

Liberty Union High School District

Board Policy

Classification: Bylaws of the Board

Policy No. BP 9323

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Effective 8/20/86

Revised 8/9/23

Subject: Meeting Conduct

The Board of Education endeavors to conduct business efficiently and in a manner that promotes full and fair consideration of the issues and allows for meaningful participation of members of the public.

Meeting Procedures

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

(cf. [9322](#) - Agenda/Meeting Materials)

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

(cf. [9121](#) - President)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

(cf. [9320](#) - Meetings and Notices)

Quorum and Abstentions

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

On a call by any Board member, a voice vote shall be taken upon any proposition and the vote shall be recorded in the minutes. (Education Code 1015)

Unless otherwise provided by law, an affirmative vote by a majority of all the membership of the Board is required to approve any action under consideration, regardless of the number of members present.

(cf. [9323.2](#) - Actions by the Board)

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, the abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. [9270](#) - Conflict of Interest)

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. Although they may voluntarily do so, members of the public attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

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

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code [35145.5](#); Government Code [54954.3](#))
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code [35145.5](#); Government Code [54954.2](#))
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. However, while the Board values all input from the public; the practice is to not respond immediately to public comments. Furthermore, the Board or a Board member may ask staff to report back to the Board at a subsequent meeting concerning any matter, or request staff to place the matter of business on a future agenda. (Government Code [54954.2](#))
4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code [54954.3](#))

(cf. [9130](#) - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president.
6. In general, individual speakers will be allowed five minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 30 minutes. With Board 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 president may also ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.

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](#))

7. The Board president may rule on the appropriateness of a topic, subject to the following conditions:

- a. If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.

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b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code [54954.3](#))

c. The Board shall 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.

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [9321](#) - Closed Session Purposes and Agendas)

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

The Board President or designee may remove an individual for actually disrupting the meeting. Prior to removal, the individual shall be warned that their behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the County Board president, or designee, may then remove the individual from the meeting. (Government Code 54957.95)

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

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

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

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

When disruptive conduct occurs, the Superintendent or designee may decide to recess the meeting to help restore order, or if removing the disruptive individual(s) or clearing the room is infeasible, move the meeting to another location. Local Law enforcement shall be contacted as necessary.

Recording by the Public

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The

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Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

(cf. [9324](#) - Board Minutes and Recordings)

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

Legal Reference:

EDUCATION CODE

[5095](#) Powers of remaining board members and new appointees

[32210](#) Willful disturbance of public school or meeting a misdemeanor

[35010](#) Prescription and enforcement of rules

[35145.5](#) Agenda; public participation; regulations

[35163](#) Official actions, minutes and journal

[35164](#) Vote requirements

[35165](#) Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

[527.8](#) Workplace Violence Safety Act

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; action on other matters

[54954.3](#) Opportunity for public to address legislative body; regulations

[54957](#) Closed sessions

[54957.9](#) Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

[403](#) Disruption of assembly or meeting

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 (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)

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 2014

ATTORNEY GENERAL PUBLICATIONS

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

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WEB SITES

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

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

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