

## CLOSED SESSION

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold a closed session during a regular, special, or emergency meeting only for purposes expressly authorized by law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting as required by law and provided in the accompanying Exhibit (1). (Education Code 35145, Government Code 54954.2, 54954.5, 54957)

In the Open session preceding the closed session, the Board shall disclose the items to be discussed in closed session as specified in this bylaw. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. In the closed session, the Board may consider only those items covered in its statement. (Government Code 54957, 54957.7)

After the closed session, the Board shall reconvene in open session before adjourning the meeting and, when applicable, shall publicly disclose any actions taken in the closed session, the votes or abstentions thereon, and other disclosures as specified in this bylaw. Such reports may be made in writing or orally at the location announced in the agenda for the closed session as required by law and provided in the accompanying Exhibit (2). (Education Code 32281; Government Code 54957.1, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document, such as a contract or settlement agreement, that becomes public upon such approval or adoption, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary changes to the document are completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

### **Confidentiality**

A Board member shall not disclose confidential information received in closed session unless the Board authorizes the disclosure of that information or the information has been publicly reported by the District. (Government Code 54963)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

### **Personnel Matters: Appointment, Employment, Performance Evaluation, or Discipline/Dismissal/Release**

The Board may hold a closed session under the “personnel exception” to consider the appointment, employment, performance evaluation, discipline, dismissal, or change in employment status of an employee. Such a closed session 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, 54957.1)

### **Personnel Matters: Specific Complaints or Charges**

The Board may also hold a closed session to hear complaints or charges brought against an employee, unless the employee who is the subject of the complaint requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the Superintendent or Assistant Superintendent shall ensure that the employee receives written notice of the right to have the complaints or charges heard in open session. This notice shall be delivered personally or by mail at least 24 hours before the time of the closed session. (Government Code 54957)

### **Personnel Matters: Application for Early Withdraw of Funds in Deferred Compensation Plan**

The Board may hold a closed session to discuss an 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)

### **Negotiations/Collective Bargaining**

The Board may meet in closed session to review the Board's position and/or instruct its designated representative(s) regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for represented employees, any other matter within the statutorily provided scope of representation. A closed session regarding salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. Final action on the proposed compensation of one or more unrepresented employees shall not be taken in closed session. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Pursuant to Government Code 54957.1, approval in closed session of an agreement regarding labor negotiations with represented employees pursuant to Government Code 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. However, the Board may, at its sole discretion, vote on such an agreement in open session. (Government Code 54957.1)

Pursuant to Government Code 3549.1, the Board may, without following the requirements of the Brown Act, meet in closed session exclusively for the purpose of discussing its position regarding any matter within the scope of representation or for the purpose of instructing its designated representatives. The Board shall not discuss any other item at any such closed session. (Government Code 3549.1)

### **Matters Related to Students**

If a public hearing would lead to the disclosure of confidential student information such as grades or discipline information, the Board shall meet in closed session to consider a suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record. At least 72 hours prior to the start of the meeting of which the closed session is a part, the Superintendent or Assistant Superintendent, on behalf of the Board, shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent/guardian of the intent of the Board to hear the item in closed session. If a written request for open session is received from the student or the student's parent/guardian within 48 hours of receiving the notice, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any other student shall remain in closed session. (Education Code 35146, 48912, 49070)

If the Board conducts an expulsion hearing pursuant to Board Policy 5144.1 - Suspension and Expulsion/Due Process, the Board shall do so in closed session 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 may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

In order to protect student privacy rights provided in 20 USC 1232g or other applicable laws, the identity of a student shall not be listed in the agenda and, unless the item is heard in open session, shall not be included in any report after closed session. Additionally, a student matter shall be listed in the open session portion of the agenda with the same description and numbering system as it was on the closed session portion of the agenda.

### **Security Matters**

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, 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. Such discussions may be held in closed session during an emergency meeting held pursuant to Board Bylaw 9320 - Meetings and Notices and Board Bylaw/Exhibit (1) 9323.2 - Actions By The Board.

The Board may also meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. (Education Code 32281)

### **Real Property Negotiations**

The Board may meet in closed session with its 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 authority regarding the price and terms of payment for the property. (Government Code 54956.8)

### **Anticipated Litigation/Initiation of Litigation**

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a anticipated litigation or whether to initiate litigation when discussion of either matter in open session would prejudice the district's position with respect to such litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "anticipated" when, in the Board's opinion based on the advice of its legal counsel regarding the existing facts and circumstances, there is a significant exposure to litigation against the district or against a district officer or employee based on prior or prospective activities or alleged activities during and potentially during the course and scope of that office or employment. (Government Code 54956.9)

Existing facts and circumstances 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 plaintiff(s)
2. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiff(s)
3. The receipt of a claim pursuant to Government Claims Act or a written threat of litigation from a potential plaintiff.

4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting

Each agenda item related to anticipated litigation shall only contain one such matter. For an anticipated litigation item that is anticipated based on Items #2, #3, or #5 above, the agenda item shall also include the facts or circumstances that might result in litigation, the claim or written threat of litigation, or the record of the threat. However, the agenda item shall not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on the alleged victim's behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed. (Government Code 54956.9)

### **Existing Litigation**

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding existing litigation when discussion of the matter in open session would prejudice the district's position with respect to such litigation. Litigation is considered to be "existing" when the district has been named a party to the litigation or a district officer or employee has been named a party to the litigation based on prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which involves whether an activity is outside the course and scope of the office or employment. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

### **Tort, Public, or Workers' Compensation Liability**

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

### **Joint Powers Agency Issues**

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information that has direct financial or liability implications for the district and that was obtained in a closed session of a JPA of which the district is a member. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96))

### **Review of Audit Report from California State Auditor's Office**

Upon receipt of a confidential final draft audit report from the California State Auditor's Office and before the report has been made public, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report shall be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

## Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

### Legal Reference:

#### EDUCATION CODE

- 35145 Public meetings
- 35146 Closed sessions regarding suspensions
- 44929.21 Notice of reelection decision; districts with 250 ADA of or more
- 48912 Governing board suspension
- 48918 Rules governing expulsion procedures
- 49070 Challenging student records
- 60617 Meetings of governing board

#### GOVERNMENT CODE

- 3540-3549.3 Educational Employment Relations Act
- 54950-54963 The Ralph M. Brown Act

#### Federal

20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974

#### ATTORNEY GENERAL OPINIONS

- 59 Ops.Cal.Atty.Gen. 532 (1976)
- 78 Ops.Cal.Atty.Gen. 218 (1995)
- 86 Ops.Cal.Atty.Gen. 210 (2003)
- 89 Ops.Cal.Atty.Gen. 110 (2006)
- 94 Ops.Cal.Atty.Gen. 82 (2011)
- 98 Ops.Cal.Atty.Gen. 41 (2015)

#### CALIFORNIA CONSTITUTION

Article 1, Section 3 Public right to access information

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

#### COURT DECISIONS

- Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
- Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860
- Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
- Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
- Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
- Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363
- San Diego Union v. City Council, (1983) 146 Cal.App.3d 947
- Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

Management Resources: CSBA

PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2023

CALIFORNIA OFFICE OF THE 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. July 2010

WEB SITES

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

California Office of the Attorney General: <http://www.oag.ca.gov> League of

League of California Cities: <http://www.cacities.org>

CSBA District and County Office of Education Legal Services

ADOPTED 9/23/2015

REVISED 8/26/2020, 11/13/2024

**BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS**

The Governing Board meeting agenda shall include the following description of a closed session item, as applicable:

**Personnel Matters**

PUBLIC EMPLOYEE APPOINTMENT  
Government Code 54957

Title: \_\_\_\_\_  
*(Specify position to be filled)*

PUBLIC EMPLOYMENT  
Government Code 54957

Title: \_\_\_\_\_  
*(Specify position to be filled)*

PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Government Code 54957

Title: \_\_\_\_\_  
*(Specify title of employee being evaluated)*

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
Government Code 54957  
*(Due to employee privacy rights, no additional information may be provided.)*

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE  
Government Code 54957  
*(Due to employee privacy rights, no additional information may be provided.)*

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN  
Government Code 54957.10  
*(No additional information may be provided.)*

**Negotiations/Collective Bargaining**

CONFERENCE WITH LABOR NEGOTIATORS  
Government Code 54957.6

District-Designated

Representatives: \_\_\_\_\_

*(Specify names of representatives 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.)*

Employee Organization: \_\_\_\_\_

*(Specify name of employee organization with which negotiations are being held.)*

or

Unrepresented Employee(s): \_\_\_\_\_

*(Specify position of unrepresented employee(s) who are the subject of the negotiations.)*

### **Matters Related to Students**

#### **STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION**

Education Code 35146

Tracking/Identification Number: \_\_\_\_\_

*(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)*

#### **STUDENT EXPULSION**

Education Code 48912

Tracking/Identification Number: \_\_\_\_\_

*(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)*

#### **STUDENT GRADE CHANGE APPEAL**

Education Code 49070

Tracking/Identification Number: \_\_\_\_\_

*(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)*

#### **CONFIDENTIAL STUDENT MATTER**

Action Under Consideration: \_\_\_\_\_

*(If the Board is considering a confidential student matter other than those listed above, specify type of action.)*

Tracking/Identification Number: \_\_\_\_\_

*(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)*



## Security Matters

### THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code 54957

Consultation With: \_\_\_\_\_  
*(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)*

### DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

Education Code 32281

Consultation With: \_\_\_\_\_  
*(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)*

## Real Property Negotiations

### CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code 54956.8

Property: \_\_\_\_\_  
*(Specify street address or, if no street address, the parcel number or other unique reference of the real property under negotiation.)*

District Negotiator: \_\_\_\_\_  
*(Specify names of negotiators 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.)*

Party With Whom District Is

Negotiating: \_\_\_\_\_  
*(Specify name of party, not agent.)*

Under Negotiation: \_\_\_\_\_  
*(Specify whether instruction to negotiator will concern price, terms of payment, or both.)*

## Anticipated Litigation/Initiation of Litigation

### CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)

*(If applicable)* Existing Facts And Circumstances:  
\_\_\_\_\_

### CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Initiation of litigation pursuant to Government Code 54956.9(d)(4)

(If applicable) Existing Facts And Circumstances:

---

**Existing Litigation**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code 54956.9(d)(1)

Name Of Case: \_\_\_\_\_

*(Specify by reference to claimant's name, names of parties, or case or claim numbers.)*

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations

**Tort, Public, or Workers' Compensation Liability**

LIABILITY CLAIMS

Government Code 54956.95

Name Of Claimant(s): \_\_\_\_\_

*(Specify name, except when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)*

Name Of Agency Against Which Claim Is

Made: \_\_\_\_\_

**Joint Powers Authority Issues**

INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

Government Code 54956.96

Name Of JPA: \_\_\_\_\_

Discussion Will Concern: \_\_\_\_\_

*(Specify closed session description used by the JPA.)*

Name Of District Representative On JPA

board: \_\_\_\_\_

**Review of Audit from State Auditor's Office**

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

Government Code 54956.75

(No additional information is required.)

## Review of Assessment Instruments

### REVIEW OF STUDENT ASSESSMENT INSTRUMENT

Education Code 60617

(Reference resolution in which board agreed to accept the terms or conditions established by rules and regulations of the State Board of Education.)

---

#### 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.

#### State

Ed. Code 35145

#### Description

[Public meetings](#)

Ed. Code 35146

[Closed sessions regarding suspensions](#)

Ed. Code 44929.21

[Notice of reelection decision; districts with 250 ADA or more](#)

Ed. Code 48912

[Governing board suspension](#)

Ed. Code 48918

[Rules governing expulsion procedures](#)

Ed. Code 49070

[Challenging student records](#)

Ed. Code 60617

[Meetings of governing board](#)

Gov. Code 3540-3549.3

[Educational Employment Relations Act](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

#### Federal

20 USC 1232g

#### Description

Family Educational Rights and Privacy Act (FERPA) of 1974

#### Management Resources

Attorney General Opinion

#### Description

98 Ops.Cal.Atty.Gen. 41 (2015)

Attorney General Opinion

89 Ops.Cal.Atty.Gen. 110 (2006)

Attorney General Opinion

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

Attorney General Opinion

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

Attorney General Opinion

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

Attorney General Opinion

94 Ops.Cal.Atty.Gen. 82 (2011)

Attorney General Publication

[The Brown Act: Open Meetings for Legislative Bodies, rev. 2003](#)

Court Decision

Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

Court Decision

Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672

Court Decision	Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860
Court Decision	Roberts v. City of Palmdale (1993) 5 Cal.App. 4th 363
Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council (1983) 146 Cal.App.3d 947
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2023
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">League of California Cities</a>
Website	<a href="#">California Attorney General's Office</a>
Website	<a href="#">CSBA</a>

ADOPTED: 11-13-24

## REPORTS OF CLOSED SESSION ACTIONS

Following a closed session during any Governing Board meeting, the Board shall reconvene in open session to present, orally or in writing, a report of any of the following actions taken during the closed session, as applicable:

### Personnel Matters

#### PUBLIC EMPLOYEE APPOINTMENT

Title: \_\_\_\_\_  
(Specify position to be filled)

Appointment Made: (Yes; otherwise no action taken)

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

(Enter names of Board members)

#### PUBLIC EMPLOYMENT

Title: \_\_\_\_\_  
(Specify position to be filled)

Decision to Employ: (Yes; otherwise no action taken)

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

(Enter names of Board members)

#### PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: \_\_\_\_\_  
(Specify title of employee being evaluated)

(If applicable) Board evaluated an employee in the above listed position.

#### PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Title: \_\_\_\_\_

*(Specify position affected)*

*(If applicable)* Decision to Dismiss/Release: *(Yes; otherwise no action taken)*

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

#### SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

*(If applicable)* Board heard/discussed a specific complaint or charge against an employee.

#### EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

*(If applicable)* Board received/discussed an employee's application for early withdrawal of funds in deferred compensation plan.

#### **Negotiations/Collective Bargaining**

*(If applicable)* Agreement Reached With: \_\_\_\_\_

*(Specify Employee Organization)*

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

#### **Matters Related to Students**

##### STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Tracking/Identification Number: \_\_\_\_\_

*(If applicable)* Board heard/discussed this matter and will vote in open session as indicated in the agenda.

##### STUDENT EXPULSION

Tracking/Identification Number: \_\_\_\_\_

*(If applicable)* Board heard/discussed this matter and will vote in open session as indicated in the agenda.

##### STUDENT GRADE CHANGE APPEAL

Tracking/Identification Number: \_\_\_\_\_

*(If applicable)* Board heard/discussed this matter.

**CONFIDENTIAL STUDENT MATTER**

Action Under Consideration: \_\_\_\_\_

Tracking/Identification Number: \_\_\_\_\_

*(If applicable)* Board heard/discussed this matter.

**Security Matters**

**THREAT TO PUBLIC SERVICES OR FACILITIES**

*(If applicable)* Board consulted with: \_\_\_\_\_  
*(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)*

**DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN**

*(If applicable)* Board approved a Tactical Response Plan.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

**Real Property Negotiations**

*(If applicable)* Board approved an agreement concluding real estate negotiations and the agreement is final.

Substance Of Agreement: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

**Anticipated Litigation/Initiation of Litigation**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

(If applicable) Board has given approval to legal counsel to defend the district against anticipated litigation.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): \_\_\_\_\_

Substance Of Agreement: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

#### CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

(If applicable) Board has given approval to legal counsel to initiate litigation.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): \_\_\_\_\_

Substance Of Agreement: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*



**Existing Litigation**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

*(If applicable)* Board has given approval to legal counsel to defend the district, seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in this litigation.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

or

*(If applicable)* Board approved an agreement concluding this litigation and the agreement is final.

Substance Of Agreement: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

**Tort, Public, or Workers' Compensation Liability**

LIABILITY CLAIMS

*(If applicable)* Board approved disposing of this claim and that disposition is final.

Substance Of Claim, Including Amount Of Payment To Claimant: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

Recused: \_\_\_\_\_

*(Enter names of Board members)*

**Joint Powers Agency Issues**

INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

*(If applicable)* Board heard/discussed this matter.

## Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

*(If applicable)* Board heard/discussed this matter.

## Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT

*(If applicable)* Board reviewed the assessment in compliance with the applicable board resolution.

---

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.

### State

Ed. Code 35145

### Description

[Public meetings](#)

Ed. Code 35146

[Closed sessions regarding suspensions](#)

Ed. Code 44929.21

[Notice of reelection decision; districts with 250 ADA or more](#)

Ed. Code 48912

[Governing board suspension](#)

Ed. Code 48918

[Rules governing expulsion procedures](#)

Ed. Code 49070

[Challenging student records](#)

Ed. Code 60617

[Meetings of governing board](#)

Gov. Code 3540-3549.3

[Educational Employment Relations Act](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

### Federal

20 USC 1232g

### Description

Family Educational Rights and Privacy Act (FERPA) of 1974

### Management Resources

Attorney General Opinion

### Description

98 Ops.Cal.Atty.Gen. 41 (2015)

Attorney General Opinion

89 Ops.Cal.Atty.Gen. 110 (2006)

Attorney General Opinion

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

Attorney General Opinion

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

Attorney General Opinion

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

Attorney General Opinion

94 Ops.Cal.Atty.Gen. 82 (2011)

Attorney General Publication

[The Brown Act: Open Meetings for Legislative Bodies, rev. 2003](#)

Court Decision

Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

Court Decision	Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672
Court Decision	Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87
Court Decision	Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Court Decision	Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860
Court Decision	Roberts v. City of Palmdale (1993) 5 Cal.App. 4th 363
Court Decision	Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41
Court Decision	San Diego Union v. City Council (1983) 146 Cal.App.3d 947
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2023
League of California Cities Publication	Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">League of California Cities</a>
Website	<a href="#">California Attorney General's Office</a>
Website	<a href="#">CSBA</a>

ADOPTED: 11-13-24