

Bylaws of the Board

Meeting Conduct

Meeting Procedures

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

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

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned by 10:00 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall normally be extended no more than once and subsequently may be adjourned to a later date.

Quorum and Abstentions

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

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

If a Board consists of seven members and not more than two vacancies occur on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. In addition, if a vacancy exists on the Board, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

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

BB 9323(b)

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board either before or during the Board's consideration of each item. (E.C. 35145.5, Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion of any item not appearing on the posted agenda, except as allowed by law. (E.C. 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)
5. A person wishing to be heard by the Board shall first complete the form "Request to Address the Board of Education." The person will be recognized by the Board President and shall then proceed to comment as briefly as the subject permits.

In general, individual speakers will be allowed three minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total time for public input on each item to thirty (30) minutes. A speaker shall not yield to another person any portion of the time allotted to him/her to speak.

The total time for agenda items, and non-agenda items at regular meetings, shall be thirty (30) minutes. The time allowed for those who made requests to speak will be as follows:

- a. 1-10 speakers will each be allowed three (3) minutes each.
- b. 11-15 speakers will each be allowed two (2) minutes each.
- c. 16-30 or more speakers will each be allowed one (1) minute each.

The number of speakers to any agenda or non-agenda item will be determined just prior to the time that item is considered, and speakers must be present to be counted in the total.

District students who have presented requests to speak will be allowed to speak before other individuals who have also requested to speak.

Individual speaking time may not be reduced to less than one (1) minute.

Those who presented requests to speak but could not be accommodated within the allotted thirty (30) minutes, will be allowed one (1) minute each to speak prior to adjournment.

With Board consent, the Board President may increase or decrease the time for public input on each agenda item depending on the topic and the number of persons wishing to be heard. The Board 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.

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

6. The Board President may rule on the appropriateness of a topic subject to the following conditions:
 - a. If the topic would be more suitably addressed at a later time, the Board President may indicate the time and place when it should be presented.
 - b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)
 - c. The Board may not prohibit public criticism of District employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board President shall inform the complainant of the appropriate District complaint procedure.

The Board President shall not permit actual disruption or willful interruption of Board meetings. Actual disruption by an individual or group of any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the Board President to terminate the privilege of addressing the Board and remove the individual from the meeting.

The Board president or designee may remove an individual for actually disrupting the meeting. Prior to removal, the individual shall be warned that the behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after

BB 9323(d)

being warned, the individual does not promptly cease the disruptive behavior, the Board President, or designee, may then remove the individual from the meeting (Government Code 54957.95)

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

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

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

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

When disruptive conduct occurs, the Board may decide to recess the meeting to help restore order, or if removing the disruptive individual(s) is not infeasible, move the meeting to another location. The Board may direct the Superintendent or designee to contact local law enforcement as necessary.

Recording by the Public

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

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

Legal Reference:

EDUCATION CODE

- 5095 Powers of remaining board members and new appointees
- 32210 Willful disturbance of public school or meeting
- 35010 Control of district; prescription and enforcement of rules
- 35145.5 Agenda; public participation; and regulations
- 35163 Official actions, minutes and journal
- 35164 Actions by majority vote
- 35165 Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

- 527.8 Workplace Violence Safety Act

ELECTION CODE

- 18430 Prevention and hindrance of electors assembling in public meeting

GOVERNMENT CODE

- 54953.3 Meetings to be open and public; remote attendance
- 54953.5 Audio or video tape recording of proceedings
- 54953.6 Broadcasting of proceedings
- 54954.2 Agenda; posting requirements; board actions
- 54954.3 Opportunity for public to address legislative body
- 54957 Closed sessions
- 54957.9 Disorderly conduct of general public during meeting; clearing of room
- 54957.95 Opening meetings; orderly conduct

PENAL CODE

- 403 Disruption of assembly or meeting