

A governing board is elected to establish and administer the educational programs of a school district. The governing board is a policy-making body; it is the responsibility of the district's chief administrator and staff to execute these policies. Some programs and administrative procedures are mandated by the state government. However, the Legislature and the California Department of Education do grant school district governing boards discretionary power to set educational guidelines to meet the needs of their communities and to take advantage of the resources of those communities to aid in the education of the districts' students.

School district governing boards meet on a regular basis, usually at least once a month, to conduct district business. It is important for board members to realize that no individual board member has legal authority except during an official board meeting. The legislature has been very specific in delegating control to the board as a governing body, not to individuals. No individual board member has authority over school policies or employees, and no one member may commit the group.

This section outlines the proper procedures for conducting governing board meetings and gives detailed information on the proper method of recording board actions in the official minutes. Required and authorized board policies and administrative procedures are referenced by topic.

MEETINGS

Legal Requirements

The governing board of each school and community college district shall meet annually and organize (see the subsection "Types of Meetings" for pertinent references). All board meetings shall be open to the public and shall be conducted in accordance with the Ralph M. Brown Act (GC § 54950 et seq.). Districts must pay attention to their agendas and conduct only business outlined in the agenda for a particular meeting. Governing boards may deliberate or take action on a matter only at a lawful meeting open to the public unless authorized by law to conduct a closed session. [EC §§ 35145, 72121; GC § 54962]

Closed sessions may be held only for the following purposes:

1. Disciplinary action, suspension or any other action except expulsion of a pupil of the district; expulsion as specified. [EC §§ 35146, 48918, 72122]
2. Complaints or charges against, or discipline, dismissal, appointment, employment, or evaluation of performance of a public employee. [GC §§ 54957-7.1]

3. Matters affecting the security of public buildings, essential public services, or the public's right of access to public facilities or services. [GC § 54957(a)]
4. Pending litigation as defined discussed with legal counsel after public statement of legal authority for closed session and preparation of memorandum by legal counsel. [GC § 54956.9]
5. Matters relating to salaries, salary schedules, or compensation paid in form of fringe benefits of represented and nonrepresented employees, and for any other matter within the statutory-provided scope of representation after identification of designated representatives in open session. [GC § 54957.6]
6. Matters relating to employer-employee relations and collective bargaining proceedings as specified. [GC § 3549.1]
7. Instructions to negotiator regarding price and terms of payment for the purchase, sale, exchange or lease of real property by or for the governing board. [GC § 54956.8]
8. Testimony before a grand jury. [GC § 54953.1]
9. Conferring of honorary degrees. [EC § 72122]
10. Gifts from donor who wants to remain anonymous. [EC § 72122]
11. Claim for payment of tort liability losses, public liability losses, or workers' compensation liability. [GC § 54956.95]
12. Discussion of response to confidential final draft audit report from the Bureau of State Audits. [GC § 54956.75]
13. Content review of statewide test instrument under terms and conditions of the State Board of Education. [EC § 60617]

When a closed session is held, the governing board shall publicly report any action taken in closed session as specified and the vote of every member present on such action. Members are prohibited from disclosing closed session proceedings except as provided by the Ralph M. Brown Act. [GC §§ 54957.1-7.2]

The board shall prescribe and enforce rules consistent with the law, or rules prescribed by the State Board of Education or board of governors, for its own government. [EC § 35010]

The agenda shall be posted at a public place freely accessible to the public and district employees at least 72 hours before a regular meeting and at least 24 hours before a special meeting. The agenda shall contain a brief general description of each item of business, generally not exceeding 20 words. The agenda shall be made available in appropriate alternative formats to persons with a disability. [EC §§ 35144-5, 72121, 72129; GC §§ 54954.2, 54956]

Minutes recording all board actions shall be taken at all open board meetings. Minutes are public records and shall be available to the public. [EC §§ 35145, 72121]

The district superintendent shall be the chief executive officer of the governing board. [EC § 35035]

The board may hire a secretary and a bookkeeper. [EC § 35025]

Unless a statute prescribes a higher vote, the governing board must have the concurrence of a majority of all of the membership constituting the governing board for any action taken. A nonvoting or a preferential voting student member shall not be included in determining the vote required to carry any measure before the board. No action shall be taken by secret ballot. [EC §§ 35012, 35164, 72000, 72023.5, GC § 54953(c)]

TYPES OF MEETINGS

Organizational Meetings

The governing board of each district shall hold an annual organizational meeting. In a year in which a regular governing board member election is conducted, the meeting shall be held within a 15-day period that commences with the date upon which a governing board member-elect takes office. When no regular election is conducted, the meeting shall be held during the same 15-day calendar period. The board shall organize by electing required officers. [EC §§ 35022, 35143, 72000]

The office of the County Superintendent of Schools distributes a bulletin in the fall reminding districts of the specific code sections that relate to the duties of governing boards in connection with the annual organizational meeting. Forms for notifying the appropriate state and county agencies of governing board membership, officers of the board, and board meeting dates are included with the bulletin.

The Roster of Public Agencies form shall be completed and filed with the Secretary of State and the county clerk within 10 days after any change in board membership (i.e., name, address, president, clerk, etc.) during the school year. Additional copies may be

obtained from the Web site of the California Secretary of State or requested from the Legal Services Unit and may be reproduced as necessary (see Additional Resources and Exhibit 7). The timely filing of a revised form each time the information on the form changes provides districts and charter schools with certain protections against lawsuits. [GC §§ 900 et seq., 53051]

Regular Meetings

The board shall establish the time and place to conduct regular meetings. If the regular meeting falls on a holiday, such meetings shall be held on the following business day. The holidays established are [EC §§ 35140, 72000; GC §§ 6700, 54954]:

January 1
Third Monday in January - Dr. Martin Luther King, Jr. Day
February 12 - Lincoln Day
Third Monday in February - Washington Day
March 31 – Cesar Chavez Day
Last Monday in May - Memorial Day
July 4
First Monday in September - Labor Day
September 9 - Admission Day
Second Monday in October - Columbus Day
November 11 - Veterans Day
Last Thursday in November - Thanksgiving Day
December 25
Every Sunday

Another established holiday is Good Friday from 12:00 noon to 3:00 p.m. (declared unconstitutional, *Mandel v. Hodges*, 1976). If January 1, February 12, March 31, July 4, September 9, November 11, or December 25 falls upon a Sunday, the Monday following is a holiday. If November 11 falls upon a Saturday, the preceding Friday is a holiday. [GC §§ 6700-1]

For business transactions, every Saturday from noon to midnight is a holiday; this pertains to public offices of the state and political subdivisions where laws provide that public offices shall be closed on holidays. [GC § 6702]

Special Meetings

The presiding officer of the board or a majority of the members may call special meetings at any time with specified notice. The written notice shall be delivered in person or by any other means to each member and shall be received at least 24 hours

prior to the meeting. Facsimile or e-mail is acceptable with 24-hour receipt. Written notice must also be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing. The call and notice shall be posted in a location freely accessible to the public and district employees. The time and place of the meeting and the business to be transacted shall be specified in the notice. The notice shall provide an opportunity for members of the public to directly address the governing board on any item on the agenda. No other business shall be considered at the special meeting. Individual members may waive written notice prior to the meeting, or by being present when the meeting convenes (Exhibit 1). [EC §§ 35144, 72129; GC §§ 54954.3, 54956]

In the event of an emergency situation as defined, a legislative body may hold a special meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement or both of the notice and posting requirements. A closed session may be held at this special meeting. The minutes with other specified information shall be posted in a public place for at least 10 days as soon as possible after such meeting. [GC § 54956.5]

Adjourned Meetings

The board may adjourn any regular or special meeting to a specified time and place in the adjournment order. Less than a quorum may adjourn. Within 24 hours after adjournment, a written copy of the order of adjournment shall be posted on or near the door of the meeting room. [GC § 54955]

If all members are absent from any regular meeting, the clerk or secretary may declare the meeting adjourned, and within 24 hours shall post a notice of adjournment. A written notice of adjournment must also be given in the manner as provided for special meetings (Exhibits 2 and 3). [GC § 54955]

Time and Place of Meetings

When establishing regular meetings, the board should consider public accessibility and convenience and efficient conduct. Disability related accommodations or modifications shall be provided upon request. [GC § 54954.2] Regular meetings should be held more than once a month whenever indicated by the amount of business.

The Government Code provides that meetings of the governing board, including meetings of advisory and standing committees, shall be held within the boundaries of the school or community college district. There are seven specific exceptions to this

requirement and an additional three specific exceptions for school districts only. The Education Code also provides two exceptions for community college districts only. [EC § 72000(d)(2); GC § 54954]

The meeting place should be equipped with table space and chairs for board members and assistants. There should be adequate visitor seating. The board files should be conveniently located, and special equipment should be available for use when necessary. School district building plans should include an adequate meeting place for the governing board.

Conduct of Meetings

At the organizational meeting, the board shall designate which of its members will preside in the absence of the regular presiding officer. The board has authority to prescribe and enforce rules of procedure for its own government. The board should keep the rules as basic and simple as possible. The rules are for the board's own guidance and protection, and only the board members themselves may protest the application of the rules. The board may require that members receive copies of the Ralph M. Brown Act for regular review of the procedural requirements of open meeting statutes. [GC § 54952.7]

Board members should attend regularly and arrive on time. Whenever possible, meetings should be kept within a two-hour time frame. Items to be considered should be only those on the agenda, and discussion should be limited to the motion before the board at the time. Groups appearing before the board should be represented by a spokesperson. Reasonable regulations shall be adopted to insure that members of the public are able to place matters concerning district business on the agenda and will be able to address the board regarding agenda items or other items within the jurisdiction of the governing board. [EC §§ 35145.5, 72121.5; GC § 54954.3]

The board may elect to use teleconferencing for all purposes in connection with any meeting. Audio and/or visual participation shall be provided between members of the board and the public attending a meeting or hearing at any teleconference location. The board shall adopt reasonable regulations to ensure protection of statutory or constitutional rights of persons at a video teleconference location. Agendas shall be posted at all teleconference locations. All votes taken during a teleconferenced meeting shall be by roll call. [GC § 54953]

It is recommended that the district superintendent serve as secretary to the board. Administrative procedures at board meetings should be adopted that assign specific duties to the superintendent. As secretary to the board, the superintendent's responsibilities should include:

1. Making arrangements for the meeting location, providing any necessary equipment and providing pertinent records for board members.
2. Preparing and posting the agenda for each meeting. [EC §§ 35145, 72121]
3. Making arrangements for a recording secretary. Notes may be taken by a stenographer during the meeting under the superintendent's direction.
4. Providing any reports, surveys, statistical summaries and proposed resolutions necessary for the board meeting.
5. Delegating administrative assignments and clerical duties relating to the governing board to district employees.

Agenda

A written agenda shall be prepared and posted where the public and district employees may view it at least 72 hours prior to regular meetings and 24 hours prior to special meetings. The agenda should reach each board member in advance of the meeting to permit time for review. This agenda is a guide for conducting the meeting and preparing the official minutes. The board may not take action concerning items not on the posted agenda and may not add items to the agenda during the meeting of the board except as specified in Government Code section 54954.2. Following are suggested guidelines relating to the board agenda: [EC §§ 35144-5, 72121, 72129; GC §§ 54954.2, 54956.5]

1. Sufficient copies of the agenda and agenda packet should be prepared so that copies are available for any persons interested in the business to be conducted at an open meeting and for mailing pursuant to written requests for agendas or other documents in appropriate formats from open or closed meetings. [GC §§ 6250 et seq., 54954.1, 54957.1(b), 54957.5]
2. Each item on the board agenda must be sufficiently definite to show the whole scope of the board's intended action on any matter that the public has a legal right to hear. Refer to the Government Code for suggested descriptions of closed session items. [GC §§ 54954.2, 54954.5]
3. The order of the agenda items should be arranged to expedite the board's work. Routine items should be grouped in sequence leaving discussion items last. Some of the items may be listed under "old business" or "new business"
4. Minutes of the previous meeting should be examined for any unfinished business.

5. Every regular meeting agenda shall provide an opportunity for members of the public to directly address the governing board on items within its jurisdiction. The public shall be able to place matters directly related to district business on the agenda pursuant to regulation adopted by the board. [EC §§ 35145.5, 72121.5; GC § 54954.3]

The agenda shall include information on how, to whom, and when a request for a disability-related modification or accommodation may be made to permit a person with a disability to participate in the public meeting. [GC § 54954.2]

6. Explanatory notes and references should accompany the agenda for items on which board members need supplementary information.
7. Board agendas and related materials may be put online to reduce the need for paper copies and to increase public access.

MINUTES

The minutes of all regular, special, and adjourned meetings are permanent public records, and their maintenance and public inspection are required by law. Minutes of closed sessions are not specifically required by law. However, the governing board shall publicly report any action taken on certain items in closed session including the vote or abstention as required by Government Code section 54957.1. Minutes of a closed session are confidential and not subject to inspection under the California Public Records Act. [EC §§ 35145, 72121; GC §§ 54957.1, 54957.5, 54960; 5 CCR §§ 16023, 59023]

If a board tape- or film-records all or any part of its meetings for any reason, the tape or video recordings are subject to maintenance and inspection in accordance with law. Tape or video records may be erased or destroyed 30 days after recording. [GC §§ 54953.5, 54960]

Preparation of Minutes

1. A record of official action taken should include the exact wording of the motion and the name of the board member who made the motion. The seconder, the count of the vote, and discussion of motions need not be recorded unless required by law or specifically required by the board bylaws (Exhibit 4).
2. Action taken by the board involving correspondence should be indicated in the official minutes.

3. The presiding member may make or second motions. All members of the board should vote.
4. Resolutions as required by law shall be adopted.
5. If an adopted resolution or complete report is impractical to include verbatim in the minutes, the record should indicate the complete document is attached and made part of the original of the minutes (Exhibit 5). [5 CCR § 16023]
6. After each meeting, a copy of the minutes should be sent to each board member for review. This enables the board to approve the minutes quickly at its next meeting.
7. The minutes should be signed by the clerk and superintendent if he or she is serving as the board secretary; otherwise, the minutes should be signed by the clerk and the president of the board.
8. Corrections should be made in a different color permanent ink on the original copy of the minutes. The approval date should be noted on the original, which is then initialed by the secretary.
9. Excerpts from the minutes should include the meeting date and a statement of action, and should be certified as correct by the clerk or secretary (Exhibit 6).

Format

1. A regular format should be established for recording the minutes to facilitate indexing and references. The format should include paragraph headings or marginal references.
2. A three-hole binder or other easily accessible binder should hold the current fiscal year minutes.
3. The minutes should be typed and duplicated so they can be furnished to board members and others who request copies.
4. Pages should be numbered continuously for each school year.
5. A standard 8 ½" x 11" page should be used.
6. Paper should be 100 percent cotton and 20-pound weight or greater.

Indexing, Binding, and Filing

1. The minutes should be permanently bound by a book bindery at the close of each school or college year. In smaller districts, this may be done every two or three years. Standard minute books that can be locked may also be used.
2. The cover should bear the title, volume number, and inclusive dates.
3. The bound volume should contain a dated title page, the names of the board members, the district superintendent, clerk or secretary, and other pertinent information.
4. Standard minutes paper should be used for documents bound with the minutes.
5. Each bound volume should be indexed; indexed items should be dated and the pages should be numbered.
6. Board minutes of current and prior years should be stored permanently in a secure, fireproof location. [5 CCR § 16023]

BOARD POLICIES AND ADMINISTRATIVE PROCEDURES

School and community college district governing boards are required to develop written rules and procedures that are well-publicized, consistently enforced, and nondiscriminatory relative to: [EC § 35010]

1. Acquired Immune Deficiency Syndrome (AIDS) – Employee Information [H&SC § 120875 et seq.]
2. Adoption of Rules [EC §§ 35291, 35291.5, 70902]
3. Activities Charged for Use of Facilities [EC §§ 38130 et seq., 82537 et seq.]
4. Candidate's Statement, Governing Board Member Election [EIC § 13307]
5. Certificated Employees
 - a. Assignment and Teacher Vacancies – Annual Monitoring and Review [EC § 44258.9]
 - b. Evaluation [EC § 35171]

- c. Extended Leave of Absence for Illness or Accident [EC §§ 44977, 44983, 87780, 87786]
 - d. Industrial Accident and Illness Leave [EC §§ 44984, 87787]
 - e. Personal Necessity Leave [EC §§ 44981, 87784]
 - f. Pregnancy and Childbirth Leave [EC §§ 44965, 87766]
 - g. Sick Leave [EC §§ 44978, 87781]
- 6. Claims Procedure [EC §§ 35010, 35202, 72502; GC § 900 et seq.]
 - 7. Classified Employees
 - a. Extended Leave of Absence for Illness or Accident [EC §§ 45195-6, 88195-6]
 - b. Fixing of Duties [EC §§ 45109, 88009]
 - c. Industrial Accident and Illness Leave [EC §§ 45192, 88192]
 - d. Overtime [EC §§ 45128, 88027]
 - e. Personal Necessity Leave [EC §§ 45207, 88207]
 - f. Sick Leave [EC §§ 45191, 88191]
 - 8. Classroom Interruptions [EC § 32212]
 - 9. Community Colleges, Various – Permissive [EC § 70902]
 - 10. Comprehensive Plans [EC § 70902(1)]
 - 11. Conflict of Interest Code [GC § 87300 et seq.]
 - 12. Courses of Study [EC §§ 49091.14, 51040, 51200 et seq.]
 - 13. Credit Courses of Instruction and Educational Programs [EC § 70902(2)]
 - 14. Destruction of Records [EC § 35253-4]
 - 15. Discipline, School – Rules [EC § 35291 et seq.]

16. Due Process – Willful Destruction of Property [EC § 48904]
17. Duties of Employees [EC §§ 35020, 72400]
18. Emergencies, Evacuation – Bus Overloading [EC § 39834]
19. Employees Exempt from Classified Service [EC §§ 45106, 88006]
20. Expulsion, Suspension (School District) [EC § 48914 et seq.]
21. Expulsion, Suspension (Community College District) [EC § 76030 et seq.]
22. Extracurricular/cocurricular Activities, Grades 7-12 – Annual Review [EC § 35160.5(a)]
23. Governing Board Member Election – Tie Vote [EC § 5016]
24. Graduation and Curriculum Requirements [EC §§ 51220, 51225.3, 56390-2]
25. High School Exit Examination – Supplemental Instruction [EC §§ 37252, 37254, 60851(f)]
26. Independent Study [EC § 51747]
27. Individuals with Exceptional Needs, including Highly Mobile Individuals [EC § 56195 et seq., 56205, 56301]
28. Instruction Related to Alcohol, Narcotics, Dangerous Drugs, and Other Dangerous Substances [EC § 51203]
29. Instructional Materials [EC §§ 60000 et seq., 60119, 60500]
30. Meetings – Public Participation [EC §§ 35145.5, 72121.5]
31. Open Enrollment within District – Residents of District, Annual Review [EC § 35160.5(b)]
32. Parent Involvement [EC §§ 11504, 51101 et seq.]
33. Physical Examination of Pupils [EC §§ 49450, 76401]

34. Pupils
 - a. Evaluation of Achievement [EC § 49067(a)]
 - b. Fingerprint Program [EC § 32390]
 - c. Internet Safety, Children's Internet Protection Act [20 USC §§ 2401-41; 47 USC §§ 254(h), 254(l); PC § 313]
 - d. Participation in Extracurricular and Cocurricular Activities [EC § 35160.5]
 - e. Records [EC §§ 49069, 49073, 51747(b)]
35. Purchase and Disposal of Art or Craft Materials [EC § 32060 et seq.]
36. Restrooms [EC §§ 17584.3, 35292.5]
37. School Accountability Report Card [EC § 33126]
38. School Attendance Review Board, Reporting of Referrals to SARB [EC § 48273]
39. School Safety Plans [EC § 32281 et seq.]
40. School Wellness [42 USC § 1751]
41. Sexual Harassment [EC § 231.5]
42. Social Promotion, Acceleration, and Retention and Appeals Procedure [EC §§ 48011, 48070-48070.5]
43. Special Education [EC § 56195.8]
44. Student Behavior, Penalties (Community College District) [EC § 66300]
45. Student Member(s) on Community College District Governing Board [EC § 72023.5]
46. Time and Place of Board Meetings [EC § 35140]
47. Transportation, Special Education [EC § 56195.8(b)(5)]
48. Travel Expense Payment [EC §§ 44032, 87032]

49. Uniform Complaint Procedures (Including Williams Mandates) [EC §35186]
50. Waiver, High School Exit Exam, Pupil with Disability [EC § 60851]
51. Weapons, Possession of [20 USC 7151]

Governing boards may establish policies for the following:

1. Absences for Religious Purposes [EC § 46014]
2. Automatic External Defibrillator [H&SC § 1797.196]
3. Carbonated Beverages, Sale of Nonnutritious Food or Beverages [EC § 35182.5]
4. Career Technical Education (formerly Vocational Education) [EC § 52376]
5. Certificated Employees
 - a. Medical Examinations [EC §§ 44839, 87408]
 - b. Workload Balancing Program (Community College) [EC § 87790]
6. Charter Schools [EC § 47600 et seq.]
7. Class Size Reduction Program [EC §§ 52120 et seq.] and Class Size Reduction, Morgan-Hart [EC § 52080 et seq.]
8. Classified Employees
 - a. Physical Examinations [EC §§ 45122, 88021]
 - b. Senior Management Positions [EC § 45100.5]
9. Compensation for Governing Board Members, Student Members [EC §§ 35120, 72023.5, 72024]
10. Contracts, Exclusive or Nonexclusive Advertising or Sales Rights [EC § 35182.5]
11. Delegation of Powers [EC §§ 17604-6, 35161, 70902(d), 81655-6]
12. Dress Code – "Gang Related Apparel," Uniforms, Sun-protective Clothing [EC §§ 35183, 35183.5]

13. Driver Training [EC § 51850]
14. Educational Technology, Pupil Access to Internet [EC § 51870.5]
15. Electronic Signaling Devices, e.g., Cellular Phones, Pagers [EC § 48901.5]
16. Employer-Employee Relations [GC § 3540 et seq.]
17. Examination for Tuberculosis [EC § 49406]
18. Facilities Inspection System, School [EC § 17070.75]
19. Fee for Copy of Public Record [GC §§ 6253, 54954.1]
20. Fingerprinting, Employees, Contractors
 - a. Certificated Employees [EC §§ 44332.6, 44830.1, 44830.2]
 - b. Classified Employees [EC §§ 45125, 45125.01]
 - c. Contractors [EC §§ 45125.1, 45125.2]
21. Hazardous/Toxic Material – Use and Disposal [EC § 49411]
22. Health and Welfare Benefits – Retired Governing Board Members [GC § 53201]
23. Investments [GC § 53646]
24. Laser Pointer, Possession and Use on School Premises [PC § 417.25]
25. Meals for Needy Pupils [EC § 49501]
26. Meals, Free or Reduced-Price, Records Use and Destruction [EC § 49558(b)]
27. Meetings – Video Teleconferencing [GC § 54953]
28. Mileage or Monthly Allowance for Automobile [EC § 44033]
29. Missing Children – Posting and Checking Information Bulletins [EC §§ 38139, 49068.5]
30. Parent/Guardian Meeting – Suspended Pupils [EC § 48914]

31. Parents' Rights – Truant Pupils [EC § 48260.5]; Generally [EC § 51100]
32. Permissive Code Authorizations [EC §§ 35160, 35160.1, 70902]
33. Political Activities [EC § 7055]
34. Public Records – Availability [GC §§ 6253, 6253.4]
35. Published Materials [EC §§ 17553, 81459]
36. Pupils
 - a. Attendance [EC § 48340]
 - b. Classroom Interruptions [EC § 32212]
 - c. Enrollment –Residency Requirements EC § 48204]
 - d. Leaves of Absence [EC § 48232]
 - e. Responsibilities [EC § 35181]
 - f. Sunscreen Use [EC § 35183.5]
 - g. Unexcused Absences, Failing Grade [EC § 49067(b)]
37. Purchase of Office and Support Equipment (Community College) [EC § 67320]
38. Purchase and Sale of Farm Products [EC § 52706]
39. Requirements for Greater Access to Governing Board Meetings [GC § 54953.7]
40. Smoking in District Facilities [EC § 48901; H&SC § 118910]
41. Smoking, Steps to Discourage – Pupils [EC § 48901]
42. Staff Development [EC § 44500 et seq., 44579 et seq.]
43. Student Body Organizations [EC § 48930]
44. Student Member(s) on School District Governing Board [EC § 35012]

45. Student Member(s) on Community College District Governing Board [EC § 72023.5]
46. Suspension – Parent to Attend Class [EC § 48900.1]
47. Transportation Fees, Exemptions [EC § 39807.5]
48. Transportation, Pupil Walking Distance [5 CCR § 15241]
49. Transportation Safety Plan [EC § 39831.3]
50. Use of Grounds, Equipment, and School Facilities [EC §§ 10910-12, 38130 et seq., 82537 et seq.]; School Buildings for Election Polling Places [EIC § 12283]
51. Volunteers, Use of [EC § 35021 et seq.]; Volunteers, Senior [GC § 3119.5]

Permissive Code Authority

Many sections of the Education Code that dictated the specifics of school and community college operations were repealed to increase local control in the administration and governance of the districts. It is the intent of the Legislature in repealing or deleting by amendment many prescriptive provisions of law to authorize governing boards, county boards of education, and county superintendents of schools to act under the general authority of Education Code §§ 35160, 35160.1 and 70902. Districts should establish reasonable policies and regulations to implement various necessary and desirable activities and programs approved by the governing board. [CalC, Art. IX §14]

No Child Left Behind Act of 2001

School districts and charter schools will be required to adopt policies under the No Child Left Behind Act of 2001 (P.L. 107-110). Examples include constitutionally protected prayer in public schools, Boy Scouts' use of facilities, military recruiter access to pupil records, potentially dangerous schools, notice of availability of supplemental services, and open enrollment policies. Many of these issues have not yet been resolved between the U.S. Department of Education and the California Department of Education.

ADDITIONAL RESOURCES

1. California School Boards Association sample policies. Available: <<http://www.csba.org/PS/samintro.htm>>
2. California Secretary of State. Available: <<http://www.ss.ca.gov/>>

3. Community College League of California. Available: <<http://www.ccleague.org>>
4. *Conflicts of Interest*, Office of the Attorney General, State of California, 2004. Available: <http://caag.state.ca.us/publications/coi_2004.pdf>
5. "Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools" from the U.S. Department of Education. Available: <http://www.ed.gov/print/policy/gen/guid/religionandschools/prayer_guidance.html>
6. Open Meeting Laws, Ralph M. Brown Act:

The Brown Act: Open Meetings for Local Legislative Bodies, 2003, Office of the Attorney General, State of California. Available: <http://caag.state.ca.us/publications/2003_Intro_BrownAct.pdf>

Open and Public III: A User's Guide to the Ralph M. Brown Act, League of California Cities, 2000. Available: <http://www.cacities.org/resource_files/22237.O&PFinal2000Ind.PDF>
7. No Child Left Behind, State of California. Available: <<http://www.cde.ca.gov/nclb/>>
8. Robert's Rules of Order, 1915 Version, Public Domain. Available: <<http://www.constitution.org/rror/rror--00.htm>>
9. San Diego County Office of Education policies, administrative regulations and board bylaws. Available: <<http://www.sdcoe.net/business/legal/policy.asp>>
10. San Diego County school district links to policies and administrative regulations. Available: <<http://www.sdcoe.net/business2/dfs/?loc=legal-palinks&m=5&pi=legal>>
11. Statement of Facts, Roster of Public Agencies Filing, Secretary of State, State of California. Available: <<http://www.ss.ca.gov/business/sf/forms/np-sf-405.pdf>>
12. *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*, California School Boards Association, 2006, selected sections and ordering information. Available: <<http://www.csba.org/PS/hf.htm>>

LIST OF EXHIBITS

- Exhibit 1 Notice of Special Meeting, Sample, San Diego County Office of Education (SDCOE)
- Exhibit 2 Notice of Adjournment of the Meeting of the Governing Board, Sample, SDCOE
- Exhibit 3 Affidavit of Posting, Adjournment of Meeting, Sample, SDCOE
- Exhibit 4 Official Governing Board Minutes, Sample, SDCOE
- Exhibit 5 Resolution, Sample, SDCOE
- Exhibit 6 Excerpt from Board Minutes, Sample, SDCOE
- Exhibit 7 Statement of Facts, Roster of Public Agencies Filing, Secretary of State, State of California

(District Letterhead Recommended)

NOTICE OF SPECIAL MEETING

To:

Written notice is hereby given in accordance with Education Code section 35144 that a special meeting of the Governing Board of the School District will be held:

DATE:

TIME:

PLACE:

Include information on requesting disability-related modifications or accommodations in order to participate in the public meeting. [GC §§ 54954.2, 54954.3]

The business to be transacted at the meeting shall be limited to the following:

Include Public Participation [EC §§ 35145.5, 72121.5; GC § 54954.3]

Date: _____ Signed: _____
(Presiding Officer of the Board)

(District Letterhead Recommended)

NOTICE OF ADJOURNMENT OF THE MEETING OF THE GOVERNING BOARD
OF THE _____ SCHOOL DISTRICT

NOTICE IS HEREBY GIVEN that at the ____ (1) ____ meeting of the Governing Board of the _____ School District held ____ (2) ____, 20____, all members of said Governing Board were absent therefrom, and the undersigned ____ (3) ____ of said Governing Board thereupon declared said meeting adjourned to ____ (4) ____ o'clock ____ .m., on ____ (5) ____, 20____, at ____ (6) ____.

Dated: _____

(Signature) (3)
of the Governing Board of the
_____ School District

- (1) Insert type of meeting adjourned
(regular, adjourned regular, special, etc.)
- (2) Insert date of meeting which was adjourned to later time
- (3) Insert title of officer (clerk, secretary, etc.)
- (4) Insert hour to which meeting was adjourned
- (5) Insert date to which meeting was adjourned
- (6) Insert place where adjourned meeting will be held

(District Letterhead Recommended)

STATE OF CALIFORNIA)

) SS
COUNTY OF SAN DIEGO)

AFFIDAVIT OF POSTING
_____(1)____ OF THE
ADJOURNMENT OF MEETING

_____(Name)_____, being first duly sworn, deposes and says: that I am the
duly chosen, qualified, and acting _____(2)_____ of the Governing Board of the ____
_____(3)_____ School District; that the _____(4)_____ meeting of the _____(3)____
____ School District held _____(5)_____, 20 ____, said meeting was adjourned to the time and
place specified in the _____(1)_____ of adjournment ATTACHED HERETO; that on ____
_____(7)_____, 20 ____, at the hour of _____(7)____ o'clock ____m., I posted a copy of said _____(1)____
_____ at a conspicuous place on or near the door of the place at which said meeting of ____
_____(5)_____, 20 ____ was held.

(Signature)

Subscribed and sworn to before me this
_____ day of _____, 20 ____.

Notary Public in and for said County and State

- (1) Insert "Order" or "Notice"
- (2) Insert Title of officer (clerk, secretary, etc.)
- (3) Insert name of school district
- (4) Insert type of meeting adjourned
- (5) Insert date of meeting which was adjourned to a later time
- (6) Insert "Ordered" or "Declared"

OFFICIAL GOVERNING BOARD MINUTES

_____ SCHOOL DISTRICT

_____ (Address) _____

Minutes of _____ (Regular, Special, or Adjourned) _____ Meeting

The Meeting was called to order at _____ (Time) _____, _____m., by _____ (Name) _____, President.

Call to Order

If this is a special meeting, indicate that written notice was sent to each member of the governing board and to each local newspaper, radio, or television station requesting notice in writing. [Education Code section 35144]

If this is an adjourned meeting, indicate the date of the meeting from which it was adjourned. [Government Code section 54955]

Members Present:

Roll Call

Members Absent:

On motion of Member _____, the minutes of the regular meeting of March 14, 2000, were approved as corrected. Page 2, paragraph 3, Superintendent's Salary Increase, should read, "Carried 3-2."

Minutes of
3/14/00
Approved

A letter dated February 21, 2000, was received from Billie Wilson offering a spinet piano to the district for the Linda Vista School auditorium. On motion of Member _____, this gift was accepted and the Secretary was instructed to send a letter to the donor acknowledging the acceptance of the piano and expressing the Board's appreciation.

Gift of Piano

CARRIED UNANIMOUSLY

A written communication dated February 28, 2000, was received from Jack Smith, custodian, requesting an unpaid leave of absence for child care from July 1, 2000, through August 31, 2000. On motion of Member _____, the request for an unpaid leave of absence was granted.

Leave of
Absence

CARRIED UNANIMOUSLY

Leslie Bond, principal, South Elementary School, presented a report attached to the original of these minutes, on the school building program and enrollment growth in that school.

Reports

On motion of Member _____, a resolution to transfer \$5,000.00 from Undistributed Reserve to Object 6200, Capital Outlay, Improvement of Buildings, was adopted

Intra-Budget
Transfer

CARRIED UNANIMOUSLY

A motion by Member _____, was amended and adopted as follows: The district superintendent is authorized to sell at private sale one used typewriter, inventory identification no. 12345, valued at less than \$2,500, and no longer need by the district.

Sale of
Surplus
Typewriter

CARRIED UNANIMOUSLY

On motion of Member _____, salary orders for the month of March were approved as submitted.

Payroll Order
Approval

CARRIED UNANIMOUSLY

On motion of Member _____, commercial orders for March 15, 2000 through March 31, 2000, were approved as submitted on the register attached to the original of these minutes.

Commercial
Order
Approval

CARRIED UNANIMOUSLY

On motion of Member _____, purchase order nos. 9876 through 9911 were approved as submitted.

Purchase
Order
Approval

CARRIED UNANIMOUSLY

On motion of Member _____, Member _____ was directed to attend the CSBA Conference in San Diego, California on May 1, 2000 as a representative of the Board.

Travel
Approval

The meeting was adjourned at (Time) , m. The next regular meeting will be held (Date, Time, Location) .

Adjournment/
Next Meeting

Signed: _____
(Secretary to the Governing Board)

Signed: _____
(Clerk of the Governing Board)

Approved:

_____ *(Date)*

_____ *(Initialed)*

(District Letterhead Recommended)

EXCERPT FROM BOARD MINUTES

The following is an excerpt from the minutes of a regular/special meeting of the Governing Board of the _____ School District, held on _____, with all members present.

(Type Board Excerpt Here)

I hereby certify the above to be a true and correct copy of the minutes as indicated.

Secretary/Clerk of the Governing Board

Date



State of California Secretary of State

EXHIBIT 7
Page 1 of 1
Revised April 2005

STATEMENT OF FACTS ROSTER OF PUBLIC AGENCIES FILING (Government Code Section 53051)

Instructions:

1. Complete and mail to: Secretary of State,
P.O. Box 942877, Sacramento, CA 94277-0001 (916) 653-3984
2. A street address must be given as the official mailing address or as
the address of the presiding officer.
3. Complete addresses as required.
4. If you need additional space, please include information on an 8½ X 11 page.

New Filing

Update

Legal name of Public Agency: _____

Nature of Update: _____

County: _____

Official Mailing Address: _____

Name and Address of each member of the governing board:

Chairman, President or other Presiding Officer (Indicate Title): _____

Name: _____ Address: _____

Secretary or Clerk (Indicate Title): _____

Name: _____ Address: _____

Members:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Date: _____

Signature

Typed Name and Title

(Office Use Only)