

ROLE OF THE BOARD

Legal Responsibilities of The County Board of Education

This exhibit lists some, but not necessarily all, responsibilities of the Monterey County Board of Education (County Board) as specified in the California Constitution, the California Education Code, Title 5 of the California Code of Regulations and other statutes. This exhibit is for informational purposes only and is not intended for County Board adoption.

Certain duties of the County Board necessitate collaboration with the Monterey County Superintendent of Schools (County Superintendent) and staff. The following listing includes required and optional responsibilities:

A. Governance

(a) The County Board is required to do the following:

1. Adopt rules and regulations consistent with laws of the state for its own governance [Education Code (EC) 1040]
2. Hold a regular meeting at least once a month [EC 1011]
3. Keep a record of County Board proceedings including all votes of the County Board [EC 1040, 1015]
4. Conduct the biennial election of the County Board [EC 1007, 5000].

(b) The County Board has the discretion to do the following:

1. Conduct an advisory election on substantive issues or ballot proposals [Elections Code 9603]
2. Adopt or repeal a limit on the number of terms a member may serve on the County Board [EC 1006].

B. Operations

(a) The County Board is required to do the following:

1. Adopt and update a conflict of interest code for County Board members and designated consultants [Government Code (GC) 87300]

2. Act as the County Committee on School District Organization, as authorized by the State Board of Education (SBE) [EC 4020]
3. Receive an annual report in November from the County Superintendent describing the state of any schools in the county that are ranked from 1 to 3, inclusive, on the Academic Performance Index [EC 1240].

(b) The County Board has the discretion to do the following:

1. Initiate and carry on any program or activity, or otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which the Monterey County Office of Education (MCOE) is established [EC 35160]
2. Adopt rules and regulations governing the administration of the office of the County Superintendent [EC 1042]
3. Receive an annual report from the County Superintendent, at their discretion, on the "State of the Schools" in the county [EC 1240]
4. Accept on behalf of MCOE any gifts, donations, devices, and bequests made to the MCOE or for the benefit of any school or program maintained by the MCOE [EC 41032]
5. Consider for approval any MCOE staff request for a sabbatical leave that is not otherwise covered by a certificated bargaining agreement and has been granted by the County Superintendent [EC 1294]
6. Consider for approval any MCOE Staff request made through the County Superintendent for a paid or unpaid leave of absence, not otherwise included in the classified bargaining agreement [EC 1295]
7. Conduct a hearing at the request of the Commission on Teacher Credentialing [CTC] for any credential holder who is serving in or last served in the county and is accused of misconduct by the CTC [EC 44422]
8. Issue temporary teaching certificates to certificated employees for the purpose of authorizing salary payments [EC 44332]
9. Contract with and employ persons to furnish the County Board with special services and advice in financial, economic, accounting,

engineering, legal, or administrative matters if these persons are specially trained and experienced and competent to perform the special services required. [EC 1042]

10. Act on any claim for damages presented in accordance with the provisions governing claims filed against public entities [GC 911.6]
11. Acquire, lease, lease-purchase, lease leaseback, and hold and convey real property for the purpose of housing the offices and the services of the MCOE [EC 1042]
12. Exercise the power of eminent domain to acquire any property necessary or convenient for carrying out the duties and responsibilities of the County Board [EC 1047]
13. Render a city or county zoning ordinance related to storage or transmission of water or electrical energy facilities inapplicable to a proposed use of property by the MCOE [GC 53096].

C. County Programs, Schools, and Services

(a) The County Board is required to do the following:

1. Adopt a course of study for county community schools [EC 1983]
2. Ensure that services and programs designed to address the language needs of English learners in county community schools are provided [EC 1983]
3. Ensure that assessments are administered in all areas of suspected disability and appropriate services and programs, as specified in a student's individualized education program, are provided [EC 1983]
4. Act as the governing board for any regional occupational program [ROP] maintained by the County Superintendent [EC 52310.5]
5. Establish and maintain an employer advisory board for an ROP governed by the County Board [EC 52302.2]
6. Biennially review the career technical courses and/or program offered by an ROP maintained by the County Superintendent [EC 52302.3]
7. Consider for approval any plans for the construction of any juvenile court classrooms and facilities [EC 48645.6]

8. Provide for the administration and operation of juvenile court schools [EC 48645.2]
9. Adopt a course of study for juvenile court schools as recommended by the County Superintendent [EC 48645.3]
10. Evaluate the educational program established for juvenile court schools [EC 48645.3]
11. Adopt an annual school calendar for juvenile court schools as recommended by the County Superintendent [EC 48645.3]
12. Annually select state-approved textbooks and instructional materials for grades K-8 for specific career and technical education courses in juvenile court and community school programs [EC 60200]
13. As recommended by the County Superintendent, adopt textbooks and instructional materials for high schools under the control of the MCOE [EC 60400]
14. Annually hold a public hearing to determine whether students in MCOE programs have sufficient textbooks and/or instructional materials that are aligned to state content standards [EC 60119]
15. Consider for approval the program philosophy, goals, and objectives of any child care and development program operated by the County Superintendent [5 CCR 18271].

(b) The County Board has the discretion to do the following:

1. Consider establishing and maintaining one or more county community schools [EC 1980]
2. Consider approving the establishment of child development programs and centers proposed by the County Superintendent with the approval of the State Superintendent of Instruction (SPI) [EC 8321]
3. Appoint individuals or group representatives, other than district representatives, to a county school attendance review board [EC 48321]
4. Request the State Board of Education (SBE) to waive all or any part of the EC or any regulation adopted by the SBE [EC 33050]
5. Fill by appointment any vacancy that may occur during the term of

the County Superintendent [EC 1042]

6. Fill by appointment any vacancy that may occur during the term of a County Board member [EC 1008, 5091]
7. Fill by appointment of the County Board president, the seats of any school district or community college district governing board with members of the County Board when a majority of those seats are vacant [EC 5094].

D. Finance

(a) The County Board is required to do the following:

1. Fix the salary and fringe benefits of the County Superintendent in accordance with law and Board Bylaw 9500 (California Constitution, Art. IX, Sec. 3.1; EC 1209)
2. Adopt regulations to pay the actual and necessary travel expenses of the County Superintendent and MCOE staff [EC 1081, 1200; 5 CCR 17433]
3. Approve the annual budget of the County Superintendent [EC 1040]
4. Review any recommendation by the County Superintendent to provide a bonus or salary increase of \$10,000 or more for any employee [EC 1302]
5. Adopt an annual budget for the budget year and file it with the State Superintendent of Public Instruction (SPI), the County Board of Supervisors, and the County Auditor [EC 1622]
6. Review the annual audit provided by the County Superintendent at a regularly scheduled public meeting [EC 1040]
7. Review the interim budget reports presented by the County Superintendent [EC 1240]
8. Approve or make revisions, reductions, or additions to the annual itemized estimates of anticipated revenue and expenditures prepared by the County Superintendent [EC 1042, 1080]
9. Annually adopt a resolution identifying the estimated appropriations limit for the current fiscal year and the actual appropriation limit for

the prior fiscal year [EC 1629]

10. Consider for approval the disposal of the MCOE's personal property worth over \$25,000, as submitted by the County Superintendent [EC 1279].

(b) The County Board has the discretion to do the following:

1. Determine the monthly compensation of County Board members [EC 1090]
2. Act by resolution to approve the meeting stipend of an absent County Board member when permitted by law [EC 1090]
3. Consider for approval any budget revision in excess of \$25,000. Such budget revisions shall be incorporated in the next interim financial report submitted to the County Board for discussion and approval at a regularly scheduled meeting [EC 1280]
4. Consider for approval any consultant contract that constitutes a budget revision and is in excess of \$25,000. Such budget revisions shall be incorporated into the next interim financial report submitted to the County Board for discussion and approval at a regularly scheduled meeting [EC 1281]
5. Include in the budget a general reserve to meet the cash requirements of the following fiscal year until adequate proceeds of the taxes levied or of the apportionment of state funds are available [EC 1621]
6. Include in the budget a designated fund balance, available for appropriation by a majority vote of the County Board, for any specific purpose [EC 1621]
7. Consider for approval any recommendation by the County Superintendent to increase the retirement benefits for an employee [EC 1302]
8. With approval of the County Board, the County Superintendent may subscribe for membership in any society, association, or organization which has the purpose of the promotion and advancement of public education [EC 1260].

(c) Use of County School Service Fund

1. Consider short and long term borrowing based projected tax revenue or estimated state apportionment as recommended by the County Superintendent [GC 53822]
2. Consider for approval the issuance of revenue bonds or agreements for financing pursuant to the California School Finance Authority Act [EC 17150]
3. Consider for approval any use of the county school service fund to allow the County Superintendent to employ supervisors to supervise instruction in the elementary school districts under their jurisdiction [EC 1730]
4. Consider for approval any use of the county school service fund to allow the County Superintendent to employ personnel to supervise the attendance of students in elementary, high school, and unified school districts under their jurisdiction [EC 1740]
5. Consider for approval any use of the county school service fund to allow the County Superintendent to employ supervisors of health, as defined in Section 49420, to provide health services to students in elementary, high school, and unified school districts under their jurisdiction [EC 1750]
6. Consider for approval any use of the county school service fund to allow the County Superintendent to employ personnel to provide necessary guidance services to students in elementary, high school, and unified school districts under their jurisdiction [EC 1760]
7. Consider for approval any use of the county school service fund for the County Superintendent to enter agreements with the county librarian to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts or community college districts and the county librarian [EC 1770]
8. Consider for approval any use of the county school service fund to allow the County Superintendent to contract with the United States, the State of California, any city, county, city and county, or any combination thereof for the joint operation and maintenance of, or assistance in the operation and maintenance of, programs in youth conservation and training [EC 1780]
9. Consider for approval any use of the county school service fund to establish and operate technical, agricultural, and natural resource

conservation school(s) [EC 1791]

10. Consider for approval any use of the county school service fund to allow the County Superintendent to prepare, with the cooperation of school and community college districts, courses of study and the development of curriculum and instructional materials to be used in the elementary and secondary schools [EC 1720]
11. Consider for approval any use of the county school service fund to allow the County Superintendent to establish and maintain emergency elementary schools, provide emergency teachers, and/or provide transportation to elementary schools for students residing in the county when funds are not available from other sources [EC 1920]
12. Consider for approval any use of the county school service fund to allow the County Superintendent to provide advisory services in school business administration activities, in maintenance of school building and grounds, and in the processing of special problems concerning credentials as designated by the California Department of Education [EC 1945]
13. Consider for approval any use of the county school service fund to provide classes to serve prisoners in county jail facilities as recommended by the County Superintendent and approved by the County Board of Supervisors [EC 1900]
14. Consider for approval any use of the county school service fund to provide classes to serve prisoners in state correctional facilities pursuant to a contract with the Director of Corrections as recommended by the County Superintendent [EC 1259]
15. Consider for approval any use of the county school service fund to enter into an agreement with any school or community college district within the jurisdiction of the County Superintendent to provide, under the direction of the County Superintendent, a centralized in-service training program to certificated or classified employees of those districts or of the MCOE [EC 1946].

E. Local Control and Accountability Plan

- (a) The County Board is required to do the following:

1. For County Board run school and programs, hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the Local Control and Accountability Plan (LCAP) and annual updates [EC 52068]
2. Adopt the LCAP and annual updates [EC 52067, 52068]
3. Adopt revisions to the LCAP during the period the plan is in effect [EC 52068].

F. Charter School Petitions and Oversight

(a) The County Board is required to do the following:

1. Provide technical assistance to County Board authorized charter schools in certain circumstances consistent with state law, with collaboration of the County Superintendent [EC 47607.3]
2. Provide oversight by ensuring that all reports required of County Board authorized charter schools, including updates to the LCAP, are filed in a timely manner and by monitoring the fiscal condition of each County Board authorized charter school [EC 47604.32, 47606.5]
3. Review and adopt updates presented by the County Superintendent for any LCAP adopted by County Board authorized charter schools [EC 47604.33, 52067-52068].

(b) The County Board has the discretion to do the following:

1. Consider for approval any petition to establish a charter school that will serve students for whom the MCOE would otherwise be responsible for providing direct education and related services [EC 47605.5]
2. Consider for approval any petition to establish a countywide charter school for the purpose of providing instructional services that are not generally provided by MCOE if the students that will benefit from those services cannot be served as well by a charter school that operates in a single school district within the county [EC 47605.6]
3. As part of the countywide charter school petitioning process, enter

into an agreement with a third party to oversee, monitor, and report to the County Board on the operations of the charter school [EC 47605.6].

G. Charter, Expulsion, and Interdistrict Transfer Appeals

1. Consider for approval requests to materially revise a charter authorized by the County Board, including revisions that propose additional locations for the charter school [EC 47605, 47605.6, 47607]
2. Consider for approval requests to renew the petition of a charter school authorized by the County Board [EC 47607]
3. When necessary, and in accordance with proper procedures and appropriate findings, revoke a County Board approved charter for any of the reasons allowed by law [EC 47607]
4. With the concurrence of the County Superintendent, approve loans to charter schools for which the County Board or the County Superintendent have supervisory and oversight responsibilities [EC 1042]
5. Contract with the State Board of Education (SBE) to perform the oversight, monitoring, and reporting duties on the operations of a statewide benefit charter school authorized by the SBE [EC 47605.8]
6. Perform the supervisory and oversight duties of a charter school that was approved on appeal by the SBE and is located within the county (EC 47605).
 - (a) The County Board is required to do the following:
 1. Upon request of a charter school petitioner, act as the appeals board when the petition has been denied by a district within the county [EC 47605]
 2. Act as the appeals board for the nonrenewal of a charter school petition authorized by a district governing board [EC 47607]
 3. Act as the appeals board for the revocation of a charter school petition by a district governing board [EC 47607]
 4. Act as the appeals board for an interdistrict transfer attendance request denied by a district governing board [EC

46601]

5. Act as the appeals board for a student expulsion ordered by a district governing board [EC 48919].

H. Other Services to Districts

(a) The County Board has the discretion to do the following:

1. Consider for approval the County Superintendent's proposal to study, or join with school districts to study, the future management, conditions, needs, and financial support of the schools within the county [EC 1260]
2. Consider for approval the County Superintendent's proposal to install and maintain exhibits of educational programs and activities of the school districts within the county at any county fair or agricultural district fair [EC 1260]
3. Consider for approval the County Superintendent's proposal to inform and make known to the citizens of the county the educational programs and activities of school districts in the county [EC 1260]
4. 102. Consider for approval the County Superintendent's proposal to provide in-service programs and coordination services for district and community college governing boards or board associations in the county [EC 1260].

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