

Bylaw 9012 Board Member Electronic Communications

Status: ADOPTED

Original Adopted Date: 11/2008

Last Revised Date: 05/15/2024

The Board of Trustees recognizes that electronic communication is an efficient and convenient way for Board members to communicate and expedite the exchange of information within the district and with members of the public. 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, circumventing 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. (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.

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. (Government Code 54952.2)

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.

Board members may use electronic communications to discuss matters that do not pertain to district business, regardless of the number of Board 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 media shall be forwarded to the designated district spokesperson.

To the extent possible, electronic communications regarding any district-related business shall be transmitted through a district-provided device or account. When any such communication is transmitted through a Board member's personal device or account, the Board member shall copy the communication to a district electronic storage device for easy retrieval.

11/08
04/08/09

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 35140
Ed. Code 35145
Ed. Code 35145.5
Ed. Code 35147
Gov. Code 11135
Gov. Code 54950-54963
Gov. Code 54952.2
Gov. Code 54953
Gov. Code 54954.2
Gov. Code 7920.000-7930.170
Management Resources
Attorney General Publication
Court Decision

Court Decision

Court Decision
CSBA Publication

CSBA Publication
Website
Website
Website
Website

Description

[Time and place of meetings](#)
[Public meetings](#)
[Agenda; public participation and regulations](#)
[Open meeting laws exceptions](#)
[Prohibition of discrimination](#)
[The Ralph M. Brown Act](#)
[Meeting; defined](#)
[Meetings to be open and public; attendance](#)
[Agenda posting requirements; board actions](#)
[California Public Records Act](#)
Description
The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
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
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
[CSBA District and County Office of Education Legal Services](#)
[CSBA, GAMUT Meetings](#)
[California Attorney General's Office](#)
[CSBA](#)

Cross References

Code

1100
1112
1113
1113
1113-E(1)

Description

[Communication With The Public](#)
[Media Relations](#)
[District And School Websites](#)
[District And School Websites](#)
[District And School Websites](#)

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1312.1	Complaints Concerning District Employees
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1312.3-E(2)	Uniform Complaint Procedures
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1312.4-E(2)	Williams Uniform Complaint Procedures
1340	Access To District Records
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3580	District Records
9000	Role Of The Board
9005	Governance Standards
9010	Public Statements
9121	President
9200	Limits Of Board Member Authority
9230	Orientation
9320	Meetings And Notices
9322	Agenda/Meeting Materials
9323.2	Actions By The Board
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