

ROLE OF THE COUNTY BOARD OF EDUCATION**Source of Authority**

The Santa Clara County Board of Education (“County Board”) is the governing board for the Santa Clara County Office of Education (“SCCOE”). The County Board exists and derives its authority from the Constitution of the State of California, laws of the state of California, and rules and regulations promulgated by the State Board of Education.

The County Board provides leadership and citizen input for schools, programs, and services operated by the SCCOE, including those services provided to school districts and the community. The County Board also provides leadership in educational issues on behalf of the SCCOE, and advocates on behalf of students and public education at the local, state and federal levels.

The County Board shall ensure that the SCCOE is responsive to the values, beliefs, and priorities of the community and shall work in partnership with the County Superintendent of Schools (“County Superintendent”) to implement the vision, goals, and policies of the SCCOE.

Primary Duties of the County Board of Education

1. Adopt, evaluate, and update policies consistent with the laws of California and the County Board’s vision and goals
2. Keep a record of its own proceedings
3. Approve the annual budget and review interim reports of the County Superintendent
4. Review, as a scheduled agenda item at a regularly scheduled public meeting, the report of the annual audit provided for by the County Superintendent
5. Conduct appeal hearings for student expulsions
6. Conduct inter-district attendance appeals
7. Conduct hearings and appeals for petitions to establish charter schools
8. Provide management and oversight for any charter school whose petition is approved by the SCCOE
9. Provide for the administration and operation, adopt a course of study, evaluate the programming, and adopt a calendar of operation for juvenile court schools.
10. Approve the curriculum and maintain accountability for student learning in schools and programs operated by the SCCOE.
11. By order of the State Board of Education, serve as the Santa Clara County Committee on school district organization.
12. Appoint the County Superintendent
13. Perform other duties as prescribed by state law or regulation

Primary Powers of the County Board of Education

1. Adopt and use an official seal in authentication of its acts
2. Have such printing done as may be necessary

The County Board of Education May:

1. Adopt rules and regulations governing the administration of the office of the County Superintendent.
2. Review and approve the County Superintendent's annual itemized estimate of anticipated revenue and expenditures.
3. Acquire, lease, lease-purchase, hold and convey real property for the purposes of housing the offices and services of the SCCOE.
4. Contract with and employ any persons for the furnishing to the County Board of special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.
5. Fill by appointment any vacancy that occurs during the elected term of a member of the County Board.
6. Approve the salary of the County Superintendent.
7. Appoint subcommittees to support the County Board in carrying out its duties and responsibilities.
8. Establish, maintain, and adopt a course of study for one or more community schools
9. Approve County superintendent's request for any salary or bonus increase of \$10,000 or more for a certificated employee.
10. Approve County Superintendent's request for any increase a certificated employee's retirement benefits.

The County Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

Other statutory duties and powers of the County Board are addressed elsewhere in County Board bylaws and policies.

ROLE OF THE BOARD (continued)

Legal Reference CONSTITUTION OF THE STATE OF CALIFORNIA
Cal. Const. art. IX, sects. 3.1(b) & 7.

EDUCATION CODE

1040 Duties and responsibilities; county boards of education

1042 County boards; authority

1980 et seq. County community schools

33319.5 Implementation of authority of local agencies

35160 Authority of county boards

46601 Interdistrict transfers

47600-47616.5 Charter Schools Act of 1992, as amended

47605 Charter school petitions

47607 Granting charters

48645.2-48645.3 Juvenile court schools

48922 County board review

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards for County Boards, September 2001

Maximizing School Board Leadership, 1996 WEB SITES CSBA: <http://www.csba.org>

GOVERNANCE STANDARDS

The Santa Clara County Board of Education (“County Board”) believes that its primary responsibility is to act in the best interests of every student in every school or program operated by the Santa Clara County Office of Education (“SCCOE”). The County Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the SCCOE.

County Board members 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 the SCCOE focused on learning and achievement for all students and on its role in providing services to school districts and the community.

2. Communicate a common vision

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for SCCOE)

3. Operate openly, with trust and integrity

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

5. Govern within County Board-adopted policies and procedures

(cf. 9310 - Board Policies)

6. Take collective responsibility for the County Board's performance

7. Periodically evaluate its own effectiveness

(cf. 9400 - Board Self-Evaluation)

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

9. Work in partnership with the County Superintendent of Schools

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

Legal Reference: (see next page)

GOVERNANCE STANDARDS (continued)

Legal References:

EDUCATION CODE

1040 Duties and responsibilities: county boards of education

1042 County boards; authority

33319.5 Implementation of authority of local agencies

35160 Board authority to act in any manner not conflicting with law

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards for County Boards, September, 2001

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

PUBLIC STATEMENTS**Statements During County Board Meetings**

The Santa Clara County Board of Education (“County Board”) recognizes the rights of County Board members to freely express their views and encourages open discussion of issues during County Board meetings. The County Board believes that effective County Board members have a responsibility to express themselves, whether in agreement or disagreement with the County Board majority, in ways that promote the County Board's ability to effectively govern the Santa Clara County Office of Education (“SCCOE”).

Before voting on any issue, all County Board members shall be encouraged to present whatever information or opinions they may feel is important to the matter at hand. The County Board shall fully consider all information and opinions so presented, so that each member may understand all aspects of the issue before the County Board makes its decision.

Statements Outside of County Board Meetings

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

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 Santa Clara County Superintendent of Schools or other designated representative, at the direction of the County Board President. No individual County Board member shall make public statements or direct staff to promulgate any statement on behalf of the County Board through publications, electronic media, or other means that contravene the policies or actions of the County Board or that jeopardize the ability of the County Board to act effectively.

This policy in no way prohibits a County Board member, when not in attendance at a County Board meeting, from answering inquiries or questions from members of the public relating to County Board or SCCOE business, provided that the County Board member clarifies that he or she is expressing his or her own opinion or analysis and not that of the County Board unless such opinion or analysis is on record by the County Board.

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

(cf. 9200 - Limits of Board Member Authority)

Legal Reference: (see next page)

PUBLIC STATEMENTS (continued)

Legal Reference:

EDUCATION CODE

1040 Duties and responsibilities; county boards of education

GOVERNMENT CODE

54960 Actions to stop or prevent violation of meeting provisions

Board Bylaws

BB 9011(a)

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The Santa Clara County Board of Education (“County Board”) recognizes the importance of maintaining the confidentiality of information acquired as part of a County Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9010 - Public Statements)

OPTIONAL PROVISIONS:

Disclosure of Closed Session Information

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

Confidential information means a communication made in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session. (Government Code 54963)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of County Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

This policy is not intended to prohibit the reporting out of information about the purpose and subject(s) of the closed session as required for public information pursuant to Government Code 54957.7

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION (continued)

Other Disclosures

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

BB 9011(b)

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

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

Violations and Related Penalties

A Board member who attends a meeting where action is taken in violation of the Brown Act, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor. (Government Code 54959)

Legal Reference: (see next page)

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION (continued)

Legal References:

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957 Closed session; "employee" defined; exclusion of witnesses

54957.1 Subsequent public report and rollcall vote; employee matters in closed session

54957.5 Public records

54957.6 Closed session; representatives with employee organization

54957.7 Reasons for closed session

54959 Violations and Related Penalties

54963 Confidential information in closed session

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 231 (1997)

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards, November 2000

Maximizing School Board Leadership, 1996

WEB SITES

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

BOARD MEMBER ELECTRONIC COMMUNICATIONS

The Santa Clara County Board of Education (“County Board”) recognizes that electronic communication among County Board members and between County Board members, Santa Clara County Office of Education (“SCCOE”) administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the SCCOE and its schools. County Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the County Board to deliberate outside of an agenda County Board meeting. County Board members shall also bear in mind that email messages and other forms of electronic communication may be subject to disclosure pursuant to the California Public Records Act.

(cf. 1100 - Communication with the Public)

(cf. 6020 - Parent Involvement)

(cf. 9000 - Role of the Board)

(cf. 9322 - Agenda/Meeting Materials)

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

(cf. 9320 - Meetings and Notices)

Examples of permissible electronic communications concerning SCCOE business include, but are not limited to, dissemination of County Board meeting agendas and agenda packets, reports of activities from the Santa Clara County Superintendent of Schools (“County Superintendent”), and reminders regarding meeting times, dates, and places.

County Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A County Board member may respond, as appropriate, to an electronic communication received from a member of the community and as appropriate, shall make clear that his or her response does not necessarily reflect the opinion or analysis of the County Board as a whole.

As appropriate, any complaint or request for information should be forwarded to the County Superintendent in accordance with established protocols so that the issue may receive proper consideration and be handled through the appropriate SCCOE process. As appropriate, communication received from the press or other media shall be forwarded to the designated SCCOE spokesperson.

(cf. 1112 - Media Relations)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

BB 9012(a)

BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)

(cf. 3320 - Claims and Actions Against the District)
(cf. 9005 - Governance Standards)
(cf. 9121 - Board President)
(cf. 9200 - Limits of Board Member Authority)
(cf. 9270 - Conflict of Interest)

BB 9012(b)

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

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

County Board members may use electronic communications to discuss matters other than SCCOE business with each other, regardless of the number of members participating in the discussion.

Like other writings concerning SCCOE business, a County Board member's electronic communications may be subject to disclosure under the California Public Records Act.

(cf. 1340 - Access to District Records)

Legal Reference: (see next page)

BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)

Legal Reference:

GOVERNMENT CODE

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*

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. 2007

WEB SITES

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

CSBA, Agenda Online: <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

ORGANIZATION

Annual Organizational Meeting

Within the time limits prescribed by law, the Santa Clara County Board of Education (“County Board”) shall hold an annual organizational meeting at the first meeting on or after the last Friday in November. (Education Code 1007, 1009)

At this meeting the County Board shall:

1. Elect a President and a Vice-President from its members
2. Authorize signatures
3. Develop a schedule of regular County Board meetings for the year
4. Develop a County Board calendar for the year
5. Elect or appoint County Board representatives to joint powers agencies or other agencies or groups to which the County Board is a member or desires regular representation.

The outgoing President of the County Board, if present, shall preside at the election of the new President; the newly-elected President shall then preside at the election of the Vice-President and the remainder of the meeting. If the outgoing President is not present, the outgoing Vice-President shall preside. In case neither the President or Vice-President is present, the members of the County Board shall elect a president *pro tempore* to conduct the election of officers.

The County Superintendent is the *ex officio* Secretary and Executive Officer of the County Board. (Education Code 1010)

(cf. 9140 - Board Representatives)

(cf. 9320 - Meetings and Notices)

The County Board shall each year elect its entire slate of officers.

No County Board member shall serve more than one consecutive year in the same office.

(cf. 9224 - Oath or Affirmation)

Legal References: (see next page)

Legal References:

EDUCATION CODE

1007 Elections, forms, time, terms of office, exception

1009 Annual organization of board

1010 Ex officio secretary

GOVERNMENT CODE

54953 Meetings to be open and public; attendance

ATTORNEY GENERAL OPINIONS

68 Ops.Cal.Atty.Gen. 65 (1985)

59 Ops.Cal.Atty.Gen. 619, 621-622 (1976)

TERMS OF OFFICE

The Santa Clara County Board of Education (“County Board”) shall consist of seven members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each even-numbered year. (Education Code 1009)

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

The term of office for each member of the County Board shall be four (4) years, commencing on the last Friday in November next succeeding their election. (Education Code 1007)

Prior to entering upon the duties of their office, all County Board members shall take the oath or affirmation required by law. A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1303, 1360)

- (cf. 9220 - Governing Board Elections)*
- (cf. 9223 - Filling Vacancies)*
- (cf. 9224 - Oath or Affirmation)*
- (cf. 9250 - Remuneration, Reimbursement, and Other Benefits)*

Legal Reference:

EDUCATION CODE

1000-1017 Election, jurisdiction, organization, procedure

GOVERNMENT CODE

1302 Continuance in office until qualification of successor

1303 Exercising functions of office without having qualified

1360 Necessity of taking constitutional oath

CONSTITUTION OF STATE OF CALIFORNIA

Cal. Const. Art. XX, sect.3 Oath of office

PRESIDENT

Election of President

The Santa Clara County Board of Education (“County Board”) shall organize annually by electing one of its members President of the County Board. (Education Code 1009)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9100 - Organization)

Preside at Meetings

The President shall preside at all County Board meetings and enforce the customary rules of order. As presiding officer, the President shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the County Board in its proper order
3. Enforce the County Board's policy relating to the order of business and 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 state clearly the results of the vote
9. Make required disclosures before and after closed sessions of the County Board

(cf. 9323 - Meeting Conduct)

The President shall have all the rights of any member of the County Board, including the right to move, second, discuss, and vote on all questions before the County Board.

Other Duties

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

PRESIDENT (continued)

1. Signing all instruments, acts and orders necessary to carry out state requirements and the will of the County Board. The President may delegate such actions to the Santa Clara County Superintendent of Schools ("County Superintendent"), as *ex officio* Secretary of the County Board.
2. Consulting with the County Superintendent or designee on the preparation of the County Board's agendas

(cf. 9322 - Agenda/Meeting Materials)

3. Working with the County Superintendent to ensure that County Board members have necessary materials and information
4. Subject to County Board approval, appointing and dissolving all committees

(cf. 9130 - Board Committees)

5. Calling such meetings of the County Board as he/she may deem necessary, giving notice as prescribed by law

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas) 6. Representing the Santa Clara County Office of Education as governance spokesperson, in conjunction with the County Superintendent

7. Conferring with the County Superintendent or designee on critical matters that arise between County Board meetings.

Term

The term of President shall be one (1) year. No County Board member may serve as President for more than one (1) consecutive term.

(cf. 1112 - Media Relations)

Absence or Vacancy

When the President is absent or incapacitated, the Vice-President shall perform the President's duties. In case of the absence or incapacity of both the President and Vice-President, the County Board members present shall choose a President *pro tempore*, who shall perform all of the duties of the President.

In case a vacancy occurs in the office of President, it shall be filled by election at the next meeting of the County Board.

Legal Reference: (see next page)

PRESIDENT (continued)

Legal Reference:

EDUCATION CODE

1009 Annual organization

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

Board Presidents' Handbook, revised 2002

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

SECRETARY

The Santa Clara County Superintendent of Schools is *ex officio* Secretary and Executive Officer of the County Board.

Duties

As County Board Secretary, the County Superintendent shall attend all meetings of the County Board and shall be responsible for:

1. Maintaining an accurate and complete record of all County Board proceedings
2. In consultation with the County Board President, preparing, distributing and maintaining the County Board agenda
(*cf. 9322 - Agenda/Meeting Materials*)
3. Recording, distributing and maintaining the County Board minutes
(*cf. 9324 - Minutes and Recordings*)
4. Maintaining County Board records and documents
5. Signing minutes of County Board meetings, following their approval
6. As directed by the County Board, conducting official correspondence for the County Board
7. As directed by the County Board, signing and executing official papers
8. Submitting to the County Board President or members, as appropriate, correspondence addressed to them
9. Performing other duties as assigned by the County Board or as required by law
(*cf. 2111 - Superintendent Governance Standards*)

As County Board Executive Officer, the County Superintendent shall be responsible for:

1. Advising the County Board regarding compliance with the requirements of state laws and regulations
2. Keeping the County Board and the public updated as to the status of SCCOE schools and programs
3. Informing the County Board on developments in education that may have a bearing on County Board policy
4. Making recommendations to the County Board as he or she believes desirable for the welfare of the SCCOE.
5. Presenting all matters related to County Board policy to the County Board for their approval.
6. As directed, executing County Board-adopted policies.

The County Superintendent shall nominate a staff member who shall carry out the duties of *ex officio* Secretary and Executive Officer of the County Board in the event of his or her absence or incapacity.

SECRETARY (continued)

Other duties of the County Superintendent are described elsewhere in County Board bylaw and policy.

Legal Reference:

EDUCATION CODE

1010 Ex officio secretary

1040 et seq. Duties of county boards

1240 et. seq. County superintendents--general duties; reports

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

Bylaw

| adopted: November 2, 2011

SANTA CLARA COUNTY OFFICE OF EDUCATION

San Jose, California

DUTIES OF THE VICE-PRESIDENT

Election of Vice-President

At an annual organizational meeting, the Santa Clara County Board of Education (“County Board”) shall elect one of its members Vice-President of the County Board.

Duties

The Vice-President shall:

1. In the absence of the President, perform the duties and obligations of the President, and have the authorities, rights, and privileges of the President.
2. In the absence of the President, preside at all meetings and rule on parliamentary rules.
3. Serve as chairperson of the Policy Development Subcommittee of the Santa Clara County Board of Education

Term

The term of Vice-President shall be one (1) year. No County Board member may serve as Vice-President for more than one (1) consecutive term.

Filling Vacancy

In case a vacancy occurs in the office of Vice-President, it shall be filled by election at the next meeting of the County Board.

Legal Reference:

EDUCATION CODE
1007 Elections, forms, time, terms of office, exceptions
GOVERNMENT CODE
54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS
CSBA Professional Governance Standards, 2000
Maximizing School Board Leadership: Boardmanship, 1996
WEB SITES
CSBA: <http://www.csba.org>

ATTORNEY

The Santa Clara County Board of Education (“County Board”) recognizes the complex legal environment in which the Santa Clara County Office of Education operates and desires reliable, high-quality legal advice at reasonable rates.

Appointment of Legal Counsel

Education Code section 35041.5 requires the County Board and the Santa Clara County Superintendent of Schools (County Superintendent”) to appoint the same legal counsel. Accordingly, in order to meet legal needs, the County Board shall, jointly with the County Superintendent, contract with county counsel, attorneys in private practice, or appoint legal counsel and fix and order paid the counsel’s compensation as a Santa Clara County Office of Education (“SCCOE”) employee or independent contractor. Such legal counsel shall be admitted to practice law in the State of California and shall not be required to have any certification qualification. (Education Code 351041.5)

The County Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.

In the event that legal counsel jointly appointed by the County Board and the County Superintendent determines that a conflict of interest would result if he or she were to represent or advise both the Board and the County Superintendent on a particular issue, the County Board may employ or contract with any qualified person for the provision to the County Board of special services and advice in legal matters. The County Board shall fix the compensation to be paid for the special service or advice, and may pay such compensation from any available funds. (Education Code 1042)

(cf. 3320 - Claims and Actions Against the SCCOE)
(cf. 3400 - Management of SCCOE Assets/Accounts)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)
(cf. 9260 - Legal Protection)

Duties of Legal Counsel

The duties of SCCOE's legal counsel shall include: (Education Code 35041.5)

1. Rendering legal advice to the County Board and the Santa Clara County Superintendent of Schools or designee
2. Serving the County Board and the County Superintendent or designee in the preparation and conduct of SCCOE litigation and administrative proceedings
3. Rendering advice to the County Board or County Superintendent on school bond and tax increase measures and prepare the necessary forms for the voting on these measures
4. Perform other administrative duties as assigned by the County Board and County Superintendent or designee

Retaining Legal Counsel

When the County Board and County Superintendent seek legal advice or representation, the County Superintendent or designee shall initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services. In evaluating the proposals, the County Board and County Superintendent shall consider the firm's or attorney's background, experience, and reputation in education law; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

The County Board and County Superintendent shall, whenever they deem it appropriate, evaluate the performance of the firm and/or attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the SCCOE; reasonableness of fees; and responsiveness to and interactions with the County Board, administration, and community. Upon a successful evaluation, the County Office and County Superintendent may renew the agreement with legal counsel without initiating an RFP.

Contacting Legal Counsel

The County Superintendent or County Board President may contact legal counsel to provide the County Board with legal information or advice when so directed by a majority of the County Board.

Individual County Board members may not seek advice from legal counsel on matters of County Board business unless so authorized by a majority of the County Board. Any advice or opinion given to an individual County Board member so authorized shall be shared with the entire County Board.

Board Bylaws (continued)

BB 9124(a)

Legal References:

EDUCATION CODE

1042 County boards: authority

35041.5 Legal counsel

GOVERNMENT CODE

814-895.8 Liability of public entities and public employees

995-996.6 Defense of public employees

26520 Legal services to school districts

53060 Special services and advice

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Maximizing School Board Leadership: Boardmanship, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Selecting and Working with a School Attorney: A Guide for School Boards, 1997

WEB SITES

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

California Council of School Attorneys:

<http://www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.aspx>

National School Boards Association: <http://www.nsba.org>

State Bar of California: <http://www.calbar.ca.gov>

COUNTY BOARD COMMITTEES

The Santa Clara County Board of Education (“County Board”) may establish County Board committees as necessary on matters within its jurisdiction.

The County Board shall determine the duties of the committee at the time of its appointment. County Board committees shall act in an advisory capacity only. When its duties have been completed, the committee shall be dissolved.

The County Board President shall appoint all committees with County Board approval. The Santa Clara County Superintendent of Schools (“County Superintendent”) or designee may serve as an advisor to any committee at the discretion of the County Board. If the County Superintendent or designee serves as advisor to a County Board committee not subject to the Brown Act, his or her presence will not subject the committee to the requirements of the Brown Act so long as he or she is not a voting member of the committee.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community members, and students and may consult with local public boards and agencies.

(cf. 1220 - Citizen Advisory Committees)

Meetings and Notices

County Board committees shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws. An agenda of any such committee shall be posted not less than 24 hours prior to the meeting. Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting pursuant to Government Code 54954.2, shall be considered, for purposes of the Brown Act, as regular meetings of the County Board. (Government Code 54954)

All County Board committees shall report their activities and recommendations to the County Board at an open session of the County Board, except in matters on which a closed session is required by law.

When a majority of the members of the County Board attend an open and noticed meeting of a standing committee, the County Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

County Board advisory committees composed solely of less than a quorum of the members of the County Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the Board. (Government Code 54952) Standing committees with continuing subject matter jurisdiction include but are not limited to those responsible for providing the County Board, at its request, with advice on finance, budget, audits, contracts, personnel matters within the County Board's jurisdiction, Board policy, governmental relations, curriculum development and program evaluation.

When a County Board committee composed exclusively of County Board members has provided for public comment on an item at a public meeting before or during the committee's consideration of the item, the County Board is not obliged to provide for public comment on the item at a subsequent County Board meeting. Public comment shall be afforded, however, if the County Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

Legal Reference:

EDUCATION CODE

1040 Duties of county boards

1042 Additional powers

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54952 Legislative body, definition

54952.2 Definition of meeting

54954 Time and place of regular meetings; special meetings; emergencies

54954.3 Opportunity for public to address legislative body

ATTORNEY GENERAL OPINIONS

81 *Ops.Cal.Atty.Gen.* 156 (1998)

80 *Ops.Cal.Atty.Gen.* 308 (1997)

79 *Ops.Cal.Atty.Gen.* 69 (1996)

BOARD COMMITTEES

List of Board Member Committee Appointments

Appointment by Board Election

California School Boards Association Delegate Assembly/CCBE Delegate (One Member)

One Board member is appointed to the CSBA Delegate Assembly by vote of the Santa Clara County Board of Education.

Appointment by Board President

Budget Study Committee (Three Members)

This SCCOE committee examines budget issues and provides information and suggestions to assist the Board in adopting a sound annual budget.

Head Start Policy Council (One Member)

One Board member is appointed each year, pursuant to federal guidelines, to serve as liaison between the County Board and the Head Start Policy Council.

Joint Committee on Child Care (JCCC) (Two Members)

The JCCC oversees the local child care planning process and is a four person committee comprised of two members of the County Board of Supervisors and two members of the County Board of Education

Joint Legislative Advisory Committee (Three Members, one of whom is the elected appointee to the CSBA/CCBE Delegate Assembly)

This SCCOE committee provides the Board and Superintendent with views and perspectives on legislative matters and assists in legislative advocacy efforts on behalf of SCCOE.

Policy Review Subcommittee (Three Members)

This County Board subcommittee meets to develop and/or revise SCCOE official policies and bylaws to present to the County Board for approval when appropriate. The Vice-President of the County Board serves as the chair of the Policy Development Subcommittee.

Santa Clara County School Boards Association Executive Board (One Member)

The Executive Board, consisting of elected members of school district areas, meets monthly to disseminate board information to districts.

South County Regional Occupational Program (SCROP) Operations Committee (One Member)

The Operations Committee is composed of participating districts and COE superintendents and board members. The Committee meets quarterly to make program decisions.

STANDING COMMITTEES

A *standing committee* is a continuing committee established by a motion and vote of the Santa Clara County Board of Education with general authority to consider issues which fall within the County Board's subject matter jurisdiction.

Standing committees with a continuing subject matter jurisdiction include, but are not limited to, those responsible for providing advice on finance, budget, audits, contracts, personnel matters within the County Board's jurisdiction, Board policy, governmental relations, curriculum development and program evaluation, at the County Board's request.

Composition and Responsibilities of Standing Committees

The County Board has three permanent standing committees comprised of 13 members each, they are:

1. Budget Study Committee
2. Legislative Advocacy Committee
3. Policy Review Committee

Budget Study Committee

The Budget Study Committee shall:

1. Consist of:
 - a. The Santa Clara County Superintendent of Schools who shall serve as chair
 - b. Three members of the County Board, appointed by the County Board president on a yearly, rotating basis (per Board Bylaw 9130)
 - c. The Chief Officers of each branch
 - d. The Budget Officer who shall serve as the ex-officio secretary (non-voting)
 - e. Two representatives from the Service Employees International Union (SEIU), Local 521, and
 - f. Two representatives from the Association of County Educators/California Teachers' Association (ACE/CTA).
2. Examine budget issues, =provide information, and develop suggestions that will assist the County Board in adopting a sound annual budget. Study state and federal legislation and taking a proactive approach to budget issues at the state and federal level. Inform the County Board about budget issues, as well as about forecasts, assumptions, and trends expected to affect the future funding of SCCOE programs. Suggest fiscal strategies to assist the County Board in the adoption of a sound annual budget towards fulfilling the implementation of the SCCOE's vision, goals, and long-range plan.

Board Bylaws

BB 9130.1(a)

3. The Budget Study Committee may vote to approve or prioritize information and suggestions related to budget issues to take forward to the County Board for its consideration. The committee shall not participate in the development of the SCCOE's annual budget; budget development is the responsibility of the County Superintendent pursuant to the Education Code and the California Administrative Code, Title 5.

Legislative Advocacy Committee

The Legislative Advocacy Committee shall:

1. Consist of the following:
 - a. The County Superintendent or designee
 - b. Three members of the County Board, one being the County Board member appointed to the CSBA Delegate Assembly
 - c. The Chief Officers of each branch
 - d. The Budget Officer who shall serve as the ex-officio secretary (non-voting)
 - e. Two representatives from the Service Employees International Union (SEIU), Local 521, and
 - f. Two representatives from the Association of County Educators/California Teachers' Association (ACE/CTA)
2. The committee shall:
 - a. Have a Committee Chair selected on an annual basis per Board Bylaw 9130.
 - b. Provide the County Board and County Superintendent with its views and perspectives on legislative issues, and provide assistance to the SCCOE in responding to and initiating legislation related to education in those instances when common ground among the various members has been identified and legislative advocacy efforts will be of benefit to the SCCOE.
 - c. Meet four times a year.
 - d. Invite, when necessary, the SCCOE Lobbyist to provide updates on current legislative activities.

Policy Review Committee

Policy Review Committee shall:

1. Consist of the following:
 - a. The County Superintendent or designee
 - b. Three members of the County Board; the Vice President of the County Board shall serve as the Committee chair
 - c. The Chief Officers of each branch
 - d. The Budget Officer who shall serve as the ex-officio secretary (non-voting)
 - e. Two representatives from the Service Employees International Union (SEIU), Local 521, and
 - f. Two representatives from the Association of County Educators/California Teachers' Association (ACE/CTE).
2. Develop, review, update, and revise County Board Policies and Bylaws that reflect the stated philosophical beliefs of the County Board, the desires of the community, and the best advice of SCCOE staff. County Board Policies and Bylaws shall determine the scope and nature of the services and programs of the SCCOE and provide policy leadership in the operations of the SCCOE. The Policy Review Committee may not take formal action on existing or proposed policies or bylaws, but rather may make recommendations for such action to the County Board.
3. Meet on a quarterly basis, such meetings shall be aligned with the quarterly policy updates from the California School Boards Association (CSBA).

Standing Committee Operations

The schedule for each standing committee shall be established by the County Board appointed Chairperson by January 31st of each year.

The County Superintendent or designee shall be responsible for preparing meeting agendas and ensuring compliance with all open meeting, notice and public participation requirements of the Brown Act. (Government Code 54954).

Parents, staff, community members, legal counsel, and other individuals may be invited to attend meetings to provide input.

Meeting minutes shall be recorded for all Standing Committee meetings and distributed to the County Board and County Superintendent

In certain cases, the County Board or County Superintendent may request a Standing Committee to form an *ad hoc* or task force to address a specific issue. The meetings of such advisory groups, which are not standing bodies, shall be bound by the requirements of the Brown Act, unless they consist solely of less than a quorum of members of the County Board.

Legal References:

EDUCATION CODE

1040 Duties of county boards

1042 Additional powers

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54952 Legislative body, definition

54952.2 Definition of meeting

54954 Time and place of regular meetings; special meetings; emergencies

54954.3 Opportunity for public to address legislative body

ATTORNEY GENERAL OPINIONS

81 *Ops.Cal.Atty.Gen.* 156 (1998)

80 *Ops.Cal.Atty.Gen.* 308 (1997)

79 *Ops.Cal.Atty.Gen.* 69 (1996)

BOARD REPRESENTATIVES

The Santa Clara County Board of Education (“County Board”) may appoint any of its members to serve as its representatives on Santa Clara County Office of Education (“SCCOE”) committees or advisory committees of other public agencies or organizations. Due to open meeting law requirements, a majority of the County Board shall not be appointed to serve on the same committee.

(cf. 9130.1 - Standing Committee)
(cf. 9270 - Conflict of Interest)
(cf. 9320 - Meetings and Notices)

When making such appointments, the County Board shall clearly specify, on a case-by-case basis, what authority and responsibilities are involved. County Board representatives shall not grant SCCOE support or endorsement for any activity without prior County Board approval.

If a committee discusses a topic on which the County Board has taken a position, the County Board member may express that position as a representative of the County Board. When contributing individual ideas or opinions on other topics, he/she shall make it clear that he/she is speaking as an individual, not on behalf of the County Board.

(cf. 1220 - Citizen Advisory Committees)
(cf. 9010 - Public Statements)
(cf. 9130 - Board Committees)

Appointments of County Board Members

The County Board President shall maintain a County Board-approved list of advisory councils/committees and any other bodies that require appointments of County Board members. Any modification to this list shall require a consensus of the County Board.

There are two methods by which appointments may be made – by a vote of the County Board and by appointment by the County Board President. Appointments made by the County Board President shall be made on an annual basis or as required, ensuring that, to the extent possible, such appointments are on a yearly rotating basis, and that wide and varying participation is sought. Assignments to each of these bodies shall be limited to less than a majority of the County Board. Prior to making appointments, the County Board President shall determine the interest level and availability of County Board members for particular assignments and shall consider such interests and availability in making all committee appointments.

BOARD REPRESENTATIVES (continued)

County Board members serving on these bodies may actively seek input and participation by students, parents/guardians, staff, and community members and may consult with local public boards and agencies.

County Board members serving on these bodies shall act in an advisory or liaison capacity only, and no action by these bodies shall be binding on the County Board, except in those cases where the County Board has entered into a proper agreement with an autonomous body and the County Board appointee serves as a equal voting member along with representatives from other jurisdictions.

(cf. 1220 – Citizen Advisory Committees)

Legal References:

EDUCATION CODE

4000-4014 County committees on school district organization

35160 Authority of governing boards

GOVERNMENT CODE

54952.2 Meetings

STUDENT COUNTY BOARD MEMBERS

The Santa Clara County Board of Education (“County Board”) believes it is important to seek out and consider students' ideas, viewpoints and reactions to the educational program. In order to provide student input and involvement, the County Board shall include up to two student County Board members selected in accordance with procedures approved by the County Board.

Student County Board members shall be incoming juniors or seniors enrolled in schools within the boundaries of Santa Clara County.

The term of student County Board members shall be one calendar year, commencing on July 1. A student County Board member may serve only one term.

Student County Board members shall have the right to attend all County Board meetings except closed sessions. (Education Code 35012) Student County Board members shall be seated with regular County Board members and be recognized at meetings as full members. They may participate in questioning witnesses and discussing issues and shall receive all materials presented to County Board members except those related to closed sessions and other confidential materials. (Education Code 35012)

Student County Board members may, upon request, be reimbursed for mileage but shall not receive compensation for attendance at County Board meetings. (Education Code 35012)

Student County Board members may cast preferential votes on all matters except those subject to closed session discussion. Preferential votes shall be cast prior to the official County Board vote and shall not be included in determining the vote required to carry any measure before the County Board. Preferential votes shall be recorded in the County Board meeting minutes. (Education Code 35012)

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

Process for Appointment of Student County Board Members

Students who wish to be considered for appointment to a term as a Student County Board member, shall [read the description of student County Board member responsibilities and complete the application process found on the SCCOE website].

During the meeting of the County Board scheduled to include selection of student County Board members, the County Board shall ask each candidate a prepared list of questions.

All candidates will be asked the same questions.

The questions will be addressed to candidates in rotation,. so that each candidate has an opportunity to answer at least one question first.

At the end of the question and answer period, each County Board member will record his or her top two candidates in order of preference on a ranking sheet. Candidates will be allotted points as follows: five points for a first position and three points for a second position. The candidate with the highest score will be selected to serve as student County Board member. If the County Board chooses to select two student County Board members, the two candidates with the highest scores will be selected. The ranking sheets will be forwarded to the County Board Secretary to tally the points, and the Board President shall announce the selected candidate(s).

In the event more no one candidate receives a higher score than the others, County Board members will vote again, with each member selecting only one candidate. The candidate with the highest score will be selected.

Legal References:

EDUCATION CODE

GOVERNMENT CODE

3540-3549.3 *Meeting and Negotiating in Public Educational Employment*

COUNTY BOARD ELECTIONS

Any registered voter is eligible to be a Santa Clara County Board of Education (“County Board”) member except the Santa Clara County Superintendent of Schools (“County Superintendent”), any member of his/her staff, or any employee of a school district within the jurisdiction of the County Board. (Education Code 1006)

The County Board shall consist of seven (7) members, each from a trustee area. (Education Code 1000)

Each member of the County Board shall be an elector of the trustee area which he/she represents and shall be elected by the electors of the trustee area in the manner prescribed by the Education and Election Codes. (Education Code 1000, 1007)

(cf. 9224 - Oath of Affirmation)

(cf. 9270 - Conflict of Interest)

Cf. 9223 – Filling Vacancies)

Whenever possible, the County Board shall consolidate County Board elections with the local municipal or statewide primary or general elections. County Board election procedures shall be conducted in accordance with state and federal law.

(cf. 9110 - Terms of Office)

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the County Board and the Santa Clara County Office of Education (“County Office”), the County Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 9005 - Governance Standards)

Payment for Statement of Qualifications

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

COUNTY BOARD ELECTIONS (continued)

Notification to County Election Official

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

1. The elective offices of the County Board to be filled at the general election and which offices, if any, are for the balance of an unexpired term.
2. Whether the County Office or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307.

(cf. 9223 - Filling Vacancies)

Length of Candidate's Statement of Qualifications

If any candidate for election to the County Board chooses to submit a statement of qualifications to be mailed to all registered voters, such statement shall be limited to no more than 200 words. (Elections Code 13307)

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the County Board, the County Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the County Board. The County Board at that time shall determine the winner by lot. (Education Code 5016)

Legal Reference:

EDUCATION CODE

1000-1017 Election, jurisdiction organization and procedure

1006 Qualifications for holding office, county board of education

5000-5033 Elections

5220-5231 Elections

5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of elections

5340-5345 Consolidation of elections

5360-5363 Election notice

5380 Compensation (of election officer)

5390 Qualifications of voters

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions

Legal Reference continued: (see next page)

COUNTY BOARD ELECTIONS (continued)

Legal Reference: (continued)

7054 *Use of district property*
35107 *Eligibility; school district employees*
35177 *Campaign expenditures or contributions*
35239 *Compensation of governing board member of districts with less than 70 ADA*

ELECTIONS CODE

1302 *Local elections, school district election*
2201 *Grounds for cancellation*
4000-4004 *Elections conducted wholly by mail*
10400-10418 *Consolidation of elections*
10509 *Notice of election by secretary*
10600-10604 *School district elections*
13307 *Candidate's statement*
13309 *Candidate's statement, indigency*
20440 *Code of Fair Campaign Practices*

GOVERNMENT CODE

1021 *Conviction of crime*
1097 *Illegal participation in public contract*
12940 *Nondiscrimination, Fair Employment and Housing Act*
81000-91014 *Political Reform Act*

PENAL CODE

68 *Bribes*
74 *Acceptance of gratuity*
424 *Embezzlement and falsification of accounts by public officers*
661 *Removal for neglect or violation of official duty*

CALIFORNIA CONSTITUTION

Article 2, Section 2 *Voters, qualifications*
Article 7, Section 7 *Conflicting offices*
Article 7, Section 8 *Disqualification from office*

COURT DECISIONS

Randall v. Sorrell, (2006) 126 S.Ct. 2479

ATTORNEY GENERAL OPINIONS

69 *Ops. Cal. Atty. Gen. 290 (1986)*
85 *Ops. Cal. Atty. Gen. 49 (2002)*
83 *Ops. Cal. Atty. Gen. 181 (2000)*
81 *Ops. Cal. Atty. Gen. 98 (1998)*
69 *Ops. Cal. Atty. Gen. 290 (1986)*

Management Resources:

WEB SITES

California Secretary of State's Office: <http://www.ss.ca.gov>
Fair Political Practices Commission: <http://www.fppc.ca.gov>
Institute for Local Self Government: <http://www.ca-ilg.org/>

RESIGNATION

A vacancy on the Santa Clara County Board of Education (“County Board”), including a vacancy caused by the resignation of a County Board member, shall be filled in the manner prescribed by law for filling a vacancy on a school district governing board. (Education Code 1008)

A County Board member who wishes to resign shall file a written resignation with the Santa Clara County Superintendent of Schools (“County Superintendent”). (Education Code 5090)

The resigning County Board member shall also give a copy of the written resignation to the Board President.

The resignation shall become effective when filed with the County Superintendent, except when a deferred effective date is specified in the resignation. (Education Code 5090)

A County Board member may not defer the effective date of his/her resignation for more than 60 days after filing. (Education Code 5091)

A written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable once filed. (Education Code 5090)

A County Board member who tenders his/her resignation with a deferred effective date shall, until the effective date of the resignation, continue to exercise all the powers of his office, except those involving the provisional appointment of his/her successor.

Legal References:

EDUCATION CODE

1008 Vacancies; procedure for filing

5090 Definition (vacancy)

5091 Special Election

35178 Resignation with deferred effective date

GOVERNMENT CODE

1770 Vacancies: definition

FILLING VACANCIES

A vacancy on the Santa Clara County Board of Education (“County Board”) shall be filled in the manner prescribed by law for filling a vacancy on a school district governing board. (Education Code 1008)

Events Causing a Vacancy

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

1. The death of an incumbent. (Government Code 1770)
2. The adjudication pursuant to a *quo warranto* proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term. (Government Code 1770)
3. A County Board member's resignation. (Government Code 1770)
4. A County Board member's removal from office, including removal by recall election. (Elections Code 11384; Government Code 1770)
5. A County Board member's ceasing to be an inhabitant of the state or resident of the district. (Government Code 1770)

A County Board member’s ceasing to be a resident of the trustee area which he/she represents on the County Board, except that a vacancy is deemed not to have occurred when changes to the boundaries of a trustee area would affect the term of office of a Board member who has been elected and whose term of office has not expired, in which case the County Board member may continue to serve as a County Board member until the end of his or her term. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A County Board member's absence from the state beyond the period allowed by law without the permission required by law. (Government Code 1770)

No County Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the County Board.
- b. With the consent of the County Board for an additional period not to exceed a total absence of 90 days.
- c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard.

If the absence of the County Board member for this purpose exceeds six months, the County Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the County Board may appoint an interim member to serve in his/her absence. If two or more members of the County Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the County Board may immediately appoint one or more interim members as necessary to enable the County Board to conduct business and discharge its responsibilities.

- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the County Board for an additional period not to exceed 30 days.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

7. A County Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law. (Government Code 1770)
8. A County Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office. (Government Code 1770 and 3000-3003)
9. A County Board member's refusal or neglect to file his/her required oath or bond within the time prescribed. (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

10. The decision of a competent tribunal declaring void a County Board member's election or appointment. (Government Code 1770)
11. The making of an order vacating a County Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond. (Government Code 1770)
12. A County Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final. (Government Code 1770)

FILLING VACANCIES (continued)

13. A failure to elect when either no candidate or an insufficient number of candidates have filed to run for a County Board seat(s). (Education Code 5090, 5326, 5328)
14. A County Board member's resignation due to his or her employment at the County Office of Education or any district within that County's jurisdiction.. (Education Code 1006)

Timelines for Filling a Vacancy

When a vacancy occurs, the County Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a County Board member's term, the County Board shall take no action. (Education Code 5093)
2. When a vacancy occurs four or more months before the end of a County Board member's term, the County Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. In the event that the County Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent shall call an election to fill the vacancy. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled County Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled County Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

When a special election is not required, the County Board may make a provisional appointment. (Education Code 5091, 5093)

Provisional Appointments

In order to draw from the largest possible number of candidates, the County Board shall advertise in the local media to solicit candidate applications or nominations from legally qualified citizens who are electors of the trustee area represented by the vacancy to be filled on the County Board. A committee consisting of less than a quorum of the County Board shall ensure that applicants are eligible for County Board membership and announce the names of the eligible candidates. The County Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - County Board Committees)
(cf. 9323.2 - Actions by the County Board)

FILLING VACANCIES (continued)

Any registered voter is eligible to be a member of the County Board except the County Superintendent, any member of his/her staff, or any employee of a school district. (Education Code 1006)

(cf. 9220 - Governing County Board Elections)

Within 10 days after the provisional appointment is made, the County Board shall post notices of the actual County Board vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be posted in at least three public places within the Santa Clara County, and shall be published in a local newspaper of general circulation unless there is no such newspaper within Santa Clara County. (Education Code 5092, Government Code 6061)

The posted and published notices shall contain: (Education Code 5092)

1. The date of the occurrence of the County Board vacancy or the date of the filing of, and the effective date of, the resignation.
2. The full name of the appointee.
3. The date of appointment.
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment.

The person appointed shall hold office until the next regularly scheduled election for County Board members and shall be afforded all the powers and duties of a County Board member upon appointment. A person elected at an election to fill a vacancy on the County Board shall hold office for the remainder of the term in which the vacancy occurs or will occur. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no person or an insufficient number of candidates have been nominated (i.e., a failure to elect), and an election will not be held, the County Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the election. (Education Code 5328)

(cf. 9100 - Organization)

FILLING VACANCIES (continued)

When an appointment is being made because of a failure to elect, SCCOE shall publish a notice once in a newspaper of general circulation published in Santa Clara County. This notice shall state that the County Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

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

Legal References:

EDUCATION CODE

1008 Vacancies; procedure for filling
1017 Term of Office
5000-5033 Elections
5090-5095 Vacancies
5200-5208 Districts governed by boards of education
5300-5304 Elections
5320-5329 Order and call of election
5340-5345 Consolidation of elections
5360-5363 Election notice
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions, elections
35107 Eligibility of board members
35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections
11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state
1770 Vacancies: definition
3000-3002 Forfeiture of office
3060-3075 Removal other than by impeachment
6061 One time notice
54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. January 2008

WEB SITES

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

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

<http://caag.state.ca.us/opinions/quo.htm>

Bylaw

adopted: November 2, 2011

SANTA CLARA COUNTY OFFICE OF EDUCATION

San Jose, California

OATH OR AFFIRMATION

Prior to entering upon the duties of their office, all Santa Clara County Board of Education members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

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

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

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

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

ORIENTATION**Board Candidate Orientation**

The Santa Clara County Board of Education (“County Board”) desires to provide County Board candidates with orientation that will enable them to understand the responsibilities and expectations of County Board membership. The Santa Clara County Superintendent of Schools (“County Superintendent”) or designee shall provide all candidates with general information about school programs, Santa Clara County Office of Education (“SCCOE”) operations, and County Board responsibilities. He/she may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot statement information.

(cf. 9200 - Limits of Board Member Authority)

(cf. 9220 - County Board Elections)

(cf. 9270 - Conflict of Interest)

The County Superintendent shall encourage all candidates to attend public County Board meetings during the period of their candidacy. Candidates shall have the same access as members of the public to SCCOE staff and information. Unless and until elected to the County Board, a candidate’s official status is that of a member of the public, and thus he or she is not entitled to confidential or privileged information discussed in closed session.

(cf. 1340 - Access to District Records)

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

New Board Member Orientation

The County Board and the County Superintendent shall assist each member–elect and provisional appointee to the County Board in understanding the County Board’s functions, policies and procedures, and the general operation of the SCCOE as soon as possible following the incoming member’s election or appointment. Such assistance shall include the following:

1. The County Superintendent shall convene a meeting to provide an orientation and information to incoming County Board members to assist them in understanding the County Board’s functions, policies, procedures, protocols, and agreed-upon standards of conduct.
2. Incoming County Board members shall receive access to the SCCOE policy manual and other materials related to SCCOE and County Board member responsibilities, such as the Board Handbook and customary rules of order and meeting conduct.
3. Upon their election, incoming County Board members shall be provided a copy of the Brown Act and informed that, pursuant to Government Code 54952.1, they must conform to the Act’s requirements as if they had already assumed office.

4. Incoming County Board members will be invited to visit SCCOE programs with the County Superintendent or designee.
5. The County Superintendent may, as appropriate, provide incoming County Board members with additional background and information regarding the SCCOE's vision and goals, operations, and current challenges in areas that include, but are not be limited to, student achievement, curriculum, finance, facilities, policy, and human resources. .

Prior to assuming office, incoming County Board members are encouraged to attend all County Board meetings, including those study sessions and special meetings of the County Board which are held in open session, and review agenda materials available to the public in order to become familiar with current issues facing SCCOE.

Incoming County Board members may attend, as appropriate, at SCCOE expense, and with approval of the County Board, workshops and trainings conducted by the California Department of Education and/or the California School Boards Association ("CSBA") or other agencies for the purpose of understanding the duties and responsibilities of County Board membership.

Incoming members also may, at County Board expense and with approval of the County Board, attend workshops and conferences relevant to their individual needs or to the needs of the County Board as a whole; however, pursuant to law, an incoming member may not be compensated or reimbursed for expenses until he or she has taken the oath of office or affirmation. (Government Code 1367)

(cf. 9240 - Board Development)

Legal References:

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshops

33362-33363 Reimbursement of expenses; board member or member-elect

ELECTIONS CODE

13307 Candidate's statement

20440 Code of Fair Campaign Practices

GOVERNMENT CODE

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

54952.1 Member of a legislative body

54952.7 Copies of Brown Act to board members

Management Resources:

CSBA PUBLICATIONS

School Board Leadership, 2007

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, 2007

Professional Governance Standards, 2000

Maximizing School Board Leadership, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Becoming a Better Board Member: A Guide to Effective School Board Service, 2006

WEB SITES

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

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

National School Boards Association: <http://www.nsba.org>

COUNTY BOARD PROFESSIONAL DEVELOPMENT

Citizens elected to the Santa Clara County Board of Education (“County Board”) are entrusted with the responsibility of governing Santa Clara County Office of Education schools. The County Board recognizes that its members benefit from participation in professional development activities that help them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.

Except for annual workshops conducted jointly by the Department of Education and CSBA or the California County Boards of Education (“CCBE”) pursuant to Education Code sections 33360 and 33363, members or members-elect wishing to be reimbursed for professional development activities must request approval in advance of their participation in all such activities.

With the prior approval of the County Board, County Board members may attend and participate in professional development activities, including but not limited to meetings, conferences, in-services, trainings, and workshops that may be relevant to the duties and responsibilities of their office. Professional development activities provide members with an opportunity to collect information that benefits the member in carrying out his or her County Board duties, and also benefits the County Board as a whole and the SCCOE. For this reason, County Board members attending professional development activities are encouraged to report back to their fellow County Board members on topics of general interest to the SCCOE. Such reports may take many forms, including, but not limited to, written summaries, detailed position papers, or oral reports. County Board members are also encouraged to forward to the Professional Library materials of general interest that they have collected at conferences, workshops, and trainings.

All County Board members are also encouraged to participate in the Masters in Governance program conducted by the California School Boards Association (“CSBA”).

County Board business shall not be discussed at conferences, workshops, trainings, or other professional development activities.

(cf. 9230 - Orientation)

(cf. 9320 - Meetings and Notices)

Funds for County Board professional development activities shall be budgeted annually by the Santa Clara County Superintendent of Schools.

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal References: (see next page)

Legal References:

EDUCATION CODE

1095 Membership in organization

1096 Allowable expenses for attendance at organization meetings

33360 Department of Education and statewide association of school district boards; annual workshop

GOVERNMENT CODE

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

54952.2 Meeting

Bylaw

| adopted: November 2, 2011

SANTA CLARA COUNTY OFFICE OF EDUCATION

San Jose, California

BOARD COMPENSATION, BENEFITS, AND TRAVEL REIMBURSEMENT

Each member of the Santa Clara County Board of Education (“County Board”) shall each be entitled to receive monthly compensation as provided for in law and County Board bylaw as follows:

1. Each County Board member who attends all regular and special County Board meetings during a month shall receive as compensation for his or her services a sum approved by the County Board and consistent with Education Code 1090. A member who does not attend all regular and special County Board meetings shall receive a percentage of monthly compensation equal to the percentage of meetings attended unless otherwise excused from attendance by the County Board in accordance with law.
2. A County Board member may be paid for any regular or special meeting of the County Board from which he or she is absent if the County Board, by resolution duly adopted and included in its minutes, finds that at the time of the meeting, the member: (1) was performing services outside of the meeting on behalf of the County Board, including attending at another meeting at the direction of the County Board which prevented the member’s attendance at a County Board meeting; (2) was ill; (3) was on jury duty; or (4) was otherwise absent due to a hardship deemed acceptable by the County Board.
3. No member shall receive more than the County Board approved monthly amount for attending meetings in any one month.
4. Any County Board member not desiring to receive monthly compensation for his or County Board service shall file a written statement with the *ex-officio* Secretary of the County Board, indicating non-acceptance of payment for serving as a County Board member.
5. At its annual organizational meeting each year, the County Board may change the maximum monthly compensation each member shall receive, within the limits prescribed by law.

Health and Welfare Benefits

In accordance with state and federal law, any current County Board member may participate in the Santa Clara County Office of Education’s (“SCCOE”) health and welfare benefit plans. The benefit coverage for current County Board members will be the same as is provided to SCCOE management employees, consistent with the provisions of the benefit plans. A member who elects to accept such benefits shall authorize the deduction of premiums or other charges from their compensation to the extent such charges are not covered by payments from SCCOE funds. Premiums or other charges exceeding the member’s compensation shall be paid directly to the Santa Clara County Superintendent of Schools. Board members may not receive cash payments in lieu of health and welfare benefits.

Travel and Expense Reimbursement

Pursuant to law and Board bylaw, County Board members are encouraged to attend and participate in meetings, conferences, training, workshops, and other professional development activities relevant to the duties and responsibilities of their office.

Each County Board member using a privately owned automobile to travel in the line of official duty shall be entitled to mileage reimbursement. Automobile travel in the line of official duty shall include, but not be limited to, the following: meetings with school district trustees and staff on matters of mutual interest, visits to schools, conferences with city and county officials regarding issues affecting SCCOE, and meetings with parents, citizens, and community groups on educational concerns.

County Board members shall be reimbursed for their expenditures while on approved travel at the rates and according to the regulations and procedures of SCCOE and under the same guidelines and at the same rates as are applicable to the County Superintendent. Requests for reimbursements should be submitted immediately following an approved activity and no later than ten business days following the fiscal quarter for which reimbursement is being requested (The fiscal quarters end on the last day of September, December, March and June). The Superintendent shall monitor all County Board travel expenditures and provide the County Board president with a status report on a quarterly basis.

**ADDENDUM TO BOARD BYLAW 9250
APPROVED ROUTINE TRAVEL ITEMS**

As adopted by the County Board at its annual organizational meeting. The following routine travel for which County Board members may receive reimbursement for their expenditures, are considered to be pre-approved by the County Board and require no further approvals as long as budgeted funds have not been depleted. Reimbursement for any travel costs or other expenditures not listed herein must be approved by the County Board before travel is initiated.

1. All regular and special meetings of the County Board.
2. All conferences, meetings, and other official business of the California School Boards Association (CSBA) and the California County Boards of Education (CCBE).
3. Official business of the Santa Clara County School Boards Association.
4. Travel within Santa Clara County when on official business for the County Board.
5. Meetings/functions sponsored by the Santa Clara County Office of Education.
6. The Annual National School Boards Association (NSBA) or American Association of School Administrators (AASA) Conventions.
7. The Annual EdSource Forum on California Education Policy
8. The Annual Conference of the National Association of Charter School Authorizers
9. Activities of professional organizations for which the County Board has subscribed membership.

Legal References: (see next page)

Board Bylaws (continued)

BB 9250(a)

Legal References:

EDUCATION CODE

1090-1097 Compensation for members and mileage allowance

33050-33053 General waiver authority

33362-33363 Reimbursement of expenses (Department of Education and CSBA workshops)

44038 Cash deposits for transportation purchased on credit

GOVERNMENT CODE

20322 Elective officers; election to become member

53200-53209 Group insurance

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 124 (2000)

Management Resources:

WEB SITES

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

Public Employees' Retirement System: <http://www.calpers.ca.gov>

**RESOLUTION NO.
SANTA CLARA COUNTY BOARD OF EDUCATION
STATE OF CALIFORNIA**

**ADOPTING A COMPENSATION POLICY FOR BOARD MEMBERS ABSENT FROM
ATTENDANCE AT MEETINGS**

WHEREAS, California Education Code section 1090 provides for compensation for members of county boards of education based on attendance; and

WHEREAS, Section 1090(d) provides that a member may be paid for a meeting when the member is absent if the Board, by resolution, finds that at the time of the meeting said Board member is performing services outside the meeting on behalf of the Board, or is ill, or is on jury duty or that the Board member's absence is due to a hardship deemed acceptable by the Board;

NOW, THEREFORE, BE IT RESOLVED that the policy of the Santa Clara County Board of Education, with regard to payment for absences based on the above causes, is as follows:

The Board President or designee shall be informed in advance of the absence and the reason therefore and he or she shall request that the minutes of the meeting at which the member is absent reflect the reason for said absence.

If the absence is due to illness, the illness must incapacitate the member from attending.

LEGAL PROTECTION

Liability Insurance

The Santa Clara County Board of Education (“County Board”) directs the Santa Clara County Superintendent of Schools (“County Superintendent”) to obtain and maintain insurance necessary to protect the Santa Clara County Office of Education (“County Office”) and its officers and employees, County Board members, and the County Superintendent and his or her employees from any judgment resulting from suits brought against them alleging their liability while acting within the scope of their office or employment in accordance with Education Code Sections 35208 and 35214, Government Code 815 et seq., and as provided by 20 U.S.C. 6736.

(cf. 3530 - Risk Management/Insurance)

Protection Against Liability

No County Board member shall be liable for harm caused by his/her act or omission when acting within the scope of Santa Clara County Office of Education responsibilities. The act or omission must be in conformity with federal, state and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736)

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

1. The County Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The County Board member caused harm by operating a motor vehicle.
3. The County Board member was not properly licensed, if required, by the State for such activities.
4. The County Board member was found by a court to have violated a federal or state civil rights law.
5. The County Board member was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the County Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the County Board member has been convicted in a court.

Legal Reference: (see next page)

LEGAL PROTECTION (continued)

Legal Reference:

EDUCATION CODE

35208 *Liability insurance*

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

GOVERNMENT CODE

815.3 *Intentional torts*

820-823 *Tort Claims Act*

825.6 *Indemnification of public entity*

1090-1098 *Conflicts of interest, prohibitions applicable to specified officers*

54950-54963 *The Ralph M. Brown Act*

87100-89503 *Conflicts of interest*

UNITED STATES CODE, TITLE 18

16 *Crime of violence defined*

UNITED STATES CODE, TITLE 20

6731-6738 *Teacher Protection Act*

COURT DECISIONS

Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)

CONFLICT OF INTEREST

Incompatible Activities

Santa Clara County Board of Education (“County Board”) members shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the County Board member’s duties as an officer of the Santa Clara County Office of Education. (Government Code 1126)

Conflict of Interest Code

The County Board’s Conflict of Interest Code shall be comprised of the terms of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with an attachment (Exhibit A) specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the Santa Clara County Board of Supervisors (“Board of Supervisors”), the County Board shall review its Conflict of Interest Code in even-numbered years. If no change is required, the County Board shall submit by October 1 a written a written statement to that effect to the Board of Supervisors. If changing circumstances necessitates a change in the Code, the County Board shall submit an amended Code to the Board of Supervisors. (Government Code 87306.5)

When a change in the County Board’s Conflict of Interest Code is necessitated by changing circumstances, such as the creation of new designated positions, amendments or revisions, the changed Code shall be submitted to the Board of Supervisors within 90 days. (Government Code 87306)

When reviewing and preparing its Conflict of Interest Code, the County Board shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

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

Additional Requirements for Boards that Manage Public Investments

A County Board member who manages public investments pursuant to Government Code [87200](#) and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code [87105](#); 2 CCR [18702.5](#))

CONFLICT OF INTEREST (continued)

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 County Board member shall not be counted toward achieving a quorum while the item is discussed.

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

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

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

4. If the County Board's 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 County Board's decision.

(cf. [3430](#) - Investing)

Financial Interest

County Board members shall not be financially interested in any contract made by the County Board or in any contract they make in their capacity as County Board members. (Government Code 10890)

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

CONFLICT OF INTEREST (continued)

1. The ownership of less than 3 percent of the shares of a corporation for profit contracting with the County Board, if the total income to him/her from the corporation's dividends, including the value of stock dividends, does not exceed 5 percent of his/her total annual income.
2. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty;
3. That of a recipient of public services generally provided by the County Board, on the same terms and conditions as if he or she were not a member of the County Board;
4. That of a landlord or tenant of a party contracting with the County Board if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or adjoining state.
5. However, the County Board member shall be deemed to have a remote interest within the meaning of, and subject to, the provisions of Government Code Section 1091 if the subject matter of the contract between the County Board and the contracting party is the particular property in which the County Board member has an interest as landlord or tenant.
6. That of a spouse of an officer or employee of the County Office if her/his spouse's employment or office holding has existed for at least one year prior to his/her election or appointment;
7. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the County Board at the time of the first consideration of the contract, and provided further that such interest is noted in the County Board's official records;
8. That of a non-compensated officer of a nonprofit tax-exempt corporation which, as one of its primary purposes, supports the functions of the County Board or to which the County Board has a legal obligation to give particular consideration, and provided further that such interest is noted in the County Board's official records;
9. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contact directly involves the department of the government entity that employs the County Board member, provided that such interest is disclosed to the County Board at the time of consideration of the contract, and provided further that such interest is noted in the County Board's official records;

CONFLICT OF INTEREST (continued)

10. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if the County Board member has not received and will not receive remuneration, consideration, or a commission as a result of the contract and if the County Board member has an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm;
11. That of an officer or employee of a person having less than a 10 percent ownership interest in a bank, bank holding company, or savings and loan association with which a party to the contract with the County Board has a relationship of borrower or depositor, debtor, or creditor.

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

A County Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a County Board meeting and noted in the official County Board minutes, and the contract was authorized, approved or ratified in good faith by a vote of the county Board's membership sufficient for the purpose without counting the vote of the County Board member with the remote interest. The affected County Board member shall not vote or debate on the matter or attempt to influence any other County Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

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

Gifts

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

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

CONFLICT OF INTEREST (continued)

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

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

Honoraria

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

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

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

Legal Reference: (see next page)

CONFLICT OF INTEREST (continued)

Legal Reference:

EDUCATION CODE

1006 *Qualifications for holding office*

GOVERNMENT CODE

1090-1098 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

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

82011 *Code reviewing body*

82019 *Definition of designated employee*

82028 *Definition of gifts*

82030 *Definition of income*

82041 – *Definition: Local Government Agency*

82048 – *Definition: Public Official*

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 – *Political Reform; Ethics; Travel*

91000-91014 *Enforcement*

CODE OF REGULATIONS, TITLE 2

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

18700 *General Prohibition Basic Rule: Guide to Conflict of Interest*

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

18730 – *Chapter 7, Conflicts of Interest Disclosure...*

COURT DECISIONS

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

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

ATTORNEY GENERAL OPINIONS

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

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

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

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

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

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

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

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

Management Resources:

WEB SITES

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

CONFLICT OF INTEREST

APPENDIX

Disclosure Categories

1. **Category 1 (Full Disclosure):** Because it has been determined that the County Board's members and the County Superintendent "manage public investments," they shall file a full Statement of Economic Interests pursuant to Government Code Section 87200.

2. **Category 2:** A person designated Category 2 shall disclose:

- a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work services of the type used by the department which the designated person manages or directs.
- b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manage or directs.

CONFLICT OF INTEREST (continued)**Designated Positions**

<u>Designated Position</u>	<u>Disclosure Category</u>
Members of the Board of Education	1
County Superintendent	1
Deputy Superintendent	2
Chief Academic Officer	2
Chief Business Officer	2
Chief Human Resources Officer	2
Chief Schools Officer	2
Chief Technology Officer	2
Buyer	2
Buyer, Senior	2
Chief Information Officer	2
Chief Systems Architect	2
Controller, Internal Business Services	2
Director, Alternative Education	2
Director, Career Technical Education	2
Director, Education Technology	2
Director, Environmental Education	2
Director, General Services Department	2
Director, Head Start/Early Head Start	2
Director, Internal Business Services	2
Director, Early Learning Services	2
Director, Regional Occupational Program	2
Director, Risk Management	2
Director, Special Education	2
Internal Auditor	2
Manager, Facilities and Construction	2
Manager, Digital & Media Services	2
Manager, Purchasing Services	2
Manager, Network Support & Technical Services	2
Manager, Special Education	2
Manager, Applications Support and Programming	2
Supervisor, Print Shop	2

CONFLICT OF INTEREST (continued)**Disclosure for Consultants**

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the County Superintendent or designee. The County Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A *consultant* is an individual who, pursuant to a contract with the County Office, makes a governmental decision whether to: (2 CCR [18701](#))

1. Approve a rate, rule or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
4. Authorize the County Office to enter into, modify or renew a contract that requires County Office approval
5. Grant the County Office approval to a contract or contract specifications which require County Office approval and in which the County Office is a party
6. Grant the County Office approval to a plan, design, report, study or similar item
7. Adopt or grant County Office approval of County Office policies, standards or guidelines
8. A consultant is also an individual who, pursuant to a contract with the County Office, serves in a staff capacity with the County Office and in that capacity participates in making a governmental decision as defined in 2 CCR [18702.2](#) or performs the same or substantially all the same duties for the County Office that would otherwise be performed by an individual holding a position specified in the County Office 's Conflict of Interest Code. (2 CCR [18701](#))

BOARD POLICIES

Pursuant to Education Code section 1040, the County Board shall adopt rules and regulations for its own government consistent with state law and regulations. (Education Code 1040).

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

Any policy, rule, or regulation of the County Board may be adopted, repealed, or amended providing such action is consistent with the laws and Constitution of the State of California. (Education Code 1040, 1042.)

The County Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public County Board meetings.

*(cf. 9130 – Board Committees
cf. 9130.1 – Standing Committees
cf. 9320 - Meetings and Notices)
cf. 9322 - Agendas/Meeting Materials)*

Policy Development and Adoption Process

Policies are statements of intent which are adopted by the Santa Clara County Board of Education (“County Board”). The County Board shall adopt written policies to convey its expectations for actions that will be taken in the Santa Clara County Office of Education (“County Office”), clarify roles and responsibilities of the County Board and Santa Clara County Superintendent of Schools (“County Superintendent”), and communicate the County Board’s philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the County Office to the extent that they do not conflict with federal or state law and are consistent with the County Office's collective bargaining agreements.

*(cf. 0000 - Vision
cf. 0100 - Philosophy
cf. 9000 - Role of the Board)*

The County Office policy development process shall include the following basic steps:

1. The County Board and/or County Superintendent or designee shall identify the need for a new policy, or amendment or repeal of an existing policy. The need may arise from a change in law, new County Office vision or goals, educational research or trends, or a change in the office of County Superintendent or County Board membership. The need may also occur as a result of an incident that has arisen in the County Office or a recommendation or request from County Office staff or other interested persons.

BOARD POLICIES (continued)

2. As needed, the County Superintendent or designee shall gather fiscal and other data, staff and public input, related County Office policies, sample policies from other organizations or agencies, and other useful information to fully inform the County Board about the issue.

(cf. 1220 - Citizen Advisory Committees)

3. The County Board may hold discussions during a public County Board meeting to gain an understanding of the issue and provide initial direction to the County Superintendent or designee. The discussion may include, but not be limited to, how the proposed policy, or amendment or repeal of a policy, may affect student learning, community expectations, staff recommendations, and fiscal impact, as well as the proposed policy's impact on governance and operational efficiency.
4. The County Board Policy Review Committee shall develop and present a draft policy or policy amendment for a first reading at a public County Board meeting. At its second reading, the County Board may take action on the proposed policy, amendment, or repeal.
5. The County Board may waive the second reading or may require an additional reading if necessary.

(cf. 9323 - Meeting Conduct)

The County Board or County Superintendent may request that legal counsel review the draft policy or policy amendment as appropriate.

When drafting or amending County Board policies which affect other governmental agencies or areas of common interest, the County Superintendent or designee shall seek input from those agencies on matters of mutual concern.

In addition to presenting the County Board with drafts or suggestions for new policy or policy amendments when changes in the law or when a specific need arises, the County Superintendent or designee shall maintain procedures for the continuous orderly review of existing policies at a time allocated for such purpose on the agenda of regular County Board meetings.

When policies are amended by the County Board, the County Superintendent or designee shall review any corresponding administrative regulations to ensure they conform with the intent of the revised policy.

Only policies formally adopted by a majority vote of the County Board shall constitute official County Office policy. Such actions shall be recorded in the minutes of the County Board.

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323.2 - Actions by the Board)

BOARD POLICIES (continued)

The County Office policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or to provide greater opportunities for consultation and public input.

Policies shall become effective upon County Board adoption or at a future date designated by the County Board at the time of adoption.

Board Bylaws

Bylaws are rules governing the internal operation of the County Board. When need for a new bylaw or amendment of an existing bylaw is recognized, the County Board may develop or may direct the County Superintendent or designee to develop and present the County Board with a new or amended bylaw for consideration.

Bylaws may be adopted, and amended by a majority vote of all members of the County Board following the same procedures as those used for the adoption or amendment of Board policy.

Administrative Regulations

The County Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the County Office. Administrative regulations shall be consistent with law and Board policy and shall be designed to promote the achievement of County Office goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other necessary provisions. The County Superintendent or designee also may develop procedures manuals, handbooks, or other guides to carry out the intent of County Board policy.

The County Board may review and adopt all new administrative regulations, amendments to existing administrative regulations, or decisions to eliminate existing administrative regulations at a regular or special meeting of the County Board.

When Board policies are amended, the County Superintendent or designee shall review corresponding regulations to ensure that they conform to the intent of the amended policy. In case of conflict between administrative regulation and County Board policy, County Board policy shall prevail.

Monitoring and Evaluation

At the time a County Board policy is adopted, the County Board and County Superintendent or designee may determine whether an evaluation of the policy should be scheduled and, if so, shall agree upon a timeline and measures for evaluating the effectiveness of the policy in achieving its purpose.

(cf. 0500 - Accountability)

BOARD POLICIES (continued)

Access to Policies

The County Superintendent or designee shall ensure that all County Board members, County Office employees and the public have access to an up-to-date County Office policy manual, either as a paper copy or electronically.

(cf. 1113 - SCCOE Web Sites)

(cf. 1340 - Access to SCCOE Records)

Suspension of Policies

No County Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

The operation of any section or sections of Board policies not established by law or contract may be temporarily suspended by majority vote of the County Board at a regular or special meeting.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

Legal Reference:

EDUCATION CODE

1010 Ex officio secretary

1040 duties of boards

1041 Powers of boards

1042 Additional powers

1240 Powers and duties of superintendents

GOVERNMENT CODE

54950 et seq. meetings (public commissions, etc., including county boards of education)

Management Resources:

CSBA PUBLICATIONS

Targeting Student Learning: The School Board's Role as Policymaker, 2005

Maximizing School Board Leadership: Policy, 1996

WEB SITES

CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT Online™), Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>

National School Boards Association: <http://www.nsba.org>

MEETINGS AND NOTICES

Meetings of the Santa Clara County Board of Education (“County Board”) are conducted for the purpose of accomplishing County Board business.

A County Board meeting occurs whenever a majority of its members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the County Board (Government Code § 54952.2.)

In accordance with California’s open meeting laws found at Government Code Section 54950 et seq. (“the Brown Act”), the County Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law.

The meetings of standing committees of the County Board are subject to the Brown Act and all references herein to the County Board shall include all standing committees. Ad hoc advisory committees composed solely of Board members and constituting less than a quorum of the County Board shall not be subject to the Brown Act. (Government Code 54952.)

To encourage community involvement in the schools, County Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with the law and County Board bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)
(cf. 9323 - Meeting Conduct)

A majority of members of the County Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the County Board. However, a Santa Clara County Office of Education (“County Office”) employee or official may engage in separate conversations with County Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the County Board, as long as that County Office employee or official does not communicate the comments or position of any County Board members to other County Board members. (Government Code 54952.2)

Participation by Disabled Individuals

In order to help ensure participation in County Board meetings by disabled individuals, the Santa Clara County Superintendent of Schools or designee shall provide appropriate disability-related accommodations or modifications upon request and in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

MEETINGS AND NOTICES (continued)

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

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in a County Board meeting should contact the County Superintendent or designee at least two working days prior to the meeting. (Government Code 54954.2)

No surcharge shall be imposed for providing the agenda, agenda packet, and/or any writings distributed at a County Board meeting in alternative formats to persons with disabilities. (Government Code 54957.5.)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge. (Government Code 54961)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Meetings shall be held within County boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the County Office is a party
2. Inspect real or personal property which cannot conveniently be brought into the County Office, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the County Office over which the state or federal officials have jurisdiction

MEETINGS AND NOTICES (continued)

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

Meetings exempted from the boundary requirements, as specified above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the County Board attends the meeting.

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

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

(cf. 9322 - Agenda/Meeting Materials)

Regular Meetings

The County Board shall hold an annual organizational meeting in accordance with law and the provisions of Board Bylaw 9100. At its organizational meeting, the County Board shall adopt a yearly calendar for its regular meetings. By Board action, the Board may deviate from its adopted calendar for the convenience of its members or for other reasons. (Education Code 1009.)

Regular meetings of the County Board shall be held at such time and place as members determine, but shall not be held less frequently than one meeting per month. The County Board shall generally hold two regular meetings each month, except for January, July, August, and December, when the County Board shall generally meet only once. Unless otherwise posted, regular County Board meetings shall be held on the first and third Wednesdays of each month, at 5:30 p.m., in the San Jose Room of the Santa Clara County Office of Education, 1290 Ridder Park Dr., San Jose. The County Board Meeting Schedule shall be made available on the County Office website at www.sccoe.k12.ca.us.

MEETINGS AND NOTICES (continued)

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

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

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

Special Meetings

Special meetings of the County Board shall be called by the County Board President whenever, in his or her judgment, the exigencies of County Board business require it, or upon the written request of any three County Board members. (Education Code 1012; Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all County Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. Any County Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the County Board or by being present at the meeting at the time it convenes. (Government Code 54956)

The notice shall specify the time and place of the meeting and shall include a brief general description of each item to be acted upon or discussed. Every notice of a special meeting shall also provide an opportunity for members of the public to directly address the County Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3) Except as permitted by law, no other business shall be considered at the meeting. (Education Code 1016; Government Code 54956)

MEETINGS AND NOTICES (continued)

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

Emergency Meetings

The County Board may hold an emergency meeting without complying with the 24-hour notice and posting requirements for special meetings. in the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities . The County Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

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

(*cf. 4141.6/4241.6 - Concerted Action/Work Stoppage*)

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

(*cf. 3516 - Emergencies and Disaster Preparedness Plan*)

Except in the case of a dire emergency, as defined above, the County Board President or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour shall be deemed waived and, as soon after the meeting as possible, the County Board President or designee shall notify those media representatives that the meeting was held, the purpose of the meeting, and any action taken at the meeting by the County Board. In the case of a dire emergency, the County Board President or designee shall give such notice at or near the time he/she notifies the other members of the County Board about the meeting. (Government Code 54956.5)

The County Board may meet in closed session during an emergency meeting pursuant to Government Code section 54957, if agreed to by a two-thirds vote of the members of the County Board in attendance, or, if less than two-thirds of the members are present, by a unanimous vote of the members present. (Government Code 54956(c).)

MEETINGS AND NOTICES (continued)

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

Adjourned Meetings

A majority vote of County Board members present may adjourn any regular or special meeting to a later time and place that shall be specified in the order of adjournment. If less than a quorum of the County Board is not present at a County Board meeting, the members present may adjourn the meeting. Within 24 hours after adjournment, a copy of the order of adjournment shall be posted conspicuously on or near the door of the place where the meeting was held. (Government Code 54955.)

If no members of the County Board are present at any regular or adjourned regular meeting, the Santa Clara County Superintendent of Schools (“County Superintendent”) may declare the meeting adjourned to a later time and give written notice in the same manner required for a special meeting. (Government Code 54955.)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

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

The County Board may also convene a retreat or discussion meeting to discuss County Board roles and relationships.

(cf. 2000 - Concepts and Roles)

(cf. 2111 - Superintendent Governance Standards)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9400 - Board Self-Evaluation)

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

MEETINGS AND NOTICES (continued)

Other Gatherings

Attendance by a majority of County Board members at any of the following events is not subject to the Brown Act provided that a majority of County Board members do not discuss specific County Office business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to County Board members
2. An open, publicized meeting organized by a person or organization other than the County Office to address a topic of local community concern
3. An open and noticed meeting of another body of the County Office
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the County Board, provided that the County Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a County Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Teleconferencing

A teleconference is a meeting of the County Board in which County Board members are in different locations, connected by electronic means, through either audio or video, or both. (Government Code 54953)

The County Board may use teleconferences for all purposes in connection with any meeting within the County Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the County Board shall participate from locations within County boundaries. (Government Code 54953)

MEETINGS AND NOTICES (continued)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the County Board, including the right of the public to address the County Board directly at each teleconference location. (Government Code 54953)

All County Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The County Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

Legal Reference: (see next page)

MEETINGS AND NOTICES (continued)

Legal Reference:

EDUCATION CODE

1009 Annual organization of board

1011 Regular meetings

1012 Special meetings

1016 Permitted Proceedings at special meetings

GOVERNMENT CODE

11135 State programs and activities, discrimination

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

54953 Meetings to be open and public; attendance

54954 Time and place of regular meetings

54954.2 Agenda posting requirements, board actions

54956 Special meetings; call; notice

54956.5 Emergency meetings

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Wolfe v. City of Fremont, (2006) 144 Cal.App. 544

ATTORNEY GENERAL OPINIONS

88 Ops. Cal. Atty. Gen. 218 (2005)

84 Ops. Cal. Atty. Gen. 181 (2001)

84 Ops. Cal. Atty. Gen. 30 (2001)

79 Ops. Cal. Atty. Gen. 69 (1996)

78 Ops. Cal. Atty. Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. 2007

WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

CLOSED SESSION PURPOSES AND AGENDAS

The Santa Clara County Board of Education (“County Board”) may hold closed sessions only for purposes identified in law. The County Board may hold a closed session at any time during a regular or special meeting and during emergency meetings in accordance with law. (Government Code 54956.5, 54957.7, 54962)

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

The agenda shall contain a brief general description of all closed session items to be discussed. (Government Code 54954.2)

The County Board shall disclose in open meeting the items to be discussed in closed session. In the closed session, the County Board may consider only those matters covered in its statement. (Government Code 54957.7)

No agenda, notice, announcement, or report required by the Brown Act need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed. (Government Code 54961)

In accordance with law, a County Board member shall not disclose confidential information received in a closed session unless the County Board authorizes the disclosure of that information. (Government Code 54963)

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

The County Board may hold closed sessions as authorized in law, which includes closed sessions for the following purposes:

Superintendent Employment

The County Board may hold closed sessions to consider the appointment, employment, contracts, evaluation of performance, discipline, or dismissal of the Santa Clara County Superintendent of Schools (“County Superintendent”). (Government Code 54957)

(cf. 2121 – Superintendent’s Contract)
(cf. 2140 - Evaluation of the Superintendent)

The County Board may also hold closed sessions to hear complaints or charges brought against the County Superintendent by another person, unless the County Superintendent requests an open session. Before the County Board holds a closed session on specific complaints or charges brought against the Superintendent, the Superintendent shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Matters Related to Students

The County Board shall meet in closed session to conduct expulsion appeals hearings or interdistrict transfer appeals hearings for students in school districts in Santa Clara County, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the County Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

*(cf. 5117- Interdistrict Transfer Appeals
cf. 5144.3 – Expulsion Appeals)*

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion appeals hearing," "interdistrict transfer appeals hearing," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping.

Security Matters

The County Board may meet in closed session with the Attorney General, its legal counsel , sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or to the public's right of access to public services or public facilities. (Government Code 54957)

*(cf. 0450 - Comprehensive Safety Plan
cf. 3515 - Campus Security
cf. 3516 - Emergencies and Disaster Preparedness Plan)*

The County Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the County Board members present. If less than two-thirds of the members are present, then the County Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

(cf. 9323.2 – Actions by the Board)

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

CLOSED SESSION PURPOSES AND AGENDAS (continued)**Conference with Real Property Negotiator**

The County Board may meet in closed session with the County Board's real property negotiator prior to the acquisition, lease, lease-purchase or conveyance of real property for the purpose of housing the office and the services of the County Superintendent in order to grant its negotiator the authority regarding the price and terms of the property. (Government Code 54956.8)

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

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

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

Pending Litigation

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

Litigation is considered "pending" when any of the following circumstances exist:

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

CLOSED SESSION PURPOSES AND AGENDAS (continued)

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

"Existing facts and circumstances" authorizing a closed session pursuant to Government Code 54956.9(b) as described in item #2 above are limited to the following: (Government Code 54956.9)

1. Facts and circumstances that might result in litigation against the County Office but which the County Office believes are not yet known to potential plaintiffs and which do not need to be disclosed.
2. Facts and circumstances including, but not limited to, an accident, disaster, incident or transactional occurrence which might result in litigation against the County Office, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.
3. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the District)

4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the County Board.
5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the County Board, provided that the County Office official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection.

The above record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

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

CLOSED SESSION PURPOSES AND AGENDAS (continued)

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

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

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the County Office expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information pursuant to items #2-5 above. (Government Code 54954.5, Government Code 54956.9(b)(3)(B-E))

Joint Powers Agency Issues

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

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

(cf. 3320 - Claims and Actions Against the District)
(cf. 3530 - Risk Management/Insurance)

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

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

(Legal Reference--see next page)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Legal Reference:

EDUCATION CODE

48918 Rules governing expulsion procedures; hearings and notice

48919 Expulsion appeals to county board of education

48920 County board; manner of hearing expulsion appeal

GOVERNMENT CODE

6250-6268 California Public Records Act

54950-54963 The Ralph M. Brown Act

ATTORNEY GENERAL OPINIONS

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

72 Ops. Cal. Atty. Gen. 25 (1989)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2003

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

CLOSED SESSION ACTIONS AND REPORTS

The Santa Clara County Board of Education shall announce in open meeting the items to be discussed in closed session. No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

(cf. 9321 - Closed Session Purposes and Agendas)

Following a closed session, the County Board shall reconvene in open session before adjourning and publicly report closed session actions, the votes or abstentions thereon, and other disclosures as required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

Superintendent Employment

The County Board shall report any action regarding the Santa Clara County Superintendent of School's employment, contract, evaluation of performance, or discipline taken in the closed session at the public meeting during which the closed session is held. However, the report of a dismissal or nonrenewal of the County Superintendent's contract shall be deferred until the first public meeting after all administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 2140 - Evaluation of the Superintendent)

Student Matters

In school district expulsion appeals and interdistrict attendance appeals, the student's name shall not be disclosed. No information shall be released in violation of student privacy rights as provided in law. (Education Code 48918; 20 U.S.C. 1232g)

(cf. 5117 - Interdistrict Transfer Appeals)

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

(cf. 5144.3 - Student Expulsion Appeals)

Real Estate Negotiations

Approval of an agreement concluding real estate negotiations for the acquisition, lease, lease-purchase or conveyance of real property for the purpose of housing the office and the services of the County Superintendent shall be reported after the agreement is final. If the County Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the County Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the County Office of its approval. (Government Code 54957.1)

CLOSED SESSION ACTIONS AND REPORTS (continued)

Pending Litigation

The County Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

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

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

Legal Reference: (see next page)

CLOSED SESSION ACTIONS AND REPORTS (continued)

Legal Reference:

EDUCATION CODE

1042 County boards of education; additional powers

GOVERNMENT CODE

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

54957.1 *Closed sessions; public report of action taken*

54957.7 *Disclosure of items to be discussed*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 *Family Educational Rights and Privacy*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

80 *Ops. Cal. Atty. Gen.*, 85 (1997)

AGENDA/MEETING MATERIALS

Agenda Content

Santa Clara County Board of Education (“County Board”) meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321- Closed Session Purposes and Agendas)

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

The agenda shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the County Board meeting should contact the County Superintendent or designee at least two working days in advance of the meeting. (Government Code 54954.2)

Opportunity for Public to Address County Board

The agenda shall provide members of the public the opportunity to address the County Board on any item listed on the agenda for a regular or special County Board meeting before or during the County Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the County Board. (Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

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

Agenda Preparation

The County Board President and the Santa Clara County Superintendent of Schools, acting in his or her capacity as Secretary to the County Board, shall jointly prepare the agenda for each regular and special County Board meeting.

(cf. 9121 - President)

(cf. 9122 - Secretary)

AGENDA/MEETING MATERIALS (continued)

A County Board member or a member of the public may request that a matter within the jurisdiction of the County Board be placed on the agenda of a regular meeting, subject to the following requirements:

1. The request shall be in writing and be submitted to the County Superintendent or designee with supporting documents and information, if any, at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.
2. The County Superintendent, with the concurrence of the County Board President, shall decide whether the request is within the subject matter jurisdiction of the County Board. Items not within the subject matter jurisdiction of the County Board may not be placed on the agenda. In addition, the County Superintendent, with the concurrence of the County Board President, shall determine if the item is merely a request for information or whether the issue is addressed by an existing County Board policy or administrative regulation before placing the item on the agenda.
3. The County Superintendent, with the concurrence of the County Board President, shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to County Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3320 - Claims and Actions Against the District)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Consent Items

In order to promote efficient meetings, the County Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no County Board discussion is anticipated and for which the County Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the County Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

AGENDA/MEETING MATERIALS (continued)

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

(cf. 9323.2 - Actions by the Board)

Agenda Dissemination to Board Members

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

When special meetings are called, the County Superintendent or designee shall make every effort to distribute the agenda and supporting materials to County Board members as soon as possible before the meeting.

County Board members shall review agenda materials before each meeting. Individual members may confer directly with the County Superintendent or designee to request additional information on agenda items.

Agenda Dissemination to Members of the Public

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

If a document is distributed to the County Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a quorum of the County Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular County Board meeting. The County Superintendent or designee shall also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

(cf. 1113 - District and School Web Sites)

(cf. 1340 - Access to District Records)

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

AGENDA/MEETING MATERIALS (continued)

Upon request, the County Superintendent or designee shall make every reasonable effort to provide the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1) No surcharge shall be imposed for providing the agenda, agenda packet, and/or any writings distributed at a County Board meeting in alternative formats to persons with disabilities. (Government Code 54957.5.)

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

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Superintendent or designee, not to exceed the cost of providing the service. (Government Code 54954.1)

Legal Reference: (see next page)

AGENDA/MEETING MATERIALS (continued)

Legal Reference:

GOVERNMENT CODE

6250-6270 *Public Records Act*

53635.7 *Separate item of business*

54954.1 *Mailed agenda of meeting*

54954.2 *Agenda posting requirements; board actions*

54954.3 *Opportunity for public to address legislative body*

54954.5 *Closed session item descriptions*

54956.5 *Emergency meetings*

54957.5 *Public records*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 *Effective communications*

36.303 *Auxiliary aids and services*

COURT DECISIONS

Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, rev. 2007

Maximizing School Board Leadership: Boardmanship, 1996

ATTORNEY GENERAL PUBLICATIONS

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

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA, Agenda Online: <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

MEETING CONDUCT

Meeting Procedures

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

(cf. 9322 - Agenda/Meeting Materials)

The County Board President shall conduct County Board meetings in accordance with County Board bylaws, and procedures adopted for the orderly conduct of the County Board’s business. At all County Board meetings where existing bylaws do not prescribe a procedure, the County Board shall be guided by the parliamentary procedures set forth in Robert’s Rules of Order, last revised edition.

(cf. 9121 - President)

The County Board believes that late night meetings can discourage public participation, can affect the County Board's decision-making ability, and can constitute an unnecessary burden on staff. Regular County Board meetings shall be adjourned at 9:00 p.m. unless extended to a specific time determined by a majority of the County Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Quorum and Abstentions

A majority of the members of the County Board shall constitute a quorum for the transaction of business. (Education Code 1013) Affirmative votes by a majority of the County Board are required to approve any action item under consideration regardless of the number of County Board members present unless otherwise provided by law.

(cf. 9323.2 - Actions by the Board)

The County Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the County Board has taken action.

(cf. 9270 - Conflict of Interest)

MEETING CONDUCT (continued)**Public Participation**

Members of the public are encouraged to attend Santa Clara County Board of Education (“County Board”) meetings and to address the County Board concerning any item on the agenda or within the County Board's jurisdiction. So as not to inhibit public participation, persons attending County Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting. However, the County Board President may ask any speaker wishing to address the County Board to identify himself or herself for the record.

In order to conduct Santa Clara County Office of Education (“County Office”) business in an orderly and efficient manner, the County Board requires that public presentations to the County Board comply with the following procedures:

1. The County Board shall give members of the public an opportunity to address the County Board on any item of interest to the public that is within the subject matter jurisdiction of the County Board, either before or during the County Board's consideration of the item. (Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the County Board matters that are not listed on the agenda but that are within the County Board's subject matter jurisdiction. The County Board shall take no action on any item not appearing on the posted agenda, except as authorized by law. (Government Code 54954.2)
3. Without taking action, County Board members, the County Superintendent, or County Office staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a County Board member, the County Superintendent, or a County Office staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

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

4. The County Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of County Board members at a public meeting where the public had the opportunity to address the committee on that item.

MEETING CONDUCT (continued)

However, if the County Board determines that the item has been substantially changed since the committee heard the item, the County Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

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

Individual speakers shall be allowed three minutes to address the County Board on each agenda or non-agenda item. The County Board shall limit the total time for public input on each item to 20 minutes. With County Board consent, the County Board President may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The County Board President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

6. The County Board President may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the County Board President may indicate the time and place when it should be presented.
7. The County Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)

In addition, the County Board shall not prohibit public criticism of County Board members, the County Superintendent, or employees of the County Office. However, if the County Board President determines that a member of the public is initiating a specific complaint or charge(s) against a County Office employee, he/she shall inform the complainant that it is the policy of the County Board to refer such complaints or charges to the County Superintendent in order to protect the employee's right to adequate notice before a hearing of such complaints or charges.

(cf. 1312.1 - Complaints Concerning County Office Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

8. The County Board President shall not permit any disturbance or willful interruption of County Board meetings. Persistent disruption by an individual or group shall be grounds for the County Board President to terminate the privilege of addressing the County Board.

MEETING CONDUCT (continued)

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

When such disruptive conduct occurs, the Santa Clara County Superintendent of Schools or designee shall contact local law enforcement.

Recording by the Public

The County Superintendent or designee shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

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

Legal Reference: (see next page)

MEETING CONDUCT (continued)

Legal Reference:

EDUCATION CODE

1013 Quorum

1015 Voting

1040 Duties and responsibilities; county boards of education

1042 County boards; authority

GOVERNMENT CODE

54953.5 Audio or video tape recording of proceedings

54953.6 Broadcasting of proceedings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

403 Disruption of assembly or meeting

COURT DECISIONS

Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

76 Ops.Cal.Atty.Gen. 281 (1993)

66 Ops.Cal.Atty.Gen. 336, 337 (1983)

63 Ops.Cal.Atty.Gen. 215 (1980)

61 Ops.Cal.Atty.Gen. 243, 253 (1978)

55 Ops.Cal.Atty.Gen. 26 (1972)

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

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2005

Board Presidents' Handbook, rev. 2002

Maximizing School Board Governance: Boardmanship

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

ACTIONS BY THE BOARD

It is the intention of the Legislature of the State of California that the actions of public bodies of be taken openly and that their deliberations be conducted openly. (Government Code 54950) The Santa Clara County Board of Education (“County Board”) therefore, shall take no action outside of a regular or special public meeting of the County Board, except with regard to those subjects and under those conditions described for closed sessions in Sections 54957 through 54957.6 of the Government Code.

The Santa Clara County Board of Education shall only act by a majority vote of all of the membership constituting the County Board, regardless of the number of members present, unless otherwise required by law.

An "action" by the County Board means: (Government Code 54952.6)

1. A collective decision by a majority of the County Board members;
2. A collective commitment or promise by a majority of the members to make a positive or negative decision; or
3. A vote by a majority of the members when sitting as the County Board upon a motion, proposal, resolution, order or ordinance

The County Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The County Board, by majority vote of its members, determines that an emergency exists, pursuant to Government Code Section 54956.5.

(cf. 9320 - Meetings and Notices)

2. The County Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the County Board’s attention after the posting of the agenda.
3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.

(cf. 9322 - Agenda/Meeting Materials)

The County Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

ACTIONS BY THE BOARD (continued)

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

Where the County Board President is unable to determine a majority by voice vote (ayes and nays), he or she may ask for a show of hands or a roll call. (Education Code 1015)

(cf. 9324 - Minutes and Recordings)

Challenging Board Actions

Any demand by the district attorney's office or any interested person to correct a County Board action shall be presented to the County Board in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1)

1. Government Code 54953, regarding open meeting and teleconferencing
2. Government Code 54954.5, regarding closed session item descriptions
3. Government Code 54954.6, regarding new or increased tax assessments
4. Government Code 54956, regarding special meetings
5. Government Code 54956.5, regarding emergency meetings

If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation. (Government Code 54960.1)

Within 30 days of receiving the demand, the County Board shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the County Board decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision. (Government Code 54960.1)

If the County Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code 54960.1)

Note: The law specifies certain Board actions as requiring more than a majority vote; a specific list of such actions is included in the Exhibit attached hereto as E 9323.2

Legal Reference: (see next page)

ACTIONS BY THE BOARD (continued)

Legal Reference:

EDUCATION CODE

1013 Quorum

1015 Voting

1040 Duties and responsibilities; county boards of education

GOVERNMENT CODE

54950 Meetings: declaration; intent; sovereignty

54952.6 Action taken, definition

54953 Meetings to be open and public; attendance; secret ballots

54954.2 Agenda posting requirements; board actions

54954.5 Closed session item descriptions

54960 Action to prevent violations

54960.1 Challenge of governing board actions

54960.5 Costs and attorney fees

65352.2 Coordination with planning agency

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

ACTIONS BY THE BOARD

ACTIONS REQUIRING MORE THAN A MAJORITY VOTE

This Exhibit lists some of the actions that, if taken by the Santa Clara County Board of Education (“County Board”), require more than a majority vote. Other such actions may exist and may be identified in the future.

Actions Requiring a Two-Thirds (5/7) Vote of the Board):

1. Resolution declaring intention to sell or lease real property (Education Code 17466)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

2. Resolution declaring intent of County Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the County Board President to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease for up to three months of school property which has a residence on it and which cannot be developed for Santa Clara County Office of Education (“County Office”) purposes because funds are unavailable (Education Code 17481)
5. Temporary borrowing before receipt of fiscal income, with approval of County Auditor and County Treasurer, if implemented pursuant to Government Code 53820-53833 (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, ordering city or county zoning ordinances inapplicable to a proposed use of the property by the County Office. (Government Code 53094)

(cf. 7131 - Relations with Local Agencies)

(cf. 7150 - Site Selection and Development)

(cf. 7160 - Charter School Facilities)

7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund (Education Code 17582, 17583)

ACTIONS BY THE BOARD (continued)

8. Resolution of necessity to proceed with an eminent domain action and, if the County Board desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the County Office's attention after the posting of the agenda. If less than two-thirds of the County Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the County Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

Actions Requiring a Four-Fifths (6/7) Vote of the Board:

1. The expenditure and transfer of necessary funds and use of County Office property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

2. Resolution, adopted between July 15 and August 30, to borrow funds of up to 25 percent of the estimated income and revenue to be received by the County Office during the current fiscal year from apportionments based on average daily attendance for the preceding school year (Government Code 53822-53824)
3. Declaration of an emergency in order to authorize the County Office to include a particular brand name or product in a bid specification (Public Contract Code 3400)

(cf. 3311 - Bids)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)

ACTIONS BY THE BOARD (continued)

2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the County Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the County Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

MINUTES AND RECORDINGS

The Santa Clara County Board of Education (“County Board”) recognizes that maintaining accurate minutes of County Board meetings provides a record of County Board actions for use by Santa Clara County Office of Education (“County Office”) staff and the public. Accurate minutes also help foster public trust that County Board actions are occurring in public in accordance with law.

(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)
(cf. 9323 - Meeting Conduct)

The Santa Clara County Superintendent of Schools (“County Superintendent”), acting in his or her capacity as Secretary of the County Board shall keep minutes and record all official County Board actions. The County Board’s minutes shall be public records and shall be made available to the public upon request. (Education Code 1010; Government Code 54975.5)

(cf. 1340 - Access to District Records)
(cf. 9323.2 - Actions by the Board)

Contents of Minutes; Recording of Votes

The Santa Clara County Superintendent of Schools or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. At the next meeting, the County Board shall correct any errors or omissions noted in the minutes and shall then approve the minutes as circulated or with necessary amendments.

In order to ensure that the minutes are focused on County Board action, the minutes shall include only a brief summary of the County Board's discussion, but shall not include a verbatim record of the County Board's discussion on each agenda topic or the names of County Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion, the names of members who made and seconded the motion, and the individual votes of each member, unless the action was unanimous. When a roll call vote is taken, the names and votes of each member shall be listed. Motions or resolutions shall be recorded as having passed or failed. All motions and County Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

The minutes shall record which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

MINUTES AND RECORDINGS (continued)

Minutes of each expulsion appeal case or interdistrict transfer appeal case shall be coded for reference by the County Board and to ensure student confidentiality.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

Official County Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

(cf. 3580 - District Records)

Closed Session Minutes

Any minutes or recordings kept for County Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

(cf. 9321.1 - Closed Session Actions and Reports)

Recording or Broadcasting of Meetings

The County Office may tape, film, or broadcast any open County Board meeting. The County Board President shall announce that a recording or broadcasting is being made at the beginning of the meeting and, as practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any County Office recording may be erased or destroyed 30 days after the meeting. Recordings made during a meeting are public records and, upon request, shall be made available for inspection by members of the public on a County Office recorder without charge. Recordings made during a closed session are not public records. (Government Code 54953.5, 52957.2)

(Legal Reference--see next page)

Legal Reference:

EDUCATION CODE

1010 Ex officio secretary

1015 Recoding of votes

GOVERNMENT CODE

54952.2 Meeting defined

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent

CODE OF REGULATIONS, TITLE 5

16020-16027 Classification and retention of records

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, rev. 2007

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

BOARD SELF-EVALUATION

The Santa Clara County Board of Education (“County Board”) shall, as directed by the County Board President, annually conduct a self-evaluation in order to demonstrate accountability to the community and ensure that its governance of the Santa Clara County Office of Education (“County Office”) effectively supports student achievement and the attainment of the County Office's vision and goals.

(cf. 0000 - Vision)

(cf. 2123 - Evaluation of the Superintendent)

(cf. 9121 – Board President)

The evaluation may address any areas of County Board responsibility, including but not limited to County Board performance in relation to vision setting, curriculum, finance, policy, and community relations. The evaluation also may address objectives related to County Board meeting operations, relationships among County Board members, the County Board’s relationship with the Santa Clara County Superintendent of Schools (“County Superintendent”), understanding of County Board and County Superintendent roles and responsibilities, communication skills, or other boardsmanship skills.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

By January of each year, the County Board President shall establish a timeline and create a committee composed of no more than three County Board members, including the County Board President, to determine an evaluation method or instrument that measures a reasonable number of identified performance objectives. The County Superintendent or designee shall provide assistance and support, if requested. The criteria, process, and schedule for the County Board’s self-evaluation shall be approved annually by the County Board in open session.

The evaluation instrument should measure how County Board interactions, operations and performance contribute to the mission, vision and goals of the County Office. Outcomes of the process may include the development of strategies for strengthening County Board interactions, operations and performance; the assurance that ethical standards and legal regulations are being followed; the establishment of priorities and objectives for the following year’s evaluation; and the identification of opportunities for County Board member development.

The County Board shall be evaluated as a whole and not as individual members. However, individual County Board members are also encouraged to use the evaluation process as an opportunity to privately assess their personal performance as a County Board member. Although the County Board President may direct County Board members to complete an evaluation instrument individually, any discussion of the County Board's self-evaluation shall be conducted in open session. At the request of the County Board, a facilitator may be used to assist with the evaluation process. The County Board may invite the County Superintendent or others to provide input into the evaluation process.

Legal Reference: (see next page)

BOARD SELF-EVALUATION (continued)

Legal Reference:

GOVERNMENT CODE

54950-54963 *Brown Act; board self-evaluations not covered*

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards, 2000

Maximizing School Board Leadership, 1996

WEB SITES

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