without limitation, the manner in which the work is done, a right of approval of the contractor by whom the work is to be performed, and the times during which it is to be accomplished.

c. Upon written reasonable request of MCOE, prior to the expiration or earlier termination of the Agreement, Organization will remove improvements to the Facilities as requested by MCOE, at its own cost. Failure to remove such improvements after such request constitutes a material breach of the Agreement entitling MCOE to damages. If no such written request is received, any addition to the Facilities that the Organization does not remove prior to vacating the Facilities, shall vest in MCOE. Any improvements removed by Organization must be done without damage to the Facilities.

d. MCOE acknowledges that Organization intends to construct indoor and outdoor exhibits on the portion of the Facilities it occupies. MCOE approves the Exhibits in concept and shall not unreasonably withhold, condition, or delay its approval of the plans for the Exhibit submitted under this Section 10. The construction, installation, and maintenance of the exhibits and any related exhibit buildings or structures shall be subject to Organization securing all required municipal permits, licenses, and governmental approvals, and complying with all applicable local city codes, ordinances, and regulations. Notwithstanding Section 10(c), MCOE shall not require Organization to remove the Exhibits or any other alteration, addition, or improvement approved by MCOE under this Section 10.

11. **Remodeling Project.**

a. Any remodeling project authorized by MCOE shall comply with all applicable statutes, ordinances, regulations and requirements of all governmental entities, Federal, State, or Municipal, including those relating to public contracting

(including but not limited to bidding, licensing and bonding requirements) whether those statutes, ordinances, regulations and requirements are now in force or are subsequently enacted. If any license, permit or other governmental authorization is required for the lawful construction, use or occupancy of the Facilities, Organization shall procure it at its sole expense and maintain it throughout the terms of this Agreement.

b. Installation of the exhibits is not considered to be a remodeling project and is not subject to the requirements outlined in Section 11.
c. Organization shall be responsible, at its sole cost and expense, for all phases of the design, construction and installation of the building, as well as for assuring that all legal requirements applicable thereto are met.
d. Organization shall assure that labor is paid at prevailing wages if required by applicable law. Organization shall require the contractor and/or subcontractors to maintain a full performance bond equal to at least 100% of the project cost and a payment bond equal to at least 100% of the project cost.
e. Organization shall require any architect, contractor and/or subcontractor, as applicable, to carry errors and omissions and liability coverage, as appropriate, as are reasonably required by MCOE.
f. The building, and all appurtenances and systems relating thereto, shall be constructed and installed in strict compliance with all applicable laws, regulations and the latest editions of the Uniform Building, Mechanical, Plumbing and Electrical Codes.
g. Without limiting any other indemnity provisions contained in this Agreement, Organization shall indemnify, defend and hold MCOE harmless from all claims for labor or materials in connection with the following activities undertaken by Organization or at Organization's request: the construction, repair, alteration, or installation of any approved structure, improvement, equipment, or facility, on or within the licensed area and which indemnity obligations include without limitation all claims for attorneys 'fees and costs that may be incurred by MCOE as a result thereof.
h. Organization shall be solely and completely responsible for conditions of the licensed area, including safety of all persons and property, during times when Organization, its agents, employees, volunteers and independent contractors access the Facilities. Organization, its agents, employees, volunteers and independent contractors shall fully comply with all State, Federal and other laws, rules, regulations, and orders relating to safety. All materials, equipment, and supplies provided for the licensed area and Organization's program shall fully conform to all applicable State, local and Federal safety laws, rules, regulations, and orders.
i. Organization shall provide general supervision for Organization's program, which shall include provision of access to the building. To the extent any Organization employee or volunteer will have more than incidental contact with students, that employee shall be required to comply with fingerprinting requirements set forth in Education Code section 45125.1.

j. Any alterations, additions or improvements created as a result of any remodel project are subject to the provisions outlined above.

12. **Limitations on Use.**

a. Organization shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules, regulations, MCOE policies and requirements ("Law") regarding use of the Facilities. During all use of the Facilities, Organization shall ensure the presence of sufficient staff to ensure that the use of the Facilities will not result in damage to the Facilities. Organization is fully responsible for any damage that occurs to the Facilities during Organization's use and resulting from Organization's use. Organization shall not use, permit, or allow the Facilities, or any portion of the Facilities, to be used, occupied, or improved under this Agreement in any manner or for any purpose that is in any way in violation of any law. Without limitation to the foregoing, Organization expressly agrees that its use of the structures within the Facilities shall comply with the requirements of the local fire code.

b. Organization will not permit the possession, consumption, or sale of any restricted substance, including tobacco products, on the Facilities. The exception is the consumption of alcoholic beverages, which Organization may serve at one-time events with prior permission of the Merced County Office of Education and the additional special event permit pursuant to Division 9 of the Business and Professions Code.

c. If any license, permit, or other governmental authorization is required for Organization's lawful use of the Facilities, Organization shall procure and maintain it to the extent required by law, providing prior notice to MCOE of the need for such authorization and providing MCOE with a copy of any such authorization.

d. All materials, equipment, and supplies provided or used by Organization at or on the Facilities shall fully conform to all applicable laws. Organization shall not store any items, including equipment, on the premises, outside of designated rental space and storage unit(s) identified on Exhibit A, without MCOE's prior written consent. Should MCOE expressly permit storage, MCOE shall not be liable for any item lost, damaged, destroyed, or stolen, while stored on the premises. If permission is granted to store items on the Facilities, on termination of this Agreement or at the expiration of the term hereof, Organization shall remove all personal property of Organization from the Facilities.

e. Organization shall not use the Facilities in any manner or for any purpose that is in any way in violation of any valid law, ordinance, or regulation of any federal, state, county, or local government agency, body or entity, or in any manner that violates the terms of this Agreement.

13. **Statement Required by Education Code section 38136.** The undersigned for Organization states that, to the best of his or her knowledge, the Facilities for use of which Agreement is hereby made will not be used for the commission of any act intended to

further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States by force, violence or other unlawful means.

Organization, on whose behalf he or she is entering this Agreement for use of the Facilities, does not, to the best of his or her knowledge, advocate the overthrow of the government of the United States or of the State of California by force, violence, or other unlawful means, and that, to the best of his or her knowledge, it is not a Communist action organization or Communist front organization required by law to be registered with the Attorney General of the United States. This statement is made under the penalty of perjury.

14. **Safety and Security.** Organization shall at all times provide adequate supervision and security for its use of the Facilities consistent with all MCOE rules, policies, and regulations, and shall provide sufficient representatives of organization to ensure the safety of minors and the public whenever such groups are present on the Facilities. With the exception of persons who are under direct MCOE supervision, Organization shall be solely and completely responsible for the safety of all persons and property when using the Facilities. At the conclusion of each days 'use of the Facilities, Organization shall ensure that the Facilities used are properly secured.

15. **15. Termination.**

a. **Termination by Organization.** Notwithstanding anything to the contrary herein, Organization may terminate this Agreement for any reason and without cause at any time upon One Hundred Eighty (180) days' written notice to MCOE.

b. **Termination by MCOE for Cause.** MCOE may terminate this Agreement if Organization materially breaches this Agreement and fails to cure the breach within sixty (60) days after receiving written notice from MCOE describing the breach in reasonable detail; provided, however, that if the breach cannot reasonably be cured within sixty (60) days, Organization shall not be in default so long as it begins the cure within that period and diligently pursues it to completion.

c. **Termination by MCOE for Educational or Operational Necessity.** In addition to MCOE's rights under Section 15b, MCOE may terminate this Agreement prior to the expiration of the Term if MCOE makes a formal, written determination that the Facilities are required for direct, MCOE-operated public-school programs or administrative educational operations ("Educational Necessity"). In the event of termination under this Section 15c, MCOE shall provide Organization with at least Three Hundred and Sixty-Five (356) days' prior written notice specifying the nature of the Educational Necessity and the effective date of termination.

16. **Insurance.** Without limiting Organization's indemnification set forth in Section 17, Organization shall secure and maintain in force during the term of this Agreement a comprehensive general liability policy in the amount not less than $1,000,000 per occurrence for bodily injury, personal injury, and property damage. Organization shall

provide a certificate(s) of insurance and endorsements on forms acceptable to MCOE for the period of this Agreement, with full Worker's Compensation Insurance coverage for not less than the statutory limits, and employer's liability insurance coverage with limits not less than $1,000,000 for all persons whom it employs or may employ in carrying out the work under this Agreement. This insurance shall be in strict accordance with the requirements of the most current and applicable State Worker's Compensation Insurance laws.

The insurance required pursuant to this Agreement shall constitute primary coverage for any bodily injury, personal injury, and property damage arising out of Organization's actions or inactions under this Agreement. Neither the existence of any of the insurance coverage required under this Agreement nor the minimum coverage limits specified herein with respect to any such coverage shall be deemed to limit or restrict in any way Organization's liability arising under this Agreement.

The policies required under this Agreement shall: (i) name MCOE as an additional insured and be provided on an occurrence basis; (ii) state that such policy is primary, excess, and noncontributing with any other insurance carried by MCOE; (iii) state that the naming of an additional insured shall not negate any right the additional insured would have had as claimant under the policy if not so named; and (iv) state that not less than thirty (30) days 'written notice shall be given to MCOE before the cancellation or reduction of coverage or amount of such policy.

Organization shall provide a certificate issued by the carrier of the policies described under this Section to MCOE prior to the first day of use of the Facilities. Each such certificate shall set forth the limits, coverage, and other provisions required under this Section. A renewal certificate for each of the policies described above shall be delivered to MCOE not less than thirty (30) days before the expiration of the term of such policy. Coverage shall be subject to MCOE's approval by an insurer admitted and licensed in California to transact insurance coverage and issue policies. Organization shall not commence its use of the Facilities under this Agreement until this certificate is provided. Organization shall not alter or terminate said insurance policy without at least thirty (30) prior days 'notice to MCOE.

17. **Indemnification.** Organization shall defend, indemnify, and hold harmless MCOE and its agents, employees, the Merced County Office of Education Board of Education ("Board"), and members of the Board, from and against claims, damages, losses, and expenses (including, but not limited to, attorney's fees and costs including fees of consultants) arising out of or resulting from performance of this Agreement including, but not limited to, Organization's use of the facilities, including, but not limited to any repair, remodel, or improvement work; Organization's completion of its duties under this Agreement; injury to or death of persons or damage to property or delay or damage to

MCOE and its agents, employees, volunteers, invitees, the Board, or members of the Board, for any act, omission, negligence, or misconduct of Organization's or its respective agents, subcontractors, employees, volunteers, material or equipment suppliers, invitees, or licensees except where such claims, damages, losses, and expenses are caused by the sole negligence or willful misconduct of MCOE, its agents, employees, Board, or members of the Board. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph. This indemnification provision shall survive the expiration or termination of the Agreement.

18. **Right of Entry.** MCOE personnel, clearly identifiable through badge or uniform, may enter the Facilities during reasonable hours upon at least twenty-four (24) hours 'notice to Organization, or at any time without notice in an emergency. MCOE shall make reasonable efforts to minimize interference with Organization's programs during any such entry. Organization waives any claim for inconvenience or interference with activities, or any loss of occupancy or quiet enjoyment, caused by such entry made in accordance with this Section.

19. **Applicable Law.** This Agreement shall be governed by and interpreted under the laws of the State of California. Any action or proceeding seeking any relief under or with respect to this Agreement shall be brought solely in the Superior Court of the State of California for Merced County, subject to any motion for transfer of venue.

20. **Severability**. If any provision or any part of this Agreement is for any reason held to be invalid and/or unenforceable or contrary to public policy, law, statute, or ordinance by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby and shall remain valid and fully enforceable.

21. **Assignment.** Organization shall not assign or transfer any of its obligations, rights, or duties under this Agreement. Any such purported assignment or transfer shall be void, and shall constitute a breach of this Agreement.

22. **Amendments.** Each of the Parties acknowledges and agrees that this Agreement may be amended only by a writing signed by both the Parties.

23. **Entire Agreement; Conflicts.** This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof, and no prior agreement, statement, promise, or representation made by any party, employee, officer, or agent which is not contained herein shall be binding or valid. Any property or facilities that are not included in **Exhibit A** to this Agreement are not subject to this Agreement. This Agreement amends, restates, and supersedes the Original Agreement in its entirety.

24. **Headings.** The headings of the sections are for convenience only and are not a part of this Agreement, nor shall they be considered in construing the intent of this Agreement.

25. **Interpretation.** The language of all parts of this Agreement shall, in all cases, be construed as a whole according to its fair meaning and not in favor of nor against any of the Parties as draftsman or otherwise.

26. **Waiver.** No waiver of default in any of the terms, covenants, or conditions in this Agreement shall be a waiver of any subsequent default of the same or any other terms, covenants or conditions herein contained.

27. **Future Assurances.** Each of the Parties agrees to execute such further documents and take such further actions as may be reasonably necessary or appropriate to effectuate the terms of this Agreement.

28. **Notices.** All notices, certificates, or other communications hereunder shall be deemed given when personally delivered or mailed by certified mail, postage prepaid, to the Parties at the addresses set forth below:

MCOE:

Steve M. Tietjen, EdD. Merced County Superintendent of Schools
Merced County Office of Education
632 West 13th Street
Merced, CA 95341
Telephone: (209) 381-6600
Fax: (209) 381-6767

Kids Discovery Station:

Kids Discovery Station
350 W. Yosemite Avenue
Merced, CA 95348
Attention: ___Mayya Tokman, Executive Director
Telephone: ___209-580-4070_____

29. **Execution by Facsimile or in Counterparts.** This Agreement may be executed in counterparts, each of which shall constitute an original of the Agreement. Facsimile signature pages transmitted to other Parties to this Agreement shall be deemed equivalent to original signatures on counterparts.

30. **Warrant of Authority.** Each of the persons signing this Agreement represents and warrants that such person has been duly authorized to sign this Agreement on behalf of the Party indicated, and each of the Parties by signing this Agreement warrants and represents that such party is legally authorized and entitled to enter into this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

MCOE

By: _____ Date: 9.25.2026
Name: Dr. Steve Tietjen
Title: County Superintendent of Schools,
Merced County Office of Education

Kids Discovery Station

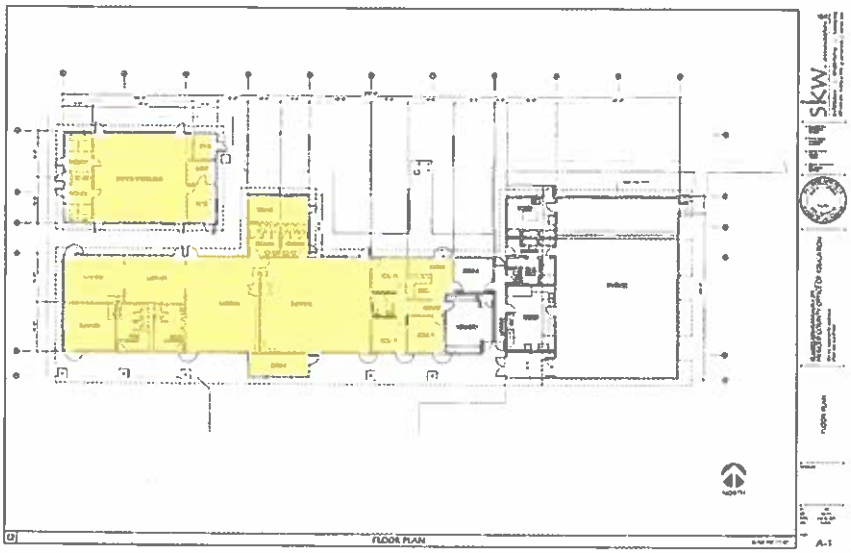
By: _____ Date: 05/01/2026
Name: Mayya Tokman
Title: Executive Director/Kids Discovery Station

Exhibit A
Description of Facilities

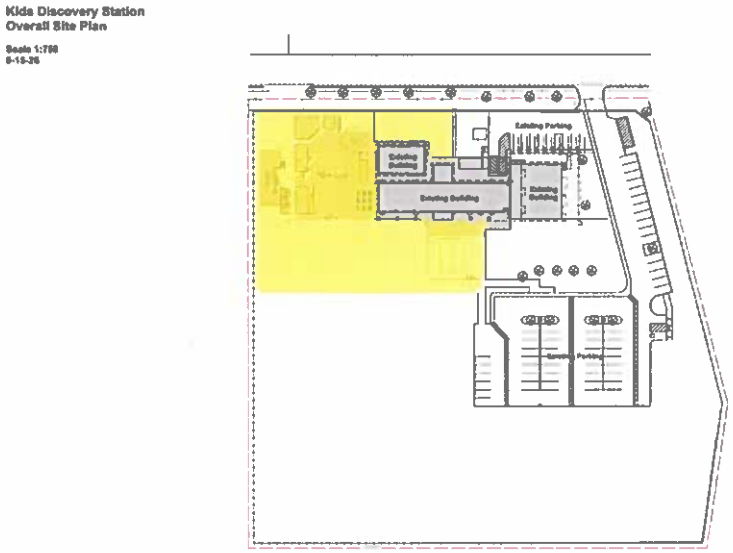
The Facilities consist of the following portions of the MCOE Yosemite Center, 350 West Yosemite Avenue, Merced, CA 95340, as outlined in red on the Site Plan below:

1. **Main Building.** The classrooms and restrooms in the main building, which comprised Organization's space under the Original Agreement, together with the former administrative offices located directly east of those classrooms in the main building, including the offices, reception area, workroom, and associated corridors and restrooms. The Event Center (formerly referred to as the sanctuary) and its kitchen are not included.
2. **North Classroom Wing ("Little Explorers Planet").** The separate building directly north of the main building, including its classroom, restrooms, office, and closets.
3. **Storage.** The storage area directly south of the large classroom.
4. **Outdoor Areas.** All outdoor areas bounded on the north by the northern property line along West Yosemite Avenue, on the west by the western property fence, on the south by a line extending west from the northern edge of the southern parking lot, and on the east as shown on the Site Plan, including the playground, the "Our City" exhibit area, all structures within that area, and the land west of the buildings on which Organization will construct the Outdoor Exhibits.
5. **Parking.** Nonexclusive use, in common with MCOE, of the Yosemite Center parking lots.

The Event Center is not part of the Facilities and may be reserved by Organization on an as-needed basis through MCOE's normal reservation process.



Indoor site plan: Kids Discovery Station Facilities are shaded in yellow



Outdoor site plan: Kids Discovery Station Facilities are shaded in yellow

Merced County Board of Education
Geneva Brett, Chairperson
Ryan Heller, Vice Chairperson
Dennis Hanks, Member
Frank Fagundes, Member
Joseph Oliveira, Member

Resolution No. 2026-31
Honoring
Candace Mucci

Whereas, Candace Mucci has elected to retire from her position as a Teacher of Special Education in the Special Education Department with the Merced County Office of Education; and,

Whereas, Candace began her career with MCOE in January 1987 with her final day being December 17, 2026. The Merced County Board of Education and the Merced County Superintendent of Schools hereby wish to make known their respect and admiration for Candace's 39 years of service with the Merced County Office of Education; and,

Whereas, Candace's previous employment at Kings View, CVRC Independent Living Training, Sauer's Children's Home, and becoming a sub aide for MCOE in spring 1984 and eventually being hired as an Aide in the Special Education Department in the Fall of 1984, this brings her to a total of 42 years served in education; and,

Whereas, Candace earned her degree from Stonehill College and completed her teacher training at CSU Stanislaus and Fresno Pacific University; and,

Whereas, Candace's services to her community include serving on the MCOTA Board as a Member at Large, as a secretary, and on the Insurance Committee. Candace is also a member of Unity Church; and,

Whereas, Candace looks forward to spending more time with her husband, John, son, Matthew, and daughter, Melissa; and,

Whereas, after retirement, Candace plans to spend time with family, paint, sew, and hike. She also plans to help her 87-year-old mother and spend more time with her new grandson; and,

Now, Therefore Be it Resolved, that the Merced County Board of Education and the Merced County Superintendent of Schools do hereby commend Candace for her dedicated years of service to ensure "Every Student A Success" and "Nurture, Serve, Lead" and extend their sincere best wishes for a happy, fulfilling retirement.

Adopted November 16, 2026

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

Merced County Board of Education
Geneva Brett, Chairperson
Ryan Heller, Vice Chairperson
Dennis Hanks, Member
Frank Fagundes, Member
Joseph Oliveira, Member

Resolution No. 2026-32
Honoring
Guadalupe Lozano

Whereas, Guadalupe Lozano has elected to retire from her position as an Academic Tutor in Migrant Education in the Educational Services Department with the Merced County Office of Education; and

Whereas, Guadalupe began her career with MCOE in September 2004, with her final day being December 18, 2026. The Merced County Board of Education and the Merced County Superintendent of Schools hereby wish to make known their respect and admiration for Guadalupe's 22 years of service with the Merced County Office of Education; and,

Whereas, Guadalupe's previous three-year employment with the Mini Corp working as a tutor brings her to a total of 25 years served in education; and

Whereas, Guadalupe attended Merced College and earned her AA Degree in Early Education; and

Whereas, Guadalupe Lozano is a remarkable woman whose 25 years of service have been defined by dedication, compassion, and an unwavering belief in the power of education. For more than 22 years, Mrs. Lozano has served as an Academic Tutor with the Merced County Office of Education's Migrant Education Program, supporting students at Don Stowell, Hoover, and Gracey Schools, as well as in their homes. She also devoted three years to serving as a Mini Corps Tutor with the Planada School District. Through programs such as Language Power, 180 Days of Writing, 180 Days of Problem Solving, Kids Learn, and Flashlight 360, she helped students strengthen their academic skills, build confidence, and discover their potential. Mrs. Lozano's commitment has always extended beyond the classroom. Whether supporting summer academies and Family Math Nights, participating in parent meetings, delivering devices, or transporting students to academic and outdoor activities, she was always willing to lend a helping hand. Her generosity, flexibility, and positive spirit reflected her genuine dedication to students, families, and colleagues; and,

Whereas, Mrs. Lozano, a proud recipient of an Associate of Arts degree in Early Education, she leaves behind a legacy that reaches far beyond academic achievement. She has taught us the kindness she shared, the confidence she nurtured, and the hope she inspired, making a lasting difference. As we celebrate your retirement, Mrs. Lozano, we also thank you for your generous heart, helping hands, positive spirit, and 25 years of dedicated service. Your legacy will live on in the students and families whose lives you have touched; and,

Whereas, Guadalupe looks forward to spending more time with her greatest joy, her loving family: her husband, Carlos; her children, Ismael, Alejandro, and Bianca; and her six grandchildren—Alejandro Jr., Analiyah, Anthony, Julian, Tylor, and Mia; and,

Whereas, as Guadalupe begins this exciting new chapter, may retirement bring her countless treasured moments with her loved ones, wonderful travel adventures, and time to enjoy her favorite activities, including gardening, drawing, and cooking; and,

Now, Therefore Be it Resolved, that the Merced County Board of Education and the Merced County Superintendent of Schools do hereby commend Guadalupe for her dedicated years of service to ensure "Every Student A Success" and "Nurture, Serve, Lead" and extend their sincere best wishes for a happy, fulfilling retirement.

Adopted November 16, 2026

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

Merced County Board of Education

Call for Public Comments

MERCED COUNTY
Office of Education
NURTURE • SERVE • LEAD

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

Merced County Board of Education

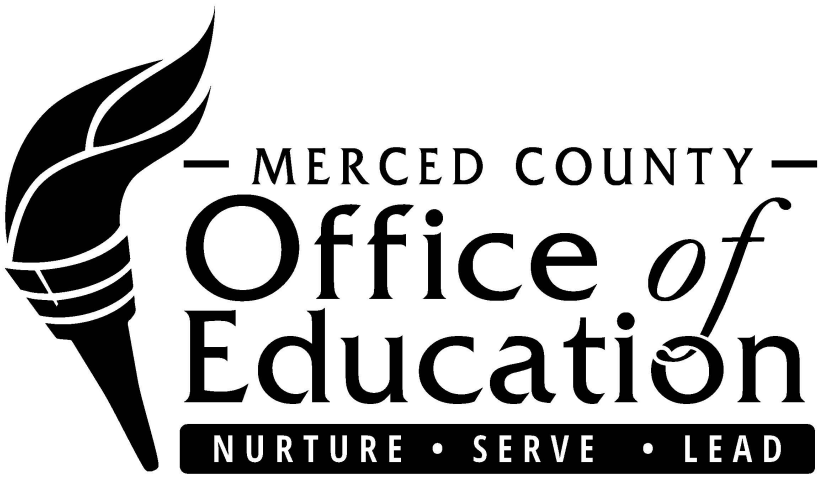
Future Agenda Item

MERCED COUNTY
Office of Education
NURTURE • SERVE • LEAD

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

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

Business Items for Action

MERCED COUNTY
Office of Education
NURTURE • SERVE • LEAD

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

Merced County Board of Education

Bylaws

Reviewed - October 19, 2026

Approval - November 16, 2026

1. 9005 – Governance Standards
2. 9011 – Disclosure of Confidential Privileged Information
3. 9200 – Limits of Board Member Authority
4. 9220 – County Board Elections
5. 9240 – Board Training
6. 9250 – Remuneration, Reimbursement & Other Benefits
7. 9310 – County Superintendent County Board Policy Relationship
8. 9320 – Meeting and Notices
9. 9320.1 – Remote Meetings and Attendance
10. 9321 – Closed Session Purposes and Agenda
11. 9322 – Agenda/Meeting Materials
12. 9323 – Meeting Conduct

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

GOVERNANCE STANDARDS

The County Board and the County Superintendent have separate duties and responsibilities. The County Superintendent and County Board, as elected officials, are directly accountable to the electorate. Open communication between County Superintendent and County Board and mutual sharing of information facilitate the accomplishment of their respective functions.

~~*(cf. 9000 - Role of the Board)*~~
~~*(cf. 9270 - Conflict of Interest)*~~

The County Board expects its members to work with each other and the County Superintendent to ensure that a high-quality education is provided to students in Merced County Office of Education (MCOE) schools and/or programs, and that high-quality services are provided to school districts within the jurisdiction of MCOE and the community. Each individual County Board member shall:

1. Keep learning and achievement for all students as the primary focus;

2. Value, support and advocate for public education;

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

3. Recognize and respect differences of perspective and style of the County Board and among staff, students, parents/guardians and the community;

4. Act with dignity, and understand the implications of demeanor and behavior;

5. Keep confidential matters confidential;

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

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader;

~~*(cf. 9240 - Board Development)*~~

7. Understand the distinctions between County Board, County Superintendent and staff roles, and refrain from performing management functions that are the responsibility of the County Superintendent and staff;

~~*(cf. 2110 - Superintendent Responsibilities and Duties)*~~

8. Understand that authority rests with the County Board as a whole and not with individual County Board members.

~~*(cf. 9200 - Limits of Board Member Authority)*~~

GOVERNANCE STANDARDS

County Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the County Board shall have a unity of purpose and:

1. Keep focused on student learning and achievement, as well as the role of MCOE in providing services to school districts and the community;

2. Work collaboratively with the County Superintendent of Schools;

3. Communicate a common vision;

4. Operate openly, with trust and integrity;

5. Govern in a dignified and professional manner, treating everyone with civility and respect;

6. Govern within County Board-adopted bylaws and procedures;

~~*(cf. 9310 - Board Policies)*~~

7. Take collective responsibility for the County Board's performance;

8. Periodically evaluate the County Board's effectiveness;

~~*(cf. 9400 - Board Self Evaluation)*~~

9. Ensure opportunities for the diverse range of views in the community to inform County Board deliberations.

~~*(cf. 1220 - Citizen Advisory Committees)*~~
~~*(cf. 9323 - Meeting Conduct)*~~

In fulfilling its role, the County Board is responsible for:

1. Involving the community, parents/guardians, students, and staff in regularly developing or updating a common vision focused on learning and achievement and responsive to the needs of all students

2. Adopting and updating policies consistent with law and the MCOE's vision and goals

3. Adopting a fiscally responsible budget based on the MCOE's vision and goals, and regularly monitoring the fiscal health of the MCOE

4. Ensuring that a safe and appropriate educational environment is provided to all students

GOVERNANCE STANDARDS

5. Providing community leadership on educational issues and advocating on behalf of students and public education at the local, state, and federal levels

Legal Reference:

EDUCATION CODE
1040 Duties and responsibilities: county boards of education
1042 County boards; authority
35010 Power of governing board to adopt rules for its own governance
35160 Board authority to act in any manner not conflicting with law
35160-35160.1 Authority of county boards
35164 Actions by majority vote
GOVERNMENT CODE
1090 Financial interest in contract
1098 Disclosure of confidential information
1125-1129 Incompatible activities
54950-54963 The Ralph M. Brown Act
87300-87313 Conflict of interest code

Management Resources:

CSBA PUBLICATIONS
Professional Governance Standards for County Boards, October 2014
CSBA Professional Governance Standards, 2000
Maximizing School Board Leadership: Boardsmanship, 1996
CALIFORNIA COUNTY BOARDS OF EDUCATION PUBLICATIONS
County Board Member Handbook: A Guide to Effective Governance, 2015
WEB SITES
CSBA: www.csba.org
California County Boards of Education: http://www.theccbe.org
CSBA District and County Office of Education Legal Services

Cross References:

0000 Vision
0100 Philosophy
0200 Goals for the School District
1000 Concepts and Roles
1100 Communication with the Public
1220 Citizen Advisory Committees
1312.2 Complaints Concerning Instructional Materials
1313 Civility
2000 Concepts and Roles
2110 Stuperintendent Responsibilities and Duties
2111 Superintendent Governance Standards
2140 Evaluation of the Superintendent
9000 Role of the Board
9010 Public Statements
9011 Disclosure of Confidential/Privileged Information
9012 Board Member Electronic Communications
9100 Organization

GOVERNANCE STANDARDS

9121 President
9140 Board Representative
9200 Limits of Board Member Authority
9230 Orientation
9240 Board Training
9270 Conflict of Interest
9310 Board Policies
9320 Meetings and Notices
9320.1 Remote Meetings and Attendance
9323 Meeting Conduct
9323.2 Actions by the Board
9324 Minutes and Recordings
9400 Board Self-Evaluation

Bylaw Adopted: 5/3/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 12/14/2020, FOR REVIEW 10/19/26 & APPROVAL 11/16/26 Merced, California

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The County Board recognizes the importance of maintaining the confidentiality of information acquired as part of a County Board member's official duties.

A County Board member shall not disclose ~~C~~confidential/privileged information ~~shall be released~~to any person, except as ~~only to the extent~~ authorized by law, this Bylaw or other County Board bylaws or policies, or the County Board.

~~*(cf. 9000 - Role of the Board)*~~
~~*(cf. 9005 - Governance Standards)*~~
~~*(cf. 9010 - Public Statements)*~~

~~**Disclosure of Closed Session Information**~~

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

Confidential information means any information that is prohibited from disclosure by law, this Bylaw or other County Board bylaws or policies, or by the County Board at the time disclosed and is not a public record subject to disclosure under the California Public Records Act (CPRA). Confidential information includes, but is not limited to, any of the following:~~a communication made in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session. (Government Code 54963)~~

~~*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*~~
~~*(cf. 9321 - Closed Session Purposes and Agendas)*~~
~~*(cf. 9321.1 - Closed Session Actions and Reports)*~~

1. Information acquired by being present in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session (Government Code 54963)

2. Information acquired in anticipation of a closed session, or as follow-up to a closed session, that is specifically related to the basis for the County Board to meet lawfully in closed session

3. Information containted in communications provided to County Board members from legal counsel

4. Information deemed confidential by the County Board

Confidential information does not include information that is already publicly disclosed, provided that the initial disclosure did not violate law, this Bylaw, or other County Board bylaws or policies.

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

It is a misdemeanor for any County Board member to willfully and knowingly use or disclose for pecuniary gain any information acquired in the course of the County Board member's official duties where all of the following conditions are met: (Government Code 1098)

1. Information is not a public record subject to disclosure under the CPRA

2. The information is prohibited from disclosure by law, this Bylaw, or other County Board bylaws or policies

3. The information will have, or could reasonably be expected to have, a material financial effect on the County Board member if used or disclosed

If a County Board member threatens to disclose or does disclose confidential information, the County Board may pursue or enact one or more of the following actions as it deems appropriate: (Government Code 54963)

1. Injuctive relief to prevent disclosure

2. Referral to the grand jury

3. Censure or other disciplinary action, provided the County Board member has received training or been informed of the requirements of this Bylaw

However, ~~T~~the County Board shall not take any action against ~~any persona~~ County Board member for disclosing confidential information, nor shall the disclosure be considered a violation of ~~the law or County Board policy~~this Bylaw, when the ~~person~~County Board member ~~is~~does any of the following: (Government Code 1098, 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board action that has been the subject of deliberation during a closed session;

2. Expressing an opinion concerning the propriety or legality of County Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action;

3. Disclosing information ~~that is not confidential~~to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities in accordance with law.

~~**Other Disclosures**~~

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

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

~~*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*~~
~~*(cf. 5125 - Student Records)*~~

~~Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities. (Government Code 1098)~~

Legal Reference:

EDUCATION CODE
35010 Power of governing board to adopt rules for its own governance
35146 Closed session
EVIDENCE CODE
1040 Privilege for official information
GOVERNMENT CODE
1098 Public officials and employees re confidential information
3549.1 Meeting and negotiating in public educational employment
6250-6270 Inspection of public records
54950-54963 Brown Act, especially:
54956.8 Open meeting laws
54956.9 Closed meeting for pending litigation
54957 Closed session; "employee" defined; exclusion of witnesses
54957.1 Subsequent public report and roll call vote; employee matters in closed session
54957.5 Public records
54957.6 Closed session; representatives with employee organization
54957.7 Reasons for closed session
54963 Confidential information in closed session
7920.000-7930.170 California Public Records Act
ATTORNEY GENERAL OPINIONS
80 Ops.Cal.Atty.Gen. 231 (1997)

Management Resources:

CSBA PUBLICATIONS
Professional Governance Standards, November 2000
Maximizing School Board Leadership, 1996
WEB SITES
CSBA: http://www.csba.org
CSBA District and County Office of Education Legal Services

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

Cross References:

0450	*Comprehensive Safety Plan*
1100	*Communication with the Public*
1312.3	*Uniform Complaint Procedures*
1340	*Access to District Records*
2120	*Superintendent Recruitment and Selection*
2121	*Superintendent's Contract*
3580	*District Records*
4112.5	*Criminal Record Check*
4112.6	*Personnel Files*
4119.23	*Unauthorized Release of Confidential/Privileged Information*
4119.42	*Exposure Control Plan for Bloodborne Pathogens*
4143	*Negotiations/Consultation*
4143.1	*Public Notice – Personnel Negotiations*
4212.5	*Criminal Record Check*
4212.6	*Personnel Files*
4219.23	*Unauthorized Release of Confidential/Privileged Information*
4219.42	*Exposure Control Plan for Bloodborne Pathogens*
4243	*Negotiations/Consultation*
4243.1	*Public Notice – Personnel Negotiations*
4312.5	*Criminal Record Check*
4312.6	*Personnel Files*
4319.23	*Unauthorized Release of Confidential/Privileged Information*
4319.42	*Exposure Control Plan for Bloodborne Pathogens*
5125	*Student Records*
9000	*Role of the Board*
9005	*Governance Standards*
9010	*Public Statements*
9200	*Limits of Board Member Authority*
9230	*Orientation*
9321	*Closed Session*

Bylaw Adopted: 5/3/2010; **MERCED COUNTY BOARD OF EDUCATION**
Reviewed: 12/14/2020, FOR REVIEW 10/19/26 & APPROVAL 11/16/26Merced, California

LIMITS OF BOARD MEMBER AUTHORITY

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

~~*(cf. 1160 - Political Processes)*~~
~~*(cf. 9000 - Role of the Board)*~~
~~*(cf. 9005 - Governance Standards)*~~
~~*(cf. 9270 - Conflict of Interest)*~~
~~*(cf. 9323 - Meeting Conduct)*~~

Individual members of the County Board shall not exercise any administrative responsibility with respect to MCOE or command the services of any MCOE employee. ~~Individual County Board members shall submit requests for information to the County Superintendent. County Board members shall refer County Board-related correspondence to the County Superintendent for forwarding to the County Board or for placement on the County Board's agenda, as appropriate.~~

~~*(cf. 1340 - Access to MCOE Records)*~~
~~*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*~~
~~*(cf. 9011 - Disclosure of Confidential/Privileged Information)*~~
~~*(cf. 9322 - Agenda/Meeting Materials)*~~

Additionally, ~~I~~individual County Board members do not have the authority to investigate, resolve, or otherwise actively engage with the community members with respect to complaints, personnel or student matters, or legal issues. Any County Board member receives a communication regarding such a topic shall forward the communication to or otherwise inform the ~~approached directly by a person with a complaint should refer the complainant to the~~ County Superintendent or ~~designee~~County Board president, as appropriate or otherwise follow-up, as needed. ~~so that the problem may receive proper consideration and be handled through the appropriate MCOE process.~~The County Board member shall not respond substantively to the communication beyond acknowledging receipt and explaining the limits of the County Board member's authority. It shall be the responsibility of the County Superintendent or County Board president to inform the County Board or place the topic on a future County Board agenda.

~~*(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. 4031 - Complaints Concerning Discrimination in Employment)*~~
~~*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*~~

Individual County Board members are permitted to engage with community members, including responding to general inquiries or expressions of opinion. Such engagement shall be consistent with County Board bylaws such as Board Bylaw 9010 – Public Statements and Board Bylaw 9012 – Board Member Electronic Communications, and may not purport to represent the position of the County Board.

LIMITS OF BOARD MEMBER AUTHORITY

Requests for information by an individual County Board member shall be submitted to the County Superintendent.

A County Board member may observe and/or volunteer in a school or classroom, including in the school or classroom in which the County Board member's child is enrolled, in accordance with law. Prior to observing or volunteering, a County Board member shall inform the County Superintendent. Additionally, a County Board member who is present on the MCOE property or at MCOE programs or activities is expected to be aware of the role and limits on authority as a County Board member.

A County Board member whose relative is attending or employed at an MCOE school should be aware of ~~his/her~~their role as a County Board member when interacting with MCOE employees about ~~his/her~~their relative. Because ~~his/her~~their position as a County Board member may inhibit the performance of school personnel, the County Board member should inform the County Superintendent or designee before volunteering in ~~his/her~~their relative's classroom.

~~*(cf. 1240 - Volunteer Assistance)*~~
~~*(cf. 5020 - Parent Rights and Responsibilities)*~~
~~*(cf. 6020 - Parent Involvement)*~~

A County Board member who chooses to observe or volunteer shall do so in a manner that does not disrupt school operations. Any questions or concerns regarding operational or personnel matters shall be directed to the County Superintendent or designee. Any questions or concerns specific to the County Board member's child may be directed to appropriate site staff. If a question or concern is both specific to the County Board member's child and involves operational or personnel matters, the County Board member shall collaborate with the County Superintendent or designee to determine whether the County Board member shall direct the question or concern to site staff or whether the responsibility to investigate or resolve the question or concern, if necessary, lies with the County Superintendent or designee.

If a County Board member's spouse, dependent child, or child who is a source of income to the County Board member is an employee of MCOE, and the County Board is required to approve an increase in retirement benefits, salary, or bonus in accordance with Education Code Section 1302, the County Board member must abstain from participating in the discussion or the making of such decision. The County Board member must also abstain from participating in the making of any decision which would give the appearance of impropriety.

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

Legal Reference:

EDUCATION CODE
200-2~~62.4~~70 Prohibition of discrimination
1040-1042 Duties and responsibilities
1302 Increase of salary or bonus

LIMITS OF BOARD MEMBER AUTHORITY

7054 Use of district property
35010 Control of district; prescription and enforcement of rules
35100-35351 Governing boards, especially:
35160-351~~60.2~~78.4 Powers and duties
35160-35184 Powers and duties
35291 Rules
35292 Visits to schools (Board members)
51101 Rights of parents/guardians
GOVERNMENT CODE
1090 et seq. Conflicts of Interest
54950-5496~~23~~ The Ralph M. Brown Act, especially:
54952.1 Member of a legislative body of a local agency
54952.7 Copies of chapter to members of legislative body
87100 et seq. Political Reform Act

Management Resources:
CSBA PUBLICATIONS
Professional Governance Standards for County Boards, October 2014
County Board Member Handbook: A Guide to Effective Governance, 2015
CSBA Professional Governance Standards, 2000
Maximizing School Board Leadership: Boardsmanship, 1996
WEB SITES
CSBA: http://www.csba.org
California County Boards of Education: http://www.theccbe.org
CSBA District and County Office of Education Legal Services

Cross References:
1160 Political Processes
1240 Volunteer Assistance
1312.1 Complaints Concerning District Employees
1312.2 Complaints Concerning Instructional Materials
1312.3 Uniform Complaint Procedures
1312.4 Williams Uniform Complaint Procedures
1340 Access to District Records
5020 Parent Rights and Responsibilities
6020 Parent Involvement
6159.1 Procedural Safeguards and Complaints for Special Education
9000 Role of the Board
9005 Governance Standards
9010 Public Statements
9011 Disclosure of Confidential/Privileged Information
9012 Board Member Electronic Communications
9124 Attorney
9140 Board Representatives
9230 Orientation
9270 Conflict of Interest
9322 Agenda/Meeting Materials
9323 Meeting Conduct
9323.2 Actions by the Board

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 12/14/2020, FOR REVIEW 10/19/26 & APPROVAL 11/16/26 Merced, California

COUNTY BOARD ELECTIONS

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

Election procedures shall be followed in accordance with state and federal law.

Board Member Qualifications

Any person is eligible to be a member of the County Board, without further qualifications, if the person is 18 years of age or older; a citizen of California, a resident of the school district or, if applicable, the trustee area; a registered voter; and not legally disqualified from holding civil office. (Education Code 1000, 1006, 35107)

A person is not eligible to be a member of the County Board if they have been convicted of an offense(s) as specified in law and the accompanying Exhibit, except when the person has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20, 321)

Any registered voter is eligible to be a member of the County Board of Education except the County Superintendent of Schools and any member of the Merced County Office of Education (MCOE) staff, or any employee of a school district that is within the jurisdiction of the County Board. (Education Code 1000, 1006)

An MCOE employee duly elected to the County Board shall resign from their position before being sworn in or shall have their employment automatically terminated upon being sworn into office. (Education Code 35107)

The County Board encourages all candidates to become knowledgeable about the role of County Board members. A County Board candidate shall be provided, upon request by the candidate, information that will enable them to understand the responsibilities and expectations of being a County Board member, including information regarding available workshops, seminars, and/or training. Additionally, the candidate shall be provided, upon request by the candidate, the county elections official's contact information and general information about school programs, county office of education operations, and County Board responsibilities.

A candidate's residence address, telephone number, and email address recorded with the applicable county election official shall be kept confidential in accordance with state law. (Elections Code 2166.9)

Recalling a County Board Member

A County Board member be recalled as permitted by Elections Code 11000-11386. To

commence a recall of a County Board member, proponents shall serve, file, and publish or post a notice of intention to circulate the recall petition as specified by law and any applicable county elections official directives. Additionally, the recall petition shall be in the format provided by the Secretary of State and include, among other things, an estimate of the cost of conducting the special election, as determined by the county elections officials, in consultation with the county office of education.

Within 14 days after the County Board meeting at which a certificate of sufficiency of signatures on a recall petition is received from the county elections official, the County Board shall order an election to be held to determine whether the County Board member named in the petition shall be recalled. The election shall be held not less than 88, nor more than 125, days after the date that the County Board orders the election. However, the election may be conducted within 180 days after the issuance of the County Board's order to consolidate the election with a regularly scheduled election. (Elections Code 11240-11242)

A recall election of a County Board member shall be conducted in accordance with Elections Code 11381-11386.

If a recall of a County Board member is successful, that County Board member's seat becomes vacant and shall be filled in accordance with Education Code 5090-95 and Board Bylaw 9223 – Filling Vacancies. (Education Code 1008)

However, a recalled County Board member may not be appointed to the seat that was vacated by the recall. (Elections Code 11382)

Election Date

The election of County Board members shall be consolidated with the local municipal or statewide primary or general election in accordance with a County Board resolution approved by the County Board of Supervisors. (Elections Code 1302, 10404.5)

Elections Process and Procedures *(Election by trustee area)*

For each election, upon certification by the Merced County Board of Supervisors, the County Board shall declare who has been elected to the County Board in accordance with law. (Election Code 15400)

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

Following each decennial federal census the County Board shall adjust the boundaries of the MCOE's trustee areas in accordance with Elections Code 211-21180. (Education Code 5019.5)

COUNTY BOARD ELECTIONS

The district is divided into trustee areas and each trustee area shall be represented by a County Board member who resides in and is elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law. (Elections Code 14025-14032)

Prior to March 1 following the year in which the results of each decennial federal census are released, the County Board shall adjust the boundaries of MCOE's trustee areas based on population figures as validated by the Population Research Unit of the Department of Finance. (Education Code 5019.5)

To ensure ongoing compliance with the California Voting Rights Acts (CVRA), the County Board may review the MCOE's Board election method to determine whether any modification is necessary due to changes in the MCOE's population or any of its racial, color, or language minority group composition. The review shall be based on the County Superintendent or designee's report to the County Board after the release of each decennial federal census. (Elections Code 14025-14032)

Commencement of Term of Office

For each election, upon certification by the County Board of Supervisors, the County Board shall declare who has been elected to the County Board in accordance with law. (Election Code 15400)

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

County Board members are elected on same date as school district governing board members in county. The term of office for County Board members elected in regular elections shall be four years, commencing on the second Friday in December following their election. (Education Code 1007, 5017)

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

Consolidation of Elections

To reduce costs associated with conducting elections, the election of County Board members was consolidated with the local municipal or statewide primary or general election in accordance with the County Board Resolution # 2010-39, approved by the County Board of Supervisors on October 19, 2010. (Elections Code 1302, 10404.5)

COUNTY BOARD ELECTIONS

Appointment Members Due to Failure to Elect

The provisions of Education Code Sections 5326 and 5328 shall apply to elections for membership on a county board.

If, by 5:00 p.m. on the 83rd day prior to the day fixed for the County Board member election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for the office, and a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or trustee area, if elected by trustee area, requesting that a school district election be held for the offices has not been presented to the officer conducting the election, appointment will be made as prescribed by Section 5328. (Education Code 5326)

If pursuant to Section 5326 a district election is not held, the qualified person or persons nominated shall be seated at the organizational meeting of the County Board, or if no person has been nominated or if an insufficient number is nominated, the County Board shall appoint a qualified person or persons, as the case may be, at a meeting prior to the day fixed for the election, and such appointee or appointees shall be seated at the organizational meeting of the County Board as if elected at a district election. (Education Code 5328)

Campaign Conduct

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

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

Campaign Finance

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

A County Board candidate shall not expend or accept any public money for the purpose of seeking elective office. (Government Code 85300)

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

COUNTY BOARD ELECTIONS

Statement of Qualifications

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

1. The elective offices of the County Board to be filled at the general election and which offices, if any, are for the balance of an unexpired term;

2. Whether MCOE or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307.

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

When the election official allows for the electronic distribution of candidate statements, a candidate for the County Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution. (Elections Code 13307)

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

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the County Board, the County Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the County Board. The tie shall be resolved by the drawing of lots at the first regular meeting of the County Board following the official canvass of the vote which confirms said tie. (Education Code 1007, 5016)

Preparation of said lots shall be made by the County Superintendent, in their capacity as secretary to the County Board, or designee, and the candidate receiving the shorter of the two lots shall be declared officially elected and, as such, shall be duly sworn.

COUNTY BOARD ELECTIONS

Legal Reference:

EDUCATION CODE
1000 Composition, and trustee area, county board of education
1002 Trustee area boundaries and membership changes
1006 Prohibition against school district employees serving on county board of education
1007 Elections
1008 County board of education vacancy procedures
1017 Expiration of terms
5000-5033 Elections of school district board members
5090-5095 Vacancies
5091 Vacancies: petition for special election
5220-5231 Elections
5300-5304 General provisions: conduct of elections
5320-5329 Order and call of elections
5340-5345 Consolidation of elections
5360-5363 Election notice
5380 Compensation: election officer
5390 Qualifications of voters
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions
7054 Use of district property: campaign purposes
35107 School district employees
35177 Campaign expenditures or contributions
35239 Compensation of governing board member of districts with less than 70 ADA

ELECTIONS CODE
20 Public office eligibility
1302 Local elections, school district election
2201 Grounds for cancellation
2166.9 Candidate confidentiality
4000-4008 Elections conducted wholly by mail
10010 District boundaries
10400-10418 Consolidation of elections
10509 Notice of election by secretary
10600-10604 School district elections
11000 Recall of officers
11000-11386 Recall elections
11382 Vacancy due to recall
13307 Candidate's statement
13308 Candidate's statement contents
13309 Candidate's statement, indigence
14025-14032 California Voting Rights Act
14050-14057 California Voter Participation Rights Act
15307 Timeline to count ballots and release ballot count
15370-15377 Ballot security and reporting of results
15400-15402 Announcement of election results
18501 Election fraud
20440 Code of Fair Campaign Practices
21100-21180 FAIR MAPS Act

GOVERNMENT CODE
1021 Conviction of crime
1097 Illegal participation in public contract
1099 Incompatible offices
12940 Unlawful discriminatory employment practices

COUNTY BOARD ELECTIONS

1302 Continuance in office until qualification of successor
1303 Exercising functions of office without having qualified
1360 Necessity of talking constitutional oath
1770 Vacancy of office
9055 Committing crimes against legislative power
9412 Refusing to appear
12940 Unlawful discriminatory employment practices
81000-91014 Political Reform Act
PENAL CODE
67 Giving bribes
68 Receiving bribes
74 Acceptance of gratuity
88 Crimes against legislative power
98 Crimes against public justice
165 Bribes to members of city council
424 Embezzlement and falsification of accounts by public officers
661 Removal for neglect or violation of official duty
2772 Interfering with the work of prisoners
2790 Interrupting the work of prisoners
CALIFORNIA CONSTITUTION
Article 2, Section 2 Voters, qualifications
Article 7, Section 7 Conflicting offices
Article 7, Section 8 Disqualification from office
UNITED STATES CODE, TITLE 52
10301-10508 Voting Rights Act
COURT DECISIONS
Shelby County v. Holder, (2013) 133 S. Ct. 2612
Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223
Rey v. Madera Unified School District, (2012) 138 Cal. Rptr. 3d 192
Randall v. Sorrell, (2006) 126 S.Ct. 2479
Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660
Sanchez v. City of Modesto, (2006) 51 Cal. Rptr. 3d 821
Dusch v. Davis, (1967) 387 U.S. 112
ATTORNEY GENERAL OPINIONS
85 Ops.Cal.Atty.Gen. 49 (2002)
83 Ops.Cal.Atty.Gen. 181 (2000)
81 Ops.Cal.Atty.Gen. 98 (1998)
69 Ops.Cal.Atty.Gen. 290 (1986)
105 Ops.Cal.Atty.Gen. 182 (2022)
109 Ops.Cal.Atty.Gen. 106 (2026)

Management Resources:
CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
WEB SITES
CSBA: http://www.csba.org
California County Boards of Education: http://theccbe.org
California Secretary of State's Office: http://www.ss.ca.gov
Fair Political Practices Commission: http://www.fppc.ca.gov
Institute for Local Government: http://www.ca-ilg.org
CSBA District and County Office of Education Legal Services

Cross References:

COUNTY BOARD ELECTIONS

0410 *Nondiscrimination in District Programs and Activities*
9005 *Governance Standards*
9100 *Organization*
9110 *Terms of Office*
9223 *Filling Vacancies*
9224 *Oath of Affirmation*
9230 *Orientation*
9240 *Board Training*
9270 *Conflict of Interest*
9320 *Meetings and Notices*

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 12/16/2013, 3/19/2018, 12/14/2020, 6/9/2025 Merced, California
FOR REVIEW 10/19/2026 & APPROVAL 11/16/26

COUNTY BOARD ELECTIONS

This exhibit is a non-exhaustive list of offenses the conviction of which disqualifies a person from holding public office, including as a County Board member, in the State of California.

1. California Constitution, Article VII, Section 8: Giving or offering a bribe to procure personal election or appointment.

2. California Constitution, Article VII, Section 8: Committing bribery, perjury, forgery, malfeasance in office, or other high crimes.

3. Penal Code section 67: Giving or offering a bribe to any executive officer in the state to influence any decision made by that officer in their official capacity.

4. Penal Code section 68: While an executive or ministerial officer, employee, or appointee of the state, a county, a city, or another political subdivision of the state, asking for, receiving, or agreeing to receive any bribe to influence any decision made by that person in their official capacity.

5. Penal Code section 74: As a public officer, for gratuity or reward, appointing another person to public office, or permitting another person to exercise or discharge the duties of their office.

6. Penal Code section 88: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling.

7. Penal Code section 98: While an officer, committing any of various bribery and corruption crimes against the public justice as specified in Penal Code 92-100, including bribing or threatening judges or jurors.

8. Penal Code section 165: Giving or offering a bribe to a member of a city council or a board of supervisors to influence any decision made by that member in their official capacity.

9. Penal Code section 424: While an officer of the state or of any county, city, town, or district of the state, or while otherwise charged with the receipt, safekeeping, transfer, or disbursement of public moneys, appropriating such moneys for personal use, or refusing to pay any public moneys as required by law.

10. Penal Code section 2772: Interfering with the work of prisoners employed at a road camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind.

11. Penal Code section 2790: Interrupting the work of prisoners employed at a public park or camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind.

12. Government Code section 1021: Committing designated crimes as specified in the California Constitution or state law.

13. Government Code section 1097: While a public official, being financially interested in a contract made in their official capacity, or by anybody or board of which ~~he or she~~the public official is a member, or aiding or abetting a public official in committing such a violation.

14. Government Code section 9055: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling.

15. Government Code section 9412: While a member of the Legislature, refusing to appear before the Senate, Assembly, or any committee of the Legislature after being summoned to testify, or while appearing before the Senate, Assembly, or any committee, refusing to be sworn or to answer any material and proper question, or refusing to produce, upon reasonable notice, any material and proper books, papers, or documents in their possession and under their control.

16. Elections Code section 20: Committing a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes.

17. Elections Code section 18501: While a public official, aiding the illegal casting of a vote at an election or otherwise facilitating the perpetration of election fraud.

BOARD TRAINING

~~**Ethics Training**~~

The County Board 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 training on public education finance, ~~mandatory~~ ethics training, and mandated reporting as required by this Bylaw. ~~as outlined below, and~~Additionally, County Board members 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.

Each County Board member shall complete a training in public education finance in accordance with Education Code 35220-35223. For County Board members in office as of April 1, 2027, the deadline to complete the training is April 1, 2028, unless their term of office ends before April 1, 2028. For County Board members elected or appointed to office after April 1, 2027, including a County Board member newly elected or appointed to a nonconsecutive term, the deadline to complete the training is one year from the first day of serving as a County Board member. Completion of CSBA's Masters in Governance (MIG) Program shall be deemed to satisfy the public education finance training requirement.

~~Unless a County Board member's term expires prior to January 1, 2026,~~Additionally, each County Board member shall complete ethics training in accordance with Government Code 53234-53235.2 ~~by January 1, 2026~~within six months from the first day of serving as a County Board member, and at least once every two years thereafter. (Government Code 53235)

In addition, each County Board member shall receive annual mandated reporter training. (Education Code 44691; Penal Code 11165.7)

~~Once completed, the~~Each County Board member shall inform the County Superintendent of the completion of any training required by this Bylaw, and ~~.~~ ~~A~~ records of each County Board member's participation in ~~the~~each required ~~ethics~~ training shall be retained. (Education Code 35222; Government Code 44691, 53235.2)

Upon each County Board member's election or appointment, the County Board member shall be provided with a copy of the Brown Act. (Government Code 54952.7)

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 Board Bylaw 9230 – Orientation.

~~**County Board Development**~~

BOARD TRAINING

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 a majority of the County Board members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the MCOE's jurisdiction, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.

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.

BOARD TRAINING

Legal Reference:

EDUCATION CODE
1095 Membership in organizations
35220-35223 School district finance training
35222 Record retention
44691 Mandated reporting
GOVERNMENT CODE
53234-53235.2 Ethics training
54950-54963 The Ralph M. Brown Act
54952.2 Meeting defined
54952.7 Copy of the Brown Act
PENAL CODE
11164-11174.3 Child Abuse and Neglect Reporting Act

Management Resources:

CSBA PUBLICATIONS
Call to Order: A Blueprint for Great Board Meetings, 201~~5~~8
Professional Governance Standards for County Boards, ~~October 2014~~June 2019
Professional Governance Standards for School Boards, November 2021
Our Commitment to Board Professional Learning and Training
Board Bylaw 9240: Why board training and professional development matter, Research and Policy Fact Sheet, February 2026
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
CSBA District and County Office of Education Legal Services
Fiscal Crisis and Management Assistance Team

Cross References:

0000	*Vision*
0100	*Philosophy*
0200	*Goals For The School District*
1112	*Media Relations*
2110	*Superintendent Responsibilities and Duties*
2111	*Superintendent Governance Standards*
2140	*Evaluation Of The Superintendent*
3100	*Budget*
5141.4	*Child Abuse Prevention and Reporting*
6000	*Concepts And Roles*
9000	*Role Of The Board*
9005	*Governance Standards*
9100	*Organization*
9121	*President*
9150	*Student Board Members*
9220	*Governing Board Elections*
9230	*Orientation*
9250	*Remuneration, Reimbursement And Other Benefits*

BOARD TRAINING

9270 *Conflict Of Interest*
9320 *Meetings And Notices*
9400 *Board Self-Evaluation*

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 8/21/2017, 11/16/2020, 5/19/2025 Merced, California
FOR REVIEW 10/19/26 & APPROVAL 11/16/26

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

The County Board may allow its members compensation as delineated in Education Code Section 1090.

County Board Compensation

Each member of the County Board who actually attends all meetings held may receive as compensation for ~~his or her~~their services a sum not to exceed two hundred dollars ($200) per month. (Education Code 1090)

County Board members are not required to accept the monthly compensation.

On an annual basis, the County Board may amend this Bylaw to increase the compensation of County Board members beyond the limit delineated in Education Code 1090 in an amount not to exceed five percent based on the present monthly rate compensation. (Education Code 1090)

A County Board member who is absent from a County Board meeting shall not receive the pro rata monthly compensation for that meeting unless the County Board finds, via resolution, that at the time of the County Board meeting the County Board member was absent due to the need to perform services on behalf of the County Board, illness, jury duty, or a hardship deemed acceptable by the County Board. (Education Code 1090)

Whenever a quorum of County Board members serves as another legislative body which will meet simultaneously or a serial order to a County Board meeting, the County Board clerk or a member of the County Board shall, when required by law, verbally announce the amount of any additional compensation or stipened that each member will be entitled to receive as a result of convening the simultaneous or serial meeting. (Government Code 54952.3)

Reimbursement of Expenses

County Board members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the County Board, including expenses for travel, printing, or membership in any state or local organization of governing boards of school districts or county boards. Additionally, County Board members shall be reimbursed for the actual expenses of attending, with prior approval, meetings or conferences of any society, association, or organization to which the County Board subscribes for membership. (Education Code 1091, 1094-1096)

The County Board may receive reimbursement, including mileage reimbursement for use of a privately owned automobile in line of duty, as delineated in Education Code Sections 1091, 1094, 1095, and 1096.

~~*(cf. 9240 - Board Development)*~~

The rate of reimbursement shall be the same rate specified for Merced County Office of Education (MCOE) personnel.

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

~~*(cf. 3350 Travel Expenses)*~~
Locally established timelines and procedures for reimbursement shall be utilized when reimbursing County Board members.

All other expenses, including personal expenses, shall be the responsibility of individual County Board members and shall not be paid or reimbursed by the Merced County County Office of Education (MCOE). (Government Code 8314)

Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the County Board member on official business, personal use of an automobile, and personal losses and traffic violation fees incurred while on official business.

Health and Welfare Benefits

Each County Board member having served prior to July 19, 1993, is entitled to current benefit coverage provided for the County Superintendent, Certificated Management, Classified Management, and Classified Confidential, in accordance with MCOE's benefit carrier's plan provision as delineated in Government Code Section 53201.

Benefits for Retired County Board Members

County Board members who have served at least two consecutive terms may, upon leaving office and having reached the age of 60, purchase health and dental benefits extended to active MCOE personnel covered by Policy 4354.2 from MCOE benefits carrier/carriers and in accordance with the carriers' plan pooling provisions.

This policy and all health benefits plans referenced in Policy 4354.1 and elsewhere ended effective July 19, 1993, by County Board action.

Legal Reference:

EDUCATION CODE
1090-1096 Stipends and expenses
33050-33053 General waiver authority
33362-33363 Reimbursement of expenses for attendance at workshops
35012 Board members; number, election and term
35044 Payment of traveling expenses of representatives of board
35120 Compensation for services as member of governing board
35160 School Board authority
35172 Promotional activities
44038 Cash deposits for transportation purchased on credit
FAMILY CODE
297-297.5 Rights, protections and benefits under law; registered domestic partners
~~*300 Definition of marriage*~~
GOVERNMENT CODE
8314 Use of public resources
20322 Elective officers; election to become member

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

20420-20445 Membership in Public Employee's Retirement System; definition of safety employees
3543.7 Duty to meet and negotiate in good faith
53200-53209 Group insurance
54952.3 Simultaneous or serial meetings; announcement of compensation
HEALTH AND SAFETY CODE
1373 Health services plan, coverage for dependent children
INSURANCE CODE
10277-10278 Group and individual health insurance, coverage for dependent children
UNITED STATES CODE, TITLE 26
403 Tax-sheltered annuities
UNITED STATES CODE, TITLE 42
18011 Right to maintain existing health coverage
CODE OF FEDERAL REGULATIONS, TITLE 26
1.403(b)-2 Tax-sheltered annuities, definition of employee
COURT DECISIONS
Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598
Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578
ATTORNEY GENERAL OPINIONS
91 Ops.Cal.Atty.Gen. 37 (2008)
83 Ops.Cal.Atty.Gen. 124 (2000)

Management Resources:
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
Sample Expense and Use of Public Resources Policy Statement, January 2006
INTERNAL REVENUE SERVICE PUBLICATIONS
Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. January 20~~1~~25
WEB SITES
CSBA: http://www.csba.org
Institute for Local Government: http://www.ca-ilg.org
Internal Revenue Service: http://www.irs.gov
Public Employees' Retirement System: http://www.calpers.ca.gov
CSBA District and County Office of Education Legal Services

Cross References:

1160	*Political Processes*
3100	*Budget Adoption and Revision*
3350	*Travel Expenses*
3513.1	*Cellular Phone Reimbursement*
4154	*Health and Welfare Benefits*
4254	*Health and Welfare Benefits*
4354	*Health and Welfare Benefits*
9110	*Terms of Office*
9150	*Student Board Members*
9240	*Board Training*
9324	*Minutes and Recordings*

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 12/16/13, 12/14/2020 Merced, California
FOR REVIEW 10/19/26 & APPROVAL 11/16/26

COUNTY SUPERINTENDENT/COUNTY BOARD POLICY RELATIONSHIP

Definitions

Merced County Office of Education (MCOE) policies, regulations, and bylaws are the written rules of the MCOE staff, students, parents/guardians, volunteers, contractors, visitors, and others shall abide while engaging in activities within the jurisdiction of the MCOE. Additionally, MCOE policies clarify the roles and responsibilities of the MCOE, and communicate MCOE philosophy and values to MCOE students, staff, parents/guardians, and the community.

County Board bylaws are specific County Board policies that govern the operations of the County Board and establish the rights and obligations of the County Board members.

~~It is the belief that Merced County Office Education (MCOE) will best serve the students of Merced County, as well as the community as a whole, when the County Board, County Superintendent, Cabinet, and Management work cooperatively in all aspects of the MCOE.~~

~~*(cf. 0000 - Vision)*~~
~~*(cf. 0100 - Philosophy)*~~
~~*(cf. 0415 - Equity)*~~
~~*(cf. 0460 - Local Control and Accountability Plan)*~~
~~*(cf. 9000 - Role of the Board)*~~

The County Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. No MCOE policy, bylaw, or regulation, or any portion thereof, shall be ~~operative~~binding to the extent that they do not ~~if it is found to be in~~ conflict with ~~applicable~~ federal or state law ~~or regulations or court decisions~~and are consistent with the MCOE's collective bargaining agreements. ~~If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.~~No MCOE policy, bylaw, or regulation, or any portion thereof, shall be operative if it is determined to be, on advice of legal counsel, in conflict with applicable federal or state law or regulations or court decisions. However, any portion of a County Board policy, bylaw, or regulation so determined to be inoperative shall not affect the operability of other provisions of the MCOE policy, bylaws, or regulation.

~~Policy~~Board Bylaws Development and Adoption Process

The County Board shall adopt rules and regulations (Board Bylaws) not inconsistent with the laws of California for their own government. (Education Code 1040)

The County Board will consider its responsibility to be the review of MCOE's Board Bylaws, recognizing that the administrative development, adoption, revision and implementation of policy governing the administration of the office of the County Superintendent is the responsibility of the County Superintendent and Cabinet. The County Superintendent will submit new or revised Board Bylaws to the County Board for information and public disclosure.

COUNTY SUPERINTENDENT/COUNTY BOARD POLICY RELATIONSHIP

Board Bylaws may be regularly reviewed at a time allocated for this purpose on the agenda of public County Board meetings.

County Board bylaws shall be formally adopted by a majority vote of the County Board. County Board bylaws shall become effective upon County Board adoption.

~~**Revision Required by Law**~~

~~Should a statute or administrative code section be added, repealed, or amended; or should a court decision or an opinion of MCOE Counsel or the Attorney General of the State of California affect changes in any of the bylaws of the County Board, such bylaws shall be considered to be automatically amended to comply.~~

Access

All MCOE employees and the public shall have easy and free access to all County Board bylaws and related documents.

Legal Reference:

EDUCATION CODE
1015 Vote requirements
1040-1042 Duties and responsibilities of county boards
35010 Control of district; prescription and enforcement of rules
35160 Authority of governing boards
35160.5 Annual review of school district policies
35163 Official actions, minutes and journal
35164 Vote requirements

Management Resources:

WEB SITES
CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT OnlineTM), Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: http://www.csba.org/ps
National School Boards Association: http://www.nsba.org
CSBA District and County Office of Education Legal Services

Cross References:

0000	*Vision*
0100	*Philosophy*
0415	*Equity*
0460	*Local Control and Accountability Plan*
0500	*Accountability*
1112	*Media Relations*
1113	*District and School Websites*

COUNTY SUPERINTENDENT/COUNTY BOARD POLICY RELATIONSHIP

1220	*Citizen Advisory Committees*
1340	*Access to District Records*
2000	*Concepts and Roles*
2210	*Administrative Discretion Regarding Board Policy*
4112.9	*Employee Notifications*
4141	*Collective Bargaining Agreement*
4143	*Negotiations/Consultation*
4212.9	*Employee Notifications*
4241	*Collective Bargaining Agreement*
4243	*Negotiations/Consultation*
4312.9	*Employee Notifications*
5116.1	*Intradistrict Open Enrollment*
5145.6	*Parent/Guardian Notifications*
6000	*Concepts and Roles*
6020	*Parent Involvement*
6141	*Curriculum Development and Evaluation*
6145	*Extracurricular and Cocurricular Activities*
9000	*Role of the Board*
9005	*Governance Standards*
9130	*Board Committees*
9320	*Meetings and Notices*
9320.1	*Remote Meetings and Attendance*
9322	*Agenda/Meeting Materials*
9323	*Meeting Conduct*
9323.2	*Actions by the Board*

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 11/16/2020, FOR REVIEW 10/19/26 & APPROVAL 11/16/26 Merced, California

MEETINGS AND NOTICES

Meetings of the Merced County Board of Education (County Board) are conducted for the purpose of accomplishing County Board business. The County Board may meet in open session or closed session, as necessary, ~~I~~in accordance with applicable ~~state~~ open meeting laws (Brown Act), and County Board Bylaw 9320.1 – Remote Meetings and Attendance, Board Bylaw 9321 – Closed Session, Board Bylaw 9322 – Agenda/Meeting Materials, and Board Bylaw 9323 – Meeting Conduct.

~~the County Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement, County Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the County Board's bylaws.~~

A County Board meeting exists whenever a majority of County Board members gathers at the same time and location, including ~~teleconference~~remotely or electronically, ~~location as permitted by Government Code 54953,~~ to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

In accordance with ~~law and as specified in~~ Board Bylaw 9012 – Board Member Electronic Communications, a majority of the County Board shall not~~, outside of an authorized meeting,~~ use a series of communications of any kind, directly or through intermediaries or technology, including official or personal social media accounts ~~and other electronic communications~~, to ~~discuss, deliberate, or~~ take action on any ~~item~~matter that is within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

However, ~~an~~the County Superintendent or designee or employee ~~or~~of Merced County Office of Education (MCOE) ~~official~~ may engage in separate conversations or communication with County Board members in order to answer questions or provide information regarding any matter ~~item~~ within the subject matter jurisdiction of the County Board, as long as the County Superintendent or designee or ~~that~~ employee o~~r~~f MCOE ~~official~~ does not communicate the comments or position of any County Board members to other County Board members. (Government Code 54952.2)

In order to help ensure participation of individuals with disabilities at County Board meetings, the County Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. Any doubt about a request for accommodation shall be resolved in favor of accessibility. Notice of the procedure for receiving and resolving such requests for accommodation shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953, 54953.2, 54954.1, 549524.2)

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the County Board meeting should contact the County Superintendent or

designee at least 48 hours prior to the meeting. (Government Code 54954.2)

Each agenda shall also list the address(es) designated by the County Superintendent or designee for public inspection of agenda documents that are distributed to the County Board less than 72 hours before the meeting. (Government Code 54957.5)

Regular Meetings

Regular meetings of the County Board shall be held at times it may determine, but not less than once per month and shall be conducted in accordance with Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code. (Education Code 1011)

The County Board shall hold regular meetings following the Virginia Smith Trust meeting but not before 3:00 p.m. on the third Monday of the month at the ~~Merced County Office of Education~~MCOE unless specifically announced for some other date, time or location.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the MCOE's ~~Internet~~ web site, and at any location required by Board Bylaw 9320.1 – Remote Meetings and Attendance. (Government Code 54954.2)

Consistent with Government Code 54957.5 and Board Bylaw 9322 – Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular meeting are distributed to the County Board less than 72 hour before the meeting, the County Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. The records shall be posted on the MCOE website at the time the materials are distributed to all or a majority of the County Board if distributed outside of business hours. (Government Code 54957.5)

Special Meetings

Special meetings of the County Board may be called at any time by the presiding officer or a majority of the County Board members on any topic withing the subject matter jurisdiction of the County Board unless otherwise prohibited by law or as specified in Board Bylaw 9323.2 – Actions by the Board. (Government Code 54956)

Upon the request of any three members, in writing, the president shall call a special meeting. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the County Superintendent as described in Government Code 3511.1. (Education Code 1012; Government Code 54956)

At least 24 hours before the time of the meeting, written notice of special meetings shall be delivered personally or by any other means to all County Board members and the local media who have requested such notice in writing. The notice also shall be posted on the MCOE's

website, and at least 24 hours before the time of the meeting, in a location freely accessible to the public. The notice shall specify the time and location of the special meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54953.8, 54953.8.3, 54956)

Any County Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the County Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the County Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the County Board may hold an emergency meeting ~~without complying~~as long as it complies with all requirements of a special County Board meeting, except the ~~with the~~ 24-hour notice and/or 24-hour posting requirements ~~for special meetings pursuant to Government Code 54956~~. (Government Code 54956.5)

The County Board may meet in closed session during an emergency County Board meeting so long as two-thirds of the members present at the meeting agree or, if less than two-thirds of the members are present, by unanimous vote of the members present. (Government Code 54956.5)

Except in the case of a dire emergency, the County Board president or designee shall give notice of the emergency meeting by telephone or email at least one hour before the meeting to the local media that have requested notice of special County Board meetings. As applicable, ~~A~~all telephone numbers or email addresses provided by the media in the most recent request for notification must be exhausted. If telephone or internet services are not functioning, the notice requirement of one hour is waived and, as soon after the emergency County Board meeting as possible, the County Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the County Board. In the case of a dire emergency, the County Board president or designee shall give such notice at or near the time notification is given to the other members of the County Board. (Government Code 54956.5)

The minutes of the emergency County Board meeting, a list of persons the County Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An *emergency*~~,~~ means ~~which shall be defined as~~ a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the County Board;

2. A *dire emergency*~~,~~ means ~~which shall be defined as~~ a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the County Board to provide one-hour notice before holding an emergency County Board meeting may endanger the public health and/or safety as determined by a majority of the members of the County Board.

Adjourned/Continued Meetings

The County Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the County Board may adjourn/continue such a meeting. If no County Board members are present, the secretary or the clerk may declare the County Board meeting adjourned/continued to a later time and location and shall give notice in the same manner required for special County Board meetings. (Government Code 54955)

Within 24 hours after the time of adjournment/continuance, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the location where the County Board meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The County Board may convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The County Board may also convene a retreat or discussion meeting to discuss County Board roles and relationships. Any such County Board meeting, regardless of title or topic, shall be held as a regular or special County Board meeting, as appropriate, and shall comply with all other requirements for regular or special County Board meetings. (Government Code 54956)

Public notice shall be given in accordance with law when a quorum of the County Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within MCOE boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of County Board members at any of the following events is not

subject to the Brown Act provided that a majority of the County Board members do not discuss specific MCOE business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to ~~school~~county board members;

2. An open, publicized meeting organized by a person or organization other than MCOE to address a topic of local community concern;

3. An open and noticed meeting of another body of MCOE;

4. An open and noticed meeting of a legislative body of another local agency;

5. A purely social or ceremonial occasion;

6. An open and noticed meeting of a standing committee of the County Board established pursuant to Board Bylaw 9130 – Board Committees, provided that the County Board members who are not members of the standing committee attend only as observers.

Individual contacts or conversations between a County Board member and any other person that are not part of a series communications prohibited by the Brown Act are permitted. (Government Code 54952.2)

Location of Meetings

Unless the County Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings shall be held within MCOE boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which MCOE is a party;

2. Inspect real or personal property which cannot conveniently be brought into the county, provided that the topic of the meeting is limited to items directly related to the property;

3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law;

4. Meet in the closest meeting facility if MCOE has no meeting facility within its boundaries or if its principal office is located outside county;

5. Meet with elected or appointed state or federal officials when a local meeting would be

impractical, solely to discuss legislative or regulatory issues affecting MCOE over which the state or federal officials have jurisdiction;

6. Meet in or near a facility owned by MCOE but located outside the county, provided the meeting agenda is limited to items directly related to that facility;

7. Visit the office of MCOE's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs;

8. Interview residents outside the boundaries of the county regarding the County Board's potential appointment of an interim County Superintendent;

9. Interview an applicant for County Superintendent outside the boundaries of the county.

All County Board meetings, regardless of location, shall comply with the applicable notice and open meeting requirements. Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, which is inaccessible to individuals with disabilities, or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

If a fire, flood, earthquake, or other emergency renders the posted regular or special County Board meeting location unsafe and the deadline for posting the location has passed, the meeting shall be held at a location designated by the County Board president or designee, who shall so inform all news media who have requested notice of meetings pursuant to Government Cod 54956 by the most rapid available means of communication. (Government Code 54954)

~~**Traditional Teleconferencing**~~

~~A County Board member may participate in any meeting by teleconference, which includes both audio or video/audio so long as the following conditions are met (Government Code 54953):~~

~~1. All votes taken during the meeting are by roll call.~~

~~2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.~~

~~3. The location of the County Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the County Board member participating by teleconference, may hear/listen to the meeting to the same extent as the County Board member participating by teleconference, and may make public comment during~~

~~the same portion of the agenda as other members of the public from the same location as the County Board member participating by teleconference.~~

~~4. The location of the County Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the County Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting.~~

~~5. At least a quorum of the members is within MCOE boundaries. (~~

~~**Teleconferencing by Individual County Board Member Due to Just Cause**~~

~~Until January 1, 2026, when there is "just cause" preventing a County Board member from attending a County Board meeting in person, that County Board member may participate in that meeting by teleconference without: (Government Code 54953)~~

~~1. Including the location of the County Board member participating by teleconference in the agenda~~

~~2. Making the location of the County Board member participating by teleconference open and accessible to the public~~

~~3. Posting the agenda at the location of the County Board member participating by teleconference~~

~~A County Board member needing to participate by teleconference for just cause shall notify the County Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. (Government Code 54953)~~

~~For the County Board member to participate by teleconference under this section, all of the following are required (Government Code 54953):~~

~~1. All votes taken during the meeting are by rollcall~~

~~2. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda~~

~~3. The County Board member utilizes both audio and visual technology to participate in the meeting~~

~~4. The County Board member participating by teleconference publicly discloses, before any action is taken, whether any individuals 18 years of age or older are present at the County Board member's location and the general nature of the member's relationship~~

~~with each such individual~~

~~5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person~~

~~The platform or service may require members of the public to register in oder to make public comments so long as the platform or service is not controlled by the MCOE.~~

~~6. The agenda for the meeting includes information describing how members of the public can access the platform or service~~

~~If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the County Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)~~

~~A County Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. (Government Code 54953)~~

~~For purposes of this section, "just cause" may exist for any of the following: (Government Code 54953)~~

~~A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a County Board member to participate remotely~~

~~1. A contagious illness prevents a County Board member from attending in person~~

~~2. A County Board member has a need related to a physical or mental disability not otherwise reasonably accommodated~~

~~3. A County Board member is traveling while on official business of the County Board or another state or local agency~~

~~**Teleconferencing by Individual County Board Member Due to Emergency Circumstances**~~

~~Until January 1, 2026, when a physical or family medical emergency would prevent a County Board member from attending a County Board meeting in person, that County Board member may request to participate in such meeting by teleconference. The County Board~~

~~member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The County Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)~~

~~If the request is received timely, it shall be added to the agenda as the first item of business at the meeting, even before any closed session items. If the request is not received timely, it shall be taken up by the County Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the County Board. (Government Code 54953, 54954.2)~~

~~If the request is granted by the County Board, the County Board member may participate by teleconference without: (Government Code 54953):~~

~~1. Including the location of the County Board member participating by teleconference in the agenda~~

~~2. Making the location of the County Board member participating by teleconference open and accessible to the public~~

~~3. Posting the agenda at the location of the County Board member participating by teleconference~~

~~For the County Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953):~~

~~1. All votes taken during the meeting are by rollcall~~

~~2. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda~~

~~3. The County Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting~~

~~4. The County Board member participating by teleconference publicly discloses, before any action is taken, whether any individuals 18 years of age or older are present at the County Board member's location and the general nature of the member's relationship with each such individual~~

~~5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person~~

~~The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the COE.~~

~~6. The agenda for the meeting includes information describing how members of the public can access the platform or service~~

~~If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the County Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)~~

~~In total, a County Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the County Board's regular meetings or for more than three consecutive months. If the County Board meets less than 10 times in a calendar year, a County Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)~~

~~**Teleconference Meetings During a Proclaimed State of Emergency**~~

~~The County Board may conduct a County Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)~~

~~1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency~~

~~2. When the County Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency~~

~~The County Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953):~~

MEETINGS AND NOTICES

~~1. Including the location of County Board members in the agenda~~

~~2. Making the locations of County Board members open and accessible to the public~~

~~3. Posting the agenda at the locations of County Board members~~

~~For the County Board to hold such meeting, all of the following are required: (Government Code 54953):~~

~~1. All votes taken during the meeting are by rollcall~~

~~2. The public is able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service~~

~~If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the COE.~~

~~3. The agenda for the meeting includes information describing how members of the public can access the platform or service~~

~~If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the County Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)~~

~~For any public comment period with a time limit, the County Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the County Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)~~

~~The County Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the County Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the County Board to meet safely in person. (Government Code 54953)~~

MEETINGS AND NOTICES

Legal Reference:

EDUCATION CODE
1009 Annual organizational meeting, date, and notice
1011 Time and place of meetings
1012 Special meeting
1040-1042 Duties and responsibilities of County Boards
35140 Time and place of meetings
35143 Annual organizational meeting, date, and notice
35144 Special meeting
35145 Public meetings
35145.5 Agenda; public participation; regulations
35146 Closed sessions; student matters
35147 Open meeting laws exceptions

GOVERNMENT CODE
3511.1 Local agency executives
11135 Prohibition of discrimination
54950-54963 The Ralph M. Brown Act
54953 Oral summary of recommended salary and benefits of superintendent
54954 Time and place of regular meetings
54954.2 Agenda posting requirements, board actions
54956 Special meetings
54956.5 Emergency meetings
7920.000-7930.215 California Public Records Act
8625-8629 California Emergency Services Act
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 Effective communications for individuals with disabilities
36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services
CALIFORNIA CONSTITUTION
Article 9, Section 3 County superintendents
COURT DECISIONS
Garnier v. Poway Unified School District, No. 17-ev-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)
Wolfe v. City of Fremont, (2006) 144 Cal.App. 533
ATTORNEY GENERAL OPINIONS
88 Ops.Cal.Atty.Gen. 218 (2005)
84 Ops.Cal.Atty.Gen. 181 (2001)
84 Ops.Cal.Atty.Gen. 30 (2001)
79 Ops.Cal.Atty.Gen. 69 (1996)
78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS
The Brown Act: School Boards and Open Meeting Laws, rev. 20~~19~~23
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
The ABCs of Open Government Laws
LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

MEETINGS AND NOTICES

Open and Public V: A Guide to the Ralph M. Brown Act, 2016
WEB SITES
CSBA: http://www.csba.org
CSBA, GAMUT Meetings:
http://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy
California Attorney General's Office: http://www.ag.ca.gov
Institute for Local Government: http://www.ca-ilg.org
League of California Cities: http://www.cacities.org
CSBA District and County Office of Education Legal Services

Cross References:

0410	*Nondiscrimination in County Office Programs and Activities*
0420.4	*Charter School Authorization*
0420.43	*Charter School Revocation*
0420.44	*Appeals of District Decisions Regarding Charter Schools*
0450	*Comprehensive Safety Plan*
0460	*Local Control and Accountability Plan*
1113	*District and School Websites*
1114	*District-Sponsored Social Media*
1160	*Political Processes*
1220	*Citizen Advisory Committee*
1330	*Use of School Facilities*
1340	*Access to District Records*
1431	*Waivers*
2000	*Concepts and Roles*
2111	*Superintendent Governance Standards*
2120	*Superintendent Recruitment and Selection*
2121	*Superintendent's Contract*
2210	*Administrative Discretion Regarding Board Policy*
3100	*Budget*
3280	*Sale or Lease of District-Owned Real Property*
3311	*Bids*
3312	*Contracts*
3314	*Payment for Goods and Services*
3516	*Emergencies and Disaster Preparedness Plan*
4117.14	*Postretirement Employment*
4141.6	*Concerted Actions/Work Stoppage*
4241.6	*Concerted Action/Work Stoppage*
4312.1	*Contracts*
4317.14	*Postretirement Employment*
5113.12	*District School Attendance Review Board*
6112	*School Day*
6117	*Year-Round Schedules*
6173.1	*Education for Foster Youth*
7150	*Site Selection and Development*
7214	*General Obligation Bonds*
7310	*Naming of Facility*
9000	*Role of the Board*
9005	*Governance Standards*
9012	*Board Member Electronic Communications*
9100	*Organization*
9121	*President*
9130	*Board Committees*

MEETINGS AND NOTICES

9140 Board Representatives
9220 Governing Board Elections
9230 Orientation
9240 Board Training
9270 Conflict of Interest
9310 Board Policies
9320.1 Remote Meetings and Attendance
9321 Closed Session
9322 Agenda/Meeting Materials
9323 Meeting Conduct
9323.2 Actions by the Board
9324 Minutes and Recordings
9400 Board Self-Evaluation
9500 County Superintendent's Remuneration

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 9/17/12, 12/14/2020, 3/15/21, 6/9/2025 Merced, California
FOR REVIEW 10/19/26 & APPROVAL 11/16/26

REMOTE MEETINGS AND ATTENDANCE

The Merced County Board of Education (County Board) recognizes the need, when permitted by law, to hold County Board meetings in which the County Board members meet remotely or in which individual County Board members attend and participate remotely.

Definitions

Local emergency means either of the following that impacts persons under the jurisdiction of the Merced County Office of Education (MCOE) or property within the boundaries of the MCOE: (Government Code 54953.8.2)

1. A condition of extreme peril proclaimed by a city, county, or city and county pursuant to Government Code 8630

2. A local health emergency proclaimed pursuant to Health and Safety Code 101080

Remote means not being physically present at the primary in-person location of a County Board meeting, and includes the terms "teleconference" and "virtual."

Remote attendance and participation means the ability to attend and participate in a County Board meeting by electronic means, through either audio or visual technology, or both.

Remote County Board Member means a County Board member, not physically present at the County Board meeting, who nonetheless seeks to attend and participating in a County Board meeting.

State of Emergency means state of emergency proclaimed pursuant to Government Code 8625.

Traditional Method of Remote Attendance

A remote County Board member may attend and participate in a County Board meeting so long as all of the following conditions are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall

2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the County Board

REMOTE MEETINGS AND ATTENDANCE

3. The physical location of the remote County Board member is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the remote County Board member; may hear, listen to, or watch the meeting to the same extent as the remote County Board member; and may make public comment during the same portion of the agenda as other members of the public from the same location as the remote County Board member

4. The location from which the remote County Board member will attend the meeting is noted in the agenda and the agenda is posted at that location in advance of the meeting as statutorily required based on the type of meeting

5. At least a quorum of the County Board is within MCOE boundaries

Remote Attendance as an Accommodation

A County Board member with a qualifying disability under the Americans with Disabilities Act that precludes the County Board member from attending a County Board meeting in person or from attending and participating remotely in a County Board meeting using the method specified in "Traditional Method of Remote Attendance" above may request to attend and participate remotely as a reasonable accommodation for the County Board member's disability.

If the request is granted based on the County Board's process for reviewing reasonable accommodations, the remote County Board member shall be permitted to attend and participate in the County Board meeting as long as the following requirements are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall

2. The remote County Board member utilizes both audio and visual technology to participate in the meeting, except no visual technology shall be required if a physical condition related to their disability results in a need to participate off camera

3. The remote County Board member publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the County Board member's location and the general nature of the member's relationship with each such individual

REMOTE MEETINGS AND ATTENDANCE

In this circumstance, the following conditions are not required: (Government Code 54953)

1. Including the location of the remote County Board member in the agenda
2. Making the location of the remote County Board member open and accessible to the public
3. Posting the agenda at the location of the remote County Board member

Additionally, in this circumstance, the remote County Board member shall be considered to be attending in-person at the physical meeting location for all purposes, including any requirement that a quorum participate from any particular location. (Government Code 54953)

These requirements and conditions may be modified as required by law or another reasonable accommodation may be offered as appropriate.

Remote Attendance Due to Just Cause

Beginning July 1, 2026, a remote County Board member may attend and participate in a County Board meeting based on any of the following "just cause" reasons: (Government Code 54953.8.3)

1. A childcare or caregiving need of a County Board member's child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the County Board member to attend and participate remotely
2. A contagious illness that prevents a County Board member from attending in person
3. A need related to a County Board member's physical or mental condition not otherwise reasonably accommodated
4. A County Board member is traveling while on official business of the County Board or another state or local agency
5. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of a County Board member requires the County Board member to attend and participate remotely

6. A physical or family medical emergency prevents a County Board member from attending in person

7. Military service obligations that result in a County Board member being unable to attend in person because the County Board member is serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the County Board member to be at least 50 miles outside the boundaries of the MCOE

The remote County Board member shall notify the County Board at the earliest possible opportunity, including at the start of a County Board meeting, of the need to attend and participate remotely for just cause, including the general circumstances of the County Board member's need to attend and participate remotely. The remote County Board member need not disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law. The minutes for the County Board meeting shall identify the specific provision that is the basis for the just cause. (Government Code 54953, 54953.8.3)

Additionally, when a remote County Board member attends and participates in a County Board meeting based on just cause, all of the following conditions shall be met: (Government Code 54953, 54953.8, 54953.8.3)

1. All votes taken during the meeting are by rollcall

2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the County Board

3. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

   The platform or service may require members of the public to register in order to make public comments as long as the platform or service is not controlled by the MCOE.

REMOTE MEETINGS AND ATTENDANCE

4. The agenda for the meeting includes information describing how members of the public can access the platform or service and how members of the public can offer public comment

5. The minutes of the County Board meeting state that the remote County Board member attended and participated remotely

6. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda and which is within MCOE boundaries and is open to the public

7. The remote County Board member utilizes both audio and visual technology to participate in the meeting

8. The remote County Board member publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the County Board member's location and the general nature of the member's relationship with each such individual

In this circumstance, the agenda need not include the location of the remote County Board member or be posted at that location, and the location of the remote County Board member need not be open and accessible to the public. (Government Code 54953, 54953.8)

The County Board shall give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. (Government Code 54953.8)

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the County Board meeting may continue but the County Board may not take action on any agenda item until public access to the meeting is restored. (Government Code 54953.8)

A remote County Board member may attend and participate in no more than two Board meetings per year for just cause. (Government Code 54953.8.3)

REMOTE MEETINGS AND ATTENDANCE

Remote County Board Meetings During a Proclaimed State of Emergency

The County Board may conduct a remote County Board meeting during a proclaimed state of emergency or local emergency in either of the following circumstances: (Government Code 54953.8.2)

1. For the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency

2. When the County Board, pursuant to Item #1 above, has determined that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

In either such circumstance, the County Board may hold a remote County Board meeting without: (Government Code 54953.8, 54953.8.2)

1. Including the location of County Board members in the agenda

2. Making the locations of County Board members open and accessible to the public

3. Posting the agenda at the locations of County Board members

4. Having at least a quorum of the County Board members within the MCOE boundaries

When the County Board holds such a meeting, all of the following shall be followed: (Government Code 54953.8, 54953.8.2)

1. All votes taken during the meeting are by rollcall

2. The public is able to access the meeting via a call-in or audiovisual platform or service, with real-time observation of the meeting and public comment being allowed via the platform or service

   The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the MCOE.

REMOTE MEETINGS AND ATTENDANCE

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

The County Board may continue to conduct all County Board meetings remotely throughout one or more 45-day periods as long as, prior to the beginning of each 45-day period, the County Board has reconsidered the circumstances of the proclaimed state of emergency or local emergency and determined that it continues to directly impact the ability of the County Board to meet safely in person. (Government Code 54953.8.2)

Legal Reference:

EDUCATION CODE
35140 Time and place of meetings
35143 Annual organizational meeting, date, and notice
35144 Special meeting
35145 Public meetings
35145.5 Agenda; public participation; regulations
35146 Closed sessions; student matters
35147 Open meeting laws exceptions

GOVERNMENT CODE
3511.1 Local agency executives
11135 Prohibition of discrimination
54950-54963 The Ralph M. Brown Act
7920.000-7930.215 California Public Records Act
8625-8629 California Emergency Services Act
8630 Local emergency
HEALTH AND SAFETY CODE
101080 Local Health emergency
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 Effective communications for individuals with disabilities
36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services
COURT DECISIONS
Garnier v. Poway Unified School District, No. 17-ev-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)
Wolfe v. City of Fremont, (2006) 144 Cal.App. 533
ATTORNEY GENERAL OPINIONS
107 Ops.Cal.Atty.Gen. 107 (2024)
88 Ops.Cal.Atty.Gen. 218 (2005)
84 Ops.Cal.Atty.Gen. 181 (2001)
84 Ops.Cal.Atty.Gen. 30 (2001)
79 Ops.Cal.Atty.Gen. 69 (1996)
78 Ops.Cal.Atty.Gen. 327 (1995)

REMOTE MEETINGS AND ATTENDANCE

Management Resources:

CSBA PUBLICATIONS
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INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
The ABCs of Open Government Laws
LEAGUE OF CALIFORNIA CITIES PUBLICATIONS
Open and Public V: A Guide to the Ralph M. Brown Act, 2016
WEB SITES
CSBA: http://www.csba.org
CSBA, GAMUT Meetings:
http://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy
California Attorney General's Office: http://www.ag.ca.gov
Institute for Local Government: http://www.ca-ilg.org
League of California Cities: http://www.cacities.org

Cross References:

0410	*Nondiscrimination in County Office Programs and Activities*
1113	*District and School Websites*
1114	*District-Sponsored Social Media*
1160	*Political Processes*
1220	*Citizen Advisory Committee*
1330	*Use of School Facilities*
1340	*Access to District Records*
2000	*Concepts and Roles*
3516	*Emergencies and Disaster Preparedness Plan*
4117.14	*Postretirement Employment*
4141.6	*Concerted Actions/Work Stoppage*
4241.6	*Concerted Action/Work Stoppage*
4312.1	*Contracts*
9000	*Role of the Board*
9005	*Governance Standards*
9012	*Board Member Electronic Communications*
9100	*Organization*
9121	*President*
9130	*Board Committees*
9140	*Board Representatives*
9230	*Orientation*
9240	*Board Training*
9310	*Board Policies*
9320	*Meetings and Notices*
9321	*Closed Session*
9322	*Agenda/Meeting Materials*
9323	*Meeting Conduct*
9323.2	*Actions by the Board*
9324	*Minutes and Recordings*
9400	*Board Self-Evaluation*

Bylaw Adopted: **MERCED COUNTY BOARD OF EDUCATION**
FOR REVIEW 10/19/26 & APPROVAL 11/16/26 Merced, California

CLOSED SESSION PURPOSES AND AGENDA

The County Board is committed to complying with state open meeting laws and modeling transparency in its conduct of Merced County Office of Education (MCOE) business. The County Board shall hold a closed session during a regular, special, or emergency meeting only for purposes authorized by law. (Government Code 54950-54963)

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law and specified in the accompanying Exhibit (1). (Education Code 35145; Government Code 54954.2, 54954.5, 54957)

In the open session preceding a closed session, the County Board shall disclose the items to be discussed in closed session as specified by this bylaw. The County Board chair, who is either the County Board president or the County Board member chairing the meeting at the time if the County Board president is absent, shall either verbally state ~~by stating~~ the closed session items listed in the agenda ~~information on the agenda~~ or referring the public to the closed session item(s) as listed by number or letter on the agenda. In the closed session, the County Board ~~may~~shall consider only those items covered in its statement. (Government Code 54957, 54957.7)

Prior to closed session, members of the public shall be given an opportunity to address the County Board on any closed session item in the agenda in accordance with County Board Bylaw 9322 – Agenda/Meeting Materials and County Board Bylaw 9323 – Meeting Conduct. (Government Code 54954.3)

After the closed session, the County Board shall reconvene in open session before adjourning the meeting and, when applicable, shall ~~publicly~~ disclose any actions taken in the closed session, the votes or abstentions thereon, and other ~~applicable~~ disclosures as specified in this bylaw or the accompanying Exhibit (2). Such reports may be made in writing or orally at the location announced in the agenda for the closed session as required by law and provided in the accompanying Exhibit 2~~, so long as the location is open to the public at the time of announcement~~. (Education Code 32281; Government Code 54957.1, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document, such as a contract or settlement agreement, that becomes public upon approval or adoption, any person present at the conclusion of the closed session who submitted a written request or has made a standing request for all documentation as part of a request for notice of meetings shall be immediately provided a copy of the document. (Government Code 54957.1)

If when adopting or approving a document during closed session, ~~the action taken results in one or more~~ substantive amendments are required to finalize the document, the document shall be made available as soon as ~~the next business day or when~~ the necessary changes to the document are completed. Whenever ~~copies of an approved agreement~~such a document will not be immediately released ~~due to an amendment~~, the County Board chairperson shall

orally summarize the substance of the amendment ~~for those present at the end of the closed~~open session as part of the required disclosures. (Government Code 54957.1)

Attendance in Closed Session

Each County Board member may attend closed session for each agenda item except if the County Board member is required to recuse themselves or is prohibited by law from attending. Additionally, the County Superintendent of Schools may attend closed session for each agenda item, except for personnel matters, complaints, or charges regarding the County Superintendent under Government Code 54957, if applicable, or to discuss the County Superintendent's compensation under Government Code 54957.6, if applicable.

In addition, the County Board secretary or designee shall attend closed session for each agenda item to keep minutes of topics discussed and decisions made. (Government Code 54957.2)

Except as prohibited by law, the following individuals may attend closed session for a particular item upon invitation by the County Board chair or the County Superintendent:

1. Legal counsel, labor negotiators, or other MCOE staff authorized by statute to attend for the particular item

2. Any other individual whose attendance is essential to the County Board's ability to conduct its closed-session business with respect to the particular item

Any other individual shall not attend closed session.

Confidentiality

Any person in attendance in closed session shall not disclose information received in closed session except as permitted by County Board Bylaw 9011 – Disclosure of Confidential/Privileged Information

A County Board member shall not disclose confidential information received in a closed session unless the County Board authorizes the disclosure of that information or, as authorized by the County Board, the information has been publicly reported by the County Board or the County Superintendent of Schools. (Government Code 54963)

The County Board shall not disclose any information that is protected by state or federal law. ~~In a~~Additionally, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any County Board agenda, notice, announcement, disclosure, or report required by the Brown Act, unless the identity of the person has previously been publicly

disclosed. (Government Code 54957.7, 54961)

Matters Related to Students

The County Board shall meet in closed session to consider the appeal of an expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. Regardless of whether the expulsion hearing is conducted in open or closed session, the County Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 35146, 48912, 48918, 48920, 49070)

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

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

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

Real Property Negotiations

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

Before holding the closed session, the County Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the County Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the MCOE negotiator

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

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

~~Pending~~Anticipated Litigation/Initiation of Litigation

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

Litigation is considered to be "~~pending~~anticipated" when, in the County Board's opinion on the advice of legal counsel regarding the existing facts and circumstances, there is significant exposure to litigation against the County Board based on prior or prospective activities or alleged activities during and potentially during the course and scope of that office or employment~~any of the following circumstances exist:~~. (Government Code 54956.9)

1. Litigation to which MCOE is a "party" has been initiated formally; (Government Code 54956.9(d)(1))

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

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

CLOSED SESSION PURPOSES AND AGENDA

~~a.~~ 1.Facts and circumstances that might result in litigation against MCOE but which the administration believes are not yet known to potential plaintiffs and which do not need to be disclosed.

~~b.~~ 2.Facts and circumstances including, but not limited to, an accident, disaster, incident or transactional occurrence which might result in litigation against MCOE, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.

~~c.~~ 3.The receipt of a claim pursuant to the Government Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

~~d.~~ 4.A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the County Board;

~~e.~~ 5.A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the County Board, provided that the MCOE official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on ~~his/her~~the victim's behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

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

Each agenda item related to anticipated, or initiation of, litigation shall only contain one such matter. For an anticipated litigation item that is anticipated based on Items #2, #3, or #5 above, the agenda item shall also include the facts or circumstances that might result in litigation, the claim or written threat of litigation, or the record of the threat. However, the agenda item shall not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on the alleged victim's behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed. (Government Code 54956.9)

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

negotiations to its advantage. (Government Code 54956.9)

Existing Litigation

Based on the advice of its legal counsel, the County Board may meet in closed session to confer with or receive advice from its legal counsel regarding existing litigation when discussion of the matter in open session would prejudice the County Board's position with respect to such litigation. Litigation is considered to be "existing" when the County Board has been named a party to the litigation or a County Board member has been named a party to the litigation based on prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation which involves whether an activity is outside the course and scope of the office or employment. For this purpose, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

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

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

"**Anticipated litigation**" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3) and shall specify the potential number of cases. When the MCOE expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(d)(4) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances ~~described in item #2 b-e above~~. (Government Code 54954.5)

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

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.

2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that the action, defendants, and other details will be disclosed to inquiring parties after the lawsuit is

commenced unless doing so would jeopardize the ability to serve process on unserved parties or the ability to conclude existing settlement negotiations to its advantage.

3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

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

Review of Student Assessment Instruments

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

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

~~**Other Matters for Closed Session**~~

Security Matters

The County Board may meet in closed session with the Governor, Attorney General, MCOE attorney, legal counsel, sheriff or chief of police, or ~~their respective deputies~~other law enforcement, or ~~a~~ security personnel~~consultant or a security operations manager,~~ on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities; and critical infrastructure controls or critical infrastructure information relating to cybersecurity. Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 if agreed to by a two-thirds vote of the County Board members present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present. (Government Code 545956.5, 54957)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the County Board will consult. (Education Code 32281; Government Code 54957)

Tactical Response Plan

CLOSED SESSION PURPOSES AND AGENDA

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

Joint Powers Agency Issues

The County Board may meet in closed session in order to receive, discuss, and take action concerning information that has direct financial or liability implications for the County Board and that was obtained in a closed session of a joint powers agency (JPA) of which the County Board is a member. ~~a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the MCOE is a member~~However, a County Board member serving on the JPA board may only disclose confidential information acquired during a closed session of the JPA to fellow County Board members if the governing board of the JPA has so authorized and upon advice of legal counsel. (Government Code 54956.95)

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

~~When the board of the JPA has so authorized and upon advice of district legal counsel, the County Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA that has direct financial liability implications for the MCOE. During the County Board's closed session, a County Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow County Board members. (Government Code 54956.96)~~

~~The County Board member may also disclose the confidential JPA information to MCOE legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the MCOE. (Government Code 54956.96)~~

~~Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the County Board member representing MCOE on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)~~

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

CLOSED SESSION PURPOSES AND AGENDA

Review of Audit Report from California State Auditor's Office

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

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

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

CLOSED SESSION PURPOSES AND AGENDA

Legal Reference:

EDUCATION CODE
1040 Duties and responsibilities; county boards of education
1042 County boards; authority
1700 County school service fund
1703 Coordination services
1730 Supervision of instruction
1740 Supervision of attendance
1750 Supervision of health
1760 Provision of guidance services
32281 Comprehensive school safety plans
35012 Restorative justice
35145 Public meetings
35145.5 Public Comment
35146 Closed session for student suspension or disciplinary action
41020 Annual audit
44929.21 Notice of reelection decisions; districts with ADA of 250 or more
48912 Governing board suspension
48918 Rules governing expulsion procedures; hearings and notice
49070 Challenging student records
49073-49079 Privacy of student records
60617 Closed session (re-review of contents of statewide assessment)
GOVERNMENT CODE
815-818.9 California Government Claims Act
3540-3549.3 Educational Employment Relations Act
6252-6270 California Public Records Act
54950 Brown Act: Meetings
54950-54963 The Ralph M. Brown Act
7920.000-7930.215 California Public Records Act
CALIFORNIA CONSTITUTION
Article 1, Section 3 Public right to access information
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act (FERPA) of 1974
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.8 Family Educational Rights and Privacy
COURT DECISIONS
Moreno v. City of King, (2005) 127 Cal.App.4th 17
Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860
Rim of the World Unified School District v. San Bernardino County Superior Court, (2002) 104 Cal.App.4th 1393
Bell v. Vista Unified School District (2000) 82 Cal.App. 4th 672
Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87
Kleitman v. Superior Court of Santa Clara County, (1999) 87 Cal Rptr. 2d 813
Furtado v. Sierra Community College District (1998) 68 Cal. App. 4th 876
Gillespie v. San Francisco Public Library Commission, (1998) 67 Cal.App.4th 1165
Roberts v. City of Palmdale (1993) 5 Cal.4th 363
Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41
San Diego Union v. City Council, (1983) 146 Cal.App. 3d 947
Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
ATTORNEY GENERAL OPINIONS
105 Ops.Cal.Atty.Gen. 89 (2022)

CLOSED SESSION PURPOSES AND AGENDA

98 Ops.Cal.Atty.Gen. 41 (2015)
94 Ops.Cal.Atty.Gen. 82 (2011)
89 Ops.Cal.Atty.Gen. 110 (2006)
86 Ops.Cal.Atty.Gen. 210 (2003)
85 Ops.Cal.Atty.Gen. 77 (2002)
78 Ops.Cal.Atty.Gen. 218 (1995)
59 Ops.Cal.Atty.Gen. 532 (1976)
57 Ops.Cal.Atty.Gen. 209 (1974)

Management Resources:

CSBA PUBLICATIONS
The Brown Act: School Boards and Open Meeting Laws, rev. 2014
CALIFORNIA 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 2nd Edition, rev. July 2010
Open and Public IV: A Guide to the Ralph M. Brown Act Supplement, September 2013
WEB SITES
CSBA: http://www.csba.org
California Attorney General's Office: http://www.oag.ca.gov
League of California Cities: http://www.cacities.org
CSBA District and County Office of Education Legal Services

Cross References:

0430	*Comprehensive Local Plan for Special Education*
0450	*Comprehensive Safety Plan*
1160	*Political Processes*
1220	*Citizen Advisory Committees*
1312.1	*Complaints Concerning District Employees*
1312.3	*Uniform Complaint Procedures*
1340	*Access to District Records*
2120	*Superintendent Recruitment and Selection*
2121	*Superintendent's Contract*
2140	*Evaluation of the Superintendent*
3280	*Sale or Lease of District-Owned Real Property*
3320	*Claims and Actions Against the County Office of Education*
3515	*Campus Security*
3516	*Emergencies and Diaster Preparedness Plan*
3530	*Risk Management/Insurance*
3555	*Nutrition Program Compliance*
4030	*Nondiscrimination in Employment*
4112.6	*Personnel Files*
4112.9	*Employee Notifications*
4115	*Evaluation/Supervision*
4118	*Dismissal/Suspension/Disciplinary Action*
4119.23	*Unauthorized Release of Confidential/Privileged Information*
4140	*Bargaining Units*
4143	*Negotiations/Consultation*
4143.1	*Public Notice – Personnel Negotiations*
4144	*Complaints*
4212.6	*Personnel Files*
4212.9	*Employee Notifications*
4215	*Evaluation/Supervision*

CLOSED SESSION PURPOSES AND AGENDA

4218	*Dismissal/Suspension/Disciplinary Action*
4219.23	*Unauthorized Release of Confidential/Privileged Information*
4240	*Bargaining Units*
4243	*Negotiations/Consultation*
4243.1	*Public Notice – Personnel Negotiations*
4244	*Complaints*
4312.1	*Contracts*
4312.6	*Personnel Files*
4312.9	*Employee Notifications*
4315	*Evaluation/Supervision*
4319.23	*Unauthorized Release of Confidential/Privileged Information*
4340	*Bargaining Unit*
4344	*Complaints*
5113.12	*County School Attendance Review Board*
5117	*Interdistrict Attendance*
5117.1	*Interdistrict Attendance Appeals*
5119	*Students Expelled From Other Districts*
5125	*Student Records*
5125.3	*Challenging Student Records*
5144	*Discipline*
5144.1	*Suspension and Expulsion/Due Process*
5144.2	*Suspension and Expulstion/Due Process (Students With Disabilities)*
5144.3	*Student Expulsion Appeals*
6162.5	*Student Assessment*
6162.51	*State Academic Achievement Tests*
9011	*Disclosure of Confidential/Privileged Information*
9121	*President*
9124	*Attorney*
9130	*Board Committees*
9150	*Student Board Members*
9270	*Conflict of Interest*
9320	*Meetings and Notices*
9320.1	*Remote Meetings and Attendance*
9322	*Agenda/Meeting Materials*
9323	*Meeting Conduct*
9323.2	*Actions By The Board*
9500	*County Superintendent's Remuneration*

Bylaw Adopted: 7/19/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 2/19/13, 6/15/15, 10/18/16, 11/16/2020, 6/9/2025 Merced, California
FOR REVIEW 10/19/26 & APPROVAL 11/16/26

CLOSED SESSION PURPOSES AND AGENDA

BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS

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

Matters Related to Students

CONFIDENTIAL STUDENT MATTER
Education Code 35146, 48918

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

Student identification number: _____
(It is recommended that the student's name not be listed. The Merced County Office of Education (MCOE) may use other means to identify the student for record-keeping purposes.)

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES
Government Code 54957

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

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN
Education Code 32281

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

Real Property Negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Government Code 54956.8

Property:

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

CLOSED SESSION PURPOSES AND AGENDA

MCOE negotiator: _____

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

Negotiating parties: _____

(Specify name of party; not agent.)

Under negotiation: _____

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

~~Pending~~Anticipated **Litigation**/Initiation of Litigation

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code 54956.9(d)(2) or (3)

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

or

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

If applicable, facts and circumstances: _____

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

Existing Litigation

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code 54956.9(d)(1)

Name of case: _____

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

or

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

Joint Powers Authority (JPA) Issues

~~LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY~~

CLOSED SESSION PURPOSES AND AGENDA

~~Government Code 54956.95~~

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

~~Name of agency against which the claim is made: _____~~

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

Name of JPA: _____

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

Name of MCOE representative on JPA board: _____

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

Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE
Government Code 54956.75

(No additional information is required.)

Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT
Education Code 60617

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

CLOSED SESSION PURPOSES AND AGENDA

REPORTS OF CLOSED SESSION ACTIONS

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

Matters Related to Students

Action taken: _____

(Final action must be taken in open session, not just announced in public. It is recommended that the student's name not be disclosed. The County Board that has tentatively decided a student's case in closed session should reconvene in open session and vote publicly) (Education Code 35146, 48918)

Board member votes/abstentions: _____

Security Matters

Action taken: _____

(e.g., consultation with law enforcement; approval of contract or memorandum of understanding; approval of tactical response plan, without disclosing the details of the plan) (Education Code 32281, Government Code 54957)

Board member votes/abstentions: _____

Real Property Negotiations

Action taken: _____

(Report if County Board approves a final agreement concluding real estate negotiations. If final approval rests with the other party, report as soon as the other party has approved the agreement.) (Government Code 54956.8)

Substance of the agreement: _____

Board member votes/abstentions: _____

CLOSED SESSION PURPOSES AND AGENDA

Anticipated Litigation

Action taken: The County Board has given approval to legal counsel to initiate or intervene in a lawsuit. The action, defendants, and other details will be disclosed to any person upon request after the lawsuit is commenced, unless doing so would jeopardize the Merced County Office of Education's (MCOE) ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
(The report need not initially identify the action, defendants, or other details.) (Government Code 54956.9(d)(2) or (3))

Board member votes/abstentions: _____

Existing Litigation

Action taken related to existing litigation: _____
(e.g., approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation; or approval to legal counsel of a settlement of pending litigation at any stage prior to or during a judicial or quasi-judicial proceeding. If final approval of settlement rests with the other party, report to any person upon request once the settlement is final.) (Government Code 54956.9(d)(1))

Adverse party/parties, if known: _____

Substance of the litigation: _____

Board member votes/abstentions: _____

Joint Powers Agency Issues

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

Name of claimant(s): _____

Name of agency against which the claim is made: _____

Substance of the claim: _____

Monetary settlement agreed upon by the claimant: _____

Board member votes/abstentions: _____

CLOSED SESSION PURPOSES AND AGENDA

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR COE
(Government Code 54956.95)

Name of JPA: _____

Action taken: _____
(Law does not include any specific disclosures to be reported.)

Board member votes/abstentions: _____

Review of Audit from State Auditor's Office

Action taken: The County Board reviewed the confidential final draft audit report received from the California State Auditor's Office and has prepared a response.
(No additional information is required. Unless otherwise exempted by law, after the audit report is subsequently released to the public, any County Board discussion of the report must be conducted in open session.) (Government Code 54956.75)

Review of Assessment Instruments
(Government Code 60617)

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

AGENDA/MEETING MATERIALS

~~**Agenda Content**~~

County Board meeting agendas shall reflect the Merced County Office of Education's (MCOE) vision and goals and its focus on student learning and well-being.

County Board meeting agendas shall state the meeting time and place and shall briefly describe each ~~business~~ item listed in the agenda~~to be transacted or discussed~~, including items to be discussed in closed session in accordance with County Board Bylaw 9321 – Closed Session. (Government Code 54954.2)

For regular meeting, the County Board may consider an item not included in the posted agenda in accordance with County Board Bylaw 9323.2 – Actions by the Board.

Public Comment

The agenda shall provide members of the public the opportunity to address the County Board on any agenda item~~, including any consent agenda item,~~ before or during the County Board's consideration of the item, items to be considered in closed session in accordance with County Board Bylaw 9321 – Closed Session and items listed on the consent agenda.

Before any other open session agenda item, there shall be one public comment item on every meeting agenda to give members of the public the opportunity to address the County Board on any item on the open session agenda. Each individual is limited to five minutes on each agenda item and the public comment period shall last no more than 20 minutes total for each agenda item unless extended in accordance with County Board Bylaw 9323 – Meeting Conduct. No member of the public may be permitted to speak more than once during this item.

~~However, t~~The agenda need not provide an opportunity for public comment on an agenda item that has previously been considered at an open meeting by a committee comprised exclusively of County Board members, provided that all the following conditions were met: (Government Code 54954.3)

1. ~~m~~Members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item~~, and~~

2. ~~t~~The item has not been substantially changed since the committee considered it~~.~~ ~~(Government Code 54954.3)~~

3. A qorum of the committee attended and participated in the committee meeting at which the item was considered from a singular physical location that was clearly identified on the agenda, open to the public, and situated within the boundaries of the MCOE

4. Any other applicable provisions of Government Code 54954.3

Additionally, ~~T~~the agenda for a regular County Board meeting shall also provide members of the public an opportunity to address the County Board regarding ~~provide comment on~~ matters ~~which are not on the agenda but which are~~ within the subject matter jurisdiction of the County Board, which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

The notice and agenda shall include information describing how members of the public can access the platform or service and how members of the public can offer public comment if required pursuant to County Board Bylaw 9320.1 – Remote Meetings and Attendance.

Disability-Related Accommodations or Modifications

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the County Board meeting as well as the procedure for receiving and resolving such requests as required by law. Individuals should contact the County Superintendent or designee at least 48 hours prior to the meeting. (Government Code 54953, 54954.2)

Each agenda for a regular meeting shall list the address designated by the County Superintendent or designee for public inspection of agenda documents related to an open session item, or for records of a statement threatening litigation against the MCOE to be discussed in closed session, when such documents have been distributed to the County Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. Additionally, ~~T~~the agenda shall ~~also~~ state that the request must be made in writing to the secretary or clerk of the County Board.

Agenda Preparation

The County Board chairperson and the County Superintendent, as secretary to the County Board, may work together to develop the agenda for each regular and special meeting, including whether an item requires County Board action and whether an item shall be considered in open or closed session.

Any County Board member or member of the public may request that a matter within the subject matter jurisdiction of the County Board be placed on the agenda of a regular meeting. The request shall be in writing and be submitted to the County Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled

meeting date. The agenda item information provided must be of sufficient content to adequately describe the item to the County Board and public. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The County Board chairperson or County Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the County Board. Items not within the subject matter jurisdiction of the County Board may not be placed on the agenda. In addition, the County Board chairperson or County Superintendent shall determine that the request ~~if the item~~ is merely a request for information, and if so, respond accordingly or whether the issue is covered by an existing policy or regulation before placing the item on the agenda.

The County Board chairperson or County Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to County Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

Any County Board action that involves borrowing $100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

All public communications with the County Board are subject to requirements of relevant policies and regulations.

In order to promote efficient meetings, the County Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent agenda items shall address matters of a routine nature for which County Board discussion is not anticipated and for which the County Superintendent recommends approval. When any County Board member request the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

Agenda Dissemination to County Board Members

At least 72 hours before each regular meeting, a copy of the agenda and agenda packet shall be forwarded to each County Board member, including any reports from the County Superintendent or designee; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting.

When special meetings are called, County Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

AGENDA/MEETING MATERIALS

County Board members shall review agenda materials before each meeting. Individual members may confer directly with the County Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of County Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the County Board.

Regular Agenda Dissemination to Members of the Public

The ~~A~~agenda and related materials distributed to the County Board shall be made available to the public upon request without delay. However, only those documents which are public records under the California Public Records Act (CPRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting or which contain a claim or written threat of litigation which will be disclosed in closed session shall be made available to the public. (Government Code 54956.9, 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

In addition, the agenda shall be posted on the homepage of the MCOE web site. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the MCOE's agenda management platform in accordance with Government Code 54954.2. When the MCOE utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the County Board meeting agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a document which relates to an open session agenda item, or which contains a claim or written threat of litigation which will be discussed in closed session during ~~of~~ a regular County Board meeting is distributed to the County Board less than 72 hours prior to ~~a~~the meeting, the County Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the County Board. However, if the document is distributed to at least a majority of the County Board at a time when the designate location is closed to the public, this requirement may be satisfied by posting the writing on the MCOE website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting

2. The writing is immediately posted on the MCOE's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting

3. The MCOE lists the website address where such writings may be accessed on all County Board meeting agendas

4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the meeting

The County Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the County Board, whichever occurs first. (Government Code 54954.1)

The County Superintendent or designee shall email a copy of, or a website link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the County Superintendent or designee determines that it technologically infeasible to do so, a copy of the agenda or a website link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the County Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by MCOE or the County Board and distributed during an ~~public~~open meeting shall be made available for public inspection at the meeting. Any documents prepared by another person and presented at the meeting shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the ~~Public Records Act~~CPRA. (Government Code 54957.5)

Upon request, the County Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Special Meeting Agenda Dissemination to Members of the Public

The requirements for the dissemination of regular meeting agendas and related materials and writings to members of the public found in "Regular Meeting Agenda Dissemination to

AGENDA/MEETING MATERIALS

Members of the Public" shall be applicable to the dissemination of special meeting agendas and related materials and writings to members of the public except that the 24-hour requirement shall apply rather than the 72-hour requirement.

Legal Reference:

EDUCATION CODE
35144 Special meetings
35145 Public meetings
35145.5 Agenda; public participation and regulations
49061 Student records; definitions
49073.2 Privacy of student and parent/guardian personal information; minutes of board meeting
GOVERNMENT CODE
6250-6270 Public Records Act
53635.7 Separate item of business
54950-54963 The Ralph M. Brown Act
54953 Meetings; Americans with Disabilities Act accessibility
54953.8 Remote Meetings and Attendance
54953.8.2 State of emergency
54953.8.3 Just cause
54954.1 Mailed notice to property owners
54954.2 Agenda posting requirements; board actions
54954.3 Opportunity for public to address legislative body
54954.5 Closed session item descriptions
54956 Special meetings
54956.5 Emergency meetings
54956.9 Lawyer client privilege for purpose of conducting closed session
54957.5 Public records
54960.2 Challenging board actions; cease and desist
7920.000-7930.170 California Public Records Act
7920.000-7930.215 California Public Records Act
95000-95029 California Early Intervention Services Act
UNITED STATES CODE, TITLE 42
12101-12213 Equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 Effective communications
36.303 Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
COURT DECISIONS
Fowler v. City of Lafayette (2020) 45 Cap.App.5th 68
Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86
Mooney v. Garcia, (2012) 207 Cal.App.4th 229
Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318
ATTORNEY GENERAL OPINIONS
99 Ops.Cal.Atty.Gen. 11 (2016)
99 Ops.Cal.Atty.Gen. 18 (2016)
78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS
Call to Order: A Blueprint for Great Board Meetings, 2018

AGENDA/MEETING MATERIALS

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev. 2003

WEB SITES

CSBA, Agenda Online: http://www.csba.org

California Attorney General's Office: http://www.oag. ca.gov

CSBA District and County Office of Education Legal Services

Cross References:

0000 Vision
0200 Goals for the School District
0410 Nondiscrimination in County Office Programs and Activities
0420.44 Appeals of District Decisions Regarding Charter Schools
1100 Communication with the Public
1112 Media Relations
1113 County Office of Education and School Websites
1312.1 Complaints Concerning District Employees
1312.2 Complaints Concerning Instructional Materials
1312.3 Uniform Complaint Procedures
1312.4 Williams Uniform Complaint Procedures
1340 Access to County Office Records
1400 Relations Between Other Governmental Agencies and the Schools
2210 Administrative Discretion Regarding Board Policy
3100 Budget Adoption and Revision
3312 Contracts
3320 Claims and Actions Against the County Office of Education
3460 Financial Reports and Accountability
4312.1 Contracts
5113.12 County School Attendance Review Board
5144.1 Suspension and Expulsion/Due Process
6161.1 Selection and Evaluation of Instructional Materials
9012 Board Member Electronic Communications
9121 President
9122 Secretary
9130 Board Committees
9150 Student Board Members
9200 Limits of Board Member Authority
9310 Board Policies
9320 Meetings and Notices
9320.1 Remote Meetings and Attendance
9321 Closed Session
9323 Meeting Conduct
9323.2 Actions by the Board
9324 Minutes and Recordings

Bylaw Adopted: 8/16/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 12/16/13, 11/16/2020, 6/21/22, 6/9/2025 Merced, California
FOR REVIEW 10/19/26 & APPROVAL 11/16/26

MEETING CONDUCT

The County Board endeavors to conduct its business efficiently and in a manner that promotes a full and fair consideration of the issues before it, and allows for meaningful participation of members of the public.

Notices and Agenda

The Merced County Office of Education (MCOE) shall forward by mail, email, fax or other means, the agenda and supporting materials.

When a special meeting is called, the County Superintendent and County Board chairperson shall make every effort to distribute the agenda and support materials to County Board members as soon as possible.

At least 72 hours prior to a regular meeting, the County Superintendent shall post the agenda at one or more locations freely accessible to the public. (Government Code 54954.2)

At least 24 hours prior to a special meeting, the County Superintendent shall post the call and notice for the special meeting at one or more locations freely accessible to the public. (Government Code 54956)

The County Board may hold an emergency meeting without complying with the 24-hour notice requirement in the following cases: (Government Code 54956.5)

1. A work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the County Board;

2. A crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the County Board.

The County Board chairperson or designee shall give notice of the emergency meeting to the local media which have requested notice of special meetings, by telephone, at least one hour before the meeting. If telephone services are not functioning, the one-hour notice requirement is waived, and as soon after the meeting as possible, the County Board shall notify those media representatives, of the emergency meeting and shall describe the purpose of the meeting and any action taken by the County Board. (Government Code 54956.5)

In the event of an emergency, or where a majority of County Board members will not be able to attend a regular meeting due to a reason approved by resolution of the County Board, the County Board chairperson may change the date and/or time for the regular meeting. Such situations shall include but not be limited to, fire, flood, earthquake, absence of County Board members due to attendance at a County Board-sanctioned conference, or illness/injury. Where the schedule for a regular meeting is to be changed, the County Superintendent shall

inform all County Board members and the public by the most rapid means of communication available.

If a fire, flood, earthquake or other emergency renders the regular meeting place unsafe, meetings may temporarily be held at a place designated by the chairperson or designee, who shall so inform all news media that have requested notice of special meetings, by the most rapid means of communication available. (Government Code 54954)

Meeting Procedures

All County Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with County Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

The County Board Chairperson shall conduct County Board meetings in accordance with County Board bylaws and procedures that enable the County Board to efficiently consider issues and carry out the will of the majority.

The County Board believes that late night meetings deter public participation, can affect the County Board's decision-making ability, and can be a burden to staff. Regular County Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the County Board. The meeting shall be extended no more than once and, if necessary, may subsequently be adjourned to a later date.

When any County Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a separate agenda item. The County Board chair shall determine where on the agenda the former consent item is placed.

Quorum and Abstentions

The County Board shall act by majority vote of all of the membership constituting the County Board. (Education Code 35164)

A majority of the members of the County Board shall constitute a quorum for the transaction of business. (Education Code 1013)

Unless otherwise provided by law, an affirmative vote by a majority of all the membership of the County Board are required to approve any action under consideration, regardless of the number of members present. At least a majority (three) of the members must vote in the affirmative in order to approve action.

On a call by any County Board member, a voice vote shall be taken upon any proposition and the vote shall be recorded in the minutes. (Education Code 1015)

MEETING CONDUCT

Votes taken during a teleconference shall only be by roll call. (Government Code 54953)

Teleconference is a meeting of the County Board in which County Board members are at different locations and are connected by electronic means through video and/or audio.

Direct communication, personal intermediaries, and technological devices shall not be used by a majority of County Board members to develop a collective concurrence as to an action that members will take on any item of County Board business. (Government Code 54952.2)

The County Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains for any reason other than conflict of interest, the abstention shall be considered to concur with the action taken by the majority of those who vote, whether affirmatively or otherwise.

Public Participation

Members of the public are encouraged to attend County Board meetings and to address the County Board concerning any item on the agenda or within the County Board's jurisdiction. So as not to inhibit public participation, persons attending County Board meetings shall not be required to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting, except that if the meeting is conducted with remote public participation or a County Board member attending remotely pursuant to Government Code 54953, a member of the public desiring to provide comment through the use of a third party internet website or online platform may be required to register as required by the third party provider.

To facilitate public comment, ~~T~~the County Board Chairperson may ~~ask any speaker~~request that members of the public who wish to give public comment provide their names or other ~~to~~ identifying information to determine speaking order ~~themself for proper recording of the minutes~~.

In order to conduct the County Board's business in an orderly and efficient manner, ~~the County Board requires that public presentations to the County Board comply~~public comment shall occur with the following procedures:

1. The County Board shall ~~give members of the public an opportunity to address the County Board on any item of interest to the public that is within the subject matter jurisdiction of the County Board, either before or during the County Board's consideration of the item~~undertake no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (~~Education Code 35145.5,~~ Government Code 54954.~~3~~2)

MEETING CONDUCT

2. ~~At a time so designated on the agenda at a regular meeting, members of the public may bring before the County Board matters that are not listed on the agenda, but are within the County Board's jurisdiction. The County Board may refer such a matter to the County Superintendent or take it under advisement, but shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the County Board. (Education Code 35145.5; Government Code 54954.2, 54954.3)~~County Board members or MCOE staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. (Government Code 54954.2)

Additionally, on their own initiative or in response to questions posed by the public, County Board members or MCOE staff may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)

In addition, the County Board or a County Board member may provide a reference to MCOE staff or other resources for factual information, ask MCOE staff to report back to the County Board at a subsequent meeting concerning any matter, or take action to direct that a matter of business be place on a future agenda. (Government Code 54954.2)

~~3. Without taking action, County Board members, the County Superintendent and/or staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a County Board member, the County Superintendent or a staff member may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)~~

~~Furthermore, the County Board or a County Board member may provide a reference to the County Superintendent or other resources for factual information, ask the County Superintendent to report back to the County Board at a subsequent meeting concerning any matter, or take action directing the County Superintendent to place a matter of business on a future agenda. (Government Code 54954.2)~~

~~4. The County Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of County Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the County Board determines that the item has been substantially changed since the committee heard it, the County Board shall provide an opportunity for the public to speak. (Government Code 54954.3)~~

MEETING CONDUCT

3. A person wishing to be heard by the County Board shall first be recognized by the Chairperson and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed five minutes to address the County Board on each agenda or nonagenda item. The County Board shall limit the total time for public input on each item to 20 minutes. With County Board consent, the chairperson may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. Any such adjustment shall be done equity so as to allow a diversity of viewpoints. The Chairperson may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

In order to ensure that non-English speakers receive the same opportunity to directly address the County Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the County Board, unless simultaneous translation equipment is used to allow the County Board to hear the translated public testimony simultaneously. (Government Code 54954.3)"

"

An individual speaker may give some or all of the speaker's time to another speaker, provided that no individual speaker is permitted to speak more than the maximum time permitted per individual speaker pursuant to County Board Bylaw 9322 – Agenda/Meeting Materials"

4. For any public comment period with a time limit when a remote County Board member is attending and participating based on just cause pursuant to County Board Bylaw 9320.1 – Remote Meetings and Attendance, the County Board may not close that public comment period or the opportunity to register to provide public comment via the two-way audiovisual platform or two-way audio service until the full time for public comment has elapsed (Government Code 54953.8)

5. For any other public comment period when a remote County Board member is attending and participating based on just cause pursuant to County Board Bylaw 9320.1 – Remote Meetings and Attendance, the County Board shall allow a reasonable amount of time to permit members of the public to provide public comment and to register to do so via the two-way audiovisual platform or two-way audio service. (Government Code 54953.8)

6. The County Board Chairperson ~~may rule on the appropriateness of a topic~~shall determine whether an individual's public comment is within the scope of the public comment period, subject to the following conditions:

   a. If the public comment is within the scope of a different public comment period, Chairperson shall so indicate~~topic would be more suitably addressed at a later~~

~~time, the Chairperson may indicate the time and place when it should be presented~~.

b. ~~The County Board shall not prohibit p~~Public criticism of the County Board, individual County Board members, the MCOE, its policies, procedures, programs, services, acts or omissions shall not be prohibited. (Government Code 54954.3)

c. The County Board shall not prohibit public criticism against MCOE employees. However, whenever a member of the public initiates specific complaints against an individual MCOE employee, the County Board Chairperson shall inform the complainant that employment matters are the jurisdiction of the County Superintendent and shall advise the complainant to address the complaint to the County Superintendent using the appropriate MCOE complaint procedure.

Disruptions

~~7.~~ The County Board Chairperson shall not permit any disturbance or willful interruption of County Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the County Board Chairperson to terminate the privilege of addressing the County Board for that meeting and remove the individual from the meeting. (Government Code 54957.95)

The County Board Chairperson or designee may remove an individual for actually disrupting the meeting. Prior to removal, the individual shall be warned that their behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the County Board Chairperson, or designee, may then remove the individual from the meeting. (Government Code 54957.95)

When an individual's behavior constitutes the use of force or a true threat of force, the individual shall be removed from a County Board meeting without a warning. (Government Code 54957.95)

When such disruptive conduct occurs, the County Superintendent or designee shall contact local law enforcement as necessary.

Any person who willfully disturbs any public school meeting is guilty of a misdemeanor and shall be punished by a fine of not more than $500.

Disrupting means engaging in behavior during a County Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, failure to comply with reasonable and lawful regulations

adopted by a legislative body pursuant to Section 54954.3 or any other law, or engaging in behavior that constitutes use of force or a true threat of force. (Government Code 54957.95)

True threat of force means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat. (Government Code 54957.95)

Additionally, the County Board Chairperson may have disruptive individuals removed and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the County Board. When the room is ordered cleared due to a disturbance, further County Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When disruptive conduct occurs, the County Board may decide to recess the meeting to help restore order, or if removing the disruptive individual(s) or clearing the room is infeasible, move the meeting to another location. Law enforcement shall be contacted as necessary. (Government Code 54955, 54957.9, 54957.95, 54957.96)

Recording by the Public

Members of the public may record an open County Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The County Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

If the County Board finds that noise, illumination or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the County Board. (Government Code 54953.5, 54953.6)

MEETING CONDUCT

Legal Reference:

EDUCATION CODE
1013 Quorum
1015 Voting
1040 Duties and responsibilities; county boards of education
1042 County boards; authority
1090 County board member compensation
5095 Powers of remaining board members and new appointees
32210 Willful disturbance of public school or meeting a misdemeanor
35010 Control of district; prescription and enforcement of rules
35145.5 Agenda; public participation; regulations
35163 Official actions, minutes and journal
35164 Actions by majority vote
35165 Effect of vacancies upon majority and unanimous votes by seven member board
CODE OF CIVIL PROCEDURE
527.8 Workplace Violence Safety Act
ELECTION CODE
18430 Prevention or hinderance of electors assembling in public meeting
GOVERNMENT CODE
54950-54963 The Ralph M. Brown Act
54953.3 Meetings to be open and public; remote attendance
54953.5 Audio or video tape recording of proceedings
54953.6 Broadcasting of proceedings
54954.2 Agenda posting requirements; board actions
54954.3 Opportunity for public to address legislative body
54957 Closed session personnel matters
54957.9 Disorderly conduct of general public during meeting; clearing of room
54957.95 Opening meetings; orderly conduct
PENAL CODE
403 Disruption of assembly or meeting
COURT DECISIONS
City of San Jose v. William Garbett, (2019) 190 Cal.App.4th 526
Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966
McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275
Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194
Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719
Berkeley People's Alliance v. City of Berkeley (2025) 114 Cal.App.5th 984
ATTORNEY GENERAL OPINIONS
90 Ops.Cal.Atty.Gen. 47 (2007)
76 Ops.Cal.Atty.Gen. 281 (1993)
66 Ops.Cal.Atty.Gen. 336 (1983)
63 Ops.Cal.Atty.Gen. 215 (1980)
61 Ops.Cal.Atty.Gen. 243, 253 (1978)
59 Ops.Cal.Atty.Gen. 532 (1976)
55 Ops.Cal.Atty.Gen. 26 (1972)

Management Resources:

CSBA PUBLICATIONS
Call to Order: A Blueprint for Great Board Meetings, 2018
The Brown Act: School Boards and Open Meeting Laws, rev. 2019

MEETING CONDUCT

ATTORNEY GENERAL PUBLICATIONS
The Brown Act: Open Meetings for Local Legislative Bodies, 2003
WEB SITES
CSBA: http://www.csba.org
California Attorney General's Office: https://oag.ca.gov

Cross References:

1000	*Concepts and Roles*
1100	*Communication with the Public*
1220	*Citizen Advisory Committees*
1312.1	*Complaints Concerning District Employees*
1313	*Civility*
3100	*Budget Adoption and Revision*
3270	*Sale and Disposal of Books, Equipment and Supplies*
3312	*Contracts*
9005	*Governance Standards*
9100	*Organization*
9121	*President*
9130	*Board Committees*
9200	*Limits of Board Member Authority*
9230	*Orientation*
9270	*Conflict of Interest*
9310	*Board Policies*
9320	*Meetings and Notices*
9320.1	*Remote Meetings and Attendance*
9321	*Closed Session*
9322	*Agenda/Meeting Materials*
9323.2	*Actions by the Board*
9324	*Minutes and Recordings*

Bylaw Adopted: 8/16/2010; **MERCED COUNTY BOARD OF EDUCATION**
Revised: 8/21/17, 11/16/2020, 6/9/2025 Merced, California
FOR REVIEW 10/19/26 & APPROVAL 11/16/26

California *Education Code* Section 1240 requires that the county superintendent or designee visit schools identified in our county, review information in the areas noted below, and report to you the results of the visits and reviews. Provided for submission to your governing board at a regularly scheduled November meeting, is your district's report for fiscal year 2026-2027. This report presents the results of visits and reviews at your district's schools this year.

The purpose of the visits as specified in California Education Code 1240 is to:

1. Determine if students have "sufficient" standards-aligned instructional materials in four core subject areas (English language arts, mathematics, history/social science and science (including science laboratory equipment in grades 9-12) and, as appropriate, in foreign languages and health;

2. Determine if there is any facility condition that "poses an emergency or urgent threat to the health or safety of pupils or staff"; and

3. Determine if the school has provided accurate data on the annual school accountability report card related to the sufficiency of instructional materials and the safety, cleanliness, and adequacy of school facilities, including "good repair."

The law further requires that the county superintendent:

1. Annually monitor and review teacher mis-assignments and teacher vacancies in school.

2. Receive quarterly reports on complaints filed within the school district concerning insufficient instructional materials, teacher vacancies and mis-assignments, and emergency or urgent facilities issues under the Uniform Complaint Procedure; and

3. Review audit exceptions under expanded authority in the areas of use of instructional materials, program funds, teacher mis-assignments, and information reported on the school accountability report card and determine whether the exceptions are either corrected or an acceptable plan of correction has been developed.

Before proceeding with the report, below are some basic terms:

- "Sufficient textbooks or instructional materials" means each pupil, including English language learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home.

- A school facility condition that poses an "emergency or urgent threat" is a "condition that poses a threat to the health or safety of pupils or staff while at school." [Note: this definition and quote is drawn from EC 17592.72(c)(1) because it is incorporated by reference in EC 1240(c)(2)(I)(ii).]

- "Good repair" means the school facilities are clean, safe and functional as determined pursuant to the school facility inspection and evaluation instrument developed by the Office of Public School

Construction or a local evaluation instrument that meets the same criteria. Each school district that receives state funding for facilities maintenance is required to establish a facilities inspection system to ensure that each of its schools is maintained in "good repair."

- The table below is provided to clarify the rating descriptions included in the Facilities Inspection Tool Reports.

Percentage	Description	Rating
99%-100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	**Exemplary**
90%-98.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	**Good**
75%-89.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	**Fair**
0%-74.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus.	**Poor**

- "Ineffective Teacher" is a teacher who assignment is authorized by an emergency permit that does not require possession of a full teaching license, a teacher who holds a teacher credential but does not possess a permit or authorization that temporarily allows them to teach outside of their credentialed area or an individual who holds no credential, permit or authorization to teach in California. Under this definition, teachers with the following emergency permits are considered ineffective: Provisional Internship Permits, Short Term Staff Permits, Variable Term Waivers, Substitute Permits or Teaching Permits for Statutory Leave.

- "Out of Field '' refers to a credentialed teacher who has not yet demonstrated subject matter competence in the subject areas to which they are assigned. Under this definition, teachers with the following permits are considered "out of field:" General Education Limited Assignment Permit, Special Education Limited Assignment Permits, Short Term Waivers, Emergency English Learner or Bilingual Authorization Permits, or Local Assignment Options.

- "Incomplete" indicates that missing or incorrect information about the assignment was reported by the LEA which prevented a complete and accurate determination of the teaching assignment.

- "Unknown" indicates that insufficient information about the assignment was reported.

Merced County Office of Education

2026 Williams Monitoring

MCOE	Instructional Materials		Facilities		SARC	Additional Settlement Monitoring
	Deficiencies Identified by Grade	Date Resolved	Emergencies Identified	Score	Discrepancies Identified	
Merced Scholars Charter (DLA)	None Identified		None Identified	85.06%	None Identified	
Merced Scholars Charter	None Identified		None Identified	96.11%	None Identified	

Teacher Assignment Monitoring 2023-2024

Name	Total Teaching FTE	Clear	Out-of-Field	Intern	Ineffective	Incomplete	Unknown	N/A
Merced Scholars Charter	18.0	29.0%	29.6%	15.4%	16.3%	9.9%	0.0%	0.0%

Quarterly Williams Reports

2026-2027

Merced County Districts Quarterly Williams Uniform Complaint Summary Reports	1st Qrt. July-Sep	2nd Qrt. Oct-Dec	3rd Qrt. Jan-March	4th Qrt. Apr-June
Atwater Elementary	*0*			
Ballico-Cressey	*0*			
Delhi Unified	*0*			
Dos Palos/Oro Loma Unified	*0*			
El Nido Elementary	*0*			
Gustine Unified	*0*			
Hilmar Unified	*0*			
Le Grand Elementary	*0*			
Le Grand Union High	*0*			
Livingston Union High	*0*			
Los Banos Unified	*0*			
McSwain Union Elementary	*0*			
Merced City	*0*			
Merced County Office of Education	*0*			
Merced River Union Elementary	*0*			
Merced Union High	*0*			
Plainsburg Union Elementary	*0*			
Planada	*0*			
Snelling-Merced Falls Union Elementary	*0*			
Weaver Union Elementary	*0*			
Winton Elementary	*0*			

Details of District Complaints can be obtained from Manuel Cavazos 26-27

Note: 1st Qrt (26-27) - Sent to Maria Cuevas via email - 11/4/26

MERCED COUNTY SCHOOLS

RESOLUTION 2026-33
TO
GRANT ANOTHER DESIGNATED PERIOD
FOR
TWO YEARS ADDITIONAL SERVICE CREDIT

WHEREAS, Merced County Schools participates in the Public Employees' Retirement System; and

WHEREAS, Merced County Schools desires to provide another designated period for Two Years Additional Service Credit, Section 20904, based on the contract amendment included in said contract which provided for Section 20904, Two Years Additional Service Credit, for eligible miscellaneous members;

NOW, THEREFORE, BE IT RESOLVED, that Merced County Schools seek to add another designated period, and does hereby authorize this Resolution, indicating a desire to add a designated period from:

June 7, 2027 (Beginning Date) **through** **September 30, 2027** (Ending Date)

for members eligible to retire in **All Classifications** (Eligible Classification)

from the **Los Banos Unified** **School District.**

Adopted and approved this **16th** day of **November**, **2026**.

MERCED COUNTY SCHOOLS

By _____
County Superintendent of Schools

Attest:

_____
Clerk/Secretary

(Rev 02/04)

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Financial Office | Pension Contract Management Services & Prefunding Programs
PO Box 942703 Sacramento, CA 94229-2703

CERTIFICATION OF COMPLIANCE WITH GOVERNMENT CODE SECTION 20904

In accordance with Government Code Section 20904 and the contract between the Public Employees' Retirement System, the Superintendent of the Merced County Schools hereby certifies that:

1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the county superintendent of schools would be served by granting such additional service credit.

2. Payment shall be made of the amount equal to the actuarial equivalent of the difference between the allowance the member receives after receipt of such service credit and the amount the member would have received without such service credit with respect to all eligible employees who retire during the specified period.

3. It is the intention at the time Section 20904 becomes operative that the retirements under this section will either: (1) result in a net savings to the district or county superintendent of schools, or (2) result in an overall reduction in the work force of the organizational unit because of impending mandatory transfers, demotions, and layoffs that constitute at least 1 percent of the job classification, as designated by the county superintendent of schools, resulting from the curtailment of, or change in the manner of performing, its services.

THEREFORE, the Superintendent of the Merced County Schools hereby elects to provide the benefits of Government Code Section 20904 to all eligible miscellaneous members who retire within the designated period:

June 7, 2027 (Beginning Date) **through** **September 30, 2027** (Ending Date)

SUPERINTENDENT OF MERCED COUNTY SCHOOLS

By _____

Attest:

_____
Clerk/Secretary

_____
Date

2yr certification-county schools (Rev. 8/16)

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Financial Office | Pension Contract Management Services
Services & Prefunding Programs
PO Box 942703 Sacramento, CA 94229-2703
888 CalPERS (or 888-225-7377)
TTY: (877) 249-7442 | Fax: (916) 795-4673
www.calpers.ca.gov

CERTIFICATION OF COMPLIANCE WITH GOVERNMENT CODE SECTION 7507

I hereby certify that in accordance with Section 7507 of the Government Code, the future annual costs to provide

Section 20904 (Two Years Additional Service Credit) has been made public at a public meeting on

November 16, 2026, which is at least two weeks prior to the adoption of the Resolution by the
(Date of District's Board meeting)

Superintendent of the Merced County Schools.

_____
Clerk/Secretary

County Superintendent of Schools
Title

(County Schools)
PERS-CON-12C (rev. 8/1/2016)

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Financial Office | Pension Contract Management
Services & Prefunding Programs
P.O. Box 942703 Sacramento, CA 94229-2703
888 CalPERS (or 888- 225-7377)
TTY: (877) 249-7442 | Fax: (916) 795-4673
www.calpers.ca.gov

CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

Superintendent of the **Merced County Schools** on **November 16, 2026**.
(Date)

_____
Clerk/Secretary

County Superintendent of Schools
Title

(County Schools)
PERS-CON-12B (rev. 8/1/2016)

LOS BANOS UNIFIED SCHOOL DISTRICT

Resolution #46-26

RESOLUTION TO GRANT A DESIGNATED WINDOW PERIOD FOR TWO YEARS ADDITIONAL PERS SERVICE CREDIT

WHEREAS, Los Banos Unified School District participates in the Public Employees' Retirement System; and

WHEREAS, Los Banos Unified School District desires to provide a designated window period for two years additional service credit (Section 20904) based on the collective bargaining agreement which provided for two years additional service credit (Section 20904) for eligible members; then,

NOW, THEREFORE, BE IT RESOLVED

that the Los Banos Unified School District does hereby authorize this Resolution, indicated a desire to add a designated window period from June 7, 2027, through September 30, 2027, for eligible members in the Los Banos Unified School District.

Adopted and approved this eighth day of October 2026.

AYES: 6
NOES: 0
ABSENT: 1
ABSTAIN: 0

Los Banos Unified School District

Anthony

(Presiding Officer of the Board)

Board Reference Material

SUBJECT TITLE: PERS GOLDEN HANDSHAKE - CLASSIFIED EMPLOYEES

REQUESTED ACTION: Hold a public hearing disclosing Estimated Costs and adopt Resolution #46-26 to open a PERS Golden Handshake Window Period.

Action___X___ Discussion/Information_____

RECOMMENDATION:

It is recommended that the Board hold a public hearing to disclose the estimated PERS Golden Handshake costs and adopt the attached resolution to open a PERS Golden Handshake window period for eligible classified employees.

BACKGROUND INFORMATION:

Per agreement with CSEA, the District will open a window for the PERS Golden Handshake. Eligible employees include classified employees who are eligible to retire from PERS during the window period. The District intends that there will be net savings from this action. This offer is available to all PERS members of the District (CSEA, Management, Confidential, Supervisors and Teachers).

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not directly support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None identified.

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

Based on prior Golden Handshakes, an estimated cost is $640,064 for 15 individuals. The estimated Health Benefits cost for these retirees would be $360,000. The total cost of the district will be $1,000,064. The savings will depend on the rate/step of the new hires replacing these individuals.

ORIGINATOR: Melanie Marcella, Director of Fiscal Services
Date: October 8, 2026

Los Banos Unified School District

Los Banos Unified School District Governing Board Of Education Regular Meeting
10/08/2026 07:00 PM
Los Banos City Council Chambers
520 J Street
Los Banos, CA 93635

MEETING MINUTES

5:30 P.M. – Closed Session
7:00 P.M. – Regular Meeting

AGENDA

Anyone interested in viewing the Los Banos Unified School District Board meeting live stream can do so on YouTube at https://www.youtube.com/channel/UC3sy5_slYr3447mZsrql5Tg

The District welcomes Spanish speakers to Board meetings. Anyone planning to attend and needing an interpreter should call 826-3801, 48 hours in advance of the meeting, so arrangements can be made for an interpreter.
El Distrito da la bienvenida a las personas de habla hispana a las juntas de la Mesa Directiva. Si planea asistir y necesita interpretación llame al 826-3801, 48 horas antes de la junta, para poder hacer arreglos de interpretación.
Trustee Gattuso will be participating remotely from the following location: 689 Chinaberry Ct., Los Banos, CA.

Attendance

Voting Members
Anthony Parreira, 2025 Board President
Lori Gattuso, 2026 Board VP
Dayna Valadao, 2026 Board Clerk
Gene Lieb, 2025 Board Member
Jessica Moran, Board Member
Luis Castro, Board Member — **Absent**
Marlene Smith, Board Member

I. OPENING BUSINESS

A. Call Public Session to Order

The meeting was called to order by Mr. Parreira at 5:30 p.m.

B. Roll Call of Board Members Present

Roll call was taken by Ms. Valadao.

Present: Gattuso, Lieb, Moran, Smith, Valadao, and Parreira.
Absent: Castro

C. Closed Session (5:30 P.M.)

Members adjourned to Closed Session at 5:30 p.m. to discuss the following items:

1. **Request for waiver from Physical Education graduation requirement, Pacheco High School Student #5514733 (Action)**
2. **Parental Request for Early Graduation for Los Banos High School Students #5538076 and #5515337 (Action)**
3. **Student Discipline, Cases: #5512461 and #5512207 (Action)**
4. **Litigation, Section 54956.9(a) of the California Government Code: OAH Case #2026080772 (Action)**
5. **Conference with Labor Negotiator (Section 54957.6) Agency Negotiators: Bree Valla, Trevor McDonald, April Latta, Dan Sutton, & Melanie Marcella; Employee Organization: CSEA/LBTA (No Action)**
6. **Public Employee: Discipline/Dismissal/Release/Reassignment (Section 54957) (Action)**

II. OPEN REGULAR MEETING (7:00 P.M.)

The Board reconvened in open session at 7:08 pm to conduct the regular meeting.

III. PLEDGE OF ALLEGIANCE

The audience was led in the Pledge of Allegiance by Student Board Representative Janelle Leon.

IV. APPROVAL OF AGENDA

Trustees approved the corrected and amended agenda as follows:

- New Business, Item XH — Fortify Partners, Inc. Contract: Pulled from the agenda and may be brought back for consideration at a future meeting. No dated was specified.
- Consent Calendar, Item XIA — September 10, 2026, Minutes, Sufficiency of Instructional Materials: Correction to add the public hearing was opened and closed at 8:20 p.m.

V. RECOGNITIONS/INTRODUCTIONS

Grasslands Elementary Principal Maggie Ordunez recognized Jaime Ellison, Administrative Assistant, as an Outstanding Los Banos Unified Schoold District (LBUSD) Employee for her nine years of dedicated service to the district. Mrs. Ellison exemplifies LBUSD's five Core Values and goes above and beyond to support students, staff, and families. Dr. Valla presented her with a plant and gift card in appreciation of her outstanding contributions.

VI. PUBLIC PRESENTATIONS:

VII. PUBLIC COMMENTS ON AGENDA ITEMS:

VIII. GENERAL PUBLIC COMMENT:

Yudith Quijano, speaking as a parent, requested continued support for parent engagement and education programs, including PIQE, CABE, PLTI, and Parenting Partners. She emphasized that these programs help parents improve communication with their children, understand the education system, develop leadership skills, and serve as positive role models. She described parent education as an investment in students, families, and the community, and expressed parents' willingness to collaborate with the District to support student success. She also invited everyone to attend the DELAC meeting on October 13.

Mr. De la Cruz, President of the Pacheco High School Sports Boosters, shared that the Boosters are raising $250,000 through private donations to fund a digital scoreboard for Pacheco High School. He asked whether any funds remaining from the baseball field project could be allocated toward athletics and expressed interest in working with the District to move the scoreboard project forward. He also welcomed the visiting students from Kyoto, Japan, and invited Board members and District leadership to visit Pacheco High School on Monday to observe the cultural exchange.

Pacheco High School senior Ivrie Nweke, founder and president of MEDSCI Minds school club, requested that the district explore establishing a Health Science Career Technical Education (CTE) pathway at Pacheco High School. She gathered 40 student signatures in support and asked the district to evaluate feasibility, identify implementation barriers, and outline the steps needed to provide students with greater access to healthcare career opportunities.

IX. REPORTS

A. Student Representative Report

Los Banos High School Student Representative to the Board, Janelle Leon, gave a report on the many activities at Los Banos High School, Pacheco High School, San Luis High School, Los Banos Adult Education, and Crossroads Alternative Education Center.

B. California School Employees Association Report

No report.

C. Los Banos Teachers Association Report

Jennifer Wilkin acknowledged the collaborative approach taken during the first round of negotiations between Los Banos Teachers Association (LBTA) and the Los Banos Unified

School District (LBUSD). She encouraged the community to support Prop. 3, stating that its failure could result in significant future funding reductions and increased class sizes. She also advocated for Measure C to address aging school facilities, hazardous materials, deteriorating roofs, and other health and safety concerns. She encouraged community members to support these measures through outreach and volunteer efforts. Additionally, she announced that LBTA endorsed Dayna Valado for school board trustee, recognizing her advocacy for early childhood education and literacy.

D. Facilities Report

Manager of Facilities and Special Projects, Sherry Munday provided updates on several District facilities projects. The Pacheco High School baseball field is nearing completion, with punch walks completed, staff training and site cleanup forthcoming, and final closeout and certification pending. She plans to coordinate with school administration and Dr. Valla on a ribbon-cutting event. At Los Banos High School, modernization work continues, including gym wall repairs and waterproofing, H-wing improvements, shade structures, the attendance building, and the senior courtyard. The Loftin Stadium, Phase 3 lighting and sound system project is out for bid, while the Grasslands Special Education building plans are being prepared for DSA submission and the Grasslands shade structure is awaiting approval. She also reported receiving DSA closeout certifications for the Early Education Center, restroom, and Pacheco High School classroom and greenhouse projects.

E. Superintendent's Report

Dr. Valla reported that the District is strengthening systems for its Dual Language Immersion (DLI) program and reviewing the structure of Community Schools to better serve students and families. She also highlighted preparations for potential El Niño weather conditions and efforts to ensure transportation staff and students understand emergency procedures. She thanked DELAC and PIQE parents for meeting with her and emphasized collaboration to ensure families feel included and heard. Dr. Valla also recognized Henry Miller students featured in a countywide STEAM video, Los Banos High School students selected for the Regional Honor Choir, and FFA students Max Menefee and Lexi Rivera for their preparation to compete at the national Creed competition in Indianapolis.

F. Board Member Reports

Member Moran shared that one of the highlights of the month was reading a book about ramen to fifth-grade students at Lorena Falasco Elementary School. She praised the students' engagement and commended Mr. King for his classroom management. She also shared that she would be attending and presenting at the upcoming DELAC meeting, where she planned to discuss her experiences growing up and attending local public schools, as well as provide information about college enrollment and resources for families in both English and Spanish.

Member Smith shared that she had been away for approximately 35 days traveling to Melbourne, Australia, to watch the San Francisco 49ers play the Los Angeles Rams. She expressed that she was happy to be back and, as she approaches the end of her tenure on the

Board, hopes to make an impact by visiting classrooms and attending a DELAC meeting before her term concludes.

Member Valadao recognized and thanked the District's custodians for their hard work in keeping schools safe and clean. She shared a personal story about former custodian Joey Garcia, who frequently helped retrieve her pet snake when it escaped from her classroom, highlighting the extra responsibilities custodians sometimes take on to support school staff.

Member Lieb reported that the Rotary Club's pancake breakfast was successful in raising funds for the 2027 Sober Grad Night. He shared that he attended several school and community events, including the Pacheco High School FFA Booster barbecue dinner, the Los Banos High School barbecue dinner, the FFA softball game, and the reclassification ceremony at Miano Elementary School on September 14. He also thanked those involved in the events and announced the upcoming Los Banos Ag Boosters chicken rigatoni drive-through dinner on October 19.

Member Gattuso recognized and thanked teachers for their dedication, compassion, and lasting impact on students in recognition of World Teachers' Day on October 5. She also praised the District's DELAC committee for its outstanding work and thanked Sophia and the committee for their efforts and invitations. Although she will be unable to attend the October 13 meeting, she expressed interest in attending the November 17 meeting.

Member Parreira shared that he enjoyed reading the ramen story to fourth-grade students at Lorena Falasco Elementary School and appreciated the opportunity to visit the classroom. He announced that he would moderate the League of Women Voters' candidates forum on October 13 at 6:30 p.m., featuring invited candidates for local and regional offices. The forum will be livestreamed on YouTube, with an opportunity for attendees to submit questions. He also announced that he would provide a presentation on Robert's Rules of Order at the October 20 DELAC meeting to help prepare committee members to conduct meetings effectively.

X. NEW BUSINESS

A. Maintenance & Operations Report

Maintenance & Operations Supervisor, Stephen Ruiz, provided updates on completed maintenance and facilities projects across the District, including sidewalk and concrete improvements at Los Banos Elementary, a new playground at Lorena Falasco Elementary, HVAC replacements at Westside, and siding repairs at Miano Elementary. He reported 394 open maintenance work orders, including 382 marked overdue in the system, and discussed plans to address outstanding requests while managing limited staffing. He also outlined preparations for potential El Niño weather conditions, including roof and gutter inspections, storm drain maintenance, hazardous tree assessments, emergency equipment, and coordination with the City of Los Banos. Additionally, he reviewed groundskeeper schedules and site assignments.

B. Architect Agreement Amendment No. 1- Pacheco High School New Baseball Field Artificial Turf

Motion made by: Lori Gattuso
Motion seconded by: Jessica Moran
Voting results: Unanimously Approved

C. Architect Agreement - New Shade Structure at Early Education Center Preschool

Motion made by: Dayna Valadao
Motion seconded by: Lori Gattuso
Voting results: Unanimously Approved

D. Change Order Request# D-06 for Los Banos High School Modernization Cat D - Demolition

Motion made by: Marlene Smith
Motion seconded by: Dayna Valadao
Voting results: Unanimously Approved

E. Change Order Request No#3-02 for Los Banos High School Modernization Cat 3 - Sitework

Motion made by: Lori Gattuso
Motion seconded by: Jessica Moran
Voting results: Unanimously Approved

F. Change Order Requests #13-03 & #13-04 for Los Banos High School Modernization Project - Category 13 - Electrical

Motion made by: Jessica Moran
Motion seconded by: Lori Gattuso
Voting results: Unanimously Approved

G. Change Order Request No 02- Pacheco HS New Artificial Turf Project

Motion made by: Dayna Valadao
Motion seconded by: Lori Gattuso
Voting results: Unanimously Approved

H. Fortify Partners Inc.

The item was pulled, and no date was specified to be brought back for consideration at a future meeting.

I. Board Policy/Changes/Updates (First Read)

Trustees declared its intent to adopt the updates of the following policies:

Motion made by: Lori Gattuso
Motion seconded by: Jessica Moran
Voting results: Unanimously Approved

J. Dollar General Literacy Foundation Grant

Motion made by: Gene Lieb
Motion seconded by: Dayna Valadao

Voting results:
No: Anthony Parreira
Yes: Lori Gattuso
Yes: Dayna Valadao
Yes: Gene Lieb
Yes: Jessica Moran
Yes: Marlene Smith

K. Initial Bargaining Proposals – California School Employees Association and its Los Banos Chapter #92 and Los Banos Unified School District

A public hearing was opened at 9:09 p.m. No one came forward to address the Board, and the hearing was closed at 9:09 p.m. (Roll Call)

Motion made by: Lori Gattuso
Motion seconded by: Dayna Valadao
Voting results: Unanimously Approved

L. PERS Golden Handshake - Classified Employees

A public hearing was opened at 9:11 p.m. No one came forward to address the Board, and the hearing was closed at 9:11 p.m. (Roll Call)

Motion made by: Lori Gattuso
Motion seconded by: Dayna Valadao
Voting results: Unanimously Approved

M. Variable Term Waiver Request

(Roll Call)

Motion made by: Jessica Moran
Motion seconded by: Lori Gattuso
Voting results: Unanimously Approved

N. Telecommunications Tower Resolution No. 44-26

(Roll Call)

Motion made by: Dayna Valadao
Motion seconded by: Lori Gattuso
Voting results: Unanimously Approved

O. Superintendent Purchasing Authority Resolution No. 45-26

(Roll Call)

Motion made by: Gene Lieb
Motion seconded by: Jessica Moran

Voting results: Unanimously Approved

XI. CONSENT CALENDAR

Trustees approved the Consent Calendar as corrected to include the notation in the September 10, 2026, minutes that the public hearing was opened and closed at 8:20 p.m. (Roll Call)

Motion made by: Gene Lieb
Motion seconded by: Lori Gattuso
Voting results: Unanimously Approved

A. Approval of Minutes

B. Personnel Actions

1. **Certificated Report - October 2026**
2. **Classified Report October 2026**
3. **Permanent Employee Update**

C. Monthly Fiscal Report

D. Donations

1. **Dignity Health - Mercy Medical Center**
2. **Italia Coffee & Bistro Gift Cards**

E. Williams Quarterly Complaint Report Summary

F. Request for Board Approval of Comprehensive Safety Plans

G. Contracts/Agreements/Proposals

1. **Henry Miller Elementry-Agreement with MCOE for Math PD**
2. **Document Tracking Services (DTS)**
3. **Renaissance Learning Accelerated Reader and Services**
4. **Merced College Vocational Discovery Workshops Agreement - SLHS ASP**
5. **BookNook Reading and Math Tutoring - LEAP**
6. **San Jose State University Clinical Placement Agreement**
7. **Professional Tutors of America**
8. **Grasstik Privacy fencing: Los Banos Elementary & Mercy Springs Elementary**

H. Student Overnight Travel

1. **2026 Central Region Honor Choir - LBHS**

2. **Los Banos High School Girls Varsity Basketball – Las Vegas Holiday Classic**

3. **2026 CA Regional Honor Choir - PHS**

I. **Approval/Ratification of Warrants**

XII. REPORTING CLOSED SESSION ACTION

On a motion by Member Gattuso, seconded by Member Smith. Trustees approved the Physical Education graduation requirement waiver for Pacheco High School student #5514733. Ayes: 5; Noes: 0; Absent: 2 (Castro and Moran). Motion carried.

On a motion by Member Lieb, seconded by Valadao. Trustees approved the Parental Request for Early Graduation for Los Banos High School student # 5538076 and student #5515337. Ayes: 5; Noes: 0; Absent: 1 (Castro and Moran). Motion carried.

On a motion by Member Gattuso, seconded by Member Smith. Trustees expelled case numbers 5512461 and 5512207 for the remainder of the 2026–2027 school year. Ayes: 6; Noes: 0; Absent: 1 (Castro). Motion carried.

On a motion by Member Valadao, seconded by Member Gattuso. Trustees approved the Litigation, Section 54956.9 of the California Government Code: OAH Case #2026080772. Ayes: 6; Noes: 0; Absent: 1 (Castro). Motion carried.

On a motion by Member Valadao, seconded by Member Gattuso. Trustees approved the Settlement Agreement and Release of All Claims resulting in the resignation of a permanent certificated employee serving as Director of Elementary Education, identified as Employee No. 1514. The motion carried by the following roll call vote: Ayes: 6; Noes: 0; Absent 1 (Castro).

XIII. DISCUSSION, INFORMATION & FUTURE AGENDA ITEMS (Board Superintendent)

There were no future agenda items discussed.

XIV. CLOSED SESSION (If necessary)

XV. REPORT CLOSED SESSION ACTION (If necessary)

XVI. AJOURNMENT

Mr. Parreira adjourned the meeting at 9:22 p.m.

Agenda Item Attachment
Arts Program Specialist Salary Advancement

Policy 4151/4251/4351 and Education Code section 1302 require: “The county superintendent of schools shall not increase by ten thousand dollars ($10,000) or more the salary or bonus of any employee of the MCOE unless the matter is brought to the attention of the County Board of Education for its discussion at a regularly scheduled public meeting of the County Board of Education.” The increase reflects the Board’s and the Superintendent’s commitment to attracting and retaining staff through competitive salaries and opportunities to advance in the County. It is recommended that the Board of Education approve the reclassification of the following positions: Arts Program Specialist Effective January 1, 2027.

Currently the Arts Program Specialist is compensated at Range 5 on the Classified Management, Supervisory and Confidential Salary Schedule. We are proposing that placement for this position on the CSMC salary schedule be modified for the following reasons:

1. Internal equity and comparable responsibility: The Arts Program Specialist position performs work at a level comparable to coordinator positions within Educational Services. Moving the position to Classified Management Range 10 better aligns its compensation with positions carrying similar levels of responsibility and scope.
2. Equal pay for comparable work: This adjustment supports the principle of equitable compensation for comparable work, recognizing that similar coordinator-level responsibilities have historically been compensated at a higher level under the certificated management salary schedule.
3. Competitive compensation and retention: Placement at Range 10 helps ensure the position remains competitive, appropriately recognizes the expertise and responsibilities required of the role, and strengthens MCOE's ability to retain qualified staff in this important program area.

Salary Advancement

Job Title			Employee	
Arts Program Specialist			Noelle Chandler	
Current			Proposed	
Schedule	CSMC		Schedule	CSMC
Grade	5		Grade	10
Step	5		Step	1
Salary	$101,070.00		Salary	$114,448.50

2027
MERCED COUNTY OFFICE OF EDUCATION
Superintendent Salary Schedule (SUPT)
(Based upon July 1, 2026 salary schedule effective to **January 2027**)

STEPS	ANNUAL
1	263,435
2	272,655
3	282,198
4	292,075
5	302,298

- $6000 will be awarded for a Doctorate Degree from a university or college accredited by the Western Association of Schools and Colleges.
- The County Superintendent is not eligible for an automobile or cell phone allowance.
- This schedule shall be adjusted only with the approval of the Merced County Board of Education. *
- Employee shall possess the appropriate credential in order to be placed on the above salary schedule.
- When the Superintendent reaches 68 years of age, MCOE shall pay the employee portion of the STRS contribution as part of the Superintendent's remuneration while they remain in office.
- If the Superintendent completes their second elected term in January 2035, MCOE shall provide a health benefits contribution in an amount equivalent to that provided to current management personnel. The Superintendent shall remain covered by MCOE health benefits at the management personnel rate for life.

*In accordance with Education Code 1209, this schedule was formally adopted on _____ by the Merced County Board of Education as the new Superintendent Salary Schedule effective January 2027.

2026
MERCED COUNTY OFFICE OF EDUCATION
Superintendent Salary Schedule (SUPT)

Effective 07/01/26 Based upon January 1, 2026 salary schedule	
STEPS	ANNUAL
1	253,206
2	262,068
3	271,240
4	278,021
5	284,972

Effective 01/01/26 (Based upon July 1, 2025 salary schedule plus 2% and align all Steps to a 3.5% increase more than the preceeding Step effective retroactive to January 1, 2026)	
STEPS	ANNUAL
1	258,270
2	267,309
3	276,665
4	286,348
5	296,370

Effective 07/01/26 (Based upon January 1, 2026 salary schedule plus 2% effective retroactive to July 1, 2026)	
STEPS	ANNUAL
1	263,435
2	272,655
3	282,198
4	292,075
5	302,298

- $6000 will be awarded for a Doctorate Degree from a university or college accredited by the Western Association of Schools and Colleges.
- The County Superintendent is not eligible for an automobile or cell phone allowance.
- This schedule shall be adjusted only with the approval of the Merced County Board of Education. *
- Employee shall possess the appropriate credential in order to be placed on the above salary
- When the Superintendent reaches 68 years of age, MCOE shall pay the employee portion of the STRS contribution as part of the Superintendent's remuneration while he remains in office.
- If the Superintendent completes his second elected term on January 3rd, 2027, MCOE shall provide a health benefits contribution in an amount equivalent to that provided to current management personnel. The Superintendent shall remain covered by MCOE health benefits at the management personnel rate for life.

*In accordance with Education Code 1209, this schedule was formally adopted on _____ by the Merced County Board of Education as the new Superintendent Salary Schedule effective _____.

Merced County Board of Education

Closed Session

MERCED COUNTY
Office of Education
NURTURE • SERVE • LEAD

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