

BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8000**

#### **ROLE OF THE BOARD**

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

To fulfill its objective, the Butte County Board shall:

1. Collaborate with the County Superintendent to ensure implementation of the shared vision, goals, and policies of Butte County Office of Education;
2. Adopt and update policies for its own governance and for programs under the statutory authority of the Butte County Board of Education;
3. Ensure accountability for student learning in schools and programs under the statutory authority of the Butte County Board of Education;
4. Adopt the annual budget and review interim reports of the County Superintendent;
5. Fix the salary of the County Superintendent in accordance with law;
6. Acquire, lease, lease-purchase, hold and convey real property for the purpose of housing the offices and the services of the Butte County Office of Education;
7. Along with the County Superintendent, ensure the provision of a safe and appropriate educational environment for all Butte County Office of Education students;
8. Conduct appeals on the following actions by Butte County District Governing Boards: student expulsions; inter-district transfer requests; denials, non-renewals, or revocations of charter school petitions; and other matters when required by law;
9. Maintain a cooperative and supportive working relationship with local Butte County School Districts, their Governing Boards, and the community;
10. Conduct public hearings when appropriate;
11. Fulfill responsibilities relating to the Local Control Funding Formula (LCFF), including adopting the Butte County Office of Education Local Control and Accountability Plan (LCAP) and any revisions and updates to it;
12. Consider petitions and provide oversight for charter schools approved by the Butte County Board of Education and fulfill other statutory responsibilities in connection with charter schools;
13. Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state, and federal levels.

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

Legal Reference:

EDUCATION CODE

1040 Duties and responsibilities; county boards of education

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1042 County boards; authority

1240 Duties of county superintendent

1279 Disposal of personal property

1280 Budget revisions

33319.5 Implementation of authority of local agencies

35160 Authority of county boards

35160.1 Authority of county boards; legislative intent

47600-47616.5 Charter Schools Act of 1992, as amended

48919 Expulsion and appeals to county board

52066-52068 Adoption of local control and accountability plan

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### **BP 8005**

#### **GOVERNANCE STANDARDS**

The Butte County Board of Education believes that its primary responsibility is to act in the best interests of every student in every school or program operated by the Butte County Office of Education. The Butte County Board of Education has commitments to parents/guardians, all members of the community, Butte County Office of Education employees, and the State of California. The Butte County Board of Education is bound by laws pertaining to public education and the established policies and regulations of the County Superintendent. To maximize the Butte County Board's effectiveness and public confidence in its governance, Butte County Board of Education Members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Butte County Board of Education expects its members to work with each other and with the County Superintendent to ensure that a high-quality education is provided to all students in Butte County Office of Education schools and programs and that high-quality services are provided to the community and to the Butte County School Districts within the jurisdiction of the Butte County Office of Education. Each individual County Board member shall:

1. Keep learning and achievement for all students as the primary focus;
2. Value, support, and advocate for public education;
3. Recognize and respect differences of perspective and style on the Butte County Board of Education and among staff, students, parents/guardians, and the community;
4. Act with dignity and understand the implications of demeanor and behavior;
5. Keep confidential matters confidential;
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader;
7. Understand the distinctions of authority between the Butte County Board of Education and the County Superintendent, and refrain from performing management functions that are the responsibility of the County Superintendent and staff;
8. Understand that authority rests with the Butte County Board of Education as a whole and not with individual Butte County Board of Education Members.

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

1. Keep focused on student learning and achievement, as well as the role of the Butte County Office of Education in providing services to Butte County School Districts and the community;
2. Work collaboratively with the County Superintendent;
3. Communicate a common vision;
4. Operate openly, with trust and integrity;
5. Govern in a dignified and professional manner, treating everyone with civility and respect;
6. Govern within the law and the Butte County Board of Education adopted policies and procedures;
7. Take collective responsibility for Butte County Board of Education's performance;
8. Periodically evaluate its own effectiveness;
9. Ensure opportunities for the diverse range of views in the community to inform Butte County Board of Education deliberations.

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### Legal Reference:

#### EDUCATION CODE

1040 Duties and responsibilities; county boards of education

1042 County boards; authority

35160-35160.1 Authority of county boards

#### GOVERNMENT CODE

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54962 The Ralph M. Brown Act

87300-87313 Conflict of interest code

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### **BP 8010**

#### **PUBLIC STATEMENTS**

The Butte County Board of Education recognizes the responsibility of Butte County Board of Education Members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the Butte County Office of Education, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding Butte County Board of Education issues, Butte County Board of Education Members are expected to respect their authority to choose a spokesperson to communicate its positions and to abide by established protocols.

All public statements authorized to be made on behalf of the Butte County Board of Education shall be made by the Board president or, if appropriate, by the County Superintendent or other designated spokesperson.

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

When making public statements, Butte County Board of Education Members shall not disclose confidential information or information received in closed session except when authorized by a majority of the Butte County Board of Education.

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

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

Legal Reference:

GOVERNMENT CODE

6250-6270 California Public Records Act

54960 Actions to stop or prevent violation of meeting provisions

54963 Confidential information in closed session

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# BUTTE COUNTY OFFICE OF EDUCATION

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### **BP 8011**

#### **DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

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

#### **Disclosure of Closed Session Information**

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

For these purposes, confidential information means a communication made in a closed session that is specifically related to the basis to meet lawfully in closed session.

The Butte County Board of Education shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is:

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

#### **Other Disclosures**

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

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

#### Legal Reference:

EDUCATION CODE

35146 Closed session

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

1098 Public officials and employees re confidential information

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

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54957.5 Public records

54957.7 Reasons for closed session

54963 Confidential information in closed session

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# BUTTE COUNTY OFFICE OF EDUCATION

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### **BP 8012**

#### **BOARD MEMBER ELECTRONIC COMMUNICATIONS**

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

Butte County Board of Education Members shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board.

County Board members should use Butte County Office of Education email accounts and servers for communications related to Board business. Board Members may use electronic communications to discuss matters that are outside the jurisdiction of the County Board, regardless of the number of members participating in the discussion, however Butte County Office of Education email accounts and servers should not be used for these communications.

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

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

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

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

Legal Reference:

EDUCATION CODE

1011 Time and place of meetings

GOVERNMENT CODE

6250-6270 California Public Records Act

11135 State programs and activities, discrimination

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

54952.2 Meeting, defined

54953 Meetings to be open and public; attendance

54954.2 Agenda posting requirements, board actions

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# BUTTE COUNTY OFFICE OF EDUCATION

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### **BP 8100**

### **ORGANIZATION**

#### **Annual Organizational Meeting**

The Butte County Board of Education shall hold an annual organizational meeting, which shall be the first meeting on or after the last Friday in November.

At the organizational meeting, the Board shall:

1. Elect a President and a clerk and/or Vice President from its members
2. Appoint the County Superintendent as Secretary to the Board
3. Develop a schedule of regular meetings for the year

#### **Election of Officers**

Each year the Butte County Board of Education shall elect its President and may elect other officers. Election of officers shall not be done by secret ballot.

Legal Reference:

EDUCATION CODE

1007 Elections

1009 Annual organizational meeting; date and notice

1010 County Superintendent- ex-officio secretary and executive officer

1011 Regular meetings

GOVERNMENT CODE

54953 Meetings to be open and public; attendance

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### **BP 8121**

#### **PRESIDENT AND OTHER OFFICERS**

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

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

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

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

1. Signing all instruments, acts and orders necessary to carry out state requirements and the action of the Board;
2. Call such meetings of the Butte County Board of Education as he/she may deem necessary, giving notice as prescribed by law;
3. Appointing members of the Butte County Board of Education to fill the vacant seats of a Butte County School District Board when a majority of those seats are vacant;
4. Subject to Butte County Board of Education approval, appointing and dissolving all committees;
5. Subject to Butte County Board of Education approval, appointing Board Members to serve as representatives on committees on matters of concern to the Butte County Board of Education, the Butte County Office of Education, or the Butte County School Districts, schools, and students within its jurisdiction;
6. Representing the Butte County Board of Education as spokesperson.

When the President resigns or is absent or disabled, the Vice President/Clerk shall perform the President's duties. When both the President and Clerk are absent or disabled, the Butte County Board of Education shall choose a President Pro Tempore to perform the President's duties.

Legal Reference:

EDUCATION CODE

1009 Annual organization of the board

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1012 Special meetings

5094 Power to fill district board vacancies

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8124**

#### **ATTORNEY**

The Butte County Board of Education recognizes that the complex legal environment in which it discharges its functions creates the need for sound and dependable legal services and advice.

The Butte County Board of Education also recognizes that a County Superintendent is not limited by statute as to what legal services he/she may contract with legal counsel to perform.

The County Board may arrange to obtain legal services and advice in accordance with law.

#### **General Legal Services and Advice**

As authorized by law, the Butte County Board of Education will work with the County Superintendent to appoint a shared legal counsel. Subject to Board approval, the County Superintendent may hire and fix the compensation to be paid to an independent contractor or a law firm to serve as shared legal counsel for the Butte County Board of Education and the County Superintendent. When the proposed appointee is an employee of the County Superintendent, the County Superintendent shall fix his/her compensation and shall be responsible for his/her evaluation as an employee.

If the Butte County Board of Education and the County Superintendent cannot agree on the appointment of a shared legal counsel, the Butte County Board of Education shall permit the County Superintendent to appoint the shared legal counsel. The shared legal counsel shall provide general legal services and advice to the Butte County Board of Education except when the Board decides to exercise its right to seek special legal services and advice.

The shared legal counsel must be admitted to practice law in California but is not required to have any certification qualifications.

The duties of the shared legal counsel may include:

1. Rendering legal advice to the Butte County Board of Education, County Superintendent, and Butte County Office of Education employees as appropriate;
2. Serving the Butte County Board of Education and County Superintendent in the preparation and conduct of litigation and administrative proceedings;
3. Rendering administrative duties as may be assigned by the County Superintendent or by the Butte County Board of Education.

The Butte County Board of Education may request to have shared legal counsel attend a Board Meeting to provide legal advice or to prepare a written legal opinion on issues within the jurisdiction of the Butte County Board of Education including, but not limited to, expulsion appeals, charter school petitions and appeals, inter-district transfer appeals, open meeting laws, real property transactions, the county office budget, and the county office local control accountability plan.

The Butte County Board of Education may consult with the shared legal counsel on matters affecting the operations of the Butte County Board of Education. The Board may consult with the shared legal counsel as a group. The Board may also authorize a specific Butte County Board of Education member to consult with the shared legal counsel on behalf of the Board. Any individual Board member who consults with the shared legal

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counsel on behalf of the Butte County Board of Education shall report the conversation to the Board and when requested, the shared legal counsel shall provide his/her advice or opinion directly to the Butte County Board of Education. Consultation with the shared legal counsel shall occur in open session except when closed session is authorized by law.

#### **Special Legal Services and Advice**

The Butte County Board of Education may contract with a trained, experienced, and competent legal counsel other than the shared legal counsel, to furnish special services and advice in any of the following situations:

1. When, for reasons beyond the Butte County Board of Education's control, the shared legal counsel has a conflict of interest or has failed to render timely advice in a particular matter;
2. The services being sought by the Butte County Board of Education are in addition to those usually, ordinarily and regularly obtained from the shared legal counsel;
3. The County Board desires a second legal opinion in a particular matter

In such situations, the County Board shall fix the compensation to be paid for the special services or advice, and may pay such compensation from any available funds.

Legal Reference:

EDUCATION CODE

1042 County boards: authority

17150 Revenue bonds

35041.5 Legal counsel: Relieving duties of county counsel and district attorney

GOVERNMENT CODE

814-895.8 Liability of public entities and public employees

995-996.6 Defense of public employees

54950-54963 The Ralph M. Brown Act

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8130**

#### **BOARD COMMITTEES**

The Butte County Board of Education may establish Board committees on matters whenever it determines that such a committee is within its jurisdiction and would benefit the Butte County Office of Education. The Board shall define the duties, responsibilities, authority, and term of a committee at the time of the committee's establishment. Unless specifically authorized by the Board to act on its behalf, such committees shall act in an advisory capacity only.

The Butte County Board of Education President shall appoint all committees with County Board approval. Whenever so charged, Board committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and agencies.

At the request of the Butte County Board of Education, the County Superintendent may serve and/or designate or nominate any Butte County Office of Education staff member to serve as an advisor to or as a non-voting member of a Butte County Board of Education committee.

#### **Committee Meetings**

Butte County Board of Education committees, other than advisory committees with less than a majority of Board members as discussed below, shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws. An agenda of any such committee meeting shall be posted not less than 24 hours prior to the meeting. Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting shall be considered as regular meetings of the committee for purposes of the Brown Act.

Standing committees with continuing subject matter jurisdiction include, but are not limited to, those which at the Butte County Board of Education's request are responsible for providing advice on finance, policy, governmental relations, curriculum development, and program evaluation. An ad hoc committee formed for a limited term and charged with accomplishing a specific task in a short period of time is not a standing committee. Advisory committees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the Butte County Board of Education.

When a majority of the members of the Butte County Board of Education attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers.

#### **Committee Reports and Recommendations**

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

When an item has already been considered at a public meeting by a County Board committee composed exclusively of County Board members, and the meeting provided for public comment on the item before or during the committee's consideration of the item, the County Board may or may not provide for additional public comment on the item at a subsequent County Board meeting. Public comment shall be afforded,

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### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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however, if the County Board determines that the item has been substantially changed since it was heard by the committee.

#### Legal Reference:

##### EDUCATION CODE

1040 Duties and responsibilities; county boards of education

1042 County boards; authority

##### GOVERNMENT CODE

54952 Legislative body, definition

54952.2 Definition of meeting

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

54954.3 Opportunity for public to address legislative body

54956 Special meeting notices

54956.5 Emergency meeting notices

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### **BP 8140**

#### **BOARD REPRESENTATIVES**

The Butte County Board of Education recognizes that effective performance of its community leadership responsibilities may require its participation on various committees on matters of concern to the Board, Butte County Office of Education, or the Butte County School Districts, schools, and students within its jurisdiction. The Butte County Board of Education may appoint any of its members to serve as its representative on a committee of another public agency or organization of which the Butte County Board of Education is a member or to which the Butte County Board of Education is invited to participate.

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

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

#### Legal Reference:

##### EDUCATION CODE

1040-1047 Duties of county boards of education

35160-35160.2 Authority of governing boards

##### GOVERNMENT CODE

54952.2 Meetings

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### **BP 8200**

#### **LIMITS OF BOARD MEMBER AUTHORITY**

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

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

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

1040-1042 Duties and responsibilities

35160-35160.2 Powers and duties

51101 Rights of parents/guardians

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

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### **BP 8220**

#### **GOVERNING BOARD ELECTIONS**

The Butte County Board of Education shall consist of seven [7] members whose terms shall be staggered so that, as nearly as practicable, one half of the members shall be elected at each regular Butte County Board of Education election.

To reduce costs associated with conducting elections, the Butte County Board of Education election may be consolidated with the local municipal or statewide primary or general election upon adoption of a resolution by the County Board and approval of the County Board of Supervisors.

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

#### **Eligibility**

Any person other than the County Superintendent, a member of his/her staff, or an employee of a Butte County School District that is within the jurisdiction of the Butte County Board of Education, is eligible to be a member of the Butte County Board of Education if he/she is an elector of the trustee area he/she is to represent and is not legally disqualified from holding civil office.

Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Butte County Board of Education member except when he/she has been granted a pardon in accordance with law.

#### **Term of Office**

The term of office for members elected in regular elections shall be four years, commencing on the last Friday in November following their election.

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office.

#### **Campaign Conduct**

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

#### **Statement of Qualifications**

The Butte County Board of Education shall assume no part of the cost of printing, handling, translating, or mailing of candidate statements.

On the 125th day prior to the day fixed for the general election, the Butte County Board of Education Secretary or his/her designee shall deliver a notice, bearing the Secretary's signature and seal, to the Butte County Elections Official describing both of the following:

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

# BUTTE COUNTY OFFICE OF EDUCATION

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2. Whether the Butte County Board of Education or the candidate is to pay for the publication of a statement of qualifications.

### **Tie Votes in Board Member Elections**

Before each election, the Butte County Board of Education shall establish whether a potential tie is to be resolved by lot or with a runoff election.

After an election for which the Butte County Board of Education has decided to resolve a tie by lot, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Butte County Board of Education. The Board at that time shall determine the winner by lot.

After an election for which the County Board has decided to resolve a tie with a runoff election, the Board shall schedule the runoff election in accordance with law.

Legal Reference:

#### EDUCATION CODE

- 1000 Composition, and trustee area, county board of education
- 1002 Trustee area boundaries and membership changes
- 1006 Qualifications for holding office, county board of education
- 1007 Elections
- 1017 Expiration of terms
- 5000-5033 Elections
- 5220-5231 Elections
- 5300-5304 General provisions (conduct of elections)
- 5320-5329 Order and call of elections
- 5340-5345 Consolidation of elections
- 5360-5363 Election notice
- 5380 Compensation (of election officer)
- 5390 Qualifications of voters
- 5420-5426 Cost of elections
- 5440-5442 Miscellaneous provisions

#### ELECTIONS CODE

- 20 Public office eligibility
- 321 Elector
- 1302 Local elections
- 2201 Grounds for cancellation
- 4000-4004 Elections conducted wholly by mail
- 10400-10418 Consolidation of elections
- 10509 Notice of election by secretary
- 10600-10604 School district elections
- 13307 Candidate's statement
- 13309 Candidate's statement, indigence
- 14025-14032 California Voting Rights Act

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## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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20440 Code of Fair Campaign Practices

GOVERNMENT CODE

1021 Conviction of crime

1302 Continuance in office until qualification of successor

1303 Exercising functions of office without having qualified

1360 Necessity of taking constitutional oath

12940 Nondiscrimination, Fair Employment and Housing Act

81000-91014 Political Reform Act

PENAL CODE

68 Bribes

74 Acceptance of gratuity

424 Embezzlement and falsification of accounts by public officers

661 Removal for neglect or violation of official duty

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

UNITED STATES CODE, TITLE 52

10301-10508 Voting Rights Act

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# BUTTE COUNTY OFFICE OF EDUCATION

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### **BP 8222**

#### **RESIGNATION**

A Butte County Board of Education member who wishes to resign shall file a written resignation with the County Superintendent.

The resignation shall become effective when filed with the County Superintendent unless a deferred effective date is specified in the resignation letter. The effective date may not be deferred for more than 60 days after filing.

A written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable once filed.

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

A Butte County Board of Education member who resigns shall file a revised Statement of Economic Interest/Form 700 covering the period of time between the closing date of the last statement and the date he/she leaves office within 30 days of leaving office.

#### Legal Reference:

##### EDUCATION CODE

1008 Vacancies; procedure for filing

5090-5095 Definition (vacancy)

35178 Resignation with deferred effective date

##### GOVERNMENT CODE

1770 Vacancies: definition

87300-87313 Conflict of interest code

87500 Statements of economic interests

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### BP 8223

#### FILLING VACANCIES

##### Events Causing a Vacancy

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

1. The death of an incumbent;
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term;
3. A County Board member's resignation;
4. A County Board member's removal from office, including by recall;
5. A County Board member's ceasing to inhabit the trustee area which he/she represents on the County Board;
6. A County Board member's absence from the state for more than 60 days, except in the following situations:
  - a. Upon County Board business with the approval of the County Board
  - b. With the consent of the County Board for an additional period not to exceed a total absence of 90 days  
In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the County Board.
  - c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard  
If the absence of the County Board member for military deployment exceeds six months, the County Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the County Board may appoint an interim member to serve in his/her absence.  
If two or more members of the County Board are absent by reason of military deployment, and those absences result in the inability to establish a quorum at a regular meeting, the County Board may immediately appoint one or more interim members as necessary to enable the County Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent County Board member or beyond the next regularly scheduled election for that office, whichever occurs first.
7. A County Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state without the permission required by law
8. A County Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office
9. A County Board member's refusal or neglect to file his/her required oath within the time prescribed
10. The decision of a competent tribunal declaring void a County Board member's election or appointment;
11. A County Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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

### **Timelines for Filling a Vacancy**

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

1. When a vacancy occurs within four months of the end of a County Board member's term, the County Board shall take no action.
2. When a vacancy occurs more than four months before the end of a County Board member's term, the County Board shall either order an election or make a provisional appointment within 60 days of the date of the vacancy or the filing of the member's deferred resignation unless a special election as described in item #3 below is required.
3. When a vacancy occurs between six months and 130 days before a regularly scheduled County Board election but the vacant position is not scheduled to be filled during that election, a special election to fill the position shall be consolidated with the regular election. The person elected shall take office at the first regularly scheduled County Board meeting following the certification of the election and shall serve until the end of the term of the position which he/she was elected to fill.

### **Eligibility**

In order to be appointed or elected to fill a vacancy on the County Board, a person must meet the eligibility requirements specified in Education Code § 1000 and 1006 and described in Board Policy 8220.

### **Provisional Appointments**

When a special election is not required, the Butte County Board of Education is authorized by law to make a provisional appointment to fill a vacancy. Before making a provisional appointment, the Butte County Board of Education shall advertise in the local media to solicit candidate applications or nominations. The Board shall ensure that applicants are eligible for election, interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

The person appointed shall be afforded all the powers and duties of a Butte County Board of Education member immediately upon appointment and shall hold office until the next regularly scheduled Board election.

Within 10 days after the appointment is made, the Butte County Board of Education shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code § 6061 and posted in at least three public places within the jurisdiction of the Butte County Board of Education.

The notice shall contain:

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

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **Appointment Due to Failure to Elect**

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

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

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

#### Legal Reference:

##### EDUCATION CODE

1000 Composition and trustee area, county board of education  
1006 Qualifications for holding office, county board of education  
1007 Elections  
5090-5095 Vacancies  
5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of election  
5340-5345 Consolidation of elections

##### ELECTIONS CODE

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

##### GOVERNMENT CODE

1064 Absence from state  
1770 Vacancies: definition  
3000-3003 Forfeiture of office  
3060-3075 Removal other than by impeachment  
6061 One time notice  
54950-54963 The Ralph M. Brown Act

##### PENAL CODE

88 Bribery, forfeiture from office

##### UNITED STATES CODE, TITLE 18

704 Military medals or decorations

##### ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)  
81 Ops.Cal.Atty.Gen. 98 (1998)

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**BUTTE COUNTY OFFICE OF EDUCATION**  
**BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS**

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**BP 8224**

**OATH OR AFFIRMATION**

Prior to entering upon the duties of their office, all Butte County Board of Education members shall take the oath or affirmation required by law.

The oath may be administered and certified by a Butte County Board of Education member, Secretary or Assistant Secretary to the Board, County Superintendent, Deputy or Assistant Superintendent, Principal, or Butte County School District Superintendent or any other person authorized in Education Code 60.

The executed oath shall be filed with the Butte County Elections Clerk.

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8230**

#### **ORIENTATION**

The Butte County Board of Education recognizes the importance of providing all newly elected or appointed Board members with support and information to assist them in becoming effective members of the Board. Incoming Board members shall be provided an orientation designed to build their knowledge and understanding of the responsibilities of their position. Such orientation may include the provision of information, support, and/or training related to Board functions, policies, protocols, and standards of conduct.

As early as possible following the election or appointment of Board members, one or more orientation sessions may be held during open meeting(s) of the Board. The Board President and the County Superintendent or designee may develop an agenda for the meeting(s) to identify resources that may be useful for incoming Board members.

Upon their election or appointment, incoming Board members shall be provided a copy of the Brown Act and informed that, pursuant to Government Code § 54952.1, they must conform to the Act's requirements as if they had already assumed office. Additional information for incoming Board members may include, but is not limited to, Board policies related to the limits of individual Board member authority, the conduct of Board meetings, and other Board operations; governance standards for ethical conduct; legal requirements related to conflict of interest and prohibited political activity; protocols for speaking with Butte County Office of Education staff, members of the public, and the media; and publications on effective governance practices.

In addition, the County Superintendent or designee may provide incoming Board members with specific background information regarding Butte County Board of Education, including, but not limited to, Butte County Office of Education's vision and goals statements, local control and accountability plan and other comprehensive plans, student demographic data, student achievement data, Butte County Superintendent's Policies and Administrative Regulations, Butte County Office of Education budget, and minutes of recent open Butte County Board of Education meetings.

The County Superintendent or designee may offer incoming Board members a tour of Butte County Office of Education schools and facilities, and may introduce them to Butte County Office of Education school site administrators and other staff.

Incoming members are encouraged, with approval of the Butte County Board of Education, to attend the California School Boards Association's [CSBA] Orientation for New Trustees, Institute for New and First-Term Board Members, California County Boards of Education [CCBE] offerings, and any other workshops and conferences relevant to the needs of the individual member, the Board as a whole, or Butte County Office of Education.

#### Legal Reference:

##### EDUCATION CODE

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

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

##### GOVERNMENT CODE

## BUTTE COUNTY OFFICE OF EDUCATION

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

54952.1 Member of a legislative body

54952.2 Open meeting laws; posting agenda; board actions

54952.7 Copies of Brown Act to board members

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8240**

#### **BOARD DEVELOPMENT**

Citizens elected to the Butte County Board of Education are entrusted with the responsibility of governing the Butte County Board of Education. The Butte County Board of Education recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.

All Butte County Board of Education members may, at Butte County Office of Education's expense and with prior approval of the Butte County Board of Education, attend conferences for the purpose of Board development. Butte County Board of Education business shall not be discussed at conferences.

Butte County Board of Education members shall report to the Board, orally or in writing, as soon as possible on the in-service activities they attend.

Funds for Butte County Board of Education member development shall be budgeted annually.

Legal Reference:

EDUCATION CODE

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

GOVERNMENT CODE

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

54952.2 Meeting

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8250**

### **REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS**

#### **Compensation**

Each member of the Butte County Board of Education who attends all of the board meetings in a month may receive the maximum monthly compensation as provided for in Education Code § 1090.

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

Butte County Board of Education members are not required to accept payment for meetings attended.

Butte County Board of Education members may be compensated for meetings he/she missed when the County Board, by resolution, finds that he/she was performing designated services for the Butte County Office of Education at the time of the meeting or that he/she was absent because of illness, jury duty, or a hardship deemed acceptable by the Butte County Board of Education.

#### **Reimbursement of Expenses**

Butte County Board of Education members shall be reimbursed for actual and necessary expenses for travel, printing, or membership in any state or local organization of governing boards of Butte County School Districts or County Boards of Education. Board members shall also be reimbursed for the actual expenses of attending, with prior approval, meetings or conferences of any society, association, or organization to which the Butte County Board of Education subscribes for membership.

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

#### **Health and Welfare Benefits for Current Board Members**

The budget of Butte County Office of Education will provide medical, dental and vision benefits for members. Benefits for Board Members will be no greater than the most generous schedule of benefits provided for Butte County Office of Education employees.

The budget of Butte County Office of Education will provide the monthly premium for \$50,000 of life insurance for Butte County Board of Education members. Board members who elect an increase for their plan shall pay the full cost of the premium increase for the additional coverage.

#### **Health and Welfare Benefits for Former Board Members**

Members having retired from the Butte County Board of Education may continue in the health and welfare benefit programs, at their own expense, based upon the plans in effect at the time of retirement, provided they have served on the Butte County Board of Education for one full term (4 years).

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### Legal Reference:

#### EDUCATION CODE

1090-1096 Stipends and expenses

#### FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

300 Definition of marriage

#### GOVERNMENT CODE

8314 Use of public resources

20322 Elective officers; election to become member

20420-20445 Membership in Public Employees' Retirement System; definition of safety employees

53200-53209 Group insurance

54952.3 Simultaneous or serial meetings; announcement of compensation

#### HEALTH AND SAFETY CODE

1373 Health services plan, coverage for dependent children

#### INSURANCE CODE

10277-10278 Group and individual health insurance, coverage for dependent children

#### UNITED STATES CODE, TITLE 26

403 Tax-sheltered annuities

#### UNITED STATES CODE, TITLE 42

18011 Right to maintain existing health coverage

#### CODE OF FEDERAL REGULATIONS, TITLE 26

1.403(b)-2 Tax-sheltered annuities, definition of employee

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8260**

### **LEGAL PROTECTION**

#### **Liability Insurance**

The County Board Office of Education shall provide insurance necessary to protect the Butte County Board of Education members against liability for death, personal injury, or damage or loss of property caused by their negligent act or omission when acting within the scope of their office.

#### **Protection Against Liability**

No Butte County Board of Education member shall be liable for harm caused by his/her act or omission when acting within the scope of his/her responsibilities for the Butte County Office of Education. The act or omission must be in conformity with federal, state, and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. The protection against liability shall not apply when:

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

Legal Reference:

EDUCATION CODE

35208 Liability insurance

GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort Claims Act

825.6 Indemnification of public entity

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

54950-54963 The Ralph M. Brown Act

87100-89503 Conflicts of interest

UNITED STATES CODE, TITLE 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher Protection Act

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8270**

#### **CONFLICT OF INTEREST**

The Butte County Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the Butte County Office of Education and the public. In accordance with law, Butte County Board of Education members shall disclose any conflict of interest and, as necessary, shall abstain from participating in any decisions or discussions that could affect or be effected by those interests, especially, as prohibited by Government Code §1090; those interests related to contracts. The Butte County Board of Education shall consult legal counsel whenever an actual or potential conflict of interest arises.

The County Superintendent and Butte County Board of Education shall adopt a resolution that specifies the terms of its conflict of interest code, designates any consultant positions required to complete conflict of interest reporting, and establishes disclosure categories required for each position. The conflict of interest code must be approved by the appropriate code reviewing body. Upon request by the code reviewing body, the County Board shall review the conflict of interest code and submit any changes to the code reviewing body.

When a change in the conflict of interest code is necessitated due to changed circumstances, such as the hiring of a new consultant in a position that is not already designated in the conflict of interest code or a change to an existing consultant's scope of work in a manner that changes the consultant's position to a designated position, the amended code shall be submitted to the code reviewing body within 90 days.

When reviewing and preparing the conflict of interest code, the County Board shall provide members of the community, the County Superintendent of Schools, COE staff, and consultants of the County Board adequate notice and a fair opportunity to present their views.

The County Superintendent and Butte County Board of Education members shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the conflict of interest code. A County Superintendent or Board member who leaves office shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office.

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

A County Superintendent or Butte County Board of Education member shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's participation is legally required.

A County Board member is involved in making a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the Butte County Office of Education to any course of action, or votes to enter into or approve any contractual agreement on behalf of the Butte County Office of Education.

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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A Butte County Board of Education member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Butte County Board of Education shall abstain from voting on the matter. Although he/she may remain on the dais, if they do choose to stay their presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Butte County Board of Education when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue.

#### **Conflict of Interest - Financial Interest in a Contract**

Butte County Board of Education members shall not be financially interested in any contract made by the Butte County Board of Education and shall not be included in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids for such contracts. If a Board member has such a financial interest, the Butte County Board of Education is barred from entering into the contract.

A Butte County Board of Education member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code §1091.5.

A Butte County Board of Education member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code § 1091 and if the remote interest is disclosed during a Butte County Board of Education meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member's vote.

To avoid the appearance of impropriety, Butte County Board of Education members may decide not to participate in any discussion or action involving contracts where his/her interest is a "noninterest" or "remote interest" as described in Education Code § 1091 and 1091.5.

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

A Butte County Board of Education member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties. The Board shall consult legal counsel whenever an actual or potential conflict of interest arises.

Butte County Board of Education members shall abstain from voting on personnel matters that uniquely affect relatives. Relative means an adult who is related to the Board member by blood, affinity, or adoptive relationship within the third degree.

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

#### **Rule of Necessity or Legally Required Participation**

On a case-by-case basis and upon advice of legal counsel, a Butte County Board of Education member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code § 87101 and 2 CCR § 18705.

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **Incompatible Offices and Activities**

Butte County Board of Education members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the Butte County Office of Education.

### **Gifts**

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

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

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

A gift of travel does not include travel provided by the Butte County Office of Education for its Board members.

### **Honoraria**

Butte County Board of Education members shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law.

The term honorarium does not include:

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

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35230-35240 Corrupt practices, especially:

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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82003 Agency definition

82011 Code reviewing body

82019 Definition, designated employee

82028 Definition, gift

82030 Definition, income

82033 Definition, interest in real property

82034 Definition, investment

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

CODE OF REGULATIONS, TITLE 2

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

18700-18707 General prohibitions

18722-18740 Disclosure of interests

18750.1-18756 Conflict of interest codes

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# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8310**

#### **BOARD POLICIES**

The Butte County Board of Education shall adopt written policies to clarify roles and responsibilities of the Butte County Board of Education, and communicate County Board philosophy and positions to students, Butte County Office of Education staff, parents/guardians and the community.

#### **Policy and/or Regulation Development**

The Butte County Board of Education's policy development process shall include the following basic steps:

1. The County Board shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new vision statement, new goals in the local control and accountability plan, educational research or trends, or a change in the superintendency or County Board membership. The need may also occur as a result of an incident that has arisen in the jurisdiction of the County Board or a recommendation or request from the County Superintendent of Schools, COE staff, or other interested persons;
2. As needed, the Butte County Board of Education shall gather fiscal data, input from the County Superintendent, Butte County Office of Education staff, and the public, sample policies from other organizations or agencies, and other useful information and data to fully inform the Butte County Board of Education about issues relating to Board policies;
3. The Butte County Board of Education may hold discussions during a public Board meeting to gain an understanding of the issue. The discussion may include, but not be limited to, how the proposed policy may affect student learning, community expectations, and the Butte County Office of Education, as well as the policy's fiscal impact and impact on governance and operational efficiency;
4. The Board may request that legal counsel review the draft policy as appropriate;
5. The County Superintendent or designee shall develop and present a draft policy for a first reading. At its second reading, the Butte County Board of Education may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

Only policies and/or regulations formally adopted by a majority vote shall constitute official Butte County Board of Education policy and/or regulation.

The policy development process may be revised or expanded as needed based on the issue being considered, the need for more information or legal consultation.

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

The Butte County Board of Education shall adopt rules and regulations for its own government consistent with state law and regulations.

#### **Access to Policies**

A public copy of the Butte County Board of Education's Policy and Administrative Regulations shall be maintained at the Butte County Office of Education either electronically or by paper copy.

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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As necessary, the Butte County Board of Education or the County Superintendent shall determine the appropriate communications strategy to notify Butte County Office of Education staff, parents/guardians, students, and the community whenever a policy that affects them is adopted or revised.

### **Suspension of Policies**

No Butte County Board of Education Policy or Administrative Regulation, or any portion thereof, shall be operative if it is in conflict with applicable federal or state law or regulations or court decisions.

If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

Legal Reference:

EDUCATION CODE

1015 Vote requirements

1040-1042 Duties and responsibilities of County Boards

35160-35160.2 Authority of governing boards

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8320**

#### **MEETINGS AND NOTICES**

Meetings of the Butte County Board of Education are conducted for the purpose of accomplishing Butte County Board of Education business. In accordance with state open meeting laws (The Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Butte County Board of Education's Policies and Administrative Regulations.

A Butte County Board of Education meeting exists whenever a majority of the Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Butte County Board of Education.

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

In order to help ensure the participation of individuals with disabilities at Butte County Board of Education meetings, appropriate disability-related accommodations or modifications shall be provided upon request in accordance with the Americans with Disabilities Act.

#### **Regular Meetings**

The Butte County Board of Education shall hold one [1] regular meeting each month. Regular meetings shall be held at 2:00 p.m. on the first Monday of each month (day) at the Butte County Office of Education at 1859 Bird Street in Oroville, California in the Board Room.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the Butte County Office of Education's web site on the Butte County Board of Education page.

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Butte County Board of Education less than 72 hours before the meeting, the secretary to the Board or his/her designee shall make the materials available for public inspection at a public office or location designated for that purpose.

#### **Special Meetings**

Special meetings of the Butte County Board of Education may be called by the Board President when exigencies require them to be held, or whenever any three members of the Butte County Board of Education make a written request for such a meeting. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the County Superintendent.

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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Written notice of special meetings shall be delivered personally or by any other means to all Butte County Board of Education members and the local media who have requested such notice in writing. The notice also shall be posted on the Butte County Office of Education's web site on the Butte County Board of Education page. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting.

Any Butte County Board of Education member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the secretary of the Board or by being present at the meeting at the time it convenes.

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

#### **Emergency Meetings**

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Butte County Board of Education may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings. The Board shall comply with all other requirements for special meetings during an emergency meeting.

An emergency situation means either of the following:

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

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

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

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **Adjourned/Continued Meetings**

A majority vote by the Butte County Board of Education may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Butte County Board of Education members are present, the Secretary or the Clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings.

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held.

### **Study Sessions, Retreats, Public Forums, and Discussion Meetings**

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

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

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

### **Other Gatherings**

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

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

Individual contacts or conversations between a Butte County Board of Education member and any other person are not subject to the Brown Act.

### **Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted.

## BUTTE COUNTY OFFICE OF EDUCATION

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Meetings shall be held within the county, except to do any of the following:

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the COE is a party
2. Inspect real or personal property which cannot conveniently be brought into the county, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the COE has no meeting facility within its boundaries or if its principal office is located outside the county
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the COE over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the COE but located outside the county, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the County Board's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Interview residents of another county or district regarding the County Board's potential employment of an applicant for interim County Superintendent

Meetings exempted from the boundary requirements, as specified in items #1-8 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the County Board attends the meeting.

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

#### **Teleconferencing**

A teleconference is a meeting of the Butte County Board of Education in which Board members are in different locations, connected by electronic means through audio and/or video.

The Butte County Board of Education may use teleconferences for all purposes in connection with any meeting within its subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call.

During the teleconference, at least a quorum of the members of the Butte County Board of Education shall participate from locations within the County.

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

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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

All Butte County Board of Education Policies and Administrative Regulations shall apply equally to meetings that are teleconferenced. The Butte County Board of Education Secretary or designee shall facilitate public participation in the meeting at each teleconference location.

### Legal Reference:

#### EDUCATION CODE

- 1009 Annual organizational meeting, date, and notice
- 1011 Time and place of meetings
- 1012 Special meeting
- 1040-1042 Duties and responsibilities of County Boards

#### GOVERNMENT CODE

- 3511.1 Local agency executives
- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
  - 54953 Meetings to be open and public; attendance
  - 54954 Time and place of regular meetings
  - 54954.2 Agenda posting requirements, board actions
  - 54956 Special meetings; call; notice
  - 54956.5 Emergency meetings

#### UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act

#### CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 Effective communications
- 36.303 Auxiliary aids and services

#### CALIFORNIA CONSTITUTION

- Article 9, Section 3 County superintendents

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8321**

#### **CLOSED SESSION**

The Butte County Board of Education is committed to complying with state open meeting laws and modeling transparency in the conduct of its business. The Butte County Board of Education shall hold a closed session only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law.

The Butte County Board of Education shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement.

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

A Butte County Board of Education member shall not disclose confidential information received in a closed session unless the County Board authorizes the disclosure of that information.

After each closed session, but before adjourning the meeting, the Butte County Board of Education shall reconvene in open and, when applicable, report closed session actions, the votes or abstentions thereon, and other disclosures.

#### **Matters Related to Students**

The Butte County Board of Education shall meet in closed session to consider the appeal of an expulsion of a student, unless the student submits a written request at least five [5] days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Butte County Board of Education may meet in closed session for the purpose of deliberations.

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

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law.

In an expulsion action, the student's name shall not be disclosed, but the cause for the expulsion shall be disclosed in open session.

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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

#### **Conference with Real Property Negotiator**

The Butte County Board of Education may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for Butte County Office of Education in order to grant its negotiator authority regarding the price and terms of payment for the property.

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

For purposes of real property transactions, negotiators may include members of the Butte County Board of Education.

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

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Butte County Board of Education renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the County Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the Butte County Office of Education of its approval.

#### **Pending Litigation**

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

Litigation is considered "pending" in any of the following circumstances:

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

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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Existing facts and circumstances for these purposes are limited to the following:

- a. Facts and circumstances that might result in litigation against the County Board or COE but which the County Board believes are not yet known to potential plaintiffs and which do not need to be disclosed.
  - b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the County Board or COE, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
  - c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
  - d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the County Board.
  - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the County Board, provided that the employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the County Board has decided to initiate or is deciding whether to initiate litigation.

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

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation."

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

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

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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The Butte County Board of Education shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held:

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

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

#### **Review of Student Assessment Instruments**

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

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

At the public meeting during which the County Board holds a closed session to review student assessment instruments, the County Board shall confirm that this review was made. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

#### **Other Matters for Closed Session**

When appropriate, the County Board may also hold a closed session to discuss any of the following:

1. Security Matters  
The County Board may meet in closed session with the Governor, Attorney General, district attorney, legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. The County Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the County Board members present. If less than two-thirds of the members are present, then the County Board must agree by a unanimous vote of the members present.

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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

#### 2. Joint Powers Agency/Self-Insurance Authority Claims

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

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

When the board of the JPA has so authorized and upon advice of legal counsel, the County Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the County Board's closed session, a County Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to other County Board members.

The County Board member may also disclose the confidential JPA information to legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the County Board or COE.

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

The County Board shall report the disposition of joint powers agency or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim, and the monetary settlement agreed upon by the claimant.

#### 3. Review of Audit Report from California State Auditor's Office

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

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

#### Legal Reference:

##### EDUCATION CODE

1040 Duties and responsibilities; county boards of education

1042 County boards; authority

1700 County school service fund

1703 Coordination services

1730 Supervision of instruction

1740 Supervision of attendance

1750 Supervision of health

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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1760 Provision of guidance services

35145 Public meetings

35146 Closed session (re student suspension)

48912 Governing board suspension

48918 Rules governing expulsion procedures; hearings and notice

49070 Challenging content of students records

60617 Meetings of governing board

#### GOVERNMENT CODE

815-818.9 California Government Tort Claims Act

3540-3549.3 Educational Employment Relations Act

6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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**BP 8322**

### **AGENDA/MEETING MATERIALS**

#### **Agenda Content**

County Board of Education meeting agendas shall reflect the County Board's vision and goals and its focus on student learning. Each agenda shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session.

The agenda shall provide members of the public the opportunity to address the County Board on any agenda item before or during the County Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the County Board.

Each meeting agenda shall list the address designated for public inspection of agenda documents that have been distributed to the County Board less than 72 hours before the meeting.

The agenda shall specify that an individual should contact the County Board secretary or designee if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the County Board meeting.

#### **Agenda Preparation**

The County Board president and the County Superintendent of Schools, as secretary to the County Board, shall work together to develop the agenda for each regular and special meeting.

Any County Board member or member of the public may request that a matter within the jurisdiction of the County Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the County Superintendent and County Board president with supporting documents and information.

The County Board president and County Superintendent shall decide whether a request is within the subject matter jurisdiction of the County Board. Items not within the subject matter jurisdiction of the County Board shall not be placed on the agenda. In addition, before placing the item on the agenda, the County Board president and County Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing County Board policy.

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

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

#### **Consent Agenda/Calendar**

In order to promote efficient meetings, the County Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent agenda items shall be items of a routine nature and items for which County Board discussion is not anticipated and for which approval is recommended.

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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When any County Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the County Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it.

#### **Agenda Dissemination to County Board Members**

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

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

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

#### **Agenda Dissemination to Members of the Public**

As County Board secretary, it is the responsibility of the County Superintendent or his/her designee to mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the County Board, whichever occurs first.

If a document which relates to an open session agenda item of a regular County Board meeting is distributed to the County Board less than 72 hours prior to a meeting, the County Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the County Board, provided the document is a public record under the Public Records Act. The documents may also be posted on the County Board's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting.

Any document prepared by the County Board or county office of education and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person and presented at the meeting shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act.

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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

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

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

Legal Reference:

EDUCATION CODE

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

6250-6270 Public Records Act

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

54960.2 Challenging board actions; cease and desist

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8323**

#### **MEETING CONDUCT**

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

#### **Meeting Procedures**

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

The County Board president shall conduct meetings in accordance with County Board bylaws and approved meeting procedures.

The County Board believes that late night meetings discourage public participation, can affect the County Board's decision-making ability, and can be an unnecessary burden on Board members, the County Superintendent, and his/her staff. Regular Board meetings shall be adjourned at the time, if any, set by the County Board at the annual organizational meeting.

#### **Quorum and Abstentions**

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

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

Unless otherwise provided by law, affirmative votes by a majority of all the membership of the County Board are required to approve any action under consideration, regardless of the number of members present.

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

If a County Board consists of seven members and not more than two vacancies occur on the County Board, the vacant position(s) shall not be counted for purposes of determining how many members of the County Board constitute a majority. In addition, if a vacancy exists on the County Board, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the County Board.

#### **Public Participation**

Members of the public are encouraged to attend County Board meetings and to address the County Board concerning any item on the agenda or within the County Board's jurisdiction. So as not to inhibit public

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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participation, persons attending County Board meetings shall not be required to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

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

1. The County Board shall give members of the public an opportunity to address the County Board on any item of interest to the public that is within the subject matter jurisdiction of the County Board, either before, during, or after the County Board's consideration of the item.
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the County Board matters that are not listed on the agenda. The County Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law.
3. Without taking action, County Board members or county office of education (COE) staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a County Board or COE staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities.  
Furthermore, the County Board may provide a reference to staff or other resources for factual information, ask staff to report back to the County Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda.
4. The County Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of County Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the County Board determines that the item has been substantially changed since the committee heard the item, the County Board shall provide an opportunity for the public to speak.
5. A person wishing to be heard by the County Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.  
Individual speakers shall be allowed three minutes to address the County Board on each agenda or non-agenda item. The County Board shall limit the total time for public input on each item to 20 minutes. With County Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.
6. The County Board president may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the president may indicate the time and place when it should be presented.
7. The County Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions.  
To protect against litigation, the safest option is for the County Board to place no content restriction on public comments during the County Board meeting.
8. The County Board may not prohibit public criticism of persons employed directly by the County Board. Whenever a member of the public initiates specific complaints or charges against a COE employee, the County Board president shall inform the complainant that employment matters are the jurisdiction of the County Superintendent and shall advise the complainant to address his/her complaint to the County Superintendent using the appropriate complaint procedure.

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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9. The County Board president shall not permit any disruption or willful interruption of County Board meetings. Persistent disruption by an individual or group shall be grounds for the president to terminate the privilege of addressing the County Board.
- The County Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the County Board. When the room is ordered cleared due to a disturbance, further proceedings shall concern only matters appearing on the agenda.
- When such disruptive conduct occurs local law enforcement shall be contacted.

### **Recording by the Public**

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

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

#### Legal Reference:

##### EDUCATION CODE

1013 Quorum

1015 Voting

1040 Duties and responsibilities; county boards of education

1042 County boards; authority

1090 County board member compensation

32210 Willful disturbance of public school or meeting a misdemeanor

35165 Effect of vacancies upon majority and unanimous votes by seven member board

##### GOVERNMENT CODE

54952.2 Meetings defined

54953 Teleconferencing

54953.5 Audio or video tape recording of proceedings

54953.6 Broadcasting of proceedings

54954 Time and place of regular meetings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

54956 Special meetings

54956.5 Emergency meetings

54957 Closed sessions

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

##### PENAL CODE

403 Disruption of assembly or meeting

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8323.2**

#### **ACTIONS BY THE BOARD**

The Butte County Board of Education shall act by a majority vote of all of the membership constituting the County Board, unless otherwise required by law.

An "action" by the Butte County Board of Education means:

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

The Butte County Board of Education shall not take action by secret ballot, whether preliminary or final.

Actions taken by the Butte County Board of Education in open session shall be recorded in the Butte County Board of Education minutes.

#### **Action on Non-Agenda Items**

After publicly identifying the item, the Butte County Board of Education may take action on a subject not appearing on the posted meeting agenda under any of the following conditions:

1. When a majority of the Butte County Board of Education determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code [54956.5](#)
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the Butte County Board of Education's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

#### **Actions Requiring a Two-Thirds Vote of the Entire County Board**

A two-thirds vote of the Butte County Board of Education membership shall be required for the following actions:

1. Request for temporary borrowing pursuant to Government Code [53820-53833](#), to pay obligations incurred before the receipt of income for the fiscal year sufficient to meet the payment(s)
2. Upon complying with Government Code [65352.2](#) and Public Resources Code [21151.2](#), action to render city or county zoning ordinances inapplicable to a proposed use of the property by the Butte County Office of Education
3. Resolution of necessity to proceed with an eminent domain action and, if the Butte County Board of Education subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use

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

A two-thirds vote of the Butte County Board of Education members present at the meeting shall be required for the following actions:

1. Determination that there is a need to take immediate action and that the need for action came to the Butte County Board of Education's attention after the posting of the agenda

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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2. Determination that a closed session is necessary during an emergency meeting  
If less than two-thirds of the Butte County Board of Education members are present at the meeting, a unanimous vote of all members present shall be required for the above actions.

#### **Action Requiring a Four-Fifths Vote of the Entire County Board**

A four-fifths vote of the Butte County Board of Education membership shall be required for any resolution for borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of Butte County Office of Education's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing

#### **Action Requiring a Four-Fifths Vote of the Board Members Present at the Meeting**

A two-thirds vote of the County Board members present at the meeting shall be required to approve the expenditure and transfer of necessary funds and use of property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense

Resolution for borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the COE during that fiscal year from apportionments based on the average daily attendance (ADA), for the preceding school year, of schools operated by the County Board

#### **Action Requiring a Unanimous Vote of the Entire County Board**

A unanimous vote of the County Board membership shall be required for any resolution authorizing and prescribing the terms of a community lease for extraction of gas

#### **Actions Requiring a Unanimous Vote of the Board Members Present at the Meeting**

A unanimous vote of the County Board members present at the meeting shall be required for the following actions:

1. Determination that surplus property is not worth more than \$2,500, and the subsequent authorization of a private sale of such property without advertisement (Education Code [17546](#))
2. Determination that the value of surplus property would not defray the cost of arranging its sale, and the subsequent authorization to dispose of such property in the local dump or donate it to a charitable organization
3. If less than two-thirds of the County Board members are present at the meeting, determination that there is a need to take immediate action and that the need for action came to the County Board's attention after the posting of the agenda
4. If less than two-thirds of the County Board members are present at the meeting, determination that a closed session is necessary during an emergency meeting

#### **Challenging Board Actions**

The District Attorney's Office or any interested person may file an action in court to stop or prevent the Butte County Board of Education's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Butte County Board of Education actions, to determine the validity, under California or federal law, of any Butte County Board of Education rule or action to penalize any of

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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its members or otherwise discourage the member's expression, or to compel the Butte County Board of Education to audio record its closed sessions because of its violation of any applicable Government Code provision.

The District Attorney or any interested person may present a demand that the Butte County Board of Education cure and correct a Butte County Board of Education action which he/she alleges is in violation of law regarding any of the following:

1. Open meeting and teleconferencing
2. Agenda posting
3. Closed session item descriptions
4. New or increased tax assessments
5. Special meetings
6. Emergency meetings

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Butte County Board of Education in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code [54954.2](#) (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place.

Within 30 days of receiving the demand, the Butte County Board of Education shall do one of the following:

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.

If the Butte County Board of Education takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action

In addition, the District Attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Butte County Board of Education action not specified in Government Code [54960.1](#), if the following conditions are met:

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Butte County Board of Education, clearly describing the past action and the nature of the alleged violation.
2. The time for the Butte County Board of Education to respond has expired and the Butte County Board of Education has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

Legal Reference:

EDUCATION CODE

[1015](#) Recording votes

[1042](#) Power to hold and convey real property

[1047](#) Eminent domain

[17466](#) Declaration of intent to sell or lease real property

[17481](#) Lease of property with residence for nondistrict purposes

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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[17510-17511](#) Resolution requiring unanimous vote of all members constituting board

[17546](#) Private sale of personal property

[17556-17561](#) Dedication of real property

[35164](#) Vote requirements

#### CODE OF CIVIL PROCEDURE

[1245.240](#) Eminent domain vote requirements

[1245.245](#) Eminent domain, resolution adopting different use

#### GOVERNMENT CODE

[53090-53097.5](#) Regulation of local agencies by counties and cities

[53724](#) Parcel tax resolution requirements

[53790-53792](#) Exceeding the budget

[53820-53833](#) Temporary borrowing

[53850-53858](#) Temporary borrowing

[54950-54963](#) The Ralph M. Brown Act, especially:

[54952.6](#) Action taken, definition

[54953](#) Meetings to be open and public; attendance; secret ballots

[54960-54960.5](#) Actions to prevent violations

[65352.2](#) Coordination with planning agency

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### BP 8324

#### **MINUTES AND RECORDINGS**

The County Board of Education recognizes that maintaining accurate minutes of County Board meetings provides a record of official actions for use by county office of education (COE) staff and the public and helps foster public trust in County Board governance.

The County Board shall keep a record of its proceedings and shall record the votes of County Board members in the meeting minutes. (Education Code [1015](#), [1040](#))

The County Board's minutes shall be public records and shall be made available to the public upon request.

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

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

The minutes shall include the specific language of each motion and the names of the County Board members who made and seconded the motion.

The minutes shall also report any action taken and the vote or abstention on that action of each County Board member present. (Government Code [54953](#))

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

The secretary of the County Board or his/her designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting.

The County Board shall approve the minutes as circulated or with necessary amendments.

Upon approval by the County Board, the minutes shall be signed by \_\_\_\_\_.

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

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

#### **Recording or Broadcasting of Meetings**

The County Board may tape, film, or broadcast any open County Board meeting. The County Board president shall announce at the beginning of the meeting that a recording or broadcasting is being made at the direction

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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of the County Board. As practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any County Board recording may be erased or destroyed 30 days after the meeting once the minutes of that meeting have been approved. Recordings made at the direction of the County Board during a meeting are public records and, upon request, shall be made available for inspection by members of the public on COE equipment without charge.

Legal Reference:

EDUCATION CODE

[1011](#) County board meetings

[1015](#) Recording votes

[1040](#) Duties of the County Board

GOVERNMENT CODE

[6250-6270](#) Public Records Act

[54952.2](#) Meeting defined

[54953](#) Meetings

[54953.5](#) Audio or video recording of proceedings

[54953.6](#) Broadcasting of proceedings

[54957.2](#) Closed sessions; clerk; minute book

[54960](#) Violations and remedies

PENAL CODE

[632](#) Unlawful to intentionally record a confidential communication without consent

CODE OF REGULATIONS, TITLE 5

[16020-16027](#) Classification and retention of records

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8400**

#### **INTER-DISTRICT TRANSFER APPEALS**

Every child shall attend school in the district in which he resides unless an inter-district agreement is in effect. When a parent wishes to transfer his/her child to a school in a district other than the district in which the family resides (home district), the parent should first contact the home district and the district of desired attendance. An instruction for requesting the transfer and the criteria used by the districts to make a decision about the request is provided by the districts at that time.

If, within 30 calendar days after a request has been made for a transfer within the current school year, either school district fails to approve inter-district attendance in the current term, or an agreement has not be entered into, the person having legal custody may appeal, within 30 calendar days of the denial of an inter-district agreement to the Butte County Board of Education.

The Butte County Board of Education is given authority by law to adopt policy establishing procedures for inter-district transfer appeals. In an effort to explain such legal procedures, the Butte County Board of Education has reviewed and adopted the contents of the Butte County Inter-District Transfer Appeal Handbook. The handbook is established as an administrative regulation to govern appeals filed with the Butte County Board of Education.

Legal Reference:

EDUCATION CODE

46600-46611 - Inter-District Attendance Computation

BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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BP 8400  
INTER-DISTRICT TRANSFER APPEAL HEARINGS  
EXHIBIT A



**Butte**  
**County**  
**Office of Education**

**“WHERE STUDENTS COME FIRST”**

An Information Guide to Assist Interested Parties in Understanding the Appeal Process

**INTER-DISTRICT  
ATTENDANCE  
APPEAL**

Revised

xxxxxxx

**Butte County Board of Education**

BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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Inter-District Attendance Appeal Handbook

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**THE BUTTE COUNTY OFFICE OF EDUCATION SERVES THE  
FOLLOWING DISTRICTS:**

Bangor Union Elementary School District (K-8)

Biggs Unified School District (K-12)

Chico Unified School District (K-12)

Durham Unified School District (K-12)

Feather Falls Union Elementary School District (K-8)

Golden Feather Union Elementary School District (K-8)

Gridley Unified School District (K-12)

Manzanita Elementary School District (K-8)

Oroville City Elementary School District (K-8)

Oroville Union High School District (9-12)

Palermo Union Elementary School District (K-8)

Paradise Unified School District (K-12)

Pioneer Union Elementary School District (K-8)

Thermalito Union Elementary School District (K-8)

# BUTTE COUNTY OFFICE OF EDUCATION BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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## INTRODUCTION

The Butte County Board of Education has prepared this Handbook to provide direction and information to students and/or their parents/guardians, school districts, and district boards within Butte County who might be involved in an appeal of a school district's decision not to grant an inter-district attendance agreement.

This Handbook constitutes the official procedures adopted by the Butte County Board of Education for conducting inter-district attendance appeals. *Particular attention should be paid to issues noted in italics, bold, or underlined print. In the past, these issues have been found confusing to those filing appeals.*

The Butte County Board of Education is committed to an objective review of and consideration of appeals for students denied inter-district attendance agreements from local school districts.

The laws on student attendance, inter-district attendance agreements, and inter-district attendance appeals found in California Education Code Sections 46601-46611, as well as the local School District's policies and administrative regulations for inter-district attendance, also apply in these appeals. Students and/or their guardians have the right to review student records at the School District, and have the right to consult with and engage the services of an advocate or an attorney.

We hope that this Handbook will be useful to you after you have exhausted your appeal rights within your local school district.

## BUTTE COUNTY BOARD OF EDUCATION

Trustee Area 1 - Chico  
Amy Christianson  
Ryne Johnson  
Roger Steel

Trustee Area 2 - Oroville  
Howard Ferguson  
Mike Walsh

Trustee Area 3 - Paradise  
Jeannine MacKay

Trustee Area 4 - Durham, Gridley, Biggs  
Brenda J. McLaughlin

For More Information:  
Butte County Office of Education  
Student Programs and Services  
Attention: Assistant Superintendent  
1859 Bird Street  
Oroville, CA 95965

(530) 532-5757 Phone  
(530) 532-5794 Fax  
SPS@bcoe.org e-mail

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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#### PURPOSE OF AN APPEAL

The Butte County Board of Education has legal authority to review the procedures and reasoning followed by the School District(s) after the School District(s) have rejected or failed to rule on a K-12 student's inter-district attendance request. The Butte County Board of Education will determine whether to grant or deny an inter-district attendance agreement after reviewing the relevant facts from the student, parent/guardian, and local School District(s) involved.

**Note:** Before filing your appeal, you must check the policies of the local school districts to determine whether there are any internal appeal procedures that you must follow (e.g., whether a decision by the District Superintendent must be appealed to the District School Board). If there are district appeal procedures, you must follow those procedures before you file an appeal with the County Board.

If you are under consideration for expulsion or have been expelled, you may not appeal the denial of inter-district attendance [Education Code §4660(c)(5)].

#### COUNTY BOARD AUTHORITY

There are limits on the types of appeals the Butte County Board of Education can hear. For example, the Butte County Board of Education has **no authority** to consider the following inter-district attendance appeals or issues:

1. To determine the specific School within the School District where the student will be enrolled. This authority is reserved for the School District of attendance, after the Butte County Board of Education has made their final decision.
2. Denial of an inter-district transfer request by a student under consideration for expulsion or who has been expelled while expulsion proceedings are pending, or during the term of the expulsion. [Education Code § 46601 (c)(5)].
3. Denial of an inter-district transfer between schools within the same District. [Education Code § 35160.5(b)].
4. A dispute over the placement of a special education student or the services provided to a special education student pursuant to an Individualized Education Plan [IEP]. Such a dispute should be handled by the District of Residence through special education procedures. [Education Code § 56500 et seq.; 20 U.S. Code § 1415(f)].
5. A determination by a School District regarding the validity or invalidity of a caregiver affidavit. [Education Code § 48204(a)(4) and Family Code § 6550 et. seq.].
6. Denial of an application to attend a district other than your district of residence under the school district choice program. School of Choice application denials are not subject to appeal to the Butte County Board of Education under current law.
7. A School District's denial of an "Allen Bill" residency requirement request is not a denial of an inter-district attendance request subject to appeal to the Butte County Board of Education. The County Board does not accept appeals from the original denial of attendance based upon parent employment or a denial of attendance in a later year after originally accepting a student based upon parent employment. The parent's optional remedy is to seek legal action against the district. [Education Code § 48204(b)].

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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#### COUNTY BOARD AUTHORITY IN APPEALS INVOLVING TWO COUNTIES

If the inter-district attendance involves school districts located in different counties, the appeal will be heard by the County Board for the district denying a permit, or refusing or failing to enter into an agreement. If both districts in the different counties deny the permit, or refuse or fail to enter into an agreement, the County Board for the district of residence shall hear the appeal. If the appeal is granted, the County Board for the requested district will be asked to agree. If the two County Boards do not then agree, the pupil's appeal is denied.

#### ACTIONS THE COUNTY BOARD OF EDUCATION MAY TAKE

The Butte County Board of Education may take the following actions:

1. Grant the inter-district attendance appeal and enrolling the student in the new school district; or
2. Deny or Fail to Grant the appeal, in which case the student is ordered to return to the school district of residence; or
3. In rare cases, return the case to the school district of residence for further consideration if new evidence or new grounds for the request for inter-district attendance are introduced.

#### DURING THE PROCESS

Education Code § 46603 states that for a period not to exceed two school months, the governing board of a school district may provisionally admit to their schools a student who resides in another district, pending a decision of the two boards, or by the Butte County Board of Education upon appeal, regarding inter-district attendance.

BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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## FILING AN APPEAL

### When May An Appeal Be Filed With The Butte County Board Of Education?

In general, you must request an appeal hearing *within 30 calendar days* of the date your inter-district attendance request was denied by your school district. However, there are other circumstances that could trigger the 30 calendar day timeline. Listed below are three different situations and a description of when the 30 calendar day timeline starts:

1. District Denies Request

In most situations, a school district will act on an inter-district attendance request either orally or in writing. You must file your appeal with the Butte County Board of Education within 30 calendar days from the date you are advised by either school district that your request was rejected.

2. District Fails to Act on Request for Next School Term

If you have requested an inter-district attendance permit at least 30 days prior to the commencement of a new academic year, the school district(s) must respond to your request within 14 calendar days after both school districts' new terms begin. If the school districts fail to act within 14 calendar days of the new term, you must file your appeal with the Butte County Board of Education within 30 calendar days (i.e., your appeal must be filed within 44 calendar days of the new term). A new term starts on the first day of classes in the school district. If the school districts have different start dates, the 14 calendar days shall run from the later of the two.

3. District Fails to Act on Request Filed During the School Term

If you have asked for an inter-district attendance permit for the current school term and the school district(s) fail to respond to your request, you must wait 30 calendar days from the date of your request for a response from the school district(s). If you do not get a response within the 30 calendar days after making your request, then you have 30 calendar days to file an appeal with the County Board.

### Submitting the Inter-District Transfer Appeal Request

The appeal process begins with completing and filing a written form called "Inter-district Attendance Appeal and Request for Hearing." This form is attached as Appendix A of this Handbook. You may deliver the form in person, send it by mail, fax it, or e-mail it to the following:

Assistant Superintendent, Student Programs & Services  
Butte County Office of Education  
1859 Bird Street  
Oroville, CA 95965  
Telephone: (530) 532-5757 Fax: (530) 532-5794  
Email: SPS@bcoe.org

This form must be completed, signed, and returned within the applicable time limits. Please complete all sections of the form legibly.

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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#### SUBMITTING THE INTER-DISTRICT TRANSFER APPEAL REQUEST (con't)

We recommend that you read the entire Handbook before completing the form, paying special attention to the section "Factors That Support Granting an Appeal" before completing the section of the form entitled "Reason for Appeal."

Your completed appeal form should be accompanied by:

1. A copy of your original request for an inter-district attendance agreement;
2. Any letters from your district of residence regarding your request;
3. Any letters from the denying district regarding your request; and
4. Any other supporting documentation you want the Butte County Board of Education to consider.

The Butte County Board of Education will accept a date-stamped copy of your request for an inter-district attendance agreement filed with the district as evidence that you have complied with district procedures in the event that the district fails to act on your original request.

Note: The reason(s) for your appeal must be the same as those stated on your original request to the school districts for an inter-district agreement. If the reasons on the appeal are substantially different, you may be asked to return to the school districts and re-apply for an inter-district agreement based on new/different reason(s).

If you have any questions about completing the form, you may contact the Butte County Superintendent at the Butte County Office of Education (530) 532-5757.

The effective filing date of the appeal is the date on which the completed and signed appeal document and supporting evidence documents are received by the Butte County Superintendent of Schools.

#### LATE APPEALS

Failure to appeal within the required time will result in denial of your appeal unless you can show "good cause" for the appeal after the 30 calendar day time period has elapsed. The explanation of "good cause" must be filed with the appeal.

## BUTTE COUNTY OFFICE OF EDUCATION

### BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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## PROCESSING A REQUEST FOR INTER-DISTRICT APPEAL HEARING

### County Superintendent or Designee will Verify Information

After receiving your appeal request, the Butte County Superintendent's office will review the appeal in order to verify certain information before a hearing date is schedule. In addition to other information, the Butte County Superintendent or designee will verify if the student is subject to expulsion. The denial of an inter-district attendance permit cannot be appealed if the student is being considered for expulsion or is currently serving an expulsion term. [Education Code § 46601(c)(5)].

The Butte County Superintendent's office will verify whether you have exhausted all appeal processes in the local school district(s). If you have not used all of the local appeal options, you will be asked to complete the local appeal process before going forward with your request for an inter-district appeal hearing before the Butte County Board of Education. [Education Code § 46601(c)].

The Butte County Superintendent or designee will also verify that all time lines have been honored prior to setting a hearing. Misinformation and/or falsification of information may cause rejection of an appeal. As stated above, if new evidence or grounds for the request are introduced, the Butte County Board of Education may send the matter back to the district(s).

### Setting a Hearing Date

If the written appeal is complete and appropriate, the Butte County Superintendent will place the matter on the Butte County Board of Education's agenda for a regular or special meeting to be held no later than thirty (30) calendar days following the effective date of the appeal. The Butte County Board of Education of the Butte County Superintendent may extend this period an additional five (5) school days for good cause. [Education Code § 46601(c)]. The Butte County Board of Education or the Butte County Superintendent, or designee, has discretion to approve a request for postponement filed by you or by the school district for good cause provided the request is filed in writing at least five (5) calendar days prior to the hearing date, except in an emergency. A postponement by a party extends the time line for the Butte County Board of Education to make a decision.

### Notification of Hearing Date

The Butte County Superintendent's office will notify you and the district(s) involved of the date, time, and place of the appeal hearing. When possible, the notice will be sent at least ten (10) calendar days before the date of the hearing. *If the circumstances dictate notice of less than ten (10) calendar days, the timelines for written argument will also be adjusted.*

### Other Issues

After you have filed your appeal, you may also be contacted by the Butte County Superintendent's office for the following reasons:

1. To explain your rights and the procedures for your case.
2. To request that you make certain documents available to assist the Butte County Board of Education in making its determination.

<sup>1</sup> These time requirements apply until July 1, 2015. After July 1, 2015, the appeal will be heard within the time period required by applicable law at that time.

BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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## PREPARING FOR THE INTER-DISTRICT APPEAL HEARING

### Filing a Written Argument Is Important

The parent/guardian or representative may file a pre-hearing written statement with the Butte County Board of Education. (Please submit a typewritten argument, if possible.) Any written statement must be filed at least ten (10) calendar days prior to the date set for the hearing before the Butte County Board of Education. You must also send or deliver copies of your argument to the school district of residence and the school district of requested attendance when you file your written argument with the Butte County Board of Education. You may employ an attorney or other advocate at your own expense.

### District Written Response

The school district(s) denying the transfer may submit a written reply argument to the Butte County Board of Education. The school district(s) statements must be filed at least five (5) calendar days prior to the hearing date. Each school district electing to submit a written argument shall deliver a copy of the written argument to the parent/guardian filing the appeal and the other district on the same date the statement is filed with the Butte County Board of Education.

### Documentation to Support Your Appeal

Adequate documentation is helpful and highly recommended when presenting your case. Pupils and/or their parents/guardians have the right to review and obtain copies of student records from the school district. You will find that evidence is most effective when it is provided in writing, is related to the issues(s), and is the type of evidence upon which reasonable persons can rely on in the conduct of serious affairs.

Some examples of documentary evidence include:

1. A copy of your original request for an inter-district attendance agreement and any written denial(s) (*if not already provided with your appeal form*).
2. Documents to support your request for an inter-district transfer. For example, when you review the factors that the Butte County Board of Education will consider, certain documents may support your position. Those documents could be professional recommendations by doctors, educators, psychologists, or others. Verifications of participation or non-availability of childcare providers, transportation providers, teachers, or others could be helpful. Brochures or written information about special programs in the requested school district or its surrounding community may also be supportive evidence.

### Waiver of Privacy of Documents Provided

There are numerous laws that protect the release of confidential records. For example, there are certain laws regarding the privacy and confidentiality of student records. There are also laws regarding the confidentiality of juvenile court records and medical records. *If you wish to have the Butte County Board of Education consider material from confidential records, you must understand that turning these records over to the Butte County Board of Education for the purpose of the inter-district attendance hearing is a waiver of the privacy rights in those records. In other words, you consent for the Butte County Board of Education to review and comment on the records in a public meeting. You may wish to consult legal counsel regarding such records or documents prior to submission.*

## PREPARING FOR THE INTER-DISTRICT APPEAL HEARING (con't)

### Multiple Appeals

Families with multiple appeals may have the appeals heard together or separately. If all of the appeals are heard as one, there will be a separate vote on each child, but only one written decision from the Butte County Board of Education.

### Legal Advocate at the Hearing

Although the hearing is informal, you may bring legal counsel or a legal advocate. The use of any legal counsel will be at your own expense.

### A Brief Verbal Presentation

The Butte County Board of Education will mostly rely on the written information that you and the school district(s) provide before the hearing. However, you should prepare a brief verbal presentation which focuses on the factors that the Butte County Board of Education will consider in deciding an appeal. It may also be helpful to bring a witness or someone who might make a brief statement on behalf of the student.

BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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**FACTORS OF CONSIDERATION**

In its discussion and deliberations on your appeal, the Butte County Board of Education will consider the reasons for your transfer request.

In deciding whether to grant or deny an appeal, the Butte County Board of Education weighs factors that support granting an appeal against factors that support denying an appeal. If you are unable to present sufficient evidence to justify a transfer, the Butte County Board of Education may rule against the appeal without considering any evidence of an adverse impact.

If you are able to submit sufficient evidence to justify a transfer, the school district will have an opportunity to rebut the evidence and submit evidence of an adverse impact. You will then have an opportunity to respond and offer evidence as to how some or all of the adverse impacts on the school district(s) could be alleviated.

Misinformation and/or falsification of information provided by either party shall be good cause for deciding against that party.

The Butte County Board of Education may approve or deny the appeal after considering the facts of the request and the merits of the appeal. The Board will consider the following:

1. Whether all statutory and regulatory requirements have been satisfied including;
  - a. Verification by the Board's designee of exhaustion of in-district appeals
  - b. Exhaustion of other district remedies
  - c. Receipt of an appeal within thirty (30) calendar days of the failure or refusal of a district to issue a permit or enter into an agreement allowing inter-district attendance
2. The needs of the concerned districts and their communities as a whole in light of space availability and long and short term fiscal impact;
3. Information deemed useful to the Board disclosed by the County Superintendent investigation

The burden of proof and presenting evidence in the matter of an inter-district attendance appeal shall rest with the party requesting the inter-district transfer. The requesting party shall be required to provide clear and convincing evidence that the transfer is necessary for any/or all of the following reasons:

1. To facilitate a student's access to specific, important educational and related opportunities which would not otherwise be available on a comparable basis
2. To remedy a specific and serious existing or reasonably imminent threat to a student's health, physical safety, or well-being; and/or
3. To accommodate a specific, serious family crisis or medical condition for which no reasonable alternative exists.

## FACTORS THAT SUPPORT GRANTING AN APPEAL

- The student's desire to remain in his or her school of current attendance for the balance of the semester or school year despite his or her parent's change of residence.*

The student's desire may be based on his or her anticipated graduation from the school of current attendance at the end of the semester or school year, or on a need for educational continuity for the remainder of the semester or school year.
- The student's plan to move in the near future and desire to begin the semester or school year in his or her new school district.*

The person filing the appeal should offer written proof of the plan to move into the district of proposed attendance. Such written proof may be a rental agreement, a contract to purchase new property, or a similar document.
- The acceptance of a sibling of the student for attendance at the requested district for the current school year, requiring the students to attend different districts and causing a hardship on the family.*

The student and/or parent should submit written documentation of the sibling's enrollment and demonstrate a hardship based upon transportation issues, employment location, or other significant factors.
- The student's psychological or physical well-being will be seriously adversely impacted by remaining in the district of residence.*

Problems with a student's psychological or physical well-being shall be supported by a written statement from one of the following: a qualified medical or behavioral professional having a professional relationship with the student.
- A substantial danger to the student's health or safety exists by remaining in the district of residence.*

A danger to the student's health or safety supported by one of the following: the written statement of a qualified health expert, police reports, school records, or by other documentation. Substantial danger based upon transportation issues may be included in this criterion.
- A pupil has been determined by personnel of either the district of residence or the requested district to have been the victim of an act of bullying committed by a pupil of the district of residence.*

You must provide written documentation or school records to demonstrate that district personnel have determined that the pupil was a victim of bullying, as defined by Education Code § 48900(r).
- A specialized and specific district academic program or service is unavailable in the district of residence, and is essential to the student's career or academic objectives.*

Such a distinct program or service should be directly related to and be essential to achieve the student's career objectives or academic advancement and not based solely on the student's interests or desires, or on extracurricular activities or athletics. An academic program is defined as a series of classes in a single subject or in related subjects extending over more than one (1) year which has a specific occupational or educational objective.

BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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**FACTORS THAT SUPPORT GRANTING AN APPEAL (con't)**

8. *A need to change the student's social environment, as recommended by juvenile authorities, such as School Attendance Review Board, county child welfare, and/or social service agency staff.*  
You should provide written documentation from a social services agency/staff or a law enforcement agency/staff that, due to documented cases of serious home or community problems, it is inadvisable for the student to remain in the school district of residence.
9. *By reason of transfer of territory between districts, the residence of the student is no longer in the district that maintains the school where the student has previously attended.*  
You must show location of residence and the negative impact, if any, due to the transfer of territory.
10. *The location of the student's residence requires travel through the district of requested attendance, and by virtue of topography, street pattern, and location of homes in the neighborhood, the area is land-locked.*  
You must provide written documentation of the land-locked residence and how such a situation makes a change in school districts advisable.
11. *The student previously has been granted an inter-district attendance agreement specifically based on that student's childcare needs, and the student must be allowed to continuously enroll in the school district.*  
The parent or guardian should provide evidence of the previous inter-district attendance agreement, the current and prior childcare location(s), and any documentation from the school district(s) regarding the prior agreement and current request.
12. *Other exceptional or related circumstances which would weigh heavily in favor of the student.*  
You should specify and describe the type of exceptional or related circumstance and its effect on the students.

School attendance with friends, and/or former classmates are not considered exceptional or related circumstances.

BUTTE COUNTY OFFICE OF EDUCATION  
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**FACTORS THAT SUPPORT DENYING AN APPEAL**

The Butte County Board of Education, in its discretion, may determine that evidence provided by the affected district(s) to justify one of the adverse impacts listed below outweighs facts supporting one or more of the above criteria justifying granting the appeal.

1. *The negative financial impact of educating the student (district of desired attendance) or of losing the student (district of residence).*

The impacted district(s) must demonstrate that the student's transfer would place a hardship on the district(s) operations, and/or resident students in terms of costs, reduced services or other unacceptable outcomes. [Education Code § 48204]. Districts are encouraged to review the Education Code.

2. *The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies.*

The demonstration of such failure by the district of proposed attendance must be based on a written explanation of the district's previous experience with the student under an inter-district attendance agreement, or on other documented evidence of behavior or attendance in the district of residence.

3. *Overcrowding/Lack of space for the student in the receiving district.*

The district of proposed attendance must demonstrate in writing that the student's transfer would result in an undue hardship on the district's resident students in regards to overcrowding or priority for enrollment in a specific program and/or would be a violation of law, district policy, or a collective bargaining agreement regarding class sizes or facilities use.

4. *The negative impact of the student's transfer on a court ordered or voluntary desegregation plan of either district.*

The district must provide details about the court ordered or voluntary desegregation plan and provide written evidence of the anticipated negative impact of the student's transfer.

5. *The transfer of the student would violate the Education Code, a California Department of Education regulation, or other law governing school districts.*

The district(s) must provide written documentation of the specific law which would be violated and how it would be violated.

6. *Other exceptional or extraordinary circumstances, which would weigh heavily in favor of the affected school district.*

The school district must specify and describe the type of exceptional or extraordinary circumstance.

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### CONDUCTING THE APPEAL HEARING

Hearings are conducted in closed session during regular or special Butte County Board of Education meetings held at the following location unless otherwise notified:

Butte County Office of Education  
1859 Bird Street  
Oroville, CA 95965  
Board Room

It is the intent of the Butte County Board of Education to conduct the hearing in a fair and informal manner to encourage open communication and understanding of the system. The hearing will also be conducted in such a manner that no special legal expertise is necessary and so that all parties have the opportunity to present their case fairly and completely. You may have legal counsel or an advocate present if you wish. A record of the hearing will be made.

During your appeal hearing, the person filing the appeal, the student (optional), and the representative(s) of the district(s), will take seats in front of the Butte County Board of Education, and the closed session will be called to order by the President.

The hearing is conducted as follows:

1. A quorum [at least four members] of the Butte County Board of Education must be present to conduct the hearing.
2. After introduction of all parties, the Butte County Board of Education President will conduct the proceedings.
3. The student, the parent or guardian, or a representative of the student may present the reason(s) for requesting the student's transfer to the district of requested attendance. The speaker will have a specified amount of time [normally five (5) minutes] to summarize his/her position based upon the written statement previously submitted. The speaker will also respond to questions from the Butte County Board of Education, if any.
4. A representative of the district of residence will be given the opportunity [normally five (5) minutes] to describe its position and the action(s) taken by the district. The district representative will respond to questions from the Butte County Board of Education, if any.
5. A representative of the district of requested attendance will be given the opportunity [normally five (5) minutes] to describe its position and the action(s) taken by that district. The district representative will respond to questions from the Butte County Board of Education, if any.
6. The student, the parent or guardian, or a representative of the student will be given an additional two (2) minutes to present any evidence of how to alleviate or mitigate any of the problems raised by the school district(s) and give any closing remarks. Each district will also have an additional two (2) minutes for closing and/or response.

## BUTTE COUNTY OFFICE OF EDUCATION BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### CONDUCTING THE APPEAL HEARING (con't)

7. Members of the Butte County Board of Education may ask questions to clarify the issues. The Butte County Board of Education may also ask questions of the staff and/or legal counsel, if appropriate.
8. The Butte County Superintendent or designee may, at this time, present any factual information or legal consideration not already covered by others present.
9. Following presentations, the President will dismiss the parties so the Butte County Board of Education may deliberate the matter in closed session.
10. The closed session will then be adjourned by the Butte County Board of Education President.
11. The President will call the regular or special meeting back to order and he/she will call for a vote to deny or accept the appeal request.
12. On a motion to grant the appeal, at least four (4) members of the Butte County Board of Education must vote in favor for the appeal to be granted. Unless at least four (4) members vote to grant the appeal, the appeal is denied.

Note: Parents are actively encouraged to attend the hearing to ensure that the Butte County Board of Education is well informed prior to making a final decision. Districts that have denied an inter-district attendance application being appealed to the Butte County Board of Education should take all steps to ensure that they are represented by the District Superintendent, or designee empowered to make commitments and decisions on behalf of the district.

### THE CONCLUSION - NEXT STEPS

Following the action taken by the Butte County Board of Education, a written notice of the decision will be delivered to all parties.

If the Butte County Board of Education overturns the decision of the school district and grants the request for inter-district attendance, the student will be admitted to the school district of requested attendance without delay. The Butte County Board of Education may approve attendance in a district, but not in a specific school.

If the Butte County Board of Education upholds the decisions of the school district and denies the request for inter-district attendance, the student shall enroll [or stay] in the district of residency without delay.

APPROVED: February, 2017

REVISED: April, 2018

BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

*Butte County Board  
of Education*

Amy Christianson  
Howard Ferguson  
Ryne Johnson  
Jeannine MacKay  
Brenda J. McLaughlin  
Roger Steel  
Mike Walsh



**INTER-DISTRICT ATTENDANCE**  
**APPEAL**  
**AND REQUEST FOR HEARING**

To:  
Butte County Board of Education  
1859 Bird Street  
Oroville, CA 95965  
Attention: Assistant Superintendent  
Student Programs & Services

Date: \_\_\_\_\_

In accordance with Education Code § 46601 and Butte County Board of Education Policy 8400, I/we are requesting that the Butte County Board of Education hear an Appeal on the denial of the Inter-district Transfer Request by the \_\_\_\_\_ School District for the following pupil(s) to attend school in the \_\_\_\_\_ School District.

Name/s of Person(s) Filing Appeal: \_\_\_\_\_

Relationship to Student(s): \_\_\_\_\_

**SAMPLE**

\_\_\_\_\_  
Street Address or P.O. Box Number

\_\_\_\_\_  
City

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Work/Cell Phone

\_\_\_\_\_  
Attorney or Representative (if applicable)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Name of Student

\_\_\_\_\_  
Current School

\_\_\_\_\_  
Birthdate

\_\_\_\_\_  
Grade

\_\_\_\_\_  
Name of Student

\_\_\_\_\_  
Current School

\_\_\_\_\_  
Birthdate

\_\_\_\_\_  
Grade

Date Inter-district Transfer request was submitted: \_\_\_\_\_

Was request denied? \_\_\_\_\_

Did the District fail to respond? Yes \_\_\_\_\_ No \_\_\_\_\_

How many other children are at home? \_\_\_\_\_

Ages: \_\_\_\_\_

Is this the first inter-district attendance agreement you have requested from the District?

Yes \_\_\_ No \_\_\_

If inter-district attendance agreement was previously approved, provide a copy of the prior agreements.

Students grade level when the first agreement was granted: \_\_\_\_\_

**BUTTE COUNTY OFFICE OF EDUCATION  
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Reason for requesting the first year approved agreement: \_\_\_\_\_  
Have you been required to submit annual requests for inter-district transfer? Yes\_\_\_No\_\_\_  
Does the student have any siblings attending school in the requested district this year  
on an approved Inter-district Transfer agreement? Yes\_\_\_No\_\_\_

Explain your understanding of the reason(s) for denial of your request: (Attach a copy of the District denial)

---

Describe briefly any efforts to obtain reconsideration of the decision of the denying Board. Include name(s) of District personnel contacted:

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Reason for Request:

[The appeal will not be accepted without a complete statement of reasons. Attach additional pages if necessary. See "Factors that Support Granting an Appeal."]

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**SAMPLE**

I/we understand that the Butte County Board of Education will rely upon this information to decide my/our appeal. I/we are the educational rights holder(s) for the pupil(s). I/we consent for the County Board to review and comment in a public meeting on material submitted from confidential records for purposes of this appeal. I/we hereby waive any privacy rights in those records. I/we hereby certify that this information is true and correct to the best of my/our knowledge.

\_\_\_\_\_  
Signature of Person Filing Appeal

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person Filing Appeal

\_\_\_\_\_  
Date

**Have you attached:**

1. A copy of your original request for an inter-district attendance agreement;
2. Any letters from your district of residence regarding your request;
3. Any letters from the denying/granting district regarding your request; and
4. Any other supporting documentation you want the Butte County Board of Education to consider.

**RETURN COMPLETED FORM TO:**

Assistant Superintendent, Student Programs & Services

Butte County Office of Education

1859 Bird Street Oroville, CA 95965

Telephone: (530) 532-5757 Fax: (530) 532-5794 Email: [SPS@bcoe.org](mailto:SPS@bcoe.org)

Approved: February, 2017

Revised: April, 2018

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8401**

#### **BOARD SELF-EVALUATION**

The County Board of Education may annually conduct a self-evaluation in order to demonstrate accountability to the community and ensure that governance effectively supports student achievement and the attainment of the County Board's vision and goals.

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

The County Board may be evaluated as a whole. Individual County Board members also are encouraged to use the evaluation process as an opportunity to privately assess their own personal performance.

Each year the County Board may determine an evaluation method or instrument that measures a reasonable number of previously identified performance objectives. Videotape of a County Board meeting may be used as an evaluation tool only with the consent of all County Board members.

Any discussion of the County Board's self-evaluation may be conducted in open session. At the request of the County Board, a facilitator may be used to assist with the evaluation process. The County Board may invite the County Superintendent or others to provide input into the evaluation process.

Following the evaluation, the County Board may develop strategies for strengthening its performance and shall establish priorities and objectives for the following year's evaluation.

Legal Reference:

GOVERNMENT CODE

[54950-54963](#) Brown Act; board self-evaluations not covered

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8500**

### **EXPULSION APPEAL HEARINGS**

The Butte County Board of Education recognizes that student discipline is primarily the prerogative of the local district. The Butte County Board of Education also recognizes, however, that the rights to due process and the rights to a fair and just resolution of behavior issues are supported by Education Code Section 48919-48924 which provide for expulsion appeals to the Butte County Board of Education.

Expulsion is the most severe form of discipline, which a local district may invoke. The Butte County Board of Education is vested with the responsibility of serving as the final appeal body through a hearing process intended to safeguard the rights of students.

The Butte County Board of Education is given authority by law to adopt rules and regulations establishing procedures for expulsion appeals. In an effort to explain such legal procedures, the Butte County Board of Education has reviewed and adopted the contents of the Expulsion Appeal Handbook. The handbook is established as an administrative regulation to govern appeals filed with the Butte County Board of Education.

Legal Reference:

EDUCATION CODE

48900-48927 – Suspension or Expulsion

APPROVED: April, 2018

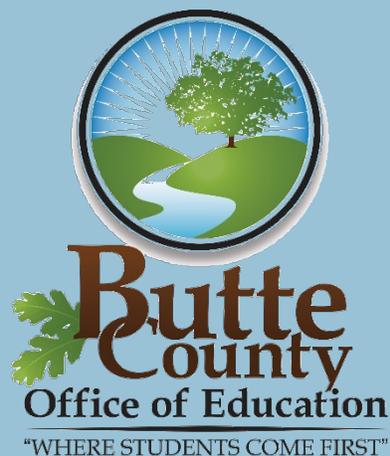
REVISED:

BP 8500  
EXPULSION APPEALS  
EXHIBIT A

## Butte County Office of Education

Tim Taylor, Superintendent

*"WHERE CHILDREN COME FIRST"*



### **Expulsion Appeal Handbook**

To assist expelled students and their parents or guardians in understanding the appeal process and the rights of the student.

Butte County Board of Education

Additional Information may be obtained from:  
Tim Taylor, Superintendent (530)532-5761

## Introduction

The Butte County Board of Education has prepared this Handbook to assist expelled pupils and the parent(s) or guardian(s) of expelled pupils in understanding the appeal process and the rights of the pupil. The Handbook constitutes the official procedures adopted by the Board for conducting expulsion appeals.

The Butte County Board of Education is committed to an objective review of and deliberation upon appeals of students expelled from local school districts.

This information must be reviewed in conjunction with the laws on students discipline and expulsion appeals within the California Education Code, Sections 48900—48924. You must also review the school district's policies and administrative procedures for suspension and expulsion. Remember, you are entitled to review the record of the school district's process hearing and supporting records or documents. You have the right to consult with and engage the services of an advocate or an attorney.

Trustee Area 1—Chico  
Amy Christianson  
Ryne Johnson  
Roger Steel

Trustee Area 2—Oroville  
Howard Ferguson  
Mike Walsh

Trustee Area 3—Paradise  
Jeannine MacKay

Trustee Area 4—Durham, Gridley, Biggs  
Brenda J. McLaughlin

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## What is the Purpose of an Appeal?

The Butte County Board of Education has a limited authority under law to review the procedures followed by the school district prior to expelling a pupil to determine: whether the Education code was complied with; whether “due process” was afforded; and whether there is evidence to support the local governing board’s findings and decision supporting the expulsion.

The issues a board may consider are under “Scope and Limitations of Hearing”.

The meeting at which the Butte County Board of Education considers the Appeal is ***not a new hearing to consider evidence about whether the pupil should have been expelled. The County Board will “hear” evidence only in unusual circumstances.*** The purpose of the appeal meeting is to listen to argument as to whether the local school district procedures were proper.

***The County Board of Education does not have any authority to agree or disagree with the local school district governing board’s decision to expel or to modify the expulsion on the basis that the penalty was too harsh for the misconduct.***

The Butte County Board of Education’s review of the appeal for the legal errors it has authority to review may result in:

- ◆ upholding the expulsion decision
- ◆ reversing the decision and returning the pupil to attend in the local district as well as expunging the record of the expulsion
- ◆ in rare cases, returning the case to the local school district either to consider additional evidence or to revise the factual findings.

A decision to overturn the expulsion and return the pupil to the local school district does ***not*** order attendance at the former school or at any particular school. The local school district has authority to determine attendance within district programs.

The Butte County Board of Education decision will address only expulsion issues. It will not review or order any change in the pupil’s suspension pending expulsion.

## When and Where to file an Appeal?

The parent of the expelled pupil may file an appeal with the Butte County Board of Education *within thirty (30) calendar days* following the decision by the school district's governing board to expel the pupil. The Board of Education has no jurisdiction to consider a late appeal. Any appeal filed after the deadline will be returned accompanied by a cover letter indicating that the appeal was not processed.

- ◆ "Parent" also includes guardian or legal counsel on behalf of the Parent. The pupil may also file an appeal independently of his/her Parents.
- ◆ The thirty (30) day period normally starts on the first day after the date the school district's governing board takes action even if notice of the decision is not mailed to the parent immediately. The appeal must be actually received within the thirty (30) days, not just mailed. If the deadline is on a Saturday, Sunday or County Office holiday, the appeal may be filed on the next business day.
- ◆ Only the Governing Board of a school district may expel a pupil. The Principal of the pupil's school, or the Superintendent of the school district may only recommend the expulsion to the Governing Board. A hearing officer or an administrative panel may conduct the expulsion hearing, develop findings of fact, and make a recommendation to the Governing Board. However, there is no expulsion until the school district's board takes formal action to expel.
- ◆ An expulsion or a suspended expulsion (where the pupil is returned to school with condition of probation) may be appealed. The thirty (30) day time line applies from the initial suspended expulsion decision, not at a later date if the pupil is expelled from violating probation.

A parent considering whether to file an expulsion appeal with the County Board and/or having any question should contact by telephone, facsimile or mail, the Office of the Superintendent of Butte County Schools at:

**Butte County Office of Education**  
**1859 Bird Street      Oroville, CA 95965**  
**(530)532-5761 Telephone      (530)532-5762 Facsimile**

The County Superintendent will answer questions and clarify the procedures outlined in this Handbook. The County Office will also contact the administration of the local school district which implemented the expulsion in order to coordinate the processing of the appeal.

## Submitting the Expulsion Appeal

The Superintendent of Butte County Schools has an “Expulsion Appeal and Request for Hearing” form which may be obtained from the Office of Education, and must be completed and submitted to the Superintendent.

The written notice of appeal must contain all of the following information:

- ◆ Name, address, and date of birth of the expelled pupil;
- ◆ Names, addresses and telephone numbers of the parent(s) or guardian(s) of the pupil and the person, if any, representing the pupil;
- ◆ School district, school, and grade from which the pupil was expelled;
- ◆ The date of the school district Governing Board's decision to expel and the effective date of the expulsion;
- ◆ A brief statement or set of statements which explains why, in your opinion or belief, the decision of the school district Governing Board should be reversed. The statement(s) must relate to one or more of the four (4) conditions described in this Handbook under "Scope and Limitations of the Hearing". It is your responsibility to explain as clearly as you can and provide specific information about why you believe the school district Governing Board's decision should be reversed;
- ◆ Attach a copy of the notice of expulsion sent by the local school district;
- ◆ Identifying new evidence—You must clearly indicate whether you plan to offer new evidence which was not raised at the time the original expulsion hearing was held and describe such evidence.

***PARENTS ARE ENCOURAGED TO USE THE "EXPULSION APPEAL AND REQUEST FOR HEARING" FORM AVAILABLE FROM THE SUPERINTENDENT'S OFFICE FOR SUBMITTING THEIR APPEAL INFORMATION. THIS FORM, WHEN COMPLETED, CONTAINS ALL OF THE INFORMATION REQUIRED TO BEGIN THE APPEAL PROCESS. THE SUPERINTENDENT'S OFFICE WILL SUPPLY ALL FORMS NECESSARY TO FILE AN EXPULSION APPEAL IN ACCORDANCE WITH THE EDUCATION CODES FOR THE STATE OF CALIFORNIA.***

## The Expulsion Appeal Timeline

	PROCEDURE	RESPONSIBILITY	WHEN
1	Parent or parent representative makes initial contact with County Superintendent	Parent	As soon as possible after local school district Governing Board's decision to expel
2	Parent is mailed packet of appeal information via certified mail, e-mail, fax (Sample Form #1)	County Superintendent	Immediately after contact by parent or representative
3	Parent files expulsion appeal form with County Superintendent's Office	Parent	Within thirty (30) calendar days of school district expulsion hearing
4	Parent submits written request for student's transcript from district and completes "Inability to Pay" form if applicable (Sample Forms #2 and #3)	Parent	Concurrently with submission of expulsion appeal form with County Superintendent's Office
5	District submits to County Superintendent student's transcript and other pertinent documents, including attendance registers, discipline actions, grades, etc.	School District	Within ten (10) school days of the receipt of written request from parent
6	Appeal hearing is set and notice of hearing is mailed. Parents and school district will receive notice at least ten (10) calendars days before the hearing	County Superintendent	Within twenty (20) school days after receipt of transcript and other documents
7	Parents submit to County Superintendent any written argument of documents not delivered previously	Parent	Ten (10) calendar days prior to appeal hearing date
8	District submits to County Superintendent written argument and/or response to parent	School District	Five (5) calendar days prior to appeal hearing date
9	Packets are prepared for County Board; to include all documentation submitted	County Superintendent	Approximately four (4) days before appeal hearing
10	Expulsion appeal hearing, conducted in closed session unless otherwise requested five (5) days prior	County Board of Education	As scheduled by the County Board of Education
11	Closed deliberation by the County Board of Education	County Board of Education and County Counsel	During the hearing
12	Decision is announced in public session following deliberation	County Board President or designee	Following deliberation
13	Written decision is mailed to all parties	County Superintendent	Within three (3) working days after the hearing

## Scope and Limitations of the Hearing

The County Board decides an appeal after:

- ◆ reviewing the expulsion record, the transcript and documents considered at the original expulsion hearing;
- ◆ considering the issues raised by the parent in the appeal as well as issues apparent from the record itself and the school district's arguments; and
- ◆ determining which issues it has authority under law to address

*Please keep in mind that the County Board's charge is to determine if the pupil's due process rights were violated in a manner which resulted in the pupil receiving an unfair hearing. It is not the charge of the County Board to agree or disagree with the school district Governing Board's decision to expel the pupil, but to ensure that procedures were followed and that a fair hearing was conducted. When deciding whether or not to appeal to the County Board, you should be able to identify one of the following four items as evidence that an appeal is necessary.*

- A Explain how the Governing Board acted without or in excess of its jurisdiction in expelling the pupil.

(Education Code §48900, 48900.2, 48900.3, 48900.4, or 48915.)

*A pupil may not be expelled unless the offense is a violation of the California Education Code or school rules adopted under Education Code Section 35291.5. If the expulsion was based on a local board rule, was the rule a reasonable and valid one and not inconsistent with the state law? Did the situation involve conduct related to a school activity or to school attendance? Was the expulsion hearing commenced and a final decision issued within the time limits prescribed by law?*

- B. Explain how the pupil was not afforded a fair hearing before the district Governing Board.

(Education Code §48918, §48922.)

*Was the pupil denied the right to be represented by an advocate or by legal counsel? Was the pupil prohibited from introducing testimony of witnesses on his/her behalf? Was the evidence submitted in support of the expulsion the kind of evidence upon which reasonable persons are accustomed to rely in conduct of serious affairs? Was there a failure to introduce any evidence to support the decision to expel? Was the pupil or pupil's representative, if any, given an opportunity to confront and question any witnesses who testified at the hearing except as provided in Education Code section 48918(f)? Was the parent adequately advised of his/her rights to fully participate in the hearing?*

## Scope and Limitations of the Hearing

- C. Explain how there was a prejudicial abuse of discretion by the district Governing Board in the hearing. (*Education Code §48900, 48900.2, 48900.3, 48900.4, or 48915, 48918, 48922*) A pupil is afforded a hearing from prejudicial abuse. An abuse of discretion could be established under the following:
1. *If the school district Governing Board did not proceed with the expulsion required by law (hearing panel member is from same school as pupil, failure of Governing Board to issue subpoena for witness in a timely manner, parent received notice of hearing less than ten (10) days in advance, Governing Board issues expulsion decision with no date set to consider readmission of the pupil); or*
  2. *If the decision to expel is not supported by the findings prescribed by Education Code section 48915; (The finding must spell out the facts—who, when, what—sufficiently to verify that the pupil engaged in misconduct. The finding Board must also indicate that other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.); or*
  3. *Misconduct must be proven by reliable “first-hand” evidence offered during the expulsion hearing. (Observance of the misconduct, admission of the pupil involved, statements made and/or written down at the time the misconduct occurred and determined to be reliable. Misconduct may not be proven solely on “hearsay” evidence.); or*
  4. *The County Board must find that an abuse of discretion was prejudicial to the outcome of the expulsion decision (Did a statutory error or clerical inaccuracy impact the outcome of the expulsion hearing? Did pertinent information regarding the expulsion hearing not reach the pupil according to the education code guidelines?)*
- D. Explain if there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the Governing Board. (*Education Code §48918, §48922.*)

The County Board will hear no evidence other than the information that has already been provided to the Board in the form of witness testimony, written witness statements and documents from the original expulsion hearing. The County Board may vote to allow new evidence if:

1. *Relevant, material evidence, with due diligence could not be produced at original hearing*
2. *Relevant, material evidence was improperly excluded at original hearing*
3. *Evidence is significant to Board’s jurisdictional issues*

Information the county board will not accept as new evidence:

1. *Facts surrounding pupil’s misconduct*
2. *Pupil’s prior good behavior*
3. *Incidents occurring during the district’s investigation of the original hearing*

## Conducting the Hearing

- **CLOSED SESSION**

Expulsion appeals are heard by the County Board in closed session, unless the parent requests, in writing, an open session hearing. In closed session, only the parents, any representative, the pupil and representatives of the local school district are permitted in the room with the County Board Members and their staff. In public session, any member of the public may attend the hearing.

- **HEARING PROCEDURE**

The Board President, or the designated presiding officer for the hearing, will call the hearing to order and describe the hearing procedures. Each person in the room will be asked to identify himself or herself for the records. A tape recorder may be in operation throughout the hearing.

The parent (or parent's representative) will be asked to indicate whether he/she noted on the expulsion appeal form a request to offer "new evidence" as part of the appeal hearing. If so, the County Board will listen to an "offer of proof" and decide whether new evidence should be allowed.

Next, the parent will be asked by the Board President to present an opening statement. This is an opportunity for the parent to summarize or provide an overview of the issues in the appeal or to provide any background information which will be helpful to County Board members.

The representative of the school district will then be asked to make a statement reflecting the school district's position.

The parent will then be allowed to identify the first issue identified in the appeal and to provide an argument in support of the appeal. The school district representative will be allowed to respond. Each issue will be identified in order by the parent with equal time for the school district to respond.

It is important here to remember to remain focused upon the record of the expulsion hearing contained in the binder provided to each participant and on the four (4) questions over which the County Board has authority to rule.

The parent need not be concerned about making a polished presentation, but it is important to prepare the presentation in advance. Having notes or a prepared script may be a great help.

## Conducting the Hearing

### • **ISSUES RAISED BY COUNTY BOARD MEMBERS**

During and after each presentation, members of the County Board of Education may ask questions of the parent and of the school district's representative(s). County Board members may raise issues during the hearing based upon their own review of the hearing record. The appeal decision may be based upon these issues even if they are not raised by the parent. Examples of issues commonly raised by County Board Members are:

\*Has the additional finding been made that either the pupil has previously received lesser corrections which have not been effective, or the pupil presents a danger to the physical safety of others or him/herself because of the nature of the misconduct?

\*If such finding has been made, has the school district described the evidence in the record which supports the finding?

\*Was the misconduct proven by evidence which shows first-hand knowledge or which is not hearsay (or an exception)

You and the school district representative should review the entire hearing record prior to attending the hearing and be prepared to discuss any issue raised at the appeal. If the school district representative demonstrates that he/she cannot reasonably respond to an issue raised by the Board Member because of surprise, a continuance of the appeal hearing may be granted at the discretion of the County Board.

### • **COUNTY BOARD DELIBERATION**

When the presentations and questioning are completed, the County Board will either retire to another room to deliberate or excuse from the board room all present except the County Board, the Board's legal advisor, the County Superintendent and any necessary staff. No representative of the school district or the parent will be allowed to attend the deliberations. In making its decision, the County Board will take into consideration all of the following:

\*The County Board of Education may not substitute its judgment for the judgment of the school district Governing Board;

\*The County Board may not reverse a school district Governing Board's decision because of technical inadequacies in the hearing process unless it first determines that the error was prejudicial;

The County Board may not consider evidence other than that contained in the record of the proceedings of the school district Governing Board except as noted in these rules.

## What the Board may Decide

### The Board May Decide

The County Board may decide one of the following actions:

- a. Uphold the local district's decision to expel the student;
- b. Reverse the local district Board's decision, not expelling the student and destroying all expulsion records;
- c. Remand the matter to the local district for reconsideration of new information, which could not have been reasonably produced during the original hearing, or was improperly excluded. The Board may order the pupil reinstated during this time.
- d. The County Board may conduct its own hearing considering new and original information and render its own decision. If the County Board decides to conduct a hearing, it shall notify the pupil and his/her parents/guardian and the district of the time, date, and place for such a hearing and their procedural rights.

### Appeal of the County Board Decision

A final decision by the County Board of Education may be appealed to the Superior Court.

### Special Education Consideration

Listed below are mandatory conditions, which must be met for special education pupils prior to an expulsion order.

- a.. Was there a pre-expulsion meeting of the individualized education team prior to the expulsion hearing?
- b. Was an invitation to attend the pre-expulsion hearing extended at least 48 hours prior to the hearing?
- c. Was it determined during the pre-expulsion hearing meeting that:
  - \* The misconduct was not caused by a manifestation of the pupil's handicap?
  - \* The pupil was appropriately placed at the time the misconduct occurred?

## What are the next steps?

### What are the Parental Options/Responsibilities Under the Compulsory Education Law if the Expulsion is Upheld?

1. Contact the local district and ask for copy of its procedures to review and readmit the expelled pupil.
2. A pupil expelled from school for any of the offenses listed in subdivision (a) and (c) of the Education Code Section 48915 shall not be permitted to enroll in any other school or district during the period of expulsion unless it is a County Community Day School or Juvenile Court School. The Butte County Superintendent of Schools operates a Community School Program for pupils in grades seven (7) through twelve (12). For enrollment information, please contact the Student Programs and Services Department at (530)532-5757.
3. Pupils in grades kindergarten through sixth grade should contact the local district of residence for appropriate placement.
4. If a pupil who has been expelled for an act other than described in Education Code 48915 (a) and (c) has moved to another district, the law requires that the new district be notified of the expulsion, or any pending expulsion, and is required to hold a hearing to determine if the student is a threat to students and staff.
5. A pupil may apply for admission to a local charter school.
6. A pupil may apply for admission to a private or parochial school at the parent/guardian's cost.

### What happens to student records?

If the County Board of Education upholds the District decision, all expulsion documentation will remain in the student's records.

If the County Board of Education overturns the District decision, all expulsion documentation will be expunged from the student's records.

If the County Board of Education remands the matter back to the District, all expulsion documentation will return to the District for reconsideration.

If the County Board of Education conducts its own hearing, all expulsion documentation will remain with the County Board until a decision is made.

## Sample Appeal Form #1

### REQUEST FOR EXPULSION APPEAL HEARING

TO: TIM TAYLOR, SUPERINTENDENT  
1859 Bird Street Oroville, CA 95969  
Attention: Mia Osborne-Ng



In accordance with Education Code Sections 48919 – 48924 and the Butte County Board of Education Regulation #8500, an Expulsion Appeal Hearing is hereby requested.

1. Expelled pupil's name: \_\_\_\_\_
2. Age: \_\_\_\_\_ Grade: \_\_\_\_\_
3. Parent/legal guardian: \_\_\_\_\_
4. Home address: \_\_\_\_\_
5. Telephone number (home): \_\_\_\_\_ (work) \_\_\_\_\_

Name, address and phone number of legal counsel or other designated representative of the appellant (if any):

6. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

**SAMPLE**

7. Name of expelling school district: \_\_\_\_\_
8. Date of incident: \_\_\_\_\_
9. Date Respondent Board voted to expel: \_\_\_\_\_

10. The County Board's review of the Respondent district decision shall be limited to the following. See *Expulsion Appeal Handbook for Parents* for explanation.  
**(Please check one or more, and describe in detail how each applies to your case.)**

A. Explain how the governing board acted without or in excess of its jurisdiction in expelling the pupil. (See *Expulsion Appeal Handbook for Parents; Education Code § 48900, 48900.2, 48900.4, or 48915.*)



BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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B. Explain how the pupil was not afforded a fair hearing before the district governing board. (See *Expulsion Appeal Handbook for Parents; Education Code § 48918, 48922.*)

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C. Explain how there was a prejudicial abuse of discretion by the district governing board in the hearing. (See *Expulsion Appeal Handbook for Parents; Education Code § 48900, 48900.2, 48900.3, 48900.4, or 48915,48918, 48922.*)

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D. Explain if there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the governing board. (See *Expulsion Appeal Handbook for Parents; Education Code § 48918, 48922.*)

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**SAMPLE**

(Please use another sheet of paper for additional comments, if necessary. Attach documentation, if any.)

11. Expulsion hearings are closed to the public unless you request a session open to the public. \_\_\_\_\_ I am requesting an open (public) session.
12. I hereby certify that I requested that the district superintendent prepare a transcript of the expulsion hearing and supporting documents on \_\_\_\_\_.
13. I further certify that I have received and read the Expulsion Appeal Handbook for Parents and understand there are certain requirements that I must comply with in proceeding with this appeal. I understand that this form **must** be filed with the Superintendent of Butte County Office of Education **within thirty (30) days** from the date the district board voted to expel my student.

**I further certify that this information is true and correct to the best of my knowledge.**

---

Parent/Legal Guardian Signature  
(or pupil, if 18 years or older)

Date

**BOARD OF EDUCATION**

Amy Christianson   Howard Ferguson   Ryne Johnson   Jeannine MacKay  
Brenda J. McLaughlin   Roger Steel   Mike Walsh

BUTTE COUNTY OFFICE OF EDUCATION  
BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

Sample Request for Transcripts Form #2

Date: \_\_\_\_\_

To Superintendent: \_\_\_\_\_

School District: \_\_\_\_\_

Address: \_\_\_\_\_

SAMPLE

This is to inform you that I am filing an Expulsion Appeal and Request for Hearing with the Butte County Board of Education relative to the district's expulsion of my daughter/son \_\_\_\_\_ . Education Code Sections 48919 and 48921 require that I request from you a transcript of the expulsion hearing and supporting documents certified by you or by the Clerk of the Board to be a true and complete copy.

I understand that these documents will be prepared within five (5) school days of this request and the filing of the Expulsion Appeal and Request for Hearing with the Butte County Board of Education, provided my request is within 30 days of the school board's decision to expel. Butte County Board of Education procedure requires either that

- (1) your office will send a copy of the transcript and supporting documents directly to the Butte County Board of Education, or
- (2) that I take responsibility for the delivery of the transcript and documents within one (1) day of the completion by your office. I am requesting:

That you send a copy of the documents directly to the Butte County Board of Education and a copy to me at the following address:

OR

That I be informed immediately when these documents are ready. I will then arrange for them to be picked up at your office, duplicated, and delivered to the Butte County Board of Education office within one (1) working day of their availability from your office. You may contact me regarding this request at:

\_\_\_\_\_

Telephone number

Sincerely, \_\_\_\_\_

Signature

Print Name

**Note: This letter must be received by your School District Superintendent on or before the date you file the Expulsion Appeal and Request for Hearing with the County Superintendent for the Butte County Board of Education.**

**Sample Cost of Transcript Form #3**

**Certification of Inability to Afford Cost of Transcript**

Date: \_\_\_\_\_

To Superintendent: \_\_\_\_\_

School District \_\_\_\_\_

Address \_\_\_\_\_

Dear \_\_\_\_\_:

This is to certify that I, the parent of ( \_\_\_\_\_ ), for the reasons listed below, cannot reasonably afford the cost of the district's expulsion hearing transcript. I request that the transcript be provided to me without cost because of:

Limited income (explain): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
**SAMPLE**  
\_\_\_\_\_

Exceptional necessary expenses (explain): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

\_\_\_\_\_

Signature

Print Name

## Butte County Office of Education Rules and Regulations

### **BP 8500**

#### **EXPULSION APPEAL HEARINGS**

The Butte County Board of Education recognizes that student discipline is primarily the prerogative of the local district. The Butte County Board of Education also recognizes, however, that the rights to due process and the rights to a fair and just resolution of behavior issues are supported by Education Code Section 48919-48924 which provide for expulsion appeals to the Butte County Board of Education.

Expulsion is the most severe form of discipline, which a local district may invoke. The Butte County Board of Education is vested with the responsibility of serving as the final appeal body through a hearing process intended to safeguard the rights of students.

The Butte County Board of Education is given authority by law to adopt rules and regulations establishing procedures for expulsion appeals. In an effort to explain such legal procedures, the Butte County Board of Education has reviewed and adopted the contents of the Expulsion Appeal Handbook. The handbook is established as an administrative regulation to govern appeals filed with the Butte County Board of Education.

Legal Reference:

EDUCATION CODE

48900-48927 – Suspension or Expulsion

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8501**

#### **COUNTY SUPERINTENDENT'S REMUNERATION**

The County Board of Education believes that the County Superintendent of Schools renders services that promote the success of students and of the educational programs of the county office of education, and that anyone occupying the position should be fairly compensated for his/her service. In accordance with law, the County Board shall fix the salary of the County Superintendent and may adopt a remuneration package that includes, but is not limited to, salary, allowances, health and welfare benefits, and other benefits as appropriate.

The Attorney General has opined that a County Board may increase or decrease the County Superintendent's salary at any point during the term for which the County Superintendent was elected, but that any salary decrease may not be retroactive. Due to the conflict recognized by the Attorney General between the California Constitution and Education Code [1207](#), prior to decreasing a County Superintendent's salary, the County Board should first contact legal counsel.

Any discussion and/or action take on the County Superintendent's remuneration shall take place in open session, at a regularly scheduled meeting of the County Board. (Government Code [54956](#))

Any changes to the County Superintendent's salary, financial remuneration, or any benefit, for any reason, may only be made upon approval of the County Board after discussion at a regularly scheduled meeting of the County Board. (Education Code [1209](#), Government Code [54956](#))

The County Superintendent shall receive reimbursement for his/her actual and necessary traveling expenses. (Education Code [1200](#), [1201](#))

Legal Reference:

EDUCATION CODE

[1200-1209](#) Appointment, qualifications, salary and expenses of county superintendent

GOVERNMENT CODE

[3511.1-3511.2](#) Local agency executives

[53243.3-53243.4](#) Abuse of office

[54954](#) Time and place of regular meetings

[54957](#) Closed session personnel matters

CALIFORNIA CONSTITUTION

Article 9, Section 3.1 County Superintendent qualifications and salaries

APPROVED: April, 2018

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## BOARD OF EDUCATION POLICY AND ADMINISTRATIVE REGULATIONS

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### **BP 8600**

#### **CHARTER SCHOOLS**

The Butte County Board of Education believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning. Charter schools shall operate under the provisions of this policy, their respective charters, applicable state, and federal laws, and relevant regulations of the Butte County Office of Education.

The Butte County Board of Education shall consider any petition submitted for the establishment of a charter school if:

1. The charter school will serve students for whom the Butte County Office of Education would otherwise be responsible for providing direct education and related services;
2. The charter school will operate as a countywide charter at one or more sites within the geographic boundaries of the county, to provide instructional services not generally provided by the Butte County Office of Education;  
In addition to other requirements, a countywide charter petition may only be approved if the Butte County Board of Education finds that the educational services to be provided by the charter school will offer services to a student population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county;
3. The charter petition was denied by the governing board of a school district within the Butte County Board of Education's jurisdiction and the petition is submitted to the Butte County Board of Education within 180 calendar days of the school district governing board's denial.

The Butte County Board of Education shall ensure that every approved charter contains adequate processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, and inspections and observations of any part of the charter school.

#### **Approval/Denial**

1. To be considered by the Butte County Board of Education, all charter petitions, except petitions to establish countywide charters, shall comply with the requirements of Education Code 47605. For all such charter petitions, the Butte County Board of Education shall:
  - a. Within 30 days of receiving the charter petition, hold a public hearing to determine the level of support for the petition by parents/guardians, teachers and other employees of the district or County Office, as applicable;
  - b. Within 60 days of receiving the petition, or within 90 days with the consent of both parties, either grant or deny the charter petition.

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2. To be considered by the Butte County Board of Education, a petition to establish a countywide charter school shall comply with the requirements of Education Code. For a countywide charter petition, the Butte County Board of Education shall:
  - a. Within 60 days of receiving the charter petition, hold a public hearing to determine the level of support for the petition by teachers, parents/guardians, and the school district(s) where the charter school will be located;
  - b. Within 90 days of receiving the petition, or within 120 days with the consent of both parties, either grant or deny the charter petition.

All charters approved by the Butte County Board of Education shall be for a specified term of no more than five years.

The Butte County Board of Education shall grant the charter if doing so is consistent with sound educational practice. A charter petition shall be denied if granting the petition would authorize the conversion of a private school to a charter school.

Otherwise, a petition may only be denied if the Butte County Board of Education makes written factual findings specific to the petition under review that at least one of the following conditions exists:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school;
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
3. The petition does not contain the number of signatures; or if the petition is one to establish a countywide charter;
4. The petition does not contain an affirmation of each of the conditions described in Education Code, or if the petition is one to establish a countywide charter;
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions stated in Education Code §47605(b)(5), or if the petition is one to establish a countywide charter; or
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 of Division 4 of Title I of the Government Code 9commencing with Section 3540).

If the petition is for the establishment of a countywide charter school pursuant to Education Code § 47605.6, in addition to the six permissible findings above, the petition may be denied if the Butte County Board of Education makes written factual findings specific to the petition under review that:

7. The petition does not contain reasonable justification for why the charter school could not be established by petition to a school district; or
8. Any other basis that the Board finds justifies denial of the petition.

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board.

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In granting charter petitions, the Butte County Board of Education shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to standards established by the California Department of Education. In addition, petitions should advance Butte County Office of Education's Mission: "committed to the success of every student and the excellence of every educator."

The criteria that the Butte County Board of Education will utilize in accepting, considering, and approving or denying a charter school petition shall follow the appropriate provisions of the Education Code, regulations developed by the State Board of Education to guide its review of charter petitions and contained in Title 5 of the California Code of Regulations, and the process outlined in the Butte County Office of Education's EXIBIHIT A BP 8600 developed for the implementation of this Butte County Board of Education Policy.

Upon the Butte County Board of Education's approval of any charter petition, the petitioners shall provide written notice of the approval, including a copy of the petition, to the Superintendent of Public Instruction and the State Board of Education.

In addition, whenever the Butte County Board of Education approves a countywide charter petition, the petitioners shall provide written notice of the approval, including a copy of the petition, to the school districts within the county.

Except for a countywide charter, any charter petition denied by the Butte County Board of Education may be submitted to the State Board of Education within 180 days of the denial.

#### **Revision**

Material revisions to the provisions of any charter granted by the Butte County Board of Education may be made only with the Butte County Board of Education approval and shall be governed by the same standards and criteria that apply to new charter petitions.

If an approved charter school proposes to expand operations to one or more additional sites within the County's boundaries, the charter school shall request a material revision to its charter and shall notify the Butte County Board of Education of those additional locations. The Butte County Board of Education shall consider approval of the additional locations at an open meeting.

In considering material revisions to the provisions of any charter granted by the Butte County Board of Education, applicable procedures stated above under Approval/Denial and in Exhibit A shall be used.

#### **Renewal**

Any charter school whose charter was initially granted by the Butte County Board of Education shall submit a written application to the Butte County Board of Education, at

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least 120 days before the expiration date of the charter. At least 90 days before the expiration date of the charter, the Butte County Board of Education shall conduct a public hearing to receive input on whether or not to extend the charter. At least 60 days before the expiration date, the Butte County Board of Education shall either grant or deny the request for renewal.

Any charter school whose application for renewal was denied by the governing board of a school district may submit the renewal application to the Butte County Board of Education using applicable procedures stated above under Approval/Denial and in Exhibit A.

All charter renewals shall be subject to the same standards and criteria that apply to new charter petitions, with the exception that the signature requirement applicable to new charter petitions shall not be applicable to petitions for renewal.

To receive a charter renewal, a charter school must also meet at least one of the following criteria:

1. Attain its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years;
2. Rank in deciles 4-10 on the API in the prior year or in two of the last three years;
3. Rank in deciles 4-10 on the API for a demographically comparable school in the prior year or in two of the last three years;
4. The charter school qualifies for an alternative accountability system;
5. Achieve an academic performance that is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of schools within the district where the charter school is located, taking into account the composition of the student population that is served at the charter school.

The Butte County Board of Education shall base this renewal determination on:

1. Documented clear and convincing data;
2. Student achievement data from state assessments;
3. Information submitted by the charter school.

Any charter renewal granted by the Butte County Board of Education shall be for a period of five years.

If the Butte County Board of Education fails to make a written factual finding pursuant to items #1-5 above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition.

The County Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Butte County Board of Education's action, whenever a renewal of the charter is granted or denied.

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### **Revocation**

The Butte County Board of Education expects any of their authorized charter schools to provide a sound educational program that promotes student learning and to comply with law and the terms of the charter. However, when necessary, the Butte County Board of Education may revoke a charter before the date it is due to expire.

The Butte County Board of Education may revoke any charter whenever it makes a written factual finding, supported by substantial evidence, that the charter school has done any of the following:

1. Committed a material violation of any of the conditions, standards or procedures set forth in the charter;
2. Failed to meet or pursue any of the student outcomes identified in the charter;
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement;
4. Violated any provision of law
  - a. That the charter school has failed or is unable to implement the recommendations of the California Collaborative for Educational Excellence (CCEE); or
  - b. That the adequate performance of the charter school, as based on an evaluation rubric adopted by the State Board of Education (SBE), is so persistent or acute as to require revocation of the charter.

Before issuing a Notice of Intent to Revoke, the County Superintendent or designee shall provide the charter school with a Notice of Violation unless the County Superintendent or designee determines, in writing, that a violation of Education Code 47607 and the above four conditions constitutes a severe and imminent threat to the health or safety of pupils, in which case no Notice of Violation is required before issuing a Notice of Intent to Revoke.

At least 72 hours prior to issuing a Notice of Violation, the County Superintendent or designee shall provide the charter school with notice and all relevant documents related to the proposed action.

If the County Superintendent or designee takes action to issue a Notice of Violation, the County Superintendent or designee shall deliver the Notice of Violation to the charter school's governing body. The Notice of Violation shall identify:

1. The charter school's alleged violation(s).
2. All evidence relied upon in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that the violation(s) are both material and uncured and that the alleged violation(s) occurred within a reasonable period of time before the Notice of Violation is issued.

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3. The period of time that the County Superintendent or designee has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the County Superintendent or designee shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit a detailed written response and supporting evidence addressing each identified violation, including the refutation, remedial action taken, or proposed remedial action.

#### **Revocation**

Within 60 calendar days of the conclusion of the remedy period, the Butte County Board of Education shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions:

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body;
2. If there is substantial evidence that the charter school has failed to remedy or refute to the Butte County Board of Education's satisfaction a violation identified in the Notice of Violation, continue revocation of the charter by issuing a Notice of Intent to Revoke to the charter school's governing body.

If the Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the Board and the charter school, the Board shall issue a final decision to revoke or decline to revoke the charter.

If the Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated.

Within 10 calendar days of the Board's final decision, the County Superintendent or designee shall provide a copy of the final decision to the California Department of Education.

#### **Severe and Imminent Threat**

The procedures specified above shall not be applicable when the Board determines that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students. In such circumstances, the Board may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body and the California Department of Education.

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### **Appeals**

In the event that the BCOE Board revokes the charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the State Board of Education.

### **Waivers**

If a Butte County Board of Education approved charter school submits an application to the Butte County Board of Education for a waiver of any Education Code provisions, the Butte County Board of Education shall hold a public hearing on the waiver request no later than 90 days following receipt of the request.

The Butte County Board of Education shall subsequently prepare a summary of the public hearing to be forwarded with the waiver request to the State Board of Education. If the Butte County Board of Education recommends against approval of the waiver request, it shall set forth the reasons for its disapproval in written documentation that shall be forwarded to the State Board of Education.

### **Financial Relationship**

The Butte County Board of Education shall permit a charter school approved by it to use, at no cost, facilities not currently being used by the Butte County Office of Education for instructional or administrative purposes, or not historically being used for rental purposes, provided that the charter school shall be responsible for reasonable maintenance of those facilities.

The Butte County Board of Education may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue as defined in Education Code 47613(f). If the Butte County Board of Education is able to provide substantially rent-free facilities to the charter school, the Butte County Board of Education may charge actual costs up to three percent of the charter school's revenue for supervisory oversight.

The charter school may separately purchase administrative or other services from the Butte County Board of Education or any other source.

Legal Reference:

EDUCATION CODE

33054 Waivers

41365 Charter school revolving loan fund

42100 Annual statement of receipts and expenditures

44237 Criminal record summary

44830.1 Certificated employees, conviction of a violent or serious felony

45122.1 Classified employees, conviction of a violent or serious felony

46201 Instructional minutes

47600-47616.7

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Charter Schools Act of 1992, as amended

47640-47647 Special education funding for charter schools

47652 Funding of first-year charter schools

48000 Minimum age of admission (kindergarten)

48010 Minimum age of admission (first grade)

48011 Minimum age of admission from kindergarten or other school

51745-51749.3 Independent study

52052 Alternative accountability system

54032 Limited English or low-achieving pupils

56026 Special education

56145-56146 Special education services in charter schools

60600-60649 Assessment of academic achievement, including

60605 Academic content and performance standards; assessments

60640-60649 Standardized Testing and Reporting Program

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

54950-54963 The Ralph M. Brown Act

PENAL CODE

667.5 Definition of violent felony

1192.7 Definition of serious felony

CODE OF REGULATIONS, TITLE 5

11700.1-11705 Independent Study

11960-11969 Charter Schools

APPROVED: June, 2011

REVISED: February, 2017 / April, 2018

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### **BP 8600**

### **CHARTER SCHOOL PETITION REQUIREMENTS**

### **EXHIBIT A**

#### **Charter School Petition Review Procedures**

Upon receipt of a complete application packet and a charter school petition, either new or denied by a previous district, a designated employee of the Butte County Office of Education shall date stamp the cover page of the submitted materials. Petitioners will initiate the process no later than December 15 in the year prior to intended opening. In the case of petitions received after that date, the Butte County Board of Education reserves the right to consider approval on the basis of a one year delay in the commencement of the charter school operation. It is important that the charter petition be received by December 15 so that, if the charter petition is approved, the impacted school districts (s) has time to make any appropriate certificated staffing adjustments prior to the March 15 deadline.

Once the charter school petition has been submitted to the Butte County Office of Education, it will be forwarded to the charter review committee. The committee will review the petition according to Education Code requirements. Any review documents are internal memoranda that will not be released to charter school petitioners or to the general public. However a copy of the final findings of fact document may be provided to charter school petitioners at the same time as it is provided to the Butte County Board of Education.

The charter review committee may request to meet with the petitioners, if the initial review of the charter indicates that the petition has met a minimum threshold of completing the full 16 elements and the committee requires further explanation.

For new charter petitions, Butte County Office of Education will not accept any amendments to the charter school petition after the public hearing.

#### **Application Packet Requirements for ALL Charter Petitions:**

A new charter petition that is submitted to Butte County Office of Education must include the following:

1. Seven complete copies of the charter petition, including the required signatures.
2. Butte County Office of Education Charter School Petition Review Checklist with page numbers identifying the location of required information.
3. Form A – Notice of Appeal: Denied Charter Petition
  - a. Attach Articles of Incorporation and By-Laws for the non-profit organization, or provide a written explanation of why these have not yet been developed.

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4. The original charter petition and supporting documents considered by District when petition was denied
  - a. Include proposed start-up and three-year budgets (including assumptions) as denied by local school board.
  - b. Renewal petitions must contain documentation that the school met at least one of the renewal criteria specified in Education Code § 47607(b) and a description of how the school has met all new charter requirements enacted into law since the charter was granted or last renewed (California Code of Regulations, Title 5, 11966.4).
5. Copy of signature pages – 50% of meaningfully interested teachers or 50% of meaningfully interested parents (not applicable to renewal petition).
6. Appeal documentation including:
  - a. A copy of the District governing board’s action of denial of the petition and the governing board’s written factual findings specific to the particular petition, as required by Education Code § 47605(b);
  - b. Optional: A brief written response of the charter petitioners to the district board’s findings (no more than 3 pages);
  - c. Signed certification that the petitioner(s) will comply with all applicable law, including, but not limited to, the provisions of Education Code § 47605(d) et seq;
  - d. A narrative description of any changes to the petition necessary to reflect the Butte County Board of Education as the chartering entity. There shall be no material changes to the charter petition as denied by the school district.

In addition the charter petition must include a thorough description of the education, work experience, credential, degrees, and certifications of the individuals comprising, or proposed to comprise, the directors, administrator, and managers of the proposed charter school.

The by-laws, articles of incorporation and other management documents, as applicable, governing, or proposed to govern the charter school. The information in this section should specify that the charter school will be subject to the Brown Act, the Public Records Act, as well as the Conflict of Interest provisions that also apply to members of the Butte County Board of Education.

#### **Petition Signatures**

To be considered by the Butte County Board of Education, any charter school petition must include the names, addresses, telephone numbers, and number of appropriately aged children who will attend the school, original signatures, and the dates of the original signatures of those persons endorsing the charter school petition. The petition form must indicate that a copy of the charter school petition was attached to the form and that the petitioners reviewed it prior to signing the petition. The petition must be signed by one of the following:

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation; or

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2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation; or
3. When the charter petition calls for an existing public school to be converted to a charter school, at least 50 percent of the permanent status teachers currently employed at the public school to be converted.

In circulating the petition, the petitioners shall include a prominent statement explaining that a signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school.

If the petition is for a countywide charter, each school district where the charter school proposes to operate a facility must have received at least 30 days' notice of the petitioner's intent to operate the charter school.

#### **Charter Elements**

All charter petitions shall contain reasonably comprehensive descriptions of all of the following elements:

1. The educational program of the school, designed among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent and lifelong learners;  
The petition shall include a description of annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code § 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code § 52060 that apply to the grade levels served or the nature of the program operated by the charter school. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established by the charter school, goals aligned with those priorities, and specific annual actions to achieve those goals. If the proposed school will serve high school pupils, the petition must include a description of how the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the A to G admission criteria may be considered to meet college entrance requirements;
2. The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students of the school demonstrate that they

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- have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code § 52060 that apply for the grade levels served or the nature of the program operated by the charter school.
3. The method by which student progress in meeting those student outcomes is to be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
  4. The governance structure of the school, including but not limited to the process to be followed by the school to ensure parent/guardian involvement;
  5. The qualifications to be met by all individuals to be employed by the school;
  6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary;
  7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the county's territorial jurisdiction;
  8. Admission Requirements, if applicable;
  9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Butte County Board of Education;
  10. The procedures by which students can be suspended or expelled;
  11. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal Social Security;
  12. The public school attendance alternatives for students residing within the district or for which the Butte County Office of Education is responsible for providing education and related services, who choose not to attend the charter school;
  13. A description of the rights of any district or the Butte County Office of Education employee, as applicable upon leaving district or the Butte County Office of Education employment to work in the charter school, and of any rights of return to the district or the Butte County Office of Education after employment at the charter school;
  14. The procedures to be followed by the charter school and Butte County Office of Education to resolve disputes relating to charter provisions;
  15. A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the school, including plans for disposing of any net assets and for the maintenance and transfer of student records.  
The procedures to be used if the charter school closes shall include but not limited to:
    - a. Designation of a responsible entity to conduct closure-related activities

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- b. Notification of the closure to parents/guardians, the Board, the County Superintendent, the special education local plan area in which the school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:
  - (1) The effective date of the closure
  - (2) The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure
  - (3) The students' districts of residence
  - (4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
- c. Provision of a list of students at each grade level, the classes they have completed, and the students' district of residence to the responsible entity designated in accordance with item #16a above
- d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different entity
- e. Transfer and maintenance of personnel records in accordance with applicable law
- f. Completion of an independent final audit within six months after the closure of the school that includes an accounting of all financial assets and liabilities and an assessment of the disposition of any restricted funds received by or due to the school
- g. Disposal of any net assets remaining after all liabilities of the school have been paid or otherwise addressed
- h. Completion and filing of any required annual reports required
- i. Identification of funding for the activities identified in item #16a-h above

A reasonably comprehensive description, within the meaning of the Education Code shall include, but not limited to, information that:

- 1. Is substantive and is not, for example, a listing of topics with little elaboration;
- 2. Addresses each individual element in those elements that have multiple aspects;
- 3. Is specific to the charter petition being proposed, not to charter schools or charter petitions in general;

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4. Describes, as applicable among the different elements, how the charter school will:
  - a. Improve student's learning.
  - b. Increase learning opportunities for its pupils, particularly students who have been identified as academically low achieving.
  - c. Describe the proposed assessment program as it relates to the school's measurable student outcomes. This description should include a discussion of how the charter school shall meet all statewide standards and conduct required students assessments.
  - d. Provide parents, guardians, and students with expanded educational opportunities.
  - e. Hold itself accountable for measurable, performance-based pupil outcomes.
  - f. Provide vigorous competition with other public school options available to parents, guardians, and students.

In addition to the above elements, the petition should include:

1. Information regarding the proposed operation and potential effects of the schools, including but not limited to:
  - a. The addresses and a description of the charter school facilities, located within the geographic boundaries of the county, or the district in the case of a petition initially denied by the governing board of a school district, together with such documentation sufficient to provide reasonable evidence that the charter school facility or facilities are safe, habitable, well-suited for its educational purpose, and that the applicant has secured, or has reasonable assurance of securing the facility or facilities for use by the charter school.
  - b. A description of the proposed charter school's building maintenance, replacement, and expansion policies, including related financial projections. Current financial statements for the charter school, including a detailed balance sheet and statement of income and expenses shall be included in case of a charter renewal application.
2. A summary of the administrative structure and organization of the charter school. The summary should specifically include county liaison, special education, how administrative services are to be provided, and other basic elements of school operation. This section should also detail the proposed academic school calendar including: days of instruction, hours of operation, expectation of pupil attendance and annual instructional minutes for each grade level to be served.
3. Potential civil liability effects, if any, upon the school and upon Butte County Board of Education and Butte County Office of Education.
4. A detailed, complete and fully annotated operational budget with estimates of the charter school revenues and expenditures, cash-flows and reserve positions for the first three years of operation, including start-up costs, and the precise salary and benefits paid and to be paid to each employee of the school.
5. The manner, format and content by which the charter school proposes to regularly report to the Butte County Board of Education, or Butte County Office of Education, concerning the implementation of the approved charter, measurable student progress, as well as the current projected financial viability of the school.

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### **Location of Charter School**

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the county as long as each location is identified in the petition.

A charter school may establish a resource center, meeting space, or other satellite facility located in an adjacent county if both of the following conditions are met:

1. The facility is used exclusively for the educational support of students who are enrolled in non-classroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

In addition to the above referenced requirements, a charter school petition must demonstrate that the charter school shall meet all statewide performance standards authorized in statute and will conduct the required student assessments and any other student assessments applicable to students in non-charter schools.

A charter school petition must also demonstrate that the charter school shall meet all applicable requirements of the federal No Child Left Behind Act.

### **Requirements for Charter Schools**

Charter schools are generally exempt from provisions of the Education Code unless they are expressly included in the law. However, charter schools are subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements including, but not limited to, requirements that each charter school:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations;
2. Not discriminate against any student on the basis of the characteristics listed in in Education Code § 220;
3. Not charge tuition;
4. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools;
5. Adhere to all laws establishing the minimum age for public school attendance;
6. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making “satisfactory progress” toward a high school diplomas as defined in 5 CCR 11965;
7. Serve students with disabilities in the same manner as such students are served in other public schools;

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8. Admit all students who wish to attend the school, according to the following criteria and procedures:
  - a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area.

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-priced meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area.
  - b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing. However, preference shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code § 47614.5.
  - c. Other admissions preferences may be permitted by the chartering district on a individual school basis consistent with law.
9. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code §47605(d);
10. Comply with the requirements of Education code § 48850-48859 regarding the enrollment and placement of foster youth;
11. If the school offers a kindergarten program:
  - a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2.
  - b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code § 48000 by August 1, 2020.
12. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold;
13. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on their behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment;
14. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law;
15. Report to the Commission on Teacher Credentialing (CTC) any change in a certificated employee's employment status (dismissal, non-re-election, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or re-employ) as a result of an allegation of misconduct or while an allegation of misconduct is pending;

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16. Meet the requirement of education Code § 47611 regarding the State Teacher's Retirement System (STRS);
17. Meet the requirement of Government Code § 3540-3549.3 related to collective bargaining in public education employment;
18. If the school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy, with specified components;
19. Meet all statewide standards and conduct any statewide assessment applicable to non-charter public schools;
20. Until July 31, 2018, grant a high school diploma to any student who completed grade 12 in the 2003-04 school year or a subsequent school year and who has met all applicable graduation requirements other than the passage of the high school exit examination;
21. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school;
22. If the school provides independent study, meet the requirements of Education Code § 51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code § 51745(e);
23. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through non-classroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education;
24. If the school offers competitive athletics, annually post on the school's website or on the website of the charter operator the total enrollment of the school classified by gender, and the number of boys' and girls' teams classified by sport and by competition level;
25. If the school offers an athletic program, annually provide an information sheet about concussion and head injury to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to return to the activity;
26. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs;
27. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications;
28. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection;
29. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information;

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30. Electronically submit the grade point average of all students in grade 12 to the Student Aid Commission each academic year for use in the Cal Grant program, after notifying the students and their parents/guardians as applicable, by October 15 of each year, of the opportunity to opt out of being deemed a Cal Grant applicant within a specified period of time of at least 30 days;
31. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions:
  - a. The facility complies with the Field Act pursuant to Education Code § 17280-17317 and § 17365-17374.
  - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
32. Provide reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding;
33. Ensure the availability and proper use of emergency epinephrine auto-injectors by:
  - a. Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device.
  - b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive.
  - c. Providing defense and indemnification to volunteers for any and all civil liability from such administration.
34. Promptly respond to all reasonable inquiries from the District, the County Office of Education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the school's financial records.
35. Annually prepare and submit financial reports to the district Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
  - a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code § 47605(g) will satisfy this requirement.
  - b. By July 1 each year, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the local control and accountability plan template in 5 CCR 15497.5. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions.
  - c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31.
  - d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.

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- e. By September 15, a final unaudited report for the full prior year. The report submitted to the Butte County Board of Education shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year.
  - f. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the California Department of Education.
36. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670;
37. Annually adopt a school accountability report card.

#### **Complaints**

Each charter school shall establish and maintain policies and procedures to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687, alleging the school's non-compliance with Education Code § 47606.5 or § 47607.3.

A complainant who is not satisfied with the decision may appeal the decision to the Superintendent of Public Instruction.

#### **Approval of Charter Petitions**

The Butte County Board of Education may grant a charter for a specified term of up to five years. Upon approval of the Board, the petitioner(s) shall provide written notice of the Butte County Board of Education's approval and a copy of the charter to the State Department of Education, and the State Board of Education, and (if applicable) to the District in which the charter school will be operating.

1. The Butte County Board of Education shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to the standards established by the California Department of Education.
2. Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the Butte County Board of Education may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the board's appointee all rights and responsibilities exercised by any other director of the corporation.

#### **Approval or Denial of Petition – Findings of Fact**

It is the intent of the Butte County Board of Education that charter schools with sound educational practice should be encouraged.

The analysis of each charter school petition shall be completed by staff and/or outside agencies designated by the County Superintendent. At the date and time of the public meeting to render

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its decision on the charter school petition, staff of the County Superintendent shall provide a brief oral report of its analysis of the petition. The County Superintendent shall provide the recommendation to the Butte County Board of Education for approval or denial.

The Butte County Board of Education will deliberate on the recommendation, based on staff analysis, findings of fact and compliance with the requirements of Education Code and Title 5. Following deliberations, the Butte County Board of Education shall approve or deny a petition. The Butte County Board of Education shall only deny a petition if the Board makes one or more of the following findings:

1. A charter school does not present a sound education program for the pupils to be enrolled in the charter schools;
2. The petitioners are not demonstrably likely to successfully implement the program set forth in the petition;
3. The petition does not contain the required number of signatures;
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code;
5. The petition does not contain reasonably comprehensive descriptions of all the required charter school elements set forth in Education Code; or
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 of Division 4 of Title I of the Government Code (commencing with Section 3540).

Additionally, for county wide charters, the Butte County Board of Education may also deny a petition if it makes one or more of the following findings:

7. The petition does not provide reasonable justification for why it could not be established by petition to a school district as provided by law.
8. The petition or proposed program is inconsistent with state law.
9. Any other basis that the Butte County Board of Education finds justifies the denial of the petition.

Additionally, for charter renewals, the Butte County Board of Education may also deny a renewal petition if it finds that the charter school has not satisfied at least one of the renewal criteria in Education Code 47607(b).

The Butte County Board of Education shall not deny a charter petition on the actual or potential costs of serving students with exceptional needs.

#### **Monitoring and Supervision of Approved Charters**

The Butte County Office of Education has supervisory and oversight responsibilities over charter schools that have been approved by the Butte County Board of Education. In order to carry out such responsibilities, the County Superintendent or designee may inspect or observe any part of a charter school at any time. The County Superintendent or designee may enter into an agreement with a third party to oversee, monitor, and report to the Butte County Board of Education on the operations of the charter school.

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Such supervisory and oversight responsibilities shall include, but are not limited to, the following:

1. Identification of at least one staff member as a contact person for the charter schools.
2. Visiting each charter school at least each semester.
3. Ensuring that each charter school under its authority complies with all reports required of charter schools by law.
4. Monitoring the fiscal condition of each charter school under its authority.
5. Providing timely notification to the State Department of Education if any of the following circumstances occur or will occur with regard to a charter school for which BCOE is the chartering authority:
  - a. A renewal of the charter is granted or denied
  - b. The charter is revoked.
  - c. The charter school will cease operation for any reason.
6. The County Superintendent or designee shall attend meetings of the charter school board whenever possible and shall periodically meet with a representative of the charter school.

The Butte County Board of Education, or designee, shall monitor each charter school to determine whether it is achieving, both school-wide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. This determination shall be based on the measures specified in the approved charter and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP).

The Butte County Board of Education, or designee, shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the school's local and accountability plan (LCAP), first and second interim financial reports, and final unaudited report for the full prior year.

An approved charter school must promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding its financial records, staff qualification, students' progress toward charter school goals and objectives, student progress on state mandated assessments, and compliance with the Every Student Succeeds Act. The charter school shall also consult with Butte County Office of Education regarding any inquiries.

The County Superintendent, or designee, shall inspect, not less often than annually, documents on file at the charter school which shall verify that all teachers at the school hold Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which teachers in other public schools would be required to hold.

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### **Technical Assistance/Intervention**

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code § 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the Butte County Office of Education:

1. Shall provide technical assistance to the charter school using an evaluation rubric adopted by the State Board of Education (SBE) pursuant to Education Code § 52064.5;
2. May request that the Superintendent of Public Instruction (SPI), with the State Board of Education's (SBE) approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code § 52074

If a charter school receiving federal Title I funding has been identified for program improvement, it shall implement improvement strategies in accordance with its existing school improvement plan.

In accordance with law, the Butte County Board of Education may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to the academic achievement of all numerically significant subgroups of students served by the charter school.

APPROVED: June, 2011

REVISED: February, 2017 / April, 2018