

**CLASSIFICATION: Bylaws of the Board****ADOPTED: 3/8/95****REVISED: 2/6/19****REVIEWED:****SUBJECT: Meetings and Notices****PAGE: 1 of 9**

Meetings of the San Diego County Board of Education are conducted for the purpose of accomplishing County Board of Education business. In accordance with state open meeting laws (Brown Act), the County Board of Education shall hold all meetings, except closed sessions, in public and shall conduct closed sessions only as authorized by law.

To encourage community involvement, County Board of Education meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the County Board of Education's bylaws, policies, and administrative regulations.

A meeting of the County Board of Education occurs whenever a majority of County Board of Education members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the County Board of Education. However, the county superintendent of schools or a San Diego County Office of Education employee or official may engage in separate conversations with County Board of Education members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the County Board of Education, as long as that person does not communicate the comments or position of any County Board of Education members to other County Board of Education members.

A majority of the members of the County Board of Education shall not, outside a regular or special 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 subject matter jurisdiction of the County Board of Education.

Regular and special meetings shall be held within San Diego County unless otherwise permitted by law. The County Board of Education shall not conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of a characteristic listed in Government Code section 11135, including, but not limited to, race, religion, color, national origin, ethnic group identification, age, sex, sexual orientation, or mental or physical disability. No meetings shall be conducted in any facility that is inaccessible to people with disabilities, or where members of the public may not be present without making a payment or purchase.

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### Meeting Notices

Notices of all meetings of the County Board of Education shall be posted in accordance with the Brown Act and any other applicable state or federal laws and regulations.

The media and members of the public may submit written requests to receive meeting notices or copies of all documents constituting the agenda packet. Requests must be filed with the office of the county superintendent of schools and are valid for one year from the date of receipt. Requested materials shall be mailed or emailed at the time the meeting notice is posted or upon distribution to a majority of the members of the County Board of Education, whichever occurs first.

Notices of regular and special meetings of the County Board of Education shall contain the meeting time and place and a brief general description of each business item to be transacted or discussed. Only those items of business listed in the notice shall be considered at the meeting except as authorized by Government Code section 54954.2.

Every meeting notice shall provide an opportunity for members of the public to directly address the County Board of Education in accordance with law and procedures established by the County Board of Education. (See also Board Bylaw 9323, Meeting Conduct)

Meeting notices shall include information regarding how, to whom, and by when a request for any disability-related accommodations or modifications may be made by a person with a disability in order to participate in the County Board of Education meeting. Disability-related accommodations or modifications, including the availability of agendas, agenda packets, and other meeting materials in alternative formats, shall be provided upon request in accordance with the Americans with Disabilities Act.

### Regular Meetings

The County Board of Education shall hold an annual organizational meeting in accordance with law and provisions of Board Bylaw 9100, Organization. At its organizational meeting, the County Board of Education shall adopt a yearly calendar specifying the date, time, and place of each regular meeting. By County Board of

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Education action, the County Board of Education may deviate from its adopted calendar for the convenience of its members or for other reasons.

Upon request, the local media shall be mailed the annual calendar of regular County Board of Education meetings, and any changes to the calendar shall be mailed prior to the meeting.

At least 72 hours prior to a regular meeting, the meeting agenda shall be posted on the San Diego County Office of Education website through a prominent, direct link on its homepage - and in one or more locations freely accessible to the public and employees at any time during the 72 hours immediately preceding the meeting.

Every notice of a regular meeting shall include the location designated for public inspection of any non-exempt agenda materials distributed to a majority or all of the County Board of Education less than 72 hours prior to the meeting.

### Special Meetings

Special meetings of the County Board of Education may be called by the president whenever, in his/her judgment, special circumstances require a special meeting to be held, or whenever any three members of the County Board of Education make a written request for such a meeting. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the county superintendent of schools.

At least 24 hours prior to the time of a special meeting, written notice shall be delivered personally or by any other means to all County Board of Education members and to local media and members of the public who have requested such notice in writing. The notice shall be sent or delivered in a manner to reasonably ensure receipt at least 24 hours before the meeting.

Such written notice may be dispensed with as to any County Board of Education member who, at or prior to the time the meeting convenes, files with the county superintendent of schools a written waiver of notice.

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Notice of the special meeting shall be posted on the San Diego County Office of Education website and in one or more locations freely accessible to the public and employees at any time during the 24 hours immediately preceding the meeting.

The notice shall specify the time and place of the meeting and the business to be transacted. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the County Board of Education concerning item(s) in the notice. At special meetings, no business shall be considered except the business listed on the notice.

#### Teleconference Meetings

A teleconference meeting of the County Board of Education is a regular or special meeting of the County Board of Education during which one or more County Board of Education members are in different locations, connected by electronic means, through either audio or video, or both. During the teleconference, at least three of the members of the County Board of Education shall participate from locations within the boundaries of San Diego County.

The County Board of Education may use teleconferences for all purposes in connection with any meeting within the County Board of Education's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call.

A County Board of Education member may participate in a regular or special meeting of the County Board of Education via a teleconference under the following circumstances:

1. The County Board of Education member's illness
2. The illness of an immediate family member
3. The County Board of Education member's presence at the regular meeting site is prevented due to an emergency situation
4. The County Board of Education member is unable to attend the regular meeting site because of circumstances beyond his/her control

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Agendas shall be posted at all teleconference locations as required by law and shall identify each teleconference location. Additional teleconference locations may be provided to the public.

All teleconference locations shall be accessible to the public. 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 County Board of Education, including the right of the public to address the County Board of Education directly at each teleconference location. The County Board of Education secretary or designee shall ensure that provisions are made at each teleconference location for public participation in the meeting.

All policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced.

### Emergency Meetings

In the case of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the County Board of Education may hold an emergency meeting without complying with the 24-hour notice and posting requirements for special meetings. An "emergency situation" means either of the following:

1. A work stoppage or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the County Board of Education
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 County Board of Education to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the County Board of Education

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The president or a designee shall give notice of the emergency special meeting to the local media that have requested to be notified of special meetings by telephone or email one hour before the meeting. In the case of a dire emergency, the County Board of Education president or designee shall give the notice at or near the time he/she informs the other members of the County Board of Education.

If telecommunication services are not functioning, the notice requirement is waived. As soon after the meeting as possible, the County Board of Education shall notify the local media that the meeting was held, the purpose of the meeting, and any action taken at the meeting by the County Board of Education.

The minutes of any emergency meeting and a list of persons that the County Board of Education President or designee notified or attempted to notify, the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place.

A closed session may be held during an emergency meeting pursuant to Government Code section 54957, if agreed to by a two-thirds vote of the members of the County Board of Education in attendance or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

#### Adjourned Meeting

A majority vote by the County Board of Education may adjourn any regular or special meeting to a later time and place, which shall be specified in the order of adjournment. Less than a quorum of the County Board of Education may adjourn a meeting. If no members are present, the county superintendent of schools may declare the meeting adjourned to a later time and give written notice in the same manner required for a special meeting.

Within 24 hours after adjournment, a copy of the order of adjournment shall be posted in a visible area on or near the door of the place where the meeting was held.

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### Public Hearings

The County Board of Education may convene public hearings at which no County Board of Education action is to be taken. Such public hearings are held solely to allow the County Board of Education and members of the public to receive information. A public hearing may take place at any time and place as designated by the County Board of Education. The County Board of Education may approve procedures for the orderly conduct of public hearings.

Notice of the public hearing shall be provided according to procedures specified for regular or special meetings unless otherwise required by law or direction of the County Board of Education.

### Continuance of Hearing

Any hearing being held, or noticed or ordered to be held, by the County Board of Education at any meeting may be continued or re-continued to any subsequent meeting of the County Board of Education in the same manner as for the adjournment of meetings provided that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting.

### Study Sessions, Workshops, and Retreats

The County Board of Education may occasionally convene a study session or workshop to study an issue in more detail or to receive information from staff or feedback from members of the public. The County Board of Education may also convene a workshop or retreat to discuss County Board of Education roles and relationships.

Public notice shall be given in accordance with law when a quorum of the County Board of Education is attending a study session, workshop, or retreat. All such meetings shall comply with the Brown Act and shall be held in open session and within the county.

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Other Gatherings

Attendance by a majority of County Board of Education members at any of the following events is not subject to the Brown Act provided that a majority of the County Board of Education members do not discuss specific County Board of Education business among themselves other than as part of the scheduled program:

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the County Board of Education or County Office of Education to address a topic of local community concern
3. An open and noticed meeting of another body of the County Office of Education
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion

Individual contacts or conversations between a County Board of Education member and any other person are not subject to the Brown Act.

**Board Bylaws: 9100, 9323**

**Derivation:**

**Adopted 3/8/95. Amended 8/14/96, 6/9/99, 3/12/03, 2/11/09. Renamed and Amended 2/6/19.**



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**Legal References:**

**Education Code**

**1009, 1011, 1012, 1040**

**Government Code**

**3511.1, 11135, 54950-54963**

**United States Code, Title 42**

**12101-12213**

**Code of Federal Regulations, Title 28**

**35.160, 36.303**

**California Constitution**

**Article 9, Section 3**

**Court Decisions**

**Wolfe v. City of Fremont, (2006) 144 Cal.App. 544**

**Attorney General Opinions**

**88 Ops.Cal.Atty.Gen. 218 (2005)**

**84 Ops.Cal.Atty.Gen. 181 (2001)**

**84 Ops.Cal.Atty.Gen. 30 (2001)**

**79 Ops.Cal.Atty.Gen. 69 (1996)**

**78 Ops.Cal.Atty.Gen. 327 (1995)**

**Management Resources:**

***The Brown Act: School Boards and Open Meeting Laws*, California School Boards Association, rev. 2014: [www.csba.org](http://www.csba.org)**

***The ABCs of Open Government Laws*, Institute for Local Government, 2015: [www.ca-ilg.org/abc](http://www.ca-ilg.org/abc)**

***Open and Public V: A Guide to the Ralph M. Brown Act*, League of California Cities, rev. April 2016: [www.cacities.org/Resources/Open-Government](http://www.cacities.org/Resources/Open-Government)**