

Santa Barbara Unified School District

Board Bylaw

Board Bylaws

BB 9323

MEETING CONDUCT

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Board members and to other persons upon request.

(cf. 9322 - Agenda/Meeting Materials)

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority, while ensuring full airing of dissenting views and opportunity for Board members to make motions under the rules.

(cf. 9121 - President)

Under Board Bylaws, Robert's Rules of Order (Revised) normally guides the conduct of Board meetings. Such rules are intended to apply to Board member deliberation and may not be invoked by other persons.

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. No regular Board agenda item shall be scheduled to commence after 10:00 p.m. unless approved by the Board President.

(cf. 9320 - Meetings and Notices)

Quorum

A majority of the number of filled positions on the Board constitutes a quorum.
(Education Code 5095, 35165)

Unless otherwise provided by law, affirmative votes by a majority of all the membership of the Board are required to approve any action under consideration, regardless of the number of members present.
(Education code 35164)

(cf. 9323.2 - Actions by the Board)

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, his/her abstention shall be considered to concur with the action taken by the majority of those who vote, whether affirmatively or negatively.

(cf. 9270 - Conflict of Interest)

Public Participation

All meetings of the Board shall be open to the public, except for closed sessions authorized by law. It is the intent of the Board to maintain full compliance with the provisions of the Brown Act (Open Public Meeting Law) at all times.

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.

Members of the public are encouraged to address the Governing Board. To facilitate public participation, efforts shall be made to provide translators for persons addressing the board in language other than English. A brief description of this policy, both in English and Spanish, will be made available at all Board meetings.

Decorum

Members of the public are requested to use common courtesy and honor requests from the Board president so that the Board's business can be timely completed.

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

1. The Board shall give members of the public an opportunity to address the Board 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, members of the public may bring before the Board, at a regular meeting, matters that are not listed on the agenda. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action at that time except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board. (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. (Government Code 54954.2)

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)

(cf. 9130 - Board Committees)

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 are generally allowed three minutes to address the Board on each agenda or non-agenda item. The time may be reduced by the Board president. When a speaker wishes to

comment on multiple items, his/her time may be limited so as not to interfere with the timely completion of the Board's business, and in no event shall a speaker be allowed to speak to more than three agenda items at a single meeting, excluding public comments before closed session and excluding statutory public hearings at a single meeting. Since items on the Consent Agenda are considered in a single board action, comments from a single speaker on multiple items on the Consent Agenda are limited to a total of three minutes. The Board shall limit the total time for public comments on each item to 20 minutes. However, with Board consent, the president may increase or decrease the total time allowed for public comment on any item, and the time allowed for individual comments, depending on the number of persons wishing to be heard. Speakers may not give time to other speakers. 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.

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. (Government Code 54954.3) 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 may 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.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the board president or chair to terminate the privilege of addressing the Board. The Board may remove disruptive individuals and order the room cleared if necessary; in this case, members of the media not participating in the disturbance shall be allowed to remain, and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

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.

(cf. 9324 - Minutes and Recordings)

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

Legal Reference:

EDUCATION CODE

- 5095 *Powers of remaining board members and new appointees*
- 32210 *Willful disturbance of public school or meeting a misdemeanor*
- 35010 *Prescription and enforcement of rules*
- 35145.5 *Agenda; public participation; regulations*
- 35163 *Official actions, minutes and journal*
- 35164 *Vote requirements*
- 35165 *Effect of vacancies upon majority and unanimous votes by seven member board*

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*

COURT DECISIONS

Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

- 76 *Ops.Cal.Atty.Gen. 281 (1993)*
- 66 *Ops.Cal.Atty.Gen. 336 (1983)*
- 63 *Ops.Cal.Atty.Gen. 215 (1980)*
- 61 *Ops.Cal.Atty.Gen. 243, 253 (1978)*
- 59 *Ops.Cal.Atty.Gen. 532 (1976)*

SANTA BARBARA UNIFIED SCHOOL DISTRICT

Santa Barbara, California June 26, 2007; November 3, 2009; September 14, 2010