Board Member Electronic Communications

Adopted: 05/19/2009 **| Last Revised**: 09/05/2023 **| Last Reviewed**: 09/05/2023

The Board of Education recognizes that electronic communication among 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 agendized Board meeting, circumvent the public's right to access records regarding district business, or restrict access to a public forum.

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

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.

Board members may engage in separate conversations or communications with members of the public on a social media platform to answer questions, provide information, or solicit information regarding a matter that is within the subject matter jurisdiction of the Board, as long as a majority of the Board does not use the platform to discuss among themselves any business of a specific nature that is within the subject matter jurisdiction of the Board. A Board member is prohibited from responding directly to any communication from other Board members regarding matters that are within the subject matter jurisdiction of the Board or using digital icons (e.g., "likes" or emojis) to express reactions to communications made by other Board members.

Whenever a Board member uses a social media platform to communicate with the public about district business or Board activities, the Board member shall not block access to a member of the public based on the viewpoint expressed by that individual.

In order to minimize the risk of improper disclosure, Board members shall avoid reference to confidential information and information acquired during closed session.

Board 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.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that the 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.

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

To the extent possible, electronic communications regarding any district-related business shall be transmitted through a district-provided device or account.

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE
EDUCATION CODE
35140 Time and place of meetings
35145 Public meetings
35145.5 Agenda; public participation and regulations
35147 Open meeting laws exceptions
GOVERNMENT CODE
11135 Prohibition of discrimination
54950-54963 The Ralph M. Brown Act
54952.2 Meeting; defined
54953 Meetings to be open and public; attendance
54954.2 Agenda posting requirements; board actions
7920.000-7930.170 California Public Records Act
MANAGEMENT RESOURCES
ATTORNEY GENERAL OPINION
80 Ops.Cal.Atty.Gen. 231 (1997)
COURT DECISION
Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226
Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA PUBLICATION
Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017
The Brown Act: School Boards and Open Meeting Laws, rev. 2019
WEBSITES
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/#
CSBA, GAMUT Meetings https://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy
California Attorney General's Office http://oag.ca.gov/
CSBA http://www.csba.org/#

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