

**Bylaw 9320: Meetings And Notices**

**Status:** ADOPTED

**Original Adopted Date:** 02/15/2001 | **Last Revised Date:** 12/10/2015

Meetings of the Governing Board are conducted for the purpose of accomplishing district business.

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

In accordance with state open meeting laws, the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

Direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action that members will take on any item of district business. (Government Code 54952.2)

Meetings shall be held within district boundaries, except when otherwise allowed by law. (Government Code 54954)

Meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge. (Government Code 54961)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee in writing.

#### Regular Meetings

At the annual organizational meeting, the Board shall adopt a yearly calendar specifying the date, time and place of each regular meeting.

The Board shall hold at least one regular meeting each month, except for the month of July. Regular meetings shall begin at 5:00 PM in the Board Room at the district office. The date, time and place of each regular meeting is subject to change according to Board meeting notice procedures.

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 (Government Code 54954.2)

If a fire, flood, earthquake or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the president or designee, who shall so inform, by the most rapid available means of communication, all news media who have requested notice of special meetings. (Government Code 54954)

#### Special Meetings

Special meetings of the Board may be called by the presiding officer or a majority of the Board members. (Government Code 54956)

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

Public notice shall be given at least 72 hours' before any retreats, study sessions or training sessions held by the Board. All such meetings shall be held within district boundaries and action items shall not be included.

#### Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice 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. A work stoppage, crippling activity or other activity which severely impairs public health and/or safety, as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

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

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. 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. (Government Code 54956.5)

In the case of a dire emergency, the Board president shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### Adjourned Meetings

A majority vote by the Board may adjourn any meeting to a later time and place that shall be specified in the order of adjournment. (Government Code 54955)

If no Board members are present at any regular or adjourned regular meeting, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of adjournment. (Government Code 54955)

#### Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, through either audio, and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject

matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

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

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

### Hearings

The Board may occasionally convene public hearings at which no Board action is to be taken. Such hearings are held solely to allow the Board and members of the public to receive information. A hearing may take place immediately prior to a Board meeting.

If a quorum of Board members is present at a hearing, notice of the hearing shall be provided according to procedures specified above for regular meetings.

### Workshops

Board members may assemble for workshop sessions for the purpose of studying issues, hearing presentations, reviewing proposed board policies, bylaws, and regulations, or improving board practices. Notice of the workshop shall be posted according to Board meeting notice procedures. No Board action shall be taken at these workshop sessions.

### Other Gatherings

Attendance by a majority of the Board members at any of the following events is not subject to state open meeting laws 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 boards
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 or at a legislative body of another local agency
4. A purely social or ceremonial occasion
5. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws. (Government Code 54952.2)

---

**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

Ed. Code 35140

### Description

[Time and place of meetings](#)

Ed. Code 35143

[Annual organizational meetings; date and notice](#)

Ed. Code 35144	<a href="#">Special meeting</a>
Ed. Code 35145	<a href="#">Public meetings</a>
Ed. Code 35145.5	<a href="#">Agenda; public participation and regulations</a>
Ed. Code 35146	<a href="#">Closed sessions; student matters</a>
Ed. Code 35147	<a href="#">Open meeting laws exceptions</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 3511.1	<a href="#">Local agency executives</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>
Gov. Code 54953	<a href="#">Oral summary of recommended salary and benefits of superintendent</a>
Gov. Code 54954	<a href="#">Time and place of regular meetings</a>
Gov. Code 54954.2	<a href="#">Agenda posting requirements; board actions</a>
Gov. Code 54956	<a href="#">Special Meetings</a>
Gov. Code 54956.5	<a href="#">Emergency meetings</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 8625-8629	<a href="#">California Emergency Services Act</a>

**Federal References**

28 CFR 35.160	<a href="#">Effective communications for individuals with disabilities</a>
28 CFR 36.303	<a href="#">Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services</a>
42 USC 12101-12213	<a href="#">Americans with Disabilities Act</a>

**Management Resources References**

	<b>Description</b>
Attorney General Opinion	<a href="#">78 Ops.Cal.Atty.Gen. 327 (1995)</a>
Attorney General Opinion	<a href="#">79 Ops.Cal.Atty.Gen. 69 (1996)</a>
Attorney General Opinion	<a href="#">84 Ops.Cal.Atty.Gen. 181 (2001)</a>
Attorney General Opinion	<a href="#">84 Ops.Cal.Atty.Gen. 30 (2001)</a>
Attorney General Opinion	<a href="#">88 Ops.Cal.Atty.Gen. 218 (2005)</a>
Court Decision	<a href="#">Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226</a>
Court Decision	<a href="#">Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208</a>
Court Decision	<a href="#">Wolfe v. City of Fremont (2006) 144 Cal.App. 4th 533</a>
CSBA Publication	<a href="#">The Brown Act: School Boards and Open Meeting Laws, rev. 2019</a>
Institute for Local Government Publication	<a href="#">The ABCs of Open Government Laws</a>
League of California Cities Publication	<a href="#">Open and Public V: A Guide to the Ralph M. Brown Act, 2016</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">CSBA, GAMUT Meetings</a>
Website	<a href="#">Institute for Local Government</a>
Website	<a href="#">League of California Cities</a>
Website	<a href="#">California Attorney General's Office</a>
Website	<a href="#">CSBA</a>

**Cross References**

0410  
0420.4  
0420.4  
0450  
0450  
0460  
1113  
1113  
1160  
1220  
1220  
1330  
1330  
1330-E PDF(1)  
1340  
1340  
1431  
2000  
2121  
3100  
3100  
3280  
3280  
3311  
3311  
3312  
3314  
3314  
3516  
3516  
4141.6  
4141.6  
4241.6  
4241.6  
4312.1  
7150  
7150  
7310  
9000

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Charter School Authorization](#)  
[Charter School Authorization](#)  
[Comprehensive Safety Plan](#)  
[Comprehensive Safety Plan](#)  
[Local Control And Accountability Plan](#)  
[District And School Websites](#)  
[District And School Websites](#)  
[Political Processes](#)  
[Citizen Advisory Committees](#)  
[Citizen Advisory Committees](#)  
[Use Of School Facilities](#)  
[Use Of School Facilities](#)  
[Use Of School Facilities](#)  
[Access To District Records](#)  
[Access To District Records](#)  
[Waivers](#)  
[Concepts And Roles](#)  
[Superintendent's Contract](#)  
[Budget](#)  
[Budget](#)  
[Sale Or Lease Of District-Owned Real Property](#)  
[Sale Or Lease Of District-Owned Real Property](#)  
[Bids](#)  
[Bids](#)  
[Contracts](#)  
[Payment For Goods And Services](#)  
[Payment For Goods And Services](#)  
[Emergencies And Disaster Preparedness Plan](#)  
[Emergencies And Disaster Preparedness Plan](#)  
[Concerted Action/Work Stoppage](#)  
[Concerted Action/Work Stoppage](#)  
[Concerted Action/Work Stoppage](#)  
[Concerted Action/Work Stoppage](#)  
[Contracts](#)  
[Site Selection And Development](#)  
[Site Selection And Development](#)  
[Naming Of Facility](#)  
[Role Of The Board](#)

9005	<a href="#">Governance Standards</a>
9005	<a href="#">Governance Standards</a>
9100	<a href="#">Organization</a>
9121	<a href="#">President</a>
9130	<a href="#">Board Committees</a>
9140	<a href="#">Board Representatives</a>
9220	<a href="#">Governing Board Elections</a>
9230	<a href="#">Orientation</a>
9270	<a href="#">Conflict Of Interest</a>
9270-E(1)	<a href="#">Conflict Of Interest</a>
9310	<a href="#">Board Policies</a>
9321	<a href="#">Closed Session</a>
9322	<a href="#">Agenda/Meeting Materials</a>
9323	<a href="#">Meeting Conduct</a>
9323.2	<a href="#">Actions By The Board</a>
9323.2-E PDF(1)	<a href="#">Actions By The Board</a>
9324	<a href="#">Minutes And Recordings</a>
9400	<a href="#">Board Self-Evaluation</a>