

Governing Board Authority and Responsibilities (SSDA 43)

Intent of Policy

The District Governing Board is granted authority pursuant to California law to represent the students, parents, and employees attending or working at a District school or program. This policy outlines the Board's general authority and responsibilities. This policy is not intended to be exhaustive, including only the Board's major functions. The Board is obligated to satisfy all applicable legal requirements.

General Authority

The Board may initiate and carry on any program, activity, or may 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 school districts are established, unless otherwise limited by law.

(Ed. Code § 35160; *T.H. v. San Diego Unified School Dist.* (2004) 122 Cal.App.4th 1267).

Minutes

The Board shall keep minutes of its meetings, and shall maintain a journal of its proceedings in which shall be recorded every official act taken.

(Ed. Code § 35163).

Hearings

The Board shall hold appropriate hearings as required by law. These hearings may be held in open or closed session as appropriate or otherwise required by law.

Property

The Board may sue and be sued, and hold and convey property for the use and benefit of the district.

(Ed. Code § 35162).

After giving first priority in leasing or renting vacant classroom space or other space to educational agencies for conducting special education programs and second priority to other educational agencies, the Board may enter into agreements to make vacant classrooms or other space in operating school buildings available for rent or lease to other school districts, educational agencies (except private educational institutions which maintain kindergarten or grades 1 to 12, inclusive), governmental units, nonprofit organizations, community agencies,

professional agencies, commercial and noncommercial firms, corporations, partnerships, businesses, and individuals, including during normal school hours if the school is in session.

(Ed. Code § 17527).

District Budget

On or before July 1 of each year, the Board shall accomplish the following:

1. Hold a public hearing conducted in accordance with Education Code § 42103 on the budget to be adopted for the subsequent fiscal year. The budget to be adopted shall be prepared in accordance with Education Code § 42126. The agenda for that hearing shall be posted at least 72 hours before the public hearing and shall include the location where the budget will be available for public inspection.
2. Adopt a budget. Not later than five days after that adoption or by July 1, whichever occurs first, the Board shall file that budget with the County Superintendent of Schools. The budget and supporting data shall be maintained and made available for public review. If the Board does not want all or a portion of the property tax requirement levied for the purpose of making payments for the interest and redemption charges on indebtedness as described in the California Constitution, the budget shall include a statement of the amount or portion for which a levy shall not be made. The Board shall not adopt a budget before the Board adopts a local control and accountability plan (LCAP), if an existing LCAP or annual update to a LCAP is not effective for the budget year. The Board shall not adopt a budget that does not include the expenditures necessary to implement the LCAP or the annual update to a LCAP that is effective for the budget year.

(Ed. Code 42120 *et seq.*).

Local Control and Accountability Plan

The Board shall adopt a local control and accountability plan using a template adopted by the State Board of Education.

(Ed. Code § 52060 *et seq.*).

Employee Administration

The Board is the employer for every District employee, unless otherwise required by law. Additionally, the Board is responsible for selecting, hiring, and evaluating the District superintendent.