INTRODUCTION

The qualifications and duties of every position in a public school district, from the Superintendent on down, are defined in job descriptions. Until recently, job descriptions were seen as applicable only to the classified service; however, most districts now utilize them for classroom teachers and all other certificated positions.

There is probably only one "position" in the public school system for which an accurate job description usually does not exist — the Governing Board member. Even when such descriptions do appear in Board Bylaws, they are usually so generic as to offer little or no practical guidance to individual Board members regarding exactly what is involved in being a successful member of a board.

The purpose of this exercise is to have each Board member compose his/her job description, and then to have Board members share their results in a collective effort to come to consensus on one job description for all Board members. Once an entire Board commits to a single description of a member's authority, duties and obligations, confusion regarding the role and authority of individual Board members should be reduced if not eliminated. This should enable a Board to function more efficiently and effectively as a governing body, as opposed to a group of five or seven individuals acting independently of each other.

COMPONENTS OF A JOB DESCRIPTION

Job descriptions usually fall into four broad categories:

1. **Statement of Basic Function**: A general (usually one sentence) description of the essential nature of the job.
2. **Representative/Essential Duties**: A "laundry list" describing the major duties and responsibilities of the job. Usually there are 10 to 15 entries in this category.
3. **Knowledge and Abilities**: Two lists (under separate headings of "Knowledge of:" and "Ability to:" ) enumerating the knowledge base and skills necessary to perform the job.
4. **Qualifications**: A description of the required (and sometimes "desired") educational background and experience one must have in order to be eligible to hold the position.
THE EXERCISE

Using the four general areas outlined above, write your board member job description. For guidance only, you might wish to ponder the following questions:

- Why did I choose to run for the Board?
- Am I aware of my own goals as a Board member and the goals of my fellow members?
- What is the distinction between "setting policy" and "administration"?
- How should a Board go about "making policy"?
- What is the role and/or authority of an individual Board member (as opposed to the Board collectively)?
- What is the purpose of public Board meetings and how can I as an individual member contribute toward fulfilling that purpose?
- What procedures do we have (and/or wish to have) in place to handle Board member conflicts and Board member(s)/administrator conflicts?
- How do we plan for the future?
- What qualities do I bring to the Board which further the purpose of the organization?
- What functions, duties, knowledge/abilities, and qualifications should be included in the Board member job description particularly for this District, as opposed to school boards generally?
BOARD MEMBER JOB DESCRIPTION
Name: ___________________________ District: — __________________________

I have been a Board member for ____________ years. Date: _______________

1. **STATEMENT OF BASIC FUNCTION:** A GENERAL (USUALLY ONE SENTENCE) DESCRIPTION OF THE ESSENTIAL NATURE OF THE JOB.
2. **REPRESENTATIVE/ESSENTIAL DUTIES: A "LAUNDRY LIST" DESCRIBING THE MAJOR DUTIES AND RESPONSIBILITIES OF THE JOB. (PLEASE LIMIT TO 8 RESPONSES)**
3. **KNOWLEDGE AND ABILITIES**: List the knowledge base and skills necessary to perform the job.
4. **QUALIFICATIONS:** A DESCRIPTION OF THE REQUIRED (AND SOMETIMES "DESIRED") EDUCATIONAL BACKGROUND AND EXPERIENCE ONE MUST HAVE IN ORDER TO BE ELIGIBLE TO HOLD THE POSITION.
GOVERNANCE ROLE AND RESPONSIBILITIES—CSBA

Citizen oversight of local government is the cornerstone of democracy in the United States. The role of the trustees who sit on locally elected school boards is to ensure school districts are responsive to the values, beliefs and priorities of their communities. Boards fulfill this role by performing five major responsibilities. These are setting direction; establishing an effective and efficient structure; providing support; ensuring accountability; and providing community leadership as advocates for children, the school district and public schools.

These five responsibilities represent core functions that are so fundamental to a school system’s accountability to the public that they can only be performed by an elected governing body. Authority is granted to the board as a whole, not each member individually. Therefore, board members fulfill these responsibilities by working together as a governance team with the superintendent to make decisions that will best serve all the students in the community.

The board carries out these responsibilities in each of the following job areas:

- Setting the District’s Direction
- Student Learning and Achievement
- Finance
- Facilities
- Human Resources
- Policy
- Judicial Review
- Collective Bargaining
- Community Relations and Advocacy

The superintendent assists the board in carrying out its responsibilities in each of the job areas, and leads the staff toward the accomplishment of the agreed upon district vision and goals. The following page provides more detail on how the board performs its governance responsibilities in each job area. It’s important to remember that boards who inadvertently get involved in staff functions undercut their ability to hold the superintendent accountable for the results of those efforts.
PERFORMING GOVERNANCE RESPONSIBILITIES—CSBA

We agree with the responsibilities of school boards as described below by the California School Boards Association:

Set the direction for the community’s schools
Focus on student learning
Assess needs/obtain baseline data
Generate, review or revise setting direction documents (beliefs, vision, priorities, strategic goals, success indicators)
Ensure an appropriate inclusive process is used
Ensure these documents are the driving force for all district efforts

Establish an effective and efficient structure for the school district
Employ and support the superintendent
Establish a human resources framework that includes policies for hiring and evaluating other personnel
Oversee the development of and adopt policies
Set a direction for and adopt the curriculum and require data-producing assessment systems
Establish budget priorities, adopt the budget and oversee facilities issues
Provide direction for and vote to accept collective bargaining agreements

Provide support through our behavior and actions
Act with professional demeanor that models the district’s beliefs and vision
Make decisions and provide resources that support mutually agreed upon priorities and goals
Uphold board-approved district policies and support staff implementation of board direction
Ensure a positive working climate exists
Be knowledgeable enough about district efforts to explain them to the public

Ensure accountability to the public
Evaluate the superintendent
Monitor, review and revise policies
Serve as a judicial and appeals body
Monitor student achievement and program effectiveness and require program changes as indicated
Monitor and adjust district finances and periodically review facilities issues
Monitor the collective bargaining process

Act as community leaders
Speak with a common voice about district priorities, goals and issues
Engage and involve the community in district schools and activities
Communicate clear information about policies, programs and fiscal condition of the district
Educate the community and the media about the issues facing students, the district and public education
Advocate for children, district programs and public education to the general public, key community members and local, state and national leaders
Brown Act Refresher

School District 
2013
Presented by
Gregory J. Dannis

Role of the Brown Act

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is good for them not to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

The Ralph M. Brown Act, Gov. Code, § 54950

Role of the Brown Act

For years California has been a leader in promoting open and accessible government as an essential element of democracy. The Brown Act, the Public Records Act and the Political Reform Act work together to ensure that local government officials keep very few, if any, secrets from people they serve.

From The Closed Council Session: Keeping Confidential Communication Confidential
By D. Orlik & C. Steade

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Role of the Brown Act

• To keep the public informed of the actions, debates and views of locally elected representatives; and
• To provide the procedural framework for local legislators to meet, debate, act and listen collectively to their constituents

Applicability

• Act applies to a "member of the legislative body of a local agency" which includes "[a]ny person elected to serve as a member of a legislative body who has not yet assumed the duties of office ..."
• Once elected, officials are expected to know the requirements of the Brown Act, even before taking office (Gov. Code, § 54952.1)

Legislative Body

Includes any
• Commission
• Committee
• Board
• Other body
whether
• Permanent or temporary
• Decision-making or advisory
• Established by charter, ordinance, resolution, or formal action of the Board. (Gov. Code, § 54952)
Legislative Body

Advisory committees comprised solely of less than a quorum of the Board are not legislative bodies under the Brown Act, unless they are standing committees.  
(Gov. Code, § 54952, subd. (b))

Meetings

Any congregation of a majority of members of a legislative body at the same time and place, including teleconference locations, to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the legislative body

Meetings

As of January 1, 2009, a majority of the members of a Board shall not, outside a noticed meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the board's jurisdiction
Meetings

This requirement shall not prevent an employee or official of a district from engaging in separate conversations or communications outside of a meeting with other board members in order to answer questions or provide information regarding a matter that is within the district's jurisdiction. If that person does not communicate to board members the comments or position of any other board member, (Gov. Code, § 54952.2)

Meetings

Definition of meeting specifically excludes:

• Individual contacts, communications or telephone conversations between a Board member and "any other person" (including another Board member) that do not constitute discussion, deliberation or taking action on district business;

Meetings

(continued)

• Appearance of a Board majority at a general conference open to the public involving a discussion of broad issues and attended by a broad spectrum of officials from a variety of governmental agencies;
Meetings

(continued)
• Attendance at open and publicized meetings, organized to address a topic of local concern by a person or organization other than the local agency;
• Social or ceremonial occasions;

Meetings

(continued)
• Attendance by a Board majority at open and noticed meetings of another body of the same local agency or any other agency;
• Attendance by a Board majority at an open and noticed meeting of a standing committee of the Board, if members of the Board that are not members of the committee attend only as observers. (Gov. Code, § 54952.2)

Meetings

• For any exception to apply, trustees must not discuss topics within the subject matter of the district "other than as part of the scheduled program"
• Receipt of written legal advice does not constitute a meeting
Meetings

"Direct communication, personal intermediaries, or technological devices" include
- Telephone, electronic mail, facsimile, Internet
- Communication through an intermediary

Meetings

Common scenarios of which to be aware:
- E-mail messages in which majority of Board is copied
- Consecutive conversations through intermediary to pull the Board
- Telephone conference calls involving a majority of the Board
- Internet chat rooms and blogs

Meetings

- Communications limited to providing information (i.e. superintendent's weekly report) or procedural or administrative matters (scheduling meetings, determining agenda and time allotted to each item) do not constitute meetings
- Private briefings for Board members on policy decisions and background events concerning proposed agenda items should not violate the Act unless the comments or position of any other Board member is disclosed
Meetings

- Individual contacts or communications between a member of legislative body and "any other person" are specifically exempt from the definition of a meeting unless the comments or position of other trustees are communicated.
- Beware of "serial meeting" violations (Gov. Code, § 54952.2(c)(1))

Meetings

- Regular meetings are open to the public with a posted agenda and minutes (Ed. Code, § 72121)
- Teleconferencing must be from a publicly accessible location; at least a quorum must be within District boundaries
- Any person attending a public meeting may videotape, unless disruptive

Meetings-Location

- Meeting place must be within District boundaries, with limited exceptions (Gov. Code, § 54954)
- Meeting place must be accessible to public - nondiscriminatory, accessible to disabled, no payment or purchase required (Gov. Code, § 54961 (a))
Meetings - Location

Exceptions
• To comply with court order or attend judicial proceeding
• To inspect real or personal property which cannot be brought within bounds of agency
• To meet with state or federal elected or appointed officials, when a local meeting impractical
• To participate in meetings of multi-agency significance (Gov. Code, § 54954)

Meetings - Public Rights

• Public may place matters on the Board’s agenda (Ed. Code, § 72121.5)
• Public may comment on agenda items before or during the Board’s consideration of the item

Meetings - Public Rights

• Time must be set aside for public comment on any other matters under the Board’s jurisdiction
• Board may place reasonable time limitations on particular topics or speakers
• At special meetings, the public only has the right to address agenda items
Meetings – Public Rights

- Public meetings of governmental bodies are considered limited public fora.
- The public has broad constitutional rights to comment on any subject relating to the business of the governmental body.

Meetings – Public Rights

- Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Prohibiting members of the public from criticizing school district employees is unconstitutional.

Meetings – Public Rights

- Superintendent may not prohibit an administrative employee of the district from attending a public school board meeting.
- Superintendent may not prohibit an administrative employee of the district from speaking during the public comment period of a public school board meeting on an agenda item concerning his demotion from assistant high school principal to a teaching position.
Meetings – Public Rights

- The Board may not prohibit an individual from criticizing the policies, procedures, programs or services of the District.
- The public may also criticize Board members or District employees such conduct is generally within a citizen’s constitutional rights.

Meetings – Public Rights

- The Board need not permit comments or conduct that disrupts the meeting.
- Penal Code section 403 prohibits acts that disturb or break up a lawful assembly or meeting.

Agenda Requirements

How to publicize a meeting:
- Post in a location freely accessible to members of the public.
- Mail to persons requesting mailed notice including local news media.
  (Requests are valid for one year.)
**Agenda Requirements**

When to Post Agenda:
- 72 hours before regular meeting (Gov. Code, §§ 54954(a), 54954.2(a))
- 24 hours before special meeting (Gov. Code, § 54956; Educ. Code, § 72129)

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**Agenda Requirements**

Content of Agenda:
- Time and Location of Meeting
- Agenda items in sufficient detail to allow public to determine whether to participate ("brief general description")

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**Agenda Requirements**

Exceptions to Agenda Requirements
- Emergency (majority vote)
- Need to take immediate action arose after agenda posted (2/3 vote, unanimous if less than 2/3rds of Board present)
Agenda Requirements

Exceptions to requirements for non-agendized items
- Responding to questions
- Asking for clarification
- Making a brief announcement or brief report of activity

Agenda Requirements

Agendas and disclosable backup should be made available upon request when distributed to a majority of the Board (Gov. Code, § 54957.5)

Agenda Requirements

As of July 1, 2008, disclosable documents related to an open session agenda item that are distributed less than 24 hours prior to a Board meeting shall be made available for public inspection as soon as they are distributed to a majority of the Board.
- Each agenda shall identify the location where backup documents may be inspected.
- The District may post the documents on the District website in a manner that makes clear that they relate to an agenda item for the upcoming meeting.
Agenda Requirements

- Public records distributed during a public meeting shall be made available:
  - for public inspection at the meeting if prepared by the District or a Board member, or
  - after the meeting if prepared by another person.
- The District shall provide documents in a format that accommodates persons with disabilities.

Closed Session

- Real Property Transactions
- Pending and Anticipated Litigation
- Tort Claims
- Threat to Public

Closed Session

- Personnel Actions - Appointment, Employment, Evaluation, Discipline/Dismissal/Release
- Hearing "Complaints or Charges" against employees requires 24-hour notice of right to open session
- Student discipline hearings require 24-hour notice of right to open session
Closed Session

Prior to closed session, disclose in an open session the items to be discussed in closed session which may be a reference to items on the Board's agenda. (Gov. Code, § 54957.7)

Closed Session

The Board may only discuss matters in closed session that are on a closed session agenda or included in that statement. (Gov. Code, § 54957.7(a))

Closed Session

Closed session action must be reported out at same meeting in open session prior to adjournment
- Report of each member's vote in closed session must be reported out
Closed Session

- The announcement may be made in the location of the closed session as long as the public may be present
- The Board is not required to disclose information prohibited by federal or state law (Gov. Code, § 54957.7(a))

Closed Session Documents

District shall provide copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in closed session:

- to any person who is present at the end of the closed session and who submitted a request within 24 hours of the posting of the agenda, or

- to any person with a standing request for all documents as part of a request for notice of meetings.

- If a document is changed in closed session, District shall provide it as soon as it is retyped the next day as long as the presiding officer explains the substance of amendments in open session. (Gov. Code, § 54957.1(b))
Closed Session

- Disclosure of closed session confidential information prohibited
- Consequences: injunctive relief, disciplinary action, referral to grand jury
- For disciplinary action, employee must have been trained in or had notice of these requirements (Gov. Code, § 54963(d.).)

Closed Session

Permissible actions that do not violate the Brown Act:
- Confidential inquiry to the district attorney or grand jury about possible violations of the Brown Act
- Expressing an opinion about the legality of a closed session

Closed Session

- Disclosing non-confidential information discussed in closed session (Gov. Code, § 54963(e.).)
- Whistleblower statute disclosures, including Labor Code section 1102.5 (Gov. Code, § 54963(f.).)
Personnel Exception

- Governing boards may meet in closed session to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session (Gov. Code, § 54957, subd. (b)(2)).

Personnel Exception

- A performance evaluation is not a hearing about specific complaints or charges brought against an individual (Fischer v. Los Angeles Unified Sch. Dist. (1999) 82 Cal.Rptr.2d 452.)
- "Complaint" and "Charge" connote an accusation; something which is brought against an individual (Bell v. Vista Unified Sch. Dist. (2000) 82 Cal.App.4th 872.)

Personnel Exception

24-Hour Notice Requirement:
- Written notice of right to have complaints or charges heard in an open session
- Delivered, personally or by mail, to the employee at least 24 hours before the closed session (Gov. Code, § 54957, subd. (b)(2)).
Personnel Exception

Reporting Out:
• The report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.
  (Gov. Code, § 54957.1, subd. (a)(3).)

Personnel Exception

• Governing boards may meet in closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.
  (Gov. Code, § 54957, subd. (b)(1).)

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed sessions hold. Any report required by this paragraph shall identify the title of the position...
  (Gov. Code, § 54957.1, subd. (a)(5).)
Employment Contracts

All contracts of employment with a superintendent, deputy superintendent, assistant superintendent, associate superintendent, ... or other similar chief administrative officer or chief executive officer of a local agency shall be ratified in an open session of the governing body which shall be reflected in the governing body's minutes
(Gov. Code, § 53262, subd. (a).)

Labor Negotiations

- Reason: To discuss 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 (Gov. Code, § 54957.6(a))
- Compliance with Brown Act not required for discussions regarding negotiations with represented employee (Gov. Code, § 3549.1, Rodda Act)

Labor Negotiations

- Closed session may be held with a District's representative regarding negotiations with unrepresented employees to discuss salaries, salary schedules, or compensation in the form of fringe benefits;
- Prior to closed session, the Board must identify its negotiator(s) in open session.
- Form of agenda item: Gov. Code, § 54954.5 (f).
Violation

- Misdemeanor liability exists if there is "intent to deprive public" (Gov. Code, § 54959)
- Public can sue to stop violation of Brown Act
- Agency must be given opportunity to cure
- Requiring taping of closed session is a possible remedy
- Action taken in violation is null and void unless within an exception

Thank you,

Gregory J. Dannis
gdannis@dwkesq.com
Tel: 415-543-4111
Martinez USD | 9000 | BB 9121 Board Bylaws

**President**

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

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9100 - Organization)

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

1. Call the meeting to order at the appointed time

2. Announce the business to come before the Board in its proper order

3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act

4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference

5. Explain what the effect of a motion would be if it is not clear to every member

6. Restrict discussion to the question when a motion is before the Board

7. Rule on issues of parliamentary procedure

8. Put motions to a vote, and state clearly the results of the vote

9. Be responsible for the orderly conduct of all Board meetings

(cf. 9323 - Meeting Conduct)

The president shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts and orders necessary to carry out state requirements and the will of the Board

2. Consulting with the Superintendent or designee on the preparation of the Board's agendas

(cf. 9322 - Agenda/Meeting Materials)

3. Working with the Superintendent to ensure that Board members have necessary materials and information

4. Subject to Board approval, appointing and dissolving all committees
(cf. 9130 - Board Committees)

5. Calling such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

6. Representing the district as governance spokesperson, in conjunction with the Superintendent

(cf. 1112 - Media Relations)

The president shall have the same rights as other members of the Board, including the right to move, second, discuss and vote on all questions before the Board.

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

Legal Reference:

EDUCATION CODE

35022 President of the board

35143 Annual organizational meetings; dates and notice

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

Board Presidents' Handbook, revised 2002

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: http://www.csba.org

Bylaw MARTINEZ UNIFIED SCHOOL DISTRICT

adopted: October 13, 2003 Martinez, California
Martinez USD | 9000 | BB 9322 Board Bylaws

Agenda/Meeting Materials

Agenda Content

Board of Education meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual should contact the Superintendent or designee if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. (Government Code 54954.2)

Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 9121 - President)

(cf. 9122 - Secretary)

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information, if any, at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.
The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation.

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

Any Board action that involves borrowing $100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

(cf. 9323.2 - Actions by the Board)

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3320 - Claims and Actions Against the District)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Consent Agenda/Calendar

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent agenda items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval.

When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (Government Code 54954.3)

Agenda Dissemination to Board Members
At least three days before each regular meeting, each Board member shall be provided a copy (in the "Drop Box") of the agenda and agenda packet, including the Superintendent or designee's report (if available); minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent or designee shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

(cf. 9012 - Board Member Electronic Communications)

Agenda Dissemination to Members of the Public

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board, provided the document is a public record under the Public Records Act. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

(cf. 1113 - District and School Web Sites)

(cf. 1340 - Access to District Records)

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

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

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting the mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service. There will be no fee if it can be send electronically.
Legal Reference:

EDUCATION CODE
35144 Special meetings
35145 Public meetings
35145.5 Right of public to place matters on agenda

GOVERNMENT CODE
6250-6270 Public Records Act
53635.7 Separate item of business
54954.1 Mailed agenda of meeting
54954.2 Agenda posting requirements; board actions
54954.3 Opportunity for public to address legislative body
54954.5 Closed session item descriptions
54956.5 Emergency meetings
54957.5 Public records
54960.2 Challenging board actions; cease and desist

UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 Effective communications
36.303 Auxiliary aids and services

COURT DECISIONS

Management Resources:

CSBA PUBLICATIONS
Call to Order: A Blueprint for Great Board Meetings, 2010
ATTORNEY GENERAL PUBLICATIONS

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

WEB SITES

CSBA, Agenda Online: http://www.csba.org

California Attorney General's Office: http://www.oag.ca.gov

Bylaw MARTINEZ UNIFIED SCHOOL DISTRICT

adopted: March 25, 2013 Martinez, California
Role Of The Board

The Board of Education is elected by the community to provide leadership and citizen oversight of the district's schools. The Board shall work with the Superintendent to fulfill its major roles, which include:

1. Setting a direction for the district

2. Providing a basic organizational structure for the district by establishing policies

3. Ensuring accountability

4. Providing community leadership on behalf of the district and public education

(cf. 9005 - Governance Standards)

(cf. 9200 - Members)

(cf. 9400 - Board Self-Evaluation)

To fulfill these basic responsibilities, the Board shall:

1. Involve the community, parents/guardians, students and staff in developing a common vision for the district focused on learning and achievement and responsive to the needs of all students

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

2. Adopt, evaluate and update policies consistent with the law and the district's vision and goals

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

3. Maintain accountability for student learning by adopting the district curriculum and monitoring student progress

(cf. 0500 - Accountability)

(cf. 6010 - Goals and Objectives)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.5 - Student Assessment)

(cf. 6162.52 - High School Exit Examination)

(cf. 6190 - Evaluation of the Instructional Program)

4. Hire and support the Superintendent so that the vision, goals and policies of the district can be implemented

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 2121 - Superintendent's Contract)

5. Conduct regular and timely evaluations of the Superintendent based on the vision, goals and performance of the district, and ensure that the Superintendent holds district personnel accountable

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4000 - Concepts and Roles)

(cf. 4111 - Recruitment and Selection)

(cf. 4115 - Evaluation/Supervision)

(cf. 4151/4251/4351 - Employee Compensation)

(cf. 4211 - Recruitment and Selection)

(cf. 4215 - Evaluation/Supervision)

(cf. 4311 - Recruitment and Selection)

(cf. 4315 - Evaluation/Supervision)

6. Adopt a fiscally responsible budget based on the district's vision and goals, and regularly monitor the fiscal health of the district

(cf. 3000 - Concepts and Roles)

(cf. 3100 - Budget)

(cf. 3312 - Contracts)

(cf. 3460 - Financial Reports and Accountability)
7. Ensure that a safe and appropriate educational environment is provided to all students

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 7110 - Facilities Master Plan)

(cf. 7150 - Site Selection and Development)

(cf. 7210 - Facilities Financing)

8. Establish a framework for the district's collective bargaining process and adopt responsible agreements

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

9. Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels

(cf. 0510 - School Accountability Report Card)

(cf. 1020 - Youth Services)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1160 - Political Processes)

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations between Private Industry and the Schools)

(cf. 9010 - Public Statements)

10. Convene as a judicial and appeals body and serve as the final decision-maker in accordance with law, Board policies and negotiated agreements

(cf. 1312 - Complaints Concerning the Schools)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4117.3 - Personnel Reduction)

(cf. 4117.4 - Dismissal)

(cf. 4144/4244/4344 - Complaints)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

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

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

(cf. 6164.6 - Identification and Education Under Section 504)

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

Legal Reference:

EDUCATION CODE

5304 Duties of governing board (re school district elections)

12400-12405 Authority to participate in federal programs

17565-17592 Board duties re property maintenance and control

33319.5 Implementation of authority of local agencies

35000 District name

35010 Control of district; prescription and enforcement of rules

35020-35046 Officers and agents

35100-35351 Governing boards, especially:

35160-35185 Powers and duties

35291 Rules

http://www.gamutonline.net/DisplayPolicy/310401/ 12/3/2010
Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards, November 2000

Maximizing School Board Leadership, 1996

WEB SITES

CSBA: http://www.csba.org

Bylaw MARTINEZ UNIFIED SCHOOL DISTRICT

adopted: January 27, 2003 Martinez, California
Martinez USD | 9000 | BB 9012 Board Bylaws

**Board Member Electronic Communications**

The Board of Education recognizes that electronic communication among Board members and between Board members, *district administration*, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the district and its schools. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendized Board meeting.

(cf. 1100 - Communication with the Public)

(cf. 6020 - Parent Involvement)

(cf. 9000 - Role of the Board)

(cf. 9322 - Agenda/Meeting Materials)

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

(cf. 9320 - Meetings and Notices)

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process. As appropriate, communication received from the press shall be forwarded to the designated district spokesperson.

(cf. 1112 - Media Relations)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

(cf. 9005 - Governance Standards)
(cf. 9121 - Board President)

(cf. 9200 - Limits of Board Member Authority)

(cf. 9270 - Conflict of Interest)

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

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

(cf. 5125 - Student Records)

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

(cf. 9321 - Closed Session Purposes and Agendas)

Board members may use electronic communications to discuss matters other than district business with each other, regardless of the number of members participating in the discussion.

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

(cf. 1340 - Access to District Records)

Legal Reference:

EDUCATION CODE

35140 Time and place of meetings

35145 Public meetings

35145.5 Agenda; public participation; regulations

35147 Open meeting law exceptions and applications

GOVERNMENT CODE

11135 State programs and activities, discrimination

54950-54963 The Ralph M. Brown Act, especially:

54952.2 Meeting, defined

54953 Meetings to be open and public; attendance

54954.2 Agenda posting requirements, board actions

Management Resources:

CSBA PUBLICATIONS

http://www.gamutonline.net/DisplayPolicy/570689/9

9/3/2013
The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS


WEB SITES

CSBA: http://www.csba.org

CSBA, Agenda Online: http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx

Institute for Local Government: http://www.cacities.org/index.jsp?zone=ilsg

Bylaw MARTINEZ UNIFIED SCHOOL DISTRICT

adopted: February 23, 2009 Martinez, California
Limits Of Board Member

The Board of Education recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9270 - Conflict of Interest)

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

(cf. 1340 - Access to District Records)

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

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

A Board member whose child is attending a district school should be aware of his/her role as a Board member when interacting with district employees. Because his/her position as a Board member may inhibit the performance of school personnel, the Board member should inform the Superintendent or designee before volunteering in his/her child's classroom.

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 9240 - Board Development)

(cf. 9270 - Conflict of Interest)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the state's open meeting laws. (Government Code 54952.1)
The Superintendent or designee shall provide a copy of the Brown Act to each Board member and to anyone who is elected to the Board and who has not yet assumed office.

Legal Reference:

EDUCATION CODE

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards, especially:

35160-35184 Powers and duties

35291 Rules

35292 Visits to schools (Board members)

51101 Rights of parents/guardians

GOVERNMENT CODE

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

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: http://www.csba.org

Bylaw MARTINEZ UNIFIED SCHOOL DISTRICT

adopted: May 24, 2004 Martinez, California
Responding to Constituency Concerns or Complaints

Stephen Covey's 5 Levels of Listening:

Empathetic \(\) From other person's frame of reference
Attentive
Selective \(\) From own frame of reference
Pretend
Ignore

The 4 R's:

**Receive** -- Listen without interruption and without preparing response to the person's issues or concerns

**Repeat** -- Paraphrase or ask questions to ensure understanding of what has been said

**Request** -- Ask what the person sees as the solution to the problem or concern. Ask what they would have you do with the information they have given you.

**Review** -- Review the conversation (and what next steps if any)

*Add two more R's for protocol: Responding to community or staff concerns or complaints:*

**Redirect** -- Put the person back into the system at the appropriate place.

**Report** -- Notify the superintendent of the conversation so that s/he has the full picture and can follow through as appropriate and/or necessary
Hillsborough City School District
Current Governance Team Norms
(February 2013)

The Board of Trustees and the Superintendent work together as the District’s Governance Team. We acknowledge and affirm that we are all involved in the Hillsborough City School District for a common and worthy cause—to educate our children in the finest way possible. Thus, we begin and end our terms of duty working for this common goal.

As we work toward the common goal, each one of us has definite, individual talents and abilities to apply, and it is the artful amalgamation of these varying qualities that brings us successfully to our goal. To blend these qualities harmoniously requires from each of us [Board Policy 9003.5]:

1. **Unqualified teamwork and cooperation.**
   - We require mutual support at all times for all of the individuals on the team because of their sincerity and devotion to a common cause. [BP 9003.5]
   - We require intelligent utilization of the best that is in each of us, that our contribution may be our top performance. [BP 9003.5] To that end, we will come to meetings with our homework done and thus well-prepared to discuss the issues and make decisions. [Gov. Team 2012-13]
   - We will trust the process and our good intentions and address concerns positively. [Gov. Team 2012-13]

2. **Equitable Communication and Access to Information** [Gov. Team 2012-2013]
   - The Governance Team will communicate early and often, in compliance with the Brown Act, to ensure that we surface questions and potentially controversial issues in advance so that
     - Resources are fully available to us to assist during the public decision-making process, and
     - We minimize surprises and avoid “gotcha” moments.
   - To further this goal, we agree to abide by the following procedures:
     - All members of the Governance Team will be given equal access to information.
     - All informational questions will be provided to the Superintendent by noon of the day of the Board Meeting.
     - Questions on the Board Packet before the meeting and questions during the meeting may be directed to the Superintendent and/or to anyone who is listed as the resource.
3. **Respect for Every Team Member's Point of View** [Gov. Team 2012-13]
   - We will strive for clear, honest, open communication.
   - We will be soft on people and tough on issues.
   - We will not tolerate denigration of a teammate because of his or her views. We will agree to disagree.
   - All shall expect the freedom to express dissenting views openly.
   - We will take care to be sure all voices are being heard.

4. **All Members Shall Fully Support Carefully Arrived At Majority Decisions.** [BP 9003.5]
   - The majority decides.
   - We will remind any Trustee who votes in the minority that he or she has the option of stating his or her reasons for the minority vote in the Minutes. [Gov. Team 2012-13]

5. **Integrity of Purpose and Conduct**
   - We will express our viewpoints and reactions with frankness and candor and express ourselves as concisely and directly as possible to avoid misinterpretations. [BP 9003.5]
   - We will conduct ourselves with complete integrity in our internal relationships as well as in our relationships with the community. [BP 9003.5]
   - Relationships of trustees and administrators with the school staff should emphasize professional responsibility and should not become too highly personalized lest the common objectives become clouded by subjective, personal, and emotional involvements. [BP 9003.5]
   - Loyalty should be commanded to our purpose and not to any individual personalities. Similarly, the idiosyncrasies and weaknesses peculiar to each of our personalities should be understood and tolerated, and the work of the Board and administration and all school personnel must rise above this level of concern. [BP 9003.5]
   - "Politicking"—i.e., the use of plans shrewdly contrived, especially with regard to self-interest—should never be practiced within the school community. [BP 9003.5]

6. **Confidentiality of Closed Sessions** [BP 9003.5]
   - All members will remember that the confidentiality of information discussed in Closed Sessions is mandatory, and members will be censured for violations.
Norms/protocols for further discussion:

- **Visiting campuses:** Trustees are encouraged to attend open events at school campuses such as School Site Council Meetings, Parent Group Meetings, student performances and assemblies, and Superintendent Coffees. If a Trustee would like to visit a campus apart from an open event, the Trustee should work directly with the Superintendent to arrange a date and time.

- **Resolutions Recommended by Outside Groups:** Only those Resolutions that have clarity of purpose, directly affect the Hillsborough City School District and/or Public Education, and do not recommend to citizens how to vote shall be placed on the agenda at the discretion of the Superintendent and Board president. Additionally, if there is an item of particular interest to a Trustee, that Trustee may recommend that it be placed before the Board.

- **Communication with community:** We believe that communication is a shared responsibility of staff and Trustees. We will provide timely and clear communication to the community and solicit input when appropriate.

- **Confidentiality:** Confidential information will remain confidential.