

**Bylaw 9224: Oath Or Affirmation**

**Status:** ADOPTED

**Original Adopted Date:** 09/01/1991 | **Last Revised Date:** 03/01/2025 | **Last Reviewed Date:** 03/01/2025

CSBA NOTE: The oath or affirmation required of Governing Board members pursuant to Article 20, Section 3, of the California Constitution is the same as that required by Government Code 3100-3109 for public employees. See E(1) 4112.3/4212.3/4312.3 - Oath or Affirmation for the text of the oath. Government Code 1303 provides that any person who exercises any function of a public office, including the office of a Board member, without taking the oath of office is guilty of a misdemeanor. Additionally, Government Code 1367 prohibits payment of any compensation or reimbursement for any expenses to any individual who has not taken the oath or affirmation.

If an incoming Board member raises a concern about taking the oath or affirmation, it is recommended that the district consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Prior to entering upon the duties of the office of a Governing Board member or exercising any function of a Board member, each Board member shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

CSBA NOTE: In addition to the persons listed below, Education Code 60 specifies state- and local-level officers who may administer the oath.

The oath or affirmation may be administered and certified by a Board member, the secretary or assistant secretary to the Board, the Superintendent, the County Superintendent of Schools, the Superintendent of Public Instruction, or any other person authorized in Education Code 60 or Government Code 1225.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

CA Constitution Article 20, Section 3

Ed. Code 60

Gov. Code 1225

Gov. Code 1303

Gov. Code 1360-1369

Gov. Code 3100-3109

**Description**

[Oath of office](#)

[Persons authorized to administer and certify oaths](#)

Right to administer and certify oaths

[Exercising functions of office without having qualified](#)

[Oath of office](#)

[Oath or affirmation of allegiance](#)

**Management Resources**

Court Decision

Court Decision

Website

**Description**

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

[CSBA District and County Office of Education Legal Services](#)

**Cross References**

4112.3

4112.3-E(1)

4212.3

4212.3-E(1)

4312.3

4312.3-E(1)

9100

9110

**Description**

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[Terms Of Office](#)

**Cross References**

9220

9220-E(1)

9223

**Description**[Governing Board Elections](#)[Governing Board Elections](#)[Filling Vacancies](#)