

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS INDEX**

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06/28/24

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9000**

**ROLE OF THE BOARD** (Powers and Responsibilities)

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

1. Setting a direction for the District
2. Providing a basic, efficient, and effective organizational structure for the District by establishing policies
3. Ensuring accountability
4. Providing community leadership on behalf of the District and public education

To fulfill these basic responsibilities, the Board of Trustees shall:

1. Involve the community, parents/guardians, students, and staff in developing a common vision for the District focused on learning and achievement and responsive to the needs of all students
2. Adopt, evaluate, and update policies consistent with the law and the District's vision and goals
3. Maintain accountability for student learning by adopting the District curriculum and monitoring student progress
4. Hire and support the Superintendent so that the vision, goals, and policies of the District can be implemented
5. 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
6. Adopt a fiscally responsible budget based on the District's vision and goals, and regularly monitor the fiscal health of the District
7. Ensure that a safe and appropriate educational environment is provided to all students
8. Establish a framework for the District's collective bargaining process and adopt responsible agreements

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9000**

**ROLE OF THE BOARD** (Powers and Responsibilities) (continued)

9. Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state, and federal levels
10. Convene as a judicial and appeals body and serve as the final decision-maker in accordance with law, Board policies, and negotiated agreements

The Board of Trustees 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)

*Legal Reference:*

EDUCATION CODE

5304 Duties of governing board (re school district elections)  
12400-12405 Authority to participate in federal programs  
17565-17592 Board duties re property maintenance and control  
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

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Governance

Professional Governance Standards, November 2000

School Board Leadership: The Role and Function of California's School Boards, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

The Key Work of School Boards, 2000

WEB SITES

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

CSBA Governance Institute: <http://www.csba.org/gi>

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

Policy Adopted: 10/23/90

Policy Revised: 4/18/08

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9005**

**GOVERNANCE STANDARDS**

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

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

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

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

1. Keep the District focused on learning and achievement for all students
2. Communicate a common vision



OCEAN VIEW SCHOOL DISTRICT  
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BOARD BYLAWS

BB 9005

GOVERNANCE STANDARDS (continued)

3. Operate openly, with trust, and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board of Trustees-adopted policies and procedures
6. Take collective responsibility for the Board of Trustees' performance
7. Periodically evaluate its own effectiveness
8. Ensure opportunities for the diverse range of views in the community to inform Board of Trustees' deliberations

BREACHES OF BOARD POLICIES/BYLAWS

Breaches of Board Policies/Bylaws are enforceable by means of a motion calling for the adoption of a censure resolution which shall, if adopted by a majority of the Board of Trustees' membership, express the Board of Trustees' disapproval of the conduct of one or more of its members. Censure resolutions may also call for such other action as is within the authority of the Board of Trustees to direct. (For example, and not by way of limitation, the Board of Trustees may direct by censure resolution, where a Board member has made inappropriate expenditures in connection with Board of Trustees' authorized travel, that said member be denied the privilege of District paid travel, and/or inappropriate expenditures be repaid or not reimbursed.)

Motions calling for the adoption of a censure resolution may only be brought at the Board of Trustees' regularly scheduled meetings or a special meeting that has been publicly noticed at least seven days in advance. Censure resolutions shall only be heard in public. A censure resolution shall describe in sufficient detail the conduct of said Board member or members, as to allow the member or members to prepare his or her response to the allegations. The Board member making the motion shall provide the proposed resolution to the other members of the Board of Trustees, including the affected Board member, and to the Superintendent at least ten working days in advance of any public hearing on the motion. The written resolution as presented by the initiating Board member shall be presented under penalty of perjury. To the extent that a censure resolution relates to or involves information received in confidence or that is subject to a privilege recognized by law, such information need not be disclosed on the face of the resolution if to do so would further violate the original need for confidentiality or the conditions associated with the retention of the privilege.

OCEAN VIEW SCHOOL DISTRICT  
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BOARD BYLAWS

BB 9005

GOVERNANCE STANDARDS (continued)

BREACHES OF BOARD POLICIES/BYLAWS (continued)

Breaches of Board Policies/Bylaws are intended to make clear conduct which is prohibited. Conduct which is not prohibited is permitted. The process of a motion for a censure resolution is recommended so that the Board of Trustees will have a means of enforcing its Breaches of Board Policies/Bylaws.

*Legal Reference:*

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance  
35160 Board authority to act in any manner not conflicting with law  
35164 Actions by majority vote

GOVERNMENT CODE

1090 Financial interest in contract  
1098 Disclosure of confidential information  
1125-1129 Incompatible activities  
54950-54963 The Ralph M. Brown Act  
87300-87313 Conflict of interest code

*Management Resources:*

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000  
Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

CSBA: [www.csba.org](http://www.csba.org)

Policy Adopted: 12/11/01  
Policy Revised: 4/15/08  
Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9010**

**PUBLIC STATEMENTS**

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

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

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

Board of Trustees' spokespersons shall not disclose confidential information or information received in Closed Session except when authorized by a majority of the Board. (Government Code Section 54963)

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

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

*Legal Reference:*

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

GOVERNMENT CODE

6250-6270 California Public Records Act

54960 Actions to stop or prevent violation of meeting provisions

54963 Confidential information in Closed Session

*Management Resources:*

WEB SITES

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

Policy Adopted: 11/18/97

Policy Revised: 10/07/08

Policy Revised: 03/07/17

**BOARD BYLAWS**

**BB 9011**

**DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

The Board of Trustees recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. All confidential/privileged information shall be released only as allowed by law.

Disclosure of Closed Session Information

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

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

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

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

Other Disclosures

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

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9011**

**DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION** (continued)

Disclosure of Closed Session Information (continued)

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

*Legal Reference:*

EDUCATION CODE

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

35146 Closed session

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

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

54963 Confidential information in closed session

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 231 (1997)

*Management Resources:*

CSBA PUBLICATIONS

Professional Governance Standards, November 2000

Maximizing School Board Leadership, 1996

WEB SITES

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

Policy Adopted: 10/23/90

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9012**

**BOARD MEMBER ELECTRONIC COMMUNICATION**

The Board of Trustees recognizes that electronic communication among Board members and between Board members, District administration, and members of the public, is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the District and its schools. 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.

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

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

The Board of Trustees 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 press shall be forwarded to the designated District spokesperson.

In order to minimize the risk of improper disclosure, Board of Trustees' members shall avoid reference to confidential information and information acquired during Closed Session.

Board of Trustees' members may use electronic communications to discuss matters other than District business with each other, regardless of the number of members participating in the discussion.

Like other writings concerning District business, a Board member's electronic communication may be subject to disclosure under the California Public Records Act.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9012**

**BOARD MEMBER ELECTRONIC COMMUNICATION** (continued)

*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

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

*Management Resources:*

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. 2007

WEB SITES

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

CSBA, Agenda Online: <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

Institute for Local Government: <Http://www.cacities.org/index.jsp?zone=ilsg>

Policy Adopted: 03/21/17

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9100**

**ORGANIZATION**

Annual Organizational Meeting

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

At this meeting the Board of Trustees shall:

1. Elect a president, vice president, and a clerk from its members
2. Authorize signatures and delegation of authority
3. Develop a schedule of regular meetings for the year
4. Develop a Board of Trustees' calendar for the year
5. Designate Board of Trustees' representatives

Elections of Officers

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

*Legal Reference:*

EDUCATION CODE

5017 *Term of Office*

35143 *Annual organizational meeting date and notice*

35145 *Public meetings*

GOVERNMENT CODE

54953 *Meetings to be open and public; attendance*

ATTORNEY GENERAL OPINIONS

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

59 *Ops.Cal.Atty.Gen. 619, 621-622 (1976)*

Policy Adopted: 10/23/90

Policy Revised: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 10/07/08

Policy Revised: 03/16/10

Policy Revised: 02/03/15



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9110**

**TERMS OF OFFICE**

The Board of Trustees shall consist of five (5) members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each even-numbered year.

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

Board member terms expire four years after their initial election specifically 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)

*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

Policy Adopted: 10/23/90

Policy Revised: 11/18/97

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9121**

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**PRESIDENT**

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

The president shall preside at all Board of Trustees' meetings. He/She shall:

1. Call the meeting to order at the appointed time;
2. Announce the business to come before the Board of Trustees in its proper order;
3. Enforce the Board policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act;
4. Recognize persons who desire to speak; however, during Public Comments to the Board of Trustees, the President may delegate this responsibility to the Clerk.
5. Protect speakers, including the public, staff, and Trustees, who have the floor from disturbance or interference.
6. Explain what the effect of a motion would be if it is not clear to every member;
7. Restrict discussion to the question when a motion is before the Board of Trustees;
8. Put motions to a vote, and state clearly the results of the vote;
9. Be responsible for the orderly conduct of all Board of Trustees' meetings.

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

1. Signing all instruments, acts, and orders necessary to carry out state requirements and the will of the Board of Trustees;
2. Consulting with the Superintendent or designee on the preparation of the Board of Trustees' agendas;
3. Working with the Superintendent to ensure that Board members have necessary materials and information;
4. Appointing and dissolving of all committees subject to Board of Trustees' approval;

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9121**

**PRESIDENT** (continued)

5. Calling such meetings of the Board of Trustees as he/she may deem necessary, giving notice as prescribed by law;
6. Representing the District as governance spokesperson in conjunction with the Superintendent;
7. Serve as the Board of Trustees' representative to Presidents Roundtable, and City/School Quarterly meetings;
8. Any other such duties as assigned by the Board of Trustees.

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

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

GOVERNMENT CODE

54950-54963 *Ralph M. Brown Act*

*Management Resources:*

CSBA PUBLICATIONS

*Board Presidents' Handbook*, revised 2002

*CSBA Professional Governance Standards*, 2000

*Maximizing School Board Leadership: Boardsmanship*, 1996

WEB SITES

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

Bylaw Adopted: 10/23/90

Bylaw Revised: 11/18/97

Bylaw Revised: 12/11/01

Bylaw Revised: 10/21/03

Bylaw Revised: 10/07/08

Bylaw Revised: 01/14/14

Bylaw Revised: 11/15/16

Bylaw Revised: 01/09/18

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9121.1**

**VICE PRESIDENT**

At the annual organizational meeting, the Board of Trustees shall elect a vice president from its own membership.

The duties of the vice president shall be to:

1. Serve as presiding officer in the absence of the President;
2. Serve as additional alternate for Board President at PTA/PTO/PTSA/PTSO Presidents' Roundtable in the absence of the President;
3. Perform any other duties assigned by the Board of Trustees.

*Legal Reference:*

EDUCATION CODE

35143 Annual organizational meetings

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Policy Adopted: 03/03/15

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9122**

**SECRETARY**

The Superintendent serves as secretary to the Board of Trustees. The secretary to the Board of Trustees shall be responsible for maintaining an accurate and complete record of all Board of Trustees' proceedings and shall:

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

*Legal Reference:*

EDUCATION CODE

35025 Secretary and bookkeeper

35143 Annual organizational meetings; dates and notice

35250 Duty to keep certain records and reports

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

*Management Resources:*

CSBA PUBLICATIONS

*CSBA Professional Governance Standards, 2000*

*Maximizing School Board Leadership: Boardmanship, 1996*

WEB SITES

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

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Policy Revised: 11/18/97

Policy Revised: 10/21/03

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9123**

**CLERK**

At the annual organizational meeting, the Board of Trustees shall elect a clerk from its own membership.  
(Education Code 35143)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board of Trustees when required
2. Maintain such other records or reports as required by law
3. Sign the minutes of the Board of Trustees' meetings following their approval
4. Sign documents on behalf of the District as directed by the Board of Trustees
5. Serve as presiding officer in the absence of the president and vice president
6. Serve as additional alternate for Board President at PTA/PTO/PTSA/PTSO Presidents' Roundtable in the absence of the president
7. Rule on issues of parliamentary procedure.
8. Perform any other duties assigned by the Board of Trustees

*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)

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

*Management Resources:*

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000  
Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

Policy Adopted: 10/23/90

Policy Revised: 11/18/07

Policy Revised: 12/11/01

Policy Revised: 10/21/03

Policy Revised: 10/07/08

Policy Revised: 01/14/14

Policy Revised: 11/15/16

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9124**

**ATTORNEY**

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

The Board of Trustees 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 of Trustees and the Superintendent or designee
2. Serve the Board of Trustees 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 of Trustees and Superintendent or designee

The Superintendent or Board President may confer with the District's legal counsel on matters concerning the District and shall provide the Board of Trustees with the legal information. The Board of Trustees also may authorize a specific member to confer with legal counsel on behalf of the Board of Trustees.

*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

Policy Adopted: 10/23/90

Policy Revised: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9130**

**BOARD COMMITTEES**

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

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

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

Consistent with all applicable laws and District policies, the Board President may form a subcommittee of the Board. Subcommittees of the Board of Trustees created by the Board President shall not require Board approval. A subcommittee established by the Board President is not subject to open meeting laws under the Brown Act, provided the subcommittee is comprised of less than a quorum of the Board, and is not a standing committee. Such subcommittees shall be advisory only, and recommendations of the subcommittee shall be presented to the full Board for appropriate action.

**Committee Meetings**

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

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

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

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



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9130**

**BOARD COMMITTEES**

Committee Meetings (continued)

The Superintendent or designee may serve as an advisor to any committee at the discretion of the Board of Trustees.

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.

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 committees' consideration of the item, the Board of Trustees is not obliged to provide for public comment on the item at a subsequent Board of Trustees' meeting. Public comment shall be afforded, however, if the Board of Trustees determines that the item has been substantially changed since it was heard by the committee. (Government Code Section 54954.3)

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

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

*Legal Reference:*

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35024 Executive committee

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54950-54963 The Brown Act, especially:

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

54957 Closed Session Purposes

COURT DECISIONS

*Frazier v. Dixon Unified School District*, (1993) 18 Cal.App.4th 781

ATTORNEY GENERAL OPINIONS

81 *Ops.Cal.Atty.Gen.* 156 (1998)

80 *Ops.Cal.Atty.Gen.* 308 (1997)

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9130**

**BOARD COMMITTEES**

*Management Resources:*

*CSBA PUBLICATIONS*

*The Brown Act: School Boards and Open Meeting Laws, 2009*

*WEB SITES*

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

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

Policy Adopted: 10/23/90  
Policy Revised: 04/20/93  
Policy Revised: 11/18/97  
Policy Revised: 12/11/01  
Policy Revised: 10/07/08  
Policy Revised: 04/04/17  
Policy Revised: 04/04/23

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9140**

**BOARD REPRESENTATIVES**

The Board of Trustees recognizes that effective performance of its community leadership responsibilities may require its participation in District or community committees on matters of concern to the District and its students. As needed, the Board of Trustees may appoint any of its members to serve as its representatives on District committees or on a committee of another public agency or organization of which the Board or District is a member or to which the Board is invited to participate. Due to open meeting law requirements, a majority of the Board of Trustees shall not be appointed to serve on the same committee.

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

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

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

At its annual organizational meeting, the Board of Trustees shall designate one Board member as its representative to elect members to the county committee on school district 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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education District Organization Handbook 2010

Policy Adopted: 10/23/90

Policy Revised: 04/20/93

Policy Revised: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 10/07/08

Policy Revised: 05/09/17

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9200**

**MEMBERS LIMITS OF AUTHORITY**

Limits of Board Members Authority

The Board of Trustees 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.

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

Individual members of the Board of Trustees, by virtue of holding office, shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee.

Requests for information by an individual Board member shall be submitted to the Superintendent. At his/her discretion, the Superintendent may refer the request to the entire Board of Trustees for consideration. If approved, the Superintendent or designee shall perform any necessary research associated with the request and report to the Board of Trustees at a future meeting.

Board members requesting information from administrators shall submit the request through the Superintendent's office in order to minimize disruptions of administrators' work flow. Contacts by Board members to administrators are to be made only during work hours and not at the administrator's home, with the following exceptions: emergencies or requests by administrator.

Board members are encouraged to attend events at schools, and should notify the Superintendent's office prior to visiting a school site.

Obligations of Board Members

Board members shall hold the education of students above all else.

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.

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9200**

**MEMBERS LIMITS OF AUTHORITY** (continued)

**Obligations of Board Members** (continued)

Board members and persons elected to the Board of Trustees 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 upon being sworn into office.

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards, especially:

35160-35184 Powers and duties

35291 Rules

35292 Visits to schools (Board members)

51101 Rights of parents/guardians

GOVERNMENT CODE

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

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

*Management Resources:*

CSBA PUBLICATIONS

*CSBA Professional Governance Standards, 2000*

*Maximizing School Board Leadership: Boardmanship, 1996*

WEB SITES

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

Policy Adopted: 10/23/90

Policy Revised: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9220**

**GOVERNING BOARD ELECTIONS**

Any person is eligible to be a Board of Trustees 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/appointed to the Board of Trustees 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)

When possible, Board of Trustees' election procedures shall be conducted in accordance with the California Education Code and Election Codes.

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. Candidates may be required to pay their pro rata share of these costs to the District in advance as specified in 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. (Election Code 23510.5)

Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

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 of Trustees, the Board of Trustees shall schedule a runoff election in accordance with law.

*Legal Reference:*

EDUCATION CODE

*5000-5033 Elections*

*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*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9220**

**GOVERNING BOARD ELECTIONS** (continued)

*Legal Reference: (continued)*

EDUCATION CODE (continued)

1302 Local elections, school district election  
2201 Grounds for cancellation  
2220-2226 Residency confirmation procedures  
10400-10418 Consolidation of elections  
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  
81000-91013 Political Reform Act

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

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications  
Article 7, Section 7 Conflicting offices  
Article 7, Section 8 Disqualification from office

COURT DECISIONS

*California Prolife Council Political Action Committee v. Jan Scully et. al.*, (1998) 989 F.Supp. 1282

ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Atty.Gen.* 181 (2000)  
81 *Ops.Cal.Atty.Gen.* 98 (1998)

*Management Resources:*

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>  
CA Secretary of State's Office: <http://www.ss.ca.gov>

Policy Adopted: 10/23/90  
Policy Revised: 11/18/97  
Policy Revised: 12/11/01  
Policy Revised: 10/07/08  
Policy Revised: 06/11/24

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9222**

**RESIGNATION**

A 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, except voting for a successor, until the effective date of resignation. (Education Code 35178)

When leaving office, the Board member is required to file a financial disclosure statement within 30 days.

*Legal Reference:*

EDUCATION CODE

5090 *Definition (vacancy)*

5091 *Special Election*

35178 *Resignation with deferred effective date*

Policy Adopted: 10/23/90

Policy Revised: 11/18/97

Policy Revised: 10/7/08



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9223**

**FILLING VACANCIES**

A vacancy on the Board of Trustees may occur by a failure to elect or for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warrant proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)
4. A Board member's removal from office, including recall (Government Code 1770; Elections Code 11384)
5. A Board member's ceasing to be an inhabitant of the state or resident of the District (Government Code 1770)
6. A Board member's absence from the state beyond the period allowed by law without the permission required by law (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations (Government Code 1064)

- a. Upon business of the District with the approval of the Board of Trustees
- b. With the consent of the Board of Trustees 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

If the absence of the Board member for this purpose exceeds six months, the Board of Trustees may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board of Trustees may appoint an interim member to serve in his/her

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9223**

**FILLING VACANCIES** (continued)

6. c. (continued)  
absence. If two or more members of the Board of Trustees are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board of Trustees may immediately appoint one or more interim members, as necessary to enable the Board of Trustees to conduct business and discharge its responsibilities
- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board of Trustees for an additional period not to exceed 30 days
7. A Board member's 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. (Government Code 1770)
8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties. (Government Code 1770)
9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed. (Government Code 1770)
10. The decision of a competent tribunal declaring void a Board member's election or appointment. (Government Code 1770)
11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond. (Government Code 1770)
12. A Board member's 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. (Government Code 1770)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9223**

**FILLING VACANCIES** (continued)

**TIMELINES FOR FILLING A VACANCY**

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board of Trustees shall take no action. (Education Code 5093)
2. When a vacancy occurs four or more months before the end of a Board member's term, the Board of Trustees 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)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board of Trustees 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 of Trustees' 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 of Trustees may make a provisional appointment. (Education Code 5091, 5093)

In order to draw from the largest possible number of candidates, the Board of Trustees shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board of Trustees shall ensure that applicants are eligible for Board of Trustees' membership and announce the names of the eligible. The Board of Trustees shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

In order to serve on the Board of Trustees, a person must meet the eligibility requirements specified in Education Code 35107.

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9223**

**FILLING VACANCIES** (continued)

**Provisional Appointments** (continued)

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

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

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3060-3075 Removal other than by impeachment

6061 One time

54950-54963 The Ralph M. Brown Act

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

WEB SITES

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

California State Attorney General's Office, Quo Warranto Applications: <http://cag.state.ca.us/opinions/quo.htm>

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9223**

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**FILLING VACANCIES** (continued)

Policy Adopted: 10/23/90  
Policy Revised: 11/18/97  
Policy Revised: 12/11/01  
Policy Revised: 6/21/05  
Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9224**

**OATH OR AFFIRMATION**

The oath or affirmation required of Board members pursuant to Article 20, Section 3, of the California Constitution is the same as that required by Government Code 3100-3109 for public employees. Government Code 1303 provides that any person who exercises any function of a public office without taking the oath of office is guilty of a misdemeanor, and Government Code 1367 provides that no compensation or reimbursement for expenses shall be paid unless the officer has taken the oath or affirmation.

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

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

The executed oath shall be filed with the County Clerk. (Government Code 1363)

*Legal Reference:*

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

*Chilton v. Contra Costa Community College District* (1976) 55 Cal. App. 3d 544

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

Policy Adopted: 11/18/97

Policy Revised: 10/21/03

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9230**

**ORIENTATION**

Board Candidate Orientation

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

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

New Board Member Orientation

The Board of Trustees and the Superintendent or designee shall help each new member-elect to understand District operations and the Board of Trustees' 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 Board members shall also receive the District's policy manual and other materials related to the school system and Board member responsibilities.

Incoming Board members are encouraged to attend Board of Trustees' 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.

*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

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

54952.1 Member of a legislative body

54952.7 Copies of Brown Act to Board members

Policy Adopted: 10/23/90

Policy Revised: 11/18/97

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9240**

**BOARD DEVELOPMENT**

Citizens elected to the Board of Trustees are entrusted with the responsibility of governing District schools. The Board of Trustees recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop governance skills. All Board members may attend conferences for the purpose of Board of Trustees' development. Board of Trustees' business shall not be discussed at conferences.

Board members shall report to the Board of Trustees, orally or in writing, as soon as possible on the in-service activities they attend.

Funds for Board of Trustees' development shall be budgeted annually for each Board member.

*Legal Reference:*

EDUCATION CODE

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

GOVERNMENT CODE

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

54952.2 Meeting

Policy Adopted: 10/23/90

Policy Revised: 4/20/93

Policy Revised: 10/7/08



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9250**

**REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS**

Remuneration

Each member of the Board of Trustees may receive the monthly compensation as provided for by law.

On an annual basis, the Board of Trustees may increase the compensation of individual Board members beyond the limits delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the Board of Trustees. (Education Code 35120)

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

If a Board member does not attend all Board of Trustees' 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 of Trustees in accordance with law. (Education Code 35120)

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

Reimbursement for Expenses

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

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

Health and Welfare Benefits

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

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

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9250**

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

Health and Welfare Benefits (continued)

Health and welfare benefits provided to Board members shall be extended at the same level to their spouses, dependent children under the age of 21, dependent children under the age of 25 who are full-time students at a college or university, and dependent children regardless of age who are physically or mentally incapacitated.

Benefits for Retired Board Members

Retired Board members may participate in the health and welfare benefits program provided for District employees under the conditions specified below:

1. Health and welfare benefits for retired Board members shall be no greater than that received by District nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)
2. Any members whose first term of office began on or after January 1, 1995, and any other member retiring from the Board of Trustees after at least one term, may continue the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement.
3. The District shall pay health insurance premiums for retired Board members who served in office after January 1, 1981, and who have served a total of 12 years or more.

*Legal Reference:*

EDUCATION CODE

1090 Compensation for members and mileage allowance

33050-33053 General waiver authority

33362-33363 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

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

COURT DECISIONS

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

*Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County*, (1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

83 *Ops.Cal.Att'y.Gen.* 124 (2000)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9250**

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

*Management Resources:*

WEB SITES

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

Public Employees' Retirement System: <http://www.calpers.ca.gov>

Policy Adopted: 10/23/90  
Policy Revised: 11/18/97  
Policy Revised: 12/11/01  
Policy Revised: 9/3/02  
Policy Revised: 3/18/03  
Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9260**

**LEGAL PROTECTION**

Liability Insurance

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

Note: Pursuant to Government Code 820.9, Board members are not vicariously liable for injuries caused by the District's acts or omissions. The California Supreme Court determined, in Caldwell v. Montoya, that Board members are also immune from suits when performing "discretionary acts," such as basic governmental policy decisions, within the scope of their duties. Personal liability exists, however, for injuries caused by the individual's own wrongful conduct and may also exist, in some circumstances, for civil rights violations or knowing violations of the Brown Act.

Protection Against Liability

Note: The Teacher Protection Act, 20 USC 6731-6738 as added by the No Child Left Behind Act, limits the liability of Board members when they are acting within the scope of their office.

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

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

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

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9260**

**LEGAL PROTECTION** (continued)

**Protection Against Liability** (continued)

7. The misconduct involved a sexual offense for which the Board member has been convicted in a court.

*Legal Reference:*

EDUCATION CODE

17029.5 Contract funding; board liability

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

820-823 Tort Claims Act

825.6 Indemnification of public entity

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

54950-54963 The Ralph M. Brown Act

87100-89503 Conflicts of interest

UNITED STATES CODE, TITLE 20

6731-6738 Teacher Protection Act

COURT DECISIONS

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

Policy Adopted: 10/23/90

Policy Revised: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 10/21/03

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9270**

**CONFLICT OF INTEREST**

Incompatible Activities

The Board of Trustees 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)

Conflict of Interest Code

Designated employees of the District, including Board members, shall adhere to the District Conflict of Interest Code adopted pursuant to the provisions of Government Code 87300-87313.

The District 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 categories statements required for each position.

Upon direction by the code reviewing body, the Board of Trustees shall review the District's Conflict of Interest Code in even-numbered years. If no change in the code is required, the District shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the District shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the District's Conflict of Interest Code is necessitated by a changed circumstance 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 for employees designated in Category 1, the District shall make and retain copies and shall forward the original to the code reviewing body, as appropriate. Statements for all other designated employees shall be retained by the District.

When reviewing and preparing Conflict of Interest Code, 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)

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed.

The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9270**

**CONFLICT OF INTEREST** (continued)

Conflict of Interest Code (continued)

Statements of Economic Interests, Form 700, 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 of Trustees 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 his/her interest is including, but not limited to, any of the following: (Government Code 1091.5)

1. That of an officer in being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091
4. That of a spouse of an officer or employee of the District if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board of Trustees at the time of the first consideration of the contract, and provided further that such interest is noted in its official records



OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9270**

**CONFLICT OF INTEREST** (continued)

**Financial Interest** (continued)

6. That of a noncompensated officer of a nonprofit, tax exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board of Trustees at the time of consideration of the contract, and provided further that such interest is noted in its official records
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

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 of Trustees' meeting and noted in the official Board of Trustees' 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 1091.5(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091).

A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9270**

**CONFLICT OF INTEREST** (continued)

Financial Interest (continued)

Even if there is no prohibited or remote interest, 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. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree.

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

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730. The prevailing gift limitation amount is adjusted on odd-numbered years by the FPPC.

The 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 designated 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, in accordance with law. (Government Code 89501, 89502)

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9270**

**CONFLICT OF INTEREST** (continued)

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9270**

**CONFLICT OF INTEREST** (continued)

APPENDIX

Persons occupying the following positions shall file a full statement of economic interests:

1. Persons occupying the following positions are designated employees in Category 1:

Board of Trustees  
Superintendent of Schools  
Deputy Superintendent  
Assistant Superintendent  
Executive Director  
Director

Designated Persons in this category must report:

- a. Interests in real property located entirely or partly within District boundaries, or within two miles of District boundaries or of any land owned or used by the District. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property. (Government Code 82035)
  - b. Investments or business positions in or 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 or have been within the past two years 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
2. Persons occupying the following positions are designated employees in Category 2:

Principal  
Assistant Principal  
Coordinator

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9270**

**CONFLICT OF INTEREST** (continued)

APPENDIX (continued)

Designated persons in this category must report investments or business positions in or income from sources which:

- a. Are contractors or subcontractors engaged in work or services or 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 purposes of this category, a principal's department is his/her entire school.
3. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the District, makes a governmental decision whether to: (2 CCR 18701)

- a. Approve a rate, rule or regulation
- b. Adopt or enforce a law
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
- d. Authorize the District to enter into, modify or renew a contract that requires District approval
- e. Grant District approval to a contract or contract specifications which require District approval and in which the District is a party
- f. Grant District approval to a plan, design, report, study or similar item
- g. Adopt or grant District approval of District policies, standards or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18701)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9270**

**CONFLICT OF INTEREST** (continued)

APPENDIX (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  
35239 Compensation for board members in districts under 70 ADA

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  
82035 Definition of jurisdiction  
87100-87103.6 General prohibitions  
87200-87210 Disclosure  
87300-87313 Conflict of interest code  
87500 Statements of economic interests  
89501-89503 Honoraria and gifts  
91000-91014 Enforcement

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:  
18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

*Thorpe v. Long Beach Community College District*, (2000) 83 Cal.App.4th 655  
*Kunec v. Brea Redevelopment Agency*, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

86 *Ops. Cal. Atty. Gen.* 138 (2003)  
85 *Ops. Cal. Atty. Gen.* 60 (2002)  
82 *Ops. Cal. Atty. Gen.* 83 (1999)  
81 *Ops. Cal. Atty. Gen.* 327 (1998)  
80 *Ops. Cal. Atty. Gen.* 320 (1997)  
69 *Ops. Cal. Atty. Gen.* 255 (1986)  
68 *Ops. Cal. Atty. Gen.* 171 (1985)  
65 *Ops. Cal. Atty. Gen.* 606 (1982)

*Management Resources:*

WEB SITES

Fair Political Practices Commission:  
<http://www.fppc.ca.gov>

Policy Adopted: 11/13/90  
Policy Revised: 11/18/97  
Policy Revised: 12/11/01  
Policy Revised: 10/07/08  
Policy Revised: 09/18/12  
Policy Revised: 10/07/14  
Policy Revised: 03/08/16  
Policy Revised: 09/06/16

## **BOARD BYLAWS**

**BB 9310**

### **BOARD POLICIES**

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

The Board of Trustees recognizes the importance of maintaining an updated policy manual that reflects the mandates of law. Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

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

#### **Policy Development and Adoption Process**

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

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9310**

**BOARD POLICIES** (continued)

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

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

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

Board Bylaws

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

## **BOARD BYLAWS**

**BB 9310**

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### **BOARD POLICIES**

#### Access to Policies

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

(cf1113 – District and School Web Sites)

(cf1340 – 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.

#### 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.

#### *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:*

##### CSBA PUBLICATIONS

*Targeting Student Learning: The School Board's Role as Policymaker, 2005*

*Maximizing School Board Leadership: Policy, 1996*

##### WEB SITES

*CSBA, Policy Services, including Governance and Management Using Technology (GAMUT Online™), and*

*Agenda Online: <http://www.csba.org/ps>*

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

Policy Adopted: 11/13/90

Policy Revised: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 10/07/08

Policy Revised: 02/07/17



OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**AR 9310**

**BOARD POLICIES**

The office of the Superintendent or designee will receive sample policies, regulations and bylaws issued by the California School Boards Association. The following procedures will be followed:

1. The Superintendent or designee will review the samples.
2. Policies, regulations and bylaws mandated by law will be given top priority. The Superintendent or designee will ensure that those mandated by law by a certain date are reviewed, amended if necessary and adopted by the Board of Trustees within the timeline prescribed by law.
3. Policies will be reviewed for:
  - a. Legal requirements.
  - b. Applicability at the local level.
  - c. Options legally available to the District.
  - d. Future need.
4. The Superintendent or designee may delegate the initial task of review and revision to the administrator with appropriate expertise. However, the Superintendent or designee shall retain the responsibility of final review before submitting policies to the Board of Trustees.
5. Draft policies, regulations, and bylaws may be submitted to the District's legal counsel for review and recommendations.
6. The Superintendent or designee's office shall place the draft policy, administrative regulation or bylaw statement on the agenda of a public Board of Trustees meeting for first reading.
7. The Board of Trustees may return the drafts to the Superintendent or designee for further revision and to give them a second reading and adoption.

Regulation Revised: 11/13/90

Regulation Revised: 11/18/97

Regulation Revised: 10/07/08

Regulation Revised: 02/07/17

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9312**

**BOARD BYLAWS**

The Board of Trustees shall adopt Board Bylaws to govern the internal operations of the Board of Trustees. When the need for a new bylaw or modification of an existing bylaw is recognized, the Superintendent or designee shall draft a new or modified bylaw for consideration by the Board of Trustees.

Bylaws may be adopted and amended by a majority vote of all members of the Board of Trustees, following the same procedures as those used for the adoption or amendment of policy.

*Legal Reference:*

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35163 Official actions, minutes and journals

35164 Vote requirements

Policy Adopted: 11/13/90

Policy Revised: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9313**

**ADMINISTRATIVE REGULATIONS**

To carry out the intentions expressed in the Board of Trustees' policy, the Superintendent or designee shall develop administrative regulations and/or procedures specifying detailed actions to be taken and arrangements to be enforced within the District and its schools. Administrative regulations consistent with state and federal law and regulations, Board of Trustees' policy, and negotiated employee contracts.

The Board of Trustees shall review and approve administrative regulations as mandated by law. In addition, the Board of Trustees may review and approve other regulations related to topics of particular interest to the Board of Trustees or for which the Superintendent requests Board of Trustees' endorsement. The Board of Trustees review and approve administrative regulations as mandated by law. In addition, the Board of Trustees may review and approve other regulations related to topics of particular interest to the Board of Trustees or for which the Superintendent requests Board of Trustees' endorsement. The Board of Trustees shall review proposed administrative regulations for the purpose of ensuring conformity with the intent of Board of Trustees' policy manual.

Regulations and procedures will be maintained at appropriate school and/or District locations and may be placed in the District's policy manual.

*Legal Reference:*

EDUCATION CODE

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

Policy Adopted: 11/13/90

Policy Revised: 11/18/98

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9314**

**SUSPENSION OF POLICIES, BYLAWS, ADMINISTRATIVE REGULATIONS**

Policies, bylaws, and administrative regulations may be suspended for a specific purpose and limited time by majority vote.

Suspension of any policy, bylaw, or administrative regulation shall undergo the following consideration:

1. Policies, bylaws, or administrative regulations shall be reviewed on their own merits rather than the circumstances of the moment.
2. The Board of Trustees shall decide whether the policy, bylaw, or administrative regulation still reflects the intent of the Board of Trustees and the law. If so, the suspension will be denied and the policy, bylaw, or administrative regulation reaffirmed in the minutes.

Superintendent's Authority

The Superintendent or designee may suspend all or part of any policy, bylaw, or administrative regulation only when it conflicts with state or federal law or regulations. The Superintendent or designee shall report the suspension to the Board of Trustees. Suspension shall be valid until the policy, bylaw or administrative regulation is rescinded, amended, or reaffirmed.

*Legal Reference;*

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35163 Official actions, minutes and journal

35164 Vote requirements

Policy Adopted: 11/13/90

Policy Revised: 11/18/97

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9315**

**ADMINISTRATIVE LEEWAY IN ABSENCE OF BOARD OF TRUSTEES' POLICY**

The Superintendent shall have the power to act in cases where emergency action must be taken and the Board of Trustees has not provided guidelines for administrative action. The Board of Trustees shall review the Superintendent's decision at the next regular Board of Trustees' meeting.

Board President shall be kept informed by the Superintendent of any action taken. Superintendent shall notify the Board President within 24 hours of any action taken.

*Legal Reference:*

Education Code

*35035 Powers and duties of superintendent*

Policy Adopted: 11/13/90  
Policy Revised: 11/18/97  
Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9320**

**MEETINGS AND NOTICES**

Meetings of the Board of Trustees are conducted for the purpose of accomplishing District business.

A Board of Trustees' 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 of Trustees or District. (Government Code 54952.2)

In accordance with state open meeting laws, the Board of Trustees shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by 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 of Trustees' adopted bylaws.

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 to be taken by the Board of Trustees on any item of District business except as otherwise authorized by law. (Government Code 54952.2)

Meetings shall be held within District boundaries, except when otherwise permitted by law. (Government Code 54952)

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

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

Meeting notices and agendas shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board of Trustees' meeting should contact the Superintendent or designee in writing.

Each agenda shall also list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board of Trustees less than 72 hours before the meeting. (Government Code 54957.5)

**Regular Meetings**

The Regular meeting of the Board of Trustees in December shall be identified as the Organizational Meeting per Education Code Section 35143. The Board of Trustees shall hold regular meetings each month as approved by the Board of Trustees at the December Organizational meeting. Open Sessions of Regular meetings shall be held at 6:00 p.m. on Tuesdays at the District's Board Room, 17200 Pinehurst Lane, Huntington Beach, CA or as otherwise directed by the Board of Trustees.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9320**

**MEETINGS AND NOTICES** (continued)

Regular Meetings (continued)

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)

Special Meetings

Special meetings of the Board of Trustees 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. This notice also shall 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)

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

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board of Trustees 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 of Trustees. All such meetings shall be held within District boundaries and action items shall not be included.

Emergency Meeting

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Trustees may hold an emergency meeting without complying with the 24-hour notice or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board of Trustees shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9320**

**MEETINGS AND NOTICES** (continued)

Emergency Meeting (continued)

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

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

Except in the case of a dire emergency, the Board President or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media which have requested notice of special meetings. If telephone services are not functioning, the notice requirement of one hour is waived. As soon after the meeting as possible, the Board of Trustees shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board of Trustees. (Government Code 54956.5)

In the case of a dire emergency, the Board President shall give such notice at or near the time he/she notifies the other members of the Board of Trustees about the meeting. (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 of Trustees may adjourn any meeting to a later time and place which shall be specified in the order of adjournment.

If less than a quorum of Board members is present at any meeting, the president, vice president, clerk, or the secretary, may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

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



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**BOARD BYLAWS**

**BB 9320**

**MEETINGS AND NOTICES** (continued)

Teleconferencing

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

The Board of Trustees may use teleconferences for all purposes in connection with any meeting within the Board of Trustees' 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 of Trustees shall participate from locations within District boundaries. (Government Code 54953)

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

All 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 of Trustees, including the right of the public to address the Board of Trustees directly at each teleconference location. (Government Code 54953)

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

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**BOARD BYLAWS**

**BB 9320**

**MEETINGS AND NOTICES** (continued)

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 another body of the District or at a legislative body of another local agency
4. A purely social or ceremonial occasion
5. An open and noticed meeting of a standing committee of the Board of Trustees, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to 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

54950-54963 The Ralph M. Brown Act, especially:  
54953 Meetings to be open and public; attendance  
54953.2 Compliance with Americans with Disabilities Act  
54954 Time and place of regular meetings  
54954.1 Mailed notices  
54954.2 Agenda posting requirements, board actions  
54956 Special meetings; call; notice  
54956.5 Emergency meetings  
54957.5 Agenda distribution  
54961 Prohibition on use of certain facilities

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9320**

**MEETINGS AND NOTICES** (continued)

*Legal Reference: (continued)*

GOVERNMENT CODE (continued)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 *Effective communications*

36.303 *Auxiliary aids and services*

COURT DECISIONS

216 Sutter Bay Associates v. County of Sutter (1997) 58 Cal.App. 4<sup>th</sup> 860

ATTORNEY GENERAL OPINIONS

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

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

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

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

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

*Management Resources:*

CSBA PUBLICATIONS

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

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

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

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

Bylaw Adopted: 11/13/90

Bylaw Revised: 11/18/97

Bylaw Revised: 12/11/01

Bylaw Revised: 03/18/03

Bylaw Revised: 10/07/08

Bylaw Revised: 02/03/15

Bylaw Revised: 01/09/18

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**BOARD BYLAWS**

**E9320**

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

Board of Trustees meetings may be held outside District boundaries only to: (Government Code 54954)

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

Exhibit Adopted: 11/18/97  
Exhibit Revised: 06/21/05  
Exhibit Revised: 10/07/08  
Exhibit Reviewed: 02/03/15

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9321**

**CLOSED SESSION PURPOSES AND AGENDAS**

The Board of Trustees may hold closed sessions only for purposes identified in law. The Board of Trustees may hold a closed session at any time during a regular or special meeting and during emergency meetings in accordance with law. (Government Code 54956.5, 54957.7, 54962)

The agenda shall contain a brief general description of all closed session items to be discussed. (Government Code 54954.2)

The Board of Trustees shall disclose in open meeting the items to be discussed in closed session. In closed session, the Board of Trustees may consider only those matters covered in its statement. (Government Code 54957.7)

No agenda, notice, announcement or report required by the Brown Act need identify any victim or alleged victim of tortuous sexual conduct or child abuse unless the identity of the person has been publicly disclosed. (Government Code 54961)

In accordance with law, a Board member shall not disclose confidential information received in a closed session unless the Board of Trustees authorizes the disclosure of that information. (Government Code 54963)

**Personnel Matters**

The Board of Trustees may hold closed sessions to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee or to hear complaints or charges brought against an employee by another person, unless the employee requests an open session. 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)

Before the Board of Trustees 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)

Agenda items related to public 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)

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

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9321**

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

Negotiations/Collective Bargaining

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

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

Closed sessions shall be for the purpose of reviewing the Board of Trustees' position and instructing the Board of Trustees' 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)

The Board of Trustees may meet in closed session with the Board of Trustees' 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)

For represented employees, the Board of Trustees 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 of Trustees 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 as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or

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**BOARD BYLAWS**

**BB 9321**

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

Negotiations/Collective Bargaining (continued)

the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board of Trustees shall meet in closed session to consider a suspension, disciplinary action, or any other action except expulsion, against a student when 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, 48912, 49073-49079)

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

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

Security Matters

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

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

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**BOARD BYLAWS**

**BB 9321**

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

Conference with Real Property Negotiator

The Board of Trustees may meet in closed session with the Board of Trustees' 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 regarding the price and terms of the property. (Government Code 54956.8)

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

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

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

Pending Litigation

Based on the advice of its legal counsel, the Board of Trustees may hold a closed session to confer with or receive advice from its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board of Trustees' 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 of Trustees is a party has been initiated formally. (Government Code 54956.9(a))



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**BOARD BYLAWS**

**BB 9321**

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

Pending Litigation (continued)

2. A point has been reached where, in the Board of Trustees' opinion based on the advice of legal counsel and on the existing facts and circumstances, there is a significant exposure to litigation against the District, or the Board of Trustees is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))
3. Based on existing facts and circumstances, the Board of Trustees 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: (Government Code 54956.9)

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, an accident, disasters, incidents, or transactional occurrence which might result in litigation against the District, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda
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
4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board of Trustees
5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board of Trustees, 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 tortuous sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortuous conduct, unless the identity of this person has already been publicly disclosed. (Government Code 54956.9, 55961)

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**BOARD BYLAWS**

**BB 9321**

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

Pending Litigation (continued)

Before holding a closed session pursuant to this section, the Board of Trustees 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 of Trustees shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the District's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

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

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

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the District expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information pursuant to Items #2-5 above. (Government Code 54954.5, 54956.9(b)(3)(B-E))

JPA/Self-Insurance Liability Claims

The Board of Trustees 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)

Review of Assessment Instruments

The Board of Trustees 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 of Trustees shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9321**

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

Review of Assessment Instruments (continued)

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

*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*

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

60617 *Meetings of governing board*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

6250-6268 *California Public Records Act*

54950-54963 *The Ralph M. Brown Act*

COURT DECISIONS

*Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners* (2003) 107 Cal.App.4<sup>th</sup> 860

*Bell v. Vista Unified School District* (2001) 82 Cal.App. 4<sup>th</sup> 672

*Fischer v. Los Angeles Unified School District* (1999) 70 Cal.App. 4<sup>th</sup> 87

*Furtado v. Sierra Community College District* (1998) 68 Cal. App. 4<sup>th</sup> 876

*Roberts v. City of Palmdale* (1993) 5 Cal.4<sup>th</sup> 363

*Sacramento Newspaper Guild v. Sacramento County Board of Supervisors* (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

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

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

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

*Management Resources:*

CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws*, 2003

ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Legislative Bodies*, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

*Open and Public III: A User's Guide to the Ralph M. Brown Act*, 2000

WEB SITES

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

Policy Adopted: 11/13/90

Policy Revised: 4/20/93

Policy Revised: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 9/3/02

Policy Revised: 3/18/03

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9321.1**

**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)

The Board of Trustees 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 of Trustees 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 nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, has been exhausted.  
(Government Code 54657.1)

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)

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 shall not be disclosed, but the cause for the expulsion shall be disclosed in open session.

Students shall not be named on these public records.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9321.1**

**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 of Trustees 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 of Trustees 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 of Trustees 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)

CEAN VIEW SCHOOL DISTRICT  
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**BOARD BYLAWS**

**BB 9321.1**

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

Review of Assessment Instruments

At the public meeting during which the Board of Trustees holds a closed session to review student assessment instruments, the Board of Trustees 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.

*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

54950-54963 *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*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 *Family Educational Rights and Privacy*

ATTORNEY GENERAL OPINIONS

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

*Kleitman v. Superior Court of Santa Clara County* 87 Cal Rptr. 2d (1999)

Policy Adopted: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 10/7/08



**BOARD BYLAWS**

**BB 9322**

**AGENDA/MEETING MATERIALS**

The Board of Trustees' 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)

The agenda shall provide members of the public the opportunity to address the Board of Trustees on any agenda item before or during the Board of Trustees' 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 of Trustees. (Education Code 35145.5, Government Code 54954.3)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board of Trustees less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board of Trustees meeting should contact the Superintendent or designee in writing.

**Agenda Preparation**

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

Any member of the public or any Board member may request that a matter within the jurisdiction of the Board of Trustees be placed on the agenda of a regular meeting. The request must be in writing and submitted to the Superintendent or designee with supporting documents and information, per AR 9322.

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.

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

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9322**

**AGENDA/MEETING MATERIALS** (continued)

Consent Items

In order to promote efficient meetings, the Board of Trustees 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 of Trustees' 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 special meetings are called, the Superintendent and Board 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.

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

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 material shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board of Trustees, whichever occurs first. (Government Code 54954.1)

If a document is distributed to the Board of Trustees less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board of Trustees provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board of Trustees' meeting. The Superintendent or designee may also post the document on the District's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9322**

**AGENDA/MEETING MATERIALS** (continued)

Agenda Dissemination (continued)

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

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*

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*

*Management Resources:*

CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws, 1999*

ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002*

CALIFORNIA CITY ATTORNEY PUBLICATIONS

*Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000*

WEB SITES

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

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9322**

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**AGENDA/MEETING MATERIALS**

Policy Adopted: 10/18/94  
Policy Revised: 11/18/97  
Policy Revised: 12/11/01  
Policy Revised: 03/18/03  
Policy Revised: 10/07/08  
Policy Revised: 09/03/13  
Policy Reviewed: 02/03/15

## **BOARD BYLAWS**

**AR9322**

### **AGENDA/MEETING MATERIALS**

In accordance with the Board of Trustees' intent that the Board of Trustees' agenda be constructed in a timely and appropriate manner, the following guidelines will be followed by Board members and members of the public who wish to place an item on the Board of Trustees' agenda:

1. **Board Members**

- a. By consensus of a majority of the Board of Trustees, during a legally posted Board of Trustees meeting.
- b. By contacting the Superintendent and Board President in writing using Form E 9322 no later than Monday of the week prior to a regularly scheduled Board of Trustees' meeting.
- c. By requesting under "Future Agenda Items (As requested by Board Members)" on the Regular Board Agenda.
- d. The Board President and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board of Trustees. Items not within the subject matter jurisdiction of the Board of Trustees 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.
- e. In order to provide for reasonable and appropriate management of the size of the agenda, the Superintendent and Board President will consider the number, scope, and controversial nature of items already scheduled for the agenda when determining the timely placement of above requested items. One item per Board member may be requested with no more than a total of three per agenda to be agendized according to priority, date, and time of submission. Board member requested items that would normally be placed on the upcoming agenda without delay might include:
  - (1) Amendments to current Board Policies
  - (2) Board of Trustees business such as representation on committees
- f. The Superintendent may agendize a Board item for action only, eliminating the information phase of the process, with the following exceptions:
  - (1) Items being presented for information only; no action required
  - (2) Items that need to be presented for information/action to meet legal requirements
  - (3) Items that require in-depth discussion for clarity
  - (4) Items that may induce public input

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**AR9322**

**AGENDA/MEETING MATERIALS** (continued)

2. Public

- a. By contacting the Superintendent in writing using Form E 9322 available in the Superintendent's office or on the District website, together with supporting documents and information, at least ten days prior to the regularly scheduled Board of Trustees' meeting.

The Superintendent shall be the judge of whether the request is or is not a topic directly related to District business.

No topic which is a proper subject for consideration in closed session will be published in the agenda unless required by law.

The Board of Trustees may place limitations on the total time to be devoted to a topic at any meeting in accordance with Board Bylaw 9323.

- b. All items that are approved to be agendized by the Superintendent must follow the normal agenda guideline which means that the item must appear as an information item prior to being submitted as an action item.

Regulation Adopted: 11/13/90  
Regulation Revised: 03/16/93  
Regulation Revised: 11/01/94  
Regulation Re-Adopted: 11/18/97  
Regulation Revised: 12/11/01  
Regulation Revised: 10/07/08  
Regulation Revised: 09/03/13  
Regulation Revised: 02/03/15

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**E 9322**

**AGENDA/MEETING MATERIALS**

***REQUEST FOR ITEM TO BE PLACED ON THE AGENDA***

DATE: \_\_\_\_\_, BOARD OF TRUSTEES MEETING DATE \_\_\_\_\_

TO: \_\_\_\_\_, President, Board of Trustees  
Ocean View School District

FROM: \_\_\_\_\_, District Superintendent  
Ocean View School District

SUBJECT:

Pursuant to Ocean View School District Board Policy 9322, Ed. Code 35145, and Government Code 54954.3, I request the following item be placed on the agenda at the above-stated date:

BACKGROUND INFORMATION:

CURRENT CONSIDERATIONS:

FINANCIAL IMPLICATIONS:

RECOMMENDATION: (For information or action)

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Copy: Requestor and Board Members

Regulation Adopted: 11/13/90

Regulation Revised: 03/16/93

Regulation Revised: 11/01/94

Regulation Re-Adopted: 11/18/97

Regulation Revised: 12/11/01

Regulation Revised: 10/07/08

Exhibit\* Adopted: 09/03/13

\*Previously part of AR9322

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9323**

**MEETING CONDUCT**

Meeting Procedures

All Board of Trustees' meetings shall begin on time when possible 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 and delivered in advance to all Board members.

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

Quorum and Abstentions

A majority of the members of filled positions on the Board of Trustees constitutes a quorum. (Education Code 5095, 35164) 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.

Whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, any vacant position(s) shall not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Parliamentary Procedure

Robert's Rules of Order, latest edition, shall govern the procedures of all meetings of the Board of Trustees unless otherwise stated in these Bylaws. Each Board member shall be given a copy of the latest edition of Robert's Rules of Order upon being sworn into office.

Each member of the Board of Trustees, upon obtaining the floor while a debatable motion is immediately pending, shall speak no longer than five minutes unless he or she obtains the consent of the majority. The member shall not speak more than twice to the same question on the same day, resulting in a total of ten minutes. A member may not speak a second time on the same question on the same day until every member who desires to speak on the question has had an opportunity to do so.

Public Participation

Members of the public are encouraged to attend Board of Trustees' meetings and may address the Board of Trustees by oral presentation or in writing concerning any item on the agenda or within

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9323**

**MEETING CONDUCT**

Public Participation (continued)

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

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

1. Members of the public wishing to speak to an issue may indicate his/her wish to speak or may submit a Public Comment Card to the Recording Secretary for Board management of the meeting. Speakers wishing to address the Board of Trustees after the first "Public Comments" section of the agenda will have the opportunity to do so during "Any Other Public Comments to the Board of Trustees" later in the meeting. Due to time constraints, speakers must limit the total of their remarks to three (3) minutes.
2. A speaker may not relinquish his/her time to another.
3. If the topic relates to a particular agenda item, the speaker will indicate whether he/she wishes to make their comments during Public Comments to the Board of Trustees or at the time the agenda item is considered by the Board of Trustees.
4. A person wishing to be heard by the Board of Trustees shall first be recognized by the President or designee. When addressing the Board of Trustees, the speaker may identify himself/herself, will speak from the podium, and adhere to applicable time limits.
5. If the speaker is reading from a prepared text which is intended for distribution to the Board members, the President will request that he/she give the Superintendent and the Recording Secretary a copy.
6. At a time so designated on the agenda, members of the public may bring before the Board of Trustees, at a regular meeting, matters that are not listed on the agenda. The Board of Trustees 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 of Trustees. (Education Code 35145.5, Government Code 54954.2)
7. 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, 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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9323**

**MEETING CONDUCT**

Public Participation (continued)

his/her own activities directly related to the question posed by the public at that time. (Government Code 54954.2)

8. The Board of Trustees 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 of Trustees determine that the item has been substantially changed since the committee heard it; the Board of Trustees shall provide an opportunity for the public to speak. (Government Code 54954.3)
9. Individual speakers shall be allowed three (3) minutes to address the Board of Trustees on each agenda or non-agenda item. The number of speakers to each side will be limited to the first ten (10) who submit their requests to the Recording Secretary at that Board of Trustees meeting. The Board of Trustees shall limit the total time for public input on each item to 60 minutes. With Board of Trustees' majority consent, the Board 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 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.

Government Code 54954.3 authorizes regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

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)

10. 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 of Trustees. The Board President may order the removal of speakers or other individuals whose willful interruption of a meeting renders the orderly conduct of the meeting unfeasible. If order cannot be restored by the removal of individuals, the Board of Trustees may, by majority consensus, order the meeting room cleared and continue in session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to remain. When the room is ordered cleared due to a disturbance, further Board of Trustees' proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9323**

**MEETING CONDUCT**

Public Participation (continued)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement as necessary.

Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than one thousand dollars (\$1,000). (Penal Code Section 403)

11. The Board of Trustees shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3) In addition, the Board of Trustees may not prohibit public criticism of District employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board President shall inform the complainant of the appropriate complaint procedure.

Recording by the Public

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

If the Board of Trustees 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 of Trustees. (Government Code 54953.5, 54963.6)

*Legal Reference:*

CODE OF CIVIL PROCEDURE

527.8 Workplace Violence Safety Act

EDUCATION CODE

32210 Willful disturbance of public school or meeting

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Actions by Majority Vote

5095 Powers of remaining Board members and new appointees

GOVERNMENT CODE

54953.3 Prohibition against conditions for attending a board meeting

54953.5 Audio or video 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 session personnel matters

54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

403 Disruption of assembly or meeting

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9323**

**MEETING CONDUCT**

*Legal Reference: (continued)*

COURT DECISIONS

*City of San Jose v. Garbett, (2010) 190 Cal.App.4th 526*

*Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966*

*McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275*

*Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194*

*Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719*

ATTORNEY GENERAL OPINIONS

*90 Ops.Cal.Atty.Gen. 47 (2007)*

*76 Ops.Cal.Atty.Gen. 281 (1993);*

*66 Ops.Cal.Atty.Gen. 336, 337 (1983);*

*63 Ops.Cal.Atty.Gen. 215 (1980);*

*61 Ops.Cal.Atty.Gen. 243, 253 (1978);*

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

*55 Ops.Cal.Atty.Gen. 26 (1972)*

ATTORNEY GENERAL PUBLICATIONS

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

*Management Resources:*

CSBA PUBLICATIONS

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

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

WEB SITES

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

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

*CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>*

Bylaw Adopted: 11/13/90  
Bylaw Revised: 03/24/92  
Bylaw Revised: 11/18/97  
Bylaw Revised: 08/17/99  
Bylaw Revised: 12/11/01  
Bylaw Revised: 02/01/05  
Bylaw Revised: 02/05/08  
Bylaw Revised: 10/07/08  
Bylaw Revised: 09/03/13  
Bylaw Revised: 01/14/14  
Bylaw Reviewed: 01/08/15  
Bylaw Reviewed: 01/12/16  
Bylaw Revised: 02/07/17  
Bylaw Revised: 01/09/18  
Bylaw Revised: 01/22/19  
Bylaw Revised: 01/21/20  
Bylaw Revised: 02/14/23

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR9323**

**MEETING CONDUCT**

Order of Business

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY. THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE. REGULAR BOARD MEETINGS WILL BE RECORDED.

Consent Calendar

All matters listed on the Consent Calendar are considered by the Board of Trustees to be routine and will be enacted by the Board in one motion. There will be no discussion on these items prior to the time the Board of Trustees votes on the motion unless members of the Board, staff, or public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and staff recommend approval of all Consent Calendar items.

\*Supporting information has been provided to the Board of Trustees under separate cover and is available at the District Office for public review.

A. CALL TO ORDER

B. ROLL CALL

C. AGENDA ADOPTION

1. Regular (Special) Board of Trustees' Meeting of (Date)

D. CLOSED SESSION

The public is invited to comment on the identified items listed under "Closed Session" prior to adjournment to Closed Session. In order to address the Board of Trustees, a speaker may indicate his/her wish to speak or may submit a Public Comment Card to the Board of Trustees' Recording Secretary. Comments shall be limited to three minutes per person. Per Board Bylaw 9323, the speaker will speak from the podium when addressing the Board of Trustees.

E. RECONVENE IN OPEN SESSION/REPORT OF CLOSED SESSION ACTION

F. PLEDGE OF ALLEGIANCE

G. INTRODUCTIONS

H. MINUTES

1. Regular (Special) Board of Trustees' Meeting Minutes, Date(s)

I. TIME CERTAIN

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR9323**

**MEETING CONDUCT**

Order of Business (continued)

**J. PUBLIC COMMENTS**

Regular Board Meeting: At this time, members of the public may address the Board of Trustees regarding a matter of public interest within the subject matter jurisdiction of the governing board, per Education Code 35145.5 and Government Code 54954.3. No action may be taken on comments of off-agenda items unless specifically authorized by law. In order to address the Board of Trustees, a speaker may indicate his/her wish to speak or may submit a Public Comment Card to the Board's Recording Secretary. Speakers wishing to address the Board of Trustees after the first "Public Comments" section of the agenda, will have the opportunity to do so during "Any Other Public Comments To The Board of Trustees" later in the meeting. If the speaker wishes to address the Board of Trustees on an item on the agenda, time will be provided at the commencement of that item. Comments shall be limited to three minutes per person. Per Board Bylaw 9323, the speaker will speak from the podium when addressing the Board of Trustees.

**\*\*NOTE: OR**

Special Board Meeting: In accordance with Government Code Section 54954.3(a) regarding Special Board Meetings, the public is invited to comment on any item listed on the agenda before or during consideration of that time. In order to address the Board of Trustees, a speaker may indicate his/her wish to speak or may submit a Public Comment Card to the Board's Recording Secretary. Comments shall be limited to three minutes per person. Per Board Bylaw 9323, the speaker will speak from the podium when addressing the Board of Trustees.

**K. COMMUNICATIONS**

1. \*Written Communications to Board
2. Board/Committee Reports
3. Personnel Commissioner Report (Three minutes)
4. Trustees' Communications (Three minutes per Board member)
5. Superintendent's Communications
6. PTA/PTO/PTSA/PTSO Presidents' Roundtable (Five minutes)
7. Employee Associations' Communication (CSEA, OVTA) (Five minutes per Association)

**\*\*NOTE:** For clarification only; not for published Agenda.

**ADMINISTRATIVE REGULATION**

**AR9323**

**MEETING CONDUCT**

Order of Business (continued)

L. REPORTS

M. CONSENT CALENDAR

**\*\*NOTE:**

(Items of a routine nature that do not require discussion; action items only.)

N. OLD BUSINESS

**\*\*NOTE:**

(Items that came for information at a previous meeting and are now returning for consideration – information or action.)

O. NEW BUSINESS

**\*\*NOTE:**

(New items for information or action.)

P. ANY OTHER PUBLIC COMMENTS TO THE BOARD OF TRUSTEES

Q. FUTURE AGENDA ITEMS (As requested by Board members)

R. BOARD OF TRUSTEES' ROUNDTABLE (Three minutes per Board member)

S. CLOSED SESSION (if needed)

T. RECONVENE/REPORT OF CLOSED SESSION ACTION

U. ADJOURNMENT

A copy of the Board of Trustees' meeting agenda is posted on the District's web site ([www.ovsd.org](http://www.ovsd.org)) at least 72 hours prior to the start of a Regular Meeting, and 24 hours prior to the start of a Special Board meeting. A printed copy of the agenda and supporting materials are available for review at the District Office.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting the Superintendent's Office at 714-847-2551.

**\*\*NOTE:** For clarification only; not for published Agenda.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR9323**

**MEETING CONDUCT**

Policy Adopted: 11/13/90  
Policy Revised: 02/19/91  
Revision Adopted: 11/18/97  
Previously BP 9323; Changed to AR 9323 Approved: 12/11/01  
Regulation Revised: 02/18/03  
Regulation Revised: 02/01/05  
Regulation Revised: 02/06/07  
Regulation Revised: 02/05/08  
Regulation Revised: 10/07/08  
Regulation Revised: 01/10/12  
Regulation Revised: 09/03/13  
Regulation Reviewed: 01/04/14  
Regulation Revised: 01/08/15  
Regulation Reviewed: 01/12/16  
Regulation Reviewed: 02/07/17  
Regulation Revised: 01/09/18  
Regulation Revised: 01/22/19  
Regulation Reviewed: 01/21/20  
Regulation Revised: 02/14/23

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9323.2**

**ACTIONS BY THE BOARD**

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

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

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

The Board of Trustees 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 of Trustees, by majority vote of its members, determines that the action responds to an emergency situation
2. The Board of Trustees determines, either by a two-thirds majority of the members present at the meeting or, if less than two-thirds of the members are present, by the 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

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

The Board of Trustees may adopt a resolution to meet the requirements of law, to publish a status position, or to commend staff members or other agencies for work well done.

All actions taken by the Board of Trustees in open session shall be recorded in the minutes of each Board of Trustees' meeting. (Education Code 35145)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9323.2**

**ACTIONS BY THE BOARD** (continued)

Challenging Board Actions

Any demand by the District attorney's office or any interested person to correct a Board of Trustees' action shall be presented to the Board of Trustees in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1)

1. Government Code 54953, regarding open meeting and teleconferencing
2. Government Code 54954.5, regarding closed session item descriptions
3. Government Code 54954.6, regarding new or increased tax assessments
4. Government Code 54956, regarding special meetings
5. Government Code 54956.5, regarding emergency meetings

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

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board of Trustees shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the Board of Trustees decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision. (Government Code 54960.1)

If the Board of Trustees takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code 54960.1)

*Legal Reference:*

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17510-17511 Resolution requiring unanimous vote of all members constituting board

17546 Private sale of personal property

17556-17561 Dedication of real property

17582 District deferred maintenance fund



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9323.2**

**ACTIONS BY THE BOARD** (continued)

*Legal Reference (continued)*

EDUCATION CODE (continued)

17583 Deferred maintenance fund; transfer of excess local funds  
35144 Special meeting  
35145 Public meetings  
35164 Majority vote of all members constituting board for board action  
35165 Vacancies, effect on majority and unanimous vote  
48660 Establishment of community day schools  
48661 School site restrictions for community day schools

GOVERNMENT CODE

53094 Authority to render zoning ordinance inapplicable  
53097 Compliance with ordinances  
53097.3 Charter school ordinances  
53790-53792 Exceeding the budget  
53820-53833 Temporary borrowing  
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  
54954.5 Closed session item descriptions  
54954.6 New or increased taxes or assessments; hearings; notice  
54956 Special meetings; call; notice  
54956.5 Emergency meetings in emergency situations  
54960 Action to prevent violations  
54960.1 Challenge of governing board actions  
54960.5 Costs and attorney fees  
65352.2 Coordination with planning agency  
PUBLIC CONTRACT CODE  
3400 Bid specifications  
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder  
20113 Emergencies, award of contracts without bids  
COURT DECISIONS  
*Bell v. Vista Unified School District*, (2002) 82 Cal.App.4<sup>th</sup> 672  
*Boyle v. City of Redondo Beach*, (1999) 70 Cal.App.4<sup>th</sup> 1109

*Management Resources:*

CSBA PUBLICATIONS

*The Brown Act: School Boards and Open Meeting Laws*, 1999

ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Legislative Bodies*, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

*Open and Public III: A User's Guide to the Ralph M. Brown Act*, 2000

WEB SITES

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

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9323.2**

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**ACTIONS BY THE BOARD** (continued)

Policy Adopted: 11/13/90  
Policy Revised: 02/19/91  
Policy Revised: 11/18/97  
Policy Revised: 12/11/01  
Policy Revised: 03/18/03  
Policy Revised: 10/07/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**E9323.2**

**ACTIONS BY THE BOARD**

**Actions Requiring a Two-Thirds Vote of the Board of Trustees Include:**

1. Resolution declaring intention to sell or lease real property (Education Code 17466)
2. Resolution declaring intent of the Board of Trustees to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board President to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 175579)
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. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, ordering city or county zoning ordinances inapplicable to a proposed use of the property by the District (Government Code 53094)
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)
8. Resolution to issue general obligation bonds with the approval of 55 percent of the voters of the District (Education Code 15266)
9. Resolution to place a parcel tax on the ballot (Government Code 53724)
10. Resolution of necessity to proceed with an eminent domain action and, if the Board of Trustees desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**E9323.2**

**ACTIONS BY THE BOARD** (continued)

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

1. Determination that there is a need to take immediate action and that the need for action came to the District's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

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

1. The expenditure and transfer of necessary funds and use of District property or personnel to meet a national or local emergency created by war, military, naval or air attack, or sabotage, or to provide for adequate national or local defense. (Government Code 53790-53792)
2. Adoption of a resolution, between July 15 and August 30, to borrow funds of up to 25 percent 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)
3. Declaration of an emergency in order to authorize the District to include a particular brand name or product in a bid specification (Public Contract Code 3400)

**Actions Requiring a Unanimous Vote of the Board of Trustees Include:**

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

**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)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**E9323.2**

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**ACTIONS BY THE BOARD** (continued)

Exhibit Adopted: 11/18/97  
Exhibit Revised: 12/11/01  
Exhibit Revised: 3/18/03  
Exhibit Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9324**

**BOARD MINUTES AND RECORDINGS**

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

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

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

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.

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 of Trustees' resolutions shall be numbered consecutively from the beginning of each fiscal year.

Video or Audio Recording

Any person attending a Board of Trustees' meeting may record the meeting with an audio, video, or still camera as long as the recording does not produce noise, illumination, or obstruction of view to anyone else attending the meeting.

Any audio or video recording of a Board of Trustees' meeting, made at the direction of the District, shall be subject to inspection pursuant to the California Public Records Act, but may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the District. (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

Policy Adopted: 11/13/90

Policy Revised: 11/18/97

Policy Revised: 12/11/01

Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9330**

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**MEMBERSHIP IN ASSOCIATIONS**

The Board of Trustees may hold membership and attend meetings of such local, state, regional, and national school board associations as the members feel may be beneficial.

*Legal Reference:*

EDUCATION CODE

35173 *Expenses*

35174 *Promotional activities*

Policy Adopted: 11/13/90  
Policy Revised: 11/18/97  
Policy Revised: 10/7/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD BYLAWS**

**BB 9400**

**BOARD SELF-EVALUATION**

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

The Board of Trustees shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal operations and performance of the Board of Trustees. The Board members shall develop goals and objectives against which the Board of Trustees 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 of Trustees' strengths and weaknesses. The Board of Trustees will discuss the tabulated results as a group.

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

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

The Board of Trustees 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.

*Legal Reference:*

GOVERNMENT CODE

54950-54963 Brown Act; board self-evaluations not covered

*Management Resources:*

CSBA PUBLICATIONS

*Professional Governance Standards, 2000*

*Maximizing School Board Leadership, 1996*

WEB SITES

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

Policy Adopted: 12/11/01

Policy Revised: 11/18/97

Policy Revised: 10/7/08