

## **BOARD POLICIES AND BYLAWS**

### **County Board's Responsibility**

The Monterey County Board of Education (County Board) shall adopt written policies to convey its expectations for actions that will be taken by the Monterey County Office of Education (MCOE) within its authority, clarify roles and responsibilities of the County Board, and communicate County Board philosophy and positions to the students, staff, parents/guardians and the community.

*(cf. 9000 - Role of the Board)*

County Board policies and bylaws shall be consistent with the laws of California and be developed with the concern for the most efficient and constructive operation of the education programs and services of MCOE. The County Board encourages members of the community to contribute information and opinions for consideration and to propose revisions to policy.

The County Board's policies shall promote student learning and achievement, provide for consistent and fair treatment of students, and proactively address the provision of equal access to opportunities for all students.

*(cf. 0415 - Equity)*

*(cf. 0460 - Local Control and Accountability Plan)*

The County Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. No MCOE policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

### **Administrative Regulations**

It is the responsibility of the Monterey County Superintendent of Schools (County Superintendent) or designee to develop and enforce administrative regulations for the operation of MCOE. Administrative regulations provide details and instruction to staff to provide guidance on the implementation of County Board policies. The County Superintendent or designee also may develop procedures, manuals, handbooks, or other guides to carry out the intent of County Board policies.

### **Policy Development and Adoption Process**

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

1. New or Revised Policies

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, an incident that has arisen within the jurisdiction of the County Board, or a recommendation or request from the County Superintendent of Schools, a parent/guardian, or other interested person.

A new or revised policy may be proposed by a County Board member, the Monterey County Superintendent of Schools (County Superintendent), or by a member of the staff making such request through the office of the County Superintendent. The specific writing of the proposed policy shall be prepared as directed by the County Board President.

It is important in the writing of a policy that all available expertise and pertinent information be utilized. The County Superintendent or designee and a Policy Committee appointed by the County Board President will normally be assigned to accomplish this task.

Periodically the California School Board Association (CSBA) issues sample policies that have been affected by changes in the law or court decisions. The CSBA format, titling and numbering system shall be used as a guide in the development of County Board policies and bylaws.

## 2. Board By-Laws

The County Board shall adopt rules and regulations for its own governance consistent with state law and regulations. [Education Code 1040] Bylaws governing County Board operations will be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of County Board policy.

## 3. Procedures for Approving New or Revised Policies and Bylaws

Except for minor corrections, all new or revised policies or bylaws shall be adopted through the process of two readings at regularly or specially scheduled Board meetings with adoption no earlier than the second reading. Recommendations or alteration may be discussed orally at any reading. Changes will be incorporated as proposed and approved. New or changed policies and bylaws shall be adopted by a two-thirds vote of all the County Board members present.

## 4. Review of Policies

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

Board meetings. Annually, or as directed by the President of the County Board, all County Board policies shall be reviewed and revised as necessary.

5. Suspension/Deletion of Policies

A Board policy or bylaw may need to be deleted for a variety of reasons, including changes or deletions of state or federal law, or a change or discontinuation of an MCOE program or practice. Deletion of a Board policy shall require approval by a two-thirds vote by the County Board members who are present.

No County Board policy, bylaw, 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 policy or portion of a policy is found to be invalid, the invalid policy or portion shall be deleted by County Board action at a regular meeting.

6. Temporary Suspension of a Policy or Bylaw

A Board Policy may be temporarily suspended by the following procedure:

- a. It must be on the agenda for Board action.
- b. Action is approved by two-thirds vote of all County Board members present.
- c. The policy or bylaw is suspended only for the meeting in which action to suspend takes place.

A request for temporary suspension of a policy or bylaw does not need to be agendaized if:

- a. There is urgency to act (requires unanimous vote). A matter is deemed urgent if it arose after the posting of the agenda, and cannot wait until the next County Board meeting.
- b. The matter is an emergency (requires unanimous vote). A matter is deemed an emergency if failure to act would prevent the operation of a school or other MCOE facility.

### Access to Policies

A public copy of the policy manual shall be maintained electronically on MCOE's website and by paper copy. The Deputy Superintendent is responsible for dissemination of new or revised Board policies to MCOE staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised.

*Legal Reference:*

*EDUCATION CODE*  
1015 *Voting requirements*

- 1040 (a) Adopt rules and regulations for the county board's own government*
- 1042 (a) Adopt rules and regulations governing the administration of the office of the county superintendent of schools*
- 35160-35160.2 Authority of governing boards*

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