



Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

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MEETINGS AND NOTICES

Meetings of the Board of Education are conducted for the purpose of accomplishing district business. The Board may meet in open session or closed session, as necessary, in accordance with applicable open meeting laws (Brown Act), and Board Bylaw 9320.1 - Remote Meetings and Attendance, Board Bylaw 9321 - Closed Session, Board Bylaw 9322 - Agenda/Meeting Materials, and Board Bylaw 9323 - Meeting Conduct.

A Board meeting exists whenever a majority of Board members gathers at the same time and location, including remotely or electronically, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board. (Government Code 54952.2)

In accordance with Board Bylaw 9012 - Board Member Electronic Communications, a majority of the Board shall not use a series of communications of any kind, directly or through intermediaries or technology, including official or personal social media accounts, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, the Superintendent or designee may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding any matter within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

Regular Meetings

The Board may hold two regular meetings each month.

At least 72 hours prior to a regular Board meeting, the agenda shall be posted at one or more locations freely accessible to members of the public, on the district's website, and at any location required by Board Bylaw 9320.1 - Remote Meetings and Attendance. (Government Code 54954.2)

Consistent with Board Bylaw 9322 - Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular Board meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. The records shall be posted on the district website at the time the materials are distributed to all or a majority of the Board if distributed outside of business hours. (Government Code 54957.5)

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members on any topic within the subject matter jurisdiction of the Board unless otherwise prohibited by law or as specified in BB 9323.2 – Actions by the Board. (Government Code 54956)

At least 24 hours before the noticed start time, written notice of a special Board meeting shall be: (Government Code 54953.8, 54953.8.3, 54956)

1. Delivered personally or by any other means to all Board members and the local media who have requested such notice in writing.
2. Posted on the district's website and in a location freely accessible to the public.
3. Posted in any location required by Board Bylaw 9320.1 - Remote Meetings and Attendance.

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The notice shall specify the time and location of the special Board meeting and the business to be transacted or discussed. No other business shall be considered. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the special Board meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Education Code 35144; Government Code 54956)

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 Board meeting as long as it complies with all requirements of a special Board meeting, except the 24-hour notice and/or 24-hour posting requirements. (Government Code 54956.5)

The Board may meet in closed session during emergency meetings so long as two-thirds of the members present at the meeting agree or, if less than two-thirds of the members are present, by unanimous vote of the members present. (Government Code 54956.5)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency Board meeting by telephone or email at least one hour before the meeting to the local media that have requested notice of special Board meetings. As applicable, all telephone numbers or email addresses provided by the media in the most recent request for notification shall be exhausted. If telephone or internet services are not functioning, the notice requirement of one hour is waived and, as soon after the emergency Board 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. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification given to the other members of the Board. (Government Code 54956.5)

The minutes of the emergency Board 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)

An *emergency* means work stoppage, crippling activity or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

A *dire emergency* means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency Board meeting may endanger the public health and/or safety as determined by a majority of the members of the Board. (Government Code 54956.5)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special Board meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn/continue such a meeting. If no Board members are present, the secretary or the clerk may declare the Board meeting adjourned/continued to a later time and location and shall give notice in the same manner required for special Board meetings. (Government Code 54955)

Within 24 hours after the time of adjournment/continuance, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the location where the Board meeting was held. (Government Code 54955)



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Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public. Additionally, the Board may convene a retreat to discuss Board roles and relationships. Any such meeting, regardless of title or topic, shall be held as a regular or special Board meeting, as appropriate, and shall comply with all other requirements for regular or special Board meetings. (Government Code 54956)

Other Gatherings

Attendance by a majority of the Board members at any of the following events is not subject to the Brown Act 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 board members.
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.
4. An open and noticed meeting of a legislative body of another local agency.
5. A purely social or ceremonial occasion.
6. An open and noticed meeting of a standing committee of the Board established pursuant to Board Bylaw 9130 - Board Committees, provided that the Board members who are not members of the standing committee attend only as observers.

Individual contacts or conversations between a Board member and any other person are not part of a series of communications prohibited by the Brown Act are permitted. (Government Code 54952.2)

Location of Meetings

Unless the Board is holding a remote Board meeting during a proclaimed state of emergency or local emergency in accordance with Board Bylaw 9320.1 - Remote Meetings and Attendance, all Board meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party.
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property.
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law.
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district.
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely

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to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction.

6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility.
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs.
8. Attend conferences on nonadversarial collective bargaining techniques.
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district.
10. Interview a potential employee from another district.

All Board meetings, regardless of location, shall comply with the applicable notice and open meeting requirements. Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, which is inaccessible to individuals with disabilities, or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

If a fire, flood, earthquake, or other emergency renders the posted regular or special Board meeting location unsafe and the deadline for posting the location has passed, the meeting shall be held at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of meetings pursuant to Government Code 54956 by the most rapid available means of communication. (Government Code 54954)

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	Description
Ed. Code 35140	<u>Time and place of meetings</u>
Ed. Code 35143	<u>Annual organizational meetings; date and notice</u>
Ed. Code 35144	<u>Special meeting</u>
Ed. Code 35145	<u>Public meetings</u>
Ed. Code 35145.5	<u>Agenda; public participation and regulations</u>
Ed. Code 35146	<u>Closed sessions; student matters</u>
Ed. Code 35147	<u>Open meeting laws exceptions</u>
Gov. Code 11135	<u>Prohibition of discrimination</u>

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State	Description
Gov. Code 3511.1	<u>Local agency executives</u>
Gov. Code 54950-54963	<u>The Ralph M. Brown Act</u>
Gov. Code 54953	<u>Oral summary of recommended salary and benefits of superintendent</u>
Gov. Code 54954	<u>Time and place of regular meetings</u>
Gov. Code 54954.2	<u>Agenda posting requirements; board actions</u>
Gov. Code 54956	<u>Special Meetings</u>
Gov. Code 54956.5	<u>Emergency meetings</u>
Gov. Code 7920.000-7930.215	<u>California Public Records Act</u>
Gov. Code 8625-8629	<u>California Emergency Services Act</u>
Federal	Description
28 CFR 35.160	<u>Effective communications for individuals with disabilities</u>
28 CFR 36.303	<u>Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services</u>
42 USC 12101-12213	<u>Americans with Disabilities Act</u>
Management Resources	Description
Attorney General Opinion	<u>78 Ops.Cal.Atty.Gen. 327 (1995)</u>
Attorney General Opinion	<u>79 Ops.Cal.Atty.Gen. 69 (1996)</u>
Attorney General Opinion	<u>84 Ops.Cal.Atty.Gen. 181 (2001)</u>
Attorney General Opinion	<u>84 Ops.Cal.Atty.Gen. 30 (2001)</u>
Attorney General Opinion	<u>88 Ops.Cal.Atty.Gen. 218 (2005)</u>
Court Decision	<u>Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226</u>
Court Decision	<u>Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208</u>
Court Decision	<u>Wolfe v. City of Fremont (2006) 144 Cal.App. 4th 533</u>
CSBA Publication	<u>The Brown Act: School Boards and Open Meeting Laws, rev. 2019</u>
Institute for Local Government Publication	<u>The ABCs of Open Government Laws</u>
League of California Cities Publication	<u>Open and Public V: A Guide to the Ralph M. Brown Act, 2016</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>CSBA, GAMUT Meetings</u>
Website	<u>Institute for Local Government</u>

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Management Resources

<i>Website</i>	<i><u>League of California Cities</u></i>
<i>Website</i>	<i><u>California Attorney General's Office</u></i>
<i>Website</i>	<i><u>CSBA</u></i>

Cross References

Code	Description
0410	<i>Nondiscrimination In District Programs And Activities</i>
0420.4	<i>Charter School Authorization</i>
0420.43	<i>Charter School Revocation</i>
0450	<i>Comprehensive Safety Plan</i>
0460	<i>Local Control And Accountability Plan</i>
1113	<i>District And School Websites</i>
1160	<i>Political Processes</i>
1220	<i>Citizen Advisory Committees</i>
1330	<i>Use Of School Facilities</i>
1340	<i>Access To District Records</i>
1431	<i>Waivers</i>
2000	<i>Concepts And Roles</i>
2111	<i>Superintendent Governance Standards</i>
2121	<i>Superintendent's Contract</i>
2210	<i>Administrative Discretion Regarding Board Policy</i>
3100	<i>Budget</i>
3280	<i>Sale Or Lease Of District-Owned Real Property</i>
3311	<i>Bids</i>
3312	<i>Contracts</i>
3314	<i>Payment For Goods And Services</i>
3516	<i>Emergencies And Disaster Preparedness Plan</i>
4117.14	<i>Postretirement Employment</i>
4141.6	<i>Concerted Action/Work Stoppage</i>
4312.1	<i>Contracts</i>
4317.14	<i>Postretirement Employment</i>
6112	<i>School Day</i>
6117	<i>Year-Round Schedules</i>

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6173.1	<i>Education For Foster Youth</i>
7150	<i>Site Selection And Development</i>
7214	<i>General Obligation Bonds</i>
7310	<i>Naming Of Facility</i>
9000	<i>Role Of The Board</i>
9005	<i>Governance Standards</i>
9012	<i>Board Member Electronic Communications</i>
9100	<i>Organization</i>
9121	<i>President</i>
9130	<i>Board Committees</i>
9140	<i>Board Representatives</i>
9220	<i>Governing Board Elections</i>
9230	<i>Orientation</i>
9270	<i>Conflict Of Interest</i>
9310	<i>Board Policies</i>
9321	<i>Closed Session</i>
9322	<i>Agenda/Meeting Materials</i>
9323	<i>Meeting Conduct</i>
9323.2	<i>Actions By The Board</i>
9324	<i>Minutes And Recordings</i>
9400	<i>Board Self-Evaluation</i>