

Bylaw 9323: Meeting Conduct

Status: ADOPTED

Original Adopted Date: 11/01/2006 | **Last Revised Date:** 02/01/2026 | **Last Reviewed Date:** 02/01/2026

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

CSBA NOTE: The law does not require a particular set of procedures to govern Governing Board meetings. However, it is common to use Robert's Rules of Order or Rosenberg's Rules of Order. The following paragraph should be modified to reflect district practice.

The Board chair, who is either the Board president or the Board member chairing the meeting at the time if the Board president is absent, shall conduct Board meetings in accordance with [REDACTED] to enable the Board to efficiently consider issues and carry out the will of the majority.

CSBA NOTE: The following optional paragraph limits the length of Board meetings and should be revised to reflect district practice.

The Board believes that late night meetings can deter public participation, affect the Board's decision-making ability, and be a burden to staff. Regular Board meetings shall be adjourned by [REDACTED] p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and, if necessary, may subsequently be adjourned to a later date.

CSBA NOTE: The following optional paragraph, which should be revised to reflect district practice, is for boards that use the consent agenda or calendar to take action on matters of a routine nature for which discussion may not be necessary. For more information regarding the use of a consent agenda or calendar, see BB 9322 - Agenda/Meeting Materials.

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 separate agenda item. The Board chair shall determine where on the agenda the former consent item is placed.

Quorum and Abstentions

Except as required by law, the Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

Except when prohibited by law, the Board expects its members to vote on all issues before them. When a member abstains, the abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

CSBA NOTE: The following paragraph applies only to seven-member boards and should be deleted by boards with three or five members.

Provided the Board typically consists of seven members and there are no more than two vacancies on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. Additionally, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Public Participation

CSBA NOTE: Pursuant to Government Code 54953.3, members of the public cannot be required to register their names, complete a questionnaire, or provide other information as a condition of attending a Board meeting, except that a member of the public desiring to observe the meeting or provide comment through the use of a third party website or online platform may be required to register as required by the third party provider.

Members of the public may be given or asked for non-personal identifying information (e.g., a numbered ticket) to indicate speaking order for public comment. If an attendance list or similar document is posted near the entrance or circulated during the meeting, it is required to clearly state that signing or completing the document is voluntary.

Bylaw 9323: Meeting Conduct

Status: ADOPTED

Original Adopted Date: 05/08/2019 | **Last Revised Date:** 01/08/2020 | **Last Reviewed Date:** 01/08/2020

Meeting Procedures

All Board of Education meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

Other than the specific exception(s) stated here, when not in conflict with any applicable statute, rule or section, the rules established by Robert's Rules of Order, most recently revised edition, shall serve as the parliamentary authority and constitute the parliamentary rules of the Board.

Exception to Roberts Rules of Order

The procedure for hearing, considering and debating a motion on an action item before the Board shall be as follows:

1. The Superintendent or designee, shall introduce the item and provide a report;
2. The presiding officer shall call for questions or clarifications to the Superintendent or designee regarding the report given;
3. Public Comment shall be heard on the item;
4. The presiding officer may call for discussion;
5. Once discussion is complete, the presiding officer shall call for a motion;
6. Any Board Member may make a motion on the item placed before the Board;
7. If there is a second to the motion, the presiding officer shall call for discussion on the motion. If none, or after further discussion, the presiding officer shall call for a Roll Call vote.

The presiding officer shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:00 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

If a Board consists of seven members and not more than two vacancies occur on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. In addition, if a vacancy exists on the Board, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, members of the public attending a Board meeting shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting, except if a member of the public desires to observe the meeting or make public comment through the use of a third party website or online platform as required by the third party provider.

To facilitate public comment, the Board may request that members of the public who wish to give public comment provide their names or other identifying information to determine speaking order.

In order to conduct district business in an orderly and efficient manner, public comment shall occur in accordance with Board Bylaw 9322 - Agenda Meeting/Materials and in compliance with the following procedures:

CSBA NOTE: District employees have the same right as members of the public to address the Board during a public Board meeting. In 90 Ops.Cal.Atty.Gen. 47 (2007), the Attorney General opined that, under the Ralph M. Brown Act, an administrative district employee cannot be prohibited from attending a Board meeting or from speaking during the public comment period, including comments on an employment-related issue.

1. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law (Education Code 35145.5; Government Code 54954.2)
2. Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda (Government Code 54954.2)

Additionally, on their own initiative or in response to questions posed by the public, Board members or staff members may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)

In addition, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

CSBA NOTE: Government Code 54954.3 authorizes reasonable regulations, including the total amount of time allocated for each individual speaker and whether speakers may defer or combine time. The following paragraph may be modified to reflect district practice.

3. A member of the public wishing to be heard by the Board shall first be recognized by the Board chair

An individual speaker shall be allowed a maximum of _____ minutes to address the Board. However, the Board chair, or a majority of the Board, may adjust the amount of time allowed for public input and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. Additionally, the Board chair may ask members of the public with the same viewpoint to select a few individuals to address the Board on behalf of that viewpoint.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

4. An individual speaker may give some or all of the speaker's time to another speaker, provided that no individual speaker is permitted to speak more than the maximum time permitted per individual speaker pursuant to Board Bylaw 9322 - Agenda/Meeting Materials
5. For any public comment period with a time limit when a remote Board member is attending and participating based on just cause pursuant to Board Bylaw 9320.1 - Remote Meetings and Attendance, the Board may not close that public comment period or the opportunity to register to provide public comment via the two-way audiovisual platform or two-way audio service until the full time for public comment has elapsed (Government Code 54953.8)

For any other public comment period when a remote Board member is attending and participating based on just cause pursuant to Board Bylaw 9320.1 - Remote Meetings and Attendance, the Board shall allow a reasonable amount of time to permit members of the public to provide public comment and to register to do

information as a condition of attending the meeting.

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

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, during the Board's consideration of the item before action is taken. (Education Code 35145.5, Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5, Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)
5. A person wishing to be heard by the Board shall first be recognized by the presiding officer and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item.

The Board may limit the total time for public input on each item to 20 minutes. With Board consent, the presiding officer may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The presiding officer may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

6. The presiding officer may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the presiding officer may indicate the time and place when it should be presented.

The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3) In addition, the Board may not prohibit public criticism of district employees.

Whenever a member of the public initiates specific complaints or charges against an employee, the presiding officer shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The presiding officer shall also encourage the complainant to file a complaint using the appropriate district complaint procedure.

7. The presiding officer shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the presiding officer to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

so via the two-way audiovisual platform or two-way audio service. (Government Code 54953.8)

6. The Board chair shall determine whether an individual's public comment is within the scope of the public comment period, subject to the following conditions:

- a. If the public comment is within the scope of a different public comment period, the Board chair shall so indicate
- b. Public criticism of the Board, individual Board members, the district, its policies, procedures, programs, services, acts, or omissions shall not be prohibited (Government Code 54954.3)

CSBA NOTE: The following optional item addresses the issue of specific charges or complaints against district employees in open Board meetings. Although the Board may inform the speaker of appropriate district complaint procedures, it cannot prohibit criticisms of the district and its employees, no matter how harsh. Board members and staff may briefly respond to the concerns raised by the complainant at the meeting.

In *Baca v. Moreno Valley Unified School District*, a federal district court issued a preliminary injunction against the district prohibiting it from enforcing its policy barring criticism of employees at public Board meetings. The court found that the district's policy violated the plaintiff's First Amendment rights by restricting the content of her speech. The court further noted that the district could not legally prevent a member of the public from speaking in open session, even if the speech was clearly defamatory. It is recommended that the Board consult CSBA District and County Office of Education Legal Services or district legal counsel if a question arises regarding public criticism of a district employee.

- c. Public criticism of district employees shall not be prohibited

However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board chair shall inform the complainant of the appropriate complaint procedure.

Disruptions

CSBA NOTE: Government Code 54957.95 authorizes the Board to remove a person who willfully disrupts or disturbs a meeting. Examples of disruptive conduct might include conduct that is extremely loud, disturbing, or creates a health or safety risk. In *McMahon v. Albany Unified School District*, a California Appellate Court held that a speaker's constitutional rights were not violated when the speaker was removed from a Board meeting after dumping a substantial amount of garbage on the floor of the meeting room. Because the speaker was not removed based on the content of his speech, the court upheld his conviction for a willful disruption of a public meeting. In *City of San Jose v. Garbett*, the court held that a legislative body may exclude from a meeting a person who has expressed a credible threat of violence that would place reasonable persons in fear for their safety or the safety of their immediate family and that serves no legitimate purpose.

However, the courts have found that a person's conduct is required to actually disrupt the meeting in order to warrant ejection. In *Norse v. City of Santa Cruz*, the court held that the city council improperly ejected a member of the public who gave the council a silent Nazi salute, on the grounds that the action did not interfere with the proceedings of the meeting.

Because of the potential impact on the public's access to open meetings, it is recommended that the Board consult CSBA District and County Office of Education Legal Services or district legal counsel if a question arises regarding the procedures for removing a disruptive individual, or if an individual's behavior warrants removal from a meeting.

The Board chair shall not permit an individual to actually disrupt a Board meeting. Actual disruption by an individual or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the Board chair to terminate the privilege of addressing the Board for that meeting and remove the individual from the meeting. (Government Code 54957.95)

Prior to removal, the individual shall be warned that the individual's behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the Board chair, or designee, may then remove the individual from the meeting. (Government Code 54957.95)

When an individual's behavior constitutes the use of force or a true threat of force, the individual shall be removed from a Board meeting without a warning. (Government Code 54957.95)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement.

Recording by the Public

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

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

Disrupting means engaging in behavior during a Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law, or engaging in behavior that constitutes use of force or a true threat of force. (Government Code 54957.95)

True threat of force means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat. (Government Code 54957.95)

Additionally, the Board may order the room cleared when a group or groups of persons willfully interrupts so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to such a group disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

CSBA NOTE: In *Berkeley People's Alliance v. City of Berkeley*, the California Appellate Court held that Government Code 54957.9 requires a legislative body to clear the meeting room when a meeting is willfully disrupted and order cannot be restored by removing disruptive individuals and does not permit the legislative body to relocate the meeting to a different room in lieu of clearing the meeting room.

When such group disruptive conduct occurs, the Board may decide to recess the meeting to help restore order, remove the disruptive individual(s), or clear the room. Additionally, the Board may adjourn the meeting to another time and location specified in an order of adjournment. The Board chair may direct the Superintendent or designee to contact local law enforcement as necessary. (Government Code 54955, 54957.9, 54957.95, 54957.96)

Recording by the Public

CSBA NOTE: Government Code 54953.5 provides that any member of the public attending an open meeting may record it with an audio or video recorder or a still or motion picture camera unless the Board makes a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view which would persistently disrupt the meeting. Government Code 54953.6 requires a similar finding before the Board can prohibit or restrict a broadcast of its meetings.

The following paragraph extends the right to record an open meeting to include recordings made by other devices such as a cell phone.

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

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