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Bylaws of the Board

ROLE OF BOARD AND MEMBERS (POWERS, PURPOSES, DUTIES)

Powers and Duties

The Governing Board's primary goal is to provide each student with an education of the highest quality in keeping with his/her capacity to learn. This goal shall be the basic factor motivating the Board's execution of its powers and duties.

(cf. 0000 - Philosophy, Goals, Objectives & Comprehensive Plans)

The Board is responsible for the general control and direction of education in the district and is empowered to carry on and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160) This broad authority shall be exercised in accordance with the State and Federal Constitutions, laws and regulations. The Board may execute any powers delegated by law to it or to the district which it governs, and shall discharge any duty imposed by law upon it or upon the district which it governs. (Education Code 35161)

The powers and duties of the Board include governance, executive and judicial functions. These relate to the Board's own operations as a governing body and to all functions of the district.

Governance Functions

To fulfill its responsibility, the Board is committed to establishing policies to govern district activities.

(cf. 9310 – Policy Manual)

The Board shall consider and approve or disapprove matters submitted to it by the Superintendent or designee and the public.

The Board shall prescribe rules for its own governance which are consistent with law or with the rules prescribed by the State Board of Education. (Education Code 35010)

(cf. 9300 - Governance)

Executive Functions

The Board is authorized by law to delegate any of its powers and duties to a district officer or employee. The Superintendent or designee shall be the chief executive officer of the Board. In accordance with Board policy, the Board delegates to the Superintendent the authority to carry out Board decisions and to make and carry out any decisions which it delegates. The Superintendent shall be fully responsible for the proper use of this authority.

Bylaws of the Board

ROLE OF BOARD AND MEMBERS (POWERS, PURPOSES, DUTIES), (continued)

The Board is ultimately responsible for the performance of any powers or duties delegated.

Judicial Functions

The Board believes that school employees and citizens have the right to a hearing and resolution of grievances, complaints and criticisms. In order to maintain positive personnel and public relations, the Board, convened, shall serve as a body of appeal for grievances, complaints and criticisms in accordance with Board policies and negotiated employee agreements.

- (cf. 1312 - Complaints Concerning School Personnel)*
- (cf. 2210 - Administrative Leeway in Absence of Governing Board Policy)*
- (cf. 4144 - Grievances/Complaints)*

Legal Reference:

EDUCATION CODE

- 2600-2603 School district boundaries
- 5304 Duties of the governing board (re school district elections) agencies
- 12400-12405 Authority to participate in federal programs
- 17565-17592 Board duties regarding property maintenance and control
- 33003 Operation and organization; bylaws
- 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 (power of governing board to appoint)
- 35100-35351 Governing boards – esp.
- 35160-35185 Powers and duties
- 35291 - Rules

Bylaw

adopted: July 5, 1990
 revised: March 11, 2010

WESTMINSTER SCHOOL DISTRICT
 Westminster, California

Board Bylaws**GOVERNANCE STANDARDS**

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. The Board 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 effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

(cf. 9000 - Role of the Board)

(cf. 9270 - Conflict of Interest)

(cf. 3316 – Ethical Standards for Contact between Contractors, Vendors and Consultants and Board Members or Employees)

The Board 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

(cf. 9010 - Public Statements)

3. Recognize and respect differences of perspective and style on the Board 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

(cf. 9011 - Disclosure of Confidential/Privileged Information)

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader

(cf. 9240 - Board Development)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff

Board Bylaws

GOVERNANCE STANDARDS (continued)

(cf. 2110 – Organization Chart/Lines of Responsibility)

8. Understand that authority rests with the Board as a whole and not with individuals

(cf. 9200 - Limits of Board Member Authority)

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

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

(cf. 0000 – Philosophy, Goals, Success Indicators and Comprehensive Plans)

(cf. 0100 – Goals-Objectives and Comprehensive Plans)

(cf. 0200 - Goals for the School District)

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-adopted policies and procedures

(cf. 9310 - Board Policies)

6. Take collective responsibility for the Board's performance

7. Periodically evaluate its own effectiveness

(cf. 9400 - Board Self-Evaluation)

8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

Board Bylaws

GOVERNANCE STANDARDS (continued)

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

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: Boardsmanship, 1996

WEB SITES

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

Bylaw

adopted: March 11, 2010

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

PUBLIC STATEMENTS

All public statements in the name of the Governing Board shall be issued by the Board president or, if appropriate, by the Superintendent or designee at the direction of the Board president. No individual Board member shall make public statements in the name of the Board.

The Governing Board recognizes the rights of Board members to freely express their views and encourages open discussion of issues during the Board meeting. The Board believes that effective Board members have a responsibility to express themselves, whether in agreement or disagreement with the Board majority, in ways that promote the Board's ability to govern the district.

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

Legal Reference:

EDUCATION CODE

35010 - Control of district; prescription and enforcement of rules

GOVERNMENT CODE

54960 — Actions to stop or prevent violation of meeting provisions

Bylaw

adopted: July 5, 1999

revised: October 19, 1995

revised: May 14, 2009

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board**DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

The Governing Board recognizes the importance of maintaining the confidentiality of the information acquired as a part of a Board member's official duties. All confidential/privileged information and records shall be released only to the extent authorized by law.

Confidential/privileged information which is produced for or which comes out during closed sessions of the Board shall not be divulged or released unless a majority of Board members agree to release the information, subject to applicable laws regarding closed sessions and confidential records. 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 has authorized its disclosure. A majority of the Board may only authorize the release of confidential information acquired during closed session as otherwise provided by law. (Education Code Sections 35146 and 49073 et seq., and Government Code Sections 3549.1, 6250 et seq., 54956.8, 54956.9 and 54957 et seq.) For purposes of this paragraph, confidential information means a communication made in closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code Section 54963).

The Board 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:

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 action that has been the subject of deliberation during a closed session.
2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including the disclosure of the nature and extent of the illegal or potentially illegal action.
3. Disclosing information that is not confidential. (Government Code Section 54963).

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

(cf. 5125 - Student Records)

This policy is not intended to cause the withholding of information about the purpose and subject(s) of the closed session as required for public information under the Ralph M. Brown Act, Government Code Section 54950, et seq.

The president or chairman of the meeting shall report out any action taken in closed session at the meeting in which the action was taken, as provided by law.

Pursuant to Government Code Section 1098, a Board member shall not disclose, for pecuniary gain,

Bylaws of the Board

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION (continued)

confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the California Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. 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.

(cf. 4119.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9321 - Closed Sessions)

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance
35146 Closed session

GOVERNMENT CODE

1098 Public officials and employees: confidential information
6254 Public Records; exemption of particular records
54957 Closed Session; "employee" defined; exclusion of witnesses
54957.1 Subsequent public report and roll call vote; employee matters in closed session
54957.5 Public records
54957.6 Closed session; representatives with employee organization
54957.7 Reasons for closed session

EVIDENCE CODE

1040 Privilege for Official Information

Bylaw

adopted: July 5, 1990
revised: May 14, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Board Bylaws

BOARD MEMBER ELECTRONIC COMMUNICATIONS

The Governing Board 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 agenda Board meeting.

(cf. 1100 - Communication with the Public)

(cf. 6020 - Parent Involvement)

(cf. 9000 - Role of the Board)

(cf. 9322 - Agenda/Meeting Materials)

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)

(cf. 9320 - Meetings and Notices)

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 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.

(cf. 1112 - Media Relations)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

Board Bylaws

BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3320 - Claims and Actions Against the District)
(cf. 9005 - Governance Standards)
(cf. 9121 - Board President)
(cf. 9200 - Limits of Board Member Authority)
(cf. 9270 - Conflict of Interest)

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

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)

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.

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

(cf. 1340 - Access to District Records)

Legal Reference: (see next page)

Board Bylaws

BOARD MEMBER ELECTRONIC COMMUNICATIONS (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>

Bylaw

adopted: March 11, 2010

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

BOARD MEMBERS; TERM OF OFFICE

The Governing Board shall consist of five members.

The term of office for members elected in regular elections shall be four years and staggered so that, as nearly as practicable, one-half of the members are elected in each even-numbered year.

The term of office for members elected in regular elections shall commence on the first Friday of December succeeding their election. Board member terms expire four (4) years after their initial election on the first Friday in December following the election of new members. 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.

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 (adult member)

GOVERNMENT CODE

- 1302 Continuance in office until qualification of successor
- 1303 Exercising functions of office without having qualified
- 1360 Necessity of taking constitutional oath

Bylaw

- adopted: July 5, 1990
- revised: January 20, 1994
- revised: May 14, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

BOARD MEMBERS; ELECTION OF OFFICERS

Annual Organizational Meeting

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

At the meeting the Board shall:

1. Elect a president, vice-president and/or clerk from its members.
2. Appoint a secretary to the Board.
3. Authorize signatures
4. Develop a schedule of regular meetings for the year
5. Develop a Board calendar for the year
6. Designate Board representatives.

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

Legal Reference:

EDUCATION CODE

- 35143 Annual organizational meeting date, and notice
- 35145 Public meetings

GOVERNMENT CODE

- 54953 Meetings to be open and public; attendance
- 68 Ops.Cal.Atty.Gen. 65 (1985)
- 59 Ops.Cal.Atty.Gen. 619, 621, 621-622 (1976)

Bylaw

adopted: January 20, 1994
revised: May 14, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

PRESIDENT

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

The president shall preside at all Governing Board meetings. He/she shall:

1. Call the meeting to order at the appointed time;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies relating to the order of business and the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act;
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
5. Explain what the effect of a motion would be if it is not clear to every member;
6. Restrict discussion to the question when a motion is before the Board;
7. Rule on parliamentary procedure;
8. Put motions to a vote, and state clearly the results of the vote.

The president shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

The Board President shall also perform other duties as directed by law, State Department of Education regulations and the Board, including:

1. Sign all instruments, acts, and orders necessary to carry out state requirements and the will of the Board;
2. Consult with the Superintendent or designee on the preparation of the Board's agendas;
3. Appoint and disband all committees, subject to Board approval;
4. Call such meetings of the Board as he/she may deem necessary,

Bylaws of the Board

PRESIDENT (continued)

giving notice as prescribed by law;

5. Confer with the Superintendent or designee on crucial matters which may occur between Board meetings;
6. Be responsible for the orderly conduct of all Board meetings;
7. Share informational mail with other Board members;
8. Work with the Superintendent to ensure that Board members have necessary materials and information;
9. Represent the district as governance spokesperson, in conjunction with the Superintendent.

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

(cf. 9320 - Meetings)

Legal Reference:

EDUCATION CODE

35022 President of the board

35143 Annual organizational meetings; dates and notice

35144 Special meetings

Bylaw

adopted: July 5, 1990

revised: May 14, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

SECRETARY

The Governing Board shall appoint the Superintendent to serve as secretary to the Board. The secretary to the Board shall be responsible for maintaining an accurate and complete record of all Board proceedings and shall:

1. Prepare, distribute and maintain the Board agenda.
2. Record, distribute and maintain the Board minutes.

(cf. 9324 – Minutes and Recordings)

3. Maintain Board records and documents.
4. Conduct official correspondence for the Board.
5. As directed by the Board, sign and execute official papers.
6. Perform other duties as assigned by the Board.

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: Boardsmanship, 1996

WEB SITES

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

Bylaw

adopted: July 5, 1990

revised: May 14, 2009

revised: March 11, 2010

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

CLERK

At the annual organizational meeting, the Governing Board shall elect a clerk from its own membership.

The duties of the Board clerk shall be to:

1. Certify or attest to actions taken by the Board when required.
2. Maintain such other records or reports as required by law.
3. Sign the minutes of the Board meetings following their approval.
4. Sign documents as directed by the Board on behalf of the district, and sign all other items which require the signature of the clerk.
5. Serve as presiding officer in the absence of the president and vice president.
6. Perform any other duties assigned by the Board.

Legal Reference:

EDUCATION CODE

- 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
- 39630 Repair and supervision of property (duty of district clerk)
- 40003 Duty of clerk (re provision of school supplies)

Bylaw

adopted: July 5, 1990
revised: May 14, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

ATTORNEY

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

The Board may use the county counsel, district attorney, or private attorneys to meet the needs of the district.

The Board may appoint legal counsel to perform any of the following duties:

1. Render legal advice to the Board and the Superintendent or designee.
2. Serve the Board and the Superintendent or designee in the preparation and conduct of school 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 and superintendent or designee.

At his/her discretion, the Board president or superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the superintendent or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board.

Legal Reference: (see next page)

Bylaws of the Board

ATTORNEY (continued)

Legal Reference:

EDUCATION CODE

- 35041 Administrative adviser
- 35041.5 Legal counsel: Relieving duties of county counsel and district attorney
(CCD - Education Code 72419.5)
- 35204 Contract with attorney in private practice
- 35205 Contract for specialized legal services
- 35206 Contract for additional services from county counsel or district attorney

GOVERNMENT CODE

- 814 et seq. Liability of public entities and public employees (in general)
- 995-996.6 Defense of public employees
- 26520 Legal services to school district
- 26522 Services re school bond issues

Bylaw

- adopted: July 5, 1990
- revised: April 15, 1993
- revised: May 14, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

BOARD SUBCOMMITTEES

The Board shall appoint subcommittees of the Governing Board deemed necessary by the Board. Membership on these committees is limited to less than a majority of the whole Board. The Board shall establish written charges for these subcommittees at the time of appointment. When its charges or duties have been completed, the subcommittee shall be dissolved.

The president may be a member of any subcommittee. The Superintendent or designee may serve as an advisor to any subcommittee at the discretion of the Board.

Subcommittees may actively seek input and participation by parents/guardians, staff, community and students, and may consult with local public boards and agencies.

Subcommittees shall act in an advisory capacity, making recommendations to the Board. No subcommittee action shall be binding on the full Board. The Board as a whole shall have the final consideration in all matters.

(cf. 1220 - Citizen Advisory Committees)

When required by the Brown Act, Board committees shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws.

Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting pursuant to Government Code Section 54954.2 shall be considered, for purposes of the Brown Act, as regular meetings of the Board. (Government Code Section 54954)

Board advisory committees composed solely of less than a quorum of the members of the Board 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. (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, contracts and personnel matters at the Board's request.

When a majority of the members of the Board 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)

Bylaws of the Board

BOARD SUBCOMMITTEES (continued)

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

Bylaw

adopted: July 5, 1990

revised: May 14, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

BOARD REPRESENTATIVES

Labor Relations Negotiators

The Governing Board will designate a chief negotiator to represent it in negotiations with employee organizations. The Board itself will not negotiate with any employee organization directly. The chief negotiator shall be an employee of the district even though expert consultants in the field of negotiations may also be contracted to assist in the process of negotiations.

Although the negotiator will represent the Board in negotiations, the negotiator shall be responsible to the Superintendent or designee.

The Board's role in the negotiation process will be:

to assess, to the best of its ability, the needs of its employees

to set priorities for the total educational program in the best interests of students, the district and public in general

to translate educational priorities and employee needs into a realistic budget

to maintain the Board's position of authority and control as provided by law.

County Committee on School District Organization

The Board shall, at its annual organizational meeting, designate one Board member as its representative to elect members to the County Committee on School District Organization.

The Board shall provide the representative with nominees to the County Committee on School District Organization.

Board members may be nominated to serve as a member of the county committee. (Education Code 4007)

(cf. 9320 - Meetings)

Bylaws of the Board

BOARD REPRESENTATIVES (continued)

Other Advisory Committees

The Board may appoint any of its members to serve on advisory committees or as representatives to other public agencies or organizations when the Board deems such appointments desirable, contingent on acceptance of the appointment by the member.

Legal Reference:

EDUCATION CODE

4000 et seq. County committees on school district organization

35020-35046 School district officers and agents (power of governing board to employ or appoint)

GOVERNMENT CODE

3540-3549.3 Public educational employer - employee relations

54956.8 Closed session with negotiator regarding real property

68 Ops. Attorney General (1985) - Incompatibility of Office, Board Members, County Committees

Bylaw

adopted: July 5, 1990

revised: May 14, 2009

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

MEMBERS (LIMITS OF AUTHORITY)

The Governing Board recognizes that the Board is the unit of authority and that a Board member has no individual authority. Individually, the Board member may not commit the district to any policy, act or expenditure. The Board member cannot do business with the district served, nor should the Board member have an interest in any contract with the school district in general. The Board member does not represent any factional segment of the community, but is rather a part of the body which represents and acts for the community as a whole.

Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

(cf. 1160 - Political Processes)

(cf. 9000 - Role of the Board)

(cf. 9300 - Governance Standards)

(cf. 9270 - Conflict of Interest)

(cf. 9323 - Meeting Conduct)

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. If approved, the Board shall direct the Superintendent or designee to make such studies and report to the Board at a future meeting. Individual members shall confer directly with the Superintendent or designee if specific information is desired or if information is needed regarding a complaint or request from a citizen. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

(cf. 1340 - Access to District Records)

(cf. 4212.6 - Personnel Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9322 - Agenda/Meeting Materials)

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

Bylaws of the Board

MEMBERS (LIMITS OF AUTHORITY) (continued)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3320 - Claims and Actions Against the District)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Board members who visit schools of their own volition have no more authority than any other citizen. Board members have authority only in regularly called meetings of the Board, or when delegated specific tasks by Board action.

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the Brown Act. (Government Code 54952.1)

Obligations of Members

Members of the Board must endeavor to attend all meetings, study all materials presented with the agenda prior to attending the meeting, participate in the discussion of any items which come before the Board, and vote on all motions and resolutions, abstaining only for compelling reasons.

The Board member should be prepared and willing to devote a sufficient amount of time to the study of the problems of education in the district, the state, and the nation in order to interpret them to the people of the district.

(cf. 9270 - Conflict of Interest Code)

Legal Reference: (see next page)

Bylaws of the Board

MEMBERS (LIMITS OF AUTHORITY) (continued)

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 - esp.
- 35160-3518 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: Boardsmanship, 1996

WEB SITES

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

Bylaw

adopted: July 5, 1990
revised: June 11, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

GOVERNING BOARD ELECTIONS

Any person is eligible to be a Board member 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)

It is the Board's intent to change its election methodology from the current at-large methodology as authorized by Education Code 5030(a), to the by-trustee area election methodology authorized by Education Code 5030(b) such that the by-trustee area methodology is in place for the school district's November 2018 election.

A district employee elected to the Board 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)

(cf. 9224 - Oath of Affirmation)

(cf. 9270 - Conflict of Interest)

Whenever possible, the Board shall consolidate Board elections with the local municipal or statewide general election. Board election procedures shall be conducted in accordance with the state and federal law.

(cf. 9110 - Terms of Office)

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 9005 - Governance Standards)

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. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice bearing the secretary's signature and district seal to the

Bylaws of the Board

GOVERNING BOARD ELECTIONS (continued)

county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

(cf. 9223 - Filling Vacancies)

Candidate statements shall be limited to no more than 200 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, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)

Legal Reference:

EDUCATION CODE

- 35107 Eligibility
- 5000-5033 Election of governing board members
- 5220-5231 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
- 7054 Use of district property
- 35107 Eligibility; school district employees
- 35177 Campaign expenditures or contributions
- 35239 Compensation of governing board member of districts with less than 70 ADA

Bylaws of the Board

GOVERNING BOARD ELECTIONS (continued)

ELECTIONS CODE

- 13307 Candidate's statement
- 10509 Notice of election by secretary
- 10600-10604 School district elections
- 1302 Local elections, school district election
- 2201 Grounds for cancellation
- 4000-4004 Elections conducted wholly by mail
- 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
- 20440 Code of Fair Campaign Practices

GOVERNMENT CODE

- 1021 Conviction of crime
- 1097 Illegal participation in public contract
- 12940 Nondiscrimination, Fair Employment and Housing Act
- 81000-91014 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

- Randall v. Sorrell, (2006) 126 S.Ct. 2479

Bylaws of the Board

GOVERNING BOARD ELECTIONS (continued)

ATTORNEY GENERAL OPINIONS

- 85 Ops.Cal.Atty.Gen. 49 (2002)
- 83 Ops.Cal.Atty.Gen. 181 (2000)
- 81 Ops.Cal.Atty.Gen. 98 (1998)
- 69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

- California Secretary of State's Office: <http://www.ss.ca.gov>
- Fair Political Practices Commission: <http://www.fppc.ca.gov>
- Institute for Local Self Government: <http://www.islg.org>

Bylaw

- adopted: July 5, 1990
- revised: April 15, 1993
- revised: June 11, 2009
- revised: August 31, 2017

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

RESIGNATION

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

(cf. 9270 - Conflict of Interest)

Legal Reference:

EDUCATION CODE

5090 Definition (vacancy)

5091 Special Election

35178 Resignation with deferred effective date

Bylaw

adopted: July 5, 1990

revised: June 11, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

FILLING VACANCIES

Events Causing a Vacancy

A vacancy on the Governing Board may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto 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)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

4. A Board member's removal from office, including recall (Elections Code 11384; Government Code 1770)
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 school district with the approval of the Board
- b. With the consent of the Board for an additional period not to exceed a total

Bylaws of the Board**FILLING VACANCIES** (continued)

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 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 may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board 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 for an additional period not to exceed 30 days.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

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 or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770 and 3000-3003)
9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

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

Bylaws of the Board

FILLING VACANCIES (continued)

(Government Code 1770)

12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in

which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

13. A failure to elect when either no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board 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 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 in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly-scheduled Board 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 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)

When a special election is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

Provisional Appointment

In order to draw from the widest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. The Board shall

Bylaws of the Board

FILLING VACANCIES (continued)

ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)

(cf. 9323.2 - Actions by the Board)

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

(cf. 9220 - Governing Board Elections)

Within ten days after the appointment is made, the Board 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).

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 an 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.

Appointment Due to Failure to Elect

When a vacancy occurs because no person or an insufficient number of candidates have been nominated (i.e., a failure to elect), and a district election will not be held, the Board

Bylaws of the Board

FILLING VACANCIES (continued)

shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

(cf. 9100 - Organization)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

Legal Reference:

EDUCATION CODE

- 5000-5033 Elections
- 5012 Declaration candidacy or nomination; withdrawal
- 5090-5095 Vacancies
- 5200-5208 Districts governed by boards of education
- 5300-5304 Elections

Legal Reference (continued):

EDUCATION CODE (continued)

- 5320-5329 Order and call of election
- 35107 Eligibility of board members
- 5340-5345 Consolidation of elections
- 5360-5363 Election notice
- 5420-5426 Cost of elections
- 5440-5442 Miscellaneous provisions, elections

Bylaws of the Board

FILLING VACANCIES (continued)

- 35107 Eligibility of board members
- 35178 Resignation with deferred effective date
- 10600-10604 School district elections
- 11381-11386 Candidates for recall

GOVERNMENT CODE

- 1064 Absence from state
- 1770 Vacancies: definition
- 3000-3002 Forfeiture of office
- 3060-3075 Removal other than by impeachment
- 6061 One time notice
- 54950-54963 The Ralph M. Brown Act

PENAL CODE

- 88 Bribery, forfeiture from office
- UNITED STATES CODE, TITLE 18
- 704 Military medals or decorations
- ATTORNEY GENERAL OPINIONS
- 58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. January 2008

WEB SITES

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

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

Bylaw

- adopted: July 5, 1990
- revised: October 19, 1995
- revised: June 11, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of The Board

OATH OR AFFIRMATION

Prior to entering upon the duties of their office, all Governing Board members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

(cf. 4112.3/4212.3/4312.3 – Oath or Affirmation)

The oath may be administered and certified by a Board member, 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 554

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

Bylaw

adopted: November 21, 1991

revised: June 11, 2009

WESTMINSTER SCHOOL DISTRICT

Westminster, California

OATH OR AFFIRMATION

"I, _____, so solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

(Signature)

Certified by:

(Person who administers the oath)

Legal Reference:

CALIFORNIA CONSTITUTION
Article 20, Section 3

Exhibit

approved: November 21, 1991
reviewed: June 11, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

ORIENTATION

Board Candidate Orientation

The Governing Board desires to provide Board candidates with information that will enable them to understand the responsibilities and expectations of Board membership and prepare them to discuss and cast informed votes on matters before the Board from the time that they are sworn into office. The Superintendent or designee shall provide all candidates with general information about school programs, District operations, and Board responsibilities. He/she may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot statement information.

(cf. 9200 – Limits of Board member Authority)

(cf. 9220 – Governing Board Elections)

(cf. 9270 – Conflict of Interest)

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

(cf. 1340 – Access to District Records)

(cf. 9011 – Disclosure of Confidential/Privileged Information)

The Board expects candidates to recognize that until they are elected to the Board, they are, like other members of the public, not entitled to privileged information discussed in closed session.

New Board Member Orientation

The Board shall convene a meeting to provide an orientation and information to incoming Board members to assist them in understanding the Board's functions, policies, procedures, protocols, and agreed-upon standards of conduct. Incoming Board members shall receive the District's policy manual and other materials related to the District and Board member responsibilities.

(cf. 9000 – Role of Board and Members)

(cf. 9300 – Governance)

Upon their election, incoming members shall be provided a copy of the *Brown Act* and informed that, pursuant to Government Code 54952.1, they must conform to the Act's requirements as if they had already assumed office.

Bylaws of the Board

ORIENTATION (continued)

The Superintendent may provide incoming Board members with additional background and information regarding the District's vision and goals, operations, and current challenges in areas that include, but are not limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.

(cf. 0000 – Vision)

(cf. 0200 – Goals for the School District)

Incoming members are encouraged to attend Board meetings and review agenda materials available to the public in order to become familiar with current issues facing the District. Incoming members also may attend, at District expense and with the approval of the Board, workshops and conferences relevant to their individual needs or to the needs of the Board as a whole or the District.

(cf. 9240 – Board Development)

Legal Reference: (next page)

Bylaws of the Board

ORIENTATION (continued)

Legal Reference:

EDUCATION CODE

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

33362 – 33363 Reimbursement of expenses; board member or member elect

ELECTIONS CODE

13307 Candidate's statement

20440 Code of Fair Campaign Practices

GOVERNMENT CODE

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

54952.1 Members of Legislative Body

54952.7 Copies of *Brown Act* to Board Members

Management Resources:

CSBA PUBLICATIONS

School Board Leadership, 2007

The *Brown Act*: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, 2007

Professional Governance Standards, 2000

Maximizing School Board Leadership, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Becoming a Better Board Member: A Guide to Effective School Board Service, 2006

WEB SITES

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

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

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

Bylaw

adopted: July 5, 1990

revised: October 19, 1995

revised: June 11, 2009

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

BOARD DEVELOPMENT

Board Members, like teachers and administrators, need inservice training. Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills. Board business shall not be discussed at conferences.

All Board members are encouraged to attend conferences for the purpose of Board development. Board members shall report orally or in writing, as soon as possible on the inservice activities they attend.

(cf. 9230 – Orientation)
(cf. 9320 – Meetings and Notices)

The Board encourages one or more of its members to represent the Board at the annual conventions of the California School Boards Association and, when possible, the National School Boards Association.

Funds for inservice training shall be budgeted annually for each Board member.

(cf. 9250 – Remuneration, Reimbursement, and Other Benefits)

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*
54952.2 - Meeting

Bylaw

adopted: July 5, 1990
revised: October 19, 1995
revised: June 11, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of The Board

REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS

Remuneration

Each member of the Governing Board may receive the monthly compensation as provided for in law.

On an annual basis, the Board may increase the compensation of Board members beyond the limit 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. (Education Code 35120)

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

If a member does not attend all Board meetings during the month, he/she is eligible to receive a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

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

Reimbursement of Expenses

Board members shall be reimbursed for traveling expenses incurred when authorized in advance by the Board. (Education Code 35044) The rate of reimbursement shall be the same rate specified for district personnel.

Board members may use district-issued credit cards while on official district business. Under no circumstances may personal expenses be charged on district credit cards. Board members must clear all accounts annually. If they exceed the school fiscal year, they will come to the full Board for action to be paid from their Board Salary.

Health and Welfare Benefits

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

Bylaws of the Board

REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS (continued)

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)

(cf. 4154/4254/4354)

The district shall pay the cost of all premiums required for Board members electing to participate in the district health and welfare benefits program to the same extent that the district pays premiums for district staff in accordance with Government Code 53208.5

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

Any former members retiring from the Board after at least one (1) term may continue the health and welfare benefits program for himself/herself and dependents at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)

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

Bylaws of the Board

REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS (continued)

Legal Reference: (continued)

GOVERNMENT CODE

20361322 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 OPIONIONS

83 Ops.Cal.Atty.Gen 124 (2000)

Management Resources:

WEB SITES

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

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

Bylaw

adopted: July 5, 1990

revised: October 19, 1995

revised: March 11, 2010

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

LEGAL PROTECTION

Liability Insurance

The Governing Board shall provide insurance necessary to protect Board members-and employees while acting within the scope of their office or in accordance with Education Code 3520.8.

(cf. 3530 – Risk Management Insurance)

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.
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)

Bylaws of the Board

LEGAL PROTECTION (continued)

Legal Reference (continued):

GOVERNMENT CODE

815.3 Intentional torts

820.9 - 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 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher Protection Act

COURT DECISIONS

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

Bylaw

adopted: July 5, 1990

revised: November 12, 2009

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

CONFLICT OF INTEREST

Conflict of Interest Code

The Political Reform Act, Government Code Sections 81000, et. Seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Westminster School District.

Designated employees shall file statements of economic interests with the District's Political Reform Act Filing officer, Senior Executive Secretary to the Superintendent, who will make the statements available for public inspection and reproduction. Upon receipt of the statements of the Westminster School District Board of Trustees and Superintendent, the Filing Officer shall make and retain a copy and forward the original of these statements to the Clerk of the Orange County Board of Supervisors. Statements for all other designated employees will be retained by the Filing Officer.

Legal Reference:

EDUCATION CODE

- 1006 Qualifications for holding office
- 35107 School district employees
- 35230-35240 Corrupt practices
- 35233 Prohibits applicable to members of governing boards

Bylaws of the Board

CONFLICT OF INTEREST (continued)

Legal Reference: (continued)

GOVERNMENT CODE

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”

82033 Definition of “interest in real property”

82034 Definition of “investment”

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

89506 Travel payments, advances and reimbursements

91000-91015 Enforcement

CODE OF REGULATIONS, TITLE 2

18100-18730 Regulations of the Fair Political Practices Commission

COURT DECISIONS

Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App. 4th 511

ATTORNEY GENERAL OPINIONS

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

FPPC: <http://www.fppc.ca.gov>

Bylaw

Adopted: July 5, 1990
Revised: December 11, 2008
Revised: April 15, 2010
Revised: November 13, 2014

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board**CONFLICT OF INTEREST***Amended*
EXHIBIT A**LIST OF DESIGNATED POSITIONS**

Designated Positions	Disclosure Categories
Governing Board Members	OC-01
Personnel Commissioners	OC-01
Superintendent	OC-01
Assistant Superintendent(s)	OC-01
Buyer	OC-01
Attorney(s)	OC-01
Administrator(s)	OC-02
Director(s)/Assistant Director	OC-02
Principal(s)/Assistant Principal(s)	OC-02
Supervisor(s)	OC-02
Consultants	OC-30
Executive Director	OC-02
Coordinator	OC-02

EXHIBIT B**Disclosure Categories**

Disclosure Category	Disclosure Description
OC-01	All interests in real property in Orange County or the District, as well as investments, business positions and sources of income (including gifts, loans, and travel payments).
OC-02	All investments, business positions, and sources of income (including gifts, loans, and travel payments).
OC-30	Consultants

Bylaws of the Board

GOVERNANCE

The Governing Board has the power of establishing its own procedures within the parameters of law. (Education Code 35010)

The formulation and adoption of written Board policies shall constitute the basic method by which the Board shall exercise its leadership in the governance of the school district. This right shall be retained solely by the Board. The study and evaluation of reports concerning the execution of its policies shall constitute the basic method by which the Board shall exercise its accountability for the governance of the schools.

The implementation of policies is an administrative task to be performed by the Superintendent or designee who shall be held responsible for the effective administration and supervision of the entire school system.

All actions of the Board shall be taken only in official Board meetings called, scheduled and conducted according to these bylaws and the statutes of the state.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

- 35010 Article 2. General Provisions. Governing Board
- 35140 Article 3. Meetings
- 35143 Annual organizational meetings
- 35144 Special meetings
- 35145 Meetings; minutes; agendas
- 35146 Closed sessions for student suspension or disciplinary action
- 35160 Article 4. Powers and Duties
- 35163 Official actions
- 35164 Majority Vote

Bylaw
adopted: July 5, 1990
revised: November 12, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

POLICY MANUAL

The Governing Board shall adopt written policies to convey its expectations for action 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.

(cf. 9000 – Role of the Board)

The Superintendent or designee shall ensure that all district employees and the public have access to up-to-date district policies. A public copy of the policies shall be maintained at the district central office and at each school site. These copies shall be maintained either electronically or by paper copy.

(cf. 1340 – Access to District Records)

The Superintendent or designee shall issue copies of the district policy manual to the following:

1. Board members.
2. Central office administrators.
3. Board secretary.
4. Building principals.
5. Negotiating units.
6. Other key district personnel.

As necessary, the Board shall develop new policies and revise existing ones in order to reflect new legislation and changing community views.

(cf. 9311 - Policies)

(cf. 9312 - Bylaws)

(cf. 9313 - Administrative Regulations)

The Superintendent or designee shall maintain procedures for distributing to all authorized manual holders copies of new or revised policies, bylaws and regulations as they are adopted. The Board shall review certain policies annually, as required by Education Code 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.

Bylaws of the Board

POLICY MANUAL (continued)

(cf. 5116.1 – Intradistrict Open Enrollment)
(cf. 6145 – Extracurricular and Cocurricular Activities)

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.

(cf. 1112 – Media Relations)
(cf. 4112.9/4212.9/4312.9 – Employee Notifications)
(cf. 51456.6 – Parental Notifications)
(cf. 6020 – Parent Involvement)

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 Policy Update Service, Governance and Management Using Technology (GAMUT6 ONLINE) Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>
National School Boards Association: <http://www.nsba.org>

Bylaw

adopted: July 5, 1990
revised: March 11, 2010

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

BOARD POLICIES

Development and Adoption Process

The Governing Board recognizes that its most important function is to establish policies which communicate its direction for the operation of the schools. Policies are written statements adopted by the Board which communicate the guidelines and limits within which the Superintendent or designee and staff may take discretionary action.

(cf. 2210 - Administrative Leeway in Absence of Board Policy)

The Board encourages members of the community to contribute information and opinions for the Board's consideration and propose revisions to policy. The Board desires the community and all district employees to have access to Board policies electronically.

When drafting or revising Board policies which affect other governmental agencies or areas of common interest, the Superintendent or designee shall seek input from these agencies and shall express the Board's desire to cooperate with them in addressing matters of mutual concern.

The adoption of policy shall conform with Board bylaws governing agenda, meetings, and voting.

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.

(cf. 1220 Citizen Advisory Committees)

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.

Bylaws of the Board

BOARD POLICIES (continued)

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.

(cf. 9311 – Policies)

(cf. 9312 – Bylaws)

(cf. 9313 – Administrative Regulations)

(cf. 9323 – Meeting Conduct)

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

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323.2 – Actions by the Board)

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.

Policies not amended shall be officially readopted by the Board. When policies are amended, the Superintendent or designee shall review corresponding administrative regulations to ensure that they conform to the intent of the revised policy.

The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

(cf. 9320 – Meetings and Notices)

(cf. 9322 – Agendas/ Meeting Materials)

(cf. 9323.1 - Order of Business)

Bylaws of the Board

BOARD POLICIES (continued)

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 Policy Update Service, Governance and Management Using Technology (GAMUT6 ONLINE) Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>

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

Bylaw

adopted: July 5, 1990

revised: March 11, 2010

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

BOARD BYLAWS

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010) 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.

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.

(cf. 9311 - Board Policies)

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 journals
- 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 Policy Update Service, Governance and Management Using Technology (GAMUT Online TM), Policy Audit Program, Individual District policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>

Bylaw

- adopted: July 5, 1990
- revised: March 11, 2010

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board**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.

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 journals
- 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 Policy Update Service, Governance and Management Using Technology (GAMUT Online TM) , Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: [Http://www.csba.org/ps](http://www.csba.org/ps)
- National School Boards Association: <http://www.ncba.org>

Bylaw

adopted: July 5, 1990

revised: March 11, 2010

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

SUSPENSION OF POLICIES, BYLAWS, ADMINISTRATIVE REGULATIONS

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

(cf. 9322 - Posting of Agenda/Meeting Materials)

(cf. 9323.2 - Actions by the Board)

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 Governing Board shall decide whether the policy, bylaw or administrative regulation still reflects the intent of the Board and the law. If so, the suspension will be denied and the policy, bylaw or administrative regulation reaffirmed in the minutes.

Superintendent's Authority

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.

(cf. 2210 – Administrative Leeway in Absence of Governing Board 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

Bylaws of the Board

SUSPENSION OF POLICIES, BYLAWS, ADMINISTRATIVE REGULATIONS

(continued)

Legal Reference (continued):

CSBA PUBLICATIONS

Targeting Student Learning: The School Board's Role as Policymaker, 2005
Maximizing School Board Leadership: Policy, 1996

Management Resources:

WEB SITES

CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT Online TM), Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>

National School Boards Association:

<http://www.nsba.org>

Bylaw

adopted: July 5, 1990

revised: March 11, 2010

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

MEETINGS AND NOTICES

Meetings of the Governing Board are conducted for the purpose of accomplishing district business.

In accordance with state open meeting laws (Brown Act), all meetings of the Board shall be open to the public. Closed sessions shall be conducted during these meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board procedures.

(cf. 9321 – Closed Session Purposes and Agendas)

(cf. 9231.1 – Closed Session Actions and Reports)

(cf. 9323 – Meeting Conduct)

A board meeting exists whenever a majority of the members of the Board gather at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

Except as otherwise authorized by law, 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 on any item of district business. (Government Code 54952.2).

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

Board meetings shall be open to the public and held within district boundaries, except as allowed by law (*see E 9320*). They shall be held in a facility that is accessible to all persons, including disabled persons, without charge.

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting, should contact the Superintendent or designee at least two days before the meeting date. (Government Code 54954.2)

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 less than 72 hours before the meeting. (Government Code 54957.5)

(cf. 9322 – Agenda/Meeting Materials)

Bylaws of the Board

MEETINGS AND NOTICES (continued)

Regular Meetings

The Board shall adopt a yearly calendar specifying the date, time and place of each regular meeting.

The Board shall hold one regular meeting each month at 7:00 p.m. on the 2nd Thursday in the district Board room unless otherwise specified by Board action.

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)

Upon request, the local media shall be notified of the annual calendar of regular Board meetings. Any changes to the calendar shall be mailed prior to the changed meeting.

A notice of each regular meeting shall be mailed to any person who requests it in writing. Requests are valid for one year from the date filed and must be renewed yearly. The district may charge persons requesting notices an annual mailing fee.

A copy of the notice of a regular or special meeting shall be mailed to the Westminster City Manager and shall be made available to the president of each employee organization, PTA Council President, Superintendent's Executive Council, and Personnel Commission members.

If notice of a regular or special meeting is of such public interest that the Board deems it advisable to give notice to the public of such meeting by publishing the same in a newspaper of general circulation published in the district, the Superintendent or designee may be authorized to prepare and publish such notice to appear in a newspaper published in the week preceding the date of the meeting. The cost of publishing such a notice shall be deemed a legal charge against the general fund of the district.

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.

Special Meetings

Special meetings of the Board may be called by the presiding officer or a majority of the Board members.

Bylaws of the Board**MEETINGS AND NOTICES** (continued)

Written notice of special meetings shall be delivered personally or by any other means to all Board members, the local media, the Superintendent or designee, and members of the public who have requested such notice in writing. This notice shall be posted at least 24 hours prior to the meeting in a location freely accessible to the public and shall include 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 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 concerning any item that has been described in the meeting notice, before or during the item's consideration.

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 may hold an emergency meeting without complying with the 24-hour notice requirement and/or 24-hour posting requirement for specific meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956).

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

1. An emergency, which shall be defined as a work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

(cf. 4141.6/4241.6 – Concerted Action/Work Stoppage)

2. A dire emergency, which shall be defined as a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

(cf. 3516 – Emergencies and Disaster Preparedness Plan)

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 that have requested notice of special meetings. If telephone services are not functioning, the notice requirement

Bylaws of the Board**MEETINGS AND NOTICES** (continued)

of one hour is waived and, as soon after the meeting as possible, the Board shall notify the local media of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

No closed session may be held during an emergency special meeting. All other rules governing special meetings shall be observed, with the exception of the 24-hour notice requirement. 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 ten days in a public place as soon after the meeting as possible.

Adjourned Meetings

A majority vote by the Board may adjourn/continue any regular/special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of an adjourned meeting, a copy of the order of adjournment/continuance shall be conspicuously posted on or near the door of the meeting site. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 – Concepts and Roles)

(cf. 2111 – Superintendent Governance Standards)

(cf. 9000 – Role of the Board)

(cf. 9005 – Governance Standards)

(cf. 9400 - Board Self-Evaluation)

At least 72-hours public notice shall be given in accordance with law when a quorum of the Board is attending a retreat, study session, public forum, training session or discussion meeting. All such

Bylaws of the Board

MEETINGS AND NOTICES (continued)

meetings shall be held in open session and within district boundaries and action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of the Board's members at any of the following events is not subject to the Brown Act 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
4. A purely social or ceremonial occasion
5. An open and noticed meeting of a legislative body of another local agency
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers.

Individual contracts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54954)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call.

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Bylaws of the Board

MEETINGS AND NOTICES (continued)

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 45953)

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, including the right of the public to address the Board directly at each teleconference location.

All Board 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 teleconferenced location.

Hearings

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

Annual Organizational Meeting

The Board shall hold an annual organizational meeting. This meeting shall be held within the time limits prescribed by Education Code §35143.

At this meeting the Board shall:

1. Elect a president, vice president and clerk from its members.
2. Appoint a secretary to the Board.
3. Authorize signatures.
4. Develop a schedule of regular meetings for the year.
5. Develop a calendar of Board activities for the year.

Bylaws of the Board

MEETINGS AND NOTICES (continued)

6. Designate a Board member representative for the purpose of electing members to the County Committee on School District Organization and other Board representatives as needed.

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

- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
 - 54953 Meetings to be open and public; attendance
 - 54954 Time and place of regular meetings;
 - 54954.1 Mailed notices
 - 54954.2 Agenda posting requirements, board action
 - 54956 Special meetings; call; notice
 - 54956.5 Emergency meetings
- 54961 Prohibition on use of certain facilities

UNITED STATES CODE, TITLE 42

- 12101 – 12213 Americans with Disabilities Act

Bylaws of the Board

MEETINGS AND NOTICES (continued)

Legal Reference (continued):

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective Communications

36.303 Auxiliary aids and services

COURT DECISIONS

Wolfe v. City of Fremont, (2006) 144 Cal.App. 544

216 Sutter Bay Associates v. County of Sutter, (1997) 58 Cal.Ap.4th 860

ATTORNEY GENERAL OPINIONS

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

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

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

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

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

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

WEB SITES

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

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

Bylaw

adopted: July 5, 1990

revised: October 15, 1998

revised: November 12, 2009

WESTMINSTER SCHOOL DISTRICT
Westminster, California

GOVERNMENT CODE 54954 PROVISIONS
REGARDING MEETINGS OUTSIDE DISTRICT BOUNDARIES

Board meetings may be held outside District boundaries only under one or more of the following circumstances:

1. When necessary to comply with state or federal law or court order, or to attend a judicial or administrative proceeding to which the District is a party.
2. To 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. To participate in meetings or discussions of multi-agency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law.
4. To 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. To meet with 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. To 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. To 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. To attend conferences on nonadversarial collective bargaining techniques.
9. To interview residents of another district regarding the Board's potential employment of that district's superintendent.
10. To interview a potential employee from another district.

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communications. (Government Code 54954)

Exhibit

accepted: October 19, 1995

revised: November 2009

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws Of The Board

CLOSED SESSIONS PURPOSES AND AGENDAS

The Governing Board may hold closed sessions only for purposes identified in law. The Board may hold a closed session at any time during a regular or special meeting and during emergency meetings in accordance with the law. (Government Code 54956.5, 54956.7, 54956.2)

(cf. 9320 – Meetings and Notices)

(cf. 9322 – Agenda/Meeting Materials)

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

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

No agendas, notice, announcement, or report required by the *Brown Act* need identify any victim or alleged victim of tortious 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 authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 – Disclosure of Confidential/Privileged Information)

Personnel Matters

The Board may hold closed sessions to consider the appointment, employment, evaluation or performance, discipline or dismissal of an employee. 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)

(cf. 2123 – Evaluation of the Superintendent)

(cf. 4115 – Evaluation/Supervision)

(cf. 4315 – Evaluation/Supervision)

The Board may also hold a closed session to hear complaints or charges brought against an employee or another person, unless the employee requests an open session. Before the Board holds

Bylaws Of The Board**CLOSED SESSIONS PURPOSES AND AGENDAS** (continued)

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 twenty-four (24) hours before the time of the session. (Government Code 54957)

(cf. 13121.1 – Complaints Concerning School Employees)

The Board 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)

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 interviewed. Agenda items related to employee discipline, dismissal or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to *Brown Act* requirements: (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 factfinder 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.

(cf. 4143.1/4243.1 – Public Notice – Personnel Negotiations)

The Board may meet in closed session with the Board's 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

Bylaws Of The Board

CLOSED SESSIONS PURPOSES AND AGENDAS (continued)

funds and funding priorities, but only insofar as they relate to providing instructions to the District's designated representative. (Government Code 54957.6) Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. (Government Code 54957.6)

For represented employees the Board 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, the Board also may meet in closed session with a state conciliator or a mediator who has intervened in negotiations proceedings.

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

Matters Related to Students

The Board 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 48918)

(cf. 5144.1 – Suspension and Expulsion/Due Process)

(cf. 5144.2 – Suspension and Expulsion/due Process Students with Disabilities)

The Board 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 may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

(cf. 5125 – Student Records)

Bylaws Of The Board**CLOSED SESSIONS PURPOSES AND AGENDAS (continued)**

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing," "grade change appeal," or "interdistrict attendance request," 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 disclosure of confidential student record information.

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, county 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 building or to the public's right of access to 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)

(cf. 0450 – Comprehensive Safety Plan)

(cf. 3515 – Campus Security)

(cf. 3516 – Emergencies and Disaster Preparedness Plan)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

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 will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board may meet in closed session with the Board's real property negotiator prior to the purchase, sale, exchange or lease of real property by or for the District in order to give its negotiator the authority regarding the price and terms of the property. (Government Code 54957)

Before holding the closed session, the Board shall hold an open and public session meeting to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom

Bylaws Of The Board**CLOSED SESSIONS PURPOSES AND AGENDAS** (continued)

the negotiator may negotiate. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the District's 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 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's 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 is considered pending when any of the following circumstances exist:

1. Litigation to which the Board is a party has been initiated formally. (Government Code 54956.9 (a))
2. A point has been reached where, in the Board's opinion, based on "existing facts and circumstances" and the advice of legal counsel, or the Board is meeting solely to determine whether, based on existing facts and circumstances, there is a significant exposure to litigation against the District or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9)
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding to initiate litigation. Government Code §54956.9(ac),

"Existing facts and circumstances" authorizing a closed session pursuant to Government Code §54956.9(ab) as described in item #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

Bylaws Of The Board

CLOSED SESSIONS PURPOSES AND AGENDAS (continued)

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 accidents, disasters, incidents or transactional occurrences 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.

(cf. 3320 – Claims and Actions Against the District)

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 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 and the record is available for public inspection. The record does not need to identify an alleged victim or perpetrator unless this identity has already been made public.

Before holding a closed session pursuant to this section, the Board 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(c) the Board 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 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

Bylaws Of The Board

CLOSED SESSIONS PURPOSES AND AGENDAS (continued)

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, Government Code 54956.9(b)(3)(B-E))

Joint Powers Agency Issues/Self-Insurance Liability Claims

The Board may meet in closed session to discuss a claim against a joint powers authority formed for the purpose of insurance pooling or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability.

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)

(cf. 3320 – Claims and Actions Against the District)

(cf. 3530 – Risk Management/Insurance)

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

3540-3549.1 Educational Employment Relations Act

6250-6268 California Public Records Act

54950-549623 *The Ralph M. Brown Act*, especially

COURT DECISIONS

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

Bylaws Of The Board

CLOSED SESSIONS PURPOSES AND AGENDAS (continued)

Legal Reference (continued)

Roberts v. City of Palmdale (1993) 5 Cal. 4th 363 Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 2643 Cal. App. 2d 4

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

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

Bylaw

adopted: July 5, 1990
revised: October 19, 1995
revised: November 12, 2009

WESTMINSTERSCHOOL DISTRICT
Westminster, California

Bylaws Of The Board

CLOSED SESSIONS ACTIONS AND REPORTS

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

(c.f. 9321 – Closed Session Purposes and Agendas)

The Board 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 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, have been exhausted. (Government Code 54957.6)

(cf. 1312.1 – Complaints Concerning School Personnel)

(cf. 2123 – Evaluation of the Superintendent)

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)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

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; 20 USC 1232)

Bylaws of the Board

CLOSED SESSIONS ACTIONS AND REPORTS (continued)

In an expulsion action, the student's name shall not be disclosed, but the cause for the expulsion shall be disclosed in open session.

(cf. 5117 - Interdistrict Attendance)

(cf. 5125 - Student Records; Confidentiality)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board 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 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)

Bylaws of the Board

CLOSED SESSIONS ACTIONS AND REPORTS (continued)

JPA/Self-Insurance Claims

The Board 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)

(cf. 3320 - Claims and Actions against the District)

(cf. 3530 - Risk Management/Insurance)

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

COURT DECISIONS

Kleitman v. Superior Court (1999) 87 Cal. Rptr. 2d 813

ATTORNEY GENERAL OPINIONS

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

Bylaw

adopted: November 12, 2009

(contents formerly included in BB 9321)

WESTMINTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

AGENDA/MEETING MATERIALS

A. Agenda Content

Governing Board Meeting 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)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

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

(cf. 9323 – Meeting Conduct)

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 less than 72 hours before the meeting. (Government Code 54957.5)
4. 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 meeting should contact the Superintendent or designee. (Government Code 54954.2)
5. Notices of special meetings at which action is proposed shall provide an opportunity for the public to address the Board on items on the agenda before action is taken. (Government Code 54954.3)

Agenda Preparation

1. Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least ten working days before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a

Bylaws of the Board**AGENDA/MEETING MATERIALS** (continued)

2. later meeting in order to allow sufficient time for consideration and research of the issue.
3. The Board President and Superintendent shall decide whether the request is or is not within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board 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.
4. The Board President and Superintendent shall decide whether an agenda item is appropriate for discussion in open session or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated. Discussion of the requested agenda item by members of the public is subject to the requirements of relevant Board policies regarding time limitations. In order for the Board to conduct its necessary business, items presented by members of the public for action by the Board, and which have either failed for lack of a motion, lack of a second, or which were defeated by vote of the Board, shall not again be placed on the Board's agenda until at least six months after the Board's consideration of the item. This provision shall apply to substantively similar items, so that topics presented to the Board and either not acted upon or defeated, will not interfere with the Board's ability to address other matters of business.
4. Any Board 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)

(c.f. 9323.2 – Actions by the Board)

5. Any Board member may submit an item for the Board agenda any time before the agenda is posted. Requests must be in writing and submitted to the Superintendent ten (10) working days before the agenda is to be posted. Items submitted less than ten (10) working days before the agenda is to be posted may be postponed to a later meeting.
6. When an item properly posted for a regular meeting is continued to a subsequent meeting, it does not have to be on the agenda of the subsequent meeting if it occurs within five days. The Board shall publicly identify the item before discussing it. (Government Code 54954.2)

Bylaws of the Board

AGENDA/MEETING MATERIALS (continued)

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

(cf. 1312.1 - Complaints Concerning School Personnel)

(cf. 1312.2 - Complaints Concerning Instructional and or Library Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1340 - Access to District Records)

(cf. 3320 - Claims and Actions against the District)

(cf. 5141.1 - Suspension and Expulsion)

(cf. 9323.2 - Actions by the Board)

B. Consent Items

1. In order to promote efficient meetings, the Board 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 discussion is anticipated and for which the Superintendent recommends approval.
2. 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.

(cf. 9200 – Member)

Agenda Dissemination to Board Members

At least three days before each regular meeting a copy of the agenda and agenda packet shall be forwarded to each Board member, including 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 or designee shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

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.

Bylaws of the Board

AGENDA/MEETING MATERIALS (continued)

Agenda Dissemination to Members of the Public

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

(cf. 9320 – Meetings and Notices)

If a document is distributed to the Board 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 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 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)

(cf. 1113 – District and School Web Sites)

(cf. 1340 – Access to District Records)

Any documents prepared by the district or the Board 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)

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

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 for 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, not to exceed the cost of providing the service.

(cf. 9320 – Meetings and Notices)

Bylaws of the Board

AGENDA/MEETING MATERIALS (continued)

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda.

GOVERNMENT CODE

6250-6270 Public Records Act

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; regulations

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

COURT DECISIONS

Caldwell v. Roseville Joint Union HSD, 2007, Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, rev. 2007

Maximizing School Board Leadership: Boardmanship 1996

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office
rev. 2003

CALIFORNIA CITY ATTORNEY PUBLICATIONS

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

WEB SITES

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

Bylaw

adopted: July 5, 1990

revised: May 8, 2008

revised: February 11, 2010

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

MEETING CONDUCT

A. Meeting Procedures

1. 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 to the Ralph M. Brown Act (open meeting requirements) and other designated persons upon request.

The Board president shall conduct Board meetings in accordance with the adopted bylaws of the Board and the Da Capo Press, (Tenth edition, 2000) of *Robert's Rules of Order*, Newly Revised, and procedures that enable the Board to efficiently consider issues and carry out the will of the majority. The Board may suspend the application of *Robert's Rules of Order* or these bylaws, by majority vote at any time. Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

2. 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 no later than 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 may be adjourned to a later date.

B. Quorum

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 5095, 35165)

C. Abstentions

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 because of a conflict of interest or for any other reason, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

D. 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. So as not to inhibit public participation, persons 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. 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:

Bylaws of the Board**MEETING CONDUCT** (continued)

1. The Board shall give members of the public an opportunity to address the Board either before or during the Board's consideration of each item of business to be discussed at regular or special meetings. (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. Additionally, on their own initiative or 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 his/her own activities. Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a 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)
5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits. Individual speakers will be allowed up to three minutes to address the Board during the public comment portion of the agenda and up to three minutes on agenda items. The Board shall limit the total time for public input on each agenda item to 20 minutes, and public comment to 30 minutes. With Board consent, the president may increase or decrease the time allowed for public presentations on agenda or non-agenda items. The 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.

Bylaws of the Board**MEETING CONDUCT** (continued)

6. The Board president may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the president may indicate the time and place when it should be presented. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. In addition, the Board may not prohibit public criticism of district employees. Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The Board president shall also encourage the complainant to file a complaint using the appropriate district complaint procedure.
7. The Board president shall not permit any disturbance or willful interruption of any Board meetings. Persistent disruption by an individual or group, shall be grounds for the president to terminate the privilege of addressing the Board. The Board president may remove disruptive individuals and order the room cleared if necessary; in this case, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9) When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement.

D. Recording by the Public

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

If the Board president 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 president. (Government Code 54953.5, 54953.6)

Legal Reference:**EDUCATION CODE**

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|---------|---|
| 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 |

Bylaws of the Board

MEETING CONDUCT (continued)

GOVERNMENT CODE

- 54953.5 Audio or video tape 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
- 59 Ops. Cal. Att. Gen. (1976) 532
- 61 Ops. Cal. Att. Gen. (1978) 243, 253
- 63 Ops. Cal. Att. Gen. (1980) 215
- 66 Ops. Cal. Att. Gen. (1983) 336, 337
- 76 Ops. Cal. Att. Gen. (1993) 281
- Baca v. Moreno Valley Unified School District, (C.D. Cal. 1996) 936 F.Supp. 719

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revised: October 13, 2016

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Bylaws of the Board

ORDER OF BUSINESS

- I. Call to Order
- II. Closed Session
- III. Call to Order and Pledge of Allegiance
- IV. Oral Presentations
- V. Consent Agenda
- VI. Educational Services
- VII. Human Resources – Certificated
- VIII. Human Resources – Classified
- IX. Business Services
- X. General Functions
- XI. Reports/Comments
- XII. Closed Session
- XIII. Adjournment

Bylaw

adopted: July 5, 1990

revised: February 11, 2010

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaws of the Board

ACTIONS BY THE BOARD

The Governing Board shall take no action outside of a public meeting except on those matters and under those conditions authorized for closed sessions.

(cf. 9321 – Closed Sessions Purposes and Agendas)

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

An action taken by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members.
2. A collective commitment 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 upon a motion, proposal, resolution, order or ordinance.

The Board 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:

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation

(cf. 9320 – Meetings and Notices)

2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a 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.

(cf. 9322 – Agenda/Meeting Materials)

Bylaws of the Board

ACTIONS BY THE BOARD (continued)

The Board 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.

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

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 – Minutes and Recordings)

Actions requiring a two-thirds vote of the Board:

1. Resolution declaring intention to sell or lease real property. (Education Code 17466)

(cf. 3280 – Sale, Lease, Rental of District-Owned Real Property)

2. Resolution declaring intent of Governing Board to convey or dedicate property to the state or any political subdivision for the purpose 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 sub-division (Education Code 17559).
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)

(cf. 7131 – Relations with Local Agencies)

(cf. 7150 – Site Selection and Development)

Bylaws of the Board**ACTIONS BY THE BOARD** (continued)

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. For K-8 districts (and no higher) seeking to add a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. For K-8 districts desiring to operate a community day school on an existing school site to serve grades K-6 (and no higher), certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
10. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)
11. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)
12. Resolution to place a parcel tax on the ballot (Government Code 53724)
13. Resolution of necessity to proceed with an eminent domain action and if the Board 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 1245.250, 1245.2450)

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 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)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

Bylaws of the Board

ACTIONS BY THE BOARD (continued)

Actions requiring a four-fifths vote of the Board 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)

(cf. 3110 - Transfer of Funds)

2. Resolution adopted between July 15 and August 30, to borrow funds of up to twenty-five, 25%, of the estimated income and revenue to be received by the district during the current fiscal year from apportionments based on average daily attendance (ADA) for the preceding year. (Government Code 53822-53824)

Actions requiring a unanimous vote of the Board include:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas. (Education Code 17510-17511)

(cf. 3311 – Bids)

2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Actions requiring a unanimous vote of the Board members present at the meeting:

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)

(cf. 3270 – Sale and Disposal of Books, Equipment and Supplies) Challenging Board Actions

Any demand by the district attorney's office or any interested person to correct a Board action shall be presented to the Board in writing within ninety (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

Bylaws of the Board

ACTIONS BY THE BOARD (continued)

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 thirty (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 thirty (30) days of receiving the demand, the Board shall “cure or correct” the challenged action and inform the demanding party in writing of its decision to cure or correct. If the Board 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 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 non-district purposes
- 17510-17511 Resolution requiring unanimous vote of all members constituting board
- 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
- 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

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ACTIONS BY THE BOARD (continued)

- 35165 Vacancies, effect on majority and unanimous vote
- 48660 Establishment of community day schools
- 48661 School site restrictions for community day schools

CODE OF CIVIL PROCEDURE

- 1245.240 Eminent domain vote requirement
- 1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

- 53094 Authority to render zoning ordinance inapplicable
- 53097 Compliance with ordinances
- 53097.3 Charter school ordinances
- 53724 Parcel tax resolution requirements
- 53790-53792 Exceeding the budget
- 53790-53733 Temporary borrowing
- 53821 Temporary borrowing; action requiring a two-thirds vote
- 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
- 54953.5 Right to record proceedings; conditions
- 54954.2 Agenda posting requirements; board actions
- 54954.5 Closed Session item description
- 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 Cost 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.4th 672
- Boyle v. city of Redondo Beach, (1999) 70 Cal. App. 4th 1109

Bylaws of the Board

ACTIONS BY THE BOARD (continued)

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

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WESTMINSTER SCHOOL DISTRICT
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Bylaws of the Board

MINUTES AND RECORDINGS

The Governing Board recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by district staff and the public. Accurate minutes also help foster public trust that Board actions are occurring in public in accordance with law.

(cf. 9000 – Role of the Board)

(cf. 9005 – Governance Standards)

(cf. 9323 – Meeting Conduct)

The secretary of the Governing Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request. (Education Code 35145, 35163)

(cf. 1340 – Access to District Records)

(cf. 9323.2 – Actions by the Board)

The Superintendent or designee shall distribute a copy of the “unapproved” minutes of the previous meeting(s) with the agenda for the next regular meeting. At the next meeting, the Board shall approve the minutes as circulated or with necessary amendments.

Upon approval, the official minutes shall be signed by the Board clerk or the presiding officer of the meeting.

In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion, the names of members who made and seconded the motion, the individual votes of each member, unless the action was unanimous. When a roll call vote is taken, the names and votes of each member shall be listed. 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 resolutions shall be numbered consecutively from the beginning of each fiscal year.

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

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MINUTES AND RECORDINGS (continued)

The minutes shall record which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

(cf. 9250 – Remuneration, Reimbursement and Other Benefits)

Official Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

(cf. 3580 – District Records)

Any minutes or recordings kept for Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. All recordings, tapes, or discs shall be kept in a fire-proof location. (Government Code 54957.2)

Recording or Broadcasting of Meetings

(cf. 9321.1 - Closed Sessions Actions and Reports)

The district may tape, film, or broadcast any open Board meeting. The Board president shall announce that a recording or broadcasting is being made at the beginning of the meeting and, as practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any district recording may be erased or destroyed 30 days after the meeting. Recordings made during a meeting are public records and, upon request, shall be made available for inspection by members of the public on a district recorder without charge. (Government Code 54953.5)

Legal Reference (next page):

Bylaws of the Board

MINUTES AND RECORDINGS (continued)

Legal Reference:

EDUCATION CODE

- 35145 Public meetings
- 35163 Official actions, minutes and journals
- 35164 Vote requirements

GOVERNMENT CODE

- 54953.5 Audio or video recording of proceedings
- 54953.6 Broadcasting of proceedings
- 54957.2 Closed sessions; clerk; minute book
- 54960 Violations and remedies

PENAL CODE

- 632 Unlawful to intentionally record a confidential communication without consent of all parties to the communication

CODE OF REGULATIONS, TITLE 5

- 16020-16207 Classification and retention of records

Management Resources:

CSBA PUBLICATIONS

- The Brown Act: School Boards and Open Meeting Laws, rev. 2007
- Guide to Effective Meetings, rev. 2007
- Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

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WESTMINSTER SCHOOL DISTRICT

Westminster, California

Board Bylaws

BOARD SELF-EVALUATION

The Governing Board shall annually conduct a self-evaluation in order to demonstrate accountability to the community and ensure that district governance effectively supports student achievement and the attainment of the district's vision and goals.

(cf. 2123 – Evaluation of the Superintendent)

The evaluation may address any areas of Board responsibility, including but not limited to Board performance in relation to vision setting, curriculum, personnel, finance, policy, collective bargaining and community relations. The evaluation also may address objectives related to Board meeting operations, relationships among Board members, relationship with the Superintendent, understanding of Board and Superintendent roles and responsibilities, communication skills, or other boardmanship skills.

(cf. 9000 – Role of the Board)

(cf. 9005 – Governance Standards)

The Board shall be evaluated as a whole. Individual Board members also are encouraged to use the evaluation process as an opportunity to privately assess their own personal performance.

Each year the Board, with assistance from the Superintendent, shall determine an evaluation method or instrument that measures a reasonable number of previously-identified performance objectives. Videotape of a Board meeting may be used as an evaluation tool only with the consent of all Board members.

Any discussion of the Board's self-evaluation shall be conducted in open session. At the requests of the Board, a facilitator may be used to assist with the evaluation process. The Board may invite the superintendent or others to provide input into the evaluation process.

Following the evaluation, the Board shall develop strategies for strengthening Board performance and shall establish priorities and objectives for the following year's evaluation.

(cf. 9230 – Orientation)

(cf. 9240 – Board Development)

Legal Reference: (see next page)

Board Bylaws

BOARD SELF-EVALUATION (continued)

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>

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WESTMINSTER SCHOOL DISTRICT

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