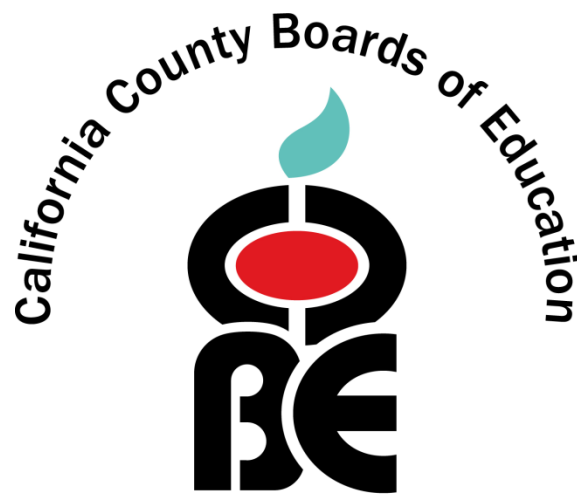


County Board Member Handbook

A Guide to Effective Governance



A Voice for Education

California County Boards of Education
3251 Beacon Boulevard ▪ West Sacramento, CA 95691
Phone: (916) 669-3281 ▪ Fax: (916) 371-3407
www.theccbe.org

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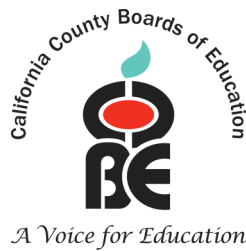
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By Heidi Weiland, El Dorado COE; Juliana Feriani, Tuolumne COE; Charlyn Tuter, Program Manager,
CCBE/CSBA; and Diane Greene, Sr. Policy Manual Consultant, CSBA
Legal review completed by: Keith Bray, General Counsel, CSBA

Common Education Acronyms

ACSA	Association California School Administrators
ACT	American College Testing
ADA	Average Daily Attendance
AMO	Annual Measurable Objectives
API	Academic Performance Index
ASAM	Alternative School Accountability Model
AYP	Adequate Yearly Progress
BASC	Business and Administration Steering Committee
CCBE	California County Boards of Education
CCEE	California Collaborative for Educational Excellence
CCSESA	California County Superintendents Educational Services Association
CAHSEE	California High School Exit Exam
CALPADS	California Longitudinal Pupil Achievement Data Systems
CAT/6	California Achievement Test – 6 th Edition
CBEST	California Basic Education Skills Test
CELDT	California English Language Development Test
CISC	Curriculum and Instruction Steering Committee
COE	County Office of Education
COLA	Cost of Living Adjustment
CSBA	California School Boards Association
CSR	Class Size Reduction
CST	California Standards Test
CTE	Career Technical Education (Standards and Framework)
ELA	English Language Arts
ELD	English Language Development
EL	English Language Learner
ESD	Elementary School District
HQT	Highly Qualified Teacher
HSD	High School District
IDEA	Individuals with Disability Education Act
IEP	Individual Education Plan
LCFF	Local Control Formula Funding
LCAP	Local Control Accountability Plan
LEA	Local Education Agency
MOU	Memorandum of Understanding
NAEP	National Assessment of Educational Progress
NCLB	No Child Left Behind Act
CalPERS	California Public Employees' Retirement System
PI	Program Improvement
PSAA	Public Schools Accountability Act
QEIA	Quality Education Investment Act
ROP	Regional Occupation Program
SARB	School Attendance Review Boards
SARC	School Accountability Report Card
SAT	Scholastic Aptitude Test
SD	School District
SELPA	Special Education Local Plan Area
STAR	California Standardized Testing and Reporting Program
STRS	State Teachers Retirement System
TANF	Temporary Assistance for Needy Families
UHSD	Union High School District
USD	Unified School District
USD	Union School District



PREFACE

County boards of education serve a special role in California's system of K-12 public education. Yet, because these roles are not always clearly defined in law and because these roles often differ from county to county, little information is available to help county board members understand and perform their unique roles.

This handbook is intended to provide an overview of the basic roles and responsibilities of county boards. Originally envisioned as a handbook for new county board members, it nevertheless contains information that will be a useful review for veteran county board members as well as an introduction to the county board and to the county office of education for district board members or anyone else. CCBE intends to provide periodic updates to this handbook to keep its members informed of changing responsibilities and to expand upon the information. The 2014 edition updates the role of county offices of education with respect to the local control funding formula (LCFF), local control and accountability plan (LCAP) and other recent legal requirements.

Chapter I is an overview of the general structure and background of county offices and the organizations that provide support to county boards and county superintendents. **Chapter II** discusses basic boardsmanship principles, based on the belief that the *manner* in which a board performs its functions has a tremendous impact on its ability to perform its job well and on the level of respect and support it receives from the community. **Chapter III** discusses the ambiguity that sometimes exist between the roles of county boards and county superintendents, and then discusses in more detail responsibilities related to the development of a vision statement, budget adoption and fiscal accountability, local control accountability plans (LCAPs), interdistrict, expulsion and charter school petition appeals, curriculum adoption and program accountability, policy adoption, and advocacy/community leadership. Finally, **Chapter IV** summarizes the various direct services and programs provided by county offices.

Much of the information for the original handbook¹ was based on the *County Boards of Education and County Superintendents: Shared Governance in California Education*, 1996 paper and CSBA's *Maximizing School Board Governance* series. This handbook provides legal references of the Education Code in areas of responsibility granted to county boards and county superintendents and a framework of the roles and responsibilities of county boards. Finally, CCBE extends its appreciation to CCBE and CSBA staff for the additional updates and production assistance of this handbook.

¹ *The County Boards of Education and County Superintendents: Shared Governance in California Education*, 1996 paper was commissioned by CCBE and written by CCBE Governance Task Force and retired CSBA Legal Counsel John Bukey.



A Voice for Education

I. INTRODUCTION

County Offices of Education: An Overview

The 58 county offices of education (COEs) throughout California perform a unique and essential role in the education of our state’s youth, a role that has expanded in recent years most recently with the implementation of Local Control Funding Formula (LCFF) and Local Control Accountability Plan (LCAP). All county offices provide a wide variety of critical services for students and school districts. The programs and services offered by COEs vary from county to county.

The requirement for a board of education in each county or for a joint elected board for two or more counties is included in the California Constitution (Article IX, Section 7.)

Each county office is governed by both a county board of education and a county superintendent. Effective governance requires a clear understanding of the roles and responsibilities of the county board and county superintendent. Although they fulfill similar roles as the boards and superintendents of local school districts, there are some important differences in the governance of county offices of education that stem from both statutory responsibilities and from local decisions involving the division of county office responsibilities.

Historical background

The offices of county boards of education and county superintendents were established in the mid-1800s and have seen many changes in their structures and functions since that time. (For more historical information, see our website at www.theccbe.org). Figure 1 outlines the key events that helped shape the structure of county office governance (see p. I-2).

The position of *county superintendent* was established first, in 1849 by the California Constitution, but was an ex officio duty of the county assessor. Over the next 30 years, the office of county superintendent was created by statute, then made elective, and then made a constitutional office. In 1976, voters in each county were given the authority to determine whether the superintendent would be elected by the voters in the county or appointed by the county board of education.

County boards had their origin of sorts in 1860 when the legislature created county “boards of examination.” These boards were headed by the county superintendent and were responsible for examining teachers and issuing certificates. Then, in 1881, the legislature created county boards of education comprised of the county superintendent and four board members (including two experienced teachers). An amendment to the constitution in 1884 required that the legislature provide boards of education with the same powers prescribed for the boards of examination in the 1860 statute. It was not until 1956 that the first *elected* county boards of education took office.

Figure 1. Historical Background

- 1849 The California Constitution establishes the position of county superintendent as an ex officio duty of the county assessor.
- 1852 The office of county superintendent is created by statute (the Common School Act).
- 1856 The office of county superintendent is made elective.
- 1860 The legislature creates “county boards of examination” which are headed by the county superintendent and are responsible for examining teachers and issuing certificates.
- 1879 The California Constitution establishes the position of county superintendent as a constitutional office.
- 1881 The legislature creates county boards of education comprised of the county superintendent and four board members (including two experienced teachers). The same statutes specify certain duties of the county superintendent.
- 1884 A constitutional amendment requires that the legislature provide a board of education. This board and the superintendent are given the powers specified in the 1860 statute.
- 1933 California statute (the School Finance Law) establishes three funds to be controlled by the county superintendent and gives the superintendent funds and power to support a number of duties.
- 1940 Additional duties are given to county superintendents, including many services they perform in support of small school districts.
- 1946 The amended California Constitution authorizes the legislature to prescribe the qualifications and salaries of county superintendents.
- 1947 The legislature creates the county school service fund and further increases the powers and duties of county superintendents.
- 1956 The first elected county boards of education take office.
- 1976 Voters in each county are authorized to decide whether to continue to elect the county superintendent or have the county board appoint. In the same year, a constitutional amendment gives county boards the power to set the salary of the county superintendent.
- 1992 AB 1200 gives county superintendents fiscal oversight responsibility related to school districts.
- 2004 *Williams* settlement gives county superintendents new oversight responsibilities related to the sufficiency of instructional materials, conditions in facilities and teacher assignments in districts.
- 2013 AB 97 establishes the local control funding formula, requires county offices and districts to develop local control and accountability plans, and for county boards to adopt the LCAP. AB 97 also establishes a role for county superintendent in approving district LCAPs and providing technical assistance.

Federal, state and local context. County offices fit into a multilevel education system that is impacted by a variety of agencies and institutions.

In comparison to the state, the federal role in education is limited. However, the federal government's role is expanding, particularly since the passage of the No Child Left Behind Act (NCLB) in 2002. For example, federal programs generally support the education of disadvantaged and disabled students. In addition, NCLB established requirements for teacher qualifications and accountability standards.

Under the U.S. Constitution, education is a reserved power of the states. In California, the state pays most of the cost of providing K-12 public education. It also passes numerous regulations and establishes mechanisms to hold schools accountable for the funding they receive. The Governor, Legislature, Superintendent of Public Instruction (SPI), California Department of Education (CDE), and State Board of Education (SBE) all affect the way schools conduct their business. In addition, non-education focused agencies dealing with finance, health, transportation, land use planning and other related services make decisions that impact schools.

All states except Hawaii have chosen to delegate substantial policy-making and operational decisions to local district school boards. California has nearly 1,000 school districts, each with its own board of education consisting of three to seven members.

California's 58 COE's fit into the system by providing a way to coordinate services regionally among a group of school districts and by meeting student needs that are unmet through the other systems, i.e., county community and court schools, etc. County offices are intermediate units linking state policy with local district programs and needs. They enable school districts to be more effective and efficient, link schools to county-based services, and provide a critical role in oversight and quality control.

Board Organization

County offices of education may differ from county to county in terms of the size and selection of the board, the selection of the superintendent, and duties and functions.

County boards consist of either five or seven members as determined by the county committee on school district organization. In addition, the county superintendent serves as ex officio secretary and executive officer of the board.

Trustee Area. In most counties, each board member represents a frequently corresponding with a supervisorial district. In chartered counties, the method of selecting county board members is prescribed in the county charter or by the board of supervisors.

Of the 58 county offices of education, seven are actually "county unified school districts." That is, the school district's boundaries encompass the entire county. In these counties, the district's governing board also serves as the county board of education (Education Code 1000).

Seven counties have county unified school districts, in which there is only one school district in the county and one county/district board: Alpine, Amador, Del Norte, Mariposa, Plumas, San Francisco and Sierra.

Requests for changes in the number of board members or in the boundaries of trustee areas must be referred to the county committee on school district organization according to procedures specified in Education Code 1002-1004. If a county committee approves a proposal to increase or decrease the number of board members, the issue is presented to the voters in the county. In many counties, the county board sits as the county committee on district organization. (Education Code 4020-4024).

Qualifications. Any registered voter living within the county, except the county superintendent or an employee of the county superintendent, or of any school district within the jurisdiction of the county, is eligible to be a member of the county board (Education Code 1006). Thus, the qualifications to serve on the county board are that the person be a United States citizen, 18 years of age or older, is a registered voter, and a resident of the county.

Elections. County board members serve four-year terms. Elections are held every two years in either June or November, with roughly half the board members' terms expiring each time. If all the school districts in the county hold their board elections on the same day, county board elections as ordered by the board shall follow the same timeline and procedures. Otherwise, the election is consolidated with the primary election.

Compensation & Benefits. Each member of the governing board may receive the maximum monthly compensation as provided for in the law. The amount depends on the class of the county and board policy. Board may also by resolution increase their compensation annually by an amount not to exceed 5% over the amount prescribed by law. If a member does not attend all board meetings during the month, he/she may receive only a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by Board resolution in accordance with the law (Education Code 1090).

County board members may enroll in the health insurance and other such health and welfare benefits available to county office employees. Whether the county office or the individual board member pays the cost of such coverage is an individual board decision (Government Code 53208).

Attendance. It is important that board members view their attendance and participation in board meetings as an obligation. Through such regularity and consistency a common bond develops and all members receive the same information at the same time.

The office of a member of the board shall become vacant when that member has not attended any board meetings for a period of three (3) consecutive months, starting on the date of any board meeting, unless prevented by sickness or absence from the State with permission required by law (Government Code 1770).

Vacancies. County board members may fill by provisional appointment or call for a special election to fill any vacancy that may occur during the term of a county board member subject to the laws governing school board elections (Education Code 1008). The county board, except in Los Angeles County², may fill by appointment any vacancy in the office of the county superintendent (Education Code 1042). Additionally, when a majority of the seats on a school board in the county are vacant, the president of the county board may fill any vacant seat with members of the county board (Education Code 5094).

²In Los Angeles County, both the superintendent and the board of education are appointed by the county board of supervisors.

Structure & Relationships. County superintendents are selected in California by one of three ways. In 53 of the 58 counties, the county superintendent is an elective office. In four counties (San Diego, Santa Clara, San Francisco and Sacramento), the superintendent is appointed by the county board of education, and in Los Angeles County, both the superintendent and the board of education are appointed by the county board of supervisors.

The relationship between the county board and the county superintendent is not the same in all county offices. The law is not always clear in defining the respective roles of the board and superintendent, so each county board and superintendent may come to their own understanding based on practice and governance philosophies.

Finally, many duties, functions, programs and services vary from county to county, depending on size of the county office and on the particular arrangements with the school districts within the county and with the county board of supervisors. Most county boards of education have been delegated many, if not all, of the duties and functions of the county board of supervisors. Pursuant to Education Code 1080, the county board of supervisors may transfer to the county board of education:

- approval of the county superintendent’s estimate of anticipated revenue and expenditures;
- allowance of the actual and necessary travel expenses, the expenses of the office of the county superintendent of schools and the expenses of providing housing for services of the county superintendent;
- any other duties and functions of an educational, or educational and recreational, nature which by law are required or permitted to be performed by the county board of supervisors; and
- the community recreation functions authorized by Education Code 10903.

If the county board of supervisors transfers expense allowance to the county board of education, such county offices of education are considered “fiscally independent.”

Most county offices of education are fiscally independent of the county board of supervisors. Only three counties are fiscally dependent: Alpine, San Benito, and San Bernardino.

Some examples of common county programs and services are described in Chapter IV. Some of these are direct services for students, whereas some support school districts.

Organizational Support

County board members in California receive support and services through two organizations: California County Boards of Education (CCBE) and the California School Boards Association (CSBA). County superintendents are supported by the California County Superintendents Educational Services Association (CCSESA).

California County Boards of Education. CCBE represents and serves the unique needs of the 58 county boards of education in California. Its mission is to provide leadership and services to county board members and enable them to help every student succeed. For example, the organization:

- raises public awareness of important public education issues;

- reviews and takes positions on proposed legislation that affects county boards and county offices of education;
- provides governance training to county board members; and
- compiles and distributes sample policies for use by county boards.

Once a year, CCBE holds a fall conference in which county board members meet and share their perspective on key legislative and county issues. CCBE also holds a general membership meeting in conjunction with the CSBA Annual Education Conference and Trade Show.

Appendix A provides basic information pertaining to the structure of the organization and additional resources. CCBE is governed by an executive committee and a board of directors. The executive committee consists of the president, president-elect, vice president, immediate past president, treasurer and CSBA director-at-large for county boards. Members of the board of directors include the executive committee, the 18 county board members who serve on CSBA's delegate assembly elected from the CSBA geographic regions, CCBE committee and task force chairs (nonvoting privileges), and county board members serving on CSBA's board of directors.

In addition, CCBE has established several committees — including the Nominating, Legislative, Policy Platform, Bylaws, Audit/Budget, Awards, CORE Newsletter, and Conference Planning Committees — and sometimes establishes short-term task forces to study and make recommendations on specific issues.

The general membership of CCBE includes only those county boards that pay dues to CCBE and are also dues paying members of CSBA. Meetings of the full membership are held twice a year. Any member may initiate action or participate in debate and discussion, but each member board selects only one of its members to be a voting representative at meetings of the CCBE membership. The general membership adopts bylaws, policies, goals, objectives and resolutions, and elects the officers and the Nominating Committee.

For further information about CCBE, contact the current CCBE president, board of directors or staff, by writing to CCBE at 3251 Beacon Blvd., West Sacramento, CA 95691, by calling (800) 266-3382, or by accessing CCBE's web page at www.theccbe.org.

California School Boards Association. CSBA is a full-service organization that represents and serves all boards of education in California, including both district boards and county boards. It offers legislative advocacy, publications, research and analysis of education issues, board development conferences and workshops, policy services, financial and business services, executive searches and an education legal alliance.

CSBA is governed by board members, including a four-member executive committee, a 32-member board of directors and an approximately 270-member delegate assembly. The CCBE president plus one other county board member elected at large sit on CSBA's board of directors. The delegate assembly also designates a number of seats for county board members, establishing one county delegate seat in each of the 21 geographic regions (Los Angeles county delegate represents regions 21-24) plus the CCBE immediate past president.

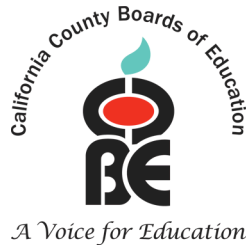
For further information about CSBA, contact the membership support office at (800) 266-3382, write to CSBA at 3251 Beacon Blvd., West Sacramento, CA 95691, or browse CSBA's web page at www.csba.org.

California County Superintendents Educational Services Association. CCSESA represents the county superintendents of schools throughout California. The association's goals are to identify and promote quality educational practices and services and provide support to school districts and county offices. The work of the association is

accomplished through steering committees on Curriculum and Instruction, Student Programs and Services, Personnel Administrative Services, Business and Administration, and Technology and Telecommunications; the Business Partnerships Standing Committee; the Legislative Committee; and occasional task forces.

CCSESA is governed by a five-member executive committee and a board of directors that consists of the executive committee, representatives of 11 county superintendent regions, and seven steering/standing committee chairs.

For further information about CCSESA and superintendents roles, see CCSESA's web page at www.ccsesa.org.



II. BOARDSMANSHIP

Given the sometimes unclear nature of county office governance responsibilities described in Chapter III, open communication and strong collaboration between the board and superintendent are especially essential. Equally important is strong teamwork among the board members themselves. *How* a board governs can be as important as *what* the board does, since the board's manner and integrity send an important message to the public about the quality of leadership in the community's schools and programs.

"Boardsmanship" refers to the basic characteristics and behaviors that effective board members have in common. It describes how board members respond to and interact with the superintendent, fellow board members, community, students, parents and staff.

The manner in which board members individually and collectively fulfill their governance roles and responsibilities has a strong impact on the public's perception of our schools. The local media love to report angry statements made by a board member at a public meeting . . . or to quote a board member who has an opposite view from the position adopted by the board . . . or to emphasize board splits or "sides." Such reports are harmful to board members personally and to the board's ability to be a cohesive, united body. Such reports also hurt the county office's image and distract the board from its primary goals, and therefore hurt the board's ability to do a good job.

An effective board, then, is one in which trustees work with each other and the superintendent in a professional manner and with a focus on the ultimate goal of improving student achievement. Individual board members respect differences of perspective and style, are prepared for each meeting, keep confidential matters confidential, understand the distinction between board and staff roles, and pay attention to their behavior and demeanor. The board assumes collective responsibility by working with the county superintendent to create a positive organizational culture, to operate with trust and integrity, and to focus on a common vision.

Being an effective board member requires a commitment of time and energy, and a willingness to participate in professional development designed to enhance one's skills and knowledge.

Many boards find it useful to adopt a set of professional governance standards that represent agreed-upon standards of boardsmanship. CSBA and CCBE have jointly developed a recommended set of standards for county boards (see Appendix B) which address three components of effective governance: attributes of an effective individual trustee, attributes of an effective governing board, and the specific duties the board performs in its governance role. Boards are encouraged to discuss these principles and adapt them to meet local needs. The process itself often serves to build a unity of purpose and a greater understanding of county board roles, and demonstrates to the community the board's commitment to effective governance.

Board Behavior and Demeanor

It is important to remember that board members are board members whether they are in the board room or at home or in the grocery store. From the moment of election or appointment, board members become public officials whose actions are scrutinized by the public. Thus, it is important to demonstrate good boardsmanship at all times and in all public settings.

Intentionally or not, the board sets a tone for the operations of the county office through its behavior in these settings. The board should be a role model of professional behavior; the board cannot expect staff or others to behave professionally if board members do not.

Board members need to watch their words. They must be civil, reasonable, patient and courteous, and ask questions that convey interest. They must avoid sarcasm, raised voices and condescending tones. Conflicts will naturally arise, but they must be handled in an appropriate manner. A board room is not an appropriate place to vent one's emotions.

"It is not easy to be patient in the face of impatience, courteous in response to rudeness, humane as a reaction to inhumanity, compassionate when confronted with hatred, calm when attacked in anger, or to manage stress in stressful situations. But board members must strive to do just that."

— California School Boards Association, *Maximizing School Board Leadership: Boardsmanship*, 1996

Board members also need to watch their nonverbal language. Positive messages are conveyed by looking directly at people, listening carefully, and sitting up straight. Negative messages are conveyed by yawning, shuffling papers, cutting off a speaker or dismissing his/her concern, sitting with arms crossed defensively or sitting in an overly relaxed manner.

Often board members are unaware of the signals they are sending. They might need to increase their conscious awareness by paying particular attention to their actions and demeanor until positive behaviors become ingrained and automatic. It sometimes helps to videotape a board meeting and observe one's own behaviors, or to ask board members to observe each other's behaviors.

Teamwork

One of the first realities faced by new board members is that *authority is granted only to the board as a collective body, not to individual board members*. Individual board members cannot fix problems themselves, establish new programs or priorities, or direct the superintendent or his/her staff. It is the collective body that establishes policies and makes decisions that help provide direction for the county.

Because board members are public officials, a casual comment made to a staff person about a problem could be perceived as an order or as an attempt to circumvent the superintendent or the process. Similarly, if a board member sends a letter on county office letterhead, it appears to be an official county document. Therefore, board members must be careful not to create even a *perception* that they are acting as individuals with authority.

In order to be part of a collective decision-making body, board members must be skilled at working in a group setting. They must develop into a team. They will have a variety of styles and backgrounds and a diversity of views, yet must work closely with other board members

whom they did not even get to choose. Understanding the importance of and implementing a true team approach is one of a board's biggest challenges. As referenced in section I, it is important that board members recognize their obligation to attend and participate in board meetings.

As soon as possible, a new board member has to make the transition from the election — where he/she ran as an individual with a separate platform — to a member of that team. A person may have come to the board with a set of specific priorities, but his/her success in implementing those priorities depends on the ability to work with the rest of the board and, sometimes, to forge compromises that reflect the needs and priorities of everyone in the county office. A board member can achieve his/her personal goals only by convincing a majority of the board members of the merit of his/her ideas. A trustful relationship cannot exist unless board members believe that their colleagues are making decisions with the best interest of students and the county office in mind.

Good teamwork is characterized by members who:

- understand the importance of creating a positive climate throughout the county office schools and programs, and believe that they must model teamwork;
- share a common interest in the welfare and education of the county office's students;
- have a positive attitude;
- listen carefully to each other and are respectful of each other's views;
- communicate openly, honestly and tactfully;
- earn each other's trust by acting with integrity;
- display a high level of professionalism which reflects the seriousness of the county board's responsibilities;
- operate with fairness; and
- maintain their focus on the board's goals and the business at hand.

Board-Superintendent Relations

In addition to developing teamwork within the board, it is important to work cooperatively with the county superintendent. Together, the board and superintendent must develop an effective county office that serves students and districts. Critical to this cooperative relationship is ongoing dialogue and valuing each other's input. Good relations require a clear understanding and appreciation of each other's roles and responsibilities. Although cooperation is essential, the board and the superintendent must do their best not to infringe upon each other's areas of responsibility and authority. If the board and superintendent are effectively fulfilling their own responsibilities, each has plenty of work to do without taking on the duties of the other.

When the board and superintendent work well together, a climate of trust and confidence is created which should extend to county office staff as well. Even though the county superintendent is the employer of county office staff and the board's personnel role is limited, the board interacts with staff which provide opportunities to develop positive relationships. It is important to not blind-side staff with surprise questions at the meeting by letting them and the superintendent know ahead of time what questions you will be asking. This is not to limit public discussion, but rather to make it more robust and inclusive.

And most importantly, they should avoid open criticism of staff, which only makes the board appear unprofessional and lowers morale. Staff should feel encouraged to be creative and try new things without fear of being judged a failure or penalized for taking risks.

Support for Board Positions

Presenting a united front is critical to teamwork. Board members should do their best to come to consensus on key issues, taking the time to explain their positions and reasons and listening carefully to the positions and reasons of others. Every decision of the board should be guided by what is in the best interests of the county as a whole. Even if board members perceive that a particular constituency elected them, once elected, those board members have a responsibility to serve all children and all groups in the county.

Of course, it is unlikely that board members will agree on every issue. Individual board members have a right, and even an obligation, to express their own opinions. The best *place* to do so is in the boardroom as issues are debated and decisions made. The best *way* to do so is in a respectful and professional tone as discussed above. At various times, each board member experiences “winning” and “losing” on an issue — what is unproductive is for some board members to leave feeling angry or unheard, while other board members feel superior.

Once the majority of the board has voted on an issue, policy or procedure, however, their position becomes the official board position. It is incumbent upon board members to support the decision of the body. Should policies or procedures become outdated, or in conflict with the law, then is the time to revisit or further discuss the issues and parameters.

If individual members do express an opinion that is different from the board’s official position, they must be sure to clarify that it is a personal opinion. Still, the public is likely to perceive an individual’s comment as a reflection of the full board. Thus, it is better, when speaking to community groups, to avoid contentious topics when possible and instead speak positively about other programs and issues. Or, when responding to specific questions about issues where the board member disagrees with the majority’s decision, he or she could simply say “the board’s position is . . .” or “the board decided to . . .” without interjecting their own personal position.

When individual board members publicly demonstrate their willingness to work as a team in this way rather than advocate their personal agendas, a positive organizational climate is possible, one that builds the credibility of the board and enables the board to focus on its unity of purpose.

The Brown Act

County Boards in their primary function as the governing board, and when applicable, in their secondary function as the county committee, are required by California State law to comply with Ralph M. Brown Act and Open Meeting Laws. In the CSBA book, *“The Brown Act School Boards and Open Meeting Laws,”* it states “that there are three sets of rules applicable to boards that state the general requirement that board meetings must be open to the public Government Code 54950 through 54963, Education Code 35140 through 35149, and Education Code 1011 through 1016.

The intent behind these open meetings laws is clear (Government Code 54950) ...*the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.*

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Public confidence and trust are probably the greatest assets of any public official or agency. One cannot earn confidence by careless disregard or ignorance of the law. In their meetings and relationships, county boards should use wisdom and good judgment to ensure deliberation and action that conform to the law.

The intent and purpose of the Brown Act is to ensure that “actions of (local legislative bodies) be taken openly and that their deliberations be conducted openly” (Government Code 54950). Board members must act and conduct all deliberations in open session meetings, unless the subject matter comes within a statutory exception allowing boards to hold a closed session.

It is recommended that board members limit their communications, particularly e-mail communications, to a single individual (e.g., county superintendent or one other board member). Since communications about the business of the board by a majority of board members outside of a board meeting are considered unlawful serial meetings, members should refrain from copying or forwarding to other board members emails that involve the business of the board. (Government Code 54952.2).

Regular Meetings. It is required a board post its agenda for a regular meeting at a location freely accessible to the public, at least 72 hours before the meeting and requires each board that has its own web site to also post its agenda on the web site (Government Code 54954.2).

Special Meetings. It is required a board to post its agenda for a special meeting at a location freely accessible to the public, at least 24 hours before the meeting and requires each board that has its own web site to also post its agenda on the web site (Government Code 54956 and 54954.2). These meetings allow boards to deliberate and/or act prior to the next regular board meeting. No business other than the business on the agenda can be considered at special meetings by the governing board (Government Code 54956, Education Code 1012). Additionally, the board is prohibited to use these special meetings to deliberate or act on the salary, salary schedule, or other compensation for the county superintendent.

Closed Sessions. County boards may meet in closed session for certain specified reasons. One of the reasons includes meeting to consider taking action on any claim filed against the county office and/or the county board of education (Government Code 911.6). Prior to holding any closed session, the county board shall disclose in an open meeting the item or items to be discussed in the closed session. After the closed session, the board shall reconvene into open session and when applicable report any action taken in closed session as required by the Brown Act. The board may meet in closed session to consider the discipline of a student if a public hearing would divulge confidential information contained in the student's record or deliberate with respect to the expulsion of a student (Education Code 35146 and 48918). County boards may not meet in closed session regarding employees of the county superintendent (85 Ops. Cal. Atty. Gen 77 (2002)).

Conflict of Interest (FPPC 700)

As locally elected officials, county board members are subject to the state's laws regarding conflict of interest including holding incompatible offices. These laws are based on the premise that a public official's personal or private financial considerations should not be part of the governmental decision-making process. The governing board is required to adopt a conflict of interest code in compliance with Government Code 873000 – 87313 of the Political Reform Act (PRA). The law requires that the conflict of interest code contain three components:

- An incorporation statement, which states the terms of the code and incorporates relevant Fair Political Practices Commission (FPPC) regulations by reference.
- Designated positions, which lists the specific positions in the COE that make or participate in making governmental decisions.
- Disclosure categories, which specify the types of investments, income and interest in property that must be disclosed by each person holding a designated position.

The COEs local conflict of interest code is the basis for the information that is reported on the Statement of Economic Interest/Form 700. The local code is prepared and submitted to the county board for adoption by the county superintendent. (Government Code 87300). All board members and staff who hold a designated position identified in the local code must file a Form 700 by April 1 of each year.

Under the law, there are two separate categories of Form 700 disclosures – what the FPPC calls “Article 2” or “Article 3” filers. While by statute all county supervisors and city council members are Article 2 filers and thus have their reporting requirements provided for in law instead of a locally adopted code, most county board members are Article 3 filers pursuant to Government Code 87302. For Article 3 filers, the disclosure requirements for the Form 700 are determined by the board as set forth in the COEs conflict of interest code. The Article 2 filer's status is only applicable to Board members who “manage public investments.”

A board member who manages public investments and is thus a “Article 3” filer, and who may have 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, should announce their potential conflict, step down from the dais, and leave the room.

Gifts. County board members may not accept gifts from any single source totaling more than \$460 in a calendar year if you are required to report receiving income or gifts from that source on your statement of economic interest (Government Code 89503(c)). The gift limit is adjusted biennially to reflect changes in the Consumer Price Index. Gifts aggregating \$50 or more must be disclosed and gifts aggregating \$440 or more may subject you to disqualification with respect to the source (Government Code 87103(e)). This limit may not be applicable to gifts from every source. The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions that the gifts exchanged are not substantially disproportionate in value but you may be required to report these items (Government Code 89503).

For more detailed information, please visit the FPPC web site at www.fppc.ca.gov.



A Voice for Education

III. GOVERNANCE ROLES AND RESPONSIBILITIES

Overview of County Board and County Superintendent Roles and Responsibilities

Some general duties of the county board of education are established in Education Code sections 1040-42. As discussed below, these include, but are not limited to, approving the county superintendent's budget; reviewing interim financial reports and the annual audit; fixing the salary of the county superintendent; serving as an appeals body for student expulsions, inter-district transfers and charter petition denials and non-renewals; adopting courses of study for some programs and evaluating program effectiveness; approving and overseeing charter schools; and adopting rules and regulations for the board's own governance.

Some general duties of the county superintendent are described in Education Code 1240-1281. These include, but are not limited to, the duty to manage the county schools, visit each school in the county at reasonable intervals, report on the sufficiency of specified district conditions, distribute reports and laws to school officers, keep records including the proceedings of the county board of education, submit attendance and other reports to the state, enforce the course of study, and submit fiscal reports to the county board. Other statutes give the superintendent the authority to review the financial reports and LCAPs of school districts, monitor teacher assignments in districts, employ certificated and classified staff, set staff salaries and benefits, act as the employer in collective bargaining, and perform other specified functions.

In addition to responsibilities prescribed by law, county boards and county superintendents have the discretion to initiate and carry on any program or activity for any purpose that county offices exist, and in any manner not preempted by or in conflict with the law (Education Code 35160).

The roles of the county board and superintendent differ in many major respects from the roles of the board and superintendent in school districts. Because most county boards do not hire the superintendent, they do not have the same degree of authority to direct or evaluate the superintendent. Still, it is clear that a county office is governed more effectively with a high level of cooperation and shared leadership. Neither the board nor the superintendent can fulfill their respective responsibilities without strong communication and agreement about the basic mission of the county office. Both are accountable to the public who expect the county office to provide a high level of service to students, school districts and the state.

One example of teamwork required between the board and the superintendent is the process necessary to obtain a waiver of certain statutory and regulatory requirements from the SBE (Education Code 33050). Like many other situations, the county superintendent and his/her staff prepare the documentation that the county board will review prior to taking action at a public meeting on a recommendation by the county superintendent. Another example of working together is when county boards approve the program philosophy, goals and objectives of a child care and development program operated by the county superintendent (Education Code 8200- 8499.10, 5 CCR 18271).

With the passage of the LCFF, this Budget Act shifted California’s complex school finance system to one focused on equity, transparency and performance through the LCFF and the LCAP. LCFF now provides the methodology for allocating funds in support of the public school system to local educational agencies (LEAs), which include elementary, high, and unified school districts; charter schools; and county offices of education. Funding is calculated based on data reported by each LEA including pupil attendance, local revenue, and other demographic factors, in accordance with the LCFF. For COEs, the LCFF funding target consists of a COE operations grant and an alternative education grant.

Under LCFF, all LEAs are required to prepare an LCAP, which describes how they intend to meet annual goals for all pupils, with specific activities to address state and local priorities identified pursuant to Education Code 52066. Each governing board shall adopt an LCAP on or before July 1. COEs are required to review the County/LEA Authorizing Report and validate certified aggregate English learner, foster youth, and free or reduced-price meal eligible pupil data for school districts and charter schools under its jurisdiction to ensure the data is reported accurately. In addition to posting their own LCAP, County offices must also post links for all district LCAPs.

Vision, Goals and Plans Including the LCAP

Any organization, including the county board, should have a long-range vision³ to help guide its operations.

“The vision should . . . describe a set of ideal conditions that provide the maximum foundation for excellence. The vision will characterize the tenets of the [county office]: it is what the organization believes in, and it drives everything else in the organization. It is a covenant with the community, a commitment to do what we promise to do. It serves as a guiding force for the activities of the [county office].”

— California School Boards Association, *Maximizing School Board Leadership: Vision*, 1996, p. 3.

There is no one right way to develop this vision statement. After all, the vision should be unique to each county board. The process may be simple or comprehensive, as long as the final product addresses future needs and clearly states expectations for continued growth. Specific goals, objectives, strategies and plans should be established to provide a roadmap for how the county board will accomplish its vision.

Some county board and county superintendents work together to develop one vision statement for the county office but in recognition of their own roles and responsibilities, others choose to develop their own goals and objectives to accomplish the vision. Although county boards and superintendents may choose to establish their own goals and plans that address a broad range of operations, services and governance functions, they are now required by the LCFF (Education Code 52066-52069) to establish, for each school or program operated by the county superintendent, annual goals and specific actions addressing 10 state priorities related to Williams Act compliance (i.e., teacher qualifications, access to instructional materials, facilities in good repair), implementation of Common Core State Standards, parent involvement, student achievement, student engagement, school climate, student access to the course of study, student

³Whether it is called a vision, mission, belief or purpose statement, they all describe a direction and focus for the county board and the word “vision” is used to encompass these terms.

outcomes in those courses, coordination of instruction for expelled students, and coordination of services for foster youth. These goals must be incorporated into the county office LCAP, and the county budget must be aligned with that plan. The plan must be submitted to the SPI for approval.

Both the county board and the superintendent have key responsibilities related to the LCAP for county-run schools and programs. The county superintendent is charged with developing the plan in consultation with specified stakeholders and using a template provided by the State Board of Education (Education Code 52066). With input from the county superintendent and local stakeholders, the county board may establish local priorities to be addressed in the plan in addition to the state priorities, and the final plan must be approved by the board. Thus, it is important that the board and superintendent are “on the same page” in developing priorities for the county office based on an assessment of student needs and an understanding of program/service effectiveness.

To ensure that the vision becomes part of the organizational culture, everyone involved must know what that vision is, be dedicated to achieving it, monitor progress toward achieving the vision, and regularly review the vision statement, goals and objectives.

Curriculum/Program Accountability

For some county programs, including juvenile court schools, community schools and ROC/Ps, the board has the responsibility to adopt courses of study and to evaluate program effectiveness. This role centers on helping decide, in a general sense, what students should learn and how well they should learn it.

Courses of study and sufficiency of instructional materials. When adopting a course of study for county-run *juvenile court schools* as required by Education Code 48645.3, the board must ensure that it complies with Education Code 51220, which lists course requirements for grades 7-12. These include specific areas of instruction in English, social sciences, physical education, science, mathematics, visual and performing arts, applied arts, career technical education and automobile driver education (The foreign language requirement is exempted for juvenile court schools). The board may prescribe other studies beyond those required by law.

Similarly, the board must adopt a course of study for county *community schools* which “shall enable each pupil to continue academic work leading to the completion of a regular high school program” (Education Code 1983(d)).

Curriculum adoption for ROC/Ps has been subject to criteria specified in a handbook issued by the California Department of Education (Education Code 52309). However, as noted in Chapter II, program requirements for ROC/Ps became inapplicable when ROC/P funding was redirected into the LCFF but, as of this writing, remain in flux as legislative and budget proposals addressing ROC/Ps are under consideration.

County boards must annually hold a public hearing and make a determination whether students in county office programs have sufficient textbooks and/or instructional materials that are aligned with state content standards (Education Code 60119).

Program evaluation. The county board and county superintendent each have important roles in evaluating the effectiveness of county-run programs in meeting the educational needs of all students. The implementation of LCAP has created an additional focus for these evaluations on students with educational needs targeted by LCFF. Student assessment and program data enable the board and superintendent to judge the extent to which the courses,

instructional methods and programs are effective and to what extent they should be changed to be more effective.

Pursuant to Education Code 52067, county offices must update their LCAPs each year by July 1 including, among other things, a review of the progress toward the goals listed in the existing LCAP, an assessment of the effectiveness of the specific actions described in the existing LCAP toward achieving the goals, and a description of changes to the specific actions the county office will make as a result of the review and assessment. Thus, county offices should develop a timeline for program evaluation that will enable them to meet that deadline, including sufficient time for the development of recommendations and for board and stakeholder review in accordance with law.

The board and superintendent should agree on the indicators that will be used to assess progress toward the LCAP goals. The State Board of Education will adopt evaluation rubrics by October 2015 to assist county offices in evaluating their strengths, weaknesses, and areas that require improvement based on state standards for performance in regard to state priorities.

Disaggregated data will be needed to evaluate outcomes for each “numerically significant” student subgroup (i.e., ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth). Some indicators for evaluating progress toward state priorities are specified in Education Code 52066. For example, student engagement must be measured by school attendance rates, chronic absenteeism rates, middle school and high school dropout rates, and high school graduation rates, as applicable. Student achievement is to be measured, as applicable, by statewide assessments, the Academic Performance Index, the percentage of student who have successfully completed college entrance requirements or career technical education programs, percentage of English learners who make progress toward English proficiency, English learner reclassification rates, percentage of students passing an Advanced Placement exam with a score of 3 or higher, and the percentage of students who demonstrate college preparedness in the Early Assessment Program. For any local LCAP priorities as recommended by the county superintendent and established by the county board, the board may establish the method for measuring the county office’s progress toward achieving those goals.

As needed, the county board may request, or the Superintendent of Public Instruction may require, that the county office receive technical assistance in identifying strengths, weaknesses, and effective programs (Education Code 52071.5) from academic expert(s), the California Collaborative for Educational Excellence (“CCEE”), or another county office of education. If the county office’s performance does not improve, it may be identified for intervention, including state-imposed changes in the county office’s LCAP or budget or recession of other county actions.

Budget/Fiscal Accountability

A budget is a proposed plan for revenues and expenditures. As such, it is an important policy document because it reflects true programmatic priorities. In addition, the budget, along with other periodic financial reports, provides a mechanism for accountability to the state and the community. The county board is responsible for the adoption of the COE budget, as well as monitoring and reviewing interim reports.

Adoption of the county office budget. Both the board and superintendent have responsibilities in the county budget process. Because the budget is developed by the superintendent but must be adopted by the board, an effective budget adoption process depends

on strong communication between the superintendent and the board. A well-defined process and mutually agreed upon policies promotes success and lessens “surprises” during the budget presentation and adoption process.

The specific process used to develop the budget, described in Education Code 1620-1630, depends on whether the county office of education is “fiscally independent” or “fiscally dependent” on the county board of supervisors (see Chapter I, p. I-5).

In *fiscally independent* counties, the annual budget of the county superintendent and the county school service fund budget are consolidated into a single budget. The adoption process includes the following steps:

1. The county superintendent prepares the proposed budget in the form prescribed by the Superintendent of Public Instruction (Education Code 1621).
2. On or before July 1 of each year, the board holds a public hearing on the proposed budget. The hearing must be held prior to adoption by the board but at least three days after the proposed budget is made available for public inspection (Education Code 1620).
3. On or before July 1, the county board must adopt and approve an annual budget and file the budget with the Superintendent of Public Instruction (Education Code 1040(d), 1622(a)). Starting in the 2014-15 fiscal year, the budget must include expenditures identified in the LCAP and must not be adopted until the county board has adopted the LCAP or the annual update to the LCAP. *If the board neglects or refuses to make a county office budget or interim reports in the manner and format prescribed by law, the state will not appropriate any state or federal funds to the county office for the fiscal year, and the appropriate county official will be notified not to approve any warrants issued by the county office of education* (Education Code 42120).

In the instance where a budget is not approved by the county board on or before July 1 because of disagreements with the county superintendent, the SPI could respond to the delay by requiring the county office to follow the previous year’s budget or could take a more drastic measure by cutting off apportionments for the current fiscal).

4. If the Superintendent of Public Instruction disapproves of the consolidated budget for fiscally independent counties or the county school service fund budget for fiscally dependent counties, the budget is returned to the county office of education by August 15 with recommended revisions and reasons.⁴ On or before September 8, the county board must revise the budget to reflect any changes made necessary by revised projections of income and expenditure and file that budget with the Superintendent of Public Instruction, the county board of supervisors and the county auditor. The same notice provisions applicable to the July 1 adoption apply here as well, and the Superintendent of Public Instruction must approve the revisions (Education Code 1622(c) and (d)). If the State Superintendent disapproves the revised budget, he/she calls for the formation of a budget review committee pursuant to Education Code 1623. During this committee review process, the county office continues to operate under the prior year budget (Education Code 1626). If the SPI disapproves the budget proposed by the budget committee, the SPI may take several actions including, following consultation with

⁴ The Superintendent of Public Instruction’s *disapproval* of the proposed budget falls under Education Code 1626 and the county office may continue to operate under the prior year’s budget.

the county board and the county superintendent, adopting a fiscal plan and budget that would meet its present year and multi-year commitments (Education Code 1624).

Fiscally dependent counties have two budgets: the annual budget of the county superintendent and the county school service fund budget. The following process applies to those counties:

1. The county superintendent prepares and submits a proposed annual budget for the county superintendent's office for approval to the county board of education. The county board must approve the budget and then submit it to the county board of supervisors (Education Code 1040(c)). There is no date specified, but it is generally understood that this adoption will occur on or before July 1.⁵ No specific notice requirements are in statute for this adoption, but all the Brown Act requirements for meeting notices would apply to the action of the county board.
2. The process for adoption and approval of the county school service fund budget is identical to the process for adopting and approving the single-fund budget in fiscally independent counties described above. Thus, the county board must adopt the budget following a public hearing and then submit the budget to the Superintendent of Public Instruction (Education Code 1040(d)).

When the board adopts the budget, it adopts a legal and fiscal document which will guide the operations of the county superintendent and county office staff and which will be used by the public, the state and creditors to assess the fiscal integrity of the county office. Clearly, this is an important role of the board and one that should not be taken lightly. The board must have a clear understanding of the budget process and budget terminology. Before finally adopting the budget, it is recommended that the board:

- review the fiscal assumptions included in the budget (e.g., revenue assumptions, student enrollment, inflationary assumptions, etc.);
- ensure that the budget reflects guidelines, criteria, issues and concerns raised during the budget development process; and
- ensure that the budget is balanced and meets other requirements of law, such as those pertaining to appropriate reserves, debt ratios and LCAP expenditures.

In addition to budget adoption, the county board must review and approve the annual itemized estimates of anticipated revenue and expenditures before it is submitted by the county superintendent to the board of supervisors (Education Code 1042). County board must annually consider a resolution prepared by the county superintendent identifying the estimated appropriation limit for the current fiscal year and the actual appropriation limit for the prior fiscal year (Education Code 1629).

Budget administration. Once the budget is adopted and approved by the county board and submitted to the Superintendent of Public Instruction, administration of the budget becomes the responsibility of the county superintendent. The superintendent may spend within budget categories without further approval, and may make necessary transfers between budget categories to meet necessary expenses. He/she may not, however, transfer budget funds from the unappropriated fund balance without the approval of the county board. Any short or long term borrowing by the county office, as recommended by the county superintendent, must be approved by the county board (Government Code 53822, 53823).

⁵ "County Boards of Education and County Superintendents: Shared Governance in California Education," commissioned by the California County Boards of Education, 1996, p. 8.

Both the board and the public are informed of routine budget transfers in two interim financial reports (see below), and the board has an opportunity at that time to approve budget revisions greater than \$25,000 (Education Code 1280).

Property acquisition and disposal. County boards in fiscally independent counties are permitted to acquire, lease, lease-purchase, hold and convey real property for the purpose of housing the offices and services of the county superintendent of schools (Education Code 1042(c)). This includes the power to acquire property by eminent domain. County superintendents may also purchase and hold title to “property” (Education Code 1605). Because of the language of Education Code 1605 and 1042, it appears that title to real property could be held by the county superintendent or county board independently or jointly. If a county is fiscally dependent, it may acquire property only by agreement with the county board of supervisors.

Authority for purchases and contracts for personal property resides with the county superintendent. The county superintendent is prohibited from disposing of any county-owned item of personal property worth over \$25,000 unless he/she obtains an independent valuation of the property, advertises the property for sale, and obtains the approval of the county board after discussion at a regularly scheduled board meeting (Education Code 1279). The county superintendent cannot dispose of personal property worth less than \$25,000 unless he/she certifies the value of the property in a quarterly report submitted to the county board for review.

Financial reports. In addition to approving the county budget under one of the two processes identified above, county boards are either required or permitted to review other financial reports. These reports provide a mechanism for the board to monitor the budget throughout the year, recognizing that budgets are necessarily fluid and that the initial budget is based on projections that are likely to change as unanticipated circumstances arise during the year.

Before the county superintendent files the *annual itemized estimate* of anticipated revenue and expenditures with the county auditor, the county board must approve the estimate and make any revisions, additions and reductions it deems fiscally advisable and proper (Education Code 1042(b)).

By October 15 of each year, the county board is required to adopt a resolution identifying the estimated *appropriations limit* for the county office of education for the current fiscal year and the actual appropriations limit for the preceding fiscal year (Education Code 1629).

The county board is required to review two *interim financial reports* submitted by the county superintendent which cover the financial and budgetary status of the county office of education: one for the period ending October 31 and one for the period ending January 31. Both reports must be reviewed by the board and approved by the county superintendent within 45 days of the close of the reporting period (Education Code 1240(1)). Any revision in the county superintendent’s budget in excess of \$25,000, including consultant contracts of \$25,000 or more that are considered budget revisions, must be incorporated into the next interim financial report or other report when the report is submitted to the board for discussion and approval (Education Code 1280-1281). In reviewing these interim reports, the board should be asking about the ways in which the original budget assumptions and projections had to be updated, and the reasons behind any adjustments in the projected year totals and operating budget totals.

As part of each interim report, the superintendent must certify in writing whether or not the county office will be able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for two subsequent fiscal years:

1. A “positive certification” indicates that the county office will meet its financial obligations for the current fiscal year and subsequent two fiscal years.
2. A “qualified certification” indicates that the county office may not meet its financial obligations for the current fiscal year and subsequent two fiscal years.
3. A “negative certification” indicates that the county office will be unable to meet its financial obligations for the remainder of the fiscal year or for the subsequent fiscal year.

Copies of the certification are sent to the Superintendent of Public Instruction at the same time the certification is submitted to the county board. Qualified or negative certifications also are sent to the State Controller at the same time either certification is submitted to the county board. If a county office receives a qualified or negative certification, the Superintendent of Public Instruction may intervene under the authority granted by Education Code 1630.⁶

Finally, the county board is required to review the annual *audit report* of the county superintendent (Education Code 1040(e)). Although in school districts it is the governing board that is responsible for arranging for district audits, in county offices it is the county superintendent’s responsibility to provide for an audit of all funds under his/her jurisdiction and control, including, but not limited to, an audit of student body funds, cafeteria funds, LCAP expenditures, and attendance procedures. Audits must be made by a state-licensed certified public accountant or a public accountant. When the board receives the audit report, it should especially pay attention to any letters of findings commenting on management issues, concerns and recommendations. However, it is the Superintendent of Public Instruction who approves the audit and monitors compliance with any audit exceptions (Education Code 41020).

Of course, additional budgetary or financial reports other than those required by law may be submitted by the county superintendent to the county board as agreed upon (Education Code 1240(j)(3)).

Oversight of certain district facilities. The county superintendent is required to visit district and county office schools that are ranked in deciles 1-3 on the API and to report each November to the district governing board, the county board and to the board of supervisors, on teacher misassignments and vacancies as well as any conditions that pose an emergency or immediate threat to the health or safety of students and staff (Education Code 1240) as defined in Education Code 17592.72. The county superintendent must also determine the accuracy of information in the district’s school accountability report cards related to certificated assignments and to the safety, cleanliness, adequacy and good repair of school facilities.

Personnel

The county board has a limited role in personnel issues. In a small number of counties, the board hires and evaluates the superintendent; in 53 counties because the county

⁶ In the case of a qualified certification, the Superintendent of Public Instruction may assign a fiscal adviser, conduct a study of the financial conditions of the county office, direct the county office to submit a financial projection and other reports, require the county to encumber all contracts and other obligations, direct the county to submit a proposal for addressing the fiscal problems, and/or withhold compensation of the county board and superintendent for failure to provide requested information. In the case of a negative certification, the State Superintendent may, in consultation with the county board and county superintendent, develop and impose a budget for the county office, stay or rescind any action that is inconsistent with the ability of the county office to meet its financial obligations, appoint a fiscal adviser, assist in developing a financial plan and/or assist in developing a budget for the subsequent fiscal year.

superintendent is elected, the board does not. Furthermore, it is the county superintendent who is responsible for all the other employees in the county office of education. As in K-12 districts, employees are of two types: certificated and classified. Certificated employees are those who are required by state law to have a certificate (credential) issued by the state in order to perform their functions; the rest are classified employees.

Employment of the superintendent and evaluation. In four California counties, the county board hires the superintendent. In these cases, the board has an opportunity to select and enter into a contract with the superintendent who is the best match for the county office at a particular stage of its growth and development.⁷ The board does this by evaluating the current and long-term needs of the county office and establishing an appropriate process for recruitment and selection.

These four boards also have an opportunity to, consistent with the terms of the contract, evaluate the superintendent and to hold him/her accountable for achieving the county's objectives. There is no one evaluation system that will meet the needs of every board. Evaluation criteria should be based on the vision and goals of each county office and should be specified at the time of the superintendent's employment. The evaluation process also ensures that there is ongoing communication between the board and superintendent, and provides an opportunity to discuss and set new goals and expectations for the coming year.⁸

When the superintendent is an elected position, however, the board does not evaluate or hold the superintendent accountable for his/her performance — the voters do. If there happens to be a vacancy during the elected superintendent's term, then the county board can appoint someone to fill the vacancy until the next election (Education Code 1042(e)).

Personnel budget. The county board's role in personnel focuses on its responsibility for approving the personnel budget. Once the board approves the budget, the county superintendent is responsible for hiring and managing personnel within the constraints of that budget.

Consultants, employees and layoffs. County boards are permitted, under Education Code 1042(d), to contract with and employ persons with special training and experience to work directly for the board to provide special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

Numerous statutory references confirm that it is the superintendent and not the board who, besides the specialists hired by the board pursuant to Education Code 1042, is the employer of the certificated and classified staff who work for the county office. Thus, the superintendent has the authority to determine the need for new staff positions and to create those positions within the adopted budget or budget revisions approved by the county board.

Education Code 1293 and 1294 grant the superintendent the right to employ certificated employees, and Education Code 1294.5 grants the superintendent the right to employ certificated staff to perform services conducted under contract with public or private agencies or other categorically funded programs. Similarly, even though the board must approve certain programs and services recommended by the county superintendent (e.g., Education Code 1703, 1730, 1740, 1750), the county superintendent retains sole authority to hire staff within budgetary constraints.

⁷ It is a common practice for the district governing board of the county unified school districts to contract with the elected county superintendent to perform the duties of the district superintendent.

⁸ In Los Angeles County where the Board of Supervisors hires the county superintendent and appoints the county board members, the county superintendent is evaluated by the Board of Supervisors.

Classified employees are addressed in Education Code 1311, which specifies that persons “employed by a county superintendent of schools” are to be employed in accordance with specified code sections applicable to K-12 and community college classified employees. Because Education Code 1311 specifies the superintendent as the employer, the state Attorney General has published an opinion that this authority includes the responsibility for hiring county office staff (and other personnel matters including discipline and setting salaries) (72 Ops.Cal. Atty.Gen.25, March 9, 1989).

Subject to any collective bargaining agreements, layoffs of both certificated and classified staff are within the purview of the county superintendent.

Salaries and benefits. The county board fixes the salary of the county superintendent (California Constitution, Article IX, Section 3.1(b)). Also, if the board employs an attorney or other persons to provide special services or advice as noted above, it may set the compensation of those persons. The county superintendent may not increase his or her own salary, financial remuneration, benefits or pension in any manner or for any reason without first bringing the matter to the county board for discussion and approval at a regularly scheduled board meeting (Education Code 1209).

The county superintendent has the authority to set the salaries and benefits of all other employees, subject to negotiations with exclusive bargaining representatives of certain categories of employees. However, the county superintendent cannot increase the salary or give a bonus to any county office employee of \$10,000 or more without first bringing the increase to the board for discussion, or increase the retirement benefits by any amount, unless the matter is first brought to the board for discussion and approval (Education Code 1302). In addition, all travel expenses incurred by the county superintendent and county office staff are paid for pursuant by regulations adopted by the county board (Education Code 1081, 1200).

Leaves. Most leaves for *certificated* employees are within the county superintendent’s authority, subject to negotiation with employee organizations. One exception is sabbatical leaves for certificated employees, which are required to be submitted to the board for approval (Education Code 1294). Another exception is the granting of any kind of leaves to *classified* employees which also requires approval by the county board (Education Code 1295).

This raises an interesting problem regarding certificated and classified employees whose leaves are specified in a collective bargaining agreement. As discussed below, the county superintendent is considered the employer for purposes of collective bargaining, so how can the county board have any real right of approval of leaves that are negotiated without board input? Frank Fekete, a noted education law attorney, in an opinion written for the Sonoma County Superintendent of Schools, suggests:

“ . . . the only way to harmonize the board’s power with bargained leave policies is to permit the board to grant or deny those leave requests which are left to the employer’s discretion under the contract. Thus, if the superintendent is empowered, but not required, to grant a leave, the board may give or withhold approval of a leave the superintendent has decided to grant. The board may not grant a leave which the superintendent has decided to deny.”⁹

Evaluation, discipline and dismissal. Except for those persons hired by the board to provide special services and/or advice, the evaluation, discipline and dismissal of certificated

⁹ Memorandum, October 30, 1987, quoted by permission in “County Boards of Education and County Superintendents: Shared Governance in California Education,” commissioned by the California County Boards of Education, 1996, p. 13.

and classified employees are the responsibility of the county superintendent and are considered mandatory subjects of negotiations.

Issuance and revocation of temporary certificates. If certificated persons meet certain conditions specified in Education Code 44332, the county board may issue temporary certificates authorizing payment of salary to teachers or preschool education program personnel whose credentials or permits are being processed, unless that service is provided by an authorized school district. Applicants must have demonstrated proficiency in basic reading, writing and mathematical skills and must state under oath that they know of no reason that a certificate should not be issued. Such temporary certificates may be valid for up to one calendar year from the date of issuance or until the Commission on Teacher Credentialing issues the credential or permit.

The board also is responsible for revoking temporary certificates upon notification from the Commission on Teacher Credentialing that the certificate holder does not meet the academic requirements for the credential or apparently has a criminal record that would disqualify him or her.

Oversight of teacher assignments in districts. As a result of the *Williams* settlement, county superintendents have been given responsibility for monitoring teacher assignment practices and vacancies in school districts and annually reporting the findings to the district, the county board and the Commission on Teacher Credentialing (Education Code 44258.9). In schools and districts that are likely to have misassignments based on past experience or other information, the county superintendent must annually review teacher assignment practices, with priority given to schools ranked in deciles 1-3 on the API. In all other district schools, the county superintendent conducts reviews on a four-year cycle.

Collective Bargaining

Employees of county offices of education are covered by the same collective bargaining laws that cover employees of K-12 districts. Still, CSBA retired legal counsel John Bukey says, “Truly the most puzzling question faced in delineating the legal functions of the board and superintendent in the area of personnel is in collective bargaining.”¹⁰ The confusion comes from the fact that both the county superintendent and the county board of education are identified as the “employer” in the Educational Employment Relations Act (Government Code 3540 et seq.).

The issue of who is considered the “employer” related to collective bargaining was considered in 1983 by the Public Employment Relations Board, which has the exclusive jurisdiction to decide employment relations disputes. In a case decided over 30 years ago involving the Alameda County Office of Education (PERB Order No. 323, June 30, 1983), PERB determined that the county superintendent was the sole employer, and its decision was not appealed. What complicates things is that the board remains ultimately responsible for the budget, and clearly the collective bargaining agreement has a tremendous impact on the budget and the budget has an impact on the collective bargaining agreement. There must be strong cooperation between the board and the superintendent to make sure these two documents work together.

For this reason, the superintendent may desire to meet with the board in closed session to discuss negotiations. However, the California Attorney General in a 2002 opinion, has stated

¹⁰ “County Boards of Education and County Superintendents: Shared Governance in California Education,” commissioned by the California County Boards of Education, 1996, p. 13.

that a county board of education, because of its lack of jurisdiction in these matters, cannot meet in closed session to discuss personnel matters or collective bargaining negotiations (Ops. Cal. Atty. Gen. 77 April 19, 2002).

Appellate Role

County boards have three important administrative appellate functions. These appeals of student expulsion and inter-district transfer denials and denials or non-renewals of charter school petition by school districts in the county. Detailed in law and summarized below are the board's specific roles and responsibilities pertaining to these functions.

An efficient and fair appeals process is an important component of effective governance. A hearing is a formal legal process, which provides an appropriate mechanism for hearing complaints; ensures due process and consistent, fair treatment of students and other stakeholders; and provides ultimate oversight of district decisions by publicly accountable officials.

This is a very difficult and highly sensitive role for the county board. In these hearings the issues may be highly charged with emotion. The board will find itself in the middle of competing interest between local school districts and parents/students, during which the board, within the parameters of the law, may be called upon to make difficult and/or unpopular decisions. In fulfilling this role, the county board must be careful to follow the procedures and timelines specified in law, consult legal counsel as appropriate, conduct hearings objectively and professionally, determine the facts, and then determine the best decision for the parties involved. Board members also must be careful not to divulge confidential student information from a closed session.

Expulsion appeals. Students who are expelled by the board of a local school district may appeal the expulsion to the county board within 30 days of the district's action (Education Code 48919).¹¹ The county board (or hearing officer or administrative panel) is required to hold a hearing within 20 school days and then to make its decision within three school days of its hearing, unless the student requests a postponement.

The county board is mandated to adopt rules and regulations establishing procedures for expulsion appeals, which must include – the requirements for filing a notice of appeal, the setting of a hearing date, the furnishing of notice to the student and school board regarding the appeal, the furnishing of a copy of the expulsion hearing record by the district to the county board, procedures for the conduct of the hearing, and the preservation of the record of the appeal, and may include any other requirements desired by the board.

The county board hears the appeal in a closed session unless the student requests in writing, at least five days prior to the hearing, that the hearing be conducted in a public meeting. Whether the hearing is conducted in closed or public session, the board may meet in closed session in order to conduct its deliberations.

When the county board is reviewing a district board's decision, unless the county board grants a new hearing per Education Code 48923, it must limit its review to very specific conditions delineated in Education Code 48922 which are primarily procedural. That is, it cannot open up the entire expulsion process again; it must use the evidence and transcripts of the previous school board hearing in order to consider:

1. Whether the school district board acted without or in excess of its jurisdiction (e.g., time period violations were made, the expulsion was not based on acts specified in

¹¹ Stipulated and suspended expulsions have significantly reduced the number of appeals to county boards.

- law as forming the basis for expulsion, or the expulsion was not based on acts related to school activity or attendance);
2. Whether the school district board conducted a fair hearing;
 3. Whether there was a *prejudicial* abuse of discretion by the school district board (i.e., procedural requirements were not met, the decision to expel was not supported by the findings, or the findings were not supported by the evidence); and/or
 4. Whether relevant and material evidence could not have been produced or was improperly excluded by the school district board.

If the county board finds that relevant evidence was unavailable or excluded as described in #4 above, it may remand the case back to the local board for reconsideration, possibly even ordering the student reinstated pending such reconsideration, or may grant a new hearing before the county board of education upon reasonable notice to the student and the district board (Education Code 48923). Such a hearing is conducted according to rules and regulations established by the county board.

If the county board finds that the district board's decision was not supported by the findings required by Education Code 48915, but evidence supporting the findings exists in the record of the proceedings, it must remand the matter back to the district board for adoption of the required findings.

In all other cases, the county board enters an order either affirming or reversing the decision of the district board. If it reverses the decision, it may direct the district board to expunge any records referring to the expulsion action.

Interdistrict student transfer appeals. California has two interdistrict attendance programs: transfers allowed under an agreement between two or more districts pursuant to Education Code 46600-46611, and an alternative interdistrict attendance program "of choice" pursuant to Education Code 48300-48315. The county board hears appeals of interdistrict transfer denials in the first program, but not in the second.

When local districts have an interdistrict attendance agreement and a district board, within 30 days of a parent's request, either fails to act on the request or refuses to grant the transfer, the parent has a right to appeal to the county board (Education Code 46601). In addition, if two districts do not have an interdistrict attendance agreement or an agreed upon "permit" process, but a parent requests that they adopt one, the parent may appeal to the county board if the districts do not enter into such an agreement.

After an appeal is filed, the county board has 30 calendar days to determine if the student should be allowed to transfer to the requested district¹². This timeline can be extended by the county board or the county superintendent for five schooldays for good cause. The county superintendent's designee has the responsibility to investigate whether all remedies at the district level have been exhausted and whether there is any additional information that may be deemed to be useful. Any new information shared with the county board but not shared with the district board may result in the matter being remanded back to the district for further consideration.

The county board shall grant or deny the appeal based on its merits and a decision must be rendered within three school days of any hearing conducted by the board (or by a hearing officer or impartial administrative panel in some counties). When an appeal is granted, the board may only determine that the student may attend the requested district and *not* a particular school in the district. If the hearing involves the presentation of confidential student

¹² County Board in Class 1 and 2 counties have 40 calendar days to make a decision on the appeal.

information, the appeal shall be held in closed session to protect the privacy of the student, unless the parent/guardian waives the right of privacy and permits the hearing to be held in open session.

Charter School Approval, Appeals and Oversight

County offices of education may become the authorizing entity of a charter school under four circumstances: (1) under a direct petition when the students to be served would otherwise be the responsibility of the county office, (2) when the petition proposes to operate at one or more sites “countywide” within the geographic boundaries of the county and the student population to be served cannot be served as well by a charter school that operates in only one district in the county, (3) if a district board denies a petition and the petitioners choose to submit the petition to the county board, and (4) if a district’s denial of the renewal of a petition is reversed on appeal by the county board.¹³

The board must ensure that the charter meets the stipulations in law with regards to nonsectarian programs and policies and nondiscriminatory admission (Education Code 47605). It also must ensure that the petition adequately describes its mission, the annual goals for all students and for each numerically significant student subgroup aligned with state priorities, the governance structure that will be used, the educational outcomes to be attained by students, the method by which progress in meeting these outcomes will be measured, and all other elements required by law.

Any board reviewing a charter proposal must grant the proposal if doing so is consistent with sound educational practice and the petition meets all the conditions specified in law. In the case of a countywide charter school petition, the county board has discretion to deny a petition on any "other basis that the board finds justifies the denial of the petition."

If the county board grants a charter school, it bears the same responsibilities that fall to a district board granting a charter. It does not have any responsibility to provide services to the charter school (except unused facilities) unless such services are agreed upon and included in the charter. It must, however, hold the charter school accountable for fulfilling the terms of its charter. County boards may renew a charter petition only after considering as the “most important factor” increases in pupil achievement for all groups of students served by the charter school. It has the authority to revoke a charter whenever it finds that the school committed a material violation of any of the conditions, standards or procedures set forth in the charter; failed to meet or pursue any of the student outcomes identified in the charter; failed to meet generally accepted accounting standards of fiscal management; or violated any provision of law (Education Code 47607). The board also must consider revocation whenever the CCEE finds that the charter school failed to implement the CCEE’s recommendations or continues to demonstrate persistent or acute inadequate performance.

Boards are encouraged to adopt policies outlining the petition review and renewal process, criteria for approval/denial, geographic boundary requirements, reports required to fulfill the board’s monitoring responsibility, and be informed of laws applicable to charter school operations.

¹³ County boards may also hear appeals on charter petitions that have been revoked by the district. When a revocation is reversed on appeal, the district remains the chartering authority. (Education Code 47607).

County superintendents have been granted authority to respond to all reasonable inquiries regarding a charter school operating in the county and based on written complaints, monitor the operations of any charter school located within the county and to conduct an investigation based on parental complaints or other information (Education Code 47604.4).

Policy Adoption

Education Code 1040 states that county boards *shall* “adopt rules and regulations not inconsistent with the laws of this state, for their own government” and keep a record of their proceedings. Education Code 1042 *permits* county boards to “adopt rules and regulations governing the administration of the office of the county superintendent of schools,” but county boards should be careful to avoid setting policy on issues that are the responsibility of the county superintendent.

Thus, county boards govern through the development and adoption of policies relating to matters within their authority (e.g., budget adoption, LCAP adoption, and appeals processes) and to matters requiring a noticed public hearing such as the adoption of the uniform complaint procedure and the local conflict of interest code. Policies should be clear and concise. They usually tell *what* the board wants to happen and why. The county board also adopts bylaws to govern internal board operations. Examples include the organization of the board, agenda procedures, board committees and public participation in board meetings.

The process of developing and adopting policies ensures that a majority of the board comes to agreement on an issue and thus allows the board to provide a coherent policy message. Policies ensure consistent and fair treatment of students, staff and community members as opposed to decision making on a case-by-case basis. And they provide a means for communicating with the public regarding the board’s goals, positions and expectations.

In order to adopt appropriate policies, the board must be aware of emerging issues that affect county board governance and authority. The board also must ensure that policies remain consistent with law by becoming informed about new legal mandates or revisions in law.

Although the policy adoption process should be flexible so that it can be expanded for issues of particular importance, it usually includes an opportunity to gather and analyze related information and facts, a first reading during a public board meeting, sometimes a second reading, and then adoption. Sometimes the board may want greater opportunity for public input and may establish committees or hold special study sessions or forums.

Once a policy is adopted, it reflects the agreement of at least the majority of board members and must be supported by all board members, communicated to appropriate stakeholders, and reviewed periodically.

Advocacy/Community Leadership

As locally elected officials and community leaders, county board members have a responsibility to keep the public informed about the county office’s goals, programs and progress. Effective board members are visible and available to the public. They attend events, offer to make reports to community groups, return phone messages and faithfully attend board meetings. They listen to concerns expressed by the public, but know when it is appropriate to refer the problem to the board as a whole or to the county superintendent rather than trying to

solve it by themselves. They make the public feel welcome at board meetings and encourage public input.

Although some community activities may be conducted by board members individually, the board's community leadership efforts are more effective when board members present a united front (see Chapter II, Support for Board Positions, p. II-4). Coordination of advocacy efforts, development of key messages and sharing of information about individual activities help build the board's credibility and influence on critical issues.

County boards also have a responsibility to inform others outside the local community about the function of county boards and the needs of county offices. Decisions by state and federal agencies and elected officials impact the board's ability to do its job, either through the level of funding, legislative mandates or accountability functions. Therefore, county board members need to be players in state and national policy discussions. County board members may seek public input by conducting an advisory election on substantive issues or on ballot proposals (Elections Code 9603).

County board members can become effective advocates by:

- becoming knowledgeable about the legislative process and critical education issues;
- establishing positive, ongoing relationships with legislators and local media;
- serving as an information resource for legislators, the media and others;
- developing strong communication and speaking skills;
- assisting school districts when they ask for help with advocacy; and
- working with other organizations and coalitions to strengthen legislative and legal advocacy efforts.

In all its advocacy efforts, but especially when the board has taken a position on legislation or a ballot measure, the board must be careful not to improperly expend public funds to urge the public to vote a certain way. Board members need to become familiar with the law pertaining to the use of public funds for advocacy (e.g., Education Code 7054, 7054.1).

County board trustee areas have a large number of elected voters (larger than state assembly members and state senators, and in many cases larger than congressional representatives) and can use this to its advantage in advocacy efforts. County board members can play an influential and powerful advocacy role to help meet the needs of county offices of education, public education and students throughout California.



A Voice for Education

IV. PROGRAMS AND SERVICES PROVIDED BY COUNTY OFFICES

Programs and services provided by county offices of education directly support school districts and students within the county. Although the programs and services vary from county to county, some common ones include special education, county community schools, juvenile court schools, regional occupational centers and programs, and direct services to school district. A county office may provide additional services depending on its unique arrangements with local school districts and the county board of supervisors.

Special Education

County offices offer a variety of special education programs and options under the same laws applicable to school districts. In the context of special education, “county office” means the county superintendent (Education Code 56022). School entities are required to develop a local plan for the education of all individuals with exceptional needs who reside in the area. Some larger school districts submit their own plan, other districts join together in a SELPA (special education local plan area), and still others join with the county office or with more than one county office (Education Code 56195.1).

When a district joins with the county office, contractual agreements are made to (1) establish a system for determining the responsibility of participating agencies, and (2) designate the county office or other agency to perform administrative, financial and coordination functions (the county office coordinates the implementation of the plan unless otherwise specified). The county may enter into any other contractual agreements with districts related to special education services.

When directly providing special education services, county offices must meet the same requirements applicable to school districts. For example, each county office is required, among other things, to:

- “actively and systematically” seek out all individuals with exceptional needs, from birth to 21 years of age, who reside in the county or the local plan area, including children not enrolled in public school programs (Education Code 56300);
- establish written policies and procedures for a continuous child-find system (Education Code 56301);
- provide for the identification and assessment of an individual’s exceptional needs and the planning of an instructional program to meet the assessed needs (Education Code 56302);
- initiate and conduct meetings for the purpose of developing, reviewing and revising individualized education programs (IEPs) (Education Code 56340); and
- ensure that a continuum of program options for special education and related services is available to meet the needs of individuals with exceptional needs (Education Code 56360-56369).

County Community Schools

County community schools, established and maintained by county boards and operated by county superintendents at their election, typically serve the most troubled students, and have as their purpose the stabilization and improvement of the students both behaviorally and academically (Education Code 1980, 1986).

These schools may serve students who are referred by the juvenile court or a probation officer, are expelled from a school district, are referred by a school attendance review board (SARB), are referred by their local school district with parental consent or are homeless (Education Code 1981).¹⁴

Graduation requirements and curriculum for students in community schools are compatible with the requirements of the home district and follow the state frameworks and county board of education policies. However, because these students often have been unable to succeed in the traditional school setting and are more at risk of failing academically, community schools attempt to offer a more relevant curriculum, smaller class sizes and more support services.

Community school classes or programs may include basic educational skill development, on-the-job training, tutorial assistance, independent study, individual guidance activities, and other classes or programs deemed appropriate for reinforcing or reestablishing educational development and leading to the completion of a regular high school program (Education Code 1983). Community schools are required to develop an individually planned educational program for each student based on an educational assessment (Education Code 1983).

County boards shall ensure that assessment of students with exceptional needs are administered in all areas of suspected disability and that appropriate services and programs are provided as specify in each student's IEP. County boards must all ensure that appropriate services and programs designed to address the needs of English learners are provided pursuant to law (Education Code 1983).

Juvenile Court Schools

Juvenile court schools are located in juvenile halls, group homes, day centers, juvenile ranches or camps, regional youth educational facilities, or other locations which house youth under the jurisdiction of the juvenile court (Education Code 48645-48646). County boards shall provide for the administration and operation of juvenile court schools (Education Code 48645.2). They are administered and operated either by the county superintendent of schools or by contract with the governing board of the district in which the juvenile court school is located.

The minimum school day for juvenile court schools is 240 minutes, except that it may be 180 minutes for students in approved vocational education programs, work programs prescribed by the probation department, and work experience programs. Like community schools, juvenile court schools offer a course of study that would enable students to achieve a regular high school diploma, as well as any other courses adopted by the county board.

Regional Occupational Centers and Programs (ROC/Ps)

ROC/Ps provide career technical education opportunities to students in the community regardless of where they live in the region (Education Code 52300-52335.10). They are

¹⁴ School districts also may operate community day schools pursuant to Education Code 48660-48666.

designed to prepare students for employment in a vocational or technical field and/or prepare them for enrollment in more advanced training programs. In a county-operated ROC/P, the county board of education serves as the ROC/P governing board.

Categorical funding for ROC/Ps was subject to categorical flexibility from 2008-09 to 2012-13 and then was redirected into the local control funding formula (LCFF) pursuant to AB 97 (2013). Although the program requirements are no longer applicable, county offices are required to maintain the 2012-13 level of funding for ROC/Ps through 2014-15, a requirement that may be extended if proposed legislation is successful. In addition, state budget proposals could establish funding for ROC/Ps outside of the LCFF.

Charter Schools

In an effort to encourage innovation in school programs, Education Code 47600-47663 establishes charter schools that are exempted from most state laws governing other public schools; these schools operate under a charter and a governance structure separate from the local education agency. The proposed terms of such charters are developed by the petitioners and approved by the chartering authority.

A charter school may operate under the authority of the county board of education under the following circumstances:

- **Direct petition:** The charter school serves students for whom the county office would otherwise be responsible for providing direct education and related services (Education Code 47605.5).
- **Countywide petition:** The charter school operates at one or more sites within the geographic boundaries of the county and provides instructional services not generally provided by the county office of education, based on a finding by the county board that the student population cannot be served as well by a charter school operating in only one school district in the county (Education Code 47605.6).
- **Petition on appeal:** If a district's governing board denies or fails to renew a charter, the petitioners may submit the charter to the county board (Education Code 47605(j)).

See Chapter III, Charter School Approval and Oversight, p. III-14, for a discussion of the role of the county board in reviewing and approving charter petitions and monitoring approved schools.

Most county boards have approved charter schools that are currently in operation.

Direct Services and Programs Provided to School Districts

County offices of education may provide a number of direct services and programs to the school districts in their counties. These services and programs are especially important to those small school districts that are unable to provide them in an economical or effective manner.

The Education Code specifies types of services and programs that may be funded through the county school service fund. With the approval of the county board of education, a county superintendent may:

- prepare courses of study and develop and publish curriculum and instructional materials for schools (Education Code 1720-1723);
- provide for the supervision of instruction in elementary school districts and elementary schools in certain unified district (Education Code 1730-1732);
- provide for the supervision of student attendance (Education Code 1740-1742);
- provide or contract for the provision of health services and supervision (Education Code 1750-1754);
- provide guidance services (Education Code 1760-1762);
- provide centralized in-service training programs for certificated and classified employees (Education Code 1946);
- screen and direct teachers to the schools (Education Code 1941);
- provide advisory services in school business administration, in maintenance of buildings and grounds and in the processing of special problems concerning credentials (Education Code 1945);
- establish and maintain a school library service (Education Code 1770-1775);
- contract to provide a youth conservation and training program (Education Code 1780-1784);
- establish technical, agricultural and natural resource conservation school(s) (Education Code 1790-1809);
- inform the citizens of the county about the educational programs and activities of school districts in the county (Education Code 1260);
- maintain facilities that provide audio and visual materials and services (Education Code 1830-1836);
- when necessary, provide emergency elementary schools, emergency teachers for regular elementary schools, and transportation to an elementary school (Education Code 1920-1924);
- provide classes to prisoners in county jail facilities as approved by the board of supervisors (Education Code 1900); and
- provide classes to prisoners in state correctional facilities pursuant to a contract with the Director of Corrections (Education Code 1259).

In addition, county offices may help coordinate the educational program, share information about successful academic programs, coordinate communication among districts in the county and between local districts and other governmental agencies, and provide a variety of professional, technical and financial assistance. Many smaller districts with limited fiscal staffs choose to have the county office assist them in detailed preparation, implementation and evaluation of the district's fiscal activities. County offices also may provide technology support, management advisory services and other support services upon request (e.g., data processing, risk management, accounting systems, volume purchasing, payroll services) to provide economy of scale.

Oversight Responsibilities

Similar to the oversight responsibilities of the SPI of county office budgets, AB 1200, passed in 1992, gave county superintendents special fiscal oversight responsibility related to school districts. Each district must submit to the county superintendent its annual budget, two interim fiscal reports and the annual audit. The county superintendent reviews the accuracy of

these reports, comments on districts' ability to meet their financial obligations, reviews any plan of correction resulting from the audit reports, and sends copies of various reports to the Superintendent of Public Instruction as required by law. AB 2756, effective in June 2004, amended the financial and oversight process so that county offices can better identify districts that are at risk of fiscal distress.

From time to time, districts must provide other relevant fiscal reports to the county superintendent, who has an opportunity to comment on these reports. When a district approves certificates of participation or revenue bonds, it must provide the county with repayment schedules and evidence of the district's ability to repay that obligation (Education Code 17150). Also, any district that may not or will not be able to meet its financial obligations for the current and subsequent two fiscal years must submit any proposed collective bargaining agreement to the county superintendent (Government Code 3540.2).

Legislation resulting from the settlement of the *Williams v. State of California* lawsuit expanded the county office's oversight responsibilities. For example, the county superintendent is required to visit district schools ranked in deciles 1-3 on the Academic Performance Index to report on the sufficiency of instructional materials, any facilities conditions that pose an emergency or urgent threat to the health and safety of students and staff, and teacher misassignments or vacancies (Education Code 1240, 44258.9).

In 2013, AB 97 added an oversight responsibility related to the county superintendent reviewing and approving each district's local control and accountability plan (LCAP) and its annual update to the plan. Like the SPI's oversight of LCAPs adopted by the county board, approval of a district's LCAP is based on the county superintendent's determination that the district's budget includes expenditures sufficient to implement the plan, that the plan adheres to the template adopted by the State Board of Education, and to the legal requirements related to the expenditure of supplemental and concentration grants. If the county superintendent does not approve the district's plan or finds that the district has failed to improve student achievement across more than one state priority specified in Education Code 52060, or receives a request from a district, he/she is required to provide technical assistance including:

- assistance in the identification of district strengths and weaknesses in regard to state priorities and review of effective, evidence-based programs that apply to the district's goals;
- assistance from academic expert(s) or another district in the county in identifying and implementing effective programs to improve outcomes for students; and/or
- advice and assistance from the California Collaborative for Educational Excellence.

For further information and guidance on the role of the county superintendent in reviewing district LCAPs, see CCSESA's Local Control Accountability Plan (LCAP) Approval Manual. The manual advises:

"An ideal strategy for cultivating effective relationships between COEs and districts is one in which the COE engages primarily in service focused support while ensuring compliance. This strategy emphasizes COE operations as a service to districts while ensuring that statutory responsibilities relating to compliance are addressed and results in the COE being viewed as a valuable resource and ally."



APPENDIX A. GOVERNANCE STRUCTURE OF CCBE

Members and Directors are CCBE’s key governance links. They enable the organization to serve California’s 58 county offices of education and its more than 390 locally elected county board members.

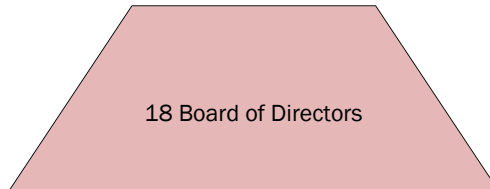
Executive Committee

- 4 officers elected by the Membership,
- 1 Treasurer elected by the Membership, and
- 1 CSBA Director-at-Large, County elected by the CSBA Delegate Assembly.



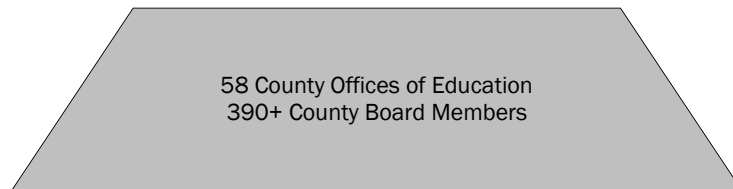
Board of Directors

- 18 Directors elected by local county boards in each CCBE and CSBA region.



General Membership

- 58 County Offices of Education
- 390+ County Board Members



Visit www.theccbe.org for more information.



A Voice for Education

APPENDIX B. PROFESSIONAL GOVERNANCE STANDARDS FOR COUNTY BOARDS

Note: The following appendix reproduces the Professional Governance Standards for County Boards of Education, jointly developed by the California School Boards Association and California County Boards of Education. These standards describe three components vital to effective governance — the attributes of an effective individual trustee, the attributes of an effective governing board, and the specific jobs the board performs in its governance role — and reflect consensus among hundreds of board members, superintendents and other educational leaders throughout the state. A pamphlet containing these Professional Governance Standards is available on CSBA's website at www.csba.org.

The Individual Trustee

In California's public education system, a trustee is a person elected or appointed to serve on a board of education. Individual trustees bring unique skills, values and beliefs to their board. In order to govern effectively, individual trustees must work with each other and the superintendent to ensure that a high quality education is provided to each student.

To be effective, an individual trustee:

- Keeps learning and achievement for all students as the primary focus.
- Values, supports and advocates for public education.
- Recognizes and respects differences of perspective and style on the board and among staff, students, parents and the community.
- Acts with dignity, and understands the implications of demeanor and behavior.
- Keeps confidential matters confidential.
- Participates in professional development and commits the time and energy necessary to be an informed and effective leader.
- Understands the distinctions between board, superintendent and staff roles, and refrains from performing management functions that are the responsibility of the superintendent and staff.
- Understands that authority rests with the board as a whole and not with individual board members.

The Board

County offices of education are governed by a superintendent and board, not by individual board members. While understanding their separate governance roles, the board and superintendent

work together as a team. This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively.

To operate effectively, the board must have a unity of purpose and:

- Keep focused on student learning and achievement, as well as the role of the county office of education in providing services to school districts and the community.
- Work collaboratively with the county superintendent.
- Communicate a common vision.
- Operate openly, with trust and integrity.
- Govern in a dignified and professional manner, treating everyone with civility and respect.
- Govern within board-adopted policies and procedures.
- Take collective responsibility for the board's performance.
- Periodically evaluate its own effectiveness.
- Ensure opportunities for the diverse range of views in the community to inform board deliberations.

The County Board's Responsibilities

The primary responsibilities of the county board include working with the superintendent to establish direction and priorities for the county office of education through its budgetary and LCAP responsibilities and providing leadership to support the success of public education. There are a number of specific duties that effective boards must carry out and adhere to in order to fulfill these responsibilities.

Effective county boards:

- Maintain a cooperative and supportive working relationship with local school districts, their school boards and the community.
- Collaborate with the superintendent so that the vision, goals and policies of the county office of education can be implemented.
- Adopt, evaluate and update policies consistent with law and the county board's vision and goals.
- Maintain accountability for student learning in schools and programs operated by the county office of education.
- Adopt the annual budget and review interim reports of the county superintendent of schools.
- Approve the salary of the county superintendent.
- Review the real property audit and acquire or dispose of real property as necessary for county office of education schools and programs.
- Adopt policies to ensure that a safe and appropriate educational environment is provided of all its students.
- Conduct appeals on student expulsions and inter-district transfers.
- Conduct public hearings when appropriate.
- Fulfill statutory responsibilities in connection with charter schools.
- Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels.