

**BYLAWS OF THE BOARD**

Series 9000 contains policies, regulations and exhibits about the school board, how it is elected; how it is organized; how it conducts meetings and how it operates. This section includes policies establishing the board's internal operating procedures as well as policies on board communications and policy adoption.

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**BYLAWS OF THE BOARD**

(continued)

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Meetings and Notices (includes posting requirements).....	9320	BB
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Closed Session Purposes and Agendas .....	9321	BB
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## ABC UNIFIED SCHOOL DISTRICT Bylaws of the Board

### ROLE OF THE BOARD (POWERS AND RESPONSIBILITIES)

The Governing Board is elected by the community to provide leadership and citizen oversight of the District's schools. The Board shall work with the Superintendent to fulfill its major roles, which include:

1. Establishing a long-term vision for the District
2. Establishing and maintaining a basic organizational structure for the District, including employment of the Superintendent and adoption of policies, curriculum, the budget and the collective bargaining agreement
3. Ensuring accountability to the local community, including personnel, programmatic and fiscal accountability and service as a judicial and appeals body as needed
4. Providing community leadership and advocacy at the local, state and national levels on behalf of children, district programs and public education

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)

The Board may delegate any of its duties to the Superintendent or designee but shall be ultimately responsible for the performance of any duties it delegates. (Education Code 35161)

*(cf. 2120 - Superintendent of Schools)*

*(cf. 2210 - Administrative Leeway in Absence of Governing Board Policy)*

### Vision

The Board shall set the direction for the District by adopting a vision statement which defines the District's goals and priorities. The Board shall carry out its vision-setting role by identifying the strengths and needs of the District, developing and adopting a process for framing the vision, soliciting staff and community input as appropriate, ensuring that the adopted vision statement is implemented, and conducting a periodic review of the vision.

*(cf. 0100 - Philosophy)*

*(cf. 0200 - Goals for the School District)*

*(cf. 6010 - Goals and Objectives)*

### Superintendent Employment and Evaluation

The Board shall be solely responsible for employing the Superintendent and ensuring that he/she is the best match for the District based on needed abilities, traits and level of knowledge. When selecting a new superintendent, the Board shall ensure a smooth transition period; evaluate the District's current and long-term needs; plan and conduct a process for recruitment, screening and selection; and approve the Superintendent's employment contract. The Board shall regularly evaluate the Superintendent based on an evaluation system and performance objectives established by the Board and Superintendent.

*(cf. 2121 - Superintendent's Contract)*

*(cf. 2122 - Superintendent of Schools: Responsibilities and Duties)*

*(cf. 2123 - Evaluation of the Superintendent)*

**ROLE OF THE BOARD (POWERS AND RESPONSIBILITIES)** (continued)**General Hiring and Personnel Accountability**

The Board shall adopt wage and salary schedules, and elect or reject employees at the recommendation of the Superintendent or designee. In order to have the best qualified people working at their maximum effectiveness, the Board shall hold the Superintendent responsible for overseeing the District's personnel system, developing effective hiring practices, creating a climate supportive of personnel and providing an effective framework for staff accountability.

*(cf. 4000 - Concepts and Roles)*  
*(cf. 4111 - Recruitment and Selection)*  
*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4151/4251/4351 - Employee Compensation)*  
*(cf. 4211- Recruitment and Selection)*  
*(cf. 4215- Evaluation/Supervision)*  
*(cf. 4311- Recruitment and Selection)*  
*(cf. 4315- Evaluation/Supervision)*

**Policy Adoption and Monitoring**

The Board shall govern the schools by adopting policies that reflect the District's vision and the mandates of law. The Board shall establish a clear policy development process through which it may deliberate on issues, identify priorities, assign responsibilities, identify goals and courses of action, and review policy decisions.

The Board shall also adopt bylaws that promote cooperation, trust and teamwork among its members, give parameters to the Board's operation as a governing body, and ensure that its meetings proceed efficiently and in compliance with law.

*(cf. 9200 - Members)*  
*(cf. 9300 - Governance)*  
*(cf. 9311 - Board Policies)*  
*(cf. 9312 - Board Bylaws)*  
*(cf. 9323 - Meeting Conduct)*  
*(cf. 9400 - Board Self-Evaluation)*

**Curriculum Adoption and Program Accountability**

While the design and implementation of curriculum is primarily a staff responsibility, the Board's role is to adopt overall educational goals and standards, define the curriculum development process, specify graduation requirements, adopt the developed curriculum and ensure compliance with state and federal laws.

To ensure accountability to the community, the Board shall establish measurable benchmarks to assess the effectiveness of the District's educational programs in producing desired student achievement results. Based on these assessments, the Board shall direct the Superintendent or designee to take corrective actions as needed.

*(cf. 0420.5 - School-Based Decision Making)*  
*(cf. 6010 - Goals and Objectives)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)*  
*(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6190 - Evaluation of the Instructional Program)*

**ROLE OF THE BOARD (POWERS AND RESPONSIBILITIES)** (continued)**Budget, Facilities and Fiscal Accountability**

The Board shall adopt a sound, responsible budget that supports district goals and priorities. To guide the Superintendent or designee in development of the budget, the Board shall establish a budget calendar, budget process and spending priorities.

Recognizing that school facilities are a long-term obligation that impacts district budgets, the Board shall also ensure that a plan is in place to address the District's facility needs, including the funding, construction and maintenance of school facilities. The Board shall approve facility sites, funding sources and architectural and construction contracts.

The Board recognizes that it is accountable to the community for its budget and facilities decisions and for the District's fiscal integrity. The Board shall use accountability systems and processes in order to monitor the District's fiscal health.

*(cf. 3000 - Concepts and Roles)*  
*(cf. 3100 - Budget)*  
*(cf. 3312 - Contracts)*  
*(cf. 3460 - Financial Reports and Accountability)*  
*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7140 - Architectural and Engineering Services)*  
*(cf. 7150 - Site Selection and Development)*  
*(cf. 7210 - Facilities Financing)*

**Collective Bargaining**

The Board is the legal representative of the District in negotiations with employee representatives. In carrying out the collective bargaining process, the Board shall set goals and guidelines for collective bargaining, select the bargaining team, maintain communications throughout the process and approve the negotiated contract.

*(cf. 4141/4241 - Collective Bargaining Agreement)*  
*(cf. 4143/4243 - Negotiations/Consultation)*

**Judicial and Appeals Body**

In addition to establishing complaint procedures that ensure due process and facilitate the satisfactory resolution of issues, the Board may convene to serve as a judicial and appeals body in accordance with law, Board policies and negotiated agreements. The Board may delegate fact-finding or hearing responsibilities in appropriate cases but remains the final decision-maker in these proceedings.

*(cf. 1312 - Complaints Concerning the Schools)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*  
*(cf. 4117.3 - Personnel Reduction)*  
*(cf. 4117.4 - Dismissal)*  
*(cf. 4144/4244/4344 - Complaints)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4317.3 - Personnel Reduction)*  
*(cf. 5116.1 - Intradistrict Open Enrollment)*  
*(cf. 5117 - Interdistrict Attendance)*  
*(cf. 5119 - Students Expelled from Other Districts)*  
*(cf. 5125.3 - Challenging Student Records)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*  
*(cf. 6164.6 - Identification and Education under Section 504)*

**ROLE OF THE BOARD (POWERS AND RESPONSIBILITIES)** (continued)**Community Leadership**

The Board shall build and maintain community awareness and support by actively involving parents/guardians, business and other community members in the schools and informing them about district programs, policies and issues.

Recognizing that the level of local, state and national support for education impacts the Board's ability to fulfill its responsibilities, the Board shall engage in advocacy on behalf of district schools. The Board shall ensure that the District has the capability to respond to emerging issues and a proactive communications plan for issues that are district priorities.

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1020 - Youth Services)*

*(cf. 1100 - Communication with the Public)*

*(cf. 1112 - Media Relations)*

*(cf. 1160 - Political Processes)*

*(cf. 1400 - Relations between Other Governmental Agencies and the Schools)*

*(cf. 1700 - Relations between Private Industry and the Schools)*

*(cf. 9010 - Public Statements)*

*Legal Reference:*EDUCATION CODE

*5304 Duties of governing board (re school district elections)*

*12400-12405 Authority to participate in federal programs*

*33319.5 Implementation of authority of local agencies*

*35000 District name*

*35010 Control of district; prescription and enforcement of rules*

*35020-35046 Officers and agents*

*35100-35351 Governing boards, especially:*

*35160-35185 Powers and duties*

*35291 Rules*

*17565-17592 Board duties re property maintenance and control*

Bylaw

approved: 12.20.76

revised: 7.7.98

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**PUBLIC STATEMENTS**

The Governing Board recognizes the rights of Board members to freely express their views and encourages open discussion of issues during the Board meeting. The Board believes that effective Board members have a responsibility to express themselves, whether in agreement or disagreement with the Board majority, in ways that promote the Board's ability to govern the district.

When speaking to community groups, the media, or other members of the public, 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.

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.

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*  
*(cf. 9200 - Members Limits of Authority)*

*Legal Reference:*

EDUCATION CODE

*35010 Control of District; prescription and enforcement of rules*

GOVERNMENT CODE

*54960 Actions to stop or prevent violation of meeting provisions*

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

Information that is not a public record shall be released only as allowed by law.

*(cf. 4112.6/4212.6/4312.6 - Personnel Records)*  
*(cf. 5125 - Student Records)*

Confidential/privileged information which is produced for or which comes out during closed sessions of the Governing Board shall not be divulged or released unless a majority of Board members agree to release the information, subject to applicable laws regarding closed sessions. (Education Code 35146, Government Code 3549.1, 54956.8, 54956.9, 54957 et seq., 6250 et seq.)

This policy is not intended to cause the withholding of information about the purpose and subject(s) of the closed session as required for public information under Government Code 54957.7.

Information from closed sessions shall be released by the president or chairman of the meeting in which the closed session is held.

Any Board member who willfully and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor.

Any Board member who releases confidential/privileged information contrary to the provisions of this bylaw may be publicly censured by a majority vote of the members of the Board.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 9321 - Closed Sessions Purposes and Agendas)*

*Legal Reference:*

EDUCATION CODE

*35010 - Power of governing board to adopt rules for its own governance*

*35146 - Closed session*

GOVERNMENT CODE

*1098 - Public officials and employees re confidential information*

*6254 - Public Records; exemption of records*

*54957 - Closed Session; "employee" defined; exclusion of witnesses*

*54957.1 - Subsequent public report and rollcall vote; employee matters in closed session*

*54957.5 - Public records*

*54957.6 - Closed session; representatives with employee organization*

*54957.7 - Reasons for closed session*

EVIDENCE CODE

*1040 - Privilege for official information*



**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board****Board Member Electronic Communications**

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 nor to circumvent the public's right to access records regarding district business.

*(cf. 1100 - Communication with the Public)*

*(cf. 9000 - Role of the Board)*

*(cf. 9322 - Agenda/Meeting Materials)*

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)

*(cf. 9320 - Meetings and Notices)*

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.

In addition, 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 his/her 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 Superintendent or designated district spokesperson.

*(cf. 1112 - Media Relations)*

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3320 - Claims and Actions Against the District)*

*(cf. 9005 - Governance Standards)*

*(cf. 9121 - President)*

*(cf. 9200 - Limits of Board Member Authority)*

**Board Member Electronic Communications (continued)**

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, he/she shall copy the communication to a district electronic storage device for easy retrieval.

*(cf. 1340 - Access to District Records)*

*(cf. 3580 - District Records)*

## Legal Reference:

## EDUCATION CODE

*35140 Time and place of meetings*

*35145 Public meetings*

*35145.5 Agenda; public participation; regulations*

*35147 Open meeting law exceptions and applications*

## GOVERNMENT CODE

*6250-6270 California Public Records Act*

*11135 State programs and activities, discrimination*

*54950-54963 The Ralph M. Brown Act, especially:*

*54952.2 Meeting, defined*

*54953 Meetings to be open and public; attendance*

*54954.2 Agenda posting requirements, board actions*

## COURT DECISIONS

*City of San Jose v. Superior Court (2017) 2 Cal.5th 608*

## Management Resources:

## CSBA PUBLICATIONS

*Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017*

*The Brown Act: School Boards and Open Meeting Laws, rev. 2014*

## ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Legislative Bodies, 2003*

## WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/ProductsAndServices/AllServices/AgendaOnline.aspx>

California Attorney General's Office: <http://oag.ca.gov>

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**ORGANIZATION**

**Annual Organizational Meeting**

The Governing Board shall hold an annual organizational meeting within the time limits prescribed by law. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk and vice president from its members.
2. Appoint a secretary to the Board.
3. Authorize signatures.
4. Develop a schedule of regular meetings for the year.
5. Develop a Board calendar for the year.
6. Designate Board representatives.

*(cf. 9140 - Board Representatives)  
(cf. 9320 - Meetings and Notices)*

**Election of Officers**

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

No Board member shall serve more than one consecutive year in the same office.

The members will appoint the Superintendent as secretary to the Board of Education.

*(cf. 9224 - Oath or Affirmation)*

*Legal Reference:*

EDUCATION CODE

35143 Annual organizational meeting date, and notice

35145 Public meetings

GOVERNMENT CODE

54953 Meetings to be open and public; attendance

68 OPS. CAL. ATTY. GEN. 65 (1985)

59 OPS. CAL. ATTY. GEN. 619, 621-622 (1976)

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**TERMS OF OFFICE**

The Governing Board shall consist of seven members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each odd-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)

*(cf. 9220 - Governing Board Elections)*

*(cf. 9223 - Filling Vacancies)*

*(cf. 9224 - Oath or Affirmation)*

*(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)*

*Legal Reference:*

EDUCATION CODE

*5000-5033 Election of school district board members*

*35010 Control of district*

*35012 Board members; number, election and terms*

*35107 Eligibility*

GOVERNMENT CODE

*1302 Continuance in office until qualification of successor*

*1303 Exercising functions of office without having qualified*

*1360 Necessity of taking constitutional oath*

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**PRESIDENT**

The president shall preside at all Governing 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 order of business and the conduct of meetings;
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 parliamentary procedure;
8. Put motions to a vote, and state clearly the results of the vote.

The president shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

The Board President shall also perform other duties as directed by law, State Department of Education regulations and the Board, including the duty to

1. Sign all instruments, acts, and orders necessary to carry out state requirements and the will of the Board;
2. Consult with the Superintendent or designee on the preparation of the Board's agendas;
3. Appoint and disband all committees, subject to Board approval;
4. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
5. Confer with the Superintendent or designee on crucial matters which may occur between Board meetings;
6. Be responsible for the orderly conduct of all Board meetings.
7. Share informational mail with other Board members.

*(cf. 9320 - Meetings and Notices)*

**PRESIDENT** (continued)

When the president resigns or is absent or disabled, the vice president shall perform the president's duties. When both the president and vice president are absent or disabled, the clerk shall perform the president's duties.

*Legal Reference:*

EDUCATION CODE

35022 *President of the board*

35143 *Annual organizational meetings; dates and notice*

35144 *Special meetings*

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board****SECRETARY**

The District superintendent shall be designated as secretary to the Board of Education.

In the absence of the superintendent, the duties of secretary will be delegated to an assistant superintendent subject to approval by the Board of Education, insofar as such duties cannot effectively be deferred until the superintendent's return and insofar as such duties do not require actions restricted by law to the District superintendent.

**Duties of the Secretary:**

1. Attend all board meetings:
  - a. Make physical arrangements
    - (1) Record briefly the disposition of all matters on which the board considered action.
    - (2) Prepare, check and distribute minutes of prior meetings for approval at the next meeting.
    - (3) Maintain a properly authenticated official copy of the board-approved minutes and one additional copy in the files of the District.
    - (4) Maintain official records of policies adopted by the board.
2. Prepare for board meetings:
  - a. Prepare the agenda and appropriate supplemental materials with the advice of the president.
  - b. Call legal matters to the attention of the board.
  - c. Draft all policy motions for the board's consideration.
3. Handle correspondence:
  - a. Process all mail addressed to the board or its officers.
  - b. Manage routine correspondence directly.
  - c. Deal with other correspondence as follows:
    - (1) Draft replies in advance when possible for board consideration.
    - (2) Draft correspondence as directed by the board.
4. Maintain the board's reference files and see that all documents specified by law or other constituted authority as public information are open for public inspection, and be held responsible for the security of such reference files and other information as may be restricted from the public by law or any other constituted authority.

**SECRETARY** (continued)

5. Supervise the board's publicity.
6. Handle all other matters to the extent that they may be designated to the Superintendent by action of the Board of Education.

*Legal Reference:*

Education Code

35025 *Secretary and bookkeeper*

35034 *District superintendent of certain unified districts (acts as secretary of the board)*

35250 *Duty to keep certain records and reports*



**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**CLERK**

At the annual organizational meeting, the Governing Board shall appoint a clerk from its own membership.

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 the minutes of the Board meetings following their approval.
4. Sign documents as directed by the Board on behalf of the District, and sign all other items which require the signature of the clerk.
5. Preside at meetings of the board upon the request of two or more members or upon the absence of the president and vice president.
6. Perform any other duties assigned by the Board.

*Legal Reference:*

EDUCATION CODE

*17593 Repair and supervision of property (duty of district clerk)*

*35038 Appointment of clerk by county superintendent of schools*

*35039 Dismissal of clerk*

*35121 Appointment of clerk in certain city and high school districts*

*35143 Annual organizational meetings*

*35250 Duty to keep certain records and reports*

*38113 Duty of clerk (re provision of school supplies)*

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**ATTORNEY**

The Governing Board recognizes the complex legal environment in which school districts operate and desires reliable, dependable legal advice. The Board also supports collaborative legal efforts with other agencies and districts in order to promote the District's interests.

*(cf. 1160 - Political Processes)*

The Board may use the county counsel, district attorney, or private attorneys to meet the needs of the District.

The District's legal counsel may:

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.

The Superintendent may confer with the District's legal counsel at his/her discretion and shall provide the Board with desired legal information when so directed by a majority of the Board. The Board also may authorize a specific member to confer with legal counsel on behalf of the Board.

*(cf. 9000 - Role of the Board (Powers and Responsibilities)*

*(cf. 9200 - Members (Limits of Authority))*

*(cf. 9321 - Closed Session Purposes and Agendas)*

*Legal Reference:*

EDUCATION CODE

35041 *Administrative adviser*

35041.5 *Legal counsel: Relieving duties of county counsel and district attorney*

35204 *Contract with attorney in private practice*

35205 *Contract for legal services*

GOVERNMENT CODE

814-895.8 *Liability of public entities and public employees*

995-996.6 *Defense of public employees*

26520 *Legal services to school districts*

26522 *Services re school bond issue*

## ABC UNIFIED SCHOOL DISTRICT Bylaws of the Board

### BOARD COMMITTEES

The Governing Board may establish Board committees as necessary. The Board shall determine the duties of the committee at the time of its appointment. Unless specifically authorized by the Board to act on its behalf, Board committees shall act in an advisory capacity. When its duties have been completed, the committee shall be dissolved.

#### Board Advisory Committees

The Board may establish advisory committees annually to advise the Board upon request.

#### Guidelines for Board Advisory Committees

1. Determination of Issues: The Board of education shall determine the issues to be submitted to board advisory committees, and shall state fully the charge of each committee. Authorization to process shall be by a majority vote of the board.
2. Responsibilities and Functions of the Committees: To advise the board on subjects and issues on an as needed basis as specified by the board.
3. Representation: When possible committee members shall be selected in a manner to provide geographic, socioeconomic and ethnic representation. No two (2) members **in the same household** of the same family shall serve on the same committee.

District employees and retirees who reside in the District and/or are parents of students enrolled in ABC School District are eligible to serve as a parent or community member.

These committees may be composed of a maximum of 12 voting members plus alternates. Each committee may consist of:

- one non-voting board member
  - one non-voting administrative liaison
  - seven voting community members, one appointee per board member, this includes anyone living in, working for or previously having worked for the ABC School District, or having children enrolled in ABC School District
  - one voting student member
  - four voting district employees or retirees, one selected optionally from each employee group (ABCFT, AFSCME, CSEA, and Management/Confidential)
  - Alternatives may be selected by the Board or employee group for their respective committee members who may vote in their absence
  - The Board may alter the composition of an advisory committee by majority vote.
4. All committees will conduct meetings in public, with residents and employees having an opportunity to provide input.
  5. Duration: Standing committee members shall serve for one school year or at the discretion of the Board.

**BOARD COMMITTEES (Continued)**

6. Meetings:
  - a. Regular Meetings – Advisory committees shall meet as determined by each committee in accordance with its charge from the Board of Education. Meetings shall be scheduled to permit the greatest number of members to attend. The first official meeting of the committee shall be held as soon as practicable following direction from the board.
  - b. Place of Meetings – All meetings shall be held within the geographic boundaries of the school district.
  - c. Notice of Meetings – Notification of all meetings shall be duly publicized 72 hours prior to the meeting.
  - d. Decisions – All recommendations of the committees shall be made only upon an affirmative vote of a majority of its members in attendance, provided a quorum is present.
  - e. Quorum – A quorum consists of a simple majority of the voting committee members, or alternates, excluding vacancies.
  - f. Minutes – Minutes shall be kept for each meeting and shall be submitted for approval at the next meeting. The minutes of the meetings shall be made available for any interested person or group.
  - g. Attendance – The Board shall recognize administrative regulation procedures related to absenteeism, identifying the number of absences which may result in removal from the committee membership. The appointing board member will select a replacement for the vacancy where appropriate.
7. Voting: A majority vote on a recommendation shall be the basis for reaching final decision, provided that a quorum is present. Although the meetings and discussions are open, voting must be restricted to committee members or alternates in case of absence. No member of the committee shall vote on a subject in which he/she has a vested interest.
8. Orientation: Orientation and general information shall be provided for committees as needed. This shall be the responsibility of the board member representative. Inservice training shall be provided if requested by the committee.
9. Staff Support: The superintendent shall see that reasonable committee needs are met for public information, typing services, postage, duplication services, inservice education, conference/convention attendance, meeting notices, meeting locations, etc. In order to accomplish this, the superintendent may designate an administrative staff member to be in charge of all staff support for a committee, if so desired by the committee and approved by the board. Copies of new materials provided to the committee will be distributed to the board as well. Staff reports and proposals prepared for the board are not subject to prior committee review unless the board requests such review.
10. Limitations: Participants advise on matters related to educational programs, policies and procedures. The accountability and responsibility for decisions must rest with the Board of Education.
11. Special Conditions: The Board of Education may establish special conditions for committee operation. These conditions may supplement and/or modify these guidelines or any items within the guidelines.
12. Reporting to the Board: The committee may make written and/or oral presentations to the board at regular meetings during the reports section of the agenda.

**BOARD COMMITTEES (Continued)**

Formal reports and recommendations from committees will be placed on the Board agenda for a regular or special meeting in the reports section of the agenda. At a subsequent board meeting, staff comments and recommendations related to the committees' report focusing on personnel, fiscal and educational implications of the committees' findings, legal constraints or professional concerns and/or other issues may be made.

13. Bylaw Distribution: All committee members shall receive a copy of these guidelines upon being appointed to an advisory committee.

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.

Temporary/Ad Hoc Committees

The president shall appoint temporary and/or ad hoc committees as may be deemed necessary or advisable by the Board of Education. The duties of the committee shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

Standing Committees

Each committee shall be given a specific charge and report to the Board regarding its work on an as-needed basis. As a general rule, appointments to such committees shall be made for a period of one year at the annual organizational meeting.

When a Board committee composed exclusively of Board members has provided for public comment on an item at a public meeting before or during the committee's consideration of the item, the Board is not obliged to provide for public comment on the item at a subsequent Board meeting. Public comment shall be afforded, however, if the Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

*Legal Reference:*Education Code

*35014 Adoption of rules by governing board*

*35024 Executive committee*

*35160 Power of governing board after January 1, 1976*

**35160.1** *Broad authority of school districts*

GOVERNMENT CODE

*54952 Legislative body, definition*

*54952.2 Definition of meeting*

*54954 Time and place of regular meetings; special meetings, emergencies*

*54954.3 Opportunity for public to address legislative body*

## Bylaw

approved: 9.21.93

revised: 5.4.99

revised: 1.18.00

revised: 3.7.07

revised: 3.20.07

revised: 10.04.16

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board****Board Committees**

The Board of Education may establish Board committees as necessary. The Board shall determine the duties of the committee at the time of its appointment.

**Membership Requirements**

1. Each Board Advisory and Ad Hoc Committee shall consist of members appointed by the Board of Education. Each employee group may optionally select representatives to serve on each Committee.
2. The term of each member shall be for one year or in the case of Ad Hoc Committees, until the Committee completes a report to the Board. There is no limit as to the number of terms a member may serve.
3. A committee vacancy shall be filled by the Board of Education in the same manner as the original appointment for the balance of the unexpired term.
4. The Chair of a Committee may recommend that the Board of Education remove a member if:
  - a. A member engages in activities, which represent a conflict of interest with the Committee's work
  - b. A member is absent for three consecutive meetings in a six month period unless the absence is due to extenuating circumstances, example: severe illness, death in the family, accident, and so forth.
  - c. A member behaves in an unprofessional or unethical manner with respect to the mission, purpose, or goals of the Committee.

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**BOARD REPRESENTATIVES**

The Governing Board may appoint any of its members to serve as its representatives on district committees or advisory committees of other public agencies or organizations. Due to open meeting law requirements, a majority of the Board shall not be appointed to serve on the same committee.

*(cf. 9270 - Conflict of Interest)*  
*(cf. 9320 - Meetings and Notices)*

When making such appointments, the Board shall clearly specify, on a case-by-case basis, what authority and responsibilities are involved. Board representatives shall not grant district support or endorsement for any activity without prior Board approval.

If a committee discusses a topic on which the Board has taken a position, the Board member may express that position as a representative of the Board. When contributing individual ideas or opinions on other topics, he/she shall make it clear that he/she is speaking as an individual, not on behalf of the Board.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 9010 - Public Statements)*  
*(cf. 9130 - Board Committees)*

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)

The Board shall provide the representative with nominees to this committee.

A Board member is eligible serve as a member of the county committee on school district organization. (Education Code 4007)

*(cf. 9100 - Organization)*

*Legal Reference:*

EDUCATION CODE

4000-4014 County committees on school district organization

35020-35046 School district officers and agents (power of governing board to employ or appoint)

35160 Authority of governing boards

GOVERNMENT CODE

54952.2 Meetings

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board****STUDENT BOARD MEMBERS**

The Governing Board believes it is important to seek out and consider students' ideas, viewpoints and reactions to the educational program. In order to provide student input and involvement, the Board shall include five student Board member(s) selected in accordance with procedures approved by the Board.

The term of student Board members shall be one calendar year, commencing on July 1. Student Board members shall have the right to attend all Board meetings except closed sessions. (Education Code 35012)

Student Board members shall be seated with regular Board members and be recognized at meetings as full members. They may participate in questioning witnesses and discussing issues and shall receive all materials presented to Board members except those related to closed sessions. (Education Code 35012)

Student Board members may be reimbursed for mileage but shall not receive compensation for attendance at Board meetings. (Education Code 35012)

Student Board member(s) may cast preferential votes on all matters except those subject to closed session discussion. Preferential votes shall be cast prior to the official Board vote and shall not affect the final numerical outcome of a vote. Preferential votes shall be recorded in the Board meeting minutes. (Education Code 35012)

Student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

*Legal Reference:*EDUCATION CODE*33000.5 Appointment of student members to State Board of Education**35012 Board members; number, election and terms; pupil members*GOVERNMENT CODE*3540-3549.3 Meeting and Negotiating in Public Educational Employment*



**ABC UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**STUDENT BOARD MEMBERS**

**STUDENT REPRESENTATIVES TO THE BOARD**

1. One student representative and one student alternate shall be elected annually from each high school in the District for a term of one year to serve as a member of the student committee of the Board of Education. Student representatives and alternates to the committee shall be selected by students of their respective high schools in a manner to be determined by the constitution or bylaws controlling the governance of each student body.
2. The student committee shall meet before each regular Board of Education meeting to prepare individual school reports and to discuss Board agenda items relative to student interest. The committee shall receive all information forwarded to the Board of Education members except privileged communications regarding items to be discussed in closed sessions. The committee shall discuss these items and make recommendations to the Board on these and any other items of interest to the students in the District. Such communication will be made to the Board by a student committee representative. This student shall report the recommendations of the student committee and where appropriate the roll call vote of the students.
  - a. Each student representative or his/her alternate shall have one vote. The vote shall reflect the consensus of opinion of a broadly-based group identified by the associated student body of the respective schools.
  - b. Matters relating directly to interest of students include: rights and responsibilities; curriculum; graduation requirements; grading; discipline; extra-curricular activities, and attendance.
  - c. Items relating directly to students' interests will be asterisked (\*) on the agenda by the superintendent. The Board, by majority vote, may designate additional items (or delete those so designated by the superintendent).
3. One member of the student committee shall represent the committee at the regular Board of Education meetings and at any other Board meetings that the committee deems appropriate except closed sessions.
4. Student representatives to the Board shall all rotate during the year, for approximately equal periods of time, in the position of student committee representative to the Board. The rotational order shall be determined by the student representatives.

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**MEMBERS LIMITS OF AUTHORITY**

**Limits of Board Members Authority**

The Governing Board is the unit of authority over the District. It has broad but clearly limited powers. The exercise of its authority is restricted to the functions required or permitted by law, and then only when it acts in a legally constituted meeting.

*(cf. 9000 - Role of the Board)*

The Board member has no individual authority. Individually, the Board member may not commit the District to any policy, act or expenditure. The Board member cannot do business with the District served, nor should the Board member have an interest in any contract with the District. The Board member represents and acts for the community as a whole and does not represent any factional segment of the community.

*(cf. 9270 - Conflict of Interest)*

Individual members of the Board, by virtue of holding office, shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. At his/her discretion, the Superintendent may refer the request to the entire Board for consideration. If approved, the Superintendent or designee shall perform any necessary research associated with the request and report to the Board at a future meeting.

*(cf. 1340 - Access to District Records)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

**Obligations of Board Members**

Board members should hold the education of children and youth above any partisan principle, group interest, or personal interest.

Board members should understand their role and the programs offered by the District. They should study all agenda materials before the meeting, participate in the discussion of items which come before the Board, vote on motions and resolutions, and abstain only for compelling reasons.

*(cf. 9240 - Board Development)*

*(cf. 9271 - Code of Ethics)*

*(cf. 9320 - Meetings and Notices)*

Board members shall refer Board-related correspondence to the Superintendent or designee for forwarding to the Board or for placement on the Board's agenda.

*(cf. 9322 - Agenda/Meeting Materials)*

**MEMBERS LIMITS OF AUTHORITY** (continued)

Board members and persons elected to the Board are responsible for complying with the requirements of the state's open meeting laws.

The Superintendent or designee shall provide a copy of the Brown Act to each Board member and to anyone who is elected to the Board.

*Legal Reference:*

EDUCATION CODE

*7054 Use of district property*

*35010 Control of district; prescription and enforcement of rules*

*35100-35351 Governing boards - esp.*

*35160-35184 Powers and duties*

*35230-35240 Corrupt practices*

*35291 Rules*

*35292 Visits to schools (Board members)*

GOVERNMENT CODE

*54952.1 Member of a legislative body of a local agency*

*54952.7 Copies of chapter to members of legislative body*

*54959 Penalty for unlawful meetings*

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**GOVERNING BOARD ELECTIONS**

Any person is eligible to be a Governing Board member, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter and not legally disqualified from holding civil office. (Education Code 35107)

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

*(cf. 9270 - Conflict of Interest)*

Board election procedures shall be conducted in accordance with the California Education Code and Elections Code.

*(cf. 9110 - Terms of Office)*

**Statement of Qualifications**

The District shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed pursuant to Elections Code 13307.

The Board secretary shall notify the county clerk of this policy on or before the 125th day before each Board member election. (Elections Code 10509)

Candidate statements shall be limited to no more than 200 words.

**Limitation of Campaign Contributions and Expenditures**

Candidates for Board elections shall accept campaign contributions within the limits prescribed by Government Code 85301.

Candidates who accept this voluntary expenditure ceiling shall accept campaign contributions within the limits prescribed by Government Code 85402.

**Tie Votes in Board Member Elections**

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall schedule a runoff election in accordance with law. (Education Code 5016)

*Legal Reference: (see next page)*

**GOVERNING BOARD ELECTIONS** (continued)*Legal Reference:*EDUCATION CODE*5000 Biennial election**5016 Selection in tie vote**5017 Term**5019 Trustee areas and size of governing boards**5019.5 Trustee areas; adjustment of boundaries**5300-5304 General provisions (conduct of elections)**5320-5329 Order and call of elections**5340-5345 Consolidation of elections**5360-5363 Election notice**5380 Compensation (of election officer)**5390 Qualifications of voters**5420-5426 Cost of elections**5440-5442 Miscellaneous provisions (re returns, recounts, etc.)**35107 Eligibility; school district employees**35177 Campaign expenditures or contributions*CALIFORNIA CONSTITUTION*Article 2, Section 2 Voters, qualifications**Article 2, Section 4 Prohibition certain persons as electors**Article 7, Section 7 Conflicting offices**Article 7, Section 8 Disqualification from office**Article 7, Section 10 Libelous or slanderous statements against opposing candidates*ELECTIONS CODE*1302 Local elections, school district election**2201 Grounds for cancellation**2220-2226 Residency confirmation procedures**10400-10418 Consolidation of elections especially:**10403.5 Municipal election consolidated with statewide election or school district election**10509 Notice of election by secretary**10600-10604 School district elections**13307 Candidate's statement**13309 Candidate's statement, indigency*GOVERNMENT CODE*1021 Conviction of crime**1097 Illegal participation in public contract**3035 Impeachment**85300-85313 Contribution limitations**85400-85404 Voluntary expenditure ceilings**85706 Local regulation*PENAL CODE*68 Bribes**74 Acceptance of gratuity**424 Embezzlement and falsification of accounts by public officers**661 Removal for neglect or violation of official duty*

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**RECRUITING NEW BOARD MEMBERS**

In order to draw Governing Board member candidates from the widest possible number of interested, active, and well-informed citizens, the Superintendent or designee shall publicize widely all public Board meetings, committee openings, and community-related school events and shall encourage the participation of parents/guardians and members of the professional and business community in these activities.

The Superintendent or designee shall publicize school Board elections well in advance so that prospective Board candidates will have time to investigate the responsibilities of Board membership and comply with legal requirements.

*(cf. 9220 - Governing Board Elections)*

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**RESIGNATION**

A Governing Board member who wishes to resign may do so by filing a written resignation with the County Superintendent of Schools. (Education Code 5090)

A copy shall be given to the Board secretary.

The written resignation is effective when filed, except when a deferred effective date is specified in the resignation. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after filing. (Education Code 5091)

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

Upon resignation, the Board member may continue to exercise all his/her powers, save that of voting for a successor, until the effective date of resignation. (Education Code 35178)

*(cf. 9270 - Conflict of Interest)*

*Legal Reference:*

EDUCATION CODE

*5090 Definition (vacancy)*

*5091 Special Election*

*35178 Resignation with deferred effective date*

## **ABC UNIFIED SCHOOL DISTRICT Bylaws of the Board**

### **FILLING VACANCIES**

A vacancy on the Governing Board may occur for any of the events specified in Government Code 1770 or by a failure to elect. (Education Code 5090) Removal by recall election shall also create a vacancy on the Board. (Elections Code 11384)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

If a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)

If a vacancy occurs four or more months before the end of a Board member's term, 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, unless a special election is mandated as described below. (Education Code 5091)

#### **Mandated Special Election**

If 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 he/she was elected to fill. (Education Code 5093)

#### **Provisional Appointments**

When the special election described above is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

The Board shall accept nominations for Board membership at a public meeting and shall select the provisional appointee from among these nominees by a majority vote.

*(cf. 9220 - Governing Board Elections)*  
*(cf. 9323.2 - Actions by the Board)*

#### **Notice and Duration of Provisional Appointment**

Within 10 days after the appointment is made, the Board shall post notices of the vacancy or resignation and the provisional appointment. The notice shall be published in the local newspaper 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 of Schools within 30 days of the provisional appointment, it shall become an effective appointment



**FILLING VACANCIES** (continued)

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)

*Legal Reference:*

EDUCATION CODE

5019-5019.5 *Trustee areas*

5090 *Definition (vacancy)*

5091 *Special election or provisional appointment*

5092 *Public notice of vacancy and provisional appointment*

5093 *Re vacancies occurring near end of term and incumbent not reelected*

5094 *Power of president of county board of education when majority of offices vacant*

5095 *Powers of remaining board members and new electees or appointees*

5200 *Districts governed by boards of education*

5304 *Duties of the governing board (re school district elections)*

5325 *Publication of information regarding district elections*

5420-5426 *Cost of elections, especially:*

5424 *Expenses of conducting legal recall election*

35107 *Eligibility*

35178 *Resignation with deferred effective date*

ELECTIONS CODE

10603-10604 *School district elections*

11384 *Vacancy in office if majority vote for recall*

GOVERNMENT CODE

1064 *Absence from state*

1770 *Vacancies: definition*

3060-3074 *Removal other than by impeachment*

6061 *One time*

54950-54962 *The Ralph M. Brown Act, especially*

54953 *Meetings open and public; secret ballots*

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

Bylaw

approved: 12.20.76

revised: 7.7.98

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**EXHIBIT**

**FILLING VACANCIES**

**Events causing vacancy before expiration of term (Government Code 1770)**

An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent
- (b) The adjudication pursuant to a quo warrant proceeding declaring that the 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 his/her office for the remainder of his/her term
- (c) His/her resignation
- (d) His/her removal from office
- (e) His/her ceasing to be an inhabitant of the District for which the officer was chosen or appointed or within which the duties of his/her office are required to be discharged
- (f) His/her absence from the state without the permission required by law beyond the period allowed by law
- (g) His/her ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law
- (h) His/her conviction of a felony or any offense involving a violation of his/her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict or finding.
- (i) His/her refusal or neglect to file his/her required oath or bond within the time prescribed
- (j) The decision of a competent tribunal declaring void his/her election or appointment
- (k) The making of an order vacating his/her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond
- (l) His/her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; in this event, the office shall not be deemed vacant until the order of commitment has become final.

**FILLING VACANCIES** (continued)

**Absence from state; members of governing boards of school districts; conditions (Government Code 1064)**

No member of the governing board of a school district shall be absent from the state for more than 60 days, except in any of the following situations:

- (a) Upon business of the school district with the approval of the board
- (b) With the consent of the governing board of the school district for an additional period not to exceed a total absence of 90 days
- (c) For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

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 governing board of the school district for an additional period not to exceed 30 days.

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**OATH OR AFFIRMATION**

When entering upon the duties of their office, all Governing Board members shall take the oath or affirmation required by law. (Constitution of the State of California, Article 20, Section 3)

A Board member, the Superintendent, or an authorized designee may administer this oath. (Education Code 60)

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*

*Legal Reference:*

EDUCATION CODE

*60 Persons authorized to administer and certify oaths*

GOVERNMENT CODE

*1360-1363 Oath of office*

*3100-3109 Oath or affirmation of allegiance*

CONSTITUTION OF THE STATE OF CALIFORNIA

*Article 20, Section 3 Oath of office*

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

*Chilton v. Contra Costa Community College District 55 Cal. App. 3d 554*

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**ORIENTATION**

**BOARD CANDIDATE ORIENTATION**

The Governing Board desires to provide Board candidates with orientation that will enable them to understand the responsibilities of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities.

*(cf. 9200 - Members)*

*(cf. 9270 - Conflict of Interest)*

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

*(cf. 1340 - Access to District Records)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

**New Board Member Orientation**

The Board and the Superintendent or designee shall help each new member-elect to understand district operations and the Board's functions, policies and procedures as soon after election as possible. Incoming members shall be given a copy of the Brown Act and informed that they must conform to its requirements as if they had already assumed office. Incoming members shall also receive the District's policy manual and other materials related to the school system and Board member responsibilities.

Incoming members are encouraged to attend Board meetings and meet with the Superintendent or designee and Board president regarding their role and responsibilities. They also may, at district expense, attend workshops for newly elected members.

*(cf. 9240 - Board Development)*

*Legal Reference:*

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshops

33362 Reimbursement of expenses; member of school district board

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially

54952.1 Member of a legislative body

54952.7 Copies of Brown Act to Board members

Bylaw

approved: 9/17/84

revised: 7.7.98

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**BOARD DEVELOPMENT**

Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardmanship skills.

All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences.

*(cf. 9230 - Orientation)  
(cf. 9320 - Meetings and Notices)*

The Superintendent shall be notified of all such meetings to be attended by board members.

Board members shall report to the Board, orally or in writing, as soon as possible on the inservice activities they attend.

Funds for Board development shall be budgeted annually for each Board member.

*(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)*

*Legal Reference:*

EDUCATION CODE

*33360 Department of Education and statewide association of school district boards;  
annual workshop*

GOVERNMENT CODE

*54950-54962 The Ralph M. Brown Act, especially  
54952.2 Meeting*

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS**

**Remuneration**

Each member of the Governing Board may receive a monthly compensation of no more than \$750.

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

If a member does not attend all Board meetings during the month, he/she is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. (Education Code 1090, 35120)

Members may be paid for meetings they missed when the Board, by resolution, finds that they were performing designated services for the District at the time of the meeting or that they were absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 1090, 35120)

In order to receive compensation for any Board meeting, Board members shall be present for at least 50 percent of the meeting time.

**Reimbursement of Expenses**

Board members shall be reimbursed for traveling expenses incurred when so authorized in advance by the Board. (Education Code 35044)

The rate of reimbursement shall be the same rate specified for District personnel.

*(cf. 4133/4233/4333 - Travel Expenses)*

*(cf. 9240 - Board Development)*

Board members may use district-issued credit cards while on official district business. Under no circumstances may personal expenses be charged on district credit cards.

**Health and Welfare Benefits**

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

The District shall pay the same as to employees toward the cost of premiums required for Board members electing to participate in the District health and welfare benefits program.

**REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS** (continued)**Benefits for Retired Board Members**

Any members whose first term of office began on or after January 1, 1995, and any other members retiring from the Board after at least one term, may continue the health and welfare benefits program at their own expense if coverage is in effect at the time of retirement. (Government Code 53201)

*Legal Reference:*EDUCATION CODE

1090 Compensation for members and mileage allowance

33362 Reimbursement of expenses (Department of Education and CSBA workshops)

35012 Board members; number, election and term

35044 Payment of traveling expenses of representatives of board

35120 Compensation (services as member of governing board)

35172 Promotional activities

44038 Cash deposits for transportation purchased on credit

GOVERNMENT CODE

20322 Elective officers; election to become member

53200-53209 Group insurance, especially:

53200 Definitions: group insurance, local agency; health and welfare benefits, employees

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

*Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598*

Bylaw

approved: 01.15.93

revised: 07.07.98

10.18.01



**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**EXHIBIT**

**REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS**

Education Code Section 35120(a), Article 2. Officers and Agents

- (a) (1) In any school district in which the average daily attendance for the prior school year exceeded 400,000, each member of the city board of education or the governing board of the District who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed two thousand dollars (\$2,000) per month.
- (2) In any school district that is not located in a city and county, and in which the average daily attendance for the prior school year exceeded 60,000, the governing board may prescribe, as compensation for the services of each member of the board who actually attends all meetings held, a sum not to exceed one thousand five hundred dollars (\$1,500) in any month.
- (3) In any school district in which the average daily attendance for the prior school year was 60,000 or less, but more than 25,000, each member of the city board of education or the governing board of the District who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed seven hundred fifty dollars (\$750) in any month.
- (4) In any school district in which the average daily attendance for the prior school year was 25,000 or less, but more than 10,000, each member of the city board of education or the governing board of the District who actually attends all meetings held may receive as compensation for his or her services a sum not exceed four hundred dollars (\$400) in any month.
- (5) In any school district in which the average daily attendance for the prior school year was 10,000 or less but more than 1,000, each member of the city board of education or the governing board of the District who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed two hundred forty dollars (\$240) in any month.
- (6) In any school district in which the average daily attendance for the prior school year was 1,000 or less but more than 150, each member of the city board of education or the governing board of the District who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed one hundred twenty dollars (\$120) in any month.
- (7) In any school district in which the average daily attendance for the prior school year was less than 150, each member of the city board of education or the governing board of the District who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed sixty dollars (\$60) per month.
- (8) Any member who does not attend all meetings held in any month may receive, as compensation for his or her services, an amount no greater than the maximum amount allowed by this subdivision divided by the number of meetings held and multiplied by the number of meetings actually attended.

**REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS (continued)**

- (9) For the purpose of providing compensation pursuant to paragraphs (1) to (7), inclusive, average daily attendance for the prior school year may be increased by a school district's percentage of excused absences reported for the 1996-97 fiscal year.
- (b) The compensation of members of the governing board of a school district newly organized or reorganized shall be governed by subdivision (a). For this purpose, the total average daily attendance in all of the schools of the District in the school year in which the organization or reorganization became effective pursuant to Section 4062 shall be deemed to be the average daily attendance in the District for the prior school year.
- (c) A member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that at the time of the meeting he or she is performing services outside the meeting for the school district or districts, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the board.
- (d) The compensation shall be a charge against the funds of the school district. If the city board of education or the governing board of the District is the governing board of more than one school district, the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them.

Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

- (e) On an annual basis, the governing board may increase the compensation of individual board members beyond the limits delineated in this section, in an amount not to exceed 5 percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the governing board.

This action may be rejected by a majority of the voters in that district voting in referendum established for that purpose, as prescribed by Chapter 3 (commencing with Section 17200) of Part 2 of Division 17 of the Elections Code.

Reference: Education Code 4062  
Elections Code 17200

Exhibit approved: 07.07.98  
Revised: 09.18.01

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**LEGAL PROTECTION**

**Liability Insurance**

The Governing Board shall provide insurance necessary to protect Board members and employees from any judgment resulting from suits brought against them alleging their liability while acting within the scope of their employment and/or under the direction of the Board. The insurance shall cover claims in such matters as civil rights actions, negligence, or other acts resulting in accidental injury to any person or damage to property.

*(cf. 3530 - Risk Management/Insurance)*

*Legal Reference:*

EDUCATION CODE

*17029.5 Contract funding; board liability*

*17280-17316 Field Act, approvals*

*17365-17374 Field Act, fitness for occupancy*

*35208 Liability insurance*

*35214 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)*

GOVERNMENT CODE

*815.3 Intentional torts*

*820.9 Immunity from liability*

*825 Defense by public entity*

*825.6 Indemnification of public entity*

*1090-1098 Conflicts of interest, prohibitions applicable to specified officers*

*54950-54957.9 The Ralph M. Brown Act*

*87100-89503 Conflicts of interest*

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

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**CONFLICT OF INTEREST**

**Incompatible Activities**

Governing Board members shall not engage in any employment or activity 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 1126)

**Districts in which Board members do not manage public investments**

Designated employees of the District, including Board members, shall adhere to the District's conflict of interest code adopted pursuant to the provisions of Government Code 87300.

The District's conflict of interest code shall comprise the terms of the California Code of Regulations, Title 2, Section 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.

When a change in the District's conflict of interest code is necessitated by changed circumstances such as the creation of new positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

Upon receiving the statements of employees designated in Category 1, the District shall make and retain copies and shall forward the originals to the code reviewing body. Statements for all other designated employees shall be retained by the District.

The Board shall review the District's conflict of interest code in even-numbered years and send the code reviewing body either an amended code or, by October 1 of that year, a statement to the effect that no change is necessary. (Government Code 87306.5)

When reviewing and preparing conflict of interest codes, the District shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Statements of economic interests submitted to the District by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

**Financial Interest**

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract if any of the exceptions set forth in Government Code 1091.5 apply.

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote 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 to enter into the contract. Remote interests are specified in Government Code 1091(b); they include the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

## **CONFLICT OF INTEREST** (continued)

If a Board member or designated employee determines that he/she has a financial interest in a decision, this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. (Code of Regulations, Title 2, Section 18700)

A Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. (Education Code 35107)

### **Gifts**

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law. (Government Code 89503)

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 89503)

The above limitations on gifts do 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)

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code 89506.

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 any employees who manage public investments 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 gathering. (Government Code 89501, 89502)

Designated employees shall not accept any honorarium as defined above if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 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

**CONFLICT OF INTEREST** (continued)

*Legal Reference:*

EDUCATION CODE

1006 *Qualifications for holding office*

35107 *School district employees*

35230-35240 *Corrupt practices*

35233 *Prohibitions applicable to members of governing boards*

GOVERNMENT CODE

1090-1098 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

81000-91015 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

82019 *Definition of "Designated Employee"*

82028 *Definition of "Gifts"*

82030 *Definition of "Income"*

82033 *Definition of "Interest in real property"*

82034 *Definition of "Investment"*

87100-87103.6 *General prohibitions*

87200-87210 *Disclosure*

87300-87313 *Conflict of interest code*

87500 *Statements of economic interests*

89501-89503 *Honoraria and gifts*

89506 *Travel payments, advances and reimbursements*

91000-91015 *Enforcement*

CODE OF REGULATIONS, TITLE 2

18100 *et seq. Regulations of the Fair Political Practices Commission*

68 *Ops.Cal.Atty.Gen. 171 (1985)*

65 *Ops.Cal.Atty.Gen. 606 (1982)*

Bylaw

approved: 8.21.90

revised: 7.7.98

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**EXHIBIT**

Incorporation of FPPC Regulation 18730 (2 California Code of Regulations, Section 18730) by Reference

The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notices and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 28730, and any amendments to it duly adopted by the Fair Political Practices commission, are hereby incorporated into the conflict of interest code of this agency by reference. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

Place of Filing of Statements of Economic Interests

All officials and employees required to submit a statement of economic interests shall file their statements with the agency head; or his or her designee. The agency shall make and retain a copy of all statements filed by its Board Members, Governing board Members, Alternate Board Members, as appropriate, and its agency head (Agency/Department Head, Executive Officer or Chief Executive Officer, Superintendent, or Director), and forward the originals of such statement to the executive Office of the Board of Supervisors of Los Angeles County.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

**CONFLICT OF INTEREST (continued)****EXHIBIT "A"****CONFLICT OF INTEREST AND DISCLOSURE CODE****SECTION 100.**

The ABC Unified School District (herein agency) of the County of Los Angeles hereby adopts this Conflict of Interest and Disclosure Code. The provisions of this Code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this code shall be interpreted in a manner consistent therewith.

**SECTION 200. Designated Positions.**

The positions listed on Exhibit "B" are designated positions. Persons holding those positions are deemed to participate in the making of decisions which may foreseeably have a material effect of a financial interest.

**SECTION 300. Economic Disclosure Statements.**

Designated positions are assigned to one or more of the disclosure categories set forth on Exhibit "A". Each person holding a designated position shall file a statement disclosing his/her interest in investments, business positions, real property, and income, designated as reportable under the category to which his/her position is assigned on Exhibit "B".

**SECTION 400. Place and Time of Filing.**

- A. Persons holding designated positions in an agency which is adopting a code for the first time shall file an initial statement within 30 days after the effective date of the code. Persons holding designated positions which are added to the agency's code shall file an initial statement within 30 days after the effective date of the code.
- B. Persons appointed, promoted, or transferred to designated positions shall file an assuming office statement with the agency within 30 days after assuming the position.
- C. Annual statements shall be filed with the agency by April 1<sup>st</sup> by all persons holding designated positions. Such statements shall cover the period of the preceding calendar year or from the date of the last statement filed.
- D. Leaving office statements shall be filed with the agency within 30 days of leaving a designated position. Such statements shall cover the period from the closing date of the last statement filed to the date of leaving the position.
- E. An individual who resigns a designated position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency, or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:



**CONFLICT OF INTEREST (continued)**

- (1) File a written resignation with the appointing power; and
- (2) File a written statement with the filing officer on a form prescribed by the Board of Supervisors and signed under the penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

**SECTION 500. Contents of Economic Disclosure Statements.**

Statements shall be made on forms supplied by the Agency, and shall contain the following information.

- A. When an investment, or an interest in real property, is required to be reported, the statement shall contain:
  - (1) A statement of the nature of the investment or interest;
  - (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business is engaged;
  - (3) The address or other precise location and the use of the real property;
  - (4) A statement whether the fair market value of the investment or interest in real property equals or exceeds one thousand dollars (\$1,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), or whether it exceeds one hundred thousand dollars (\$100,000).
  - (5) If any otherwise reportable investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal shall be reported.
- B. When income is required to be reported, the statement shall contain:
  - (1) The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, of fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
  - (2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least two hundred fifty dollars (\$250) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but not greater than ten thousand dollars (\$10,000), or whether it was greater than ten thousand dollars (\$10,000);
  - (3) A description of the consideration, if any, for which the income was received;
  - (4) In the case of a gift, the amount or value and the date on which the gift was received and the name, address, and business activity, if any, of the intermediary or agent and the actual donor;

**CONFLICT OF INTEREST (continued)**

- (5) In case of a loan, the annual interest rate and the security, if any, given for the loan;
  - (6) The first report filed by a person holding a designed position shall disclose any reportable investments, interest in real property, business positions, and income received during the previous 12 months.
- C. When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported, the statement shall contain:
- (1) The name, address, and a general description of the business activity of the business entity;
  - (2) The name of every person from whom the business entity received payments if the filer's pro rata sheet of gross receipts from such persons was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.
- D. When business positions are required to be reported, the statement shall contain:
- (1) The name, address, and a general description of the business entity;
  - (2) The filer's job title or position;
  - (3) A statement whether the position was held throughout the entire reporting period and the dates the position was commenced or terminated, if not held during the entire reporting period.

**SECTION 600. Disqualification.**

Persons holding designated positions shall disqualify themselves from making or participating in the making or in any way attempting to use their official position to influence a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally on:

- A. Any reportable investment or interest in real property;
- B. Any reportable source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received within twelve months prior to the time the decision is made;
- C. Any business entity in which the person holding a designated position is a director, officer, partner, trustee, employee, or holds and position of management.

**SECTION 700. Adoption by Incorporation.**

Adoption by incorporation by reference of the terms of this code along with the designation of employees and the formulation of disclosure categories in the Exhibits referred to above constitute the adoption and promulgation of a Conflict of Interest and Disclosure Code.

**CONFLICT OF INTEREST (continued)****EXHIBIT "B"****CATEGORY 1**

Designated positions in this category must report:

- A. Interest 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. Such interest include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- B. Investments in and business positions with an income from sources which:
  - (1) Are engaged in the acquisition or disposal of real property within the District;
  - (2) Are contractors or subcontractors which are engaged in work or services of the type used by the District; or
  - (3) Manufacture or sell supplies, books, machinery, or equipment of the type used by the District.

**CATEGORY 2**

Designated positions in this category must report investments in and business positions with and income from sources which:

- A. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs; or
- B. Manufacture or sell supplies, books, machinery, or equipment of the type used by the department, which the designated person manages or directs. For the purpose of this category, a principal's department is his/her entire school.

**CATEGORY 3**

Individuals who perform under contract the duties of any designated position shall be required to file statements of Economic Interest disclosing reportable interest in the categories assigned to that designated position.

In addition, individuals who, under contract, participate in decisions which affect financial interest by providing information, advice, recommendation, or counsel to the agency which could affect financial interest, shall be required to file statements of Economic Interest, unless they fall within the Political Reform Acts exceptions to the definition of consultant. The level of disclosure shall be determined by the executive officer (or head) of the agency.

**CONFLICT OF INTEREST (continued)****EXHIBIT "C"**

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Assistant Superintendent-Academic Services	1
Director-Human Resources	2
Director-Child Development Programs	2
Director of Schools	2
Director-Purchasing/Facilities	2
Director-Maintenance, Operations, Transportation	2
Director-Pupil Support Services	2
Director-Special Projects and Services	2
Director-Information and Technology	2
Supervisor-Purchasing	2
Supervisor-Transportation	2
Supervisory-Grounds and Building Services	2
Manager, Information and Technology	2
Manager, Maintenance Services	2
Risk Manager	2
Purchasing Buyers	2
Consultant	3

**CONFLICT OF INTEREST (continued)**

**Officials Who Manage Public Investments**

It has been determined that the positions listed below manage public investments and must make disclosure pursuant to Government Code Section 87f200 et. seq.

Governing Board Members

Superintendent

Deputy Superintendent

Chief Financial Officer

Approved: 08.21.90  
Revised: 07.07.98  
04.25.02  
10.15.04

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**CODE OF ETHICS**

This code of ethics expresses the personal ideals which the Governing Board believes should guide each school Board member's activities.

In all actions as a school Board member, the member's first commitment is to the well-being of our youth. His/her primary responsibility is to every student in the District and to meet moral standards of conduct as well.

Board members also have other major commitments to:

- The Community. Each Board member is responsible to all residents of the District and not solely to those who elected him/her; nor solely to any organization to which he/she may belong, or which may have supported his/her election.

- Individuals. Each Board member has a direct concern for every individual in the community. As an integral part of his/her duties, he/she represents the authority and responsibility of government. This authority must be exercised with as much care and concern for the least influential as for the most influential member of the community.

- Employees. The Board member's actions may affect the capability of district employees to practice their trade or profession and should encourage their increasing competence and professional growth.

- Laws, Policies. Each Board member must be aware of, and comply with, the constitutions of State and Nation, the Education Code of the State of California, other laws pertaining to public education, and the established policies of the District.

- Decision Making. Each Board member is obliged by law to participate in decisions pertaining to education in the District. As an elected representative of the people, the Board member can neither relinquish nor delegate this responsibility to any other individual or group.

- Individual Feelings and Philosophy. Every individual Board member has something to contribute to society.

Understanding and acting upon the foregoing premises, each Board member shall:

- Consider his/her position on the Board as a public trust and not use it for private advantage or personal gain.

- Be constantly aware that he/she has no legal authority except when acting as a member of the Board. Board members shall present their concerns and concepts through the process of Board debate. If in the minority of any decision, they shall abide by and support the majority decision. When in the majority, they shall respect divergent opinions.

- Encourage ideas and opinions from the residents of the District and endeavor to incorporate community views into the deliberations and decisions of the Board.

**CODE OF ETHICS** (continued)

- Devote sufficient time, thought, and study to proposed actions so as to be able to base decisions upon all available facts and vote in accordance with honest convictions, unswayed by partisan bias of any kind.
- Remember that the basic functions of the Board are to establish the policies by which district schools are administered and to select the Superintendent and staff who will implement those policies.
- Promote and participate actively in a concerted program of timely exchange of information with all district residents, parents, employees and students.
- Recognize that the deliberations of the Board in closed session may be released or discussed in public only with Board approval.
- Make use of opportunities to enlarge his/her potential as a Board member through participation in educational conferences, workshops and training sessions made available by local, state and national agencies.
- Refrain from using the ABC District logo and/or letterhead in any form for political activities, mailers and other endorsements that are not a part of official ABC School Board business.

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board****GOVERNANCE**

The Governing Board has the power of establishing its own procedures within the parameters of law. (Education Code 35010)

The formulation and adoption of written Board policies shall constitute the basic method by which the Board shall exercise its leadership in the governance of the school district. This right shall be retained solely by the Board. The study and evaluation of reports concerning the execution of its policies shall constitute the basic method by which the Board shall exercise its accountability for the governance of the schools.

The implementation of policies is an administrative task to be performed by the Superintendent or designee who shall be held responsible for the effective administration and supervision of the entire school system.

All actions of the Board shall be taken only in official Board meetings called, scheduled and conducted according to these bylaws and the statutes of the state.

*Legal Reference:**EDUCATION CODE**35010 Control of district; prescription and enforcement of rules**35140 Time and place of meetings**35143 Annual organizational meetings - dates and notices**35144 Special meetings**35145 Public meetings**35146 Closed sessions**35160 Authority of governing boards**35163 Official actions, minutes and journal**35164 Vote requirements*



**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**BOARD POLICIES**

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.

*(cf. 0000 - Vision)*

*(cf. 0100 - Philosophy)*

*(cf. 9000 - Role of the Board)*

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.

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 - Agendas/Meeting Materials)*

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.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

**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.

*(cf. 1220 - Citizen Advisory Committees)*

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.

## **Board Policies (continued)**

5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting and may take action on the proposed policy. The Board may require an additional reading if necessary.

*(cf. 9323 - Meeting Conduct)*

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

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9323.2 - Actions by the Board)*

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.

*(cf. 0500 - Accountability)*

## **Board Policies (continued)**

### **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.

*(cf. 1113 - District and School Web Sites)*  
*(cf. 1340 - Access to District Records)*

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.

*(cf. 1112 - Media Relations)*  
*(cf. 6020 - Parent Involvement)*

### **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.

*(cf. 2210 - Administrative Discretion Regarding Board Policy)*

#### **Legal Reference:**

##### *EDUCATION CODE*

*35010 Control of district; prescription and enforcement of rules*

*35160 Authority of governing boards*

*35160.5 Annual review of school district policies*

*35163 Official actions, minutes and journal*

*35164 Vote requirements*

*Management Resources:*

##### *WEB SITES*

*CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT Online), Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>*

*National School Boards Association: <http://www.nsba.org>*

Bylaw

Approved: 7.7.98

Revised (and replaced BB/AR 9211, BB 9312, AR 9313, BB 9314): 5.15.18

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**MEETINGS AND NOTICES**

Meetings of the Governing Board are conducted for the purpose of accomplishing district business.

A Board meeting exists whenever a majority of its 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)

In accordance with state open meeting laws, the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified in law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws.

*(cf. 9321 - Closed Session Purposes and Agendas)*  
*(cf. 9321.1 - Closed Session Actions and Reports)*  
*(cf. 9322 - Agenda/Meeting Materials)*  
*(cf. 9323 - Meeting Conduct)*

Direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action that members will take on any item of district business. (Government Code 54952.2)

Meetings shall be held within district boundaries, except when otherwise allowed by law. (Government Code 54954)

Meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge. (Government Code 54961)

Meeting notices and agendas shall specify that individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent or designee at least two days before the meeting date.

**Regular Meetings**

The Board shall hold two regular meeting(s) each month. Date, time and place of these meetings shall be established at the annual organizational meeting.

**Summer meetings**

The Board shall hold one meeting during July and August unless others are called for by the president.

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)

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

## MEETINGS AND NOTICES (continued)

### Special Meetings

Special meetings of the Board may be called by the presiding officer or a majority of the Board members. (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 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 these meetings. (Education Code 35144, 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 after the item's consideration. (Government Code 54954.3)

At least 72 hours' public notice shall be given for any retreats, study sessions or training sessions held by the Board. All such meetings shall be held within district boundaries and action items shall not be included.

### Emergency Meetings

The Board may hold an emergency meeting without complying with the 24-hour notice requirement in the following cases: (Government Code 54956.5)

1. A work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board

*(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)*

2. A crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Board

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

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 which have requested notice of special meetings. 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. (Government Code 54956.5)

No closed session may be held during an emergency meeting. All other rules governing special meetings shall be observed, with the exception of the 24-hour notice requirement. (Government Code 54956.5)

The minutes of the meeting, a list of persons the 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 Meetings

A majority vote by the Board may adjourn any meeting to a later time and place which shall be specified in the order of adjournment. Within 24 hours after a meeting has been adjourned to a later time, a copy of the order of adjournment shall be posted at the meeting site. (Government Code 54955)

**MEETINGS AND NOTICES** (continued)

If no members are present at any regular or adjourned regular meeting, 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)

**Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, through either audio, video or both. (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 whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

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.

**Hearings**

The Board may occasionally convene public hearings at which no Board action is to be taken. Such hearings are held solely to allow the Board and members of the public to receive information. A hearing may take place immediately prior to a Board meeting.

If a quorum of Board members is present at a hearing, notice of the hearing shall be provided according to procedures specified above for regular meetings.

**Other Gatherings**

Attendance by a majority of the Board members at any of the following events is not subject to state open meeting laws 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 that involves a discussion of issues of general interest to the public or to school boards
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 a legislative body of another local agency
4. A purely social or ceremonial occasion

**MEETINGS AND NOTICES** (continued)

5. 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

*(cf. 9130 - Board Committees)*

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws. (Government Code 54952.2)

*Legal Reference:*

EDUCATION CODE

35140 *Time and place of meetings*

35143 *Annual organizational meeting, date, and notice*

35144 *Special meeting*

35145 *Public meetings*

35145.5 *Agenda; public participation; regulations*

35146 *Closed sessions*

35147 *Open meeting law exceptions and applications*

GOVERNMENT CODE

54950-54957.9 *Meetings, especially:*

54953 *Meetings to be open and public; attendance*

54954 *Time and place of regular meetings; holidays; emergencies*

54954.1 *Mailed notices*

54954.2 *Agenda posting requirements, board actions*

54954.3 *Opportunity for public to speak*

54956 *Special meetings; call; notice*

54956.5 *Emergency meetings in emergency situations*

54957.5 *Agenda distribution*

54961 *Prohibition on use of certain facilities*

UNITED STATES CODE, TITLE 42

12101 - 12213 *Americans With Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 *Effective communications*

36.303 *Auxiliary aids and services*

ATTORNEY GENERAL OPINIONS

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

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

*Management Resources:*

ATTORNEY GENERAL PUBLICATIONS

*Open Meeting Laws, California Attorney General's Office, 1989*

CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws, 1994*

Bylaw

approved: 7.7.98

revised: 5.4.99

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**EXHIBIT**

**MEETINGS AND NOTICES**

**GOVERNMENT CODE 54954 PROVISIONS REGARDING MEETINGS OUTSIDE DISTRICT BOUNDARIES**

Board meetings may be held outside district boundaries only under one or more of the following circumstances: (Government Code 54954)

1. When necessary to comply with state or federal law or court order, or to attend a judicial or administrative proceeding to which the District is a party.
2. To 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. To 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. To 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. To meet with 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. To meet in or near a facility owned by the District but located outside the District, provided the meeting is limited to items directly related to that facility.
7. To visit the office of the District's attorney for a closed session on pending litigation, when doing so would reduce legal fees or costs.
8. To attend conferences on non-adversarial collective bargaining techniques.
9. To interview residents of another district regarding the Board's potential employment of that district's superintendent.
10. To interview a potential employee from another district.



**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board****CLOSED SESSION PURPOSES AND AGENDAS**

The Governing Board may hold closed sessions only for purposes identified in law and placed on the meeting agenda in the manner required by law. The Board may hold a closed session at any time during a regular or special meeting. No closed session may be held during an emergency meeting of the Board. (Government Code 54956.5, 54957.7, 54962)

*(cf. 9320 - Meetings and Notices)*  
*(cf. 9322 - Agenda/Meeting Materials)*

The Board shall announce in open meeting the items to be discussed in closed session. No other matters shall be discussed in closed session. (Government Code 54957.7)

**Personnel Matters**

The Board may hold closed sessions to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee, or to hear complaints or charges against an employee. These sessions 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)

*(cf. 2123 - Evaluation of the Superintendent)*  
*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

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)

*(cf. 1312.1 - Complaints Concerning District Employees)*

Agenda items related to 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 meetings and executive sessions held for negotiation with represented employees shall not be subject to open meeting requirements: (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

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

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

*(cf. 4143 - Negotiations/Consultation)*

*(cf. 4143.1 - Public Notice - Personnel Negotiations)*

The Board may meet in closed session with the Board's designated representative regarding employee salaries, salary schedules or compensation paid in the form of fringe benefits of its represented and unrepresented employees. These closed sessions may include discussions of the District's available funds and funding priorities, but only insofar as they relate to providing instructions to the District's designated representative. (Government Code 54957.6)

Closed sessions shall be for the purpose of reviewing the Board's position and instructing the Board's designated representative. Closed session meetings may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. (Government Code 54957.6)

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

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)

The Board also may meet in closed session with a state conciliator or a mediator who has intervened in these proceedings. (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 so 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 a suspension, disciplinary action, or any other action, except expulsion, in connection with a student if a public hearing on the matter would violate student privacy rights. 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, 48918, 49073, 49076)

*(cf. 5117 - Interdistrict Attendance)*

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5125.3 - Challenging Student Records)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing," "grade change appeal" or "interdistrict attendance request," 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

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

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.

*(cf. 5125 - Student Records)*

**Security Matters**

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or to the public's right of access to public services or public facilities. (Government Code 54957)

*(cf. 3515 - Campus Security)*

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

**Conference with Real Property Negotiator**

The Board may meet in closed session with the Board's 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 the authority to settle the price and terms of the property on behalf of the District. (Government Code 54956.8)

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

Agenda items related to real property negotiations shall specify the name of 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 so 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 its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board's position in the case. For this purpose, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation shall be considered pending when any of the following circumstances exist:

1. Litigation to which the Board is a party has been initiated formally (Government Code 54956.9(a))
2. Based on existing facts and circumstances and the advice of legal counsel, the Board is meeting only to decide whether there is a significant exposure to litigation against the District and a closed session is therefore authorized or the Board has already determined that there is significant exposure to litigation against the District (Government Code 54956.9(b))

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

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))

"Existing facts and circumstances" authorizing a closed session pursuant to Government Code 54956.9(b) as described in #2 above are limited to the following:

1. 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
2. Facts and circumstances including, but not limited to, accidents, disasters, incidents or transactional occurrences which might result in litigation, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda
3. 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.

*(cf. 3320 - Claims and Actions Against the District)*

4. A threat of litigation made by a person in an open meeting and related to a matter within the responsibility of the Board.
5. 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

The above record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on their behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless this identity has already been made public. (Government Code 54956.9, 54961)

Before holding a closed session pursuant to this section, 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 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 "Existing Litigation" or "Anticipated Litigation." (Government Code 54954.5)

"Existing litigation" items shall either specify the claimant's name, names of parties and case or claim number or shall state that disclosure 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. (Government Code 54954.5)

The agenda or an oral statement before the closed session may also be required to provide information about the following: (Government Code 54954.5, 54956.9)

**CLOSED SESSION PURPOSES AND AGENDAS** (continued)

1. Facts and circumstances known to a potential plaintiff that might result in litigation against the District
2. The receipt of a claim or other written threat of litigation which is available for public inspection
3. A threat of litigation made by a person in an open public meeting
4. Threats of litigation about which an employee has made a record which is available for public inspection

**JPA/Self-Insurance Liability Claims**

The Board may meet in closed session to discuss a claim against a joint powers authority or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability. (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)

*(cf. 3320 - Claims and Actions Against the District)*

*(cf. 3530 - Risk Management/Insurance)*

**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)

*(cf. 6162.5 - Student Assessment)*

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 the Education Code requires closed session for this purpose in order to maintain the confidentiality of the assessment under review.

*Legal Reference:*EDUCATION CODE

35145 *Public meetings*

35146 *Closed session (re student suspension)*

44929.21 *Districts with ADA of 250 or more*

48918 *Rules governing expulsion procedures; hearings and notice*

49073 *Release of directory information*

49076 *Access to records by persons without written parental consent (re invasion of privacy)*

49079 *Notification to teacher re: students whose actions are grounds for suspension or expulsion*

60617 *Meetings of governing board*

**CLOSED SESSION PURPOSES AND AGENDAS (continued)**

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*  
6250-6268 *California Public Records Act*  
54950-54962 *The Ralph M. Brown Act, especially*  
54952.6 *Action taken, definition*  
54954.2 *Agenda; posting*  
54954.5 *Closed session item descriptions*  
54956.8 *Closed session with negotiator regarding real property*  
54956.9 *Closed session with legal counsel regarding pending legislation*  
54956.95 *Closed sessions; insurance pooling*  
54957 *Closed session; personnel and security matters*  
54957.1 *Closed sessions; public report of action taken*  
54957.2 *Taking of minutes at closed sessions; clerk; minute book*  
54957.6 *Closed session; representatives to employee organization(s)*  
54957.7 *Disclosure of items to be discussed in closed session*  
54961 *Prohibitions*  
54962 *Closed session prohibited*

COURT DECISIONS

*Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41, 69 Cal. Rptr. 480*  
*Roberts v. City of Palmdale (1993) 5 Cal.4th 363*

ATTORNEY GENERAL OPINIONS

*59 Ops.Cal.Atty.Gen. 532 (1976)*  
*78 Ops.Cal.Atty.Gen. 218 (1995)*

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**CLOSED SESSION ACTIONS AND REPORTS**

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

**Personnel Matters**

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or non-renewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 2123 - Evaluation of the Superintendent)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

**Negotiations/Collective Bargaining**

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

*(cf. 4143/4243 - Negotiations/Consultation)*

*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*

**Student Matters**

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918)

In an expulsion action, the student's name and the cause for expulsion shall be listed on these public records.

*(cf. 5117 - Interdistrict Attendance)*

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5125 - Student Records)*

*(cf. 5125.3 - Challenging Student Records)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

**CLOSED SESSION ACTIONS AND REPORTS** (continued)**Real Estate Negotiations**

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the District of its approval. (Government Code 54957.1)

**Pending Litigation**

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties 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.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the District shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

**JPA/Self-Insurance Claims**

The Board shall report the disposition of joint powers authority or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

*(cf. 3320 - Claims and Actions Against the District)*

*(cf. 3530 - Risk Management/Insurance)*

**Review of Assessment Instruments**

At the public meeting during which the Board holds a closed session to review student assessment instruments, the Board shall confirm that this review was made. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

*(cf. 6162.5 - Student Assessment)*



**CLOSED SESSION ACTIONS AND REPORTS** (continued)

*Legal Reference:*

EDUCATION CODE

35145 *Public meetings*

35146 *Closed session (re student matters)*

48918 *Rules governing expulsion procedures; hearings and notice*

49073-49079 *Privacy of student records*

60617 *Meetings of governing board*

GOVERNMENT CODE

54950-54962 *The Ralph M. Brown Act, especially:*

54957.1 *Closed sessions; public report of action taken*

54957.6 *Closed sessions; representatives to employee organization(s)*

54957.7 *Disclosure of items to be discussed*

80 *Ops. Cal.Atty.Gen. 85 (1997)*

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board****AGENDA/MEETING MATERIALS**

Governing Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

*(cf. 9320 - Meetings and Notices)*  
*(cf. 9321- Closed Session Purposes and Agendas)*

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 shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5, Government Code 54954.3)

*(cf. 9323 - Meeting Conduct)*

**Agenda Preparation**

The Superintendent, as Secretary to the Board, in consultation with the Board president, shall prepare the agenda for each regular and special meeting.

*(cf. 9121 - President)*  
*(cf. 9122 - Secretary)*

Any Board member may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least 72 hours before the scheduled meeting date. Items submitted less than 72 hours before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request 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, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item, informational item or consent item.

When an item properly posted for a regular meeting is continued to a subsequent meeting, it may not be on the agenda of the subsequent meeting if the subsequent meeting occurs within five days. The Board shall publicly identify the item before discussing it. (Government Code 54954.2)

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)

*(cf. 9323.2 - Actions by the Board)*

**AGENDA/MEETING MATERIALS** (continued)

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

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 1340 - Access to District Records)*  
*(cf. 3320 - Claims and Actions Against the District)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

**Procedures for Placing Items on the Agenda by Members of the Public**

1. Members of the public may place items on the agenda.
2. The items to be placed on the agenda by members of the public shall relate directly to District business.
3. The determination of whether or not items to be placed on the agenda by members of the public relate directly to District business is to be made by the Superintendent or his designee. All proposed items determined not to be directly related to District business shall be reported to the Board of Education with the agenda for which they were proposed.
4. Items to be placed on the agenda by the public shall be submitted on the form provided by the District at least ten (10) working days prior to the next regular meeting of the governing board, along with all backup material the person wishes to be considered by the board.

**Consent Items**

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

**Agenda Dissemination**

A copy of the agenda shall be forwarded to each Board member at least three days before each regular meeting, together with the Superintendent or designee's report; minutes to be approved; copies of communications, reports from committees, staff, citizens and others; and other available documents pertinent to the meeting. When it is not deliverable due to no one to receive them, a note shall be left and the material returned to the Superintendent's office.

When special meetings are called, the Superintendent and president shall make every effort to distribute the agenda and support materials to Board members as soon as possible.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items.

**AGENDA/MEETING MATERIALS** (continued)

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)

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.

*Legal Reference:*EDUCATION CODE*35144 Special meetings**35145 Public meetings**35145.5 Right of public to place matters on agenda*GOVERNMENT CODE*53635.7 Separate item of business**54954.1 Mailed agenda of meeting**54954.2 Agenda posting requirements; board actions**54954.3 Opportunity for public to address legislative body**54954.5 Closed session item descriptions**54956.5 Emergency meetings**54957.5 Public records*

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board****MEETING CONDUCT****Meeting Procedures**

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Board members and to other persons upon request.

*(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. Robert's Rules of Order shall govern the procedures of all meetings of the governing board unless otherwise stated in these by laws.

*(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 may be adjourned to a later date.

*(cf. 9320 - Meetings and Notices)*

**Quorum**

A majority of the number of filled positions on the Board constitutes a quorum. (Education Code 5095, 35165)

Unless otherwise provided by law, affirmative votes by a majority of all the membership of the Board are required to approve any action under consideration, regardless of the number of members present. (Education Code 35164)

*(cf. 9323.2 - Actions by the Board)*

**Abstentions**

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 be considered to concur with the action taken by the majority of those who vote, whether affirmatively or negatively.

*(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 presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board either before or during the Board's consideration of each item of business to be discussed at regular or special meetings. (Education Code 35145.5, Government Code 54954.3)

**MEETING CONDUCT** (continued)

2. At a time so designated on the agenda, members of the public may bring before the Board, at a regular meeting, matters that are not listed on the agenda. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action at that time except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board. (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 it, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

*(cf. 9130 - Board Committees)*

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.

Individual speakers shall be allowed five minutes to address the Board on each agenda or nonagenda item. All persons addressing the board will be requested to orally state their name and address. The Board shall limit the total time for public input on each item to one hour. 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.

6. The Board president may rule on the appropriateness of a topic. 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.

The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. (Government Code 54954.3) In addition, the Board may not prohibit public criticism of district employees.

Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957.

*(cf. 1312.1 - Complaints Concerning District Employees) (cf. 9321 -Closed Session Purposes and Agendas)*

**MEETING CONDUCT** (continued)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the chair 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 individual(s) 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)

*(cf. 9324 - Minutes and Recordings)*

**Recording by the Public**

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.

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

54953.5 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  
 59 Ops. calltty. Gee. 532 (1976)  
 61 Ops. caLA tty. Gee. 243, 253 (1978)  
 63 Ops. Cal.Atty. Gee. 215 (1980)  
 66 Ops.cal.Atty.Gee. 336, 337 (1983)  
 76 Ops. cal.Atty. Gee. 281 (1993)  
 Baca v. Moreeo Valley Unified School District, (c.D. cal. 1996) 936 F. Supp. 719

Bylaw

approved: 1.20.87

revised: 7.7.98

**ABC UNIFIED SCHOOL DISTRICT  
Exhibit**

**ORDER OF REGULAR BUSINESS MEETING**

The Board of Education's business will be transacted in the order outlined below.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Presentations
5. Approval of Agenda
6. Approval of Minutes
7. Reports
  - a. Superintendent's Report
  - b. Student Board Representatives' Reports
  - c. Employee Representatives' Reports
  - d. School Site Presentations or Reports
8. Public Hearing Section
9. Consent Calendar (routine matters)
10. Action Items
11. Conference Items (advance planning and future agenda items)
12. Information Items (non-action items)
13. Board Members' Reports
14. Second Public Hearing Section
15. Media Conference
16. Closed Session
17. Open Session
18. Adjournment



**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**ACTIONS BY THE BOARD**

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

1. A collective decision by a majority of the Board members
2. A collective commitment by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board

When required by law, action shall instead require a two-thirds, four-fifths or unanimous vote of the Board.

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.

*(cf. 9320 - Meetings and Notices)*

2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the District's attention after the posting of the agenda.
3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.

*(cf. 9322 - Agenda/Meeting Materials)*

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)

*(cf. 9324 - Minutes and Recordings)*

**Challenging Board Actions**

Any demand to correct a Board action because of an alleged violation of open meeting requirements 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 violation of agenda requirements of the Brown Act, the written demand must be made within 30 days of the date when the alleged action took place. The demand shall clearly describe the challenged action and the nature of the alleged violation. Within 30 days of receiving the demand, the Board shall review the action in question and shall inform the demanding party in writing of its decision to correct or not to correct the action. (Government Code 54960.1)

**ACTIONS BY THE BOARD** (continued)*Legal Reference:*EDUCATION CODE

- 17466 Declaration of intent to sell or lease real property
- 17481 Lease of property with residence for nondistrict purposes
- 17511 Resolution requiring unanimous vote of all members constituting board
- 17546 Private sale of personal property
- 17557 Resolution of intention
- 17559 Public hearing and adoption of resolution
- 17582 District deferred maintenance fund
- 17583 Deferred maintenance fund; transfer of excess local funds
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35164 Majority vote of all members constituting board for board action

GOVERNMENT CODE

- 53094 Authority to render zoning ordinance inapplicable
- 53790-53792 Exceeding the budget
- 53821 Temporary borrowing; action requiring a two-thirds vote
- 53822-53824 Action requiring a four-fifths vote
- 53850-53858 Temporary borrowing
- 54950 Meetings: declaration; intent; sovereignty
- 54952.6 Action taken, definition
- 54953 Meetings to be open and public; attendance; secret ballots
- 54953.5 Right to record proceedings; conditions
- 54954.2 Agenda posting requirements; board actions
- 54954.6 New or increased taxes or assessments; hearings; notice
- 54956 Special meetings; call; notice
- 54956.5 Emergency meetings in emergency situations
- 54956.7-54956.95 Closed session authority
- 54957-54957.7 Closed sessions, especially:
  - 54957.1 Public report and roll call vote, employee matters in closed session
  - 54957.2 Executive sessions; clerk; minute book
- 54959 Penalty for unlawful meeting
- 54960 Action to prevent violations
  - 54960.1 Challenge of governing board actions
  - 54960.5 Costs and attorney fees

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board  
EXHIBIT**

**ACTIONS BY THE BOARD**

**ACTIONS REQUIRING MORE THAN A MAJORITY VOTE**

Actions Requiring a Two-Thirds Vote of the Board

1. Resolution declaring intention to sell or lease real property (Education Code 17466)  
*(cf. 3280 - Sale, Lease and Rental of District-Owned Real Property)*
2. Resolution declaring intent of Board to convey or dedicate property to the state or any political subdivision (Education Code 17557)
3. Resolution authorizing and directing the Board president to execute a deed of dedication or conveyance of property (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. Temporary borrowing before receipt of fiscal income, if implemented pursuant to Government Code 53820-53833 (Government Code 53821)
6. Ordering city or county zoning ordinances inapplicable if they would adversely affect the use of property for classrooms (Government Code 53094)  
*(cf. 7131 - Relations with Local Agencies)*
7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund (Education Code 17582, 17583)

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

1. The expenditure and transfer of necessary funds and use of district vehicles and 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)  
*(cf. 3110 - Transfer of Funds)*
2. Adoption of a resolution, between July 15 and August 30, to borrow funds of up to 25% of the estimated income and revenue to be received by the District during the fiscal year from apportionments based on ADA for the preceding year (Government Code 53822-53824)

**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 17511)

**ACTIONS BY THE BOARD** (continued)

Actions 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 its sale (Education Code 17546)

*(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)*

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

1. That the need to take immediate action came to the District's attention after the posting of the agenda. If less than two-thirds of the members are present, a unanimous vote of all members present is required. (Government Code 54954.2)

**ABC UNIFIED SCHOOL DISTRICT**  
**Bylaws of the Board**

**MINUTES AND RECORDINGS**

The secretary of the Governing Board shall keep minutes and record all official Board actions. (Education Code 35145, 35163)

*(cf. 9323.2 - Actions by the Board)*

Copies of the minutes of each regular or special meeting shall be distributed to all Board members with the agenda for the next regular meeting.

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

*(cf. 1340 - Access to District Records)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

Official Board minutes and recordings shall be stored in a fire-proof location.

**Recording of Votes**

Motions or resolutions shall be recorded as having passed or failed. Individual votes shall be recorded unless the action was unanimous. All motions and Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

**Video or Audio Recording**

A video or audio tape recording may be made at any Board meeting. The presiding officer shall announce that a recording is being made at the beginning of the meeting, and the recorder shall be placed in plain view of all persons present, insofar as possible.

Recordings made during regular or special Board meetings are public records. They shall be kept for at least 30 days and upon request shall be made available for inspection by members of the public on a district recorder without charge. (Government Code 54953.5)

*Legal Reference:*

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journals

35164 Vote requirements

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent of all parties to the communication

GOVERNMENT CODE

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

Bylaw

approved: 5.19.92

revised: 7.7.98

**ABC UNIFIED SCHOOL DISTRICT  
BYLAWS OF THE BOARD****MINUTES****Maintaining the Minutes**

The Board of Education minutes shall be maintained as outlined below

1. Content – Board of Education procedure
  - a. The date, place, and type of each meeting
  - b. Members present and members absent by name
  - c. Call to order and Pledge of Allegiance to the Flag
  - d. Arrival time of tardy members by name
  - e. Time of departure of members by name before adjournment or if absence takes place when any Board of Education agenda items are acted upon.
  - f. Date and place of the next meeting
  - g. Adjournment of the meeting
  - h. Record of written notice of special meetings
  - i. Record of items of business to be considered at special meetings
  - j. Record names of persons addressing the Board and their topic.
2. Content – Board of Education actions
  - a. Approval or amended approval of the minutes of preceding meetings
  - b. Complete information as to each subject of the Board of Education's deliberation
  - c. Complete information as to each subject including the roll call record of the vote on a motion if not unanimous. The reason for an individual governing board member's vote in opposition to a proposal be recorded by request only and shall not occur as a matter of course.
  - d. All Board of Education resolutions in complete context numbered serially for each fiscal year
  - e. A record of all contracts entered into
  - f. All employments and resignations or terminations of employment
  - g. A record by number of all purchase orders approved
  - h. A record of all bid procedures including calls for bids authorized, bids received, and other action taken
  - i. A record by number of warrants approved for payment
  - j. Adoption of the annual budget

**MINUTES** (continued)

- k. Financial reports, including collections received and deposited and sales of personal property
- l. A record of all important correspondence
- m. A record of the superintendent's reports to the Board of Education
- n. Adoption of all policies, board adopted regulations and bylaws
- o. A record of all delegations appearing before the Board of Education
- p. Adoption of the annual school calendar
- q. Approval of duties of school employees, along with a detailed job assignment as drawn up for all classified employees

*Legal Reference:*

Education Code

35145 *Public meetings (a)*

35163 *Majority vote of all members constituting board for board action (also re: keeping of minutes)*

35164 *Majority vote of all members constituting board for board action*

**ABC UNIFIED SCHOOL DISTRICT  
Bylaws of the Board**

**PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLANS**

**Board Self-Evaluation**

Effective and efficient Governing Board operations are an integral part of creating a successful educational program. In order to measure progress towards its stated goals and objectives, the Board will annually schedule a time and place at which all its members may participate in a formal self-evaluation.

The Board shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal operations and performance of the Board. The Board members shall develop goals and objectives against which the Board will be evaluated. A self-evaluation instrument will be based on these goals and objectives and not on goals set for the District.

Each Board member will complete a self-evaluation instrument independently. The ensuing evaluation will be based on the resulting composite picture of Board strengths and weaknesses. The Board will discuss the tabulated results as a group.

The evaluation process should include the establishment of strategies for improving Board performance. Revised priorities and new goals will be set for the following year's evaluation.

The Board may invite the Superintendent or others to participate in the evaluation and suggest specific criteria to measure Board success as a governing body.

The Board recognizes that adequate opportunities for Board member orientation and in-service are an essential component of conducting meaningful self-evaluation. The evaluation process shall include suggestions for continued Board member development.

*(cf. 9240 - Board Development)*