CLOVIS UNIFIED SCHOOL DISTRICT

BOARD BYLAWS
BOARD MEETINGS AND NOTICES

PURPOSE: To set forth provisions regarding meetings of the Board and notices related thereto.

Meetings of the Board are conducted for the purpose of accomplishing District business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such 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. All meetings shall be conducted in accordance with law and the Board's bylaws and policies, and administrative regulations.

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

A majority of the Board shall not, outside of an authorized meeting, use a series of 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. However, an employee or District official may engage in separate conversations with Board members to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or District official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

To help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

A. Regular Meetings

The Board normally meets twice monthly on the second and fourth Wednesday of each month, public session commencing at 6:30 p.m. Unless specified elsewhere, the meeting place shall be the Boardroom of the Clovis Unified School District, located at 1680 David E. Cook Way, Clovis, California.

The agenda and notice of a regular meeting shall be prepared and disseminated in accordance with Board Bylaw 9322 – Board Agenda/Meeting Materials.

B. Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, Deputy Superintendent, Associate

Superintendent, Assistant Superintendent, or other management employees as described in Government Code section 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the District's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (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. (Government Code 54954.3)

C. Adjourned/Continued Meetings

A majority vote by the Board may adjourn/continue any regular or 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 adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

D. Emergency Meetings

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 and/or 24-hour posting requirement for special meetings pursuant to Government Code section 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation is as defined in Government Code section 54956.5.

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. All telephone numbers provided by the media in the most

recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose 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)

The minutes of the meeting, a list of persons the Board 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 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

E. Order of Business at Regular and Adjourned Meetings

An invocation may be held prior to the start of the Board meeting. Attendance during and participation in the invocation are optional and voluntary. No students, parents, members of the public, Board members, student board member, or employees are required to attend or participate in the invocation.

The President, upon taking the chair, shall call the members to order on the appearance of a quorum of four. The order of business may include the following in such order as set forth in each agenda adopted by the Board:

1. Call to Order
2. Roll Call
3. Closed Session
4. Reconvene for Public Session
5. Pledge of Allegiance to Flag
6. Adoption of Agenda
7. Approval of Minutes
8. Superintendent's Report
9. Recognition of Visitors
10. Closed Session Motions
11. Student Report

12. Special Presentations/Awards

13. Public Presentations

14. Public Hearings

15. Staff Reports

16. Consent Agenda

    The Superintendent shall prepare the agenda and recommend to the Board those items which the Superintendent believes require only perfunctory action. This portion of the agenda will be entitled "Consent Agenda."

    The Board president shall request adoption of the Consent Agenda and, unless a Board member objects, the adoption of the Consent Agenda will be made by a single motion.

17. Action

    Items typically appear for vote by the Board after first being seen at an earlier meeting under the Information portion of an agenda in order to provide the Board additional opportunity for questions and/or discussion.

18. Information

    No vote is taken on items appearing under Information.

19. Board Member Reports

20. Adjournment

F. News Coverage

Notification of regular, adjourned, special and cancelled regular meetings shall be sent, if requested, to each local newspaper of general circulation and radio or television station by mail at least 24 hours before the specified date and time of meeting.

G. 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.

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Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within District boundaries. Action items shall not be included on the agenda for these meetings.

H. Other Gatherings

Attendance by a majority of Board members at any of the events set forth in Government Code section 54952.2 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)

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

I. Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code section 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within District boundaries, except as provided in Government Code section 54954.

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 communication. (Government Code 54954)

J. 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 54953)

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. (Government Code 54953)

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

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 54953)

All teleconference locations shall be accessible to the public. 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. (Government Code 54953)

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 teleconference location.

Adopted: 07/23/1975
Reviewed: 01/12/2006, 04/23/2007
Amended: 11/10/1976, 06/28/1978, 12/12/1979, 07/26/1989, 11/19/1990, 01/09/1991, 02/27/1991, 10/09/1991, 05/13/1992, 08/12/1992, 09/14/1995, 11/25/1996, 11/15/2000, 07/11/2001, 11/19/2003, 01/25/2012, 01/29/2014, 09/24/2014, 06/17/2015, 02/08/2017, 01/17/2018, 10/10/2018, 07/17/2019, 09/23/2020 (BP 1101 renumbered as BB 9320)

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
3511.1 Local agency executives
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
54954.2 Agenda posting requirements, board actions
54956 Special meetings; call; notice
54956.5 Emergency meetings

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

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

ATTORNEY GENERAL OPINIONS
88 Ops.Cal.Atty.Gen. 218 (2005)
84 Ops.Cal.Atty.Gen. 181 (2001)
84 Ops.Cal.Atty.Gen. 30 (2001)
79 Ops.Cal.Atty.Gen. 69 (1996)
78 Ops.Cal.Atty.Gen. 327 (1995)

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