

**West Park School District**  
Board Policy Manual

## Board Policy Manual

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**Bylaw 9000: Role Of The Board**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community.

The Board shall work with the Superintendent to fulfill its major responsibilities, which include:

1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement
2. Establishing an effective and efficient organizational structure for the district by:
  - a. Employing the Superintendent and setting policy for hiring of other personnel
  - b. Overseeing the development and adoption of policies
  - c. Establishing academic expectations and adopting the curriculum and instructional materials
  - d. Establishing budget priorities and adopting the budget
  - e. Providing safe, adequate facilities that support the district's instructional program
  - f. Setting parameters for negotiations with employee organizations and ratifying collective bargaining agreements
3. Providing support to the Superintendent and staff as they carry out the Board's direction by:
  - a. Establishing and adhering to standards of responsible governance
  - b. Making decisions and providing resources that support district priorities and goals
  - c. Upholding Board policies
  - d. Being knowledgeable about district programs and efforts in order to serve as effective spokespersons
4. Ensuring accountability to the public for the performance of the district's school by:
  - a. Evaluating the Superintendent and setting policy for the evaluation of other personnel
  - b. Monitoring and evaluating the effectiveness of policies
  - c. Serving as a judicial (hearing) and appeals body in accordance with law, Board policies, and negotiated agreements
  - d. Monitoring student achievement and program effectiveness and requiring program changes as necessary
  - e. Monitoring and adjusting district finances
  - f. Monitoring the collective bargaining process
5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

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**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 References

Ed. Code 12400-12405

Ed. Code 17565-17592.5

Ed. Code 33319.5

Ed. Code 35000

Ed. Code 35010

Ed. Code 35020-35046

Ed. Code 35100-35351

Ed. Code 35160-35178.4

Ed. Code 35291

Ed. Code 5304

### Description

Authority to participate in federal programs -

<https://simbli.eboardsolutions.com/SU/l9zV6llqBsUcjUFT30Bw3g==>

Board duties; management and control of school property -

<https://simbli.eboardsolutions.com/SU/slshLPmzplusmdSy2plusFbczKK1LGw==>

Implementation of authority of local agencies -

<https://simbli.eboardsolutions.com/SU/B2UfwhiQRLbsGaBrngHumw==>

District name -

<https://simbli.eboardsolutions.com/SU/SifvHrJmnsIsh3jAQkJM5s0Vw==>

Control of district; prescription and enforcement of rules -

<https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHIMKVYv3kBA==>

Officers and agents -

<https://simbli.eboardsolutions.com/SU/zPUh1PYG3O7o8qWrvKdH8Q==>

Governing boards -

<https://simbli.eboardsolutions.com/SU/EpmYKtrcPR8hS5Yn7wMODg==>

Powers and duties -

<https://simbli.eboardsolutions.com/SU/eipZ2jXBSDKrnP2U67jIzQ==>

Rules (power of governing board) -

<https://simbli.eboardsolutions.com/SU/9APACQz6J0xxobjAYbTYaQ==>

Duties of governing board (re school district elections) -

<https://simbli.eboardsolutions.com/SU/sGYKrATnRN6YH1QWG3jx3g==>

### Management Resources References

CSBA Publication

National School Boards Association Publication

Website

Website

Website

### Description

Professional Governance Standards

The Key Work of School Boards, 2000

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>

National School Boards Association -

<https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==>

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Bylaw 9005: Governance Standards**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education
3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
8. Understand that authority rests with the Board as a whole and not with individuals

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students
2. Communicate a common vision
3. Operate openly, with trust and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board-adopted policies and procedures
6. Take collective responsibility for the Board's performance
7. Periodically evaluate its own effectiveness
8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

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**State References**

Ed. Code 35010

**Description**

Control of district; prescription and enforcement of rules -  
<https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHlMKVyyv3kBA==>

Ed. Code 35160	Authority of governing boards - <a href="https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==">https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==</a>
Ed. Code 35164	Actions by majority vote - <a href="https://simbli.eboardsolutions.com/SU/S5y793K3UzywyaslshlZXqcyA==">https://simbli.eboardsolutions.com/SU/S5y793K3UzywyaslshlZXqcyA==</a>
Gov. Code 1090	Financial interest in contract - <a href="https://simbli.eboardsolutions.com/SU/lhjQLVPTVc4HzjUlgJAoTw==">https://simbli.eboardsolutions.com/SU/lhjQLVPTVc4HzjUlgJAoTw==</a>
Gov. Code 1098	Disclosure of confidential information - <a href="https://simbli.eboardsolutions.com/SU/KAjhoUBFjAdTPaUjBwTDLw==">https://simbli.eboardsolutions.com/SU/KAjhoUBFjAdTPaUjBwTDLw==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 87300-87313	Conflict of interest code - <a href="https://simbli.eboardsolutions.com/SU/YaQbxMYA749OVplusgURs6YDA==">https://simbli.eboardsolutions.com/SU/YaQbxMYA749OVplusgURs6YDA==</a>

### **Management Resources References**

CSBA Publication

Website

Website

### **Description**

Professional Governance Standards

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

## Bylaw 9010: Public Statements

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the responsibility of Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the district, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding district issues, Board members are expected to respect the authority of the Board to choose its representatives to communicate its positions and to abide by established protocols.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

When speaking for the district, the Board encourages its spokespersons to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the Board's leadership.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board. (Government Code 54963)

When speaking to community groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

In addition, the Board encourages members who participate on social networking sites, blogs, or other discussion or informational sites to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for district students and the community. Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

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### State References

Ed. Code 35010

Gov. Code 54960

Gov. Code 54963

Gov. Code 7920.000-7930.170

### Description

Control of district; prescription and enforcement of rules -

<https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHIMKVyv3kBA==>

Actions to stop or prevent violation of meeting provisions -

<https://simbli.eboardsolutions.com/SU/dJwtAslshI9MUMtMEac6cplusv4A==>

Unauthorized disclosure of confidential information -

<https://simbli.eboardsolutions.com/SU/17hF4slshHe25WRtwf7Cqwxcg==>

California Public Records Act -

<https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TEg==>

### Management Resources References

Website

### Description

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

## Bylaw 9011: Disclosure Of Confidential/Privileged Information

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

### Disclosure of Closed Session Information

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

### Other Disclosures

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. (Government Code 1098)

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities. (Government Code 1098)

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### State References

### Description

Ed. Code 35010	Control of district; prescription and enforcement of rules - <a href="https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHIMKVyv3kBA==">https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHIMKVyv3kBA==</a>
Ed. Code 35146	Closed sessions regarding suspensions - <a href="https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==">https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==</a>
Evid. Code 1040	Privilege for official information - <a href="https://simbli.eboardsolutions.com/SU/zzP8H9bgV9hAHjNplusAVPV4w==">https://simbli.eboardsolutions.com/SU/zzP8H9bgV9hAHjNplusAVPV4w==</a>
Gov. Code 1098	Disclosure of confidential information - <a href="https://simbli.eboardsolutions.com/SU/KAjhoUBFjAdTPaUjBwTDLw==">https://simbli.eboardsolutions.com/SU/KAjhoUBFjAdTPaUjBwTDLw==</a>
Gov. Code 3549.1	Meeting and negotiating in public educational employment - <a href="https://simbli.eboardsolutions.com/SU/4ISUFAQvc4Vi2A1kBvpNRA==">https://simbli.eboardsolutions.com/SU/4ISUFAQvc4Vi2A1kBvpNRA==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plusOXDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plusOXDQweT5vBx4GSg==</a>
Gov. Code 54956.8	Open meeting laws - <a href="https://simbli.eboardsolutions.com/SU/6vErFEfdUIFBCVJIOTyoDQ==">https://simbli.eboardsolutions.com/SU/6vErFEfdUIFBCVJIOTyoDQ==</a>



Gov. Code 54956.9	Closed meeting for pending litigation - <a href="https://simbli.eboardsolutions.com/SU/2BMGmZNt15A6CGYlcATDFg==">https://simbli.eboardsolutions.com/SU/2BMGmZNt15A6CGYlcATDFg==</a>
Gov. Code 54957	Complaints against employees; right to open session - <a href="https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==">https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==</a>
Gov. Code 54957.1	Subsequent public report and rollcall vote; employee matters in closed session - <a href="https://simbli.eboardsolutions.com/SU/Qewj6slshFwZ2PoRdZ4Tcbwz==">https://simbli.eboardsolutions.com/SU/Qewj6slshFwZ2PoRdZ4Tcbwz==</a>
Gov. Code 54957.5	Public records - <a href="https://simbli.eboardsolutions.com/SU/7vEZRhIGDWCGTK6d07W9pQ==">https://simbli.eboardsolutions.com/SU/7vEZRhIGDWCGTK6d07W9pQ==</a>
Gov. Code 54957.6	Closed session; representatives with employee organization - <a href="https://simbli.eboardsolutions.com/SU/MkNHdhmwOzofoaWq9tbc5Q==">https://simbli.eboardsolutions.com/SU/MkNHdhmwOzofoaWq9tbc5Q==</a>
Gov. Code 54957.7	Reasons for closed session - <a href="https://simbli.eboardsolutions.com/SU/CfplusOhvoyuMslshfpluseErXEmmHg==">https://simbli.eboardsolutions.com/SU/CfplusOhvoyuMslshfpluseErXEmmHg==</a>
Gov. Code 54963	Unauthorized disclosure of confidential information - <a href="https://simbli.eboardsolutions.com/SU/17hF4slshHe25WRtwf7Cqwxcg==">https://simbli.eboardsolutions.com/SU/17hF4slshHe25WRtwf7Cqwxcg==</a>
Gov. Code 7920.000-7930.170	California Public Records Act - <a href="https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==">https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==</a>

#### **Management Resources References**

Attorney General Opinion	80 Ops.Cal.Atty.Gen. 231 (1997)
CSBA Publication	Professional Governance Standards
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Bylaw 9012: Board Member Electronic Communications**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board recognizes that electronic communication is an efficient and convenient way for Board members to communicate and expedite the exchange of information within the district and with members of the public. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting, circumvent the public's right to access records regarding district business, or restrict access to a public forum.

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members may engage in separate conversations or communications with members of the public on a social media platform to answer questions, provide information, or solicit information regarding a matter that is within the subject matter jurisdiction of the Board, as long as a majority of the Board does not use the platform to discuss among themselves any business of a specific nature that is within the subject matter jurisdiction of the Board. A Board member is prohibited from responding directly to any communication from other Board members regarding matters that are within the subject matter jurisdiction of the Board or using digital icons (e.g., "likes" or emojis) to express reactions to communications made by other Board members. (Government Code 54952.2)

Whenever a Board member uses a social media platform to communicate with the public about district business or Board activities, the Board member shall not block access to a member of the public based on the viewpoint expressed by that individual.

Board members may use electronic communications to discuss matters that do not pertain to district business, regardless of the number of Board members participating in the discussion.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that the response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process. As appropriate, communication received from the media shall be forwarded to the designated district spokesperson.

To the extent possible, electronic communications regarding any district-related business shall be transmitted through a district-provided device or account. When any such communication is transmitted through a Board member's personal device or account, the Board member shall copy the communication to a district electronic storage device for easy retrieval.

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**State References**

**Description**

Ed. Code 35140

Time and place of meetings -  
<https://simbli.eboardsolutions.com/SU/plusHetylslshjHwnJGoo4EQByAg==>

Ed. Code 35145

Public meetings -  
<https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==>

Ed. Code 35145.5

Agenda; public participation and regulations -  
<https://simbli.eboardsolutions.com/SU/FsPALBrAtQJnP93DNC8ixQ==>

Ed. Code 35147

Open meeting laws exceptions -  
<https://simbli.eboardsolutions.com/SU/3Z0fFX6vLxaH72oPiEaUPg==>

Gov. Code 11135	Prohibition of discrimination - <a href="https://simbli.eboardsolutions.com/SU/PcUFWMcCJnzBrKAL0EtfQ==">https://simbli.eboardsolutions.com/SU/PcUFWMcCJnzBrKAL0EtfQ==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 54952.2	Meeting; defined - <a href="https://simbli.eboardsolutions.com/SU/FaxV0vQpbORslshl5jqwd6yOA==">https://simbli.eboardsolutions.com/SU/FaxV0vQpbORslshl5jqwd6yOA==</a>
Gov. Code 54953	Meetings to be open and public; attendance - <a href="https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==">https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==</a>
Gov. Code 54954.2	Agenda posting requirements; board actions - <a href="https://simbli.eboardsolutions.com/SU/VAimRCpWiUrVYZv97qXYgg==">https://simbli.eboardsolutions.com/SU/VAimRCpWiUrVYZv97qXYgg==</a>
Gov. Code 7920.000-7930.170	California Public Records Act - <a href="https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==">https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==</a>

### **Management Resources References**

Attorney General Publication	<b>Description</b> The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Knight First Amendment Institute at Columbia University v. Trump, (2019) 928 F.3d 226
Court Decision	Garnier v. Poway Unified School District, (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA Publication	Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	CSBA, GAMUT Meetings - <a href="https://simbli.eboardsolutions.com/SU/HcQqDq1qgLwgU1m5iwomVA==">https://simbli.eboardsolutions.com/SU/HcQqDq1qgLwgU1m5iwomVA==</a>
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Bylaw 9100: Organization**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Annual Organizational Meeting**

Each year, the Governing Board shall hold an annual organizational meeting. In any year in which a regular election of district Board members is conducted, the organizational meeting shall be held within a 15-day period beginning from the date upon which a Board member elected at that election takes office. During non-election years, the meeting shall be held within the same 15-day period on the calendar. (Education Code 35143)

The day and time of the annual meeting shall be selected by the Board at its regular meeting held immediately prior to the first day of the 15-day period. On behalf of the Board, the Superintendent shall notify the County Superintendent of Schools of the day and time selected. Within 15 days prior to the date of the annual meeting, the clerk of the Board, with the assistance of the Superintendent, shall notify in writing all Board members and members-elect of the date and time selected for the meeting. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk and/or vice president from its members
2. Appoint the Superintendent as secretary to the Board
3. Authorize signatures
4. Approve a schedule of regular meetings for the year and a Board governance calendar stating the time when the Board will address important governance matters
5. Designate Board representatives to serve on committees or commissions of the district, other public agencies, or organizations with which the district partners or collaborates
6. Review and/or consider resources that define and clarify the Board's governance and leadership roles and responsibilities including, but not limited to, governance standards, meeting protocols, Board rules and bylaws, and other Board development materials

**Election of Officers**

The Board shall each year elect its entire slate of officers.

No Board member shall serve more than two consecutive year(s) in the same office.

The election of Board officers shall be conducted during an open session of the annual organizational meeting.

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**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 References**

	Description
Ed. Code 35143	Annual organizational meetings; date and notice - <a href="https://simbli.eboardsolutions.com/SU/R3eS7W5kafhKH6pHgWrICQ==">https://simbli.eboardsolutions.com/SU/R3eS7W5kafhKH6pHgWrICQ==</a>
Ed. Code 35145	Public meetings - <a href="https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==">https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==</a>
Ed. Code 5017	Term of office - <a href="https://simbli.eboardsolutions.com/SU/yiONxLEt1mdGRZTlxPqyTg==">https://simbli.eboardsolutions.com/SU/yiONxLEt1mdGRZTlxPqyTg==</a>
Gov. Code 54953	Meetings to be open and public; attendance - <a href="https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==">https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==</a>

**Management Resources References**

	Description
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 619 (1976)

Attorney General Opinion

68 Ops.Cal.Atty.Gen. 65 (1985)

Website

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

**Bylaw 9110: Terms Of Office**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board shall consist of five members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each even-numbered year.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election. (Education Code 5017)

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code 5000)

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1360; Education Code 5017)

**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 References**

**Description**

Ed. Code 35010	Control of district; prescription and enforcement of rules - <a href="https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHlMKVyy3kBA==">https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHlMKVyy3kBA==</a>
Ed. Code 35012	Board members; number, election and terms - <a href="https://simbli.eboardsolutions.com/SU/HMcvplusrfUE0Xhfn86Nm8d8Q==">https://simbli.eboardsolutions.com/SU/HMcvplusrfUE0Xhfn86Nm8d8Q==</a>
Ed. Code 35107	School district employees - <a href="https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTlw==">https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTlw==</a>
Ed. Code 5000-5033	Election of school district board members - <a href="https://simbli.eboardsolutions.com/SU/kY20mslshziudX5XKQTWiRSNA==">https://simbli.eboardsolutions.com/SU/kY20mslshziudX5XKQTWiRSNA==</a>
Elec. Code 10400-10418	Consolidation of elections - <a href="https://simbli.eboardsolutions.com/SU/ObNIYmhT1Q8YGS5qC0oOYg==">https://simbli.eboardsolutions.com/SU/ObNIYmhT1Q8YGS5qC0oOYg==</a>
Elec. Code 1302	Local elections; school district election - <a href="https://simbli.eboardsolutions.com/SU/oK16iSuaMQ5DUESvqNS1dw==">https://simbli.eboardsolutions.com/SU/oK16iSuaMQ5DUESvqNS1dw==</a>
Elec. Code 14050-14057	California Voter Participation Rights Act - <a href="https://simbli.eboardsolutions.com/SU/F1ceVlhi1JxjslshYuWy1x8AA==">https://simbli.eboardsolutions.com/SU/F1ceVlhi1JxjslshYuWy1x8AA==</a>
Gov. Code 1302	Continuance in office until qualification of successor - <a href="https://simbli.eboardsolutions.com/SU/iSjslshO9mupOcuWvslshEyTjUUQ==">https://simbli.eboardsolutions.com/SU/iSjslshO9mupOcuWvslshEyTjUUQ==</a>
Gov. Code 1303	Exercising functions of office without having qualified - <a href="https://simbli.eboardsolutions.com/SU/GjcQ94ghnK8rrlpAPs5ehw==">https://simbli.eboardsolutions.com/SU/GjcQ94ghnK8rrlpAPs5ehw==</a>
Gov. Code 1360	Necessity of taking constitutional oath - <a href="https://simbli.eboardsolutions.com/SU/2jvjJO5aMpzYW61PxivDwg==">https://simbli.eboardsolutions.com/SU/2jvjJO5aMpzYW61PxivDwg==</a>

**Management Resources References**

**Description**

Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsXk6R5akQ==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Bylaw 9121: President**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board shall elect a president from among its members to provide leadership on behalf of the Board and the educational community it serves.

The president shall preside at all Board meetings. He/she shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the Board in its proper order
3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
5. Explain what the effect of a motion would be if it is not clear to every member
6. Restrict discussion to the question when a motion is before the Board
7. Rule on issues of parliamentary procedure
8. Put motions to a vote, and state clearly the results of the vote
9. Be responsible for the orderly conduct of all Board meetings

The president shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts and orders necessary to carry out state requirements and the will of the Board
2. Consulting with the Superintendent or designee on the preparation of the Board's agendas
3. Working with the Superintendent to ensure that Board members have necessary materials and information
4. Subject to Board approval, appointing and dissolving all committees
5. Calling such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law
6. Representing the district as governance spokesperson, in conjunction with the Superintendent

The president shall have the same rights as other members of the Board, including the right to move, second, discuss and vote on all questions before the Board.

When the president resigns or is absent or disabled, the clerk shall perform the president's duties. When both the president and clerk are absent or disabled, the Board shall choose a president pro tempore to perform the president's duties.

**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 References**

Ed. Code 35022

Ed. Code 35143

**Description**

President of the board -

<https://simbli.eboardsolutions.com/SU/YCm8D2ENokvMAH1slshAmeaplug==>

Annual organizational meetings; date and notice -

<https://simbli.eboardsolutions.com/SU/R3eS7W5kafhKH6pHgWrlCQ==>

Gov. Code 54950-54963

The Ralph M. Brown Act -

<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>

### **Management Resources References**

CSBA Publication

CSBA Publication

CSBA Publication

Website

Website

### **Description**

Call to Order: A Blueprint for Great Board Meetings, 2018

Professional Governance Standards

Board Presidents' Handbook, revised 2002

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>



**Bylaw 9122: Secretary**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board shall appoint the Superintendent to serve as secretary to the Board. The secretary to the Board shall be responsible for maintaining an accurate and complete record of all Board proceedings and shall:

1. Prepare, distribute and maintain the Board agenda
2. Record, distribute and maintain the Board minutes
3. Maintain Board records and documents
4. Conduct official correspondence for the Board
5. As directed by the Board, sign and execute official papers
6. Perform other duties as assigned by the Board

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**State References**

Ed. Code 35025

**Description**

Secretary and bookkeeper -  
<https://simbli.eboardsolutions.com/SU/DbYXARVcE7xtlQ7VqS67vw==>

Ed. Code 35143

Annual organizational meetings; date and notice -  
<https://simbli.eboardsolutions.com/SU/R3eS7W5kafhKH6pHgWrlCQ==>

Ed. Code 35250

Duty to keep certain records -  
<https://simbli.eboardsolutions.com/SU/OCNdSb65lqPslshplzWPipnwg==>

Gov. Code 54950-54963

The Ralph M. Brown Act -  
<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>

**Management Resources References**

CSBA Publication

**Description**

Professional Governance Standards

Website

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Bylaw 9123: Clerk**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board shall elect a clerk from its own membership at the annual organizational meeting. (Education Code 35143)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign documents on behalf of the district as directed by the Board
4. Serve as presiding officer in the absence of the president
5. Notify Board members and members-elect of the date and time for the annual organizational meeting
6. Perform any other duties assigned by the Board

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**State References**

**Description**

Ed. Code 17593	Repair and supervision of property (duty of district clerk) - <a href="https://simbli.eboardsolutions.com/SU/sfluxBbY0ZdKW9EwDrjSRw==">https://simbli.eboardsolutions.com/SU/sfluxBbY0ZdKW9EwDrjSRw==</a>
Ed. Code 35038	Appointment of clerk by county superintendent of schools - <a href="https://simbli.eboardsolutions.com/SU/gHimXh0Wo7sJvmJye3i04w==">https://simbli.eboardsolutions.com/SU/gHimXh0Wo7sJvmJye3i04w==</a>
Ed. Code 35039	Dismissal of clerk - <a href="https://simbli.eboardsolutions.com/SU/gPplusjzZ4KNaslsHlshQDVIbTqqw==">https://simbli.eboardsolutions.com/SU/gPplusjzZ4KNaslsHlshQDVIbTqqw==</a>
Ed. Code 35121	Appointment of clerk in certain city and high school districts - <a href="https://simbli.eboardsolutions.com/SU/pl1RHslshlOdGLd6rkEQ94d3Q==">https://simbli.eboardsolutions.com/SU/pl1RHslshlOdGLd6rkEQ94d3Q==</a>
Ed. Code 35143	Annual organizational meetings; date and notice - <a href="https://simbli.eboardsolutions.com/SU/R3eS7W5kafhKH6pHgWrlCQ==">https://simbli.eboardsolutions.com/SU/R3eS7W5kafhKH6pHgWrlCQ==</a>
Ed. Code 35250	Duty to keep certain records - <a href="https://simbli.eboardsolutions.com/SU/OCNdSb65lqPslshplzWPipnwg==">https://simbli.eboardsolutions.com/SU/OCNdSb65lqPslshplzWPipnwg==</a>
Ed. Code 38113	Duty of clerk (re provision of school supplies) - <a href="https://simbli.eboardsolutions.com/SU/yG5w3y2XFRkaOc5yfbI3Rg==">https://simbli.eboardsolutions.com/SU/yG5w3y2XFRkaOc5yfbI3Rg==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQWeT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQWeT5vBx4GSg==</a>

**Management Resources References**

**Description**

CSBA Publication	Professional Governance Standards
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Bylaw 9124: Attorney**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may contract with county counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.

**Duties of Legal Counsel**

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

**Retaining Legal Counsel**

When the district is seeking legal advice or representation, the Superintendent or designee shall initiate a list of qualified legal firms for Board consideration and approval. The Board and Superintendent shall consider the firm's or attorney's background, experience, and reputation in education law; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

The Board and Superintendent shall annually evaluate the performance of the firm and/or attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. Upon a successful evaluation, the Board may renew the agreement with legal counsel.

The Board may also contract for temporary, specialized legal services when a majority of the Board determines that the unique demands of a particular issue or emergency situation so requires.

**Contacting Legal Counsel**

At his/her discretion, the Board president or Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board.

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**State References**

**Description**

Ed. Code 35041

Administrative adviser -  
<https://simbli.eboardsolutions.com/SU/Vq05GqcT0i7Lze5Df8sn5A==>

Ed. Code 35041.5

Legal counsel -  
<https://simbli.eboardsolutions.com/SU/JMgRHfLyT3TkUlsShulOhiTg==>

Ed. Code 35161

Board delegation of any powers or duties -  
<https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBsIshMOQ==>

Ed. Code 35200-35214	Liabilities - <a href="https://simbli.eboardsolutions.com/SU/6BkNJy81QHZDnJLHzKMK0g==">https://simbli.eboardsolutions.com/SU/6BkNJy81QHZDnJLHzKMK0g==</a>
Ed. Code 35204	Contract with attorney in private practice - <a href="https://simbli.eboardsolutions.com/SU/irIX4qUNWLsPUplusIWDLQTXw==">https://simbli.eboardsolutions.com/SU/irIX4qUNWLsPUplusIWDLQTXw==</a>
Ed. Code 35205	Contract for legal services - <a href="https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==">https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==</a>
Gov. Code 26520	Legal services to school districts - <a href="https://simbli.eboardsolutions.com/SU/PCL8jSEUX60slsholBip5gTwQ==">https://simbli.eboardsolutions.com/SU/PCL8jSEUX60slsholBip5gTwQ==</a>
Gov. Code 53060	Special services and advice - <a href="https://simbli.eboardsolutions.com/SU/7T7sFblKV6rel4IFp43jCg==">https://simbli.eboardsolutions.com/SU/7T7sFblKV6rel4IFp43jCg==</a>
Gov. Code 814-895.8	Liability of public entities and public employees - <a href="https://simbli.eboardsolutions.com/SU/oDrUWB4B0SplusRs8Jx6ZmWgA==">https://simbli.eboardsolutions.com/SU/oDrUWB4B0SplusRs8Jx6ZmWgA==</a>
Gov. Code 995-996.6	Defense of public employees - <a href="https://simbli.eboardsolutions.com/SU/3wdDqwynYONWPBqypbUzbA==">https://simbli.eboardsolutions.com/SU/3wdDqwynYONWPBqypbUzbA==</a>

### **Management Resources References**

	<b>Description</b>
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
National School Boards Association Publication	Selecting and Working with a School Attorney: A Guide for School Boards, 1997
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	State Bar of California - <a href="https://simbli.eboardsolutions.com/SU/HeXYVIVNHfX4izN0mRp2fg==">https://simbli.eboardsolutions.com/SU/HeXYVIVNHfX4izN0mRp2fg==</a>
Website	California Council of School Attorneys - <a href="https://simbli.eboardsolutions.com/SU/esZp2XebReOtGoslshZJmM3dA==">https://simbli.eboardsolutions.com/SU/esZp2XebReOtGoslshZJmM3dA==</a>
Website	National School Boards Association - <a href="https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==">https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Bylaw 9130: Board Committees**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board may establish a committee whenever it determines that such a committee would benefit the district by providing diverse viewpoints, specialized knowledge or expertise, or increased efficiency. Such committees may be subcommittees of the Board or committees that include members of the community, staff, or other stakeholder groups.

Upon establishing a committee, the Board shall clearly define the committee's purpose, any timeline for completion of assigned responsibilities, any stakeholder groups or individuals to be represented on the committee, length of time that committee members are expected to serve, and expectations for reporting to the Board and/or the Superintendent or designee. Unless specifically authorized by the Board to act on its behalf, the committee shall act in an advisory capacity.

Except for subcommittees of the Board, committee members shall, as appropriate, be recommended by the Superintendent or designee and appointed by the Board president, subject to Board approval.

The Superintendent or designee shall provide committee members with information and assistance necessary for the fulfillment of the committee's charges, and may serve as a non-voting advisor to the committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and agencies.

Any committee not required by law may be dissolved when its duties or term has been completed or whenever the Board deems necessary.

**Committee Meetings**

Unless otherwise exempted by law, Board-created committees shall provide public notice of their meetings and conduct meetings in accordance with Government Code 54950-54963 (the Brown Act).

However, Board subcommittees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees. Standing committees of the Board, irrespective of membership, are those that have a continuing subject matter jurisdiction or a meeting schedule established by action of the Board. (Government Code 54952)

Standing committees with a continuing subject matter jurisdiction include, but are not limited to, those responsible for providing advice on budgets, audits, Board policy, contracts, and personnel matters at the Board's request.

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

Whenever any advisory or standing committee, including a committee not otherwise subject to the Brown Act, posts a meeting agenda at least 72 hours in advance of the meeting, that meeting shall be considered as a regular meeting of the Board for purposes of the Brown Act and therefore must be held within district boundaries unless otherwise authorized by law. (Government Code 54954)

Committees may meet in a closed session during a regular or special meeting only for those purposes specifically authorized by law for closed sessions held by the Board.

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**State References**

Ed. Code 35010

**Description**

Control of district; prescription and enforcement of rules -  
<https://simbli.eboardsolutions.com/SU/OQVSplusCEZXMHlMKVYv3kBA==>

Ed. Code 35024	Executive committee - <a href="https://simbli.eboardsolutions.com/SU/mgKuwcioDiuiX9Anl5X8JA==">https://simbli.eboardsolutions.com/SU/mgKuwcioDiuiX9Anl5X8JA==</a>
Ed. Code 35160	Authority of governing boards - <a href="https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==">https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==</a>
Ed. Code 35160.1	Broad authority of school districts - <a href="https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==">https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 54952	Legislative body; definition - <a href="https://simbli.eboardsolutions.com/SU/RgFto700eZlek60xH6P9YQ==">https://simbli.eboardsolutions.com/SU/RgFto700eZlek60xH6P9YQ==</a>
Gov. Code 54952.2	Meeting; defined - <a href="https://simbli.eboardsolutions.com/SU/FaxV0vQpbORslshl5jqwd6yOA==">https://simbli.eboardsolutions.com/SU/FaxV0vQpbORslshl5jqwd6yOA==</a>
Gov. Code 54954	Time and place of regular meetings - <a href="https://simbli.eboardsolutions.com/SU/VfWpXvZdZ1PMI4GM6Vr1eg==">https://simbli.eboardsolutions.com/SU/VfWpXvZdZ1PMI4GM6Vr1eg==</a>
Gov. Code 54954.3	Opportunity for public to address legislative body - <a href="https://simbli.eboardsolutions.com/SU/9tmQ3fD85XtoLZj5dg6MyA==">https://simbli.eboardsolutions.com/SU/9tmQ3fD85XtoLZj5dg6MyA==</a>
Gov. Code 54957	Complaints against employees; right to open session - <a href="https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==">https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==</a>

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Attorney General Opinion	<b>Description</b> 79 Ops.Cal.Atty.Gen. 69 (1996)
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Court Decision	Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	National School Boards Association - <a href="https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==">https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==</a>
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**Bylaw 9140: Board Representatives**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board recognizes that effective performance of its community leadership responsibilities may require its participation in district or community committees on matters of concern to the district and its students. As needed, the Board may appoint any of its members to serve as its representative on a district committee or on a committee of another public agency or organization of which the Board or district is a member or to which the Board is invited to participate.

When making such appointments, the Board shall clearly specify the authority and responsibilities of the representative(s), including, but not limited to, reporting back to the Board regarding committee activities and/or actions. Board representatives shall not exercise the authority of the Board without prior Board approval.

If a committee discusses a topic on which the Board has taken a position, the Board member shall express the position of the Board. When contributing his/her own ideas or opinions, the representative shall clearly indicate that he/she is expressing his/her individual idea or opinion.

**Board Representative to Elect Members of County Committee on School District Organization**

At its annual organizational meeting, the Board shall designate one Board member as its representative to elect members to the county committee on school district organization. (Education Code 35023)

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**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 References**

Ed. Code 35020-35046

Ed. Code 35160

Ed. Code 4000-4014

Gov. Code 54952.2

**Description**

Officers and agents -

<https://simbli.eboardsolutions.com/SU/zPUh1PYG3O7o8qWrvKdH8Q==>

Authority of governing boards -

<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==>

County committees on school district organization -

<https://simbli.eboardsolutions.com/SU/25QZ0JdOZdfWNR0wshA3g==>

Meeting; defined -

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**Management Resources References**

California Department of Education Publication

Website

**Description**

California Department of Education District Organization Handbook, 2010

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

**Bylaw 9200: Limits Of Board Member Authority**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the school or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

A Board member whose child is attending the district school should be aware of his/her role as a Board member when interacting with district employees about his/her child. Because his/her position as a Board member may inhibit the performance of school personnel, the Board member should inform the Superintendent or designee before volunteering in his/her child's classroom.

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the Brown Act. (Government Code 54952.1)

**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 References**

**Description**

Ed. Code 200-262.4	Prohibition of discrimination - <a href="https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==">https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==</a>
Ed. Code 35010	Control of district; prescription and enforcement of rules - <a href="https://simbli.eboardsolutions.com/SU/OQVSppplusCEZXMHlMKVyy3kBA==">https://simbli.eboardsolutions.com/SU/OQVSppplusCEZXMHlMKVyy3kBA==</a>
Ed. Code 35100-35351	Governing boards - <a href="https://simbli.eboardsolutions.com/SU/EpmyKtrcPR8hS5Yn7wMODg==">https://simbli.eboardsolutions.com/SU/EpmyKtrcPR8hS5Yn7wMODg==</a>
Ed. Code 35160-35178.4	Powers and duties - <a href="https://simbli.eboardsolutions.com/SU/eipZ2jXBSDKrnP2U67jlzQ==">https://simbli.eboardsolutions.com/SU/eipZ2jXBSDKrnP2U67jlzQ==</a>
Ed. Code 35291	Rules (power of governing board) - <a href="https://simbli.eboardsolutions.com/SU/9APACQz6J0xxobjAYbTYaQ==">https://simbli.eboardsolutions.com/SU/9APACQz6J0xxobjAYbTYaQ==</a>
Ed. Code 35292	Visits to schools (Board members) - <a href="https://simbli.eboardsolutions.com/SU/2qLEfjSM5EGFwIKa5aCOzw==">https://simbli.eboardsolutions.com/SU/2qLEfjSM5EGFwIKa5aCOzw==</a>
Ed. Code 51101	Rights of parents/guardians - <a href="https://simbli.eboardsolutions.com/SU/rH6Qy7FBIX2piKQIQ5tH2Q==">https://simbli.eboardsolutions.com/SU/rH6Qy7FBIX2piKQIQ5tH2Q==</a>
Ed. Code 7054	Use of district property; campaign purposes - <a href="https://simbli.eboardsolutions.com/SU/zsQbGD629AZeslshbpluserHcegA==">https://simbli.eboardsolutions.com/SU/zsQbGD629AZeslshbpluserHcegA==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 54952.1	Member of a legislative body of a local agency - <a href="https://simbli.eboardsolutions.com/SU/CQAgnxwPUVUN2c0fZiWaww==">https://simbli.eboardsolutions.com/SU/CQAgnxwPUVUN2c0fZiWaww==</a>
Gov. Code 54952.7	Copies of chapter to members of legislative body - <a href="https://simbli.eboardsolutions.com/SU/kyYkZzY30n5ycLOsyDK06A==">https://simbli.eboardsolutions.com/SU/kyYkZzY30n5ycLOsyDK06A==</a>



**Management Resources References**

CSBA Publication

Website

Website

**Description**

Professional Governance Standards

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Bylaw 9220: Governing Board Elections**

**Status:** DRAFT

**Original Adopted Date:** Pending

Any person is eligible to be a member of the Governing Board, without further qualifications, if he/she is 18 years of age or older, a citizen of California, a resident of the school district, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her employment before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

**Electing Board Members**

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

To ensure ongoing compliance with the California and federal Voting Rights Acts, the Board may review the district's Board election method to determine whether any modification is necessary due to changes in the district's population or any of its racial, color, or language minority group composition. The review shall be based on the Superintendent or designee's report to the Board after the release of each decennial federal census.

If the Board determines that a change is necessary, it shall adopt a resolution at an open meeting specifying the change(s) and shall, in accordance with Education Code 5019 or other applicable provisions of law, obtain approval from the county committee on school district organization having jurisdiction over the district.

**Campaign Conduct**

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

**Statement of Qualifications**

The district shall assume no part of the cost of printing, handling, translating, or mailing of candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

**Tie Votes in Board Member Elections**

Before each election, the Board shall establish whether a potential tie is to be resolved by lot or with a runoff election. (Education Code 5016)

After an election for which the Board has decided to resolve a tie by lot, the Board shall immediately notify the

candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)

After an election for which the Board has decided to resolve a tie with a runoff election, the Board shall schedule the runoff election in accordance with law. (Education Code 5016)

**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 References

## Description

CA Constitution Article 2, Section 2	Voters; qualifications - <a href="https://simbli.eboardsolutions.com/SU/KKLw0OnoP51tFVmcD0r0cw==">https://simbli.eboardsolutions.com/SU/KKLw0OnoP51tFVmcD0r0cw==</a>
CA Constitution Article 7, Section 7	Conflicting offices - <a href="https://simbli.eboardsolutions.com/SU/w2GJWnE8euW42mslshEhP4pdA==">https://simbli.eboardsolutions.com/SU/w2GJWnE8euW42mslshEhP4pdA==</a>
CA Constitution Article 7, Section 8	Disqualification from office - <a href="https://simbli.eboardsolutions.com/SU/Q4yREwplusyW3K8LD1GiJq8Eg==">https://simbli.eboardsolutions.com/SU/Q4yREwplusyW3K8LD1GiJq8Eg==</a>
Ed. Code 1006	Prohibition against school district employees serving on county board of education - <a href="https://simbli.eboardsolutions.com/SU/Qnj8lKKU84qMv8ZX5ZPu1w==">https://simbli.eboardsolutions.com/SU/Qnj8lKKU84qMv8ZX5ZPu1w==</a>
Ed. Code 35107	School district employees - <a href="https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vylv1tRuTlw==">https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vylv1tRuTlw==</a>
Ed. Code 35177	Campaign expenditures or contributions - <a href="https://simbli.eboardsolutions.com/SU/hQxX14KxX437QhhXzsMoAA==">https://simbli.eboardsolutions.com/SU/hQxX14KxX437QhhXzsMoAA==</a>
Ed. Code 35239	Compensation of governing board member of districts with less than 70 ADA - <a href="https://simbli.eboardsolutions.com/SU/duRrUDXplusKBeplustr5Vq9R3RA==">https://simbli.eboardsolutions.com/SU/duRrUDXplusKBeplustr5Vq9R3RA==</a>
Ed. Code 5000-5033	Election of school district board members - <a href="https://simbli.eboardsolutions.com/SU/kY20mslshziudX5XKQTWiRSNA==">https://simbli.eboardsolutions.com/SU/kY20mslshziudX5XKQTWiRSNA==</a>
Ed. Code 5091	Vacancies; petition for special election - <a href="https://simbli.eboardsolutions.com/SU/plus4rjb4kpslshDhhHXCplus4nmX3A==">https://simbli.eboardsolutions.com/SU/plus4rjb4kpslshDhhHXCplus4nmX3A==</a>
Ed. Code 5220-5231	Elections - <a href="https://simbli.eboardsolutions.com/SU/ksYYHWSdiSDSdfVylU4F9A==">https://simbli.eboardsolutions.com/SU/ksYYHWSdiSDSdfVylU4F9A==</a>
Ed. Code 5300-5304	General provisions; conduct of elections - <a href="https://simbli.eboardsolutions.com/SU/q38BdkJ0glFkXNJ7K1ghHw==">https://simbli.eboardsolutions.com/SU/q38BdkJ0glFkXNJ7K1ghHw==</a>
Ed. Code 5320-5329	Order and call of elections - <a href="https://simbli.eboardsolutions.com/SU/iNsOfFlb472CplusRGtGSYhoA==">https://simbli.eboardsolutions.com/SU/iNsOfFlb472CplusRGtGSYhoA==</a>
Ed. Code 5340-5345	Consolidation of elections - <a href="https://simbli.eboardsolutions.com/SU/jqA5HrdeyXPUeHhTwlWSXg==">https://simbli.eboardsolutions.com/SU/jqA5HrdeyXPUeHhTwlWSXg==</a>
Ed. Code 5360-5363	Election notice - <a href="https://simbli.eboardsolutions.com/SU/7fGhtURRu8snTobJYOZLplusQ==">https://simbli.eboardsolutions.com/SU/7fGhtURRu8snTobJYOZLplusQ==</a>
Ed. Code 5380	Compensation; election officer - <a href="https://simbli.eboardsolutions.com/SU/ybFOME0plusTDFsLWgKk8E1xQ==">https://simbli.eboardsolutions.com/SU/ybFOME0plusTDFsLWgKk8E1xQ==</a>
Ed. Code 5390	Qualifications of voters - <a href="https://simbli.eboardsolutions.com/SU/YbYBV1K5BJIm5hUPvQeuRg==">https://simbli.eboardsolutions.com/SU/YbYBV1K5BJIm5hUPvQeuRg==</a>
Ed. Code 5420-5426	Cost of elections - <a href="https://simbli.eboardsolutions.com/SU/PU8HbqFGbT3JUzuXqkWI4w==">https://simbli.eboardsolutions.com/SU/PU8HbqFGbT3JUzuXqkWI4w==</a>
Ed. Code 5440-5442	Miscellaneous provisions - <a href="https://simbli.eboardsolutions.com/SU/ILslsho0Wpd5555dwjYFqBr7w==">https://simbli.eboardsolutions.com/SU/ILslsho0Wpd5555dwjYFqBr7w==</a>
Ed. Code 7054	Use of district property; campaign purposes - <a href="https://simbli.eboardsolutions.com/SU/zsQbGD629AZeslshbpluserHcegA==">https://simbli.eboardsolutions.com/SU/zsQbGD629AZeslshbpluserHcegA==</a>
Elec. Code 10010	District boundaries - <a href="https://simbli.eboardsolutions.com/SU/gLJ9QbNh1Jvc7uPYmMtq3g==">https://simbli.eboardsolutions.com/SU/gLJ9QbNh1Jvc7uPYmMtq3g==</a>

Elec. Code 10400-10418	Consolidation of elections - <a href="https://simbli.eboardsolutions.com/SU/ObNIYmhT1Q8YGS5qC0oOYg==">https://simbli.eboardsolutions.com/SU/ObNIYmhT1Q8YGS5qC0oOYg==</a>
Elec. Code 10509	Notice of election by secretary - <a href="https://simbli.eboardsolutions.com/SU/WfKi2ni6aslshHKGr0plusrnslnshZZQ==">https://simbli.eboardsolutions.com/SU/WfKi2ni6aslshHKGr0plusrnslnshZZQ==</a>
Elec. Code 10600-10604	School district elections - <a href="https://simbli.eboardsolutions.com/SU/xRJvHFtBhmdfdslshl26WedhQ==">https://simbli.eboardsolutions.com/SU/xRJvHFtBhmdfdslshl26WedhQ==</a>
Elec. Code 11000	Recall of officers - <a href="https://simbli.eboardsolutions.com/SU/Mi5jw1KReUFwphOad67kbw==">https://simbli.eboardsolutions.com/SU/Mi5jw1KReUFwphOad67kbw==</a>
Elec. Code 1302	Local elections; school district election - <a href="https://simbli.eboardsolutions.com/SU/oK16iSuaMQ5DUESvqNS1dw==">https://simbli.eboardsolutions.com/SU/oK16iSuaMQ5DUESvqNS1dw==</a>
Elec. Code 13307	Candidate's statement - <a href="https://simbli.eboardsolutions.com/SU/OW8seorUHDcTR739od5oog==">https://simbli.eboardsolutions.com/SU/OW8seorUHDcTR739od5oog==</a>
Elec. Code 13308	Candidate's statement contents - <a href="https://simbli.eboardsolutions.com/SU/CRAslshplus3IAFI1mxBFrxvPlfw==">https://simbli.eboardsolutions.com/SU/CRAslshplus3IAFI1mxBFrxvPlfw==</a>
Elec. Code 13309	Candidate's statement; indigence - <a href="https://simbli.eboardsolutions.com/SU/XG0iOXcslshlZ0w99JUzhjtWw==">https://simbli.eboardsolutions.com/SU/XG0iOXcslshlZ0w99JUzhjtWw==</a>
Elec. Code 14025-14032	California Voting Rights Act - <a href="https://simbli.eboardsolutions.com/SU/xrZJZ9JVYLpNp1VZkaFTTg==">https://simbli.eboardsolutions.com/SU/xrZJZ9JVYLpNp1VZkaFTTg==</a>
Elec. Code 14050-14057	California Voter Participation Rights Act - <a href="https://simbli.eboardsolutions.com/SU/F1ceVlhi1JxjslshYuWy1x8AA==">https://simbli.eboardsolutions.com/SU/F1ceVlhi1JxjslshYuWy1x8AA==</a>
Elec. Code 20	Public office eligibility - <a href="https://simbli.eboardsolutions.com/SU/thbiDziiE2v5rVo00mWxA==">https://simbli.eboardsolutions.com/SU/thbiDziiE2v5rVo00mWxA==</a>
Elec. Code 20440	Code of Fair Campaign Practices - <a href="https://simbli.eboardsolutions.com/SU/Q3qk1J71zugBslshdW0Q2qX9g==">https://simbli.eboardsolutions.com/SU/Q3qk1J71zugBslshdW0Q2qX9g==</a>
Elec. Code 2201	Grounds for cancellation - <a href="https://simbli.eboardsolutions.com/SU/23plus1RPTjUO484AMyplusoMzdA==">https://simbli.eboardsolutions.com/SU/23plus1RPTjUO484AMyplusoMzdA==</a>
Elec. Code 4000-4008	Elections conducted wholly by mail
Gov. Code 1021	Conviction of crime - <a href="https://simbli.eboardsolutions.com/SU/ynuBuTwSWEyR6plusTbmX0GZQ==">https://simbli.eboardsolutions.com/SU/ynuBuTwSWEyR6plusTbmX0GZQ==</a>
Gov. Code 1097	Illegal participation in public contract - <a href="https://simbli.eboardsolutions.com/SU/yodDEm1leB85ZSDWs68KcQ==">https://simbli.eboardsolutions.com/SU/yodDEm1leB85ZSDWs68KcQ==</a>
Gov. Code 12940	Unlawful discriminatory employment practices - <a href="https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==">https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==</a>
Gov. Code 1770	Vacancy of office - <a href="https://simbli.eboardsolutions.com/SU/bcQHcdL6xbqaKEVv4wUfjg==">https://simbli.eboardsolutions.com/SU/bcQHcdL6xbqaKEVv4wUfjg==</a>
Gov. Code 81000-91014	Political Reform Act of 1974 - <a href="https://simbli.eboardsolutions.com/SU/YoRIO7U1CVMHSIRIJD6Piw==">https://simbli.eboardsolutions.com/SU/YoRIO7U1CVMHSIRIJD6Piw==</a>
Pen. Code 424	Embezzlement and falsification of accounts by public officers - <a href="https://simbli.eboardsolutions.com/SU/s3ZdylxMXY8wUvUi62SN9Q==">https://simbli.eboardsolutions.com/SU/s3ZdylxMXY8wUvUi62SN9Q==</a>
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Pen. Code 68	Bribes - <a href="https://simbli.eboardsolutions.com/SU/l6pluswlVMQfhUslshuphxzEplus1Q==">https://simbli.eboardsolutions.com/SU/l6pluswlVMQfhUslshuphxzEplus1Q==</a>
Pen. Code 74	Acceptance of gratuity - <a href="https://simbli.eboardsolutions.com/SU/zM4U1mQUDEUyxz9gu84Hiw==">https://simbli.eboardsolutions.com/SU/zM4U1mQUDEUyxz9gu84Hiw==</a>

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52 USC 10301-10508

## Description

Voting Rights Act

## Management Resources References

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Attorney General Opinion	85 Ops.Cal.Atty.Gen. 49 (2002)
Court Decision	Dusch v. Davis, (1967) 387 U.S. 112
Court Decision	Randall v. Sorrell, (2006) 126 S.Ct. 2479
Court Decision	Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223
Court Decision	Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660
CSBA Publication	Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	Institute for Local Government - <a href="https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqoPtfmA==">https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqoPtfmA==</a>
Website	Fair Political Practices Commission - <a href="https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==">https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==</a>
Website	California Secretary of State's Office - <a href="https://simbli.eboardsolutions.com/SU/boqYBvXk4Ayr0VpwsIsh5Z9FA==">https://simbli.eboardsolutions.com/SU/boqYBvXk4Ayr0VpwsIsh5Z9FA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Bylaw 9222: Resignation**

**Status:** DRAFT

**Original Adopted Date:** Pending

A member of the Governing Board who wishes to resign from the Board shall file a written resignation with the County Superintendent of Schools. (Education Code 5090)

The resigning Board member shall also notify the Board and give a copy of his/her written resignation to the Board secretary.

The resignation shall become effective when filed with the County Superintendent, except when a deferred effective date is specified in the resignation. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Once filed, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

A Board member who tenders his/her resignation with a deferred effective date shall, until the effective date of the resignation, continue to exercise all the powers of the office, except that he/she shall not have the right to vote for his/her successor in an action taken by the Board to make a provisional appointment. (Education Code 5091, 35178)

A Board member who resigns shall file, within 30 days of leaving office, a revised Statement of Economic Interest/Form 700 covering the period of time between the closing date of the last statement required to be filed and the date he/she leaves office. (Government Code 87302, 87500)

**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 References**

Ed. Code 35178

**Description**

Resignation with deferred effective date -  
<https://simbli.eboardsolutions.com/SU/YBXg7IE09INpOYfh4ieTg==>

Ed. Code 5090-5095

Vacancies on the board -  
<https://simbli.eboardsolutions.com/SU/VUuwYWZql0I0LGzOV5slsh9g==>

Gov. Code 1770

Vacancy of office -  
<https://simbli.eboardsolutions.com/SU/bcQHcdL6xbqaKEVv4wUfjg==>

Gov. Code 87300-87313

Conflict of interest code -  
<https://simbli.eboardsolutions.com/SU/YaObxMYA749OVplusgURs6YDA==>

Gov. Code 87500

Statement of economic interests -  
<https://simbli.eboardsolutions.com/SU/lhslshHcSLW2BOKPp9x6xzR7g==>

**Management Resources References**

CSBA Publication

**Description**

Filling a Board Vacancy, rev. 2022

Website

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Bylaw 9223: Filling Vacancies**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Events Causing a Vacancy**

A vacancy on the Governing Board may arise from any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of the office for the remainder of the term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer an effective date of resignation for more than 60 days after the date the resignation is filed with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office by recall (Elections Code 11000; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)
6. A Board member ceases to inhabit the trustee area represented on the Board (58 Ops.Cal.Atty.Gen. 888 (1975))
7. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
  - a. Upon district business with the approval of the Board
  - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days
  - c. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board
  - d. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve during the absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

8. A Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)
9. A Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

10. A Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)
11. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

### **Timelines for Filling a Vacancy**

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which the person was elected to fill. (Education Code 5093)
3. When a vacancy occurs outside of the statutory time windows identified in Items #1 and #2 above, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment. (Education Code 5091, 5093)

### **Eligibility**

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107, as described in BB 9220 - Governing Board Elections.

### **Provisional Appointments**

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by majority vote.

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and



shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

If within 30 days of the Board's appointment, registered voters of the district or, where elections are by trustee areas, of the trustee area submit a petition for special election which the County Superintendent determines to be legally sufficient, the provisional appointment is terminated, and a special election shall be held in accordance with Education Code 5091 to fill the vacancy.

### Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

**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 References

### Description

Ed. Code 35107	School district employees - <a href="https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTIw==">https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTIw==</a>
Ed. Code 35178	Resignation with deferred effective date - <a href="https://simbli.eboardsolutions.com/SU/YBXxg7IE09INpOYfh4ieTg==">https://simbli.eboardsolutions.com/SU/YBXxg7IE09INpOYfh4ieTg==</a>
Ed. Code 5000-5033	Election of school district board members - <a href="https://simbli.eboardsolutions.com/SU/kY20mslshziudX5XKQQTWiRSNA==">https://simbli.eboardsolutions.com/SU/kY20mslshziudX5XKQQTWiRSNA==</a>
Ed. Code 5090-5095	Vacancies on the board - <a href="https://simbli.eboardsolutions.com/SU/VUuwYWZql0I0LGzOV5slsh9g==">https://simbli.eboardsolutions.com/SU/VUuwYWZql0I0LGzOV5slsh9g==</a>
Ed. Code 5200-5208	Districts governed by boards of education - <a href="https://simbli.eboardsolutions.com/SU/plusmqtcE7coMOqvi8iNAPYg==">https://simbli.eboardsolutions.com/SU/plusmqtcE7coMOqvi8iNAPYg==</a>
Ed. Code 5300-5304	General provisions; conduct of elections - <a href="https://simbli.eboardsolutions.com/SU/q38BdkJ0glFkXNJ7K1ghHw==">https://simbli.eboardsolutions.com/SU/q38BdkJ0glFkXNJ7K1ghHw==</a>
Ed. Code 5320-5329	Order and call of elections - <a href="https://simbli.eboardsolutions.com/SU/iNsOfFlb472CplusRGtGSYhoA==">https://simbli.eboardsolutions.com/SU/iNsOfFlb472CplusRGtGSYhoA==</a>
Ed. Code 5340-5345	Consolidation of elections - <a href="https://simbli.eboardsolutions.com/SU/jqA5HrdeyXPUeHhTwIWSXg==">https://simbli.eboardsolutions.com/SU/jqA5HrdeyXPUeHhTwIWSXg==</a>
Ed. Code 5360-5363	Election notice - <a href="https://simbli.eboardsolutions.com/SU/7fGhtURRu8snTobJYOZLplusQ==">https://simbli.eboardsolutions.com/SU/7fGhtURRu8snTobJYOZLplusQ==</a>
Ed. Code 5420-5426	Cost of elections - <a href="https://simbli.eboardsolutions.com/SU/PU8HbqFGbT3JUzuXqkWI4w==">https://simbli.eboardsolutions.com/SU/PU8HbqFGbT3JUzuXqkWI4w==</a>
Ed. Code 5440-5442	Miscellaneous provisions - <a href="https://simbli.eboardsolutions.com/SU/ILslsho0Wpd5555dwjYFqBr7w==">https://simbli.eboardsolutions.com/SU/ILslsho0Wpd5555dwjYFqBr7w==</a>
Elec. Code 10600-10604	School district elections - <a href="https://simbli.eboardsolutions.com/SU/xRJvHFtBhmdfdslshl26WedhQ==">https://simbli.eboardsolutions.com/SU/xRJvHFtBhmdfdslshl26WedhQ==</a>
Elec. Code 11000-11386	Candidates for recall - <a href="https://simbli.eboardsolutions.com/SU/uellWY6OmIGHieslshWSQQkplusQ==">https://simbli.eboardsolutions.com/SU/uellWY6OmIGHieslshWSQQkplusQ==</a>
Gov. Code 1064	Absence from state - <a href="https://simbli.eboardsolutions.com/SU/G9RIRqtVK1qf3cV3AEouaw==">https://simbli.eboardsolutions.com/SU/G9RIRqtVK1qf3cV3AEouaw==</a>

Gov. Code 1770	Vacancy of office - <a href="https://simbli.eboardsolutions.com/SU/bcQHcdL6xbqaKEVv4wUfjg==">https://simbli.eboardsolutions.com/SU/bcQHcdL6xbqaKEVv4wUfjg==</a>
Gov. Code 3000-3003	Forfeiture of office - <a href="https://simbli.eboardsolutions.com/SU/WgTLplus4XRfCFCGslshubKw0Pbg==">https://simbli.eboardsolutions.com/SU/WgTLplus4XRfCFCGslshubKw0Pbg==</a>
Gov. Code 3060-3075	Removal other than by impeachment - <a href="https://simbli.eboardsolutions.com/SU/NNQiWBOvekQnSdRMZs7eSg==">https://simbli.eboardsolutions.com/SU/NNQiWBOvekQnSdRMZs7eSg==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 6061	Manner of notice as prescribed in designated section - <a href="https://simbli.eboardsolutions.com/SU/6Or4ToUkEfErAjPeIFYfng==">https://simbli.eboardsolutions.com/SU/6Or4ToUkEfErAjPeIFYfng==</a>
Pen. Code 88	Bribery; forfeiture from office - <a href="https://simbli.eboardsolutions.com/SU/oGBRzHhFzTI1slsh0bU5rP84w==">https://simbli.eboardsolutions.com/SU/oGBRzHhFzTI1slsh0bU5rP84w==</a>

### **Federal References**

18 USC 704

### **Description**

Military medals or decorations

### **Management Resources References**

Attorney General Opinion

Attorney General Opinion

CSBA Publication

Website

Website

Website

### **Description**

105 Ops.Cal.Atty.Gen. 182 (2022)

58 Ops.Cal.Atty.Gen. 888 (1975)

Filling a Board Vacancy, rev. 2022

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==>

California State Attorney General's Office, Quo Warranto Applications -  
<https://simbli.eboardsolutions.com/SU/plus0W6mhrGbhBsJI5dplus4ScSQ==>

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Bylaw 9224: Oath Or Affirmation**

**Status:** DRAFT

**Original Adopted Date:** Pending

Prior to entering upon the duties of their office, all Governing Board members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

The oath may be administered and certified by a Board member, the Superintendent, the County Superintendent of Schools or any other person authorized in Education Code 60.

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 References**

CA Constitution Article 20, Section 3

Ed. Code 60

Gov. Code 1303

Gov. Code 1360-1369

Gov. Code 3100-3109

**Description**

Oath of office -

<https://simbli.eboardsolutions.com/SU/R9x0MkoG204v94pkEU0Qng==>

Persons authorized to administer and certify oaths -

<https://simbli.eboardsolutions.com/SU/jl57Pgtpushj1B0RrNKDFKwQ==>

Exercising functions of office without having qualified -

<https://simbli.eboardsolutions.com/SU/GjcQ94ghnK8rrlpAPs5ehw==>

Oath of office -

<https://simbli.eboardsolutions.com/SU/XFVeX6AfJYSvJjlplusyzViAw==>

Oath or affirmation of allegiance -

<https://simbli.eboardsolutions.com/SU/wc53ykHj1dGv0704ZeFscg==>

**Management Resources References**

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 -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

**Bylaw 9230: Orientation**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Board Candidate Orientation**

The Governing Board desires to provide Board candidates with orientation that will enable them to understand the responsibilities and expectations of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities. He/she may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot statement information.

The Board encourages all candidates to attend public Board meetings during the period of their candidacy. Candidates shall have the same access as members of the public to district staff and information.

**New Board Member Orientation**

The Board shall convene a meeting to provide an orientation and information to incoming Board members to assist them in understanding the Board's functions, policies, procedures, protocols, and agreed-upon standards of conduct. Incoming Board members shall receive the district's policy manual and other materials related to the district and Board member responsibilities.

Upon their election, incoming Board members shall be provided a copy of the Brown Act and informed that, pursuant to Government Code 54952.1, they must conform to the Act's requirements as if they had already assumed office.

The Superintendent may provide incoming Board members with additional background and information regarding the district's vision and goals, operations, and current challenges in areas that include, but are not limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.

Incoming members are encouraged to attend Board meetings and review agenda materials available to the public in order to become familiar with current issues facing the district. Incoming members also may, at district expense and with approval of the Board, attend workshops and conferences relevant to their individual needs or to the needs of the Board as a whole or the district.

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**State References**

**Description**

Ed. Code 33360

Department of Education and statewide association of school district boards; annual workshops -  
<https://simbli.eboardsolutions.com/SU/cbruw3dbcW2UoQtVwveVaw==>

Ed. Code 33362-33363

Reimbursement of expenses; board member or member-elect -  
<https://simbli.eboardsolutions.com/SU/slshtMdEKlslshZ5N7RwK1ffo00A==>

Gov. Code 54950-54963

The Ralph M. Brown Act -  
<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>

Gov. Code 54952.1

Member of a legislative body of a local agency -  
<https://simbli.eboardsolutions.com/SU/CQAgnxwPUVUN2c0fZiWaww==>

Gov. Code 54952.2

Meeting; defined -  
<https://simbli.eboardsolutions.com/SU/FaxV0vQpbORslshl5jqwd6yOA==>

Gov. Code 54952.7

Copies of chapter to members of legislative body -  
<https://simbli.eboardsolutions.com/SU/kyYkZzY30n5ycLOsyDK06A==>

**Management Resources References**

**Description**

CSBA Publication

Professional Governance Standards for School Boards

CSBA Publication

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

Website

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Bylaw 9240: Board Training**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board believes that the Board's ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. Board members shall be provided sufficient opportunities for professional development that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.

The Board and/or the Superintendent or designee shall provide an orientation to newly elected or appointed Board members which includes comprehensive information regarding Board roles, policies, and procedures and the district's vision and goals, operations, and current challenges. Throughout their first term, Board members shall continue to participate in additional educational opportunities designed to assist them in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, labor relations, community relations, program evaluation, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

All Board members are encouraged to continuously participate in advanced training offered by the California School Boards Association in order to reinforce boardsmanship skills and build knowledge related to key education issues. Such activities may include online courses, webinars, webcasts, and in-person attendance at workshops and conferences. In addition, workshops and consultations may be held within the district on issues that involve the entire governance team.

Funds for board training shall be budgeted annually for the Board and each Board member. In selecting appropriate activities, the Board and/or individual Board members shall consider activities that are aligned with the district's vision and goals and the needs of the Board or individual member to obtain specific knowledge and skills. The Board shall annually develop a board training calendar in order to schedule and track board training activities and to schedule opportunities for Board members to report on the activities in which they participated.

Board members may attend a conference or similar public gathering with other Board members and/or with the Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team-building exercises. In such cases, a majority of the Board members shall not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the district's jurisdiction, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.

Board members shall report to the Board, orally or in writing, on the board training activities they attend, for the purpose of sharing the acquired knowledge or skills with the full Board and enlarging the benefit of the activity to the Board and district.

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**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 References**

**Description**

Gov. Code 54950-54963

The Ralph M. Brown Act -  
<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>

Gov. Code 54952.2

Meeting; defined -  
<https://simbli.eboardsolutions.com/SU/FaxV0vQpbORslshl5jqwd6yOA==>

**Management Resources References**

**Description**

CSBA Publication

Professional Governance Standards for School Boards

Website

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

California County Boards of Education -  
<https://simbli.eboardsolutions.com/SU/mBYiSVbPfsIshozMvDPid7e3A==>

Website

National School Boards Association -  
<https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Bylaw 9250: Remuneration, Reimbursement And Other Benefits**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Compensation**

The members of the Governing Board view their Board service as a voluntary contribution to the community and elect not to receive the compensation to which they are entitled pursuant to Education Code 35120.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. (Education Code 35120)

Board members are not required to accept payment for meetings attended.

Any member who does not attend all Board meetings during the month is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings he/she attended, unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

A member may be compensated for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 35120)

Student Board members shall receive no compensation for meetings attended. (Education Code 35012)

Whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting, the Board clerk or a member of the Board shall verbally announce the amount of any additional compensation or stipend that each member will be entitled to receive as a result of convening the simultaneous or serial meeting. (Government Code 54952.3)

**Reimbursement of Expenses**

Board members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the district. Expenses for travel, telephone, business meals, or other authorized purposes shall be in accordance with policies established for district personnel and at the same rate of reimbursement.

Board members shall be reimbursed for travel expenses incurred when performing services directed by the Board. (Education Code 35044)

Authorized purposes may include, but are not limited to, attendance at educational seminars or conferences designed to improve Board members' skills and knowledge; participation in regional, state, or national organizations whose activities affect the district's interests; attendance at district or community events; and meetings with state or federal officials on issues of community concern.

Personal expenses shall be the responsibility of individual Board members. Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the Board member on district-related business, personal use of an automobile, and personal losses and traffic violation fees incurred while on district business.

Any questions regarding the propriety of a particular type of expense should be resolved by the Superintendent or designee before the expense is incurred.

Board members may use district-issued credit cards while on official district business and consistent with the limits established for district personnel. Personal expenses shall not be charged on a district-issued credit card, even if the Board member intends to subsequently reimburse the district for the personal charges.

**Health and Welfare Benefits for Current Board Members**

Board members may participate in the health and welfare benefits program provided for district employees.

Health and welfare benefits for Board members shall be no greater than that received by the district's nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)



The district shall pay 100% of approved district health plans.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as specified in law and the health plan.

### Health and Welfare Benefits for Former Board Members

Former Board members may participate in the health and welfare benefits program provided for district employees under the conditions specified below.

Health and welfare benefits for former Board members shall be no greater than those received by district nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

Any former Board member leaving the Board after at least one term of office may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)

Health and welfare benefits provided to a former Board member shall be extended, at his/her expense and at the same level, to his/her spouse/registered domestic partner and eligible dependent children as specified in law and the health plan.

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**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 References

### Description

Ed. Code 33050-33053	General waiver authority - <a href="https://simbli.eboardsolutions.com/SU/Z43hmCst0gQT7SnBxRFv6g==">https://simbli.eboardsolutions.com/SU/Z43hmCst0gQT7SnBxRFv6g==</a>
Ed. Code 33362-33363	Reimbursement of expenses; board member or member-elect - <a href="https://simbli.eboardsolutions.com/SU/slshtMdEKlslshZ5N7RwK1ffo00A==">https://simbli.eboardsolutions.com/SU/slshtMdEKlslshZ5N7RwK1ffo00A==</a>
Ed. Code 35012	Board members; number, election and terms - <a href="https://simbli.eboardsolutions.com/SU/HMcVplusrfUE0Xhfn86Nm8d8Q==">https://simbli.eboardsolutions.com/SU/HMcVplusrfUE0Xhfn86Nm8d8Q==</a>
Ed. Code 35044	Payment of traveling expenses of representatives of board - <a href="https://simbli.eboardsolutions.com/SU/h38wsmsUr1FpvjWDs43AtQ==">https://simbli.eboardsolutions.com/SU/h38wsmsUr1FpvjWDs43AtQ==</a>
Ed. Code 35120	Course credit for student board members - <a href="https://simbli.eboardsolutions.com/SU/TVMZfzdCT1WdMDufFMAAtGg==">https://simbli.eboardsolutions.com/SU/TVMZfzdCT1WdMDufFMAAtGg==</a>
Ed. Code 35172	Promotional activities - <a href="https://simbli.eboardsolutions.com/SU/mVfx6wBztjEsmgOccplusEJNQ==">https://simbli.eboardsolutions.com/SU/mVfx6wBztjEsmgOccplusEJNQ==</a>
Ed. Code 44038	Cash deposits for transportation purchased on credit - <a href="https://simbli.eboardsolutions.com/SU/u69slshzOiuQfkwbET6gQcYyQ==">https://simbli.eboardsolutions.com/SU/u69slshzOiuQfkwbET6gQcYyQ==</a>
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - <a href="https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==">https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==</a>
Gov. Code 20322	Elective officers; election to become member - <a href="https://simbli.eboardsolutions.com/SU/w1UfX44XkaTneW91QuZOgA==">https://simbli.eboardsolutions.com/SU/w1UfX44XkaTneW91QuZOgA==</a>
Gov. Code 20420-20445	Membership in Public Employees' Retirement System; definition of safety employees - <a href="https://simbli.eboardsolutions.com/SU/xf32jQjyvMfoz8EndVNs8A==">https://simbli.eboardsolutions.com/SU/xf32jQjyvMfoz8EndVNs8A==</a>
Gov. Code 3543.7	Duty to meet and negotiate in good faith - <a href="https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgJU6R7A==">https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgJU6R7A==</a>
Gov. Code 53200-53209	Group insurance - <a href="https://simbli.eboardsolutions.com/SU/7KbOvzULPYbE0Z8NFfITUg==">https://simbli.eboardsolutions.com/SU/7KbOvzULPYbE0Z8NFfITUg==</a>
Gov. Code 54952.3	Simultaneous or serial meetings; announcement of compensation - <a href="https://simbli.eboardsolutions.com/SU/rEHkjmSMZeNslshRAttYV7BsQ==">https://simbli.eboardsolutions.com/SU/rEHkjmSMZeNslshRAttYV7BsQ==</a>
Gov. Code 8314	Use of public resources - <a href="https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==">https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==</a>

H&S Code 1373	Health services plan; coverage for dependent children - <a href="https://simbli.eboardsolutions.com/SU/6OerbTWfutiXr67plus9ATplusYA==">https://simbli.eboardsolutions.com/SU/6OerbTWfutiXr67plus9ATplusYA==</a>
Ins. Code 10277-10278	Group and individual health insurance; coverage for dependent children - <a href="https://simbli.eboardsolutions.com/SU/kq6Kc1iZQzEuplusIR5ikUVNQ==">https://simbli.eboardsolutions.com/SU/kq6Kc1iZQzEuplusIR5ikUVNQ==</a>

### **Federal References**

26 CFR 1.403(b)-2  
26 USC 403  
42 USC 18011

### **Description**

Tax-sheltered annuities; definition of employee  
Tax-sheltered annuities  
Right to maintain existing health coverage

### **Management Resources References**

Attorney General Opinion  
Attorney General Opinion  
Court Decision  
Court Decision  
Institute for Local Government Publication  
Internal Revenue Service Publication  
Website  
Website  
Website  
Website  
Website

### **Description**

83 Ops.Cal.Atty.Gen. 124 (2000)  
91 Ops.Cal.Atty.Gen. 37 (2008)  
Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598  
Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578  
Sample Expense and Use of Public Resources Policy Statement, January 2006  
Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013  
CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>  
Public Employees' Retirement System -  
<https://simbli.eboardsolutions.com/SU/vTYKk6bnVN4oQETslshPnplusqXQ==>  
Institute for Local Government -  
<https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpTtfmA==>  
Internal Revenue Service -  
<https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==>  
CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Exhibit 9250-E(1): Remuneration, Reimbursement And Other Benefits**

**Status:** DRAFT

**Original Adopted Date:** Pending

**RESOLUTION ON BOARD COMPENSATION FOR MISSED MEETINGS**

WHEREAS, the Governing Board of the West Park Elementary School District appreciates the services provided by members of the Board and provides compensation for meeting attendance in accordance with Education Code 35120 and Board Bylaw 9250; and

WHEREAS, Education Code 35120 provides that the monthly compensation provided to Board members shall be commensurate with the percentage of meetings attended during the month unless otherwise authorized by Board resolution; and

WHEREAS, Education Code 35120 specifies limited circumstances under which the Board is authorized to compensate a Board member for meetings he/she missed; and

WHEREAS, the Board finds that (name of Board member) did not attend the Board meeting(s) on (dates) for the following reason(s): (check applicable reasons)

☐ Performance of other designated duties for the district during the time of the meeting

☐ Illness or jury duty

☐ Hardship deemed acceptable by the Board

NOW THEREFORE BE IT RESOLVED that the Board of the West Park Elementary School District approves full compensation of the Board member for the month of \_\_\_\_\_.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a regular meeting, by the following vote:

AYES:\_\_\_\_\_ NOES:\_\_\_\_\_ ABSENT:\_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President

**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 References**

Ed. Code 33050-33053

Ed. Code 33362-33363

Ed. Code 35012

Ed. Code 35044

Ed. Code 35120

**Description**

General waiver authority -

<https://simbli.eboardsolutions.com/SU/Z43hmCst0gQT7SnBxRFv6g==>

Reimbursement of expenses; board member or member-elect -

<https://simbli.eboardsolutions.com/SU/slshtMdEKlslshZ5N7RwK1ffo00A==>

Board members; number, election and terms -

<https://simbli.eboardsolutions.com/SU/HMcplusrfUE0Xhfn86Nm8d8Q==>

Payment of traveling expenses of representatives of board -

<https://simbli.eboardsolutions.com/SU/h38wsmsUr1FpvjWDs43AtQ==>

Course credit for student board members -

<https://simbli.eboardsolutions.com/SU/TVMZfzdCT1WdMDufFMAAtGg==>

Ed. Code 35172	Promotional activities - <a href="https://simbli.eboardsolutions.com/SU/mVfx6wBztjEsmgOccplusEJNQ==">https://simbli.eboardsolutions.com/SU/mVfx6wBztjEsmgOccplusEJNQ==</a>
Ed. Code 44038	Cash deposits for transportation purchased on credit - <a href="https://simbli.eboardsolutions.com/SU/u69slshzOiuQfkwbET6gQcYyQ==">https://simbli.eboardsolutions.com/SU/u69slshzOiuQfkwbET6gQcYyQ==</a>
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - <a href="https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==">https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==</a>
Gov. Code 20322	Elective officers; election to become member - <a href="https://simbli.eboardsolutions.com/SU/w1UfX44XkaTneW91QuZOgA==">https://simbli.eboardsolutions.com/SU/w1UfX44XkaTneW91QuZOgA==</a>
Gov. Code 20420-20445	Membership in Public Employees' Retirement System; definition of safety employees - <a href="https://simbli.eboardsolutions.com/SU/xf32jQjyvMfzo8EndVNs8A==">https://simbli.eboardsolutions.com/SU/xf32jQjyvMfzo8EndVNs8A==</a>
Gov. Code 3543.7	Duty to meet and negotiate in good faith - <a href="https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgUJU6R7A==">https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgUJU6R7A==</a>
Gov. Code 53200-53209	Group insurance - <a href="https://simbli.eboardsolutions.com/SU/7KbOvzULPYbE0Z8NFfITUg==">https://simbli.eboardsolutions.com/SU/7KbOvzULPYbE0Z8NFfITUg==</a>
Gov. Code 54952.3	Simultaneous or serial meetings; announcement of compensation - <a href="https://simbli.eboardsolutions.com/SU/rEHkjmSMZeNslshRAttYV7BsQ==">https://simbli.eboardsolutions.com/SU/rEHkjmSMZeNslshRAttYV7BsQ==</a>
Gov. Code 8314	Use of public resources - <a href="https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==">https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==</a>
H&S Code 1373	Health services plan; coverage for dependent children - <a href="https://simbli.eboardsolutions.com/SU/6OerbTWfutjXr67plus9ATplusYA==">https://simbli.eboardsolutions.com/SU/6OerbTWfutjXr67plus9ATplusYA==</a>
Ins. Code 10277-10278	Group and individual health insurance; coverage for dependent children - <a href="https://simbli.eboardsolutions.com/SU/kq6Kc1iZQzEuplusIR5ikUVNQ==">https://simbli.eboardsolutions.com/SU/kq6Kc1iZQzEuplusIR5ikUVNQ==</a>

## Federal References

26 CFR 1.403(b)-2  
26 USC 403  
42 USC 18011

## Description

Tax-sheltered annuities; definition of employee  
Tax-sheltered annuities  
Right to maintain existing health coverage

## Management Resources References

Attorney General Opinion  
Attorney General Opinion  
Court Decision  
Court Decision  
Institute for Local Government Publication  
Internal Revenue Service Publication  
Website  
Website  
Website  
Website  
Website

## Description

83 Ops.Cal.Atty.Gen. 124 (2000)  
91 Ops.Cal.Atty.Gen. 37 (2008)  
Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598  
Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578  
Sample Expense and Use of Public Resources Policy Statement, January 2006  
Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013  
CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==>  
Public Employees' Retirement System -  
<https://simbli.eboardsolutions.com/SU/vTYKk6bnVN4oQETslshPnplusqXQ==>  
Institute for Local Government -  
<https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpPtfmA==>  
Internal Revenue Service -  
<https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==>  
CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Bylaw 9260: Legal Protection**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Liability Insurance**

The Governing Board shall provide insurance necessary to protect Board members and employees while acting within the scope of their office or employment in accordance with Education Code 35208.

**Protection Against Liability**

No Board member shall be liable for harm caused by his/her act or omission when acting within the scope of district responsibilities. The act or omission must be in conformity with federal, state and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736)

The protection against liability shall not apply when: (20 USC 6736)

1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The Board member caused harm by operating a motor vehicle.
3. The Board member was not properly licensed, if required, by the State for such activities.
4. The Board member was found by a court to have violated a federal or state civil rights law.
5. The Board member was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the Board member has been convicted in a court.

**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 References**

**Description**

Ed. Code 17029.5	Contract funding; board liability - <a href="https://simbli.eboardsolutions.com/SU/98slsh1GqFP4cptRWWFMJy1IQ==">https://simbli.eboardsolutions.com/SU/98slsh1GqFP4cptRWWFMJy1IQ==</a>
Ed. Code 35208	Liability insurance - <a href="https://simbli.eboardsolutions.com/SU/jbPgedY6klfN52VVSsM4Tg==">https://simbli.eboardsolutions.com/SU/jbPgedY6klfN52VVSsM4Tg==</a>
Ed. Code 35214	Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company) - <a href="https://simbli.eboardsolutions.com/SU/isHvplus173ehbqy3Bq8yWyYw==">https://simbli.eboardsolutions.com/SU/isHvplus173ehbqy3Bq8yWyYw==</a>
Gov. Code 1090-1098	Prohibitions applicable to specified officers - <a href="https://simbli.eboardsolutions.com/SU/f3JDDEPLuQqZQETrqELBpg==">https://simbli.eboardsolutions.com/SU/f3JDDEPLuQqZQETrqELBpg==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 815.3	Intentional torts - <a href="https://simbli.eboardsolutions.com/SU/OeGL9gTCRG8UY1QJKvapvQ==">https://simbli.eboardsolutions.com/SU/OeGL9gTCRG8UY1QJKvapvQ==</a>
Gov. Code 820-823	Tort claims act - <a href="https://simbli.eboardsolutions.com/SU/DqxneLjjmOxeplusXC4pU6Gg==">https://simbli.eboardsolutions.com/SU/DqxneLjjmOxeplusXC4pU6Gg==</a>
Gov. Code 825.6	Indemnification of public entity - <a href="https://simbli.eboardsolutions.com/SU/In88fGslshPvpluspluslmlTmAZdCQ==">https://simbli.eboardsolutions.com/SU/In88fGslshPvpluspluslmlTmAZdCQ==</a>

Gov. Code 87100-89503

**Federal References**

18 USC 16

20 USC 7941-7948

**Management Resources References**

Court Decision

Website

Conflicts of interest -

<https://simbli.eboardsolutions.com/SU/mYFChdFDgtU7wwubQ4ReCA==>

**Description**

Crime of violence; definition

Teacher liability protection

**Description**

Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

**Bylaw 9270: Conflict Of Interest**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

**Conflict of Interest under the Political Reform Act**

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

### **Additional Requirements for Boards that Manage Public Investments**

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

### **Conflict of Interest under Government Code 1090 - Financial Interest in a Contract**

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

### **Common Law Doctrine Against Conflict of Interest**

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

### **Incompatible Offices and Activities**

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

### **Gifts**



Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

## Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

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**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 References

## Description

2 CCR 18110-18997

Regulations of the Fair Political Practices Commission -  
<https://simbli.eboardsolutions.com/SU/ckslshwToJGinoK4QiVbLtJug==>

2 CCR 18438.1-18438.8

Campaign contribution-based conflicts of interest

2 CCR 18700-18760

Conflicts of Interest -  
<https://simbli.eboardsolutions.com/SU/h6CnVsMHk2STR4xUUmLXdQ==>

2 CCR 18722-18740

Disclosure of interests -  
<https://simbli.eboardsolutions.com/SU/oS5ntBvYlBsRzRhpXMufw==>

2 CCR 18753-18756

Conflict of interest codes -  
<https://simbli.eboardsolutions.com/SU/OvAHLXqDg5JTYYSZlpYE9A==>

Ed. Code 1006	Prohibition against school district employees serving on county board of education - <a href="https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==">https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==</a>
Ed. Code 35107	School district employees - <a href="https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTlw==">https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTlw==</a>
Ed. Code 35230-35240	Corrupt practices - <a href="https://simbli.eboardsolutions.com/SU/rQ0lRgyEv6Gplush0swvIBTgA==">https://simbli.eboardsolutions.com/SU/rQ0lRgyEv6Gplush0swvIBTgA==</a>
Ed. Code 35233	Prohibitions applicable to members of governing boards - <a href="https://simbli.eboardsolutions.com/SU/H7qwulE3iSJP4TXbYljp0Q==">https://simbli.eboardsolutions.com/SU/H7qwulE3iSJP4TXbYljp0Q==</a>
Ed. Code 41000-41003	Moneys received by school districts - <a href="https://simbli.eboardsolutions.com/SU/TIceuscR6cXiDUeVBNmmyQ==">https://simbli.eboardsolutions.com/SU/TIceuscR6cXiDUeVBNmmyQ==</a>
Ed. Code 41015	Investments - <a href="https://simbli.eboardsolutions.com/SU/F5ULiisshobUSFdALXMZJaplusQ==">https://simbli.eboardsolutions.com/SU/F5ULiisshobUSFdALXMZJaplusQ==</a>
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners - <a href="https://simbli.eboardsolutions.com/SU/6iGjMaPFFp4wp4W6U54VZg==">https://simbli.eboardsolutions.com/SU/6iGjMaPFFp4wp4W6U54VZg==</a>
Gov. Code 1090-1099	Prohibitions applicable to specified officers - <a href="https://simbli.eboardsolutions.com/SU/f3JDEPLuQqZQETrqELBpg==">https://simbli.eboardsolutions.com/SU/f3JDEPLuQqZQETrqELBpg==</a>
Gov. Code 1125-1129	Incompatible activities - <a href="https://simbli.eboardsolutions.com/SU/FlaPa3ZbplusrJlslshw7yMKmSxA==">https://simbli.eboardsolutions.com/SU/FlaPa3ZbplusrJlslshw7yMKmSxA==</a>
Gov. Code 53234-53235.2	Ethics training - <a href="https://simbli.eboardsolutions.com/SU/ZFntPslXJx3Cxi95slshKX66A==">https://simbli.eboardsolutions.com/SU/ZFntPslXJx3Cxi95slshKX66A==</a>
Gov. Code 81000-91014	Political Reform Act of 1974 - <a href="https://simbli.eboardsolutions.com/SU/YoRIO7U1CVMHSIRIJD6Piw==">https://simbli.eboardsolutions.com/SU/YoRIO7U1CVMHSIRIJD6Piw==</a>
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Gov. Code 82019	Definition; designated employee - <a href="https://simbli.eboardsolutions.com/SU/zplus8Q3o2R2NLwPmnxGAmkxg==">https://simbli.eboardsolutions.com/SU/zplus8Q3o2R2NLwPmnxGAmkxg==</a>
Gov. Code 82028	Definition; gift - <a href="https://simbli.eboardsolutions.com/SU/wilPLcORWDlvgnhliDZynw==">https://simbli.eboardsolutions.com/SU/wilPLcORWDlvgnhliDZynw==</a>
Gov. Code 82030	Definition; income - <a href="https://simbli.eboardsolutions.com/SU/FplusPyHCr3hjJUD41U6nOLsA==">https://simbli.eboardsolutions.com/SU/FplusPyHCr3hjJUD41U6nOLsA==</a>
Gov. Code 82033	Definition; interest in real property - <a href="https://simbli.eboardsolutions.com/SU/5r9L7AqxHYzQmhGplusxcplusemA==">https://simbli.eboardsolutions.com/SU/5r9L7AqxHYzQmhGplusxcplusemA==</a>
Gov. Code 82034	Definition; investment - <a href="https://simbli.eboardsolutions.com/SU/WRxjzTvVrjEAUNikbEPnaA==">https://simbli.eboardsolutions.com/SU/WRxjzTvVrjEAUNikbEPnaA==</a>
Gov. Code 84308	Campaign disclosure - <a href="https://simbli.eboardsolutions.com/SU/n7S3yU8cLVytag8uq23bQ==">https://simbli.eboardsolutions.com/SU/n7S3yU8cLVytag8uq23bQ==</a>
Gov. Code 87100-87103.6	General prohibitions - <a href="https://simbli.eboardsolutions.com/SU/KYRpklvplumZUQFVETDZZYjQ==">https://simbli.eboardsolutions.com/SU/KYRpklvplumZUQFVETDZZYjQ==</a>
Gov. Code 87200-87210	Disclosure - <a href="https://simbli.eboardsolutions.com/SU/9fOvPDI8gmw2zsShBbkXZw==">https://simbli.eboardsolutions.com/SU/9fOvPDI8gmw2zsShBbkXZw==</a>
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Gov. Code 89501-89503	Honoraria and gifts - <a href="https://simbli.eboardsolutions.com/SU/cwwtrq4bYUOUlHslshire6A2g==">https://simbli.eboardsolutions.com/SU/cwwtrq4bYUOUlHslshire6A2g==</a>
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Gov. Code 91000-91014  
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 Public Contract Code 6102  
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 Bribes - <https://simbli.eboardsolutions.com/SU/6jWV3VojGk2g74U8TlfEHA==>  
 Awarding of contracts  
 Taxable and exempt property - colleges - <https://simbli.eboardsolutions.com/SU/ugplusFRYQBslshrovCEVKiplusUAVA==>

## Management Resources References

	Description
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Attorney General Opinion	63 Ops.Cal.Atty.Gen. 868 (1980)
Attorney General Opinion	65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 327 (1998)
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Attorney General Opinion	85 Ops.Cal.Atty.Gen. 60 (2002)
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Attorney General Opinion	92 Ops.Cal.Atty.Gen. 26 (2009)
Court Decision	Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Court Decision	Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
Court Decision	Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235
Court Decision	Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655
CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission Publication	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government Publication	Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	Institute for Local Government - <a href="https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpTtfmA==">https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpTtfmA==</a>
Website	Fair Political Practices Commission - <a href="https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==">https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Exhibit 9270-E(1): Conflict Of Interest**

**Status:** DRAFT

**Original Adopted Date:** Pending

**RESOLUTION ADOPTING A  
CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the West Park Elementary School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the West Park Elementary School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the West Park Elementary School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a meeting, by the following vote:

AYES:\_\_\_\_\_ NOES:\_\_\_\_\_ ABSENT:\_\_\_\_\_

Attest:

\_\_\_\_\_

Secretary/President

**Conflict of Interest Code of the West Park Elementary School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

**APPENDIX**

**Disclosure Categories**

1. Category 1: A person designated Category 1 shall disclose:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
  - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been

within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.

2. Category 2: A person designated Category 2 shall disclose:

- a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
- b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a Site Administrator's department is his/her entire school.

3. Full Disclosure: Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
- b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

### **Designated Positions**

#### **Designated Position Disclosure Category**

Governing Board Members 1  
Superintendent of Schools 1  
Assistant/Associate Superintendent 1  
Purchasing Agent 1  
Director 2  
Site Administrator 2  
Assistant Site Administrator 2  
Maintenance and Operations Director 2  
Program Coordinator 2  
Project Specialist 2  
Supervisor 2  
Dean of Students 2

### **Disclosures for Consultants**

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

- 1. Approve a rate, rule, or regulation

2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18700.3)

**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 References

#### Description

2 CCR 18110-18997	Regulations of the Fair Political Practices Commission - <a href="https://simbli.eboardsolutions.com/SU/ckslshwToJGinoK4QiVbLtJug==">https://simbli.eboardsolutions.com/SU/ckslshwToJGinoK4QiVbLtJug==</a>
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	Conflicts of Interest - <a href="https://simbli.eboardsolutions.com/SU/h6CnVsMHk2STR4xUUmlXdQ==">https://simbli.eboardsolutions.com/SU/h6CnVsMHk2STR4xUUmlXdQ==</a>
2 CCR 18722-18740	Disclosure of interests - <a href="https://simbli.eboardsolutions.com/SU/oS5ntBvYlBsRzRhpXMufw==">https://simbli.eboardsolutions.com/SU/oS5ntBvYlBsRzRhpXMufw==</a>
2 CCR 18753-18756	Conflict of interest codes - <a href="https://simbli.eboardsolutions.com/SU/OvAHLXqDg5JTYYSZIpYE9A==">https://simbli.eboardsolutions.com/SU/OvAHLXqDg5JTYYSZIpYE9A==</a>
Ed. Code 1006	Prohibition against school district employees serving on county board of education - <a href="https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==">https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==</a>
Ed. Code 35107	School district employees - <a href="https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTlw==">https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTlw==</a>
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Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners - <a href="https://simbli.eboardsolutions.com/SU/6iGjMaPFFp4wp4W6U54VZg==">https://simbli.eboardsolutions.com/SU/6iGjMaPFFp4wp4W6U54VZg==</a>
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Gov. Code 53234-53235.2	Ethics training - <a href="https://simbli.eboardsolutions.com/SU/ZFntPslXJx3Cxi95slshKX66A==">https://simbli.eboardsolutions.com/SU/ZFntPslXJx3Cxi95slshKX66A==</a>

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Gov. Code 89506	Ethics; travel - <a href="https://simbli.eboardsolutions.com/SU/7slshMplusM7eXhSO5pp5aQ1aRIg==">https://simbli.eboardsolutions.com/SU/7slshMplusM7eXhSO5pp5aQ1aRIg==</a>
Gov. Code 91000-91014	Enforcement - <a href="https://simbli.eboardsolutions.com/SU/2r4ZPdL6Gx9AKnKo0KBxQg==">https://simbli.eboardsolutions.com/SU/2r4ZPdL6Gx9AKnKo0KBxQg==</a>
Pen. Code 85-88	Bribes - <a href="https://simbli.eboardsolutions.com/SU/6jWV3VojGk2g74U8TIfEHA==">https://simbli.eboardsolutions.com/SU/6jWV3VojGk2g74U8TIfEHA==</a>
Public Contract Code 6102	Awarding of contracts
Rev. & Tax Code 203	Taxable and exempt property - colleges - <a href="https://simbli.eboardsolutions.com/SU/ugplusFRYQBslshrovCEVKiplusUAVA==">https://simbli.eboardsolutions.com/SU/ugplusFRYQBslshrovCEVKiplusUAVA==</a>

## Management Resources References

Attorney General Opinion	105 Ops.Cal.Atty.Gen.69 (2022)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 868 (1980)
Attorney General Opinion	65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 327 (1998)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 83 (1999)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 60 (2002)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 138(2003)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 217 (2006)

## Description

Attorney General Opinion	92 Ops.Cal.Atty.Gen. 19 (2009)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 26 (2009)
Court Decision	Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Court Decision	Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
Court Decision	Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235
Court Decision	Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655
CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission Publication	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government Publication	Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	Institute for Local Government - <a href="https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dgoPtfmA==">https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dgoPtfmA==</a>
Website	Fair Political Practices Commission - <a href="https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==">https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>



**Bylaw 9310: Board Policies**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.

The 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 Board meetings.

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or district circumstances.

**Policy Development and Adoption Process**

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

1. The Board and/or Superintendent or designee 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 district vision or goals, educational research or trends, or a change in the superintendency or Board membership. The need may also occur as a result of an incident that has arisen in the district or a recommendation or request from staff or other interested persons.
2. As needed, the Superintendent or designee shall gather fiscal and other data, staff and public input, related district policies, sample policies from other organizations or agencies, and other useful information to fully inform the Board about the issue.
3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, how the proposed policy may affect student learning, community expectations, staff recommendations, fiscal impact, as well as the policy's impact on governance and operational efficiency.
4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.
5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

The district's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or to provide greater opportunities for consultation and public input.

Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

**Board Bylaws**

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

**Administrative Regulations**

The Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the district. Administrative regulations shall be consistent with law and Board policy and shall be

designed to promote the achievement of district goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other necessary provisions. The Superintendent or designee also may develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

When Board policies are amended, the Superintendent or designee shall review corresponding regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review and/or approve regulations for the purpose of ensuring conformity with the intent of Board policy.

### Monitoring and Evaluation

At the time a policy is adopted, the Board and Superintendent or designee shall determine whether an evaluation of the policy should be scheduled and, if so, shall agree upon a timeline and measures for evaluating the effectiveness of the policy in achieving its purpose.

### Access to Policies

The Superintendent or designee shall ensure that all district employees and the public have access to an up-to-date district policy manual. A public copy of the policy manual shall be maintained at the district central office and at each school site. These copies shall be maintained either electronically or by paper copy.

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate communications strategy depending on the issue.

### Suspension of Policies

No Board 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.

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**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 References

	Description
Ed. Code 35010	Control of district; prescription and enforcement of rules - <a href="https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHIMKVyv3kBA==">https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHIMKVyv3kBA==</a>
Ed. Code 35160	Authority of governing boards - <a href="https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==">https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==</a>
Ed. Code 35160.5	Intradistrict open enrollment - <a href="https://simbli.eboardsolutions.com/SU/T5wvD8YODaGaQmMjFQ7XplusQ==">https://simbli.eboardsolutions.com/SU/T5wvD8YODaGaQmMjFQ7XplusQ==</a>
Ed. Code 35163	Official actions, minutes and journal - <a href="https://simbli.eboardsolutions.com/SU/7APGMyznAnJOc6A3BG3eplusA==">https://simbli.eboardsolutions.com/SU/7APGMyznAnJOc6A3BG3eplusA==</a>
Ed. Code 35164	Actions by majority vote - <a href="https://simbli.eboardsolutions.com/SU/S5y793K3UzywyaslsHlZXqcyA==">https://simbli.eboardsolutions.com/SU/S5y793K3UzywyaslsHlZXqcyA==</a>

#### Management Resources References

	Description
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==</a>
Website	CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT Online), Policy Review Program, Individual D - <a href="https://simbli.eboardsolutions.com/SU/pluswBjjwo5ey8Xplusc1YAABZ9Q==">https://simbli.eboardsolutions.com/SU/pluswBjjwo5ey8Xplusc1YAABZ9Q==</a>

**Notice References**

Unique Policy

**Description**

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

**Bylaw 9320: Meetings And Notices**

**Status:** DRAFT

**Original Adopted Date:** Pending

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the district school, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

**Regular Meetings**

The Board shall hold one regular meeting(s) each month. Regular meetings shall be held at 4:30 p.m. on the second Monday at the district office.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

**Special Meetings**

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

**Emergency Meetings**

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice

and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### **Adjourned/Continued Meetings**

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

#### **Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

#### **Other Gatherings**

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency

5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

### **Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

### **Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

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**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 References

#### Description

Ed. Code 35140	Time and place of meetings - <a href="https://simbli.eboardsolutions.com/SU/plusHetylslshjHwnJGoo4EQByAg==">https://simbli.eboardsolutions.com/SU/plusHetylslshjHwnJGoo4EQByAg==</a>
Ed. Code 35143	Annual organizational meetings; date and notice - <a href="https://simbli.eboardsolutions.com/SU/R3eS7W5kafhKH6pHgWrlCQ==">https://simbli.eboardsolutions.com/SU/R3eS7W5kafhKH6pHgWrlCQ==</a>
Ed. Code 35144	Special meeting - <a href="https://simbli.eboardsolutions.com/SU/oslshF1qJh5uvQZLIQuslshl9pluscw==">https://simbli.eboardsolutions.com/SU/oslshF1qJh5uvQZLIQuslshl9pluscw==</a>
Ed. Code 35145	Public meetings - <a href="https://simbli.eboardsolutions.com/SU/2zbpplusTYPnqJITCLZ5nGLluA==">https://simbli.eboardsolutions.com/SU/2zbpplusTYPnqJITCLZ5nGLluA==</a>
Ed. Code 35145.5	Agenda; public participation and regulations - <a href="https://simbli.eboardsolutions.com/SU/FsPALBrAtQJnP93DNC8ixQ==">https://simbli.eboardsolutions.com/SU/FsPALBrAtQJnP93DNC8ixQ==</a>
Ed. Code 35146	Closed sessions; student matters - <a href="https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==">https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==</a>
Ed. Code 35147	Open meeting laws exceptions - <a href="https://simbli.eboardsolutions.com/SU/3Z0fFX6vLxaH72oPiEaUPg==">https://simbli.eboardsolutions.com/SU/3Z0fFX6vLxaH72oPiEaUPg==</a>
Gov. Code 11135	Prohibition of discrimination - <a href="https://simbli.eboardsolutions.com/SU/PcUFWMcCJnzBrKAL0EtfQ==">https://simbli.eboardsolutions.com/SU/PcUFWMcCJnzBrKAL0EtfQ==</a>
Gov. Code 3511.1	Local agency executives - <a href="https://simbli.eboardsolutions.com/SU/NTViFbvF816V6YhSgFDF7Q==">https://simbli.eboardsolutions.com/SU/NTViFbvF816V6YhSgFDF7Q==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent - <a href="https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==">https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==</a>
Gov. Code 54954	Time and place of regular meetings - <a href="https://simbli.eboardsolutions.com/SU/VfWpXvZdZ1PMI4GM6Vr1eg==">https://simbli.eboardsolutions.com/SU/VfWpXvZdZ1PMI4GM6Vr1eg==</a>
Gov. Code 54954.2	Agenda posting requirements; board actions - <a href="https://simbli.eboardsolutions.com/SU/VAimRCpWiUrVYZv97qXYgg==">https://simbli.eboardsolutions.com/SU/VAimRCpWiUrVYZv97qXYgg==</a>
Gov. Code 54956	Special Meetings - <a href="https://simbli.eboardsolutions.com/SU/nxgDWIo6fSp4U2WiriRPkA==">https://simbli.eboardsolutions.com/SU/nxgDWIo6fSp4U2WiriRPkA==</a>
Gov. Code 54956.5	Emergency meetings - <a href="https://simbli.eboardsolutions.com/SU/dRHvbu20Ai5GgfX1plusGwrMg==">https://simbli.eboardsolutions.com/SU/dRHvbu20Ai5GgfX1plusGwrMg==</a>
Gov. Code 7920.000-7930.215	California Public Records Act - <a href="https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==">https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==</a>
Gov. Code 8625-8629	California Emergency Services Act - <a href="https://simbli.eboardsolutions.com/SU/VJCP7DRSNEiu6REo5x04hw==">https://simbli.eboardsolutions.com/SU/VJCP7DRSNEiu6REo5x04hw==</a>

**Federal References**

28 CFR 35.160

28 CFR 36.303

42 USC 12101-12213

**Management Resources References**

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Court Decision

CSBA Publication

Institute for Local Government Publication

League of California Cities Publication

Website

Website

Website

Website

Website

Website

**Description**

Effective communications for individuals with disabilities

Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services

Americans with Disabilities Act

**Description**

78 Ops.Cal.Atty.Gen. 327 (1995)

79 Ops.Cal.Atty.Gen. 69 (1996)

84 Ops.Cal.Atty.Gen. 181 (2001)

84 Ops.Cal.Atty.Gen. 30 (2001)

88 Ops.Cal.Atty.Gen. 218 (2005)

Knight First Amendment Institute at Columbia University v. Trump, (2019) 928 F.3d 226

Garnier v. Poway Unified School District, (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208

Wolfe v. City of Fremont, (2006) 144 Cal.App. 4th 533

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

The ABCs of Open Government Laws

Open and Public V: A Guide to the Ralph M. Brown Act, 2016

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

CSBA, GAMUT Meetings - <https://simbli.eboardsolutions.com/SU/HcQqDq1qgLwgU1m5iwomVA==>

Institute for Local Government - <https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dgoPtfmA==>

League of California Cities - <https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==>

California Attorney General's Office - <https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>



**Bylaw 9321: Closed Session**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

**Personnel Matters**

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

**Negotiations/Collective Bargaining**

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

#### **Matters Related to Students**

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

#### **Security Matters**

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

#### **Conference with Real Property Negotiator**

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

### **Pending Litigation**

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
  - b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
  - c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
  - d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
  - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or

publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

### **Joint Powers Agency Issues**

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

### **Review of Audit Report from California State Auditor's Office**

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

### **Review of Assessment Instruments**

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

**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 References

Ed. Code 35145	Public meetings - <a href="https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==">https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==</a>
Ed. Code 35146	Closed sessions regarding suspensions - <a href="https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==">https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==</a>
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - <a href="https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPQ6mb5IA==">https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPQ6mb5IA==</a>
Ed. Code 48912	Governing board suspension - <a href="https://simbli.eboardsolutions.com/SU/IOLpMiSqCXkhplus1ZCWJDm0w==">https://simbli.eboardsolutions.com/SU/IOLpMiSqCXkhplus1ZCWJDm0w==</a>
Ed. Code 48918	Rules governing expulsion procedures - <a href="https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==">https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==</a>
Ed. Code 49070	Challenging student records - <a href="https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==">https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==</a>
Ed. Code 60617	Meetings of governing board - <a href="https://simbli.eboardsolutions.com/SU/PZRRQYqTVMOHViVkaqlvg==">https://simbli.eboardsolutions.com/SU/PZRRQYqTVMOHViVkaqlvg==</a>
Gov. Code 3540-3549.3	Educational Employment Relations Act - <a href="https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==">https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==</a>
Gov. Code 54950	Brown Act - Meetings - <a href="https://simbli.eboardsolutions.com/SU/72HY9fm7MiN0RplusBKJaYigA==">https://simbli.eboardsolutions.com/SU/72HY9fm7MiN0RplusBKJaYigA==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQwET5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQwET5vBx4GSg==</a>

## Management Resources References

Attorney General Opinion	57 Ops. Cal. Atty. Gen. 209 (1974)
Attorney General Opinion	59 Ops. Cal. Atty. Gen. 532 (1976)
Attorney General Opinion	78 Ops. Cal. Atty. Gen. 218 (1995)
Attorney General Opinion	86 Ops. Cal. Atty. Gen. 210 (2003)
Attorney General Opinion	94 Ops. Cal. Atty. Gen. 82 (2011)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Court Decision	Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App. 4th 860
Court Decision	Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363
Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council, (1983) 146 Cal.App. 3d 947
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==</a>
Website	League of California Cities - <a href="https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==">https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==</a>

Website

California Attorney General's Office -

<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Exhibit 9321-E(1): Closed Session**

**Status:** DRAFT

**Original Adopted Date:** Pending

**BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS**

The Governing Board meeting agenda shall include the following description of a closed session item, as applicable:

**Personnel Matters**

**PUBLIC EMPLOYEE APPOINTMENT**

Government Code 54957

Title: \_\_\_\_\_  
(Specify position to be filled)

**PUBLIC EMPLOYMENT**

Government Code 54957

Title: \_\_\_\_\_  
(Specify position to be filled)

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Government Code 54957

Title: \_\_\_\_\_  
(Specify position of employee being evaluated)

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

Government Code 54957

(No additional information is required. An employee's dismissal or nonrenewal shall not be reported until the employee has first exhausted any right to a hearing or other administrative remedy.)

**SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE**

Government Code 54957

(No additional information is required.)

**EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN**

Government Code 54957.10

(No additional information is required.)

**Negotiations/Collective Bargaining**

**CONFERENCE WITH LABOR NEGOTIATORS**

Government Code 54957.6

District-designated representatives:

\_\_\_\_\_  
(Specify names of representatives attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization:

\_\_\_\_\_  
(Specify name of employee organization with which negotiations are being held.)

or

Unrepresented employee:

\_\_\_\_\_  
(Specify position of unrepresented employee who is the subject of the negotiations.)

**Matters Related to Students**

#### STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Education Code 35146

Student identification number: \_\_\_\_\_

*(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)*

#### STUDENT EXPULSION

Education Code 48912

Student identification number: \_\_\_\_\_

*(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)*

#### STUDENT GRADE CHANGE APPEAL

Education Code 49070

Student identification number: \_\_\_\_\_

*(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)*

#### CONFIDENTIAL STUDENT MATTER

Action under consideration: \_\_\_\_\_

*(If the Board is considering a confidential student matter other than those listed above, specify type of action.)*

Student identification number: \_\_\_\_\_

*(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)*

#### Security Matters

##### THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code 54957

Consultation with: \_\_\_\_\_

*(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)*

##### DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

Education Code 32281

Consultation with: \_\_\_\_\_

*(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)*

#### Real Property Negotiations

##### CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code 54956.8

Property: \_\_\_\_\_

*(Specify street address or, if no street address, the parcel number or other unique reference of the real property under negotiation.)*

District negotiator: \_\_\_\_\_

*(Specify names of negotiators attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or*



*designee is announced at an open session held prior to the closed session.)*

Negotiating parties: \_\_\_\_\_  
(Specify name of party, not agent.)

Under negotiation: \_\_\_\_\_  
(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

### **Pending Litigation**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Government Code 54956.9(d)(1)

Name of case: \_\_\_\_\_  
(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations.

CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION  
Government Code 54956.9(d)(2) or (3)

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3). Number of potential cases:  
\_\_\_\_\_

Or

Initiation of litigation pursuant to Government Code 54956.9(d)(4). Number of potential cases: \_\_\_\_\_

If applicable, facts and circumstances: \_\_\_\_\_  
(The district may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Government Code 54956.9(e)(2)-(5). These include facts and circumstances, such as an accident, disaster, incident, or transactional occurrence that might result in litigation against the district and that are known to potential plaintiff(s).)

### **Joint Powers Authority Issues**

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY  
Government Code 54956.95

Name of claimant(s): \_\_\_\_\_  
(Specify name, except pursuant to Government Code 54961 when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)

Name of agency against which the claim is made: \_\_\_\_\_

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT  
Government Code 54956.96

Name of JPA: \_\_\_\_\_

Discussion will concern: \_\_\_\_\_  
(Specify closed session description used by the JPA.)

Name of district representative on JPA board:  
\_\_\_\_\_

Names of agencies or titles of representatives attending the closed session as consultants or other representatives, if applicable:

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### Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE  
Government Code 54956.75  
(No additional information is required.)

### Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT  
Education Code 60617

The Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program. Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

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**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 References

Ed. Code 35145

#### Description

Public meetings -

<https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==>

Ed. Code 35146

Closed sessions regarding suspensions -

<https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==>

Ed. Code 44929.21

Notice of reelection decision; districts with 250 ADA or more -

<https://simbli.eboardsolutions.com/SU/HINpshxbyLwME3nPO6mb5IA==>

Ed. Code 48912

Governing board suspension -

<https://simbli.eboardsolutions.com/SU/IOLpMiSqCXkhplus1ZCWJDm0w==>

Ed. Code 48918

Rules governing expulsion procedures -

<https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==>

Ed. Code 49070

Challenging student records -

<https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==>

Ed. Code 60617

Meetings of governing board -

<https://simbli.eboardsolutions.com/SU/PZRRQYqTVMOHViVkaqlvg==>

Gov. Code 3540-3549.3

Educational Employment Relations Act -

<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==>

Gov. Code 54950

Brown Act - Meetings -

<https://simbli.eboardsolutions.com/SU/72HY9fm7MiN0RplusBKJaYigA==>

Gov. Code 54950-54963

The Ralph M. Brown Act -

<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQwET5vBx4GSg==>

#### Management Resources References

Attorney General Opinion

57 Ops. Cal. Atty. Gen. 209 (1974)

Attorney General Opinion

59 Ops. Cal. Atty. Gen. 532 (1976)

Attorney General Opinion

78 Ops. Cal. Atty. Gen. 218 (1995)

Attorney General Opinion

86 Ops. Cal. Atty. Gen. 210 (2003)

Attorney General Opinion

94 Ops. Cal. Atty. Gen. 82 (2011)

Attorney General Publication

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Court Decision	Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Court Decision	Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860
Court Decision	Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363
Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council, (1983) 146 Cal.App.3d 947
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League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	League of California Cities - <a href="https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==">https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==</a>
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Exhibit 9321-E(2): Closed Session**

**Status:** DRAFT

**Original Adopted Date:** Pending

**REPORTS OF CLOSED SESSION ACTIONS**

Following a closed session during any Governing Board meeting, the Board shall reconvene in open session to present, orally or in writing, a report of any of the following actions taken during the closed session, as applicable:

**Personnel Matters**

Title of position: \_\_\_\_\_

Action taken: \_\_\_\_\_  
(e.g., appointment/employment/evaluation/discipline/dismissal/release)

Board member votes/abstentions: \_\_\_\_\_

**Negotiations/Collective Bargaining**

Approval of final agreement with represented employees

Item approved: \_\_\_\_\_

Other party/parties to the negotiation: \_\_\_\_\_

Board member votes/abstentions: \_\_\_\_\_

**Matters Related to Students**

*(Final action must be taken in open session. It is recommended that the student's name not be disclosed.)*

**Security Matters**

Action taken: \_\_\_\_\_  
(e.g., consultation with law enforcement; approval of contract or memorandum of understanding; approval of tactical response plan, without disclosing the details of the plan)

Board member votes/abstentions: \_\_\_\_\_

**Real Property Negotiations**

Action taken: \_\_\_\_\_  
(Report if Board approves a final agreement concluding real estate negotiations. If final approval rests with the other party, report as soon as the other party has approved the agreement.)

Substance of the agreement: \_\_\_\_\_

Board member votes/abstentions: \_\_\_\_\_

**Existing Litigation**

Action taken related to existing litigation:

\_\_\_\_\_  
(e.g., approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation; or approval to legal counsel of a settlement of pending litigation at any stage prior to or during a judicial or quasi-judicial proceeding. If final approval of settlement rests with the other party, report to any person upon request once the settlement is final.)

Adverse party/parties, if known: \_\_\_\_\_

Substance of the litigation: \_\_\_\_\_

Board member votes/abstentions: \_\_\_\_\_

### Anticipated Litigation

Action taken: The Board has given approval to legal counsel to initiate or intervene in a lawsuit. The action, defendants, and other details will be disclosed to any person upon request after the lawsuit is commenced, unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.

*(The report does not need to initially identify the action, defendants, or other details.)*

Board member votes/abstentions: \_\_\_\_\_

### Joint Powers Agency Issues

#### LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY

Name of claimant(s): \_\_\_\_\_

Name of agency against which the claim is made: \_\_\_\_\_

Substance of the claim: \_\_\_\_\_

Monetary settlement agreed upon by the claimant: \_\_\_\_\_

Board member votes/abstentions: \_\_\_\_\_

#### CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

Name of JPA: \_\_\_\_\_

Action taken: \_\_\_\_\_

*(Law does not include any specific disclosures to be reported.)*

Board member votes/abstentions: \_\_\_\_\_

### Review of Audit from State Auditor's Office

Action taken: The Board reviewed the confidential final draft audit report received from the California State Auditor's Office and has prepared a response.

*(No additional information is required. Unless otherwise exempted by law, after the audit report is subsequently released to the public, any Board discussion of the report must be conducted in open session.)*

### Review of Assessment Instruments

Action taken: The Board reviewed the contents of a student assessment instrument approved or adopted for the statewide testing system.

**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 References

Ed. Code 35145

Ed. Code 35146

#### Description

Public meetings -

<https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==>

Closed sessions regarding suspensions -

<https://simbli.eboardsolutions.com/SU/faH69lwvLAJf8Pqslshf87uhg==>

Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - <a href="https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPO6mb5IA==">https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPO6mb5IA==</a>
Ed. Code 48912	Governing board suspension - <a href="https://simbli.eboardsolutions.com/SU/IOLpMiSqCXkhplus1ZCWJDm0w==">https://simbli.eboardsolutions.com/SU/IOLpMiSqCXkhplus1ZCWJDm0w==</a>
Ed. Code 48918	Rules governing expulsion procedures - <a href="https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==">https://simbli.eboardsolutions.com/SU/89M9d5hNME0ALE30O8bQMw==</a>
Ed. Code 49070	Challenging student records - <a href="https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==">https://simbli.eboardsolutions.com/SU/7FoEgG7fDCBs04Akix6AKA==</a>
Ed. Code 60617	Meetings of governing board - <a href="https://simbli.eboardsolutions.com/SU/PZRRQYqTVMOHViVkaqlvg==">https://simbli.eboardsolutions.com/SU/PZRRQYqTVMOHViVkaqlvg==</a>
Gov. Code 3540-3549.3	Educational Employment Relations Act - <a href="https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwauN7ug==">https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwauN7ug==</a>
Gov. Code 54950	Brown Act - Meetings - <a href="https://simbli.eboardsolutions.com/SU/72HY9fm7MiN0RplusBKJaYigA==">https://simbli.eboardsolutions.com/SU/72HY9fm7MiN0RplusBKJaYigA==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>

### Management Resources References

	Description
Attorney General Opinion	57 Ops. Cal. Atty. Gen. 209 (1974)
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 532 (1976)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 218 (1995)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 210 (2003)
Attorney General Opinion	94 Ops.Cal.Atty.Gen. 82 (2011)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Court Decision	Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860
Court Decision	Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363
Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council, (1983) 146 Cal.App.3d 947
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	League of California Cities - <a href="https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==">https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==</a>
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNsIsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNsIsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Bylaw 9322: Agenda/Meeting Materials**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Agenda Content**

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning and well-being.

Each agenda shall state the meeting time and location and shall briefly describe each item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda for a regular meeting shall also provide members of the public an opportunity to address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

The agenda does not need to provide an opportunity for public comment on an item that has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item, and the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The notice and agenda shall describe the means available for the public to access the meeting and provide public comment in-person and, if a Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54953, through an internet-based service or call-in option. (Government Code 54953)

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Board meeting, as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54954.2, 54953)

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item, or for records of a statement threatening litigation against the district to be discussed in closed session, when such documents have been distributed to the Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The agenda shall also state that the request must be made in writing to the secretary or clerk of the Board.

**Agenda Preparation**

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information.

The Board president and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information, and if so, respond accordingly.

If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board take action during a Board meeting to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, whether the item should be an action item subject to Board vote or an information item, and when the item is placed on the agenda.

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a separate agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item unless such item has been previously considered at an open meeting of a committee comprised exclusively of Board members. (Government Code 54954.3)

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

#### **Agenda Dissemination to Board Members**

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents pertinent to the meeting.

When special meetings are called, Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

#### **Agenda Dissemination to Members of the Public**

Agenda and related materials distributed to the Board shall be made available to the public upon request without delay. However, only those documents which are disclosable public records under the Public Records Act (PRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting or which contain a claim or written threat of litigation which will be discussed in closed session shall be made available to the public. (Government Code 54956.9, 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

In addition, the Superintendent or designee shall post the agenda on the homepage of the district website. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the website with the district's agendas, and the current agenda shall be the first available. (Government Code 54954.2)

If a writing which relates to an open session agenda item or which contains a claim or written threat of litigation which will be discussed in closed session during a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the writing available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. However, if the writing is distributed to at least a majority of the Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the district website if the following conditions are met: (Government Code 54957.5)



1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting
2. The writing is immediately posted on the district's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting
3. The district lists the website address where such writings may be accessed on all Board meeting agendas
4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the relevant Board meeting

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

The Superintendent or designee shall email a copy of, or a website link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a website link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the PRA. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

**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 References

## Description

Ed. Code 35144	Special meeting - <a href="https://simbli.eboardsolutions.com/SU/oslshF1qJh5uvQZLIQuslshl9pluscw==">https://simbli.eboardsolutions.com/SU/oslshF1qJh5uvQZLIQuslshl9pluscw==</a>
Ed. Code 35145	Public meetings - <a href="https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==">https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==</a>
Ed. Code 35145.5	Agenda; public participation and regulations - <a href="https://simbli.eboardsolutions.com/SU/FsPALBrAtQJnP93DNC8ixQ==">https://simbli.eboardsolutions.com/SU/FsPALBrAtQJnP93DNC8ixQ==</a>
Ed. Code 49061	Definitions; directory information - <a href="https://simbli.eboardsolutions.com/SU/LPocR56LXBUBhFSFEV34Mw==">https://simbli.eboardsolutions.com/SU/LPocR56LXBUBhFSFEV34Mw==</a>
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting - <a href="https://simbli.eboardsolutions.com/SU/9iplPezeEfX6eKlwZZ6PhA==">https://simbli.eboardsolutions.com/SU/9iplPezeEfX6eKlwZZ6PhA==</a>
Gov. Code 53635.7	Separate item of business for borrowing of \$100,000 or more - <a href="https://simbli.eboardsolutions.com/SU/JplusUCwDvtGcslshvRM2JnM0CAQ==">https://simbli.eboardsolutions.com/SU/JplusUCwDvtGcslshvRM2JnM0CAQ==</a>
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility

Gov. Code 54954.1	Request for copy of agenda or agenda packet by member of public - <a href="https://simbli.eboardsolutions.com/SU/QuLkqRCdqxdJfJue924zsg==">https://simbli.eboardsolutions.com/SU/QuLkqRCdqxdJfJue924zsg==</a>
Gov. Code 54954.2	Agenda posting requirements; board actions - <a href="https://simbli.eboardsolutions.com/SU/VAimRCpWiUrVYZv97qXYgg==">https://simbli.eboardsolutions.com/SU/VAimRCpWiUrVYZv97qXYgg==</a>
Gov. Code 54954.3	Opportunity for public to address legislative body - <a href="https://simbli.eboardsolutions.com/SU/9tmO3fD85XtolZj5dg6MyA==">https://simbli.eboardsolutions.com/SU/9tmO3fD85XtolZj5dg6MyA==</a>
Gov. Code 54954.5	Closed session item descriptions - <a href="https://simbli.eboardsolutions.com/SU/7VS42ErXCB3wCCMNBEAPcw==">https://simbli.eboardsolutions.com/SU/7VS42ErXCB3wCCMNBEAPcw==</a>
Gov. Code 54956.5	Emergency meetings - <a href="https://simbli.eboardsolutions.com/SU/dRHvbu20Ai5GgfX1plusGwrMg==">https://simbli.eboardsolutions.com/SU/dRHvbu20Ai5GgfX1plusGwrMg==</a>
Gov. Code 54956.9	Meetings
Gov. Code 54957.5	Public records - <a href="https://simbli.eboardsolutions.com/SU/7vEZRhlGDWCGTK6d07W9pQ==">https://simbli.eboardsolutions.com/SU/7vEZRhlGDWCGTK6d07W9pQ==</a>
Gov. Code 54960.2	Challenging board actions; cease and desist - <a href="https://simbli.eboardsolutions.com/SU/73kFAV00rhSrlL9vMkaLcg==">https://simbli.eboardsolutions.com/SU/73kFAV00rhSrlL9vMkaLcg==</a>
Gov. Code 7920.000-7930.170	California Public Records Act - <a href="https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==">https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==</a>
Gov. Code 95000-95004	California Early Intervention Services Act - <a href="https://simbli.eboardsolutions.com/SU/k4EUDfAAVqT0JWikSXBC1Q==">https://simbli.eboardsolutions.com/SU/k4EUDfAAVqT0JWikSXBC1Q==</a>

#### **Federal References**

28 CFR 35.160  
28 CFR 36.303  
42 USC 12101-12213

#### **Description**

Effective communications for individuals with disabilities  
Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services  
Americans with Disabilities Act

#### **Management Resources References**

Attorney General Opinion  
Attorney General Opinion  
Attorney General Publication  
Court Decision  
Court Decision  
Court Decision  
Court Decision  
CSBA Publication  
CSBA Publication

#### **Description**

99 Ops. Cal. Atty. Gen. 11 (2016)  
78 Ops.Cal.Atty.Gen. 327 (1995)  
The Brown Act: Open Meetings for Legislative Bodies, rev. 2003  
Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86  
Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68  
Caldwell v. Roseville Joint Union High School District (2007) U.S. Dist. LEXIS 66318  
Mooney v. Garcia (2012) 207 Cal.App.4th 229  
The Brown Act: School Boards and Open Meeting Laws, rev. 2019  
Call to Order: A Blueprint for Great Board Meetings, 2018  
CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==>  
California Attorney General's Office -  
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>  
CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Website  
Website  
Website

**Bylaw 9323: Meeting Conduct**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Meeting Procedures**

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned by 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and, if necessary, may subsequently be adjourned to a later date.

**Quorum and Abstentions**

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, the abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

Provided the Board typically has seven members and there are no more than two vacancies on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. In addition, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

**Public Participation**

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting, except that if the meeting is conducted using remote public participation or with a Board member attending remotely pursuant to Government Code 54953, a member of the public desiring to provide comment through the use of a third party internet website or online platform may be required to register as required by the third party provider.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, Board members or staff members may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)
5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

In general, individual speakers will be allowed three minutes to address the Board on each agenda or nonagenda item, and the Board will limit the total time for public input on each item to 20 minutes. However, in exceptional circumstances when necessary to ensure full opportunity for public input, the Board president may, with Board consent, adjust the amount of time allowed for public input and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. The president may also ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The Board president may rule on the appropriateness of a topic, subject to the following conditions:
  - a. If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.
  - b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)
  - c. The Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.
7. The Board president shall not permit actual disruption of Board meetings. Actual disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board and remove the individual from the meeting.

The Board President or designee may remove an individual for actually disrupting the meeting. Prior to removal, the individual shall be warned that their behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the Board president, or designee, may then remove the individual from the meeting. (Government Code 54957.95)

When an individual's behavior constitutes the use of force or a true threat of force, the individual shall be removed from a Board meeting without a warning. (Government Code 54957.95)

*Disrupting* means engaging in behavior during a Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law, or engaging in behavior that constitutes use of force or a true threat of force. (Government Code 54957.95)

*True threat of force* means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat. (Government Code 54957.95)

Additionally, the Board may order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When disruptive conduct occurs, the Board may decide to recess the meeting to help restore order, or if removing the disruptive individual(s) or clearing the room is infeasible, move the meeting to another location. The Board may direct the Superintendent or designee to contact local law enforcement as necessary.

### Recording by the Public

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

**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 References

### Description

Code of Civil Procedure 527.8	Workplace violence safety - <a href="https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==">https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==</a>
Ed. Code 32210	Willful disturbance of public school or meeting - <a href="https://simbli.eboardsolutions.com/SU/8EXQpLHJQSpVnd06PfaAw==">https://simbli.eboardsolutions.com/SU/8EXQpLHJQSpVnd06PfaAw==</a>
Ed. Code 35010	Control of district; prescription and enforcement of rules - <a href="https://simbli.eboardsolutions.com/SU/OQVSppplusCEZXMhIMKVyv3kBA==">https://simbli.eboardsolutions.com/SU/OQVSppplusCEZXMhIMKVyv3kBA==</a>
Ed. Code 35145.5	Agenda; public participation and regulations - <a href="https://simbli.eboardsolutions.com/SU/FsPALBrAtQJnP93DNC8ixQ==">https://simbli.eboardsolutions.com/SU/FsPALBrAtQJnP93DNC8ixQ==</a>
Ed. Code 35163	Official actions, minutes and journal - <a href="https://simbli.eboardsolutions.com/SU/7APGMyznAnJOc6A3BG3eplusA==">https://simbli.eboardsolutions.com/SU/7APGMyznAnJOc6A3BG3eplusA==</a>
Ed. Code 35164	Actions by majority vote - <a href="https://simbli.eboardsolutions.com/SU/S5y793K3UzywyaslsHlZXqcyA==">https://simbli.eboardsolutions.com/SU/S5y793K3UzywyaslsHlZXqcyA==</a>
Ed. Code 35165	Effect of vacancies upon majority and unanimous votes by seven member board - <a href="https://simbli.eboardsolutions.com/SU/9EcQuYnzHQslsh0ZMJjqPbHgg==">https://simbli.eboardsolutions.com/SU/9EcQuYnzHQslsh0ZMJjqPbHgg==</a>
Ed. Code 5095	Powers of remaining board members and new appointees - <a href="https://simbli.eboardsolutions.com/SU/ZbnWvUmQqC58hFLDudkCfG==">https://simbli.eboardsolutions.com/SU/ZbnWvUmQqC58hFLDudkCfG==</a>
Elec. Code 18430	Prevention or hinderance of electors assembling in public meeting
Gov. Code 54953.3	Meetings to be open and public; remote attendance - <a href="https://simbli.eboardsolutions.com/SU/56bN4PqbQ365bivusXiZzQ==">https://simbli.eboardsolutions.com/SU/56bN4PqbQ365bivusXiZzQ==</a>
Gov. Code 54953.5	Audio or video recording of proceedings - <a href="https://simbli.eboardsolutions.com/SU/pglHf3CJute3LspDNflFwA==">https://simbli.eboardsolutions.com/SU/pglHf3CJute3LspDNflFwA==</a>
Gov. Code 54953.6	Broadcasting of proceedings - <a href="https://simbli.eboardsolutions.com/SU/VAvd4eXAMI6WSOnhCnKLWA==">https://simbli.eboardsolutions.com/SU/VAvd4eXAMI6WSOnhCnKLWA==</a>
Gov. Code 54954.2	Agenda posting requirements; board actions - <a href="https://simbli.eboardsolutions.com/SU/VAimRCpWiUrVYZv97qXYgg==">https://simbli.eboardsolutions.com/SU/VAimRCpWiUrVYZv97qXYgg==</a>
Gov. Code 54954.3	Opportunity for public to address legislative body - <a href="https://simbli.eboardsolutions.com/SU/9tmO3fD85XtoLZj5dg6MyA==">https://simbli.eboardsolutions.com/SU/9tmO3fD85XtoLZj5dg6MyA==</a>

Gov. Code 54957	Closed session personnel matters - <a href="https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==">https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==</a>
Gov. Code 54957.9	Disorderly conduct of general public during meeting; clearing of room - <a href="https://simbli.eboardsolutions.com/SU/cZdprH9OJRabqKHMajBgRw==">https://simbli.eboardsolutions.com/SU/cZdprH9OJRabqKHMajBgRw==</a>
Gov. Code 54957.95	Opening meetings; orderly conduct - <a href="https://simbli.eboardsolutions.com/SU/qYhe6GlzbJsL4m4e1UvzxA==">https://simbli.eboardsolutions.com/SU/qYhe6GlzbJsL4m4e1UvzxA==</a>
Pen. Code 403	Disruption of assembly or meeting - <a href="https://simbli.eboardsolutions.com/SU/etFMDsuPbGT9Fog19AWBTA==">https://simbli.eboardsolutions.com/SU/etFMDsuPbGT9Fog19AWBTA==</a>

## Management Resources References

	Description
Attorney General Opinion	55 Ops.Cal.Atty.Gen. 26 (1972)
Attorney General Opinion	61 Ops.Cal.Atty.Gen. 243, 253 (1978)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 215 (1980)
Attorney General Opinion	66 Ops.Cal.Atty.Gen. 336 (1983)
Attorney General Opinion	76 Ops.Cal.Atty.Gen. 281 (1993)
Attorney General Opinion	90 Ops.Cal.Atty.Gen. 47 (2007)
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 532 (1976)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719
Court Decision	City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Court Decision	McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275
Court Decision	Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966
Court Decision	Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings, 2018
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	California Attorney General's Office - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Bylaw 9323.2: Actions By The Board**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

**Action on Non-Agenda Items**

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

**Challenging Board Actions**

The district attorney's office or any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)

The district attorney or any interested person may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was



taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

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**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 References	Description
Code of Civil Procedure 1245.240	Eminent domain vote requirements - <a href="https://simbli.eboardsolutions.com/SU/RWICMDh0EslshN7AMDbt3KwDA==">https://simbli.eboardsolutions.com/SU/RWICMDh0EslshN7AMDbt3KwDA==</a>
Code of Civil Procedure 1245.245	Eminent domain; resolution adopting different use - <a href="https://simbli.eboardsolutions.com/SU/UBI963Mp1slshgi9ZtHEuqKVQ==">https://simbli.eboardsolutions.com/SU/UBI963Mp1slshgi9ZtHEuqKVQ==</a>
Code of Civil Procedure 425.16	Special motion to strike in connection with a public issue - <a href="https://simbli.eboardsolutions.com/SU/0q5B51amqwrntRJARgpEww==">https://simbli.eboardsolutions.com/SU/0q5B51amqwrntRJARgpEww==</a>
Ed. Code 15266	School construction bonds - <a href="https://simbli.eboardsolutions.com/SU/J0NCW71K9yVKzqfYdyIDzg==">https://simbli.eboardsolutions.com/SU/J0NCW71K9yVKzqfYdyIDzg==</a>
Ed. Code 17466	Declaration of intent to sell or lease real property - <a href="https://simbli.eboardsolutions.com/SU/VVtwPfkYplus5YIVnsLp1ue3Q==">https://simbli.eboardsolutions.com/SU/VVtwPfkYplus5YIVnsLp1ue3Q==</a>
Ed. Code 17481	Lease of property with residence for nondistrict purposes - <a href="https://simbli.eboardsolutions.com/SU/1DBI7KhiAiW9KXm8HplusDplusCA==">https://simbli.eboardsolutions.com/SU/1DBI7KhiAiW9KXm8HplusDplusCA==</a>
Ed. Code 17510-17512	Leasing for production of gas; resolution requiring unanimous vote - <a href="https://simbli.eboardsolutions.com/SU/slshAKTRrFeRNQplus4NNDM2eFbw==">https://simbli.eboardsolutions.com/SU/slshAKTRrFeRNQplus4NNDM2eFbw==</a>
Ed. Code 17546	Private sale of personal property - <a href="https://simbli.eboardsolutions.com/SU/yEzmLD9w08yVCTsEYbqyFA==">https://simbli.eboardsolutions.com/SU/yEzmLD9w08yVCTsEYbqyFA==</a>
Ed. Code 17556-17561	Dedication of real property - <a href="https://simbli.eboardsolutions.com/SU/qHSoyYyrqwZGAeUBypJFrA==">https://simbli.eboardsolutions.com/SU/qHSoyYyrqwZGAeUBypJFrA==</a>
Ed. Code 35140-35149	Meetings - <a href="https://simbli.eboardsolutions.com/SU/kby3gcjsesS9pwfoMoZ4iA==">https://simbli.eboardsolutions.com/SU/kby3gcjsesS9pwfoMoZ4iA==</a>
Ed. Code 35160-35178.4	Powers and duties - <a href="https://simbli.eboardsolutions.com/SU/eipZ2jXBSDKrnP2U67jlzQ==">https://simbli.eboardsolutions.com/SU/eipZ2jXBSDKrnP2U67jlzQ==</a>
Ed. Code 48660-48661	Community day schools; establishment and restrictions - <a href="https://simbli.eboardsolutions.com/SU/V0sFp4uS1BAI5u3H1aBYDw==">https://simbli.eboardsolutions.com/SU/V0sFp4uS1BAI5u3H1aBYDw==</a>
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities - <a href="https://simbli.eboardsolutions.com/SU/h0fraNmccsZjWRbPbpAeUg==">https://simbli.eboardsolutions.com/SU/h0fraNmccsZjWRbPbpAeUg==</a>



Gov. Code 53724	Parcel tax resolution requirements - <a href="https://simbli.eboardsolutions.com/SU/k7plusYslshl3XcWdDJROo0PKYA==">https://simbli.eboardsolutions.com/SU/k7plusYslshl3XcWdDJROo0PKYA==</a>
Gov. Code 53790-53792	Exceeding the budget - <a href="https://simbli.eboardsolutions.com/SU/ysTU4jbm1bwocplusWBGAREtg==">https://simbli.eboardsolutions.com/SU/ysTU4jbm1bwocplusWBGAREtg==</a>
Gov. Code 53820-53833	Temporary borrowing - <a href="https://simbli.eboardsolutions.com/SU/plusHKtMmFEfXa423GFicDslshnA==">https://simbli.eboardsolutions.com/SU/plusHKtMmFEfXa423GFicDslshnA==</a>
Gov. Code 53850-53858	Temporary borrowing - <a href="https://simbli.eboardsolutions.com/SU/MJJ8MUslshZECTdIVQqX28CUQ==">https://simbli.eboardsolutions.com/SU/MJJ8MUslshZECTdIVQqX28CUQ==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 54952.6	Action taken; definition - <a href="https://simbli.eboardsolutions.com/SU/2isPL61sxD9sEEGlr8jhNA==">https://simbli.eboardsolutions.com/SU/2isPL61sxD9sEEGlr8jhNA==</a>
Gov. Code 54953	Meetings to be open and public; attendance - <a href="https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==">https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==</a>
Gov. Code 54960-54960.5	Actions to prevent violations - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 65352.2	Communicating and coordinating of school sites - <a href="https://simbli.eboardsolutions.com/SU/Aqb0NwHPTLb3OIGGDOGMYA==">https://simbli.eboardsolutions.com/SU/Aqb0NwHPTLb3OIGGDOGMYA==</a>
Pub. Cont. Code 20111	School district contracts - <a href="https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==">https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==</a>
Pub. Cont. Code 20113	Emergencies; award of contracts without bids - <a href="https://simbli.eboardsolutions.com/SU/cmOeFYBEhK2IGgb9m7o2og==">https://simbli.eboardsolutions.com/SU/cmOeFYBEhK2IGgb9m7o2og==</a>
Pub. Cont. Code 20114	Repairs, maintenance, and improvements to district facilities by day labor or force account - <a href="https://simbli.eboardsolutions.com/SU/mPzoUeQQwM1N2pZYT2E3uQ==">https://simbli.eboardsolutions.com/SU/mPzoUeQQwM1N2pZYT2E3uQ==</a>
Pub. Cont. Code 22034	Uniform Public Construction Cost Accounting Act informal bidding ordinance - <a href="https://simbli.eboardsolutions.com/SU/tEuvNK37W5s86GLRa6CYmw==">https://simbli.eboardsolutions.com/SU/tEuvNK37W5s86GLRa6CYmw==</a>
Pub. Cont. Code 22035	Repair or replacement of facilities in case of emergency - <a href="https://simbli.eboardsolutions.com/SU/eh1e4gplussjg6HCQBgUYsRi0A==">https://simbli.eboardsolutions.com/SU/eh1e4gplussjg6HCQBgUYsRi0A==</a>
Pub. Cont. Code 22050	Emergency contracting procedures - <a href="https://simbli.eboardsolutions.com/SU/4CNzpk4qMnJ5iSh0aEslsh9Ww==">https://simbli.eboardsolutions.com/SU/4CNzpk4qMnJ5iSh0aEslsh9Ww==</a>
Pub. Cont. Code 3400	Bid specifications - <a href="https://simbli.eboardsolutions.com/SU/awVKPr3ZLZpRth0hslsh5SgYw==">https://simbli.eboardsolutions.com/SU/awVKPr3ZLZpRth0hslsh5SgYw==</a>

## Management Resources References

Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672
Court Decision	Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109
Court Decision	Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
Court Decision	McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsllshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsllshXk6R5akQ==</a>
Website	Institute for Local Government - <a href="https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqoPtfmA==">https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqoPtfmA==</a>

Website

California Office of the Attorney General -

<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

**Exhibit 9323.2-E(1): Actions By The Board**

**Status:** DRAFT

**Original Adopted Date:** Pending

**ACTIONS REQUIRING A SUPER MAJORITY VOTE**

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring intention to sell or lease real property (Education Code 17466)
2. Resolution declaring intent of Governing Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)
5. Request for temporary borrowing pursuant to Government Code 53820-53833, to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)
7. When the district is organized to serve only grades K-8 and seeks to establish a community day school for any of grades K-8 (Education Code 48660)
8. When the district has an average daily attendance (ADA) of 2,500 or less and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. When the district is organized to serve only grades K-8 and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
10. When the district desires to operate a community day school to serve any of grades K-6 (and no higher grades) on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
11. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)
12. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)
13. Resolution to place a parcel tax on the ballot (Government Code 53724)
14. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

#### Actions Requiring a Four-Fifths Vote of the Board:

1. Expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)
2. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
3. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)
4. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)
5. Resolution to award a contract for a public works project at \$187,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the Uniform Public Construction Cost Accounting Act for projects of \$175,000 or less, all bids received are in excess of \$175,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

#### Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)
2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

#### Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

**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 References

#### Description

Code of Civil Procedure 1245.240	Eminent domain vote requirements - <a href="https://simbli.eboardsolutions.com/SU/RWICMDh0EslshN7AMDbt3KwDA==">https://simbli.eboardsolutions.com/SU/RWICMDh0EslshN7AMDbt3KwDA==</a>
Code of Civil Procedure 1245.245	Eminent domain; resolution adopting different use - <a href="https://simbli.eboardsolutions.com/SU/UBI963Mp1slshgi9ZtHEuqKVQ==">https://simbli.eboardsolutions.com/SU/UBI963Mp1slshgi9ZtHEuqKVQ==</a>
Code of Civil Procedure 425.16	Special motion to strike in connection with a public issue - <a href="https://simbli.eboardsolutions.com/SU/Oq5B51amqwrntRJARgpEww==">https://simbli.eboardsolutions.com/SU/Oq5B51amqwrntRJARgpEww==</a>
Ed. Code 15266	School construction bonds - <a href="https://simbli.eboardsolutions.com/SU/J0NCW71K9yVKzqfYdyIDzg==">https://simbli.eboardsolutions.com/SU/J0NCW71K9yVKzqfYdyIDzg==</a>
Ed. Code 17466	Declaration of intent to sell or lease real property - <a href="https://simbli.eboardsolutions.com/SU/VVtwPfkYplus5YIVnsLp1ue3Q==">https://simbli.eboardsolutions.com/SU/VVtwPfkYplus5YIVnsLp1ue3Q==</a>
Ed. Code 17481	Lease of property with residence for nondistrict purposes - <a href="https://simbli.eboardsolutions.com/SU/1DBI7KhiAiW9KXm8HplusDplusCA==">https://simbli.eboardsolutions.com/SU/1DBI7KhiAiW9KXm8HplusDplusCA==</a>

Ed. Code 17510-17512	Leasing for production of gas; resolution requiring unanimous vote - <a href="https://simbli.eboardsolutions.com/SU/slshAKTrEeRNQplus4NNDM2eFbw==">https://simbli.eboardsolutions.com/SU/slshAKTrEeRNQplus4NNDM2eFbw==</a>
Ed. Code 17546	Private sale of personal property - <a href="https://simbli.eboardsolutions.com/SU/yEzmLD9w08yVCTsEYbqyFA==">https://simbli.eboardsolutions.com/SU/yEzmLD9w08yVCTsEYbqyFA==</a>
Ed. Code 17556-17561	Dedication of real property - <a href="https://simbli.eboardsolutions.com/SU/qHSoyYyrqwZGAeUBypJFrA==">https://simbli.eboardsolutions.com/SU/qHSoyYyrqwZGAeUBypJFrA==</a>
Ed. Code 35140-35149	Meetings - <a href="https://simbli.eboardsolutions.com/SU/kby3gcjsesS9pwfoMoZ4iA==">https://simbli.eboardsolutions.com/SU/kby3gcjsesS9pwfoMoZ4iA==</a>
Ed. Code 35160-35178.4	Powers and duties - <a href="https://simbli.eboardsolutions.com/SU/eipZ2jXBSDKrnP2U67jlzQ==">https://simbli.eboardsolutions.com/SU/eipZ2jXBSDKrnP2U67jlzQ==</a>
Ed. Code 48660-48661	Community day schools; establishment and restrictions - <a href="https://simbli.eboardsolutions.com/SU/V0sFp4uS1BAI5u3H1aBYDw==">https://simbli.eboardsolutions.com/SU/V0sFp4uS1BAI5u3H1aBYDw==</a>
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities - <a href="https://simbli.eboardsolutions.com/SU/h0fraNmccsZjWRbPbpAeUg==">https://simbli.eboardsolutions.com/SU/h0fraNmccsZjWRbPbpAeUg==</a>
Gov. Code 53724	Parcel tax resolution requirements - <a href="https://simbli.eboardsolutions.com/SU/k7plusYslshil3XcWdDJROo0PKYA==">https://simbli.eboardsolutions.com/SU/k7plusYslshil3XcWdDJROo0PKYA==</a>
Gov. Code 53790-53792	Exceeding the budget - <a href="https://simbli.eboardsolutions.com/SU/ysTU4jbm1bwocplusWBGAREtg==">https://simbli.eboardsolutions.com/SU/ysTU4jbm1bwocplusWBGAREtg==</a>
Gov. Code 53820-53833	Temporary borrowing - <a href="https://simbli.eboardsolutions.com/SU/plusHKtMmFEfXa423GFicDslshnA==">https://simbli.eboardsolutions.com/SU/plusHKtMmFEfXa423GFicDslshnA==</a>
Gov. Code 53850-53858	Temporary borrowing - <a href="https://simbli.eboardsolutions.com/SU/MJJ8MUslshZECTdlVQqX28CUQ==">https://simbli.eboardsolutions.com/SU/MJJ8MUslshZECTdlVQqX28CUQ==</a>
Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 54952.6	Action taken; definition - <a href="https://simbli.eboardsolutions.com/SU/2isPL61sxD9sEEGl8jhNA==">https://simbli.eboardsolutions.com/SU/2isPL61sxD9sEEGl8jhNA==</a>
Gov. Code 54953	Meetings to be open and public; attendance - <a href="https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==">https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==</a>
Gov. Code 54960-54960.5	Actions to prevent violations - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 65352.2	Communicating and coordinating of school sites - <a href="https://simbli.eboardsolutions.com/SU/Aqb0NwHPTLb3OIGGDOGMYA==">https://simbli.eboardsolutions.com/SU/Aqb0NwHPTLb3OIGGDOGMYA==</a>
Pub. Cont. Code 20111	School district contracts - <a href="https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==">https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==</a>
Pub. Cont. Code 20113	Emergencies; award of contracts without bids - <a href="https://simbli.eboardsolutions.com/SU/cmOeFYBEhK2IGgb9m7o2og==">https://simbli.eboardsolutions.com/SU/cmOeFYBEhK2IGgb9m7o2og==</a>
Pub. Cont. Code 20114	Repairs, maintenance, and improvements to district facilities by day labor or force account - <a href="https://simbli.eboardsolutions.com/SU/mPzoUeQQwM1N2pZYT2E3uQ==">https://simbli.eboardsolutions.com/SU/mPzoUeQQwM1N2pZYT2E3uQ==</a>
Pub. Cont. Code 22034	Uniform Public Construction Cost Accounting Act informal bidding ordinance - <a href="https://simbli.eboardsolutions.com/SU/tEuvNK37W5s86GLRa6CYmw==">https://simbli.eboardsolutions.com/SU/tEuvNK37W5s86GLRa6CYmw==</a>
Pub. Cont. Code 22035	Repair or replacement of facilities in case of emergency - <a href="https://simbli.eboardsolutions.com/SU/eh1e4gplussjg6HCQBgUYsRi0A==">https://simbli.eboardsolutions.com/SU/eh1e4gplussjg6HCQBgUYsRi0A==</a>
Pub. Cont. Code 22050	Emergency contracting procedures - <a href="https://simbli.eboardsolutions.com/SU/4CNzpk4qMnJ5iSh0aEslsh9Ww==">https://simbli.eboardsolutions.com/SU/4CNzpk4qMnJ5iSh0aEslsh9Ww==</a>
Pub. Cont. Code 3400	Bid specifications - <a href="https://simbli.eboardsolutions.com/SU/awVKPr3ZLzPrth0hslsh5SgYw==">https://simbli.eboardsolutions.com/SU/awVKPr3ZLzPrth0hslsh5SgYw==</a>

## Management Resources References

Attorney General Publication

## Description

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Court Decision	Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672
Court Decision	Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109
Court Decision	Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
Court Decision	McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	Institute for Local Government - <a href="https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dgoPtfmA==">https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dgoPtfmA==</a>
Website	California Office of the Attorney General - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Exhibit 9323.2-E(2): Actions By The Board**

**Status:** DRAFT

**Original Adopted Date:** Pending

**UNCONDITIONAL COMMITMENT LETTER**

To: (Name of district attorney or any interested person)

The Governing Board of West Park School District has received your cease and desist letter dated (date) alleging that the following described past action taken by the Board violates the Ralph M. Brown Act: (Describe alleged past action as set forth in the cease and desist letter.)

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

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(Name)

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(Title of Board President or other designee)

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**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 References**

**Description**

Code of Civil Procedure 1245.240	Eminent domain vote requirements - <a href="https://simbli.eboardsolutions.com/SU/RWICMDh0EslshN7AMDbt3KwDA==">https://simbli.eboardsolutions.com/SU/RWICMDh0EslshN7AMDbt3KwDA==</a>
Code of Civil Procedure 1245.245	Eminent domain; resolution adopting different use - <a href="https://simbli.eboardsolutions.com/SU/UBI963Mp1slshgi9ZtHEuqKVQ==">https://simbli.eboardsolutions.com/SU/UBI963Mp1slshgi9ZtHEuqKVQ==</a>
Code of Civil Procedure 425.16	Special motion to strike in connection with a public issue - <a href="https://simbli.eboardsolutions.com/SU/0q5B51amqwrntRJARgpEww==">https://simbli.eboardsolutions.com/SU/0q5B51amqwrntRJARgpEww==</a>
Ed. Code 15266	School construction bonds - <a href="https://simbli.eboardsolutions.com/SU/J0NCW71K9yVKzqfYdyIDzg==">https://simbli.eboardsolutions.com/SU/J0NCW71K9yVKzqfYdyIDzg==</a>
Ed. Code 17466	Declaration of intent to sell or lease real property - <a href="https://simbli.eboardsolutions.com/SU/VVtwPfkYplus5YIVnsLp1ue3Q==">https://simbli.eboardsolutions.com/SU/VVtwPfkYplus5YIVnsLp1ue3Q==</a>
Ed. Code 17481	Lease of property with residence for nondistrict purposes - <a href="https://simbli.eboardsolutions.com/SU/1DBI7KHiAiW9KXm8HplusDplusCA==">https://simbli.eboardsolutions.com/SU/1DBI7KHiAiW9KXm8HplusDplusCA==</a>
Ed. Code 17510-17512	Leasing for production of gas; resolution requiring unanimous vote - <a href="https://simbli.eboardsolutions.com/SU/slshAKTRrEeRNQplus4NNDM2eFbw==">https://simbli.eboardsolutions.com/SU/slshAKTRrEeRNQplus4NNDM2eFbw==</a>
Ed. Code 17546	Private sale of personal property - <a href="https://simbli.eboardsolutions.com/SU/yEzmLD9w08yVCTsEYbqyFA==">https://simbli.eboardsolutions.com/SU/yEzmLD9w08yVCTsEYbqyFA==</a>
Ed. Code 17556-17561	Dedication of real property - <a href="https://simbli.eboardsolutions.com/SU/qHSoyYyrqwZGAeUBypJFrA==">https://simbli.eboardsolutions.com/SU/qHSoyYyrqwZGAeUBypJFrA==</a>

Ed. Code 35140-35149	Meetings - <a href="https://simbli.eboardsolutions.com/SU/kby3gcjsesS9pwfoMoZ4iA==">https://simbli.eboardsolutions.com/SU/kby3gcjsesS9pwfoMoZ4iA==</a>
Ed. Code 35160-35178.4	Powers and duties - <a href="https://simbli.eboardsolutions.com/SU/eipZ2jXBSDKrnP2U67jlzQ==">https://simbli.eboardsolutions.com/SU/eipZ2jXBSDKrnP2U67jlzQ==</a>
Ed. Code 48660-48661	Community day schools; establishment and restrictions - <a href="https://simbli.eboardsolutions.com/SU/V0sFp4uS1BAI5u3H1aBYDw==">https://simbli.eboardsolutions.com/SU/V0sFp4uS1BAI5u3H1aBYDw==</a>
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities - <a href="https://simbli.eboardsolutions.com/SU/h0fraNmccsZjWRbPbpAeUg==">https://simbli.eboardsolutions.com/SU/h0fraNmccsZjWRbPbpAeUg==</a>
Gov. Code 53724	Parcel tax resolution requirements - <a href="https://simbli.eboardsolutions.com/SU/k7plusYslshil3XcWdDJROo0PKYA==">https://simbli.eboardsolutions.com/SU/k7plusYslshil3XcWdDJROo0PKYA==</a>
Gov. Code 53790-53792	Exceeding the budget - <a href="https://simbli.eboardsolutions.com/SU/ysTU4jbm1bwocplusWBGAREtg==">https://simbli.eboardsolutions.com/SU/ysTU4jbm1bwocplusWBGAREtg==</a>
Gov. Code 53820-53833	Temporary borrowing - <a href="https://simbli.eboardsolutions.com/SU/plusHKtMmFEfXa423GFicDslshnA==">https://simbli.eboardsolutions.com/SU/plusHKtMmFEfXa423GFicDslshnA==</a>
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Gov. Code 54950-54963	The Ralph M. Brown Act - <a href="https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==">https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==</a>
Gov. Code 54952.6	Action taken; definition - <a href="https://simbli.eboardsolutions.com/SU/2isPL61sxD9sEEGlr8jhNA==">https://simbli.eboardsolutions.com/SU/2isPL61sxD9sEEGlr8jhNA==</a>
Gov. Code 54953	Meetings to be open and public; attendance - <a href="https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==">https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==</a>
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Pub. Cont. Code 20113	Emergencies; award of contracts without bids - <a href="https://simbli.eboardsolutions.com/SU/cmOeFYBEhK2IGgb9m7o2og==">https://simbli.eboardsolutions.com/SU/cmOeFYBEhK2IGgb9m7o2og==</a>
Pub. Cont. Code 20114	Repairs, maintenance, and improvements to district facilities by day labor or force account - <a href="https://simbli.eboardsolutions.com/SU/mPzoUeQQwM1N2pZYT2E3uQ==">https://simbli.eboardsolutions.com/SU/mPzoUeQQwM1N2pZYT2E3uQ==</a>
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Pub. Cont. Code 22035	Repair or replacement of facilities in case of emergency - <a href="https://simbli.eboardsolutions.com/SU/eh1e4gplusjg6HCQBgUYsRi0A==">https://simbli.eboardsolutions.com/SU/eh1e4gplusjg6HCQBgUYsRi0A==</a>
Pub. Cont. Code 22050	Emergency contracting procedures - <a href="https://simbli.eboardsolutions.com/SU/4CNzpk4qMnJ5iSh0aEslsh9Ww==">https://simbli.eboardsolutions.com/SU/4CNzpk4qMnJ5iSh0aEslsh9Ww==</a>
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## Management Resources References

Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672
Court Decision	Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109
Court Decision	Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
Court Decision	McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310



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League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010
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Website	Institute for Local Government - <a href="https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dgoPtfmA==">https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dgoPtfmA==</a>
Website	California Office of the Attorney General - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

**Bylaw 9324: Minutes And Recordings**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board recognizes that maintaining accurate minutes of Board meetings helps foster public trust in Board governance and provides a record of Board actions for use by district staff and the public.

The secretary of the Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request. (Education Code 35145, 35163)

The minutes of Board meetings shall include, but not be limited to:

1. A notation of which Board members are present, in person or by teleconference, and whether a member is not present for part of the meeting due to late arrival and/or early departure
2. A brief summary of the Board's discussion on each agenda topic, rather than a verbatim record of each Board member's specific points of view during the discussion
3. A summary of the public comments made on agendized items and unagendized topics
4. The specific language of each motion and the names of the Board members who made and seconded the motion
5. Preferential votes cast by student Board member(s) (Education Code 35012)
6. Any action taken by the Board, and the vote or abstention on that action of each Board member present (Education Code 35145; Government Code 54953)

Upon request by a student's parent/guardian, or by the student if age 18 or older, the minutes shall not include the student's or parent/guardian's address, telephone number, date of birth, or email address, or the student's name or other directory information as defined in Education Code 49061. The request to exclude such information shall be made in writing to the secretary or clerk of the Board. (Education Code 49073.2)

The Board agenda shall include a statement of the option and process for students and parents/guardians to request that such information be excluded from the minutes.

The Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. The Board shall approve the minutes as circulated or with necessary amendments.

Official Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

Any minutes or recordings kept for Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

**Recording or Broadcasting of Meetings**

The district may tape, film, stream, or broadcast any open Board meeting. At the beginning of the meeting, the Board president shall announce that a recording or broadcasting is being made at the direction of the Board and that the recording or broadcast may capture images and sounds of those attending the meeting. As practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any district recording may be erased or destroyed 30 days after the meeting. Recordings made at the direction of the Board during a meeting are public records and, upon request, shall be made available for inspection by members of the public on district equipment without charge. (Government Code 54953.5)

**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 References**

5 CCR 16020-16027

Ed. Code 35012

Ed. Code 35145

Ed. Code 35163

Ed. Code 35164

Ed. Code 49061

Ed. Code 49073.2

Gov. Code 54952.2

Gov. Code 54953

Gov. Code 54953.5

Gov. Code 54953.6

Gov. Code 54957.2

Gov. Code 54960

Pen. Code 632

**Management Resources References**

CSBA Publication

CSBA Publication

Website

**Description**

Destruction of records of school districts

Board members; number, election and terms -

<https://simbli.eboardsolutions.com/SU/HMcVplusrfUE0Xhfn86Nm8d8Q==>

Public meetings -

<https://simbli.eboardsolutions.com/SU/2zbplusTYPnqJITCLZ5nGLluA==>

Official actions, minutes and journal -

<https://simbli.eboardsolutions.com/SU/7APGMyznAnJOc6A3BG3eplusA==>

Actions by majority vote -

<https://simbli.eboardsolutions.com/SU/S5y793K3UzywyaslshlZXqcyA==>

Definitions; directory information -

<https://simbli.eboardsolutions.com/SU/LPocR56LXBUBhFSFEV34Mw==>

Privacy of student and parent/guardian personal information; minutes of board meeting -

<https://simbli.eboardsolutions.com/SU/9iplPezeEfX6eKlwZZ6PhA==>

Meeting; defined -

<https://simbli.eboardsolutions.com/SU/FaxV0vQpbORslshl5jqwd6yOA==>

Meetings to be open and public; attendance -

<https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==>

Audio or video recording of proceedings -

<https://simbli.eboardsolutions.com/SU/pglHf3CJute3LspDNflFwA==>

Broadcasting of proceedings -

<https://simbli.eboardsolutions.com/SU/VAvd4eXAMI6WSOnhCnKLWA==>

Closed sessions; clerk; minute book -

<https://simbli.eboardsolutions.com/SU/2s1EfQM0ehlC7FrMBzZDQ==>

Actions to stop or prevent violation of meeting provisions -

<https://simbli.eboardsolutions.com/SU/dJwAtslshl9MUMtMEac6cplusv4A==>

Eavesdropping on or recording confidential communications -

<https://simbli.eboardsolutions.com/SU/2plusdImgXouDLERHOht5jeRw==>

**Description**

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==>

**Bylaw 9400: Board Self-Evaluation**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board shall annually conduct a self-evaluation in order to demonstrate accountability to the community and ensure that district governance effectively supports student achievement and the attainment of the district's vision and goals.

The evaluation may address any areas of Board responsibility, including but not limited to Board performance in relation to vision setting, curriculum, personnel, finance, policy, collective bargaining and community relations. The evaluation also may address objectives related to Board meeting operations, relationships among Board members, relationship with the Superintendent, understanding of Board and Superintendent roles and responsibilities, communication skills, or other boardsmanship skills.

The Board shall be evaluated as a whole. Individual Board members also are encouraged to use the evaluation process as an opportunity to privately assess their own personal performance.

Each year the Board, with assistance from the Superintendent, shall determine an evaluation method or instrument that measures a reasonable number of previously identified performance objectives. Videotape of a Board meeting may be used as an evaluation tool only with the consent of all Board members.

Any discussion of the Board's self-evaluation shall be conducted in open session. At the request of the Board, a facilitator may be used to assist with the evaluation process. The Board may invite the Superintendent or others to provide input into the evaluation process.

Following the evaluation, the Board shall develop strategies for strengthening Board performance and shall establish priorities and objectives for the following year's evaluation.

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**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 References**

Gov. Code 54950-54963

**Description**

The Ralph M. Brown Act -  
<https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>

**Management Resources References**

CSBA Publication

**Description**

Professional Governance Standards

CSBA Publication

Defining Governance, Issue 3: Governance Practices, Governance Brief, April 2014

Website

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

CSBA Board Self-Evaluation -  
<https://simbli.eboardsolutions.com/SU/y7pz49slsh1cFEyKiqpK40u5g==>

Website

CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>