

Board Bylaws

BB 9323(a)

MEETING CONDUCT

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 the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

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.

(cf. 9121 - President)

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 at 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 subsequently may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Board Agenda Format

The agenda shall include the following sections:

Public Presentation And Discussion With The Board Of Education (scheduled as needed)

1.0. CALL TO ORDER (Start Time)

2.0. CLOSED SESSION

- 2.1 Pending/Existing Litigation Pursuant to Government Codes 54956.9(a), 54956.9(d)(2), 54956.9(d)(1), and 54956.9(e)(3)
- 2.2 Conference with Legal Counsel Anticipated Litigation Pursuant to Government Code 54956.9, 54956.9(d)(2), and 54956.9(d)(4)
- 2.3 Pupil Personnel – Student Expulsion(s), Disciplinary Matter(s), and Other Confidential Student Matters Pursuant to Education Code 48900(c)
- 2.4 Negotiations - PFT, PSEA Unit I and Unit II, Management/Confidential, and Real Property Pursuant to Government Codes 54957.6, and 54956.8

MEETING CONDUCT (continued)

- 2.5 Public Employee Discipline/Dismissal/Release/Reassignment/Resignation/
Nonreelection Pursuant to Government Codes 54954.5(e), and 54957
- 2.6 Public Employee Appointment/Employment Pursuant to Government Code 54957

PUBLIC SESSION (Start Time)

3.0 CALL TO ORDER

- 3.1 Pledge of Allegiance
- 3.2 Report Out of Closed Session
- 3.3 Members in Attendance
- 3.4 Welcome to Public
- 3.5 Approval of Agenda/Sequence

4.0 ORAL PRESENTATIONS

- 4.1 Student Board Representatives
- 4.2 Public Comments

Individuals wishing to address the Board regarding an item on the agenda or items of specific concern, may do so at this time. Speakers are limited to (3) three minutes, (15) fifteen minutes per topic. Times may be shortened or extended at the direction of the Board. Speakers are requested to submit a speaker slip to the Clerk of the Board prior to the start of the meeting.

5.0 CONSENT CALENDAR

- 5.1 Approval of Consent Calendar
 - 5.1(a) Approval of Minutes
- 5.2 Personnel Support Services
- 5.3 Business Support Services
- 5.4 Learning Support Services
- 5.5 Student Support Services
- 5.6 Technology and Innovation
- 5.7 Superintendent

6.0 PERSONNEL SUPPORT SERVICES

7.0 BUSINESS SUPPORT SERVICES

8.0 LEARNING SUPPORT SERVICES

9.0 STUDENT SUPPORT SERVICES

10.0 TECHNOLOGY AND INNOVATION

11.0 SUPERINTENDENT

MEETING CONDUCT (continued)

12.0 REPORTS AND COMMENTS

12.1 Board Member Reports

12.2 Superintendent's Reports

13.0 CLOSED SESSION (Continuation of No. 2.0 Closed Session if needed)

14.0 ADJOURNMENT / NEXT MEETING

Quorum and Abstentions

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

(cf. 9323.2 - Actions by the Board)

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, his/her 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 five 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)

(cf. 9270 - Conflict of Interest)

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.

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

MEETING CONDUCT (continued)

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, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her 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)

(cf. 9130 - Board Committees)

5. A person wishing to address the Board shall submit a "speaker slip" at the meeting. Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 15 minutes. With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

Speaker slips for agenda items must be submitted prior to the item coming up at the meeting. If a speaker slip is submitted after an item is reached, the speaker will not be heard but the slip will be kept as part of the record of the meeting.

MEETING CONDUCT (continued)

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 the topic would be more suitably addressed at a later time, the 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 may 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.

(cf. 1312.1 – Complaints Concerning District Employees)
(c.f. 9321 – Closed Session Purposes and Agendas)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent 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.

The Board may remove disruptive individuals and 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 such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement.

MEETING CONDUCT (continued)**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 shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

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)

*Legal Reference:*EDUCATION CODE

5095 Powers of remaining board members and new appointees
 32210 Willful disturbance of public school or meeting a misdemeanor
 35010 Prescription and enforcement of rules
 35145.5 Agenda; public participation; regulations
 35163 Official actions, minutes and journal
 35164 Vote requirements
 35165 Effect of vacancies upon majority and unanimous votes by seven member board

GOVERNMENT CODE

54953.3 Prohibition against conditions for attending a board meeting
 54953.5 Audio or video tape recording of proceedings
 54953.6 Broadcasting of proceedings
 54954.2 Agenda; posting; action on other matters
 54954.3 Opportunity for public to address legislative body; regulations
 54957 Closed sessions
 54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

403 Disruption of assembly or meeting

COURT DECISIONS

City of San Jose v. Garbett, (2010) 190 Cal.App.4th 526
Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966
McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275
Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194
Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

90 *Ops. Cal. Atty. Gen.* 47 (2007)
 76 *Ops. Cal. Atty. Gen.* 281 (1993)
 66 *Ops. Cal. Atty. Gen.* 336 (1983)
 63 *Ops. Cal. Atty. Gen.* 215 (1980)
 61 *Ops. Cal. Atty. Gen.* 243, 253 (1978)
 55 *Ops. Cal. Atty. Gen.* 26 (1972)
 59 *Ops. Cal. Atty. Gen.* 532 (1976)
 55 *Ops. Cal. Atty. Gen.* 26 (1972)

MEETING CONDUCT (continued)

Management Resources:

CSBA PUBLICATIONS

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

The Brown Act: School Boards and Open Meeting Laws, rev. 2005

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>