

MEETINGS AND NOTICES

Meetings of the Board of Trustees are conducted for the purpose of accomplishing District business. In accordance with ~~state-~~applicable 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-~~ the opportunity for questions and comments by members of the public to directly address the Board. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board or District. (Government Code 54952.2)

In accordance with law and as specified in Board Bylaw 9012 – Board Member Electronic Communications, a majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, ~~an employee-~~ the Superintendent or ~~District official-~~ designee may engage in separate conversations or communications with Board members in order 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)

In order 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. Any doubt about a request for accommodation shall be resolved in favor of accessibility. ~~(Government Code 54953, 54953.2, 54954.1, 54954.2)~~ Notice of the procedure for receiving and resolving such requests for accommodation ~~described above~~ shall be given in each instance in which notice of the time of a meeting is otherwise given, or the agenda for the meeting is otherwise posted. (Government Code 54953. 54953.2, 54954.1, 54954.2)

Regular Meetings

Unless otherwise determined by the Board, ~~The~~ Board shall hold at least one regular meeting each month, starting ~~except where noted at the Annual Organizational Meeting held every December.~~ ~~Regular meetings shall be held at 4:30 p.m. on the specified Tuesday of the month at the Educational Support Facility, 350. W. Brookside Avenue, Beaumont, CA 92223.~~

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 and on the District's website. (Government Code 54954.2)

~~Whenever~~ Consistent with Government Code 54957.5 and Board Bylaw 9322 – Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular meeting are

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distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose, ~~or~~ The records shall be posted on the District web site, consistent with Government Code 54957.5, website at the time the materials are distributed to all or a majority of the Board- (~~Government Code 54957.5~~) if distributed outside of business hours.

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~~ on any topic within the salary, salary schedule, or other compensation subject matter jurisdiction of the Superintendent, assistant superintendent, or other management employee Board unless otherwise prohibited by law or as described specified in Government Code 3511.1. BB 9323.2 – Actions by the Board. (Government Code 54956)

~~Written~~ At least 24 hours before the time of the meeting, 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 ~~website.~~ The notice shall be received website, and, 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 location 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. (Education Code 35144; 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)

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 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

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

- ~~1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board~~
- ~~2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one hour notice before holding an emergency meeting may~~

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~~endanger the public health and/or safety as determined by a majority of the members of the Board~~

The Board may meet in closed session during emergency meetings so long as two-thirds of the members present at the meeting agree or, if less than two-thirds of the members are present, by unanimous vote of the members present. (Government Code 54956.5)

The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 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 shall 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 ten days in a public place as soon after the meeting as possible. (Government Code 54956.5)

An emergency means a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

A dire emergency means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn/continue such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and place 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)

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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. ~~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.~~ Any such meeting. All such meetings shall, regardless of title or topic, shall be held as a regular or special meeting, as appropriate, and 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~~ all other requirements for these regular or special meetings. (Government Code 54956)

Other Gatherings

Attendance by a majority of Board 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 open to the public that involves a discussion of issues of general interest to the public or to school board members
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. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board established pursuant to Board Bylaw 9130 – Board Committees, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person that are not subject to part of a series of communications prohibited by the Brown Act: Are permitted. (Government Code 54952.2)

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 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 to do any of the following: (Government Code 54954)~~

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Unless the Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the District is a party
2. 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. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law.
4. 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. Meet with elected or appointed 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. Meet in or near a facility owned by the District but located outside the District, provided the meeting agenda is limited to items directly related to that facility
7. 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. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another District regarding the Board's potential employment of an applicant for Superintendent of the District
10. Interview a potential employee from another District

~~Meetings exempted from the boundary requirements, as specified in items #1-10 above~~ All meetings, regardless of location, shall still be subject to comply with the applicable notice and open meeting requirements, for regular and special meetings when a quorum of ~~Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the Board attends the meeting.~~ basis of ancestry or any characteristic listed in Government Code 11135, 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)

If a fire, flood, earthquake, or other emergency renders the ~~posted~~ regular or special meeting place location unsafe, ~~meetings and the deadline for posting the location has passed, the meeting shall be held for the duration of the emergency at a place~~ location designated by the Board president or designee, who shall so inform all news media who have requested notice of ~~special~~ meetings

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pursuant to Government Code 54956 by the most rapid available means of communication. (Government Code 54954)

Traditional Teleconferencing

A Board member may participate in any meeting by teleconference, is a meeting of the Board in which Board members are in different locations, connected by electronic means through which includes both audio and/or video. audio so long as the following conditions are met: (Government Code 54953)

All teleconference meetings shall be

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board. (Government Code 54953) legislative body of a local agency

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)

3. The location of the Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the Board member participating by teleconference, at may hear/listen to the meeting to the same extent as the Board member participating by teleconference, and may make public comment during the same portion of the agenda as others members of the public from the same location as the Board member participating by teleconference
4. The location of the Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting
5. During the teleconference, atAt least a quorum of the members of the Board shall participate from locations is within the District boundaries. (Government Code 54953)

Unless a Board member participates by teleconference pursuant to the provisions described in the sections "Teleconference During a Personal Emergency," "Teleconferencing For Just Cause," or "Teleconferencing During a Proclaimed State of Emergency" below, agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere.

All teleconference locations shall be accessible to the public, and the public shall have the right to address the Board directly at each teleconference location. Additional teleconference locations may be provided to the public. (Government Code 54953)

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Teleconferencing During a Personal Emergency**Teleconferencing by Individual Bard Member Due to Just Cause**

Until January 1, 2026, ~~with approval from~~ when there is “just cause” preventing a Board member from attending a Board meeting in person, that Board member may participate in that meeting by teleconference without: (Government Code 54953)

- ~~1. Including the majority location of the Board, a Board member may be permitted to participate in a meeting remotely when a physical or family medical emergency prevents the Board member from attending in person. The Board member requesting to appear remotely shall notify the Board~~ member participating by teleconference in the agenda
- ~~2. Making the location of the emergency situation as soon as possible Board member participating by teleconference open and provide a concise accessible to the public general description of the circumstances relating to the Board member’s need to appear remotely. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)~~
- ~~3. Posting the agenda at the location of the Board member participating by teleconference~~

~~A Board member may not appear remotely under emergency circumstances for more than 20 percent of the Board’s regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely under emergency circumstances for more than two meetings. (Government Code 54953)~~

A Board member needing to participate by teleconference for just cause shall notify the Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. (Government Code 54953)

~~4. When a Board member is approved to participate remotely due to emergency circumstances, the Board member is not required to participate from a location which is accessible to the public, and the location does not need to be identified on the agenda. (Government Code 54953)~~

- ~~1. For the Board member to participate by teleconference under this section, all of the following are required: (Government Code 54953) All votes taken during the meeting are by rollcall~~
- ~~2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda~~
- ~~3. If permitted to participate remotely, the~~ The Board member shall utilize participating by teleconference utilizes both audio and visual technology and publicly disclose, before any action is taken, whether to participate in the meeting

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4. The Board member participating by teleconference publicly discloses, before any other individuals action is taken, whether any individual 18 years of age or older are is present in the remote location with at the Board member member's location and the general nature of the member's relationship with such individuals. ~~(Government Code 54953)~~

5. ~~The District shall also provide public~~ is able to access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the ~~remote platform as well as~~ or service, in person, and the addition to public shall be able to offer comment being available in person

The platform or service may require member of the public to register in order to make public comments in real time so long as the platform or service is not controlled by the District.

6. ~~The agenda shall include~~ for the meeting includes information describing how members of the public can access the platform or service. ~~(Government Code 54953)~~

~~If a disruption prevents broadcasting the meeting to members of the public using the call in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored.~~ (Government Code 54953)

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

Teleconferencing for "Just Cause"

~~Until January 1, 2026, a Board member may be permitted to appear remotely, pursuant to the provisions below,~~ A Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. ~~A Board member appearing for just cause shall notify the Board at the earliest possible opportunity of the need to participate in the meeting remotely, including at the start of a regular meeting.~~ (Government Code 54953)

~~Just Cause~~ For the purpose of this section "just cause" may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely
2. A contagious illness prevents a Board member from attending in person

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3. A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency

~~When a Board member participates remotely for just cause, the Board member is not required to participate from a location which is accessible to the public, and the location does not need to be identified on the agenda. (Government Code 54953)~~

~~If the Board member participates remotely, the Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the Board member and the general nature of the member's relationship with such individuals. (Government Code 54953)~~

~~The District shall also provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person, and the public shall be able to offer comments in real time. The agenda shall include information describing how members of the public can access the platform. (Government Code 54953)~~

~~If a disruption prevents broadcasting the meeting to members of the public using the call in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)~~

Teleconferencing During a Proclaimed State of Emergency

~~Until January 1, 2024, the Board may conduct Board meetings by teleconference without posting agendas at all teleconference locations, identifying teleconference locations in meeting notices and agendas, allowing public access to each teleconference location, providing an opportunity for members of the public to address the Board directly at each teleconference location, and ensuring that at least a quorum of the Board participate from locations within district boundaries during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)~~

1. ~~State or local officials have imposed or recommended measures to promote social distancing~~
2. ~~For the purpose of determining, by majority vote, whether as the result of the emergency meeting in person would present imminent risks to the health or safety of attendees~~
3. ~~When it has been determined, by majority vote as described in Item #2 above, that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees~~

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~~To conduct a teleconference meeting for these purposes, the following requirements shall be satisfied: (Government Code 54953)~~

- ~~1. The notice and agenda shall be given and posted as otherwise required by the Brown Act~~
- ~~2. The notice and agenda of the meeting shall specify the means by which members of the public may access the meeting and offer public comments, including via a call-in or internet based service option.

—Members of the public may be required to register to log in to a meeting when making public comments through an internet website or other online platform that is operated by a third party and not under the control of the Board.~~
- ~~3. Members of the public shall be allowed to access the meeting, and the agenda shall provide an opportunity for members of the public to address the Board directly pursuant to Government Code 54954.3~~
- ~~4. Members of the public shall not be required to submit public comments in advance of a Board meeting and shall be provided an opportunity to address the Board and offer comments in real time~~
- ~~5. Public comment periods shall not be closed until the timed public comment period, if such is offered by the Board, has elapsed or, if not timed, until a reasonable amount of time per agenda item has been allowed~~
- ~~6. If during a Board meeting, a disruption occurs which prevents the District from broadcasting the meeting to members of the public using the call-in option or internet based service option, or in the event of a disruption within the District's control that prevents members of the public from offering public comments, the Board shall take no further action on any agenda item until public access via the call-in or internet based service option to the meeting is restored~~

~~The District may, in its discretion, provide a physical location from which the public may attend or comment. (Government Code 54953)~~

~~The Board may continue to conduct meetings by teleconference, as specified above for teleconferencing during proclaimed states of emergency, by a majority vote finding within 30 days after teleconferencing for the first time and every 30 days thereafter, that either: (Government Code 54953)~~

- ~~1. The state of emergency continues to directly impact the ability of the Board to meet safely in person~~
- ~~2. State or local officials continue to impose or recommend measures to promote social distancing~~

MEETINGS AND NOTICES**Teleconferencing by Individual Board Member Due to Emergency Circumstances**

Until January 1, 2026, when a physical or family medical emergency would prevent a Board member from attending a Board meeting in person, that Board member may request to participate in such meeting by teleconference. The Board member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

If the request is received timely, it shall be added to the agenda as the first item of business at the meeting, even before any closed session items. If the request is not received timely, it shall be taken up by the Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the Board. (Government Code 54953, 54954.2)

If the request is granted by the Board, the Board member may participate by teleconference without: (Government Code 54953)

1. Including the location of the Board member participating by teleconference in the agenda
2. Making the location of the Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the Board member participating by teleconference

For the Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda
3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting
4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual
5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district.

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6. The agenda for the meeting includes information describing how members of the public can access the platform or service

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)

In total, a Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less than 10 times in a calendar year, a Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)

Teleconference Meetings During a Proclaimed State of Emergency

The Board may conduct a Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

The Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953):

1. Including the location of the Board members in the agenda
2. Making the locations of Board members open and accessible to the public
3. Posting the agenda at the locations of Board members

For the Board to hold such meeting, all of the following are required: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The public is able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service. If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district.
3. The agenda for the meeting includes information describing how members of the public can access the platform or service

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If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

For any public comment period with a time limit, the Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)

The Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the Board to meet safely in person. (Government Code 54953)

Legal Reference: (see next page)

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

STATE REFERENCES**DESCRIPTION**

Ed. Code 35140	Time and place of meetings
Ed. Code 35143	Annual organizational meetings; date and notice
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35146	Closed sessions; student matters
Ed. Code 35147	Open meeting laws exceptions
Gov. Code 11135	Prohibition of discrimination
Gov. Code 3511.1	Local agency executives
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent
Gov. Code 54954	Time and place of regular meetings
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54956	Special meetings
Gov. Code 54956.5	Emergency meetings
Gov. Code 6252-6270	California Public Records Act
Gov. Code 7920.000 - 7930.170	California Public Records Act
Gov. Code 8625-8629	California Emergency Services Act

Federal**Description**

28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability,; public accommodations, auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act

Management Resources**Description**

Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 69 (1996)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 181 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 30 (2001)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 218 (2005)

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Attorney General Opinion	84 Ops.Cal.Atty.Gen. 30 (2001)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 218 (2005)
Court Decision	Knight First Amendment Institute at Columbia University v. Trump, (2019) 928 F.3d 226
Court Decision	Garnier v. Poway Unified School District, (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
Court Decision	Wolfe v. City of Fremont, (2006) 144 Cal.App. 4th 533
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Institute for Local Government Publication	The ABCs of Open Government Laws, 2015
League of California Cities Publication	Open and Public V: A Guide to the Ralph M. Brown Act, 2016
Website	<u>CSBA District and County Office of Education Legal Services</u> – https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	<u>CSBA, GAMUT Meetings</u> – https://simbli.eboardsolutions.com/SU/HcQqDq1qgLwgU1m5iwomVA==
Website	<u>Institute for Local Government</u> – https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpTfmA==
Website	<u>League of California Cities</u> - https://simbli.eboardsolutions.com/SU/TUf8jshHeiQslshKJpHe2qEtug==
Website	<u>California Attorney General's Office</u> – https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	<u>CSBA</u> – https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References**Description**

0410	Nondiscrimination In District Programs And Activities
0420.4	Charter School Authorization
0420.43	Charter School Revocation

MEETINGS AND NOTICES

0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
1113	District And School Web Sites
1113-E(1)	District And School Web Sites
1160	Political Processes
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1330	Use Of School Facilities
1330	Use Of School Facilities
1340	Access To District Records
1340	Access To District Records
1431	Waivers
2000	Concepts And Roles
2111	Superintendent Governance Standards
2121	Superintendent's Contract
2210	Administrative Discretion Regarding Board Policy
3100	Budget
3100	Budget
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3311	Bids
3311	Bids
3312	Contracts
3314	Payment For Goods And Services
3314	Payment For Goods And Services
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
4117.14	Postretirement Employment
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4312.1	Contracts
4317.14	Postretirement Employment
6112	School Day
6112	School Day
6117	Year-Round Schedules
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
7150	Site Selection And Development
7150	Site Selection And Development
7214	General Obligation Bonds
7214	General Obligation Bonds
7310	Naming Of Facility
9000	Role Of The Board
9005	Governance Standards

MEETINGS AND NOTICES

9012	Board Member Electronic Communications
9100	Organization
9121	President
9130	Board Committees
9140	Board Representatives
9220	Governing Board Elections
9230	Orientation
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9323.2	Actions By The Board
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9323.2-E(2)	Actions By The Board
9324	Minutes And Recordings
9400	Board Self-Evaluation

CLOSED SESSION

The Board of Trustees is committed to complying with state open meeting laws and modeling transparency in its conduct of District business. The Board shall hold a closed session during a regular, special, or emergency meeting only for purposes authorized by law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law and ~~specified below~~ provided in the accompanying Exhibit (1). (Education Code 35145, (Government Code 54954.2), 54954.5, 54957)

(cf. 9320—Meetings and Notices)

(cf. 9322—Agenda/Meeting Materials)

In the open session preceding the closed session, the Board shall disclose the items to be discussed in closed session: as specified in this bylaw. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. In the closed session, the Board may consider only those ~~matters~~ items covered in its statement. (Government Code 54957, 54957.7)

After the closed session, the Board shall reconvene in open session before adjourning the meeting and when applicable, shall publicly disclose any ~~action~~ actions taken in the closed session, the votes or abstentions thereon, and other disclosures ~~as specified below that are applicable to the matter being addressed in this bylaw.~~ Such reports may be made in writing or orally at the location announced in the agenda for the closed session: as required by law and provided in the accompanying Exhibit (2). (Education Code 32281; Government Code 54957.1, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document, such as a contract or settlement agreement, that becomes public upon such approval or adoption, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary ~~retyping is~~ changes to the document are completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

Confidentiality

A Board member shall not disclose confidential information received in closed session unless the Board authorizes the disclosure of that information: Or the information has been publicly reported by the District. (Government Code 54963)

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

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of

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the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

Personnel Matters: Appointment, Employment, Performance Evaluation, or Discipline/Dismissal/Release

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, performance evaluation, discipline, ~~or dismissal~~, or change in employment status of an employee. Such a closed session 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, 54957.1)

(cf. 2140 - Evaluation of the Superintendent) (cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action) (cf. 4215 - Evaluation/Supervision)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action) (cf. 4315 - Evaluation/Supervision)

Personnel Matters: Specific Complaints or Charges

The Board may ~~also~~ hold a closed session to hear complaints or charges brought against an employee ~~by another person or employee~~, unless the employee who is the subject of the complaint requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the Superintendent or designee shall ensure that the employee ~~shall receive~~ receives written notice of the right to have the complaints or charges heard in open session, ~~if desired~~. This notice shall be delivered personally or by mail at least 24 hours before the time of the closed session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees) (cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Personnel Matters: Application for Early Withdrawal of Funds in Deferred Compensation Plan

The Board may hold a closed session to discuss an 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)

Negotiations/Collective Bargaining

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

~~After the closed session, the Board shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee and shall identify the title of the affected position. The report shall be given at the public meeting during which the closed session is held, except that 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 54957.1)~~

(cf. 4117.7/4317.7 - Employment Status Reports)

CLOSED SESSION~~Negotiations/Collective Bargaining~~

~~Unless otherwise agreed upon by the parties involved, the following shall not be subject to the open meeting requirements of the Brown Act: (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. 4140/4240/4340 Bargaining Units) (cf. 4143/4243 Negotiations/Consultation)
(cf. 4143.1/4243.1 Public Notice Personnel Negotiations)~~

~~The Board may meet in closed session, prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees, The Board may meet in closed session to review the Board's position and/or instruct its designated representative(s) regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees and for represented employees, any other matter within the statutorily provided scope of representation. ~~Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose A closed session regarding salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussions of the District's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. Final action on the proposed compensation of one or more unrepresented employee shall not be taken in closed session. (Government Code 54957.6)~~~~

~~(cf. 2121 Superintendent's Contract)~~

The Board also may meet in closed session with a state conciliator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

~~Agenda items related to negotiations shall specify the name(s) 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)~~

~~Approval Pursuant to Government Code 54957.1, approval in closed session of an agreement regarding labor negotiations with represented employees pursuant to Government Code 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify However, the item approved and the other party or parties to the negotiation. Board may, at its sole discretion, vote on such an agreement in open session (Government Code~~

CLOSED SESSION

54957.1)

Pursuant to Government Code 3549.1, the Board may, without following the requirements of the Brown Act, meet in closed session exclusively for the purpose of discussing its position regarding any matter within the scope of representation or for the purpose of instructing its designated representatives. The Board shall not discuss any other item at any such closed session. (Government Code 3549.1)

Matters Related to Students

If a public hearing would lead to the disclosure of confidential student information such as grades or discipline information, the Board shall meet in closed session to consider a suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record. ~~If a written request for open session is received from the parent/guardian or adult student~~ At least 72 hours prior to the start of the meeting of which the closed session is a part, the Superintendent or designee, on behalf of the Board, shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent/guardian of the intent of the Board to hear the item in closed session. If a written request for open session is received from the student or the student's parents/guardians within 48 hours of receiving the notice, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any other student ~~other than the student requesting the public meeting shall be~~ remain in closed session. (Education Code 35146, 48912, 49070)

~~(cf. 5117—Interdistrict Attendance)~~

~~(cf. 5119—Students Expelled from Other Districts) (cf. 5125.3—Challenging Student Records)~~

~~(cf. 5144—Discipline)~~

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

~~Final action on a student matter deliberated in closed session shall be taken in open session and shall be a matter of public record. (Education Code 35146, 48918)~~

~~(cf. 5125—Student Records)~~

In order to protect student privacy rights provided in 20 USC 1232g or other applicable laws, the identity of a student shall not be listed in the agenda and, unless the item is heard in open session, shall not be included in any report after closed session. Additionally, a student matter shall be listed in the open session portion of the agenda with the same description and numbering system as it was on the closed session portion of the agenda

Security Matters

The Board may meet in closed session with the Governor, Attorney General, ~~District attorney~~

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District Attorney, District legal 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 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. Such discussions may be held in closed session during an emergency meeting called pursuant to ~~Government Code 54956.5~~ if agreed to by a two-thirds vote of the Board members present, or, if less than two thirds of the members are present, by a unanimous vote of the members present. (~~Government Code 54956.5, 54957~~)

~~(cf. 0450 Comprehensive Safety Plan) (cf. 3515 Campus Security)
(cf. 3516 Emergencies and Disaster Preparedness Plan) (cf. 9323.2 Actions by the Board)~~

Agenda items related to these security matters shall specify the name of the law enforcement agency. Board Bylaw 930 – Meetings and the title of the officer, or name of applicable agency representative Notices and title, with whom the Board will consult. (~~Government Code 54954.5~~) Bylaw/Exhibit (1)9323.2 – Actions by the Board.

The Board may also meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. Following the closed session, the Board shall report any action taken to approve the plan, but need not disclose the district's plan for tactical responses. (Education Code 32281)

Real Property Negotiations

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the District in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

~~Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) the property under negotiation, and the person(s) with whom the negotiator may negotiate. For purposed of real property transactions, negotiators may include members of the Board (Government Code 54956.8)~~

~~Agenda items related to real property negotiations shall specify the District 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)~~

~~When the Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval 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 to the negotiations, 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~~

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or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Anticipated Litigation/Initiation of 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 anticipated litigation or whether to initiate litigation when discussion of the either matter in open session would prejudice the District's position in the with respect to such litigation. For this purpose, "litigation" means 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" ~~in any of the following circumstances:~~ (Government Code 54956.9)

- ~~1. Litigation to which the District is a "party" has been initiated formally. (Government Code 54956.9((d)(1))~~
- e. ~~A point has been reached where,~~ to be "anticipated" when, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the District, or ~~the Board is meeting solely to determine whether,~~ against a District officer or employee based on existing facts prior or circumstances, a closed session is authorized. prospective activities or alleged activities during and potentially during the course and scope of that office or employment. (Government Code 54956.9((d)(2),(3))

Existing facts and circumstances ~~for these purposes~~ are limited to the following:
(Government Code 54956.9)

- a. 1. Facts and circumstances that might result in litigation against the District but which the District believes are not yet known to potential plaintiff(s) ~~and which do not need to be disclosed.~~
- b. 2. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the District, which are already known to potential plaintiff(s) ~~and which must be publicly disclosed before the closed session or specified on the agenda.~~
- e. 3. The receipt of a claim pursuant to the Government 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)
- d. 4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
- e. 5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the District official or employee

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~~receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat of litigation on the victim's behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.~~

- ~~3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(d)(4))~~

~~Before holding a closed session pursuant to the pending litigation exception, 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(d)(1) 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 either "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, or 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(d)(2) or (3) and shall specify the potential number of cases. When the District 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 (d)(4) 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 regarding existing facts and circumstances described in item #2 b e above. (Government Code 54954.5)~~

~~Following the closed session, the Board shall publicly report, as applicable: (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 the action, defendants, and other 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.~~

CLOSED SESSION

~~If approval is given to legal counsel to settle pending litigation but final approval rests with the other party or with the court, the district shall report the fact of approval and the substance of the agreement thereon to persons who inquire once the settlement is final. (Government Code 54957.1)~~

Joint Powers Agency Issues

Each agenda item related to anticipated litigation shall only contain one such matter. For an anticipated litigation item that is anticipated based on Items #2, #3, or #5 above, the agenda item shall also include the facts or circumstances that might result in litigation, the claim or written threat of litigation, or the record of the threat. However, the agenda item shall not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on the alleged victim's behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed. (Government Code 54956.9)

Existing 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 existing litigation when discussion of the matter in open session would prejudice the District's position with respect to such litigation. Litigation is considered to be "existing" when the District has been named a party to the litigation or a district officer or employee has been named a party to the litigation based on prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which involves whether an activity is outside the course and scope of the office or employment. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Tort, Public, or Workers' Compensation Liability

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the District is a member. ~~(Government Code 54956.95)~~ (Government Code 54956.95)

~~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. 3530 Risk Management/Insurance)~~

~~Following the closed session, the Board shall publicly report the disposition of joint powers agency or self insurance claims, including 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)~~

Joint Powers Agency Issues

When the board of the JPA has so authorized and upon advice of District legal counsel, the Board may also meet in closed session in order to receive, discuss, and take action concerning information

CLOSED SESSION

~~obtained in a closed session of the JPA that has direct financial or liability implications for the district~~**District and that was obtained in a closed session of a JPA of which the District**. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

~~Closed session agenda items related to conferences involving a JPA shall specify the name of the JPA, the closed session description used by the JPA, and the name of the Board member representing the District on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)~~

Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office **and before the report has been made public**, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report ~~must~~**shall** be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

~~Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)~~

~~Following the closed session, the Board shall publicly confirm that the report was reviewed and a response was prepared.~~

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.51—State Academic Achievement Tests)

~~Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.~~

~~Following the closed session, the Board shall confirm that the assessment instruments were reviewed. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.~~

CLOSED SESSION

Legal Reference:

EDUCATION CODE

~~32281 School safety plans 35145 Public meetings
35146 Closed session for student suspension or disciplinary action 44929.21 Districts with ADA of 250 or more
48912 Governing board suspension of student
48918 Rules governing expulsion procedures; hearings and notice 49070 Challenging content of student records
49073 49079 Privacy of student records 60617 Closed session (re review of contents of statewide assessment)~~

GOVERNMENT CODE

~~3540 3549.3 Educational Employment Relations Act 6252 6270 California Public Records Act
54950 54963 The Ralph M. Brown Act~~

CALIFORNIA CONSTITUTION

~~Article 1, Section 3 Public right to access information~~

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

~~*Moreno v. City of King*, (2005) 127 Cal.App.4th 17
Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860
Rim of the World Unified School District v. San Bernardino County Superior Court, (2002) 104 Cal.App.4th 1393
Bell v. Vista Unified School District, (2000) 82 Cal.App. 4th 672
Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Kleitman v. Superior Court of Santa Clara County, (1999) 87 Cal Rptr. 2d
CODE OF FEDERAL REGULATIONS, TITLE 34
Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Roberts v. City of Palmdale, (1993) 5 Cal. 4th 363
San Diego Union v. City Council, (1983) 146 Cal.App.3d 947
acramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41~~

ATTORNEY GENERAL OPINIONS

~~94 *Ops. Cal. Atty. Gen.* 82 (2011)
89 *Ops. Cal. Atty. Gen.* 110 (2006)
86 *Ops. Cal. Atty. Gen.* 210 (2003)
78 *Ops. Cal. Atty. Gen.* 218 (1995)
59 *Ops. Cal. Atty. Gen.* 532 (1976)
57 *Ops. Cal. Atty. Gen.* 209 (1974)~~

Legal Reference continued: (see next page)

CLOSED SESSION

Management Resources:CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2014 CALIFORNIA OFFICE OF THE 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. July 2010 WEB SITES

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

California Office of the Attorney General: <http://www.oag.ca.gov> League of California Cities:

<http://www.eacities.org>

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State**Description**

Ed. Code 35145

Public meetings

Ed. Code 35146

Closed sessions regarding suspensions

Ed. Code 44929.21

Notice of reelection decision; districts with 250 ADA or more

Ed. Code 48912

Governing board suspension

Ed. Code 48918

Rules governing expulsion procedures

Ed. Code 49070

Challenging student records

Ed. Code 60617

Meetings of governing board

Gov. Code 3540-3549.3

Educational Employment Relations Act

Gov. Code 54950-54963

The Ralph M. Brown Act

Federal**Description**

20 USC 1232g

Family Educational Rights and Privacy Act

Management Resources**Description**

Attorney General Opinion

59 Ops.Cal.Atty.Gen. 532 (1976)

Attorney General Opinion

78 Ops.Cal.Atty.Gen. 218 (1995)

Attorney General Opinion

86 Ops.Cal.Atty.Gen. 210 (2003)

Attorney General Opinion

89 Ops.Cal.Atty.Gen. 110 (2006)

Attorney General Opinion

94 Ops.Cal.Atty.Gen. 82 (2011)

Attorney General Opinion

98 Ops.Cal.Atty.Gen. 41 (2015)

Attorney General Publication

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Court Decision

Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

Court Decision

Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672

Court Decision

Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87

Court Decision

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Court Decision

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860

CLOSED SESSION

Management ResourcesCourt DecisionCourt DecisionCourt DecisionCSBA PublicationLeague of California CitiesPublicationWebsiteWebsiteWebsiteWebsiteCross ReferencesCode0450116012201312.11312.31312.3-E(1)1312.3-E(2)13402120212121403280332035153516353035553555-E(1)40304112.64112.94112.9-E(1)411541184119.23414041434143.14144DescriptionRoberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41San Diego Union v. City Council, (1983) 146 Cal.App.3d 947The Brown Act: School Boards and Open Meeting Laws, rev. 2019Open and Public IV: A Guide to the Ralph M. Brown Act, rev.CSBA District and County Office of Education Legal ServicesLeague of California CitiesCalifornia Attorney General's OfficeCSBADescriptionComprehensive Safety PlanPolitical ProcessesCitizen Advisory CommitteesComplaints Concerning District EmployeesUniform Complaint ProceduresUniform Complaint ProceduresUniform Complaint ProceduresAccess To District RecordsSuperintendent Recruitment And SelectionSuperintendent's ContractEvaluation Of The SuperintendentSale Or Lease Of District-Owned Real PropertyClaims And Actions Against The DistrictCampus SecurityEmergencies And Disaster Preparedness PlanRisk Management/InsuranceNutrition Program ComplianceNutrition Program ComplianceNondiscrimination In EmploymentPersonnel FilesEmployee NotificationsEmployee NotificationsEvaluation/SupervisionDismissal/Suspension/Disciplinary ActionUnauthorized Release Of Confidential/PrivilegedInformationBargaining UnitsNegotiations/ConsultationPublic Notice - Personnel NegotiationsComplaints

CLOSED SESSION

<u>4212.6</u>	<u>Personnel Files</u>
<u>4212.9</u>	<u>Employee Notifications</u>
<u>4212.9-E(1)</u>	<u>Employee Notifications</u>
<u>4215</u>	<u>Evaluation/Supervision</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4219.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4240</u>	<u>Bargaining Units</u>
<u>4243</u>	<u>Negotiations/Consultation</u>
<u>4243.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4244</u>	<u>Complaints</u>
<u>4312.1</u>	<u>Contracts</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4312.9</u>	<u>Employee Notifications</u>
<u>4312.9-E(1)</u>	<u>Employee Notifications</u>
<u>4315</u>	<u>Evaluation/Supervision</u>
<u>4319.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4340</u>	<u>Bargaining Units</u>
<u>4344</u>	<u>Complaints</u>
<u>5117</u>	<u>Interdistrict Attendance</u>
<u>5119</u>	<u>Students Expelled From Other Districts</u>
<u>5125</u>	<u>Student Records</u>
<u>5125.3</u>	<u>Challenging Student Records</u>
<u>5144</u>	<u>Discipline</u>
<u>5144.1</u>	<u>Suspension And Expulsion/Due Process</u>
<u>5144.2</u>	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
<u>6162.5</u>	<u>Student Assessment</u>
<u>6162.51</u>	<u>State Academic Achievement Tests</u>
<u>9011</u>	<u>Disclosure Of Confidential/Privileged Information</u>
<u>9121</u>	<u>President</u>
<u>9124</u>	<u>Attorney</u>
<u>9130</u>	<u>Board Committees</u>
<u>9150</u>	<u>Student Board Members</u>
<u>9270</u>	<u>Conflict Of Interest</u>
<u>9270-E(1)</u>	<u>Conflict Of Interest</u>
<u>9320</u>	<u>Meetings And Notices</u>
<u>9322</u>	<u>Agenda/Meeting Materials</u>
<u>9323</u>	<u>Meeting Conduct</u>
<u>9323.2</u>	<u>Actions By The Board</u>
<u>9323.2-E(1)</u>	<u>Actions By The Board</u>
<u>9323.2-E(2)</u>	<u>Actions By The Board</u>

CLOSED SESSION

BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS

The Board of Trustees meeting agenda shall include the following description of a closed session item, as applicable:

Personnel Matters

PUBLIC EMPLOYEE APPOINTMENT

Government Code 54957

Title: _____
(Specify position to be filled)

PUBLIC EMPLOYMENT

Government Code 54957

Title: _____
(Specify position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code 54957

Title: _____
(Specify ~~position~~ title of employee being evaluated)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code 54957

~~(No **Due to employee privacy rights, no** additional information is required. An employee's dismissal or nonrenewal shall not **may** be reported until the employee has first exhausted any right to a hearing or other administrative remedy **provided.**)~~

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

Government Code 54957

~~(No **Due to employee privacy rights, no** additional information is required **may be provided.**)~~

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

Government Code 54957.10

~~(No additional information is required **may be provided.**)~~

CLOSED SESSION

Negotiations/Collective Bargaining

CONFERENCE WITH LABOR NEGOTIATORS

Government Code 54957.6

District-~~d~~Designated ~~r~~Representatives:

(Specify names of representatives 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.)

Employee ~~e~~Organization:

(Specify name of employee organization with which negotiations are being held.)

or

Unrepresented ~~e~~Employee(s):

(Specify position of unrepresented employee(s) who ~~is~~ are the subject of the negotiations.)

Matters Related to Students

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Education Code 35146

~~Student identification number:~~

Tracking/Identification Number:

(Due to student privacy rights, no additional information may be provided. It is recommended that the student's name not be listed. The District may use other means to identify the student for record-keeping purposes)

STUDENT EXPULSION

Education Code 48912

~~Student identification number:~~

Tracking/Identification Number:

CLOSED SESSION

~~(Due to student privacy rights, no additional information may be provided. It is recommended that the student's name not be listed.~~ The District may use other means to identify the student for record-keeping purposes)

STUDENT GRADE CHANGE APPEAL

Education Code 49070

~~Student identification number:~~

Tracking/Identification Number:

~~(Due to student privacy rights, no additional information may be provided. It is recommended that the student's name not be listed.~~ The District may use other means to identify the student for record-keeping purposes)

CONFIDENTIAL STUDENT MATTER

Action ~~u~~Under ~~e~~Consideration:

(If the Board is considering a confidential student matter other than those listed above, specify type of action.)

~~Student identification number:~~

~~(It is recommended that the student's name not be listed.)~~

Tracking/Identification Number:

~~(Due to student privacy rights no additional information may be provided.~~ The district may use other means to identify the student for record-keeping purposes.)

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code 54957

Consultation with: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

Education Code 32281

Consultation ~~w~~With: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

CLOSED SESSION

Real Property Negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code 54956.8

Property: _____ (Specify street address or, if no street address, the parcel number or other unique reference of the real property under negotiation.)

District ~~n~~Negotiator:

(Specify names of negotiators 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.)

Party With Whom District is Negotiating ~~parties~~:

(Specify name of party, not agent.)

Under ~~n~~Negotiation:

(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

Pending Anticipated Litigation/Initiation of Litigation

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)

(If applicable) Existing Facts and Circumstances: _____

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Initiation of litigation pursuant to Government Code 54956.9(d)(4)

(If applicable) Existing Facts and Circumstances: _____

Existing Litigation

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code 54956.9(d)(1)

Name of eCase: _____
(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

CLOSED SESSION

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations.

~~CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION~~

Government Code ~~54956.9(d)(2) or (3)~~

Significant exposure to litigation pursuant to Government Code ~~54956.9(d)(2) or (3)~~. Number of potential cases: _____

Or

Initiation of litigation pursuant to Government Code ~~54956.9(d)(4)~~. Number of potential cases: _____

If applicable, facts and circumstances: _____

~~(The district may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Government Code 54956.9(e)(2)-(5). These include facts and circumstances, such as an accident, disaster, incident, or transactional occurrence that might result in litigation against the district and that are known to potential plaintiff(s).)~~

Joint Powers Authority Issues

~~LIABILITY CLAIMS FOR INSURANCE RELATED JOINT POWERS AGENCY~~

Government Code ~~54956.95~~

Name of claimant(s): _____ (Specify name, except pursuant to Government Code ~~54961~~)

Tort, Public, or Workers' Compensation Liability

LIABILITY CLAIMS

Government Code 54956.95

Name Of Claimant(s): _____

(Specify name, except when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)

Name of agency against which the claim is made: _____

~~CONFERENCE INVOLVING~~

CLOSED SESSION

Joint Powers Authority Issues

INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

Government Code 54956.96

Name of JPA: _____

Discussion will ~~e~~Concern:

(Specify closed session description used by the JPA.)

~~Name of district representative on JPA board:~~

~~Names of agencies or titles of representatives attending the closed session as consultants or other representatives, if applicable: _____~~

Name of District Representative on JPA board: _____

Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

Government Code 54956.75

(No additional information is required.)

Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT

Education Code 60617

~~The Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program. Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.~~

(Reference resolution in which Board agreed to accept the terms or conditions established by rules and regulations of the State Board of Education.)

CLOSED SESSION

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<u>State</u>	<u>Description</u>
<u>Ed. Code 35145</u>	<u>Public meetings</u>
<u>Ed. Code 35146</u>	<u>Closed sessions regarding suspensions</u>
<u>Ed. Code 44929.21</u>	<u>Notice of reelection decision; districts with 250 ADA or more</u>
<u>Ed. Code 48912</u>	<u>Governing board suspension</u>
<u>Ed. Code 48918</u>	<u>Rules governing expulsion procedures</u>
<u>Ed. Code 49070</u>	<u>Challenging student records</u>
<u>Ed. Code 60617</u>	<u>Meetings of governing board</u>
<u>Gov. Code 3540-3549.3</u>	<u>Educational Employment Relations Act</u>
<u>Gov. Code 54950-54963</u>	<u>The Ralph M. Brown Act</u>

<u>Federal</u>	<u>Description</u>
<u>20 USC 1232g</u>	<u>Family Educational Rights and Privacy Act</u>
	<u>Management Resources Description</u>
<u>Attorney General Opinion</u>	<u>59 Ops.Cal.Atty.Gen. 532 (1976)</u>
<u>Attorney General Opinion</u>	<u>78 Ops.Cal.Atty.Gen. 218 (1995)</u>
<u>Attorney General Opinion</u>	<u>86 Ops.Cal.Atty.Gen. 210 (2003)</u>
<u>Attorney General Opinion</u>	<u>89 Ops.Cal.Atty.Gen. 110 (2006)</u>
<u>Attorney General Opinion</u>	<u>94 Ops.Cal.Atty.Gen. 82 (2011)</u>
<u>Attorney General Opinion</u>	<u>98 Ops.Cal.Atty.Gen. 41 (2015)</u>
<u>Attorney General Publication</u>	<u>The Brown Act: Open Meetings for Legislative Bodies, rev. 2003</u>
<u>Court Decision</u>	<u>Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68</u>
<u>Court Decision</u>	<u>Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672</u>
<u>Court Decision</u>	<u>Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87</u>
<u>Court Decision</u>	<u>Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876</u>
<u>Court Decision</u>	<u>Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860</u>
<u>Court Decision</u>	<u>Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363</u>
<u>Court Decision</u>	<u>Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41</u>
<u>Court Decision</u>	<u>San Diego Union v. City Council, (1983) 146 Cal.App.3d 947</u>
<u>CSBA Publication</u>	<u>The Brown Act: School Boards and Open Meeting Laws, rev. 2019</u>

CLOSED SESSION

<u>League of California Cities Publication</u>	<u>Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010</u>
<u>Website</u>	<u>CSBA District and County Office of Education Legal Services</u>
<u>Website</u>	<u>League of California Cities</u>
<u>Website</u>	<u>California Attorney General's Office</u>
<u>Website</u>	<u>CSBA</u>

Cross References

<u>Code</u>	<u>Description</u>
<u>0450</u>	<u>Comprehensive Safety Plan</u>
<u>1160</u>	<u>Political Processes</u>
<u>1220</u>	<u>Citizen Advisory Committees</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>1340</u>	<u>Access to District Records</u>
<u>2120</u>	<u>Superintendent Recruitment and Selection</u>
<u>2121</u>	<u>Superintendent's Contract</u>
<u>2140</u>	<u>Evaluation of The Superintendent</u>
<u>3280</u>	<u>Sale or Lease of District-Owned Real Property</u>
<u>3320</u>	<u>Claims and Actions Against the District</u>
<u>3515</u>	<u>Campus Security</u>
<u>3516</u>	<u>Emergencies and Disaster Preparedness Plan</u>
<u>3530</u>	<u>Risk Management/Insurance</u>
<u>3555</u>	<u>Nutrition Program Compliance</u>
<u>3555-E(1)</u>	<u>Nutrition Program Compliance</u>
<u>4030</u>	<u>Nondiscrimination in Employment</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4112.9</u>	<u>Employee Notifications</u>
<u>4112.9-E(1)</u>	<u>Employee Notifications</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4119.23</u>	<u>Unauthorized Release of Confidential/Privileged Information</u>
<u>4140</u>	<u>Bargaining Units</u>
<u>4143</u>	<u>Negotiations/Consultation</u>
<u>4143.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4144</u>	<u>Complaints</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4212.9</u>	<u>Employee Notifications</u>
<u>4212.9-E(1)</u>	<u>Employee Notifications</u>
<u>4215</u>	<u>Evaluation/Supervision</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>

CLOSED SESSION

<u>4219.23</u>	<u>Unauthorized Release of Confidential/Privileged Information</u>
<u>4240</u>	<u>Bargaining Units</u>
<u>4243</u>	<u>Negotiations/Consultation</u>
<u>4243.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4244</u>	<u>Complaints</u>
<u>4312.1</u>	<u>Contracts</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4312.9</u>	<u>Employee Notifications</u>
<u>4312.9-E(1)</u>	<u>Employee Notifications</u>
<u>4315</u>	<u>Evaluation/Supervision</u>
<u>4319.23</u>	<u>Unauthorized Release of Confidential/Privileged Information</u>
<u>4340</u>	<u>Bargaining Units</u>
<u>4344</u>	<u>Complaints</u>
<u>5117</u>	<u>Interdistrict Attendance</u>
<u>5119</u>	<u>Students Expelled from Other Districts</u>
<u>5125</u>	<u>Student Records</u>
<u>5125</u>	<u>Student Records</u>
<u>5125.3</u>	<u>Challenging Student Records</u>
<u>5144</u>	<u>Discipline</u>
<u>5144.1</u>	<u>Suspension and Expulsion/Due Process</u>
<u>5144.1</u>	<u>Suspension and Expulsion/Due Process</u>
<u>5144.2</u>	<u>Suspension and Expulsion/Due Process (Students With Disabilities)</u>
<u>6162.5</u>	<u>Student Assessment</u>
<u>6162.51</u>	<u>State Academic Achievement Tests</u>
<u>6162.51</u>	<u>State Academic Achievement Tests</u>
<u>9011</u>	<u>Disclosure of Confidential/Privileged Information</u>
<u>9121</u>	<u>President</u>
<u>9124</u>	<u>Attorney</u>
<u>9130</u>	<u>Board Committees</u>
<u>9150</u>	<u>Student Board Members</u>
<u>9270</u>	<u>Conflict of Interest</u>
<u>9270-E(1)</u>	<u>Conflict of Interest</u>
<u>9320</u>	<u>Meetings and Notices</u>
<u>9322</u>	<u>Agenda/Meeting Materials</u>
<u>9323</u>	<u>Meeting Conduct</u>
<u>9323.2</u>	<u>Actions by The Board</u>
<u>9323.2-E(1)</u>	<u>Actions by The Board</u>
<u>9323.2-E(2)</u>	<u>Actions by The Board</u>

Exhibit adopted: May 25, 2021
First Reading: November 12, 2024

BEAUMONT UNIFIED SCHOOL DISTRICT
Beaumont, California

CLOSED SESSION

REPORTS OF CLOSED SESSION ACTIONS

Following a closed session during any Board of Trustee meeting, the Board shall reconvene in open session to present, orally or in writing, a report of any of the following actions taken during the closed session, as applicable:

Personnel Matters

PUBLIC EMPLOYEE APPOINTMENT

Title of position: _____
(Specify position to be filled)

Action taken: _____
(e.g., appointment/employment/evaluation/discipline/dismissal/release)

Board member votes/abstentions: _____

Appointment Made: (Yes; otherwise no action taken)

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

PUBLIC EMPLOYMENT

Title: _____
(Specify position to be filled)

Decision to Employ: (Yes; otherwise no action taken)

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: _____
(Specify title of employee being evaluated)

(If applicable) Board evaluated an employee in the above listed position.

CLOSED SESSION

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Title: _____
(Specify position affected)

(If applicable) Decision to Dismiss/Release: (Yes; otherwise no action taken)

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

(If applicable) Board heard/discussed a specific complaint or charge against an employee.

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

(If applicable) Board received/discussed an employee's application for early withdrawal of funds in deferred compensation plan.

Negotiations/Collective Bargaining

~~Approval of final agreement with represented employees~~

Item approved: _____

Other party/parties to the negotiation: _____

Board member votes/abstentions: _____

(If applicable) Agreement Reached With: _____
(Specify Employee Organization)

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Matters Related to Students

~~(Final action must be taken in open session. It is recommended that the student's name not be disclosed.)~~

CLOSED SESSION

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter and will vote in open session as indicated in the agenda.

STUDENT EXPULSION

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter and will vote in open session as indicated in the agenda.

STUDENT GRADE CHANGE APPEAL

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter.

CONFIDENTIAL STUDENT MATTER

Action Under Consideration: _____

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter.

Security Matters

Action taken: _____

~~(e.g., consultation with law enforcement; approval of contract or memorandum of understanding; approval of tactical response plan, without disclosing the details of the plan)~~

Board member votes/abstentions: _____

THREAT TO PUBLIC SERVICES OR FACILITIES

(If applicable) Board consulted with: _____

(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

CLOSED SESSION

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

(If applicable) Board approved a Tactical Response Plan.

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Real Property Negotiations

Action taken: _____

~~(Report if Board approves a final agreement concluding real estate negotiations. If final approval rests with the other party, report as soon as the other party has approved the agreement.)~~

Substance of the agreement: _____

Board member votes/abstentions: _____

Existing Litigation

~~Action taken related to existing litigation:~~

~~(e.g., approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation; or approval to legal counsel of a settlement of pending litigation at any stage prior to or during a judicial or quasi-judicial proceeding. If final approval of settlement rests with the other party, report to any person upon request once the settlement is final.)~~

Adverse party/parties, if known: _____

Substance of the litigation: _____

Board member votes/abstentions: _____

(If applicable) Board approved an agreement concluding real estate negotiations and the agreement is final.

Substance of Agreement: _____

CLOSED SESSION

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Anticipated Litigation/Initiation of Litigation

~~Action taken: The Board has given approval to legal counsel to initiate or intervene in a lawsuit. The action, defendants, and other details will be disclosed to any person upon request 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.~~

~~(The report does not need to initially identify the action, defendants, or other details.)~~

~~Board member votes/abstentions: _____~~

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(If applicable) Board has given approval to legal counsel to defend the district against anticipated litigation.

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): _____

Substance of Agreement: _____

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

CLOSED SESSION

(If applicable) Board has given approval to legal counsel to initiate litigation.

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): _____

Substance of Agreement: _____

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(If applicable) Board has given approval to legal counsel to defend the district, seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in this litigation.

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this litigation and the agreement is final.

Substance of Agreement: _____

Ayes: _____

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Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Tort, Public, or Workers' Compensation Liability

LIABILITY CLAIMS

(If applicable) Board approved disposing of this claim and that disposition is final.

Substance of Claim, Including Amount Of Payment To Claimant: _____

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Joint Powers Agency Issues

~~LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY~~

Name of claimant(s): _____

Name of agency against which the claim is made: _____

Substance of the claim: _____

Monetary settlement agreed upon by the claimant: _____

Board member votes/abstentions: _____

~~CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH
DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT~~

Name of JPA: _____

Action taken: _____

(Law does not include any specific disclosures to be reported.)

Board member votes/abstentions: _____

Board Bylaws

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INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

(If applicable) Board heard/discussed this matter.

Review of Audit from State Auditor's Office

~~Action taken: The Board reviewed the confidential final draft audit report received from the California State Auditor's Office and has prepared a response.~~

~~(No additional information is required. Unless otherwise exempted by law, after the audit report is subsequently released to the public, any Board discussion of the report must be conducted in open session.)~~

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

(If applicable) Board heard/discussed this matter.

Review of Assessment Instruments

~~Action taken: The Board reviewed the contents of a student assessment instrument approved or adopted for the statewide testing system.~~

REVIEW OF STUDENT ASSESSMENT INSTRUMENT

(If applicable) Board reviewed the assessment in compliance with the applicable board resolution.

CLOSED SESSION**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<u>State</u>	<u>Description</u>
<u>Ed. Code 35145</u>	<u>Public meetings</u>
<u>Ed. Code 35146</u>	<u>Closed sessions regarding suspensions</u>
<u>Ed. Code 44929.21</u>	<u>Notice of reelection decision; districts with 250</u>
<u>ADA or more</u>	
<u>Ed. Code 48912</u>	<u>Governing board suspension</u>
<u>Ed. Code 48918</u>	<u>Rules governing expulsion procedures</u>
<u>Ed. Code 49070</u>	<u>Challenging student records</u>
<u>Ed. Code 60617</u>	<u>Meetings of governing board</u>
<u>Gov. Code 3540-3549.3</u>	<u>Educational Employment Relations Act</u>
<u>Gov. Code 54950-54963</u>	<u>The Ralph M. Brown Act</u>
	-
<u>Federal</u>	<u>Description</u>
<u>20 USC 1232g</u>	<u>Family Educational Rights and Privacy Act</u>
<u>Management Resources</u>	<u>Description</u>
<u>Attorney General Opinion</u>	<u>59 Ops.Cal.Atty.Gen. 532 (1976)</u>
<u>Attorney General Opinion</u>	<u>78 Ops.Cal.Atty.Gen. 218 (1995)</u>
<u>Attorney General Opinion</u>	<u>86 Ops.Cal.Atty.Gen. 210 (2003)</u>
<u>Attorney General Opinion</u>	<u>89 Ops.Cal.Atty.Gen. 110 (2006)</u>
<u>Attorney General Opinion</u>	<u>94 Ops.Cal.Atty.Gen. 82 (2011)</u>
<u>Attorney General Opinion</u>	<u>98 Ops.Cal.Atty.Gen. 41 (2015)</u>
<u>Attorney General Publication</u>	<u>The Brown Act: Open Meetings for Legislative</u>
	<u>Bodies, rev. 2003</u>
<u>Court Decision</u>	<u>Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68</u>
	<u>Bell v. Vista Unified School District, (2001) 82</u>
	<u>Cal.App. 4th 672</u>
<u>Court Decision</u>	<u>Fischer v. Los Angeles Unified School</u>
	<u>District, (1999) 70 Cal.App. 4th 87</u>
<u>Court Decision</u>	<u>Furtado v. Sierra Community College</u>
	<u>District (1998) 68 Cal.App. 4th 876</u>
<u>Court Decision</u>	<u>Morrison v. Housing Authority of the City of</u>
	<u>Los Angeles Board of Commissioners, (2003)</u>
	<u>107 Cal.App.4th 860</u>
<u>Court Decision</u>	<u>Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th</u>
	<u>363</u>
<u>Court Decision</u>	<u>Sacramento Newspaper Guild v. Sacramento</u>
	<u>County Board of Supervisors, (1968) 263</u>
	<u>Cal.App. 2d 41</u>
<u>Court Decision</u>	<u>San Diego Union v. City Council, (1983) 146</u>
	<u>Cal.App.3d 947</u>

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<u>CSBA Publication</u>	<u>The Brown Act: School Boards and Open Meeting Laws, rev. 2019</u>
<u>League of California Cities Publication</u>	<u>Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010</u>
<u>Website</u>	<u>CSBA District and County Office of Education Legal Services</u>
<u>Website</u>	<u>League of California Cities</u>
<u>Website</u>	<u>California Attorney General's Office</u>
<u>Website</u>	<u>CSBA</u>

Cross References

<u>Code</u>	<u>Description</u>
<u>0450</u>	<u>Comprehensive Safety Plan</u>
<u>1160</u>	<u>Political Processes</u>
<u>1220</u>	<u>Citizen Advisory Committees</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>1340</u>	<u>Access to District Records</u>
<u>2120</u>	<u>Superintendent Recruitment and Selection</u>
<u>2121</u>	<u>Superintendent's Contract</u>
<u>2140</u>	<u>Evaluation of The Superintendent</u>
<u>3280</u>	<u>Sale or Lease of District-Owned Real Property</u>
<u>3320</u>	<u>Claims and Actions Against the District</u>
<u>3515</u>	<u>Campus Security</u>
<u>3516</u>	<u>Emergencies and Disaster Preparedness Plan</u>
<u>3530</u>	<u>Risk Management/Insurance</u>
<u>3555</u>	<u>Nutrition Program Compliance</u>
<u>3555-E(1)</u>	<u>Nutrition Program Compliance</u>
<u>4030</u>	<u>Nondiscrimination in Employment</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4112.9</u>	<u>Employee Notifications</u>
<u>4112.9-E(1)</u>	<u>Employee Notifications</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4119.23</u>	<u>Unauthorized Release of Confidential/Privileged Information</u>
<u>4140</u>	<u>Bargaining Units</u>
<u>4143</u>	<u>Negotiations/Consultation</u>
<u>4143.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4144</u>	<u>Complaints</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4212.9</u>	<u>Employee Notifications</u>
<u>4212.9-E(1)</u>	<u>Employee Notifications</u>

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<u>4215</u>	<u>Evaluation/Supervision</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4219.23</u>	<u>Unauthorized Release of Confidential/Privileged Information</u>
<u>4240</u>	<u>Bargaining Units</u>
<u>4243</u>	<u>Negotiations/Consultation</u>
<u>4243.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4244</u>	<u>Complaints</u>
<u>4312.1</u>	<u>Contracts</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4312.9</u>	<u>Employee Notifications</u>
<u>4312.9-E(1)</u>	<u>Employee Notifications</u>
<u>4315</u>	<u>Evaluation/Supervision</u>
<u>4319.23</u>	<u>Unauthorized Release of Confidential/Privileged Information</u>
<u>4340</u>	<u>Bargaining Units</u>
<u>4344</u>	<u>Complaints</u>
<u>5117</u>	<u>Interdistrict Attendance</u>
<u>5119</u>	<u>Students Expelled from Other Districts</u>
<u>5125</u>	<u>Student Records</u>
<u>5125.3</u>	<u>Challenging Student Records</u>
<u>5144</u>	<u>Discipline</u>
<u>5144.1</u>	<u>Suspension and Expulsion/Due Process</u>
<u>5144.2</u>	<u>Suspension and Expulsion/Due Process (Students with Disabilities)</u>
<u>6162.5</u>	<u>Student Assessment</u>
<u>6162.51</u>	<u>State Academic Achievement Tests</u>
<u>6162.51</u>	<u>State Academic Achievement Tests</u>
<u>9011</u>	<u>Disclosure of Confidential/Privileged Information</u>
<u>9121</u>	<u>President</u>
<u>9124</u>	<u>Attorney</u>
<u>9130</u>	<u>Board Committees</u>
<u>9150</u>	<u>Student Board Members</u>
<u>9270</u>	<u>Conflict of Interest</u>
<u>9270-E(1)</u>	<u>Conflict Of Interest</u>
<u>9320</u>	<u>Meetings and Notices</u>
<u>9322</u>	<u>Agenda/Meeting Materials</u>
<u>9323</u>	<u>Meeting Conduct</u>
<u>9323.2</u>	<u>Actions by The Board</u>
<u>9323.2-E(1)</u>	<u>Actions by The Board</u>
<u>9323.2-E(2)</u>	<u>Actions by The Board</u>