

Agenda
Governing School Board
Board Meeting Wednesday, December 14, 2022
4:00 p.m. @ Kashia School District

1. Call to Order Board and Staff/Establishment of Quorum

Glenda Antone	_____	Tami Bell	_____
Coleen McCloud	_____		
Rick Parrish	_____	Patti Pomplin	_____

2. Approval of Agenda

3. Public Comment on Non Agenda Items (Limit 5 Minutes)

Public comment on any item of interest to the public that is within in the Board's jurisdiction will be heard. The Board may limit comments to no more than 5 minutes each pursuant to Board policy. Public comment will be allowed on each specific agenda item prior to Board action thereon.

4. Communications – None

5. Organizational Meeting

- 5.1 Nomination for and Election of School Board President
- 5.2 Nomination for and Election of School Board Clerk
- 5.3 Nomination for and Election of Voting Delegate and Alternative Voting Delegate to vote in elections of the Sonoma County Committee on School District Organization
- 5.4 Board signatures for Sonoma County Superintendent of Schools
- 5.5 Approve Tami Bell as Secretary of the Board
- 5.6 Determination and Approval of the 2023 regular Board Meeting Dates and Times

6. Consent Agenda

- 6.1 Approval of Minutes from November 9, 2022
- 6.2 Approval of Warrants for November 2022

7. Reports and Communications

- 7.1 Governing Board Members
- 7.2 Superintendent
- 7.3 Business Manager
- 7.4 PTO

8. Items Scheduled for Information and Discussion

- 8.1 2nd Reading Board Policies
 - BP 1150 Commendations & Awards
 - AR 1150 Commendations & Awards
 - BP 1160 Political Processes
 - BP 1220 Citizen Advisory Committees
 - AR 1220 Citizen Advisory Committees
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BP 1240 Volunteer Assistance
AR 1240 Volunteer Assistance
BP 1250 Visitors/Outsiders
AR 1250 Visitors/Outsiders
BP 1321 Solicitation of Funds from and By Students
AR 1321 Solicitation of Funds from and By Students
BP 1325 Advertising and Promotion
BP 1330 Use of School Facilities
AR 1330 Use of School Facilities
E 1330 Use of School Facilities
BP 1340 Access to District Records
AR 1340 Access to District Records

- 8.2 Update on Van
- 8.3 Update on Playground

9. Items Scheduled for Discussion and Action

- 9.1 Approve Hiring Full Time K-8 Teacher – Laura Rohrman - Effective January 3, 2023 on the Basis of Credential Waiver or Successful Completion of CBEST, Placed on Step 1 BA+30
- 9.2 Approve Hiring Part Time Instructional Assistant – Adriana Ruiz – Effective November 7, 2022 at \$30 per hour
- 9.3 Approve Budget Updates
- 9.4 Approve 1st Interim Report

10. Items Scheduled for Future Board Meetings

- 10.1 Board Policies
- 10.2 Update on Playground
- 10.3 Begin LCAP/LCFF
- 10.4 Approve SARC
- 10.5 Approve 2021-22 Audit
- 10.6 William Quarterly Uniform Complaint

11. Adjournment

Next Board Meeting, January 11, 2023

4:00 p.m.

4. Approve 2nd Interim budget report (due by March 15th)
5. Approve certification of corrective action
6. Review/approve school/district safety plan
7. Board policy review and update

April

1. Continue district budget development – LCFF/LCAP alignment
2. Presentation of proposed LCAP – solicit public comments
3. Review planning and date for graduation
4. Complete negotiations and ratification by board
5. Adopt district calendar for following year
6. Quarterly Uniform Complaints Report (Williams)
7. Board policy review and update

May

1. Complete budget and prepare for June adoption
2. Approval of Local Control Accountability Plan
3. Finalize certificated lay offs (by May 15)
4. Board policy review and update

June

1. Approve budget transfers
2. Hold Public Hearings and Approve Final Budgets – file with COE
3. Approve CARS (Categorical Applications)
4. Begin discussion of district goals for following year
5. Board policy review and update

July

1. No regular board meeting

August

1. Review district policies on Conflict of Interest and complete state/county form (to be conducted every even numbered year)
2. Approve the filing of Declaration of Need for Fully Qualified Educators (if needed)
3. Quarterly Uniform Complaints Report (Williams)
4. Approve budget updates due to 45 day requirement of Governor's budget approval

Kashia 2023 Regular Board Meeting Dates for Second Wednesday at 4:00 p.m.

January 11, 2023
February 8, 2023
March 8, 2023
April 6, 2023 (week early due to spring break)
May 10, 2023
June 7, 2023 – Public Hearings
June 14, 2023 – Regular Business – Adoptions
July 2023 – NONE
August 9, 2023
September 13, 2023
October 11, 2023
November 8, 2023
December 13, 2023 – Organizational

Kashia School Board Activities/Agenda Master Calendar

January

1. Approve and certify Annual Audit Report
2. Presentation of Governor's proposed budget for following year
3. Begin development of next year's budget
4. LCFF/LCAP alignment, engage stake holders
5. Quarterly Uniform Complaints Report (Williams)
6. Approve SARC
7. Board policy review and update

February

1. Continue district budget development – LCFF/LCAP alignment
 - 1.1 Review historical data from previous budgets
 - 1.2 Review projected ADA/staffing and program proposals
 - 1.3 Begin data analysis of programs & achievement
2. Review school and district calendar for following year
3. Board policy review and update

March

1. Approve layoffs/non-reelects (by March 15)
2. Continue district budget development – LCFF/LCAP alignment
 - a. Data analysis of program achievement
 - b. Site council development of written plan
3. Select/appoint auditor

September

1. Report on opening of school, enrollment etc.
2. Develop strategic plan to achieve district goals
3. Approve employment of new employees
4. Approve unaudited actuals of previous year (due by 09/15)
5. Approve Gann Limit resolution (due by 09/15)
6. Public hearing and Approval of Williams Resolution on Instructional Materials (within 8 weeks of 1st day of school)
7. Board policy review and update

October

1. Annual RESIG report
2. Quarterly Uniform Complaints Report (Williams)
3. Board policy review and update

November

1. Approve FIT (Facilities Inspection Tool) report
2. Board appointments
3. Discuss items to be placed no Board activity calendar for following year
4. Board policy review and update

December

1. Annual organizational meeting:
 - 1.1 Oath of Office
 - 1.2 Nominations for and Election of School Board President
 - 1.3 Nominations for and Election of School Board Clerk
 - 1.4 Nominations for and Election of Voting Delegate and alternative voting delegate to vote in elections of the Sonoma County Committee on School District Organization
 - 1.5 Board Member signatures for the Sonoma County Superintendent of Schools
 - 1.6 Completion of each member Statement of Economic Interest Form 700 (now done electronically by each Trustee)
 - 1.7 Approve Superintendent as Secretary of the Board
 - 1.8 Determination and approval of Board Meeting regular dates and times
 - 1.9 Approval of Board Activities Calendar
2. Adopt First Interim Budget Report
3. Reminders to members – conflict of interest forms due in March
4. Board policy review and update



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October 13, 2022

To: Superintendents, Member School Districts (K-12)

From: Jennifer Henry, Senior Associate General Counsel *J.H.*

**Subject: 2022 Governing Board Elections and Organizational Meetings
and Frequently Asked Questions
Memo No. 25-2022**

ORGANIZATIONAL MEETINGS **(Education Code Section 35143)**

Each school district and county office of education is required to hold an annual organizational meeting. In an election year, a school district organizational meeting must be held on a day within the fifteen (15) day period that commences with the date upon which a governing board member elected at that election takes office (the second Friday in December). In years in which no regular election for governing board members is conducted, the organizational meeting is held during that same fifteen day period. Exceptions to this rule are discussed below. **This year, the date on which elected trustees will take office is December 9, 2022 (per FAQ #6 below).**

Organizational meetings should be held as follows:

1. Governing Boards of School Districts

The organizational meeting must be held within 15 days of the second Friday in December. Unless otherwise provided by a rule of the Governing Board, the *date* of the organizational meeting must be selected by the Board at its regular meeting held immediately *prior* to December 1st (presumably the regular November board meeting).

Since this year is an election year, the organizational meeting must, therefore, be held between December 9, 2022 and December 24, 2022.

2. Governing Boards of School Districts Governed by a City Charter

These Boards have the option of holding their organizational meetings as described above, or may hold their organizational meeting between December 15th and January 14th, if so provided by the Governing Board rules.



3. County Boards of Education

For those boards holding an organizational meeting following the November election, their organizational meetings will now be held on the second Friday in December instead of at the end of November. For boards whose members are elected in June, the organizational meeting remains July 1. (Education Code § 1009.)

Board Member Term of Office **(Education Code Section 1007 and 5017)**

County Boards of Education:

Starting in 2019, the date on which outgoing members' terms of office end, and on which newly-elected members take office, is moved from the last Friday in November to the second Friday in December. The terms of office of county board members elected at the California primary (whether in March or June) will continue to commence on the first day of July.

Likewise, the law has changed the date for county board organizational meetings from the last Friday in November to the second Friday in December. For those county boards with members elected at the primary, their organizational meeting remains the first board meeting held after July 1.

School Districts:

For school district board members, the 2019 amendment to Education Code section 5017 changes the last day of an incumbent trustee's term of office, and the first day of a newly-elected trustee's term, from the first Friday in December to the second Friday in December.

Because all of these changes to the terms of office—for county board and school board—lengthen the terms of office for board members slightly, any incumbent's term of office will simply be extended by that additional time beginning in December 2019 and thereafter, depending on when the term of office would otherwise have expired. For example, someone elected in 2022 will commence office on December 9, 2022. Incumbents' terms of office were similarly extended – where previously an incumbent's term would have expired on December 2, 2022, under the new law that person's term will now expire December 9, 2022. County board members, the only local body whose terms of office previously began and ended in November, will have their terms of office extended by approximately two weeks, and terms will now match those of school boards.

Election Issues

Districts with the governing board elections scheduled for 2022 should be aware of the following information:



1. Number of Candidates Less Than or Equal to the Number of Board Seats

No election is held. The existing Board members continue to serve until the organizational meeting of the Board, at which time the candidate(s) are seated and become Board members. (Education Code §§ 5326 and 5328.)

2. No Candidates or Insufficient Candidates for Number of Seats Vacant

Seats for which there are sufficient candidates are discussed above. For those seat(s) for which there are no candidates, the Board must appoint. It is important to note that, except for seats which have been specifically designated two-year seats, an appointment to a governing board seat due to lack of a candidate or candidates is a four-year appointment.

The appointment must be made *prior* to the election. Prior to making the appointment, "... the governing board shall cause to be published a notice once in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district, stating that the board intends to make an appointment and informing persons of the procedure available for applying for the office." (Education Code section 5328.5.)

3. Changing the Election Cycle from Odd-Year to Even-Year

Until 2018, the "default" for school districts and community college districts under the Elections Code was to hold elections in odd-numbered years. In 2015, AB 415 was signed into law, and required most local entities that formerly held their elections in odd-numbered years to move them to even-numbered years. **Those districts that were required to do so but did not want to make the change-over immediately were required to adopt a plan, by January 1, 2018, to make this change by the November 2022 election.** Any districts that have not made the switch and need assistance in doing so should contact our office for further information and assistance.

Because most entities that were required to make this change have either already done so or have adopted the required plan, this Legal Update does not address how to switch an election cycle from odd-numbered to even-numbered years. **Any districts that need assistance in doing so before the November 2022 deadline should contact our office for further information and assistance.**

FREQUENTLY ASKED QUESTIONS

Eligibility to Hold Office

1. What are the qualifications to be elected/appointed to a school board?

Education Code section 35107, subdivision (a) provides as follows:

(a) Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or



appointed a member of a governing board of a school district without further qualifications.

2. Can employees of the school district serve on the governing board?

No. Education Code section 35107, subdivision (b)(1) provides as follows:

An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office.

3. Are there limitations on the employment of a spouse or other relatives of a board member?

Yes. Under Government Code sections 1090-1099, a long-term school district employee whose spouse is appointed to or elected to the district's governing board may not be promoted by the board. "Long-term" means that the employee has served for one year or more. (Government Code section 1091.5(a)(6).) The spouse of a new employee, i.e., someone with less than one year of employment at the district in question, may not be elected or appointed to the board unless the other spouse resigns his or her employment first.

In other words, if a spouse has been an employee of the district for at least one year, then the non-employee spouse may be elected or appointed to serve on the governing board. Even if the employee-spouse meets this requirement, the board will not be able to take action affecting the spouse's employment status. For example, the employee-spouse could not be promoted, changed from a temporary to a regular employee, or have his or her position selectively reclassified while the other spouse is a board member. Furthermore, under the Political Reform Act (Government Code section 87100 *et seq.*), the board-member spouse would have to abstain from any discussion or participation in any decision that would uniquely affect the employee-spouse. You should also check your LEA's Board Bylaw that addresses Conflicts of Interest and may impose any additional restrictions (typically BB 9270).

4. Are there term limits for school board members?

There can be, but only if the voters choose to impose them. Education Code section 35107, subdivision (c) provides as follows (emphasis added):

Notwithstanding any other provision of law, the governing board of a school district may adopt or the residents of the school district may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the governing board of the school district may serve on the governing board of the school district. Any proposal to limit the number of terms a member of the governing board of the school district may serve on the governing board of the school district shall apply prospectively only *and shall not become operative unless it is submitted to the electors of the school district at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.*



Therefore, unless action is taken as set forth in section 35107 (c), term limits do not apply to school district governing boards.

5. May a school board member hold another public office?

The answer depends on whether the other public office has “potentially overlapping public duties” with the school board position. Where there is potential for overlapping duties, the common law doctrine of “incompatible” offices prevents one person from holding both offices. By way of example, a board member of a “feeder” elementary school district cannot at the same time also serve as a board member of that elementary district’s high school district. (See 68 Ops.Cal.Atty.Gen. 171 (1985).)

Government Code section 1099 prohibits holding incompatible offices much like the common law rule. Prior attorney general’s opinions and judicial interpretation of the common law rule continue to aid in the application of this statute. As of 2021, the California Attorney General’s office opined that Section 1099 applies to charter school employees, administrators, and board members as well, such that a charter school Executive Director may not serve as a member of the county board of education in the county where their employing school is located. (104 Ops.Cal.Atty.Gen. 66 (2021).)

Term of Office

Note: The responses set forth below may not apply to school district elections that are subject to the provisions of a city charter. Districts governed by a city charter should always review the charter to determine whether it governs the district’s elections.

6. When does the term of office begin?

Education Code section 5017 provides as follows¹ (emphasis added):

Each person elected at a regular biennial governing board member election shall hold office for a term of four years *commencing on the second Friday in December next succeeding his or her election*. Any member of the governing board of a school district or community college district whose term has expired shall continue to discharge the duties of the office until his or her successor has qualified. The term of the successor shall begin upon the expiration of the term of his or her predecessor.

Additionally, Elections Code section 10554 provides that elective officers, elected or appointed pursuant to this part, take office *at noon* on the first Friday in December next following the general district election. Prior to taking office, each elective officer shall take the official oath and execute any bond required by the principal act.

¹ Please note that if your district has not yet converted to an even-year election cycle, the rules are slightly different. Please contact legal counsel for additional information if your district is still on an odd-year election cycle.



However, because Education Code section 5300 provides that provisions of the Elections Code apply to school district and community college district elections “except as otherwise provided in the code,” the 2018 amendments to sections 1007, 5017, and 72027 regarding commencement of the terms of office on the second Friday in December will take precedence over Elections Code section 10554.

7. Is there a different rule for when the term of office begins for County Boards of Education?

Yes. Education Code section 1007, subdivision (a) provides: “Members [of county boards of education] elected at the time of the direct primary shall take office on the first day of July, and members elected at the date on which members of school district governing boards are elected shall take office on the second Friday in December subsequent to their election.” *Thus, the first day of the term of incoming board members who were elected in June 2022 is July 1, 2022 and for those elected in November 2022, their first day is December 9, 2022.*

The organizational meeting for County Board trustees is either the first meeting on or after the first day in July (for those elected at the June primary) or the second Friday in December (for those elected in November).

Awaiting the organizational meeting is done purely for ceremonial reasons, however, and has no legal effect on the true first day in office of the incoming member (or the last day of office of the outgoing member). Some board members choose to be sworn in privately (e.g., by a notary public) before the organizational meeting. In addition, these statutes permit a district to adopt a local rule of procedure to hold the organizational meeting on a different date, so check your local rules to see if they prescribe a different date.

Oath of Office

8. Is it necessary for a board member to take an “oath of office”?

Yes. Government Code section 1360 provides as follows:

Unless otherwise provided, following any election or appointment and before any officer enters on the duties of his or her office, he or she shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX² of the Constitution of California.

Failure to take the oath of office and file a bond as required by law is one way in which a public office becomes vacant, as provided in Government Code section 1770, subdivision (i).

² That is, “Article 20.”



9. Who can administer the oath of office to a newly elected/appointed board member?

Any person listed in Education Code section 60 or Government Code section 1362 may administer the oath to a newly elected/appointed board member.

Education Code section 60 provides as follows:

The Superintendent of Public Instruction, Deputy and Assistant Superintendents of Public Instruction, secretary of the Superintendent of Public Instruction, members of the Board of Governors of the California Community Colleges, the Chancellor of the California Community Colleges, county superintendents of schools, school trustees, members of boards of education, secretaries and assistant secretaries of boards of education, city superintendents of schools, district superintendents of schools, assistant superintendents of schools, deputy superintendents of schools, principals of schools, and every other officer charged with the performance of duties under the provisions of this code may administer and certify oaths relating to officers or official matters concerning public schools.

Government Code section 1362 provides as follows:

Unless otherwise provided, the oath may be taken before any officer authorized to administer oaths.

This is a very broad provision – “any officer authorized to administer oaths.” It includes judges, virtually all elected officials, notaries public, and numerous county and state officers.

10. What happens if the elected/appointed officer fails or refuses to take the oath of office?

Education Code section 5017 provides, in pertinent part, as follows:

. . . Any member of the governing board of a school district or community college district whose term has expired shall continue to discharge the duties of the office until his or her successor has qualified. The term of the successor shall begin upon the expiration of the term of his or her predecessor.

In addition, Government Code section 1302 provides as follows:

Every officer whose term has expired shall continue to discharge the duties of his office until his successor has qualified.

Thus, if an elected or appointed official fails or refuses to take the oath of office, the outgoing board member can continue to discharge the duties of office until a new member qualifies. Conversely, if the office becomes vacant, then the position remains vacant until filled by a



qualified candidate, either by appointment or election depending on the procedure to be followed.³

11. When may the oath be taken by a newly elected/appointed school board member?

Elections Code section 10554 provides as follows (emphasis added):

Elective officers, elected or appointed pursuant to this part, take office at noon on the first Friday in December next following the general district election. *Prior to taking office*, each elective officer shall take the official oath and execute any bond required by the principal act.

Thus, the oath of office may be administered at any time after the election results are certified by the county clerk. This is typically done at the district's organizational meeting, but once elected, a new board member can choose to be sworn in earlier, as discussed above.

12. How long does the county clerk have to certify the election results?

Elections Code section 15372 provides as follows:

The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.

Elections Code sections 15400 and 15401 provides as follows:

The governing body shall declare elected or nominated to each office voted on at each election under its jurisdiction the person having the highest number of votes for that office, or who was elected or nominated under the exceptions noted in Section 15452. The governing board shall also declare the results of each election under its jurisdiction as to each measure voted on at the election.

The elections official shall make out and deliver to each person elected or nominated, as declared by the governing body, a certificate of election or nomination, signed and authenticated by the elections official.

13. What are the rules with respect to the annual organizational meeting?

Education Code section 35143 provides as follows:

³ As discussed below, district boards can sometimes make an appointment within 60 days of a vacancy. In other cases, if the vacancy occurs too close to a scheduled election or the end of a member's term, the vacancy must await an upcoming regular election or a special election.