



PIEDMONT
UNIFIED SCHOOL DISTRICT

**SCHOOL BOARD
GOVERNANCE
HANDBOOK
2022-23**

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MISSION

Piedmont Unified School District provides all students with an excellent education and opportunities for personal growth, delivered by skilled, diverse, and well-supported staff, in a school community that is inclusive and inspiring.

- *Adopted by the Board of Education January 25, 2023*

VISION

Our students are compassionate leaders and courageous problem-solvers, ready to take on challenges and make a difference in a complex and interconnected world.

- *Adopted by the Board of Education January 25, 2023*

CORE VALUES

Our district embraces these core values in educational practice and operational strategy:

Integrity

We elevate honesty and ethics as the centerpiece of all that we do.

Equity

We foster a welcoming, inclusive and safe environment where individuals are nurtured, where barriers to success are eliminated, and where everyone has the opportunity to collaborate with others and reach their potential free from racism and other forms of inherent bias. We model compassion and respect for others perspectives.

Academic Excellence

We provide outstanding academic content that paves the way for students to achieve mastery of core academic subjects, literacy in media and technology, and cultural competency in preparation for college, careers and a future of their own design.

Curiosity

We create opportunities for students to ask questions, identify current and future problems, explore their interests and talents, innovate, and find joy in life-long learning.

Courage

We promote resilience, diligent work, and taking action - even when doing so may be difficult.

- *Adopted by the Board of Education January 25, 2023*

LCAP GOALS

GOAL #1

All students and staff will feel physically safe and emotionally supported as part of a caring and inclusive community.

GOAL #2

All students will engage in relevant learning experiences that foster life-long curiosity, creativity, collaboration, critical thinking, communication, and responsible citizenship.

GOAL #3

Teachers and staff, with district partners, will ensure an outstanding educational experience for every student through collaboration, innovation, and professional growth

- *Adopted by the PUSD Board of Education - June 23, 2021*

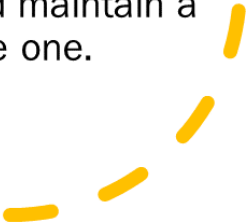


Positive Governance Team Culture (norms)

Culture is the positive or negative atmosphere created by the way people in an organization treat each other.

Teams have unwritten (implicit) or written (explicit) agreements about how they will behave with each other and others.

These standards of behavior, often called norms, enable teams to build and maintain a positive culture or shift a negative one.



Norms/Meeting Guidelines

- We will keep our focus on the best interest of our students.
- We will listen actively to all ideas and be open to the ideas of others.
- We will wait to speak until a team member has finished talking.
- We will communicate openly and honestly with each other and respect each other's differences.
- We will all be responsible for the success of the meeting and the success of the team.
- We will respect team meeting times: start on time, return from breaks promptly, avoid unnecessary interruptions.
- We will stay focused on our goals and avoid getting sidetracked.
- We will work toward the future – learning from the past.

CSBA EFFECTIVE GOVERNANCE STANDARDS

Professional Governance Standards

The California School Boards Association (CSBA), representing nearly 1,000 local school districts and county boards of education, recognizes there are certain fundamental principles involved in governing responsibly and effectively. These principles — or Professional Governance Standards — reflect consensus among hundreds of board members, superintendents and other educational leaders throughout the state.

These Professional Governance Standards describe the three components vital to effective school governance:

1. *the attributes of an effective individual trustee,*
2. *the attributes of an effective governing board, and*
3. *the specific jobs the board performs in its governance role.*

The intent of these standards is to enhance the public's understanding about the critical responsibilities of local boards and to support boards in their efforts to govern effectively.

01

the Individual Trustee

In California's public education system, a trustee is a person elected or appointed to serve on a school district or county board of education. Individual trustees bring unique skills, values and beliefs to their board. In order to govern effectively, individual trustees must work with each other and the superintendent to ensure that a high quality education is provided to each student.

To be effective, an individual trustee:

- » Keeps learning and achievement for *all* students as the primary focus.
- » Values, supports and advocates for public education.
- » Recognizes and respects differences of perspective and style on the board and among staff, students, parents and the community.
- » Acts with dignity, and understands the implications of demeanor and behavior.
- » Keeps confidential matters confidential.
- » Participates in professional development and commits the time and energy necessary to be an informed and effective leader.
- » Understands the distinctions between board and staff roles, and refrains from performing management functions that are the responsibility of the superintendent and staff.
- » Understands that authority rests with the board as a whole and not with individuals.

02

the Board

School districts and county offices of education are governed by boards, not by individual trustees. While understanding their separate roles, the board and superintendent work together as a "governance team." This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively.

To operate effectively, the board must have a unity of purpose and:

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

03

the Board's Jobs

The primary responsibilities of the board are to set a direction for the district, provide a structure by establishing policies, ensure accountability and provide community leadership on behalf of the district and public education. To fulfill these responsibilities, there are a number of specific jobs that effective boards must carry out.

Effective boards:

- » Involve the community, parents, students and staff in developing a common vision for the district focused on learning and achievement and responsive to the needs of all students.
- » Adopt, evaluate and update policies consistent with the law and the district's vision and goals.
- » Maintain accountability for student learning by adopting the district curriculum and monitoring student progress.
- » Hire and support the superintendent so that the vision, goals and policies of the district can be implemented.
- » Conduct regular and timely evaluations of the superintendent based on the vision, goals and performance of the district, and ensure that the superintendent holds district personnel accountable.
- » Adopt a fiscally responsible budget based on the district's vision and goals, and regularly monitor the fiscal health of the district.
- » Ensure that a safe and appropriate educational environment is provided to all students.
- » Establish a framework for the district's collective bargaining process and adopt responsible agreements.
- » Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels.

7 SIGNS OF EFFECTIVE SCHOOL BOARD MEMBERS

By Kathryn Blumsack and Terry McCabe

Congratulations! You're now a member of the Board of Education. If you're like most new board members, you've worked hard to reach this point. You've listened to your community, and come to understand its values and concerns. Above all, you've embraced the transformative power of a great board to improve public education. Local control of education through elected school boards is a deeply held American political tradition. School boards may be small and local, but they represent perhaps the most important daily civic commitment we as citizens make to our communities, our children, and our future.

As a new board member, you bring sharp questions, innovative ideas, and fresh energy. You'll look at established routines and policies with new eyes, you'll challenge old assumptions, and you'll have the opportunity to share your perspective with your fellow board members. At the same time, you'll learn how to make a positive difference in the work of the board, and how to contribute most effectively to lasting change. We want you to be the most effective possible advocate for your community's educational vision and values. To help you succeed, we're going to share with you the seven practices of highly effective boards.

1. Going solo's a no-no

You were elected to your board as an individual. You've got issues that are priorities for you. And you'll get a lot of individual attention early on from friends, school employees, and community members who want you to tackle particular problems. The early temptation will be to say "yes" and use your power to fix things.

Except you won't have any power to use -- not as an individual, at least. As a school board member, you have no individual legal authority to fix problems or decide issues. One of the wisest things you can do is to help others understand that you can only get your work done as part of a team. We're not saying you can't try to take the lead on a particular issue, or that you have to stay silent -- not at all. In fact, the more you communicate and share with your fellow board members, the more likely you'll be able to gain support for your priorities and ideas.

Look at the long term: Your success as a board member is inextricably tied to the success of your board. You will be judged by what it accomplishes, not by what you as an individual tried to accomplish. In all the years (decades!) we've worked with school boards, we've never heard anyone say something like, "That's a bad board -- except for Mary Smith."

What do boards work on together? Everything. Consider the three main areas of board responsibility: legislative, administrative, and judicial. The first area of responsibility, legislative, refers to policy making. Effective boards adopt policies that give direction to the superintendent and staff, enabling them to manage the district. The board should seek appropriate input in the development of policy, and after adoption should hold the superintendent and staff accountable for its implementation.

Administration is the second area of responsibility. It includes approving and monitoring the budget, approving and monitoring district contracts, and hiring and evaluating the superintendent and appropriate staff. The administration should present the draft budget based on the goals and objectives outlined by the school board. It is up to the board to ensure that goals and objectives are truly aligned with the spending outlined in the budget. As for contracts, many states give final approval and responsibility for major contracts to the local board. It is important that you understand the bidding process and follow ethical guidelines in approving all contracts.

Finally, the board's judicial responsibility refers to hearing formal appeals sessions brought forward by staff, students, or parents. Naturally, these appeals require confidentiality, impartiality, and a full understanding of school law and regulations. The judicial function is sporadic, but handling appeals properly is critical to the effectiveness and fairness of a school board.

2. Respect the team

You were elected as an individual, but you'll work as part of a team. The best way to succeed as a board is to practice collaboration and respect. Because boards deal with extremely difficult and vexing issues -- from budgets to grievances and everything in between -- it's common for emotions to sometimes run high. Keep in mind that you're in this for the long haul, and the best way to succeed is to be part of a strong team. Boards whose members treat one another with respect tend to be the most effective. Those whose members give in to acrimony tend to get less done.

Collaboration and respect don't mean consensus. Boards vote, and majorities rule. (But remember: This year's majority could be next year's minority.) There is honor in casting a sincere vote, win or lose. But, after the vote, effective boards move forward together. When you're new, every challenge will be a first-time challenge. But you'll come to realize that boards confront major issues all the time, and that a long-term commitment to collegiality and respect is critical to effective board governance.

The impact of respect goes beyond the board. The board sets the tone for the entire school system. Staff, students, parents, and the community are watching carefully to see how the board functions. Effective boards don't only handle their own work well -- they establish a model of collegiality and collaboration that builds confidence across the community that everyone is working to do what's best for students.

3. Understand the difference between board and staff

Effective board members refrain from trying to perform management functions that are the responsibility of the superintendent and staff. As a board member, it is your responsibility (along with your fellow board members) to ensure that the schools operate well. But it is not your responsibility to run them. That's what the superintendent is for.

Boards do have great power, but it can seem a strange kind of power to new members because it's not the power to order individuals to "do this" or "stop doing that." It's the power to establish goals and policies, and then the power to demand accountability for reaching those goals and executing those policies.

The fundamental reason to refrain from trying to perform management functions is so you can hold the system -- and above all, its leader, the superintendent -- accountable for results. Accountability is the key, and many recent educational reforms aim to clarify and strengthen accountability.

If the superintendent understands that he or she will be held accountable by the board to reach goals and execute policies, then the board has achieved a key part of its work. If board members muddy accountability by trying to involve themselves in management functions, then any individual "win" in a particular case has the larger effect of undermining overall system effectiveness.

Here's a common situation for a new board member: You've been approached by concerned parents or community members about fixing an issue. If this happened during an election, you may have assured the concerned individuals you'd tackle this issue right away. You should listen to such concerns and questions, but rarely if ever will it be appropriate for you to directly contact a principal, a teacher, or a coach to try to solve the problem. That's one of the main ways board members unintentionally diminish their effectiveness.

Part of your job is to help educate the school community about your responsibilities, explain the chain of command (or "chain of accountability," as some board members call it), and direct concerned individuals to the appropriate staff person.

A useful guide for new board members is your school system's policy on how to handle concerns from members of the public, to ensure that every concern gets a fair hearing and timely resolution. And if a concern merits board consideration, you should bring it up with your fellow board members.

4. Share and defend your views, but listen to the views of others

Your board sets the standard for communication within the district. Do you want your district to be open to a thorough discussion, or are you more interested in your own point of view? School board members must have the ability to compromise. You won't "win" on every issue you care about. More importantly, sometimes you'll find that the information, perspectives, and ideas others have may change your mind, or lead to a new and even better collaborative idea.

In the charged and urgent arena of public education, expect to be flexible, even as you seek to honor your deepest values and commitments. There will be times when changes must be made, when tradition cannot be honored, or when pressure must be resisted. Sometimes, you'll measure the true success of a board not by agreement, but by respectful disagreement and spirited discussion followed by a difficult vote. And after a difficult vote, effective boards embrace the decision and move forward together.

5. Do your homework and ask tough questions

Members of effective boards come to meetings prepared to engage in discussions, ask questions, and seek clarification. A lot of background information is required to make policy and assess accountability. In meetings, asking sharp questions can help clarify issues not just for yourself, but for students, families, the community, and even school system employees. Here are some good questions to keep in mind:

- What is the goal of this initiative?
- How does it align with our vision, mission, and system goals?
- How much will it cost? What data tells us it's important enough to merit the cost?
- What data supports the notion that it will achieve the desired results?
- Are staff ready to implement it? If not, what's our plan?
- How does it fit with our existing activities? Does it conflict with anything we're already doing?
- How will we evaluate the results?

Board members are not career education professionals. Sometimes this feels like a handicap because of all the jargon, technical language, and policy details that board members, especially new board members, may not know. But keep in mind that, in American public education, local board members are not expected to be experts. They are responsible for serving as a bridge between lifelong education professionals and local communities.

To build the bridge, some board members like to ask plain questions. Michael Harvey, a board member in Maryland's Kent County, likes to encourage clarity and simplicity by asking, "How would you explain this policy to a parent?"

6. Respect your oath

Local school board membership is a public office and a public trust. New members swear an oath to uphold laws pertaining to public education. An important aspect of the public trust is to maintain confidentiality when appropriate. Many issues considered by school boards must be handled in confidence, in executive or closed sessions. These commonly include personnel issues, legal matters, negotiations, land acquisition, and grievances.

Your state education laws determine which items must be considered in executive session or in appeals hearings, and specify the process for entering and exiting such a session. Everything discussed is confidential, with the exception of the summary public report the board president makes after the executive or closed session. If an individual board member divulges information from a closed or executive session, he or she may be held legally responsible. Significant costs and legal challenges may arise for the individual member, the board, and the entire school district.

Note that, while executive or closed sessions are permitted, most states require any action as a result of that executive session to be conducted in a public forum. Just as it is important to adhere to confidentiality for matters that should be confidential, it is important to ensure that no open-session topics are discussed, or actions taken, in executive or closed sessions. When in doubt, consult your board lawyer.

7. Keep learning

Effective board members participate in professional development and commit the time and energy necessary to be informed and effective leaders. You should understand your school system's vision, goals, and policies; its current successes, challenges, and opportunities; and the educational environment in your community.

Most importantly, you should know the aspirations and expectations of the students and parents. At the national level, American public education is undergoing major and rapid changes. Understanding and translating them for your community's schools will require steady, ongoing work.

Many resources are available to you in this new position. You need to know about your state statutes and the organizing documents for your district. Work closely with your board chair and your superintendent to better understand district and board responsibilities. Your state school board association is a great resource for information and professional development. There are additional resources available through NSBA (www.nsba.org) and this magazine (www.asbj.com).

OK, new board members. That's our advice. Congratulations again on your new job and new responsibilities. It'll be exhausting, challenging, and sometimes painful. But, with luck, you'll share the experience of many other school board members in the great American tradition: the most rewarding job you will ever have.

What is the best piece of advice you received as a new board member?

Get to know what your role is as a board member, develop yourself in many ways, set goals for yourself, be positive, know your limits, and above all listen. -- *Jo Ann Beamer, board member, Ohio*

Do not be in a hurry to do something. It takes time to develop governance skills. -- *Jill Wynns, board member, California*

I am only one of five voting members and not a power of one. -- *Richard Asadoorian, board member, California*

Read and learn your board policies and state law regarding school boards. -- *Ginny Moe, board member, South Carolina*

Remember, you were elected by citizens. Try to carry their voices and needs. -- *Cynthia Shabb, board member, North Dakota*

When people present you with a problem, make sure you ask them whether they have already discussed the issue with the building level administrator, i.e., principal, before bringing it to you. If they have not, ask them to before you begin investigating. -- *David Mauffray, board member, Mississippi*

Once a decision is made you should support the decision. If you disagree, try to change the decision. -- *James R Dykeman, Jr., board member, Massachusetts*

If it is not good enough for my child, it is not good enough for any child. -- *Bill Kress, board member, New York*

Read your school state laws and codes and ask questions about anything you don't understand. -- *Terisa Fitzpatrick, board member, Illinois*

As long as you are working in the best interest for the students, vote your conscience. -- *Mary Mathes, board member, Indiana*

Read everything and to be prepared. -- *Iris Lane, board member, Virginia*

If you feel like you are overwhelmed, you are micromanaging. -- *Jim Butt, board member, Pennsylvania*

Be respectful of the opinions and positions of your fellow board members. -- *Scott M. Johnson, board member, New York*

Your primary constituents are the students -- who do not vote. -- *Charles Wilson, board member, Virginia*

Change takes time. Start slow and build to fundamental change. -- *Sheldon Wigdor, retired board member, California*

Don't surprise your superintendent or the staff with questions at board meetings. Give them a heads up that you will be raising an issue so that they will be prepared to speak about it. -- *Jeff Phillips, board member, North Carolina*

Don't take things personally. -- *Vanessa hatcher, board member, Illinois*

Recognize the difference between policy and procedure. -- *Bill Culbertson, board member, Kentucky*

Create alliances with each board member, learn what they care about and how to present ideas to each and every person to speak to their beliefs. -- *Mary S. Cunningham, board member, Virginia*

Vote based on facts and data, rather than getting caught up in the politics or trading votes. -- *Kyle K. Walker, board member, Oregon*

Be open to listen from all stakeholders before making up your mind. -- *Raymond Eng, board member, New Jersey*

Go to the state association certified training as soon as possible. -- *Peggy Taylor, board member, Missouri*

What do you wish you had known before becoming a school board member?

I wish I had known that the board meetings are not always where the suggestions are made or where the work gets accomplished. -- *Cynthia Shabb, School board member, North Dakota*

How much time it would take (and how many nights I'd be away from my family). -- *Stephanie Gunderson, board member, Pennsylvania*

All of the acronyms. -- *Steven Hermann, board member, Missouri*

I didn't realize that so much was prescribed by law. -- *Terry Reed, board member, Indiana*

How demanding the job can be when there are "hot button" issues pending. -- *Cheryl D. Mayes, board member, Tennessee*

The thing that surprised me the most was the level of respect that I received after being elected. Even people I had known for years and always on first name basis immediately started referring to me as "Mr." -- *Joseph M. (Mickey) Furcron, board member, Texas*

I wish I had known right from the start that I need to evaluate all requests that come my way and respond appropriately. -- *Kathy Korte, board member, New Mexico*

Constituents expect you to be on call 24/7. -- *Sann Knipple, board member, Illinois*

Your first year is like drinking from a fire hose. The amount of reading materials and data you will be inundated with is unbelievable. -- *Ronald Sommer, board member Vice-President, New York*

That I would actually feel good about being a trustee. -- *Michael Castellano, board member, N.Y.*

The misinformation that the public and parents have about public schools and how they educate children. -- *Elaine G. Davis, board member, Louisiana*

I wish I would have known how best to communicate collaboratively as a board with the superintendent. -- *Michelle Engel, board member, Indiana*

How rewarding it feels when things are going well, and to know you have been a good shephard for the district. -- *Nick Hanks, board member, Illinois*

I wish I had known more about district finances. Early on, I heard someone say, "Show me where you put your money and I will show you where your priorities are." That is so true! -- *Kathryn Simpson, board member, Washington state*

That changing a system is hard work, even in a small district. -- *Kacie Neaby, board member, Washington state*

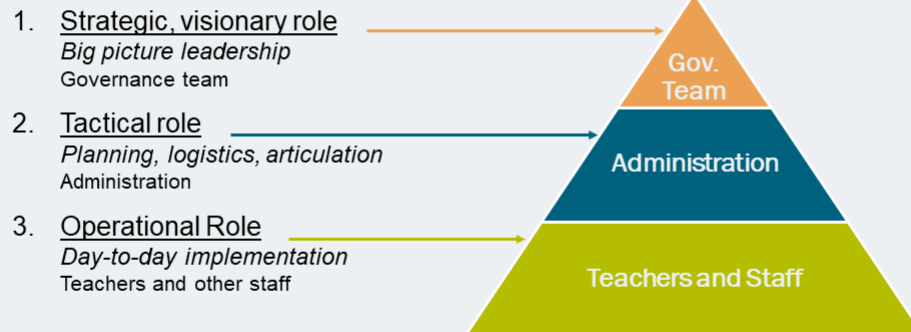
As a board member, you personally will not make any difference, but as a team, you will. -- *Linda Kessler, board member, Wyoming*

I did not realize how much "business" was involved. Purchases, leases, budgets, etc. I thought the work I would be doing would be closer to the children. -- *Bill Bradley, board member, Mississippi*

I wish I had known how easily misunderstood board decisions may be in the community and how important it is to over-communicate. -- *Julia K Beckman, board member, Illinois*

I wish I'd had a thorough study of Robert's Rules of Order. -- *Ginny Moe, board member, South Carolina*

Three Essential Roles in School Districts



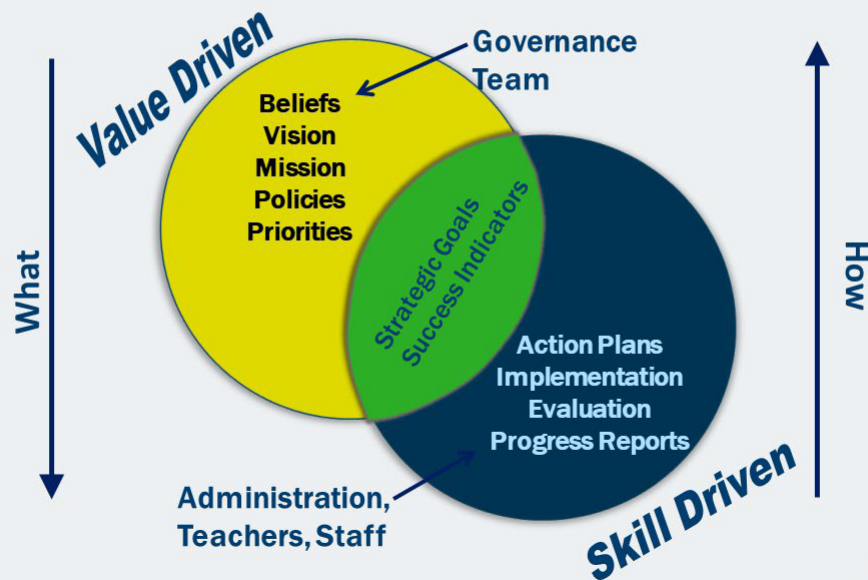
The Schoolboard Fieldbook

Mark Van Clay & Perry Soldwedel

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Understanding Roles



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Supports for Effective Governance

1. Brown Act

Notes from January 31, 2014 Brown Act Training -- Peter K. Fagen and John W. Norlin

For additional information, please see the [DWK Brown Act Manual](#) or the [Pocket Guide to Open Meeting Laws in California](#) or [Navigating the Gray Haze of the Brown Act](#).

A. Overview of the Brown Act: What is a Meeting?

Legislative Bodies

The School Board is a legislative body subject to California's Open Meeting laws, commonly referred to as the Brown Act.

Open Meetings

The Brown Act requires that all meetings of a legislative body be open to the public, except for authorized closed sessions.

Purpose of the meeting: To accomplish district business and to provide the public with an opportunity to ask questions and provide comment.

"Meeting" Defined

A meeting occurs whenever:

- A majority of the Board members gather at the same time and place;
- To hear, discuss, or deliberate;
- Upon any item that is within the subject matter jurisdiction of the Board or District.

Serial Meetings Prohibited

Serial Meetings: Communications outside of a formal meeting, each of which involve less than a quorum, but collectively encompass a majority.

- "A majority of the members ... shall not, outside a meeting ... use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate or take action on any item ... that is within the subject matter jurisdiction of the legislative body." (Government Code 54952.2)
- Prior case law *Wolfe v. City of Fremont* (2006)
 - Brown Act violation only if the person meeting with the Board Members acts as a personal intermediary for them and the meetings are used by the Board Members to actually reach a collective decision outside of a public forum.
 - A majority of Board Members simply CANNOT discuss district

business outside of a public meeting.

- Only exceptions: Members and/or officials may communicate outside of a public meeting in order to:
 - Answer questions
 - Provide information
- But note:
 - Such communications may occur only if that person does not communicate to members of the Board the comments or position of any other member or members of the same Board.
 - Board Members should be very cautious of acquiring knowledge, outside of a noticed board meeting, of their peers' opinions or positions on matters to come before the Board.
- Meetings do NOT include:
 - Individual contact
 - Public conferences
 - Standing committees
 - Community meetings
 - Social gatherings

General Constraints

- Majority of the members cannot discuss school district business among themselves at “non-Meetings”
- Can attend standing committee meetings only as observers

B. The Meeting Agenda

Agendas

- Agenda must be posted:
 - At least 72 hours prior to holding a regular board meeting
 - At least 24 hours prior to holding a special board meeting
 - At a location freely accessible to the public
 - Agenda must also be posted on a school district's Internet site, if it has one

Emergency Meetings

- Emergency meetings need no advance notice, unless media has previously requested one hour notice of such meetings.
- “Emergency” = activity that severely impairs public health or safety (Gov. Code § 54954.2, 54956, 054956.5)

Dire Emergency Agenda

- In the case of a dire emergency, the presiding officer or designee must notify the media at the same time the members are notified of the meeting.
- A dire emergency is a crippling disaster, mass destruction, terrorist act or threatened terrorist activity so significant that providing the one-hour notice may endanger the public (Gov. Code § 54956.5 (a)(2).)

Agenda Distribution

- The agenda must contain a brief description of each item of business to be transacted or discussed at the meeting, including closed session items
 - Generally, not to exceed 20 words
- The Board may not discuss or take action on an item not appearing on the agenda except:
 - To respond to statements made or questions posed by the public during the public comment section - Be careful
 - To ask questions of staff or the public for clarification
 - To ask staff to report on an item not on the agenda at a subsequent meeting
 - To make a brief announcement
 - When an emergency severely impairing the public health or safety exists
 - When there is a need to take immediate action on an item that came to the attention of the agency after the agenda was posted

Placement of Items on Agenda

- Members of the public, including Board Members, may ask to have a specific matter on a future agenda
- General process
 - Reviewed by Board President and Superintendent
 - Decide if within subject matter of district
 - Decide whether open or closed session item
 - Decide whether information, consent or action item
- No right to demand that requested item be "action item"

Public Participation and Comment

- Regular meeting: Members of the public must be provided an opportunity to address the legislative body on any item within the subject matter jurisdiction of the agency
- Special meeting: Public provided an opportunity to address Board on any item described in the notice
- Regular or special meeting: Members of the public must be provided an opportunity to address the legislative body on any item on the agenda

either before or during the Board consideration of that item

- The Board may not prohibit public criticism of the policies, procedures, programs, or services of the agency, or the acts or omissions of the Board
- Public Records
- All agendas and other documents distributed at a Board Meeting in connection with an agenda item are public records
- This also means that any document a member brings to the Board meeting to share with the Board will become a public record

Public Records

- Documents distributed to the Board less than 72 hours prior to an open public meeting shall be made available for public inspection when distributed to the Board
- Need to list on the agenda the location of where item can be viewed or can post on website

C. Closed Sessions

- May be held only for purposes expressly authorized by the Brown Act or Education Code
- Board must disclose in open session (or via the agenda) the item(s) to be discussed in closed session
- Board may only consider those items covered in statement (or via the agenda)

Permissible Closed Sessions

1. Personnel Matters

- Purpose: to discuss appointment, employment, evaluation of performance, discipline or dismissal of a public employee
- If specific complaints or charges against employee:
 - Employee entitled to 24-hour Brown Act Notice
 - Right to have complaints and charges heard in open session
 - Does not include closed sessions to discuss negative comments in an employee's performance evaluation

2. Pending Litigation

- Purpose: to receive advice from legal counsel
 - Existing litigation against the district
 - Anticipated litigation against the district where there are facts and circumstances to indicate a significant exposure to litigation
 - Deciding whether to initiate litigation
- Allowed to reach agreement or settle litigation in closed session, i.e., Board can adopt in closed session
- **CAUTION!** If settlement includes items which require a public notice and opportunity for comment

3. Student Matters
 - Closed session required if Board is considering the suspension of, disciplinary action against, or any other action against student when public hearing would violate student privacy (Education Code § § 35146, 48912)
 - Exceptions: Expulsions
 - Final action to expel a student must be taken in open session (Education Code § 48918)
 - Student may request expulsion hearing be public, Board may still deliberate in closed session
 - Do not disclose student name (FERPA)
4. Negotiations/Collective Bargaining
 - Discuss negotiations and instruct district negotiators without complying with the Brown Act
 - Additional exceptions to the Brown Act: meeting and negotiation discussions between district and union, mediation, meeting or investigation conducted by fact-finder or arbitrator (Gov. Code § 3549.1)
5. Security Matters
 - Purpose: To meet with law enforcement or security expert
 - To discuss a threat to building security, or to essential public services (water, drinking water, wastewater treatment, natural gas service, and electric service, or public's right of access to public services or public facilities)
6. Real Property Negotiations
 - Purpose: To instruct negotiators on price and terms of payment for the purchase or sale of identified real property
 - May not provide general briefings on area land use issues, environmental impacts, site design and related issues
 - After negotiations are concluded, any agreements and approval of the agreement must be reported in open session
 - Recent narrowing of Exception: Recent Attorney General Opinions stated that closed sessions cannot be used to discuss any issues that *might affect* the "economic value of transaction" or the "price that the local agency is willing to pay or accept."
 - Closed session can include: (1) the amount of payment district is willing to pay or accept in real estate transaction; (2) the form, manner and timing concerning such payment; and (3) items that are essential to arriving at the authorized price and payment terms (i.e. comparables)

Closed Session: Agenda Requirements

- Closed sessions must be identified on the agenda
- The Brown Act provides safe harbor language which automatically

satisfies this requirement

Closed Session: Report Out Requirements

- Following a closed session, the Board must publicly report actions taken unless final approval rests with another party or disclosure would hamper the initiation or defense of litigation

Closed Session: Exceptions to Reporting Out Requirements

- Personnel matters: Dismissal or nonrenewal of contract shall be deferred until the first public meeting after administrative remedies, if any, are exhausted
- Agreements, including labor negotiations: Shall be reported after the agreement is final and has been accepted or ratified by other party
- Student matters: No information shall be released in violation of student privacy rights
- Real estate negotiations: Approval of an agreement shall be reported after the agreement is final
 - Upon inquiry, if final approval with other party

Confidentiality of Closed Sessions

- **Board members are prohibited from disclosing information obtained during a closed session** except to persons entitled to receive that information
- Unauthorized disclosure could waive attorney-client privilege, violate privacy rights of students or employees, or impact collective bargaining
- The prohibition on disclosing confidential information learned in closed session applies to **both** current and former Board Members

Liability for Disclosing Closed Session Information

- Board members may be personally liable if they violate Gov. Code Section 54963
- Removal from office
- Civil lawsuit: A current or former Board Member may be civilly liable for unlawfully disclosing confidential closed session information
- Injunctive relief: The Board may seek an injunction to prohibit the offending Board Member (current or former) from disclosing confidential information acquired during a closed session meeting
- Criminal liability: Gov. Code Section 1222 provides that every willful omission to perform any duty enjoined by law upon a public officer is a misdemeanor
- Grand Jury: Gov. Code Section 3060 provides that the grand jury can issue an accusation against a current Board Member for “willful or corrupt

misconduct”

- Written and Verbal Censure by the Board

D. Sub-boards and Commissions

Sub-boards and Commissions

- All subcommittees and commissions created by formal action of the Board, whether temporary, decision making, or advisory, are legislative bodies subject to the Brown Act
- Once exception: Ad hoc advisory committees consisting of less than a quorum of Board Members

Ad Hoc Advisory Committee Rules

1. The committee must be purely an advisory committee with no decision making authority
2. The committee must be composed solely of two members of the legislative body (less than a quorum)
3. The committee must not have continuing subject matter jurisdiction
4. The committee must not have a meeting schedule fixed by formal action of the legislative body

E. The Brown Act and The Virtual World

The Virtual World

- Technology with Brown Act implications include:
 - Email
 - Websites/blogs
 - Texts
 - Social media
- Do you tweet, blog or have a Facebook page? There could be Brown Act Implications

Texting, Blogging, Social Media

- Not acceptable → Serial meetings
- Could result in Brown Act violation
- Example:
 - Texting during meetings

Scope of Email Communications

- Hub-and-spokes communications: A to B, A to C, A to D
- Chain communications A to B, B to C, C to D

- Substantive conversations
- Advancing or clarifying understanding
- Facilitating agreement of compromise
- Advancing a motion or resolution
- Briefing or information sessions

Email Reminders

- Consider the Public Records Act
- Don't let email tone control your image

From: madonna@xyzusd.k12.ca.us

To: All Staff

Sent: 12/12/16 @ 12:00 p.m.

Re: Contract Negotiations

Hey everyone after last night's lousy Board meeting, I had cocktails with a Board Member.

There is no way we are settling.

F. Brown Act Legislative Update

SB 751- Effective January 1, 2014

- All legislative bodies of local agencies, including school boards, must publicly report any actions taken as well as the vote or abstention on that action of each member present
- Government Code § 54953 already requires all meetings of the legislative body of a local agency to be open and public and prohibits action by secret ballot, whether preliminary or final
- SB 751 added subsection (c)(2) to the statute, which will bar the reporting of only numbers of ayes, nays or abstentions on any given item up for vote
- As a practical matter, school districts will now need to records how each member votes on each item presented

2. Orienting a New Board Member

A new member of the Board will need to invest time in training and understanding the job in order to be effective. The more experienced Board members should mentor and support new members during their first year so that the entire Board can be efficient and effective.

Procedures

The president of the Board and the Superintendent should provide the resources and guidance and provide the new member with opportunities for training as soon as possible. The CSBA's workshops for new Board members are one such opportunity.

The president of the Board should welcome the new member, provide that member with the article, "What New Board Members Need to Learn in Their First 100 Days" http://www.csba.org/en/NewsAndMedia/Publications/CASchoolsMagazine/2012/Spring/InThisIssue/QAGovern_Spring2012.aspx as well as the most recent copy of the Board's Governance Handbook. Then the president should explain that any questions that arise from reading of the article and handbook can be answered by them or the new Board member's assigned mentor.

The president and vice-president should ask an experienced current or recent Board member to serve as a mentor for the new member and the mentor should meet/talk regularly with the new member to answer any questions and provide any support necessary.

The Superintendent will meet with each new Board member individually to answer any questions and familiarize them with district operations.

Each seated Board member will arrange a time to have an informal meeting with each new Board member as soon as possible after the swearing in ceremony.

While ethics training is not legally required for school board members in California at present, the Board recommends all Board members familiarize themselves with the National School Board Association's Code of Ethics and be continually thinking about one's actions and decisions as a Board member by considering what is legal, what is ethical, and what is fair. We also highly recommend reading the brief by the NSBA entitled "Doing the Right Thing," which lists their Code of Ethics.

<https://d3jc3ahdjad7x7.cloudfront.net/rVkOxlessTPe5PEk2QJRr9KeF9EfvWGMtgAo8gFi5Dap9LFy.pdf>

Ethics training, which is encouraged but not required, can be accessed at the following website - <http://oag.ca.gov/ethics>.

New Board Members are bound by the Brown Act upon election and before being sworn into office. (Government Code

3. Bringing Up New Ideas or Agenda Items

Board members and the public should have the opportunity to bring up new ideas or subjects of interest for future Board meeting agendas and must understand the process in order to do so. Creating a clearly defined process develops consistency, maintains trust, and provides a process to think through issues that might have merit. Staff focus, energy, and time, as well as other district resources must be focused on achieving the agreed upon district vision, goals, and objectives and should not be diluted by new projects. The Board President determines the items to be placed on the agenda. We must honor the intent of the Brown Act and provide

opportunities for members of the staff and the public to inform and hear Board deliberations on all agenda items if they choose to do so.

Procedures

A Board member's first step may be to discuss the new topic or idea with the Board President and the Superintendent.

Individual Board members may bring up a new idea or request a future agenda item by explanation during "Future Regular Board Meeting Agenda Items".

The Board President will ask the Superintendent for any comments on the item.

If there are at least two Board members who wish to place the item on the agenda, it shall be placed on a future agenda in a timely manner. All new ideas or agenda item topics will be weighed against their effect on staff's ability to accomplish the district vision and goals (LCAP).

4. Developing the Board Meeting Agenda

Procedures

The Superintendent works with the Board President to prepare the agenda for both regular and special meetings.

The Board Meeting Agendas can be found on the District's Simbli Public [Page](#)

Unless otherwise noted, the Board meetings on the 2nd and 4th Wednesday of each month.

If there is a Closed Session Meeting, it is typically scheduled at 6pm. The public may comment on the posted item before the Board goes into its Closed Session meeting at the designated time.

Regular meetings begin at 7pm. Every agenda is developed so that the Board can complete its business in roughly 2-3 hours.

Developing the agenda begins 2 weeks before a regular Board Meeting as there is a tremendous amount of background material that must be researched and written by District staff. All materials are due to the Superintendent's office on the Wednesday prior to the regularly scheduled board meeting.

Regular Meetings: The District is required to publicize the meeting 72 hours prior to the scheduled date/time (this is typically done on Friday afternoons).

Special Board Meeting: The District is required to publicize the meeting 24 hours prior to the scheduled date/time, specifying the time and place of the meeting, as well as the business to be discussed. No other business shall be considered at these meetings.

The Superintendent provides time estimates on the agenda as a guide to help the Board stay on track.

Items on each regularly scheduled Board Agenda include the following:

- Open Session
 - Call to order, pledge of allegiance, report of closed session action, agenda adjustments.
- Communication/Announcements
 - Communications from employee groups, support groups, student representative to the Board, persons wishing to speak on items not listed on the agenda, Superintendent, and President.
 - On non-agenda items, board members may not opine on public comment made in this part of the agenda.
- Board Reports/Announcements
 - Individual Board Members share insights and reflections (typically report on events they've attended).
- Presentations
 - By students, staff, committees.
- Review & Action Items
 - By Superintendent, District Administration, Committees.
- Information/Announcements
 - No action necessary. For information only.
- Consent Calendar Action Items
 - These items are routine items that do not require additional discussion. Placement of an item on the Consent Calendar helps the Board act with greater efficiency.
- Correspondence
 - A designated Board Member acknowledges receipt of emails and written public input at Board Meetings. Superintendent coordinates with the designee and President on who will respond to email communications.
- Future Regular Board Meeting Agenda Items
 - Board Members or a member of the public may suggest adding an item to the list. The Superintendent and Board President will determine the timing.
- Adjournment

5. Preparing for a Board Meeting

Staff members' time and expertise should be treated with respect by Board members. Prior to a public Board meeting, if a Board member has questions of clarification or requests for more information about an agenda item, the Board member should let the staff member know ahead of time so as not to surprise them and to allow them to prepare their response for the public meeting.

Procedures

Board Members are expected to:

- Read the Friday Letter and Board Packet well in advance of the meeting.
- Come prepared to learn from staff the basis for recommendations, to listen to public input, deliberate as a team, and take action.
- Outline your thoughts given what you know and have learned in order to be succinct when it's your turn to speak during deliberations. Ask questions of the Superintendent and staff in advance of the regular meeting in order for them to have enough time to research and prepare a full response.
- Copy the Board President when e-mailing questions to the Superintendent so that they will be aware of individual board member questions or concerns.

6. Purpose of the Consent Calendar

Board members should keep in mind that the purpose of the consent calendar is to expedite the handling of routine business.

Procedures

Board members should not discuss or pull any items unless it is very important to do so.

Questions on the consent calendar, once asked and answered in advance of a Board meeting, should not be asked again at the meeting unless the Board member feels there is information that is important for the public to know, or unless the member wants a separate vote on the item. In the latter case, the member should ask that the item be pulled from the consent calendar.

Only re-occurring and standard contracts should be placed on the consent calendar. Unique and first-time contracts should be listed as action items.

Consent calendar items should be routine and non-controversial.

7. Communications

Between Board Members and the Superintendent

Communications between individual Board Members and the Superintendent are highly encouraged. Please be aware that the Assistant to the Superintendent reviews all of the Superintendent's emails and voicemail at ext. 614. If a Board Member wishes to leave a private message, please leave a message at ext. 613 (is only accessed by the Superintendent) or contact the Superintendent on his mobile phone.

Email protocol:

- All emails using the your @piedmont.k12.ca.us address are considered "discoverable" and are subject to a request for public records by the community. Be careful what you write!
- Do not use your private email address for school business as it then also becomes "discoverable" and then also subject to a request for public records by the community.
- Informational emails to the Superintendent and the full Board are permitted.
- Sending an email to the full Board that conveys one's position on an issue is NOT permitted.
- Sending an email using "reply" is always preferred over a "reply all" email.
- Serial phone conversations/emails to Board Members is NOT permitted.

Between Board Members and Staff

Please refrain from contacting staff directly with questions or concerns. The Superintendent is responsible for managing the time and responsibilities of staff, and thus needs to be aware of any additional requests.

8. Board Members' Participation in Meetings at School Sites

Board members may choose to attend meetings at schools such as Parent Club, Site Council, Support Group, and other committee meetings in their outreach to the community and to better understand what is going on in the schools. Board members may also want to volunteer to help with school activities to serve the community and learn more about the schools.

Procedures

At meetings where discussions about school issues occur, a board member should primarily be listening to the discussion and learning what community members think.

If a Board member is asked to give an opinion or chooses to give an opinion, they should make clear that they are speaking as an individual community member, not on behalf of the Board.

A Board member can explain and clarify decisions the Board has made if asked to or if relevant to the discussion.

Board members are encouraged to attend Parent Club, Site Council, Support Group and other meetings as may be appropriate, or as part of the Board Liaison assignment.

9. Board Member Role in Labor Negotiations

IMPORTANT: See School and College Legal Services of California [Legal Update](#)

Guidance for board members regarding their role in the collective bargaining process, and advises board members on best practices to follow when employees or union representatives petition them about issues related to negotiations.

The primary recommendations for board members when they are approached by employees or union representatives about negotiations are as follows:

1. Avoid *any* individual conversations about issues in negotiations because these could be misrepresented, and could even rise to the level of violating the laws governing public school employer-employee relations;
2. Refer the individual to the board as a whole by encouraging them to make their comments at the public comment portion of an upcoming board meeting;
3. Remember that the board and its bargaining representatives are a team. The board and individual board members should not be mediating between employees and the district team.

Aside from best practices, board members should understand that a typical tactic by unions in negotiations is to attempt to divide the board from its team by these individualized conversations.

The school board as a whole is the governing body of the district and the ultimate decision-maker for any actions taken by the district. The school board designates a team to represent the district's interests during negotiations with the bargaining unit. Typically, this team

consists of members of district management knowledgeable about finance, human resources and site organization, and might also include an attorney or non-attorney advocate for the school district.

10. Acting as a Board Member with a Close Relative in the District

Board members who have children, grandchildren, or other close relatives enrolled in the District should articulate how their relative's experience in the schools may affect their opinions and judgment with regard to Board decisions. Board members are expected to consider the experience of ALL students when making decisions.

Procedures

Board members should identify, in open session, any agenda items being discussed and voted upon that may impact the education of their relative(s).

While Board members have the right to request that their relative's privacy be respected, it is acceptable for other Board members or members of the public to ask a Board member's opinion from a relative's perspective on agenda issues being discussed.

A Board member should be allowed to recuse themselves from participation in a vote where his or her relative is directly affected by the issue.

11. Board Members' Role in the Public

Trustees are a resource to the community about pending decisions, issues, and new programs. The final authority rests with the Board as a whole, not individual Board members.

Procedures

As new programs and issues are introduced, the Superintendent will prepare talking points for trustees covering the scope of the issue or program.

The Board and Superintendent will link, when possible, the program and issue to the vision, goals, and LCAP of the district.

When a trustee is approached by a community member about a pending decision, issue, or new program, the trustee will clarify questions and provide objective information.

The trustee will remind the public that the role of the Board and the individual trustees is to

make decisions that benefit ALL students and the community.

The trustee will remind the public that deliberation leading to decision making will take place at open, public Board meetings.

When the Board has reached a consensus or voted on an issue, any Board member who disagrees with the majority decision will nevertheless work in concert with the majority to implement the decision.

If asked about the decision of the Board, the Board member should make an honest effort to convey the Board decision and explain the reasoning of the majority.

12. Responding to calls/emails from the Press

Board members should be courteous to the media. It is important for the Board and staff to have a consistent, clear message on issues.

Procedures

The Superintendent and District/Site administrators are the first point of contact for reporters regarding district programs, student awards, school/district accomplishments, special events, bond programs.

The Board President may speak to the media on behalf of the Board.

Should a Board member choose to comment in response to a question from the press, the Board member will preface the comment with “I am speaking as an individual and not for the Board of Education. My comments are mine alone and do not necessarily reflect those of other Board members or the Piedmont Unified School District.” If the Board of Education has made a decision or approved a policy, a Board member may state what the Board of Education’s position is.

The Superintendent will communicate with members of the Board when issues occur that may entail media interest to explain what is happening and what their response/message to the community is.

The Superintendent will communicate with the Board members if it is necessary or appropriate to have a spokesperson for the Board on an issue to the media. In addition, the Superintendent and designated spokesperson for the Board will confer on appropriate talking points for the media.

If asked to comment on a matter of policy about which the Board has not yet reached a consensus or held a vote, the Superintendent will state only that the matter has not yet been decided by the Board.

13. Responding to Community or Staff Complaints/Concerns

Board members should be responsive to the community and be good listeners. It's important for members of the governance team to be consistent in their responses to staff and the community. Board members need to stay within their function and not attempt to personally "fix" the problem. There are staff members whose job it is to remedy or deal with student and staff situations. Students and staff members have due process and confidentiality rights that cannot be violated. The School Board is potentially the "Court of Last Resort" and members who have been too involved early in the situation may not be able to participate in a final hearing.

Procedures

When someone expresses a complaint or concern in private to a member of the Board, the member will listen politely and ask clarifying questions as appropriate, remembering that the member of the Board is hearing only one side of the story.

Then, depending on the severity and nature of the complaint, the member will refer the individual to the appropriate staff member, such as a teacher or principal, or the Superintendent.

The Board member then will communicate with the Superintendent about the conversation they had with the individual.

If no permission is given, the member will suggest that the individual talk with the Superintendent and will not share the information. If permission is given, the member will communicate with the Superintendent the conversation they had with the individual.

The Member will make sure the complainant understands the appropriate order of whom to contact (teacher, then principal, then district staff) and is aware of any formal forms or policies that might assist them (e.g., the uniform complaint form on the website -- BP 1312.3).

The Member should clarify that one Board member has no individual authority to fix a problem.

As a representative of the public, it is important that the Board member invite the person with the complaint to get back to them if the issue is not resolved.

14. Superintendent Evaluation

The Board uses the Superintendent evaluation as an important leadership tool to focus and align all District efforts. The evaluation should support the professional growth of the Superintendent and sustained improvement for the District and, if necessary, identify areas that need to be addressed by the Superintendent to ensure continuous progress.

Procedures

The Board shall annually evaluate in writing, in closed session, the performance of the Superintendent and the working relationships between the Superintendent and the Board. Two members of the Board shall present the evaluation to the Superintendent.

The annual written evaluation shall be completed by June 30 of each year (unless the Board and Superintendent agree to extend this date), and if not so completed, the Superintendent's performance shall be deemed to be satisfactory.

The annual evaluation shall be based on the Superintendent's performance of the full range of his duties as prescribed by the laws of the State of California and Board Policies 2120 and 2122. The evaluation shall also be based on clearly defined, mutually agreed-upon annual goals and objectives established pursuant to Board Policy 2123.

In the event the Board and the Superintendent fail to agree by October 1 of any year on the goals and objectives as set forth in Board Policy 2123, the Board shall establish such goals and objectives.

Nothing herein shall be construed to prohibit or in any manner limit the Board from conducting additional evaluations of the Superintendent at any time during the school year.

If the performance of the Superintendent is deemed by a majority of the Board to be unsatisfactory in any area, the Board shall provide the Superintendent a written description of the unsatisfactory areas and its recommendations for improvement. In such event, the Board shall conduct another evaluation of the Superintendent's performance within six months, and provide further written evaluation and any written recommendations and specifications for improvement to the Superintendent within 30 days following such evaluation.

The Board, unless otherwise agreed to in writing with the Superintendent, shall maintain confidentiality concerning the contents of any evaluation to the extent required by law.

15. Budget

[PUSD Board of Education Budget Guiding Principles](#)

[Budget Development Calendar 2022-23](#)

[Adopted Budget 2022-23](#)

16. LCAP

[2021-24 LCAP](#) - Board Approved June 22, 2022

17. School Support Tax

[Measure G Resolution](#) 19-2018-19

[Measure H Resolution](#) 20-2018-19

18. Measure H1

[Measure H1 Piedmont School Improvement/Modernization Bond](#)
[PUSD Facilities Master Planning](#)

19. Contracts

[APT Contract 2020-2023](#) (effective July 7, 2020)

[CSEA Contract 2020-2023](#) (effective July 1, 2020)

[APSA Memorandum of Understanding 2022-23](#) - Effective July 1, 2022

20. Instructional Calendar

[2022-23 Instructional Calendar](#)

21. Board of Education Meeting Calendar

[2022-23 Board Meeting Schedule](#)

22. District Organization

[2022-23 PUSD District Organizational Chart](#)

23. Board Committee & Liaison Assignments

[2022-23 PUSD Board of Education Committee & Liaison Assignments](#)

24. Annual Board Reorganization

[Background on the PUSD Annual Board Reorganization](#)

Updated: December 2022