

NOTE: COMPREHENSIVE INDEX

ARTICLE 9 BYLAWS OF THE BOARD (Series 9000)

SECTION

0. Goals and Role of the Board ..... 9000

    A. Governance Standards ..... 9005

    B. Public Statements ..... 9010

    C. Disclosure of Public Information ..... 9011

    C. Electronic Information ..... 9012

(1. Organization ..... 9100)

    A. Election, Number of Members, and Terms of Office ..... 9110

    (B. Officers and Auxiliary Personnel ..... 9120)

        1. President’s Role and Duties ..... 9121

        2. Vice-President ..... 9122

        3. Secretary ..... 9123

        4. Clerk ..... 9124

        5. Attorney ..... 9125

        (6. Auditor ..... 9126)

    (C. Committees ..... 9130)

        1. Committee of the Whole ..... 9131

        (2. Standing Committee ..... 9132)

        3. Committees ..... 9133

    (D. Board Representatives ..... 9140)

        1. Representatives to Other Agencies or Organizations ..... 9142

(2. Limits of Authority ..... 9200)

    A. Qualifications ..... 9210

    B. Filling Vacancies ..... 9221

    C. Oath or Affirmation ..... 9224

    D. Orientation ..... 9230

    E. Attendance at Meetings, Institutes, and Conferences ..... 9240

    F. Compensation and Reimbursement ..... 9250

    G. Protection ..... 9260

    (H. Conflict of Interest ..... 9270)

        1. Code of Ethics ..... 9271

    (I. Retirement ..... 9280)

3. Methods of Operation ..... 9300

    (A. Development, Distribution, and Maintenance of Manual of Policies, Regulations, Bylaws ..... 9310)

        1. Formulation, Adoption, Amendment of Policies ..... 9311

            (a. Educational Impact Statement ..... 9311.1)

        2. Formulation, Adoption, Amendment of Bylaws ..... 9312

        3. Formulation, Adoption, Amendment of Administrative Regulations (Rules) ..... 9313

        4. Suspension of Policies, Bylaws, Regulations ..... 9314

SECTION

(B. Meetings..... 9320)

- 1. Time, Place, Notification for Regular Meetings..... 9321
- 2. Annual Organizational Meeting/Officers. .... 9321.2
- 3. Special Meetings..... 9321.5
- 4. Public and Closed Sessions..... 9322
- 5. Agenda Construction..... 9323
- 6. Advance Delivery of Meetings Materials..... 9324
- 7. Meeting Conduct..... 9325
  - a. Quorum..... 9325.1
  - b. Order of Business. .... 9325.2
  - c. Parliamentary Procedure..... 9325.3
  - d. Actions by Board. .... 9325.4
- 8. Minutes..... 9326

C. County Board/County Superintendent Records..... 9330

D. Membership in Associations..... 9340

4. Monitoring Products and Processes..... 9400

(5. County Office Elections..... 9500)

- A. Board Member Elections..... 9510
  - 1. Candidate's Statement of Qualifications..... 9511
  - 2. Calendar Governing County Board Elections..... 9512
  - 3. Tie Votes in Board Member Elections..... 9513
- (B. Elections Other than for County Board Members..... 9520)
  - (1. Type of Elections and Data Required..... 9521)
  - (2. Calendar(s) for Election Other than for County Board Members..... 9522)

6. County Committee on School District Organization..... 9600

- A. Rules Regarding Petitions to Change School District Organization. .... 9601
- B. Master Plan for School District Organization..... 9610
- (C. The County Superintendent and Reorganization..... 9620)
- (D. Formation of School Districts..... 9630)
- (E. Reorganization of School Districts..... 9640)
- (F. Unification..... 9650)
- (G. Transfer of Territory..... 9660)
  - 1. Evaluation Policy..... 9661
  - 2. School Closure Awareness..... 9662
- (H. Dissolution and Lapse..... 9670)

**GOALS AND ROLE OF THE BOARD**

The County Board of Education provides leadership and citizen oversight for educational programs and services operated by the county office of education (COE), including services provided to school districts and the community. The primary objective of the County Board is to work with the County Superintendent of Schools to establish the direction and priorities for the COE and to provide leadership to support the success of public education.

To fulfill its objective, the County Board working as a team shall:

1. Collaborate with the County Superintendent to ensure implementation of the shared vision, goals, and policies
2. Adopt and update policies for its own governance and for programs under the statutory authority of the County Board
3. Ensure accountability for student learning in schools and programs under the statutory authority of the County Board
4. Adopt the annual budget and review interim reports of the County Superintendent
5. Fix the salary of the County Superintendent in accordance with law and Board Bylaw 9500
6. Acquire, lease, lease-purchase, hold and convey real property for the purpose of housing the offices and the services of the COE
7. Along with the County Superintendent, ensure the provision of a safe and appropriate educational environment for all COE students
8. Conduct appeals on the following actions by district governing boards: student expulsions; interdistrict transfer requests; denials, nonrenewals, or revocations of charter school petitions; and other matters when required by law
9. Maintain lines of positive communication with local school districts, their school boards, and the community
10. Conduct public hearings when appropriate
11. Fulfill responsibilities relating to the Local Control Funding Formula (LCFF), including adopting the COE local control and accountability plan (LCAP) and any revisions and updates to it
12. Consider petitions and provide oversight for charter schools approved by the County Board and fulfill other statutory responsibilities in connection with charter schools

13. Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state, and federal levels
14. Act as the County Committee on District Organization.
15. Perform any other duties provided by law.

The County Board is authorized to establish, carry on, and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law and does not conflict with the purposes for which the County Board is established.

Note: The County Superintendent of Schools is the employer of the COE personnel and is responsible for the appointment, discipline, and management of COE personnel (72 Ops Ca. Atty. Gen. 25, (1989).

Legal Reference:

EDUCATION CODE

1040-1047 Duties and responsibilities; county boards of education; authority

1240 Duties of county superintendent

1279 Disposal of personal property

1280 Budget revisions

4020 County Committee on School District Organization

33319.5 Implementation of authority of local agencies

35160 Authority of county boards

35160.1 Authority of county boards; legislative intent

46601 Interdistrict Attendance Appeal

47600 et seq. Charter Schools Act of 1992, as amended

48919 Expulsion and appeals to county board

52066-52068 Adoption of local control and accountability plan

First Reading: May 17, 2017

Second Reading: June 07, 2017

Adoption: June 07, 2017

Supersedes: BB9000/Roles of the Board and Members (Powers, Purpose, Duties)  
BB9141/Negotiations Representative(s)

**GOVERNANCE STANDARDS**

The County Board is bound by laws pertaining to public education and the established policies of the COE. To maximize County Board effectiveness and public confidence in its governance, County Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The County Board expects its members to work with each other and with the County Superintendent of Schools to ensure that a high-quality education is provided to all students in COE schools and programs and that high-quality services are provided to the community and to the school districts within the jurisdiction of the COE. The County Board will keep learning and achievement for all students as the primary focus and value, support and advocate for public education.

Each individual County Board member shall:

1. Understand the distinctions of authority between the County Board and the County Superintendent, and refrain from performing management functions that are the responsibility of the County Superintendent and staff
2. Understand that authority rests with the County Board as a whole and not with individual County Board members
3. Recognize and respect differences of perspective and style on 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
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader

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
2. Work collaboratively with the County Superintendent who provides services to school districts and the community
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 the law and County Board-adopted policies and procedures
7. Take collective responsibility for the County Board's performance
8. Periodically review its effectiveness and roles and responsibilities
9. Ensure opportunities for the diverse range of views in the community to inform County Board deliberations

#### Legal References

##### Ed Code:

1040 Duties and Responsibilities; County Boards of Education  
1042 County Boards; Authority  
35160-35160.1 Authority of county boards

##### Government Code:

1090 Financial Interest in Contract  
1098 Disclosure of Confidential Information  
1125-1129 Incompatible Activities  
54950-54962 The Ralph M. Brown Act  
54957.9 Willful Interruption of Public meeting; Clearing of Room  
87300-87313 Conflict of Interest code

First Reading: June 7, 2017

Second Reading: June 21, 2017

Adoption: June 21, 2017

Supersedes: 9325/Meeting Conduct

**PUBLIC STATEMENTS**

The Board recognizes the responsibility of Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the COE, and their right to freely express their personal views. The County Board Of Education recognizes that arbitrary or independent actions of Board members can produce serious consequences for the effectiveness of COE operations. The Board works as a team and should take action only after proposals have been thoroughly considered by all and a group decision has been made. To ensure communication of a consistent, unified message regarding COE issues, County Board members are expected to respect the authority of the County Board to choose its spokesperson to communicate its positions and to abide by established protocols.

No member of the County Board, individually, will speak for, or in the name of, the County Board of Education except by specific direction of the Board. When a Board decision has been reached, all Board members, even those who may have voted against it, will support and comply with that decision until amended or rescinded by Board action. Any Board member who may wish publicly to comment on, criticize or oppose any specific Board action or any issue within the purview of the County board of Education, The County Superintendent of Schools, or the County Office of Education in the mass media or by other public means may do so as a private citizen, but will refrain from doing so when identified as a Board member. When making personal statements on such topics in forums such as newspapers, social media, websites etc. the Board member will include the following disclaimer in the body of the communication: “All statements herein are made in my capacity as a private citizen, not on behalf of the Contra Costa County Board of Education, and do not reflect the views of the Board of Education.” All public statements authorized to be made on behalf of the County Board shall be made by the County Board president or, if appropriate, by the County Superintendent of Schools or other designated spokesperson.

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

When making public statements, County Board members shall not disclose confidential information or information received in closed session.

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

No individual Board member, except as a private citizen, may sponsor or support any event or action unless previously approved by the Board.

In addition, Board members who participate on social networking sites, blogs, or other discussion or informational sites are encouraged to conduct themselves in a respectful,

courteous, and professional manner, and to model good behavior for COE students and the community. Such electronic communications are subject to the same standards and protocols described in this Bylaw for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them. Such electronic communications are subject to the same standards and protocols described in this Bylaw for other forms of communications, and the disclosure requirements of the California Public Records Act may likewise apply to them.

Legal Reference:

GOVERNMENT

CODE

6250-6270 California Public Records Act

54960 Actions to stop or prevent violation of meeting provisions

54963 Confidential information in closed session

Ed Code 1040 Duties of boards

First Reading: 05/17/2017

Second Reading: 06/07/2017

Adoption: 06/07/2017

Supersedes: BB9020/Public Statements by Board Members



**DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

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

Disclosure of Closed Session Information

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

For these purposes, confidential information means a communication made in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session. The County Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or County Board policy, when the person is:

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
4. Making disclosures under whistle blower statutes (Labor Code, § 1102.5 and Government Code § 53296.)

Other Disclosures

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

Disclosures made to law enforcement officials when reporting improper governmental activities are excepted from this prohibition.

*Legal References on following page.*

Legal Reference:

EDUCATION CODE

1011 Regular Meetings

48920 County Board; manner of hearing expulsion appeal

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

6250-6270 Inspection of public records

54950-54963 Brown Act provisions:

54956.8 Closed session: real property transactions

54956.9 Closed session for pending litigation

54957.5 Public records

54957.7 Reasons for closed session

54963 Confidential information in closed session

First Reading: 05/17/2017

Second Reading: 06/07/2017

Adoption: 06/07/2017

Supersedes: N/A New Bylaw

**BOARD MEMBER ELECTRONIC COMMUNICATIONS**

The County Board of Education recognizes that electronic communication provides an efficient and convenient way to communicate and expedite the exchange of information and to help keep the public informed about the goals, programs, and achievements of the County Board. County Board members shall exercise caution so as to ensure that electronic communications are not used as a means for deliberating outside of an agendaized County Board meeting. (Gov. Code, § 54952.2 (b) .)

County Board members shall not, outside of an agendaized County Board meeting, use a series of electronic communications of any kind, directly or through intermediaries, to hear, discuss, deliberate, form a consensus, or take action on any item that is within the subject matter jurisdiction of the County Board or County Committee on School District Organization. (Gov. Code, § 54954.2 (b).)

County Board members may use county office of education (COE) email accounts and servers for communications related to County Board and County Committee on School District Organization business.

Examples of permissible electronic communications from the COE staff to County Board members concerning County Board business include, but are not limited to, dissemination of County Board meeting agendas and agenda packets, reports of activities from the County Superintendent of Schools, transmittal of charter petitions and other publicly available documents and information and reminders regarding meeting times, dates, and places.

County Board members shall ensure that their electronic communications conform to the same standards and protocols established for other forms of communication in Board Bylaw 9010 “Public Statements.” A County Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the County Board as a whole. As appropriate, complaints or requests for information may be forwarded to the County Superintendent so that the issue may receive proper consideration and be handled through the appropriate COE process. Communication received from the media shall be forwarded to the County Board president and the County Superintendent.

In order to minimize the risk of improper disclosure, in any electronic communication County Board members shall not disclose confidential information or confidential information acquired during closed session.

A County Board member's electronic communications concerning County Board or County Committee business, including those maintained on a personal device or sent from a personal text, email or social media account, may be subject to disclosure under the California Public Records Act or pursuant to a court order or a lawfully issued subpoena.

Legal Reference:

EDUCATION CODE

1011 Time and place of meetings

GOVERNMENT CODE

6250-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act, especially:

54952.2 Meeting, defined

54953 Meetings to be open and public; attendance

54954.2 Agenda posting requirements, board actions

*City of San Jose v. Superior Court*, (2017) 2 Cal. 5<sup>th</sup> 608

First Reading: June 7, 2017

Second Reading: June 21, 2017

Adoption: June 21, 2017

Supersedes: N/A New Bylaw

**ORGANIZATION**

Annual Organizational Meeting

The County Board of Education shall hold an annual organizational meeting, which shall be the first meeting on or after the last Friday in November, or as soon as election results are official.

At the organizational meeting, the County Board shall:

1. Acting in its capacities as both the County Board and the County Committee, elect a president and a vice president from its members
2. Announce the County Superintendent as secretary/executive officer to the County Board
3. Authorize signatures
4. Develop a schedule of regular meetings for the year
5. Review County Board calendar for the year
6. Designate County Board representatives to County Board standing committees and organizations of which the County Board is a member.

Legal Reference:

EDUCATION CODE

1007 Elections

1009 Annual organizational meeting; date and notice

1010 County Superintendent- ex-officio secretary and executive officer

1011 Regular meetings

GOVERNMENT CODE

54953 Meetings to be open and public; attendance

First Reading: June 07, 2017

Second Reading: June 21, 2017

Adoption: June 21, 2017

Supersedes: BB9321.2 Annual Organization Meetings/Officers

BB9124 Clerk

Election, Number of Members, and Terms of Office

The election of members of the County Board of Education shall be conducted on the dates and in the manner prescribed for the election. The County Board of Education shall consist of five (5) members elected by the electors of the five (5) trustee areas of the County.

Each Board of Education member shall be an elector of the trustee area which he/she represents and shall be elected by the electors of the trustee area which he/she represents. (Education Code 1000)

The term of office for each member of the County Board of Education shall be four (4) years, and the members elected shall take office at the next regularly scheduled Board meeting after the last Friday in November subsequent to their election.

Legal Reference: Education Code

- 1000 et seq. Election, Jurisdiction, Organization and Procedure
  - 5000 Regular Biennial Election
  - 5012 Declaration of Candidacy of Nomination
  - 5032 Forms (candidacy)
  - 5090 Definition (vacancy)
  - 5091 Special Election or Provisional Appointment
  - 5092 Public Notice of Vacancy and Provisional Appointment
  - 5093 Vacancies Occurring Near End of Term and Incumbent not Re-elected
  - 5300 et seq. Conduct of Elections
  - 5320 et seq. Order and Call of Elections, esp.
  - 5326 Election Where One Person or None Nominated; Applicability to Membership on County Board of Education
- Elections Code
- 2504 Regular Election Dates

Bylaw adopted

by the Board: September 1, 1982 (Number of Members and Terms of Office)  
September 1, 1987 (Election)

Bylaw

amended: April 27, 1988  
September 13, 1989  
June 9, 1993

**PRESIDENT’S ROLE AND DUTIES**

The County Board of Education shall elect a president from among its members to provide leadership on behalf of the County Board and the educational community it serves.

The president shall have the same rights as other members of the County Board, including the right to move, second, discuss and vote on all matters before the County Board. The president shall also preside at all County Board meetings. He/she shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the County Board
3. Enforce the County Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
4. Recognize persons who desire to speak and protect the speaker who has the floor from disturbance or interference
5. Explain what the effect of a motion would be if it is not clear to every member
6. Restrict discussion to the question when a motion is before the County Board
7. Rule on issues of parliamentary procedure
8. Put motions to a vote, and clearly state the results of the vote
9. Be responsible for the orderly conduct of all County Board meetings

The president shall perform other duties in accordance with law and County Board policy including, but not limited to:

1. Signing all instruments, acts and orders necessary to carry out state requirements and the action of the County Board
2. Calling such special meetings of the County Board as he/she may deem necessary, giving notice as prescribed by law
3. Appointing members of the County Board to fill the vacant seats of a school district board when a majority of those seats are vacant
4. Subject to County Board approval, appointing and dissolving all committees
5. Subject to County Board approval, appointing County Board members to serve as representatives on committees on matters of concern to the County Board.

Legal Reference:

EDUCATION

CODE

1009 Annual organization of the board

1012 Special meetings

5094 Power to fill district board vacancies

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

First Reading: June 7, 2017

Second Reading: June 21, 2017

Adoption: June 21, 2017

Supersedes: BB 9121 President



Vice President

In the absence of the president, the vice president shall serve in his/her place and shall have all of the responsibilities and duties of the president while so serving. In the absence of both the president and the vice president, the clerk of the Board shall serve in the president's place and shall have all the responsibilities and duties of the president while so serving.

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: September 13, 1989

### Secretary

The County Superintendent of Schools is ex officio secretary and Executive Officer of the County Board of Education.

As secretary, the Superintendent will:

1. In consultation with the Board President, prepare and handle the Board agenda.
2. Prepare the Board minutes for Board approval.
3. Handle and care for all County Office and County Board records and documents.
4. Submit to the president of the County Board all correspondence addressed to the president or to the County Board of Education.

Legal Reference: Education Code

1010 Ex Officio Secretary to the Board

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: September 13, 1989

## **Bylaws of the Board**

### **ATTORNEY**

The County Board of Education shall obtain legal services from the Contra Costa County Office of Education's designated legal counsel.

The Board is a unit of authority. Apart from the normal function as part of the unit, a Board member has no individual authority. Individually, a Board member may not commit the County Office of Education to any policy, act, or expenditure.

When legal questions arise concerning items and issues directly involving the statutory authority of the County Board of Education, prior authorization by a majority of the Board is required before the County Superintendent of Schools may make contact with the designated legal counsel on behalf of the Board.

When legal questions arise where a majority of the members of the County Board of Education determine by a vote of the Board that there may exist a potential conflict of interest in using the legal services of the County Office of Education's designated legal counsel or that a matter involves technical issues that may be beyond the capabilities of the County Office of Education's designated legal counsel, the Board may authorize the legal services of an attorney in private practice. The County Board of Education shall consider the services of private attorneys who are included in standing lists provided by the California School Board Association (CSBA) and the California County Board of Education (CCBE) or a private attorney with particular expertise that the Board deems appropriate for its legal needs.

Following a vote of authorization by the Board and at the direction of the Board, the County Superintendent of Schools may appoint an attorney in private practice selected by the County Board of Education to provide legal services for any particular legal matter and pay such attorney according to a contract for services.

When a situation arises that requires immediate contact with legal counsel and the County Superintendent of Schools is incapacitated, his/her designee shall have direct access to legal counsel.

*Legal Reference: GOVERNMENT CODE  
814 et seq. Liability of Public Entities and Public Employees (in general)*

**Bylaws of the Board**

**ATTORNEY**

EDUCATION CODE

1042	<i>Powers of Boards</i>
35041.5	<i>Legal Counsel</i>
35204	<i>Contract with Attorney in Private Practice or Use of Administrative Adviser</i>
35205	<i>Contract for Legal Services</i>

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: August 15, 2012

Bylaws of the Board

Committee of the Whole

The County Board of Education shall act as a committee of the whole in final consideration of all matters.

Legal Reference: Education Code

1040 Duties of Boards - "Adopt Rules and Regulations Not Inconsistent With the Laws of this State, for their Own Government

Bylaw adopted  
by the Board: September 1, 1982

Bylaws of the BoardCommittees

The Board President may appoint standing committees as may be deemed necessary or advisable by the County Board. The president may be a member of any such committee. A committee shall not constitute a majority of the Board. The duties of each such committee shall be outlined by the president at the time of appointment. The proceedings of such committees shall conform to the Brown Act.

As needed the Board President may appoint ad hoc advisory committees comprised solely of County Board members and less than a quorum of the County Board which do not have a continued subject matter jurisdiction or a meeting schedule fixed by formal action of the County Board

## Legal Reference: Education Code

35024 Executive Committee

35160 Authority of Governing Board Commencing January 1, 1976

## Government Code

54952 Legislative body, definition

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: February 10, 1988  
September 13, 1989  
April 13, 1994

**BOARD REPRESENTATIVES**

The County Board of Education recognizes that effective performance of its community leadership responsibilities may require its participation on various committees on matters of concern to the County Board. The County Board may appoint any of its members to serve as its representative on a committee of another organization of which the County Board is a member or to which the County Board is invited to participate.

If a committee discusses a topic on which the County Board has taken a position, the County Board member shall express the position of the County Board. When contributing his/her own ideas or opinions, the representative shall very clearly indicate that he/she is expressing his/her individual idea or opinion and not the opinions of the County Board.

When making such appointments, the County Board shall clearly specify the authority and responsibilities of the representative(s), including, but not limited to, reporting back to the County Board regarding committee activities and/or actions. County Board representatives shall not exercise the authority of the County Board without prior County Board approval.

Legal Reference:

EDUCATION

CODE

1040-1047 Duties of county boards of education

35160-35160.2 Authority of governing boards

GOVERNMENT CODE

54952.2 Meetings

First Reading: June 7, 2017

Second Reading: June 21, 2017

Adoption: June 21, 2017

Supersedes: N/A

Bylaws of the BoardNegotiations Representative(s)

The County Superintendent may employ a chief negotiator, with approval by the County Board of Education, to represent the County office in negotiations with employee organizations. The Board itself will not negotiate with any employee organization directly. Expert consultants in the field of negotiations may also be contracted to assist in the process of negotiation.

Although the negotiator will represent the Board of Education as well as the County Superintendent of Schools, the negotiator, as an employee of the County Superintendent, shall be responsible to the Superintendent. The Superintendent shall evaluate the performance of the negotiator in consultation with the County Board upon completion of negotiations for contracts.

## Legal Reference: Education Code

- 1293 Power to Contract with Certificated Employees (County Superintendent)
- 1311 Employment of Persons to Positions not Requiring Certification Qualifications

Bylaw adopted  
by the Board: September 1, 1982

Bylaw amended: September 13, 1989



Bylaws of the BoardRepresentatives to Other Agencies or Organizations

The County Board of Education may appoint any of its members to serve on advisory committees or as representatives to other public agencies or organizations when the Board deems such appointments desirable, contingent on acceptance to the appointment by the member. The County Superintendent of Schools may budget funds for this purpose.

Authorized committees include, but are not limited to, the CCBE Legislative Committee and CSBA Delegate Assembly. Necessary and actual costs incurred for authorized Board member attendance at such committees shall be a charge against budgeted funds.

Board Member participation as appointees to advisory committees will be authorized in advance at regular Board meetings and such authorization noted in the Board minutes. If there is insufficient time to obtain authorization at a Board meeting, authorization to attend activities will be obtained by individual Board members from the President (and in the President's absence, the Vice President) of the Board.

## Legal Reference: Education Code

- 1081 Travel Expenses
- 1090 Compensation for Members and Mileage Allowance
- 1095 Membership in Organizations
- 1096 Allowable Expenses for Attendance at Organizational Meetings (county board members)
- 35044 Payment of Traveling Expenses of Representatives of Board
- 35172 Promotional Activities
- 35173 Expenses: Membership in Societies, Associations and Organizations
- 44032 Travel Expense Payment

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: June 26, 1985  
September 13, 1989  
September 15, 1999

**LIMITS OF BOARD MEMBER AUTHORITY**

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

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

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

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

Legal

Reference:

EDUCATION  
CODE

200-262.4 Prohibition of discrimination

1040-1042 Duties and responsibilities

35160-35160.2 Powers and duties

GOVERNMENT CODE

54950-54962 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

First Reading: June 7, 2017

Second Reading: June 21, 2017

Adoption: June 21, 2017

Supersedes: BB 9010/Limits of Authority

**QUALIFICATIONS**

Any registered voter is eligible to be a member of the County Board of Education, except the County Superintendent of Schools, any member of his/her staff, or any employee of a school district within Contra Costa County.

A County Board member must also be an elector of the trustee area which he/she represents.

*Legal Reference:* EDUCATION CODE  
1000 *Composition and Trustee Areas*  
1006 *Qualifications*

Bylaw  
adopted: September 1, 1982

Bylaw  
amended: July 18, 2012

Filling Vacancies

A vacancy on the County Board may occur for any of the events specified in Government Code Section 1770, or by failure to elect. The County Board shall, within 60 days of the date of the vacancy or the filing of the deferred resignation, either order an election for the next established election day (but not less than 98 days after the occurrence of the vacancy or filed written resignation) or make a provisional appointment to fill the vacancy. There shall be no election and no appointment if the vacancy occurs within four months of the end of the term of that position and the incumbent is not re-elected to fill the position.

In order to enhance fairness and objectivity in appointing a person to fill a board vacancy, the County Board shall post notice of the vacancy or deferred resignation in at least three public places in the county, and in appropriate news media, and invite the applications or nominations of any legally qualified citizen who is an elector of the trustee area and who is interested in serving on the County Board. All those named as possible candidates will receive a letter from the Board president with a candidate information sheet to be completed and returned to the Board by a specified date. Candidates shall be encouraged to seek additional information about the time requirements and responsibilities of Board services. After names of candidates are announced, additional input will be accepted from any patron of the county either directly in writing to the president or verbally at a public meeting. Candidates will be evaluated on the basis of how well they represent the entire community and on their commitment to student welfare. The Board may request personal interviews with candidates at a regular or special board meeting. All candidate information sheets will be screened by each board member, with final selection made by majority vote of the board members at a regular board meeting, or at a special meeting called for the purpose.

After the provisional appointment is made, the County Board shall, within ten days after the appointment, post notices of such provisional appointment in at least three public places in the county, and publish a notice pursuant to Government Code Section 6061, unless there is no newspaper of general circulation in the county. The posted and published notices shall contain the full name of the appointee, the date of the appointment, and a statement that unless a petition calling for a public election containing a sufficient number of signatures is filed in the Office of the County Superintendent of Schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

Filling Vacancies (continued)

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for County Board of Education members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

Legal Reference: Education Code

- 1008 Vacancies (on County Board to be filled by procedures in Education Code Sections 5090 et seq.)
- 5012 Declaration of Candidacy or Nomination
- 5090 Definition (vacancy)
- 5091 Provisional Appointment or Special Election
- 5092 Public Notice of Vacancy and Provisional Appointment
- 5093 Special Election Consolidated with Regularly Scheduled Election
- 5094 Power of President of County Board of Education When Majority of Offices Vacant
- 5095 Powers of Remaining Board Members and New Appointees

Government Code

- 1770 Events Causing Vacancy Before End of Term

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: February 14, 1996

**OATH OR AFFIRMATION**

When entering upon the duties of their office, all County Board members shall take the oath or affirmation required by law. (Constitution of the State of California, Article 20, Section 3)

A Board member, the County Superintendent, or an authorized designee may administer this oath. (Education Code 60)

*Legal Reference:* EDUCATION CODE

*60 Persons authorized to administer and certify oaths*

GOVERNMENT CODE

*1360-1363 Oath of office*

*3100-3109 Oath or affirmation of allegiance*

CONSTITUTION OF THE STATE OF CALIFORNIA

*Article 20, Section 3 Oath of office*

Bylaw adopted  
by the Board: May 5, 2004

Orientation of Board Members

The administrative staff may assist each new member-elect to understand the board's function, policies and procedures and operations of the office of the County Superintendent of Schools before the member takes office. The incoming member may attend, at county expense, workshops, conferences and other meetings for newly elected members.

Bylaw adopted  
by the Board: September 1, 1982

Development in Service

Attendance at Meetings, Institutes and Conferences

Membership of Board members in recognized associations is encouraged and hereby authorized by the Board for several reasons, including:

1. The inservice education benefits to the Board of Education and its staff which come from participation in meetings, conferences and seminars.
2. Access to the communication media of such associations, such as newsletters, periodicals and advisory services.
3. Representation in actions affecting education, in general, and the County Office in particular.

Recognized associations include the American Association of School Administrators (AASA), Association of California School Administrators (ACSA), California School Boards Association (CSBA), California County Boards of Education (CCBE), Contra Costa County School Boards Association (CCCSBA), National School Boards Association (NSBA) and EdSource.

The County Superintendent of Schools may budget funds for such memberships and for paying the costs of participation of Board members and its staff in the activities of such organizations as appropriate to achieve the purposes listed above. The Superintendent may also budget funds for participation in activities sponsored by other organizations from time to time as appropriate.

All necessary and actual expenses of attending such meetings, including transportation, meals, housing and registration fees shall be a charge against the County School Service Fund according to rates and limitations established for employees and other representatives of the County Office.

Availability of funds will be determined by the Superintendent or Deputy Superintendent upon receipt of a Travel Request/Payment Requisition form submitted by an individual Board member. (A copy of this form is attached to this regulation.) If the Superintendent/Deputy Superintendent should determine that there are sufficient funds in the Board's budget to permit the Board member to attend an activity, he/she shall indicate approval by signing the Travel Request/Payment Requisition form. If, however, the Superintendent/Deputy Superintendent should determine that there are not sufficient funds in the Board's budget to permit the Board member to attend the activity, the Board



Development in Service (continued)

Attendance at Meetings, Institutes and Conferences (continued)

member shall submit a Conference/Travel Authorization Request form (a copy of this form is attached to this regulation) no later than the Thursday preceding the Board meeting at which authorization is being sought. The Board President will read each conference request into the Board minutes, and the Board shall consider each request individually and either authorize (by vote or consensus) or deny the request(s). In the case of authorization by the Board, the Superintendent or Deputy Superintendent shall direct staff to transfer the necessary funds to the Board's budget. If there is insufficient time to obtain authorization at a Board meeting, authorization to attend activities may be obtained by individual Board members from the President (and in the President's absence, the Vice President) of the Board.

Legal Reference: Education Code

- 1081 Travel Expenses
- 1090 Compensation for Members and Mileage Allowance
- 1096 Allowable Expenses for Attendance at Organizational Meetings (county board members)
- 1200 Traveling Expenses (county superintendent)
- 35044 Payment of Traveling Expenses of Representatives of Board
- 35172 Promotional Activities Expenses: Membership in Societies, Associations and Organizations
- 44032 Travel Expense Payment

Bylaw adopted  
by the Board: September 1, 1982  
September 4, 1985

Bylaw amended: May 11, 1988  
June 13, 1990  
October 6, 1999

CONTRA COSTA COUNTY BOARD OF EDUCATION

Conference/Travel Authorization Request

Board Member: \_\_\_\_\_ Conference Date: \_\_\_\_\_

Name Of Conference \_\_\_\_\_

Conference Sponsor: \_\_\_\_\_

Expected Cost: \_\_\_\_\_ City, State: \_\_\_\_\_

Authorization of Availability of Funds: \_\_\_\_\_

-----

This form should be submitted to the secretary to the Board by the Thursday preceding Board meeting at which authorization is requested. The Board President will read each authorized conference request into the Board minutes.

\_\_\_\_\_  
Date of Board Meeting

\_\_\_\_\_  
Board President

**Bylaws of the Board**

**COMPENSATION AND REIMBURSEMENT**

Each member of the County Board of Education will receive \$400 monthly as maximum compensation according to Education Code Section 1090(a)(2). Pursuant to Education Code Section 1090(d), a member will be paid for Board meetings from which he or she is absent if the Board finds that at the time of the meeting from which the member is absent he or she is ill, on jury duty, performing services outside the meeting on behalf of the Board, or absent due to a hardship deemed acceptable by the Board. A member may be paid for any Board meeting from which he or she is absent if the Board includes within its minutes a finding at the time of the meeting that he or she was ill, on jury duty, performing services outside the meeting on behalf of the Board, or absent due to a hardship deemed acceptable by the Board (Education Code Section 1090(d). When a board member requests compensation for a meeting missed due to hardship, that request will be considered by the Board at that particular meeting or at the next regularly scheduled meeting. Any member who does not attend all Board meetings held in any month will receive as compensation the maximum monthly compensation divided by the number of meetings held, and multiplied by the number of meetings actually attended (Education Code Section 1090(b).

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code Section 1090(a)(2) in an amount not to exceed five percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval of the Board. This action may be rejected by a majority of the voters in the county voting in a referendum established for that purpose, as prescribed by Chapter 3 (commencing with Section 17200) of Part 2 of Division 17 of the Elections Code. (Education Code Section 1090(g))

Board members are not required to accept payment for meetings attended.

Each member who uses a privately owned automobile in the discharge of necessary official duties shall receive the same amount per mile as is allowed for County Office Employees. (See Policy and Regulation 4133 - Travel Reimbursement.) Payment to the member shall be made monthly on the basis of the actual number of miles driven on such necessary official business.

**Bylaws of the Board**

**COMPENSATION AND REIMBURSEMENT**

Each board member, upon request, will be eligible for paid medical (equal to the family Kaiser rate), dental (family rate), and/or vision benefit (family rate). Board members shall not receive cash payments in lieu of health insurance benefits.

*Legal Reference:* EDUCATION CODE

*1090 Compensation for members and mileage*

*1091 Traveling expenses for Board members*

ELECTIONS CODE

*Chapter 3, Section 17200, Part 2 of Division 17*

Bylaw adopted  
by the Board: September 1, 1982

Bylaw		
amended:	April 6, 1983	April 7, 1993
	August 3, 1983	February 26, 1997
	March 28, 1983	November 15, 2000
	September 25, 1985	December 13, 2000
	May 24, 1989	April 7, 2004
	June 12, 1991	May 11, 2005
	January 15, 1992	February 20, 2008

Bylaws of the Board

Board Members Protection

Liability Insurance

The County Board of Education directs the county Superintendent to make provisions in the budget for adequate liability insurance necessary to protect the corporate body of the County Board of Education, its members, its officers and its employees from any judgment as a result of suits alleging their liability in such matters as equal opportunity, improper discharge of employees, negligence, or other act resulting in accidental injury to any person or property damage in or out of County Office owned facilities while the above-named insured are acting in the discharge of their duties within the scope of their offices or employment and/or under the direction of the County Board.

Legal Reference: Education Code

33208 Liability Insurance

35214 Liability Insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)

Bylaw adopted  
by the Board: September 1, 1982

**CONFLICT OF INTEREST**

The Contra Costa Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the agency and the public. Accordingly, no Board member, agency employee, or other person in a designated position shall participate in the making of any decision for the agency when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

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

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

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

**Conflict of Interest under the Political Reform Act**

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a agency official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.9271(a)

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

### **Additional Requirements for Boards that Manage Public Investments**

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

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

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

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

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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

Board members, employees, or agency consultants shall not be financially interested in any contract made by the Board on behalf of the agency, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

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

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a agency employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

### **Common Law Doctrine Against Conflict of Interest**

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

### **Incompatible Offices and Activities**

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

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

### **Gifts**

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

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

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



Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

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

A gift of travel does not include travel provided by the agency for Board members and designated employees. (Government Code 89506)

#### Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

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

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

#### Legal Reference:

##### EDUCATION CODE

1006 Qualifications for holding office

35107 School agency employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school agencies

41015 Investments

##### FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

##### GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers  
1125-1129 Incompatible activities  
81000-91014 Political Reform Act of 1974, especially:  
82011 Code reviewing body  
82019 Definition, designated employee  
82028 Definition, gift  
82030 Definition, income  
82033 Definition, interest in real property  
82034 Definition, investment  
87100-87103.6 General prohibitions  
87200-87210 Disclosure  
87300-87313 Conflict of interest code  
87500 Statements of economic interests  
89501-89503 Honoraria and gifts  
89506 Ethics; travel  
91000-91014 Enforcement  
PENAL CODE  
85-88 Bribes  
REVENUE AND TAXATION CODE  
203 Taxable and exempt property - colleges  
CODE OF REGULATIONS, TITLE 2  
18110-18997 Regulations of the Fair Political Practices Commission, especially:  
18700-18707 General prohibitions  
18722-18740 Disclosure of interests  
18750.1-18756 Conflict of interest codes  
COURT DECISIONS  
McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)  
Davis v. Fresno Unified School Agency (2015) 237 Cal.App.4th 261  
Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469  
Thorpe v. Long Beach Community College Agency, (2000) 83 Cal.App.4th 655  
Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511  
ATTORNEY GENERAL OPINIONS  
92 Ops.Cal.Atty.Gen. 26 (2009)  
92 Ops.Cal.Atty.Gen. 19 (2009)  
89 Ops.Cal.Atty.Gen. 217 (2006)  
86 Ops.Cal.Atty.Gen. 138(2003)  
85 Ops.Cal.Atty.Gen. 60 (2002)  
82 Ops.Cal.Atty.Gen. 83 (1999)  
81 Ops.Cal.Atty.Gen. 327 (1998)  
80 Ops.Cal.Atty.Gen. 320 (1997)  
69 Ops.Cal.Atty.Gen. 255 (1986)  
68 Ops.Cal.Atty.Gen. 171 (1985)  
65 Ops.Cal.Atty.Gen. 606 (1982)  
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

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

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

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

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

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

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

WEB SITES

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

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

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

First Reading: October 18, 2017

Second Reading: December 6, 2017

Adoption: December 6, 2017

**CODE OF ETHICS**

A code of ethics is an expression of those personal ideals which should guide an individual's daily activities.

In all my actions as a School Board Member, my first commitment is to the well-being of our youth. My primary responsibility is to each student--regardless of race, creed, color, sex, or national origin.

I also have other major commitments to:

- The Community. I am responsible to all citizens of the County and not solely to those who elected me; nor to any organization of which I may be a member, or which may have supported my election.
- Individuals. I have a direct concern for every individual in the community. As an integral part of my duties, I represent the authority and responsibility of government. This represents the delegated authority of the majority and must be exercised with as much care and concern for the least influential as for the most influential member of the community.
- Employees. My actions as a board member may affect the capability of county employees to practice their trade or profession and should encourage their increasing competence and professional growth.
- Laws, Policies. I must be aware of, and comply with, the constitutions of State and nation, the Education Code of the State of California, other laws pertaining to public education, and the established policies of the County Office of Education.
- Decision Making. It is my obligation, under the law, to participate in decisions pertaining to education in the County. As an elected representative of the people, I can neither relinquish nor delegate this responsibility to any other individual or group.
- Individual Feelings and Philosophy. Like every other individual, I have something to contribute to society.

Understanding and acting upon the forgoing premises, I shall:

- Consider my position as a board member as a public trust and not use it for private advantage or personal gain.

Bylaws of the BoardCode of Ethics (continued)

- Be constantly aware that I have no legal authority except when I am acting as a member of the board. I shall present my concerns and concepts through the process of board debate and, if in the minority on any decision, I shall abide by and support the majority decision. When I am in the majority, I shall respect divergent opinions.
- Encourage ideas and opinions from the citizens of the county and endeavor to incorporate their views in the deliberations and decisions of the board.
- Devote sufficient time, thought, and study to proposed actions to be able to base my decisions upon all available facts and vote my honest convictions unswayed by partisan bias of any kind.
- Promote and participate actively in a concerted program of timely exchange of information with all citizens, parents, employees and students of the county.
- Recognize that the deliberations of the board in closed session are not mine to release or discuss. They may be released or discussed in public only with the approval of the board.
- Avail myself of opportunities for enlargement of my potential as a board member through participation in educational conferences, workshops, and training sessions made available by local, state, and national agencies.

Reference: Boardsmanship, California  
School boards Association, 1979  
Pages viii and ix

Bylaw adopted  
by the Board: September 1, 1982

Bylaws of the BoardMethods of Operation

The County Board of Education has the power to establish its own procedures. All actions of the county Board of education shall be taken only in official board meetings and will be in compliance with the Brown Act and Open Meeting Laws. The meetings shall be conducted according to the Board Bylaws and the statutes of the State of California.

## Legal Reference: Education Code

- 1011 Regular Meetings (County Board of Education)
- 1012 Special Meetings
- 1013 Quorum
- 1014 Majority Vote Required for teacher's Certificate, Adoption of Books or Apparatus
- 1015 Recording of Vote
- 1016 Permitted Proceedings at Special Meetings
- 1040 Duties of Boards
- 1041 Powers of Boards
- 1043 Powers of Boards

## Government Code

- 54950 et seq. Meetings (Public commissions, etc., including county boards of education).

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: September 13, 1989

**Bylaws of the Board**

**FORMULATION, ADOPTION, AMENDMENT OF POLICIES**

The following procedures shall guide policy development for the County Board:

1. The need for a policy statement or revision is identified by a Board member, the County Superintendent of Schools, or administrative staff.
2. A majority of the Board concurs with this need at a regular or special board meeting.
3. The Board president shall request that the County Superintendent of Schools develop a draft policy proposal.
4. The County Superintendent of Schools or his/her designee will submit a proposed or revised policy to the Board Policy Committee for study prior to review by the Board.
5. Based on the Board Policy Committee's recommendation, the proposed or revised policy shall be discussed and/or amended by the Board and may be adopted at either the initial or subsequent meeting by a majority vote of the Board.
6. Typographical errors or minor revisions that represent no significant or material change to a policy shall be submitted to the Board Policy Committee, which shall decide whether the changes warrant review and approval by the Board.
7. The action shall be recorded in the minutes of the County Board. Only those written statements so adopted and recorded shall be regarded as official policy.
8. Upon adoption by the Board, new or revised policies shall be placed on the official Website of the Contra Costa County Office of Education.

(See Policy 2231 regarding policy manual, role of Policy Committee and staff, and definition of policy.)

*Legal Reference:*

EDUCATION CODE  
*1040 Duties of Boards*

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended:      June 9, 1993                      September 15, 1999  
                         April 13, 1994                      June 22, 2011

**Bylaws of the Board**

**FORMULATION, ADOPTION, AMENDMENT OF BYLAWS**

The following procedures shall guide bylaw development for the County Board:

1. The need for a bylaw statement or revision is identified by a Board member, the County Superintendent of Schools, or administrative staff.
2. A majority of the Board concurs with this need at a regular or special board meeting.
3. The Board president may develop or may request that the County Superintendent of Schools develop a draft bylaw proposal.
4. The County Superintendent of Schools or his/her designee will submit a proposed or revised bylaw to the Board Policy Committee for study prior to review by the Board.
5. Based on the Board Policy Committee's recommendation, the proposed or revised bylaw shall be discussed and/or amended by the Board and may be adopted at either the initial or subsequent meeting by a majority vote of the Board.
6. Typographical errors or minor revisions that represent no significant or material change to a bylaw shall be submitted to the Board Policy Committee, which shall decide whether the changes warrant review and approval by the Board.
7. The action shall be recorded in the minutes of the County Board. Only those written bylaws so adopted and recorded shall be regarded as official bylaws.
8. Upon adoption by the Board, new or revised bylaws shall be placed on the official Website of the Contra Costa County Office of Education.

(See Policy 2231 regarding policy manual, staff, and definition of Bylaw.)

*Legal Reference:*

EDUCATION CODE  
*1040 Duties of Boards*

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended:      June 9, 1993                      June 22, 2011  
                    April 13, 1994  
                    September 15, 1999



**Bylaws of the Board**

**FORMULATION, ADOPTION, AMENDMENT OF ADMINISTRATIVE REGULATIONS**

The County Board of Education may adopt rules and regulations governing the administration of the Office of the County Superintendent of Schools. (Ed. Code 1042)

The County Superintendent of Schools shall develop administrative rules and regulations to implement the County Board policies. The Board reserves the right to review Administrative Regulations and to question and change any aspect of an Administrative Regulation that falls within the purview of the Board and that is inconsistent with the intent of the Board as expressed in official policy statements.

The Board will receive a final copy of the approved regulation.

(See Policy 2231 regarding policy manual, staff, and definition of Regulation.)

*Legal Reference: Education Code  
1042 Powers of Boards*

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: June 9, 1993  
April 13, 1994  
October 5, 2011

Bylaws of the BoardSuspension of Policies, Bylaws and Regulations

Policies, bylaws and regulations are subject to suspension for a specified purpose and limited time by majority vote of all members of the County Board of Education at a meeting in the call for which the proposed suspension has been described in writing.

The County Superintendent is authorized to suspend any policy, bylaw or regulation when advised by competent legal authority that such policy, bylaw or regulation is wholly or in part in conflict with the laws or regulations of a superior authority. The Superintendent may choose to suspend only that part which is in conflict if such action appears to be in the best interest of the County Office. The suspension shall be valid only until the Board's next regular or special meeting, when the Superintendent shall report the suspension and request that the Board suspend the policy, bylaw or regulation for a specified purpose and term. The Superintendent should also present to the Board for first reading a revised policy, bylaw or regulation which meets the requirements of law, unless the Superintendent's recommendation is that it be rescinded or revoked.

The County Superintendent may suspend any other regulation, for cause, until the next regular meeting of the Board.

(See Policy 2231 regarding policy manual, role of Policy Committee and staff, and definition of Policy.)

Legal Reference: Education Code  
1040 Duties of Boards

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: June 9, 1993

Bylaws of the BoardTime, Place and Notification for Regular Meetings

The County Board of Education shall hold regular meetings according to a schedule adopted by the Board at its annual organizational meetings. In no case will there be less than one regular meeting of the Board per month. If a regular meeting falls on a holiday, the meeting will be either rescheduled or cancelled at the pleasure of the Board. The schedule of meeting dates and times will be distributed annually.

Meetings, unless otherwise specified, shall be held in the Board Room at 77 Santa Barbara Road in Pleasant Hill.

Legal Reference: Education Code

1011 et seq. Meetings

Government Code

4950 et seq. Meetings

54954 Time and Place of Regular Meetings; Holidays; Emergencies

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: January 9, 1985  
August 12, 1987  
June 9, 1993  
September 15, 1999

Special Meetings

Special Meetings (Non emergency)

The President may call a special meeting whenever necessary. The President shall call a special meeting on the written request of any three Board members.

Special Meeting (Emergency)

In the case of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold a special meeting without complying with the 24-hour notice or 24-hour posting requirements of Government Code Section 54956. An emergency situation means any of the following:

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.

Each local newspaper of general circulation and radio or television station which has requested notice of special meetings shall be notified by telephone by the president of the Board or the Board's designee, no later than one hour prior to the special meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the Board or its designee shall notify such newspapers, radio stations, or television stations of the fact of the holding of the meeting and of any action taken by the Board, as soon after the meeting as possible.

No closed session may be held during an emergency special meeting. Except with respect to the above, all other rules governing non-emergency special meetings shall be observed.

The minutes of the meeting, a list of persons who the President notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

Legal Reference: Government Code  
54956 Special Meetings; call; notice

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: August 12, 1987  
June 9, 1993  
April 13, 1994

Bylaws of the BoardPublic and Closed SessionsPublic Meetings

All meetings of the County Board of Education shall be open to the public with the exception of closed sessions where the public may be excluded for certain purposes specified in law.

Closed Sessions

The purposes for which closed sessions may be held are:

1. When authorized under Education Code sections 35146, 48918(b), 48919, and 48920 to consider pupil matters such as suspension, expulsion, or disciplinary action, in connection with any pupil in the schools and programs of the County Office, or pupil matters that have been properly appealed to the Board.
2. To meet with a state conciliator or a mediator who has intervened in negotiations proceedings of the type referred to in Government Code 54957.
3. To consider security matters affecting the national security; to discuss with the Attorney General, district attorney, sheriff, or chief of police, or their deputies, matters posing a threat to the security of County School buildings or a threat to the public's right of access to County School services or facilities.
4. For any purpose authorized under the Ralph M. Brown Act in Government Code 54950 and seq.

Time and Place of Closed Sessions

1. The Board may adjourn a regular or special public meeting at any time and go into closed session after the public comment period and return to public session as soon as the closed session is over.
1. With the exception of closed sessions for negotiations purposes as authorized by Government Code Section 3549.1, the Board may only hold closed sessions during a regular or non-emergency special meeting. No closed session may be held during an emergency special meeting of the Board.

Bylaws of the BoardPublic and Closed Sessions (continued)Notice of Purpose for Closed Session

It shall be the practice of the County Board to state in the agenda of any regular or special meeting that a closed session is planned. The closed session agenda description will be in the form specified in Government Code section 54954.5. Upon a determination by a two-thirds vote of the Board that there is a need for an immediate action in closed session and that the need for the action came to the attention of the Board after the agenda was posted, the presiding officer shall publicly announce the reason for the closed session before holding the closed session. In the case of adjourned meetings, the closed session agenda description shall be part of the notice provided for the adjourned meeting.

Discussion and/or Actions by the County Board

1. Before conducting a noticed closed session, the Board will announce in Public session the items to be discussed. The disclosure will be made by a reference to the closed session agenda item number or letter.
2. The Board may take action in closed session on only those matters covered in the closed session agenda description.

Report of Action Taken in Closed Session

After taking action in closed session, the Board shall return to open session and, when required by Government Code section 54957.1, shall publicly report the action taken and the vote or abstention of every member present. Where Government Code section 54957.1 does not require an immediate report of action taken in closed session, the Board shall publicly report the action at the time required by that section.

Bylaws of the BoardPublic and Closed Sessions (continued)Minutes of Closed Sessions

1. The County Board shall annually, by resolution, designate a clerk or other officer or employee, who shall attend all closed sessions of the Board, and keep and enter in a minute book a record of all topics discussed and decisions made in each meeting.
2. The minute book is not a public record, and shall be available only to members of the County Board and the County Superintendent, or, if a violation of the Ralph M. Brown Act is charged, to a court of general jurisdiction over this county. The minute book of closed sessions is, by definition, a confidential record, and shall be kept in a locked file by the designated recorder.
3. The County Board does authorize the use of a recording device in place of a handwritten or typed minute book.

## Legal Reference: Education Code

35146 Closed Sessions (re student suspension)  
 48914(c) Rules Governing Expulsion Procedures, Hearings and Notice  
 49073 Release of Directory Information  
 49076 Access to Records by Persons Without Written Parental Consent

## Government Code

3543.2 Scope of Representation  
 3549.1 Proceedings Exempt From Public Meeting Provision  
 6250 et seq. California Public Records Act  
 54950 et seq. Declaration, intent; sovereignty

Bylaw adopted  
 by the Board: September 1, 1982

Bylaw  
 amended: August 12, 1987  
 May 11, 1994

Construction of Agenda

The County Superintendent, as secretary to the County Board, shall prepare the agenda for each regular meeting in cooperation with the president of the Board. Any County Board member may call the Superintendent and request any item to be placed on the agenda no later than 5 days prior to the legally required public posting of the agenda.

Any member of the public may request that a matter directly related to County Office business be placed on the agenda of a regularly scheduled meeting of the County Board, subject to the following conditions:

1. The request must be in writing and be submitted to the County Superintendent together with supporting documents and information, if any, at least five business days prior to the legally required public posting of the agenda.
2. The Superintendent and Board President shall be the judge of whether the request is or is not a matter directly related to County Office business.
3. No subject which is legally a proper topic for consideration in closed session will be accepted under this provision.
4. The County Board may place reasonable limitations on the total time to be devoted to the subject at any meeting and may reasonably limit the time allowed for any one person to speak on the matter at that meeting.

This provision does not prevent the Board from taking testimony at regular meetings on matters which are not on the agenda which a member of the public may wish to bring before the Board.

Legal Reference: Education Code  
35145(b) Public Meetings  
54145.5 Right of Public to Place Matters Directly Related to School  
District Business on Agenda  
Government Code  
54950 et seq. Meetings

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: August 12, 1987  
September 13, 1989  
April 13, 1994



Advance Delivery of Meeting Materials and Posting of Agenda

A copy of the agenda for each regular meeting of the County Board of Education shall be forwarded to each Board member not less than seventy-two (72) hours before the meeting, together with minutes to be approved, issue sheets relating to items listed on the agenda, any reports and/or correspondence from the County Superintendent, committees, staff, citizens, and others, and such other documents and exhibits which are available and pertinent to the meeting.

Board members shall become familiar with the agenda and support materials prior to the meeting and shall obtain any additional information that may be necessary to make well-informed decisions.

The County Superintendent and the Board President are directed to make every effort to get support materials and agenda for special meetings to the Board members at the earliest possible time after the meetings are called, and except in emergency situations as permitted in law, at least twenty-four hours prior to the time the meetings are called.

The County Superintendent shall make provisions for delivery of the agenda and support documents to each Board member, either by mail when time permits or, preferably, hand delivery to the home or place of business of the board member.

Posting of Agenda

At least 72 hours before a regular meeting, the Secretary to the Board (or designee) shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. The agenda shall specify the time and location of the regular meeting and shall be posted at the first- and second-floor entrances of the Ronald L. Stewart Center, Contra Costa County Office of Education.

(cf. 9320 - Meetings)  
(cf. 9321 - Time, Place, Notification of Meetings)  
(cf. 9323 - Construction of Agenda)

Legal Reference: Education Code

35144 Special Meetings  
35145 Public Meetings

Government Code

54956.5 Special Meetings, Emergencies

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: August 12, 1987  
September 15, 1999

Meeting Conduct

Meetings of the County Board of Education shall be conducted by the president in a manner consistent with the adopted Bylaws of the Board.

All Board meetings shall commence at the stated time and shall be guided by an agenda which will have been prepared and delivered in advance to all Board members and other designated persons.

The conduct of the meetings shall, to the fullest possible extent, enable members of the Board to consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems, and also to receive, consider, and take any needed action with respect to reports of accomplishments of staff, students, and County Office operations.

Provisions for permitting any individual or group to address the Board concerning any item on the agenda at a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the County Board shall be as follows:

1. At the appropriate time the president will recognize the individual or group. The president may limit each speaker to three minutes and/or set a limit of twenty minutes for all speakers on any one subject.
2. No boisterous conduct shall be permitted at any County Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the chair, of that person's privilege of address. If necessary, the Board President may direct that the person be escorted from the premises by a security guard or staff member.

"Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars." (Education Code Section 32210)

3. All charges or complaints against employees shall be submitted to the County Superintendent under provision of Regulation 1312.1.

Legal Reference: Education Code

1040-1042	Powers and Duties of County Boards of Education
32210	Willful Disturbance of Public School Meeting
44811	Upbraiding, Insulting, and Abusing Teachers
44812	Insulting and Abusing Teachers

Government Code

54950 et seq.	Meetings, especially
54957.9	Willful Interruption of Public meeting; Clearing of Room

Bylaw adopted  
by the Board: September 1, 1982

Bylaw amended: August 12, 1987  
April 13, 1994  
September 15, 1999

## **Bylaws of the Board**

### **QUORUM**

A majority of the members of the County Board of Education shall constitute a quorum. Affirmative votes by a majority of the County Board members present are required to approve any action item under consideration unless otherwise provided by law.

Except as otherwise required by law, in the event a quorum (three) is present, the affirmative vote of two Board members is required to approve the action item.

If a quorum is not present after 30 minutes, the members present may adjourn the meeting to another date and time, and if no members are present, the secretary may adjourn the meeting to another place and time.

#### *Legal Reference:* EDUCATION CODE

- 1013 Quorum (of County Board of Education)*
- 5094 Power of President of County Board to Appoint Members of Board Are Appointed or Elected (when majority of offices are vacant)*
- 5095 Power of Remaining Board Members and New Appointees*
- 35163 Official Actions, Minutes and Journal*
- 35165 Effect of Vacancies Upon Majority and Unanimous Vote by 7 Member Board*
- 39430-39432; 39500-39503; 39648 Resolutions Which Require Unanimous Vote of Board*

#### GOVERNMENT CODE

- 54952.6 Action Taken, Definition (requires a majority of members to act)*
- 54953 Teleconferencing*
- 54955 Adjournment; Adjourned Meetings*

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: December 5, 2012

Order of Business

Regular Business Meeting

The County Board's business will be transacted in regular meeting in the order outlined below:

1. Call to Order
2. Opening Procedures
  - 2.1 Pledge of Allegiance
  - 2.2 Roll Call
  - 2.3 Agenda Review and Adoption
3. Public Comment
  - 3.1 Items on the Agenda
  - 3.2 Items of Interest to the Public
4. Closed Session (if needed)  
Reconvene Open Session
5. Recognitions
6. Public Hearings and Appeals
7. Administrative Items - Action and/or Information
  - 7.1 Superintendent
  - 7.2 Business Services
  - 7.3 Student Programs and Services
  - 7.4 Curriculum and Instruction
  - 7.5 Human Resources
  - 7.6 Communications Department
  - 7.7 Board
    - 7.7.1 Legislative Update
8. Consent Actions
9. Correspondence/Events Calendar
10. Board Reports of Activities

Closed Session (if needed)  
Reconvene Open Session

11. Adjournment

Please refer to Bylaw 9323 regarding construction of the agenda.

Bylaw adopted  
by the Board: September 1, 1982

Bylaw amended:	May 4, 1983	September 10, 1997
	February 8, 1984	January 28, 1998
	February 25, 1987	October 28, 1998
	September 13, 1989	April 5, 2000
	November 14, 1990	
	April 13, 1994	
	May 24, 1995	
	September 27, 1995	
	December 11, 1996	

Parliamentary Procedure

Except as otherwise provided in the Bylaws of the County Board of Education or by specific legal requirements, the County Board shall conduct all its meetings in accordance with Robert's Rules of order, Revised, latest edition.

Legal Reference: Education Code

1040 Duty of County Board to Adopt Rules for its Own Governance

Bylaw adopted  
by the Board: September 1, 1982

Actions by the Board

It is the intention of the legislature of the State of California that actions of public bodies be taken openly and that their deliberations be conducted openly. (Government Code Section 54950)

This County Board of Education, therefore, shall take no action outside of a regular or special public meeting of the Board, except on those subjects and under those conditions described for closed sessions in Sections 54957 through 54957.6 of the Government Code.

An action taken, as used, means a collective decision made by a majority of the members of the County Board, or a collective commitment by a majority of the members to make a positive or negative decision, or an actual vote by a majority of the members when sitting as the County Board, upon a motion, proposal or resolution. (Government Code Section 54952.6)

No action will be taken on any subject unless that subject was listed in the agenda published for that meeting, except that in place of an agenda, the notice or a call for a special meeting shall specify the business to be transacted.

The County Board shall not adopt a resolution except where such adoption is required by law, or where the intent of the Board is to publish a status position of the Board, as in advising the legislature of the Board's attitude on a proposed law, or in commending staff members or other agencies for work well done.

All actions taken by the Board shall be clearly identified in the minutes of the Board meeting, as required in Education Code Section 35145(a).

A roll call vote of all members present shall be taken whenever the vote is not unanimous and whenever any member calls for a roll call vote. The yeas and nays shall be recorded in the minutes on every roll call vote.

Legal Reference: Education Code

- 1015 Roll Call Vote on Call or Any Member
- 35144 Special Meeting
- 35145 Public Meeting
- 35246 Closed Sessions
- 35164 Major Vote on All Members Constituting Board for Board Action

Government Code

- 54952.6 Action Taken
- 54956 Special Meetings; Call; Notice
- 54057. Subsequent Public Report and Roll Call Vote, Employee Matters in Closed Session
- 54957 Closed Sessions; Clerk; Minute Book

Bylaw adopted  
by the Board: September 1, 1982

Minutes

The Secretary of the County Board shall keep minutes of all regular and special meetings of the County Board. The secretary shall also keep a minute book for each closed session of the Board apart from the minutes of the regular and special meetings, and the minute book is declared to not be a public record under Government Code Section 54957.2. The official minutes of the regular and special meetings and the policy manual are "backed up" on a data-storage tape and then stored offsite at a fireproof storage facility. The minute book for closed sessions shall be kept in a fire-resistant, locked filing cabinet.

Recording Devices

The secretary shall make a video or audio tape recording of all meetings of the County Board. Such recordings shall be retained for 30 days and shall be available to the public for auditing on an agency recorder without charge; all recordings, tapes, and discs shall be kept in fire-resistant, locked cabinets. In the case of recordings of hearings for student expulsion appeals, such recordings shall be retained for three years in fire-resistant, locked cabinets. The recording device shall be placed in plain view of the persons present, so far as possible. Recordings made during regular or special meetings of the Board are deemed public records, but any recordings of closed sessions are declared to not be a public record, and these shall be kept under separate lock and key.

Recording of Votes

Motions or resolutions shall be recorded as having passed or failed, and individual votes will be recorded unless the action was unanimous. All Board and joint resolutions shall be numbered for each fiscal year beginning July 1.

Maintaining the Minutes

The County Board minutes shall be maintained as outlined below:

1. Content - County Board Procedure
  - a. The date, place and type of each meeting
  - b. Members present and members absent by name
  - c. Call to order and pledge of Allegiance to the Flag of the United States of America
  - d. Arrival of tardy members by name
  - e. Departure of members by name before adjournment or if absence takes place when any County Board agenda items are acted upon
  - f. Date and place of next meeting
  - g. Adjournment of the meeting

Minutes (continued)

Maintaining the Minutes (continued)

- h. Record of written notice of special meetings
  - i. Record of items of business to be considered at special meetings
2. Content - County Board Actions
- a. Approval or amended approval of the minutes of preceding meetings
  - b. Complete information as to each subject of the County Board's deliberation
  - c. Complete information as to each subject including the roll call record
  - d. All County Board resolutions in complete context numbered serially for each fiscal year
  - e. A record of all contracts entered into
  - f. Adoption of the annual budget or amendments to the budget
  - g. A record of all important correspondence
  - h. A record of the Superintendent's reports to the County Board
  - i. Adoption of all policies, board-adopted regulations and bylaws
  - j. A record of all delegations appearing before the County Board
  - k. Adoption of the annual school calendar

Legal Reference: 1040	Duties of Boards
1240	General Duties
35145(a)	Public Meetings
35163	Official Actions, Minutes and Journals
35164	Vote Requirements
	Penal Code
632	Unlawful to Intentionally Record a Confidential Communication Without Consent of All Parties to the Communication
	Government Code
54957.2	Closed Sessions; Clerk; Minute Book

Bylaw adopted  
by the Board: September 1, 1982

Bylaw  
amended: September 13, 1989  
October 6, 1999



Board/County Office Records

The approved budget, statistical compilations, reports, notices, bulletings, memoranda, minutes of meetings and official communications between governmental branches are public records, and access thereto during normal hours of business may be granted to any citizen. When access to school records is granted, examination thereof will be made in the presence of the records custodian regularly responsible for maintenance of files.

Not included in the category of records to which the privilege of access is given are the following:

1. Personnel records
2. Pupil records
3. Personal correspondence
4. Minutes of closed sessions of the County Board

(cf. 111.1 School Directory)

(cf. 1340 Access to County Office Procedures and Materials)

(cf. 5125/5125.1 Student Records; Confidentiality)

Legal reference: Education Code  
1040 County Boards to Keep a Record of Their Proceedings  
1240 County Superintendent's Duty to keep Certain Records  
35145 Public Meetings  
35250 Duty of Clerk or Superintendent to keep Certain Records  
49060-94078 Pupil Records

Government Code  
6252-6260 Inspection of Public Records

Bylaw adopted  
by the Board: September 1, 1982

Membership in Associations

The County Board of Education shall ordinarily hold membership and attend meetings of such local, state, regional, and national school board associations as may exist, and shall look upon such memberships as opportunities for inservice training.

(cf. 1500 Relations Between Area, State, Regional and national Associations and the Schools)

Legal Reference: Education Code

- 1095 Membership in Associations
- 1096 Allowable Expenses for Attendance at Organizational Meetings

Bylaw adopted  
by the Board: September 1, 1982

Evaluation of County Office and County Board Operations

The County Board of Education believes that in order for it to know how well the County Office is progressing toward its several goals and objectives it needs regular and comprehensive information. The County Superintendent is expected to develop procedures for gathering and presenting data needed by the Board

The County Board will regularly review Board policies and bylaws and administrative regulations of the County Superintendent to ensure accurate reflections of the community for the County Office and to encourage soundly based improvement in the County Office programs and services.

Bylaw adopted  
by the Board: September 1, 1982

County Board Elections

County Board elections shall be conducted in accordance with the Elections Code and the Education Code of the State of California.

- Legal Reference:      Education Code
- 1007 Elections, Forms, Time, Term of Office (of County Board members) as for Governing Boards
  - 1008 Vacancies (to be filled according to Education Code Section 5090 et seq.)
  - 5000-5033 Election of Governing Board Members
  - 5300-5305 General Provisions (conduct of elections)
  - 5320-5329 Order and Call of Elections
  - 5340-5345 Consolidation of Elections
  - 5360-5366 Election Notice
  - 5380 Compensation of Election Officer
  - 5390-5393 Voters
  - 5400 Voting Booths
  - 5401 Ballot Requirements
  - 5420-5426 Cost of Elections
  - 5440-5444 Miscellaneous Provisions (returns, recounts, etc.)
  - 5450-5458 ballot Arguments
  - 35107 Eligibility
  - 35177 Limitations on Campaign Expenditures and Contributors

Bylaw adopted  
by the Board: September 1, 1982

Candidate's Statement of Qualifications

Payment of Candidate's Statement

Each candidate for election to the Contra Costa County Board of Education may prepare a candidate's statement of qualifications. The statement shall not exceed 200 words.

The actual prorated costs of printing, handling and translating candidate's statements shall be charged to each candidate for cost of up to \$100.00. The agency shall pay for cost exceeding \$100.00.

No additional materials shall be sent on behalf of the candidate with the sample ballot and voters pamphlet.

Legal Reference: Election Code  
10012

Bylaw adopted  
by the Board: September 1, 1982

Calendar Covering School District Board Elections

The following calendar is abstracted from the Elections Code and the Education Code. See Note on section 9512(b).

---

Number of Days PRIOR to Elections	Action to be Taken
--------------------------------------	--------------------

---

98 days	Delivery of resolution to County Superintendent form County Board, specifying date and purpose of election. May be delivered with order of election but not later than 98 days prior to election. (Ed. Code 5322)
---------	---

110-70 days	Publication by County Clerk through a general press release of information regarding district election. (Ed. Code 5326)
-------------	---

89-68 days (63)	<p><u>Nominating Period Open:</u> The name of any registered voter shall be placed on the ballot, if there is filed with the County Clerk having jurisdiction, a declaration of candidacy substantially in the form set forth in Education Code Section 5032 (1), filed out and bearing the signature of the voter whose name is to appear on the ballot. (Ed. Code 5012)</p>
--------------------	---

If the incumbent fails to file by 5:00 p.m. on the 68th day before the election, voters shall have until 5:00 p.m. on the 63rd day before an election to nominate candidates other than the incumbent. (Ed. Code 5012.5)

78-71 days (63)	<p><u>Notice of Insufficient Nominees:</u> The County Clerk shall publish a notice once in a newspaper of general circulation in the district that at the time of submission to the paper there were no, or only one, nominations for board member, or fewer nominations than there are positions open, and that if by the 63rd day before the election no petition is received asking for a school district election, the governing board may appoint qualified members as provided in Education Code 5328. (Ed. Code 5326, 5327)</p>
--------------------	--

95 days	Last date for County Superintendent of Schools to deliver formal notice of election and order of election to County Clerk or Registrar of Voters. (Ed Code 5323, 5324)
---------	--

68 days	<u>Withdrawal of Candidates:</u> Last date for any candidate to withdraw as a candidate (Ed. Code 5012)
---------	---

Calendar Covering School District Board Elections (continued)

Number of Days	PRIOR to Elections	Action to be Taken
63 even year 62 odd year	Drawing of "Randomized Alphabet":	Secretary of State drawing to determine order of candidates' names on election ballot. (Elections code 10217)
63 days	<u>Insufficient Nominations:</u>	If on this date only one or no candidate has been nominated for an elective position, or the number of candidates does not exceed the number of positions to be filled (if members are elected at large), no election shall be held, and the qualified person or persons nominated shall be seated at the organizational meeting of the board. If no person has been nominated, the governing board shall appoint a qualified person or persons to the board at a meeting prior to the day fixed for the elections and the appointees shall be seated at the organizational meeting of the board as if elected at a district election. however, if on or before the 63rd day before the election a petition is presented signed by 10% of the voters or by 100 voters, whichever is smaller, requesting the election, it shall be held. (Ed. Code 5326, 5327, 5328)
29 days	<u>Close of Registration:</u>	Last day to change registration to be effective for election. (Elections Code 305)
29-7 days	<u>Absent Voter Application:</u>	First and last dates. Application received by registrar 60 days prior to election will be held and processed 30 days prior to election (first day absentee ballots available). (Elections Code 1002 et seq., 1017)
14 days	<u>Declaration of Write-in Candidacy, Last Day:</u>	No later than this day, any qualified person desiring to be a write-in candidate must file no later than 14 days prior to election a "declaration of candidacy" with the registrar to cause write-in votes for such person to be tallied. (Elections Code 17101, 57)
0 days	<u>Election Day:</u>	Polls open from 7:00 a.m. until 8:00 p.m.
Note:	The foregoing is an abbreviated and incomplete statement of the applicable laws. Should an issue arise concerning any of the divisions of the above calendar, go directly to the Elections Code or Education Code references for a definite statement, or contact the Superintendent's Office.	

Bylaw adopted  
by the Board: September 1, 1982

Tie Votes in Board Member Elections

In the event that election for any Board of Education Trustee Area results in a tie vote, the election shall be determined by lot. (Elections Code 1012)

Legal Reference    Education Code  
                                 5016    Selection in Case of Tie Vote

                                 Election Code  
                                 1012

Bylaw adopted  
by the Board: July 11, 1979



**Bylaws of the Board**

**COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

The County Board of Education acts as the County Committee on School District Organization. Where no legal provisions exist as to the governance of the County Committee on School District Reorganization, it will be governed by existing bylaws applicable to the County Board of Education.

Legal Reference: Education Code

- 4320 Upon Petition state board may order transfer of duties
- 4321 County Board succeeds to duties of County Committee

Bylaw adopted  
by the Board: June 24, 1987

**COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

**Rules Regarding Petitions to Change School District Organization**

The County Committee can require the following of any governing board or citizen initiating a petition to change school district organization:

1. Preparation and provision of all studies, reports or other materials required to comply with Education Code Section 35707 pertaining to school finance, school facility, racial and ethnic student distribution and/or educational programs.
2. Preparation and provision of maps, legal descriptions or other materials required to record any school district boundary change with the County and state agencies.
3. All costs to comply with Nos. 1 and 2.

The County Committee will provide written notice to the governing board or citizen initiating a petition outlining the specific studies, reports, maps, legal descriptions, and/or other documents it requires.

In the event that a California Environmental Quality Act (CEQA) study is required, the County Committee will perform the study. However, the governing board or citizen initiating the petition will be required to fund the County Committee in advance to perform the study.

Legal References: Cal. Code Regs. Title 14, Section 15051  
Public Resources Code Section 21089  
Education Code 35709 Order; Notification

Bylaw adopted  
by the Board: October 9, 1991

Bylaw amended  
by the Board: July 16, 2014

Master Plan for School District Organization

The County Committee on School District Organization has adopted a Master Plan on School District Organization as provided by provision of the California Education Code. The master Plan for school district organization provides that all county residents under the jurisdiction of the County Office of Education will eventually be served by a unified school district

The Board of Education endorses the Master Plan for School District Organization adopted by the County Committee.

Bylaw adopted  
by the Board: April 24, 1985

**Bylaws of the Board**

**COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

**Transfer of Territory Evaluation Policy**

When the County Board of Education acts as the County Committee on School District Organization, it will evaluate proposals for reorganization to assure that the following conditions are substantially met:

1. The proposed reorganization will not adversely affect the school district organization of the County.
2. The proposed reorganization will be compatible with the master plans submitted by the County Committee and approved by the State Board of Education.
3. The new districts will be adequate in terms of number of pupils enrolled.
4. The districts are each organized on the basis of a substantial community identity.
5. The proposal will result in an equitable division of property and facilities of the original district or districts.
6. The reorganization of the districts will not promote racial or ethnic discrimination or segregation.
7. The proposed reorganization will not result in any substantial increase in costs to the state.
8. The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue or promote sound education performance in those districts.
9. The proposed reorganization will not result in a significant increase in school facilities costs.
10. The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district.
11. The proposed reorganization will not negatively affect the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.
12. Any other criteria as the board may, by regulation, prescribe.

**Bylaws of the Board**

**COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION**

**Transfer of Territory Evaluation Policy**

Legal Reference: Education Code

35707 Transmittal of petition

35753 Approval by the State Board of Education; Conditions

Bylaw adopted

by the Board: January 20, 1982

Bylaw

amended: September 13, 1989

October 9, 1991

Transfer of Territory

School Closure Awareness

Interdistrict coordination is necessary to thoroughly examine alternative approaches to recognize declining student enrollments. The transfer of territory between school districts should be considered as a means to resolve declining enrollment problems with the least disruption to the affected districts and students.

County Superintendent's staff is instructed to be alert to potential school closures near the boundaries of school districts within the county in order to:

1. Alert such district to the availability of territory transfers as a tool in dealing with student enrollment changes.
2. Offer the assistance of staff and the County Committee should a territory transfer appear desirable to the district(s) affected.

Bylaw adopted  
by the Board: January 20, 1982