
FRESNO COUNTY BOARD OF EDUCATION

Board Bylaws**ROLE OF THE BOARD**

The County Board provides leadership and citizen input for county office of education educational programs and services.

Major roles of the County Board include:

1. Working with the County Superintendent to establish the direction and priorities for those matters that are within the County Board's authority.
2. Providing community leadership on behalf of the county office of education and public education.
3. Maintaining a cooperative and supporting working relationship with local school districts and their governing boards, and the community.
4. Collaborating with the County Superintendent to implement the vision, goals, and policies of those matters that are within the County Board's authority.

To fulfill its responsibilities, the County Board shall exercise such authority and take such actions as required by law, including but not limited to, the following:

1. Adopt rules and regulations consistent with the law and the County Board's vision and goals for its own government. (Education Code 1040.)
2. Adopt and update a conflict of interest code for County Board members and designated consultants. (Government Code 87300.)
3. Keep a record of County Board proceedings, including all votes of the County Board. (Education Code 1015, 1040.)
4. Conduct the biennial election of the County Board. (Education Code 1007, 5000.)
5. Adopt a course of study for county community schools and juvenile court schools as recommended by the County Superintendent. (Education Code 1983, 48645.3.)
6. Approve the annual budget of the County Superintendent. (Education Code 1040.)
7. Fix the salary of the County Superintendent and approve any increase in the salary, financial remuneration, benefits, or pension of the County Superintendent. (California Constitution, Art. IX, § 3.1; Education Code 1209.)
8. Review the report of the annual audit provided for the County Superintendent at a regularly scheduled public meeting. (Education Code 1040.)
9. Review the interim budget reports presented by the County Superintendent.

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(Education Code 1240.)

10. On or before October 15 of each year, adopt a resolution to identify the estimated appropriations limit for the county office of education for the current fiscal year and the actual appropriations limit for the county office of education for the preceding fiscal year. (Education Code 1629.)
11. Approve disposal of any item of personal property worth over \$25,000 that belongs to the county office of education. (Education Code 1279.)
12. For schools and programs under the County Board's authority, hold public hearing and adopt a local control and accountability plan ("LCAP") and any updates thereto. (Education Code 52067, 52068.)
13. Upon an appeal, consider student expulsion ordered by a school district governing board. (Education Code 48919.)
14. Upon an appeal, consider inter-district transfer attendance request denied by a school district governing board. (Education Code 46601.)
15. Upon an appeal, consider a charter school petition that has been denied, non-renewed, or revoked by a school district within the county. (Education Code 47605, 47607.)
16. Upon the filing of a petition, consider a petition to establish a charter school to serve students for whom the county office of education would otherwise be responsible for providing direct education and related services. (Education Code 47605.5.)
17. Upon the filing of a petition, consider a petition to establish a countywide charter school to provide instructional services that are not generally provided by a county office of education if the students that will benefit from those services cannot be served as well by a charter school that operates in only one school district within the county. (Education Code 47605.6.)

The County Board may exercise such other authority and take such other actions as permitted by law, including but not limited to, the following:

1. Adopt and use an official seal in authentication of the County Board's acts. (Education Code 1041.)
2. Have such printing done as may be necessary. (Education Code 1041.)
3. Acquire, lease, lease-purchase, hold, and convey real property for the purpose of housing the offices and the services of the County Superintendent. (Education Code 1042.)
4. Contract with and employ any persons for the furnishing to the County Board special services and advice in financial, economic, accounting, engineering,

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legal, or administrative matters if these persons are specially trained and experienced and competent to perform the special services required. (Education Code 1042.) The County Board may pay from any available funds such compensation to these persons as it deems proper for the services rendered. (Education Code 1042.)

5. Fill by appointment any vacancy that occurs during the term of office of the County Superintendent. (Education Code 1042.)
6. Fill by appointment any vacancy that occurs during the term of a member of the County Board. (Education Code 1008, 5091.)
7. Take action on any claim for damages presented in accordance with the provisions governing claims filed against public entities. (Government Code 912.4.)
8. Exercise the power of eminent domain to acquire any property necessary or convenient for carrying out the duties and responsibilities of the County Board. (Education Code 1047.)
9. Request the State Board of Education ("SBE") to waive all or any part of the Education Code or any regulation adopted by the SBE. (Education Code 33050.)
10. Determine the monthly compensation of members of the County Board. (Education Code 1090.)
11. Act by resolution to approve compensation to a County Board member who is absent from a County Board meeting if the absent member, at the time of the meeting, was performing services outside the meeting on behalf of the County Board, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the County Board. (Education Code 1090.)

The County Board may initiate and carry on any program or activity, or otherwise act in any manner which is not in conflict with, inconsistent with, or preempted by law and which is not in conflict with the purposes for which the County Board is established. (Education Code 35160.)

Adopted: 04/20/1995

Amended: 10/20/2011, 11/15/2018

Legal ReferenceEducation Code

- 1007 Elections of county board of education members
- 1008 Vacancies on county board of education; procedure for filling
- 1015 Recording of vote
- 1040 Duties and responsibilities; county boards of education
- 1041 Powers of county boards of education
- 1042 County boards of education; authority
- 1047 Eminent domain power of county board of education

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1090 Compensation for county board of education members
1209 Increase of salary, remuneration, benefits, or pension of county superintendent of schools
1240 Duties of county superintendent
1279 Disposal of personal property
1280 Budget revisions
1629 Resolution to identify appropriations limit
1983 Courses of study; classes and programs
5000 Regular biennial election
5091 Provisional appointment to fill vacancies or special election
33050-33053 Waiver authority
33319.5 Implementation of authority of local agencies
35160-35160.2 Authority of county boards
46601 Failure to approve interdistrict attendance; appeal to county board
47600-47616.5 Charter Schools Act of 1992, as amended
48645-48648 Juvenile court schools
48919 Expulsion and appeals to county board
52066-52068 Adoption of local control and accountability plan

Government Code

910-913.2 Presentation and consideration of claims
87300 Adoption of conflict of interest code

California Constitution

Art. IX, § 3.1 Qualifications and compensation of county superintendents

Management Resources**CSBA Publications**

Professional Governance Standards for County Boards, October 2014

California County Boards Of Education Publications

County Board Member Handbook: A Guide to Effective Governance, 2015

Web Sites

CSBA: <http://www.csba.org>

California County Boards of Education: <http://www.theccbe.org>