

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
SPECIAL MEETING: FRIDAY, APRIL 28, 2023**

Mission Statement

Pacific Grove Unified School District, in partnership with the community and with a focus on equity, will challenge every student by providing a quality instructional program in a positive, safe and stimulating environment. The District will meet the diverse needs of all students by ensuring exceptional learning opportunities to acquire and apply the knowledge and skills that develop the insight and character necessary for a productive and rewarding life.

DATE: April 28, 2023
TIME: 3:00 p.m. Open Session
LOCATION: IN PERSON
Pacific Grove Unified School District Office
435 Hillcrest Avenue
Pacific Grove, CA 93950

Trustees
*Carolyn Swanson, President
Jennifer McNary, Vice President
Dr. Elliott Hazen
Laura Ottmar
Brian Swanson*

VIRTUAL ZOOM MEETING

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Additional Teleconferencing Location

This meeting is also being conducted by teleconference at the following locations:

Best Western Plus Ocean View Resort, 414 N Prom, Seaside, Oregon 97138

Each teleconference location is open to the public and any member of the public has an opportunity to address the Board of Education from a teleconference location in the same manner as if that person attended the regular meeting location. The Board of Education will control the conduct of the meeting and determine the appropriate order and time limitations on public comments from teleconference locations.

AGENDA AND ORDER OF BUSINESS

I. OPENING BUSINESS

A. Call to Order

B. Land Acknowledgement

Good evening. As we begin this meeting, it's important to pay respect to and acknowledge that we are on the traditional land of the **Ohlone, Costanoan & Esselen** people and additionally pay respect to elders both past and present.

C. Roll Call

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D. Adoption of Agenda

- Board Questions/Comments:
- Public Comment:
- Move: _____ Second: _____ Vote: _____

II. ACTION/DISCUSSION

A. Governance Discussion Facilitated by DWK Attorneys at Law

Recommendation: The Governance Team will conduct a discussion on governance, facilitated by DWK, focusing on the roles of Governance Team members, legal requirements and protocols around Board member communications, and efficient/effective Board meetings.

- Board Comments/Questions:
- Public Comment:

III. ADJOURNMENT

Next Regular Board Meeting: May 4, 2023



DANNIS WOLIVER KELLEY

Attorneys at Law

Pacific Grove Unified School District Governance Team Workshop

Presented by:

William B. Tunick, Esq.

San Francisco

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Pacific Grove Unified School District Governance Team Workshop

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BOARD MEMBER REMINDERS

1. The board works with the superintendent and business administrator as a team.
2. If a board member hears of issues from patrons or staff, take them directly to the superintendent. Do not take them to staff members.
3. There should be no surprises in public meetings for the superintendent, board president, fellow board members, or staff.
4. What you say reflects on the whole board and district—be prudent.
5. Be prepared for and attend your meetings.
6. Ask questions rather than make demands—no single board member has authority over the staff or superintendent.
7. Encourage and facilitate patrons in resolving issues at the most local level, working through the system to the superintendent if needed. Then get out of the way and let the staff handle it.
8. A board member that continually interferes inhibits a good resolution to the problem and undermines trust.
9. Don't ever talk negatively to patrons about staff or personnel.
10. Stay focused on an issue and the process to get it resolved.
11. Board members have no authority to resolve issues by themselves and are the court of last appeal as a full board. If a single board member gets too involved in the issue and its resolution, they could be asked to recuse themselves if it came to the board for review.
12. Check and read all board communications daily.
13. Hold in confidence personal conversations with the superintendent, fellow board members, staff and other school personnel.

PROMISES A BOARD MEMBER SHOULD NEVER MAKE

1. Never promise to vote a certain way on an upcoming issue.
2. Never make a promise of employment to anyone.
3. Never promise to have an employee dismissed.
4. Never promise parents a specific result or circumstance for their child at their school.
5. Never promise vendors a contract.

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A ONE-PAGE SUMMARY OF BOARDSMANSHIP

How a school board governs is as important as what steps the board takes to govern.

As board members fulfill governance responsibilities in the areas of vision-setting, human resources, policies, curriculum, finance, judicial appeals, collective bargaining and community leadership, the way in which boards perform the board role is critical.

It is as important as what boards do in providing effective public oversight of the public school systems responsible for educating children and preparing them to be productive citizens.

Whether in the boardroom, out in the community or at home, board members are always trustees for the district. The integrity of the school district's educational program is dependent upon responsible and professional manner in which each board member, and the board collectively, fulfills governance roles and responsibilities.

The demeanor of board members sends as important a message to the public as the actual decisions made by board members do about the quality of leadership of the community's schools.

There are eight axioms which incorporate the boardsmanship principles essential to effective governance.

These are:

- 1. Board members are members of a team.**
- 2. All children must be the priority.**
- 3. Perceptions of demeanor have dramatic consequences and board members must act accordingly.**
- 4. Diversity of perspectives and styles must be respected.**
- 5. Board members must understand the board's roles and responsibilities.**
- 6. Confidential information must be kept confidential.**
- 7. Board members must strive to know district policies and guidelines.**
- 8. Being effective requires a commitment of time and energy.**

What Makes a Good School Board Member?

Profile picture of Team XQ By Team XQ #ReThinkHighSchool August 22, 2019

School board members serve their communities by working to improve student achievement in their area public schools. State and federal laws give school boards the power to develop policies governing school budgets and curricula. Boards are also in charge of school facilities. The board employs the superintendent and adopts collective bargaining agreements.

Board members must work with one another to agree on policies and make decisions. They also maintain relationships with the community as well as with teachers' unions. They may cooperate with other local officials and governing bodies to achieve objectives. This means a good school board member needs to possess certain characteristics.

WHAT DOES A SCHOOL BOARD MEMBER NEED TO BE EFFECTIVE?

Establishes a Clear Vision: Before getting down to the practicalities, a school board member must have a clear vision of his or her goals for the district. Developing such a vision requires a lot of study and thought. The board member must understand the factors that affect student performance in a particular district and be able to develop effective, realistic goals for improvement.

Works Well on a Team: A school board consists of several members, each of whom brings a unique perspective to the table. It is not enough to have a clear vision of how to move forward. Each member must also be willing to hear other points of view and build consensus. The process of developing policies should be a team effort, reflecting the input of every member.

Focuses on Students: Many issues affect a board's goals and topics of discussion. However, it is important not to lose sight of the main priority: the students. What is best for students can vary depending on circumstances; there are no one-size-fits-all solutions. An effective school board member looks at school practices and curriculum adjustments that will benefit the students.

Sets and Follows a Budget: In addition to setting policy, the school board's other major area of responsibility is the budget. The board allocates funds in a way that best meets students' needs and drives improvement. In addition to determining spending, the board must also track the performance of invested funds. The board must have a process for identifying and monitoring performance indicators that will allow it to see whether its investments are delivering the right results.

Uses Data to Drive Decisions: A good school board member will also be proficient in gathering and analyzing relevant data. It is important to know what types of data will show the success or otherwise of a particular policy and to be able to figure out reliable ways to obtain it. Test scores may provide one resource, but they do not tell the whole story. Board members need to think out of the box when deciding the types of data they will rely on in making decisions and explaining them to the community.

Engages with the Community: School board members need to engage with the wider local community. Every community faces a unique set of challenges in terms of education.

When setting policies and goals, school boards should understand the community's values, wishes, and challenges.

Advocates for the Community: Board members have the opportunity to advocate for their districts at the municipal, state, and national levels. They should actively represent the interests of their own district. They should also be informed of proposed policies and laws that could affect public education in general.

Accountable: Accountability is key to seeing policies through. School board members must be able to back up their decisions and actions with facts and data. The board's actions must be transparent and accountable to the public.

Collaborative: To be effective, the school board must work with the community, school staff, and stakeholders. Rather than imposing rules from above, a good board values the input of community members. It understands that involving the community and stakeholders will help it make decisions that are in tune with local values and needs.

Overcomes Setbacks: School districts sometimes suffer from budget cuts. While a reduced budget can force boards to make difficult choices, effective board members find ways to work with it, adjust, and implement top-priority initiatives.

Fosters Team Development: One key element of school district policy should be providing professional development and training. Improving skills, motivation, and communication is vital to team-building and performance.

Prioritizes Continual Improvement: Some districts face serious problems that need effective solutions as soon as possible. Other districts generally function well but could see improvement in certain areas. Whatever the case, it is important that a school board prioritize continual improvement.

Creates Individualized Solutions: Every district is unique. Solutions and policies that might improve conditions in one district can prove counterproductive in another. School board members should recognize that standardized solutions sometimes fall short. A good school board member examines the data and develops policy based on the district's specific situation.

Effective at Self-Assessment: Just as a school district should continuously improve, so should its board. Effective school boards periodically assess their own practices and track record. This self-assessment helps identify areas where the board could work better.

Committed to Educational Equity: Educational equity is the idea that students need the same opportunities, not the same treatment. School boards should use data to identify how students' disadvantages can negatively affect their education and allocate resources to optimally mitigate this effect. Curriculum and teacher training plans should incorporate the differentiated instruction and culturally responsive education. A data-driven equity approach is key to implementing changes to improve student outcomes.

WHAT ARE SOME CHARACTERISTICS OF AN INEFFECTIVE SCHOOL BOARD MEMBER?

Fails to Prioritize Student Needs: Ineffective school board members fail to prioritize student interests and school improvement. They may instead use their school board position to promote a personal agenda.

Fails to Represent the Interests of the District: Some school board members consider the interests of a specific neighborhood rather than those of the entire district. Such members lack the right perspective to accomplish their duties effectively.

Fails to Accomplish Their Obligations: Finally, some board members neglect their duties. Most board positions are on a volunteer basis. Before taking on such a responsibility, potential school board members must be sure their other work or personal obligations will not interfere with effective performance.



Ten myths of school board service

by Sandi Barry and Terry McCabe

Terry McCabe was president of the Maine School Boards Association and Associate Executive Director of Maine School Management Association. Sandi Barry is communications and marketing coordinator for the Maryland Association of Boards of Education and a school board member in Maryland.

Each election year, citizens decide to run for their local school board and some approach the job with preconceived ideas of what the job will be and what they want to accomplish on the board. Among those ideas are some persistent myths that veteran board members have learned are just not true.

Myth #1: I can speak and write as a private citizen about school issues. Be very careful if you think you can continue to speak or write as a private citizen on school issues once you are a board member. Even if you just sign a letter to the editor or an opinion piece with your name and town address (usually required for publication) the news media will pick up on who you are.

Your district may have a policy that outlines who may speak for the board. Usually that is the board president, but it can be a board member who has been designated because of expertise in a certain area. If you are saying anything that borders on slander of a staff member, you may be liable.

Myth #2: I can stay involved with school related groups. You may think you'll be a great reference for them, but it may inhibit interaction in the group. You're not just one of them anymore: you're a board member. Let them know you'll advocate for them, but you don't want to do the work of staff.

This also can become an issue of intimidation. Check with your board president regarding any potential issues of conflict.

When you're a board member and a parent, however, your parent hat always should come first. There's no reason you can't volunteer in your third-grade student's classroom if you've always been the one to help with cutouts and copying for the teacher. Just be sensitive to larger issues and let someone else "carry the water."

Myth #3: No more 7-0 votes! I am here to "rock the boat!" As long as they are reached independently, is there really anything wrong with a 7-0 vote? Of course not. Look at the process by which you reach a unanimous vote. Many boards have two or three readings on policies before adoption, which is plenty of time to make suggestions and changes.

So how do you convey your reasoning behind 7-0 votes? You can recap the process by which you reached your decision: "This item was vetted in committee and this was the recommendation." Try to engage the vocal minority voices in your community to diffuse the possibility of an issue "going viral" with misinformation.

Also remember, even if the vote is split, the board should stand together on the decisions that are made for the district.

Myth #4: I have a mandate from the voters! We hear this often. A board member had support from a group to gain election and then six months down the road a call comes from the leader of that group asking why the board member "hasn't done anything" regarding a specific issue.

It's easy to be vocal during a contested campaign and often said that candidates campaign in poetry but govern in prose.

Learn how to count. One member on a seven-person board is not a majority. Always do the math regarding the number of calls received versus the number of students affected by the issue. Your real mandate is to do what is best for all the children in the district.

Myth #5: As a former teacher (or other role) I know exactly how the school system operates. The learning curve for being a school board member is more like a steep grade, especially when it comes to understanding laws and finance.

Yes, you do bring an expertise to the board that has value, but you need to understand what your new role is. We knew a teacher/union president who ran for the board in order to get the superintendent fired. That person finally let go of the issues that came with being a union representative when she realized what the board was doing for children.

If you have difficulty understanding your new role as a board member, talk with your board president, superintendent or someone from your state school board association to gain clarity.

Myth #6: I don't need to read or attend training to understand the issues. Continuous learning is important. At one of our trainings, we met a woman who had been on a school board for eight to 10 years — she was the epitome of experience. She relinquished her seat on the board for a few years but missed it, so she got re-elected. We saw her at a new board member training session, and she said she knew she had more to learn and that things can change quickly, especially with laws and finance.

Find out what your association has to offer in terms of professional development. If others on your board are the ones resistant to training, report out what you have learned and lead by example. Ask someone to go with you the next time and tell them: We need to model continuous improvement for our teachers and staff.

Your board meeting packets are another area that needs to be read and understood. If you're not doing your homework, it slows things down at the meeting.

Myth #7: I *have* all the new ideas! New board members do provide fresh blood and a new sense of purpose for district work. But, please, be respectful of experience that your veteran board members provide. School districts have a collective history just as do communities. An orientation program that includes a component of district history (facilities, redistricting, busing, etc.) can help inform new board members so they can get up to speed.

Myth #8: School staff can say "No" to my requests. Often staff members are intimidated by board members. Be sure to use the chain of command for any requests, or you risk putting staff in an awkward position. They may think they could lose their job if they don't comply with your request.

Remember, it's not your job to direct day-to-day operations. The authority conferred on you by being a board member rests with the board as seven members sit to deliberate and vote. As an individual, outside of the meeting room, a board member does not have authority.

Myth #9: School board service is my full-time job. It may seem like that sometimes — especially at budget time. But you need to find that often delicate balance between your board/district life and your personal/family/professional life.

If you find yourself operating at helicopter level with policies that direct administration, you need to step back and start working at the board level. Revisit information you might have received regarding your role as a school board member!

Myth #10: I'm the only one “in it” for the kids. Give your fellow board members the benefit of the doubt. In their way, they are “in it” for the kids, too. Each of us may express that in a different way.

When we ask board members, they have plenty of “myths” of their own, including:

- We can do whatever we want regardless of the law.
- Being on the board will give me the power to change
- Best of intentions aren't always visible.
- It's gonna be easy!
- I can advocate for my child.
- The community is going to support the board.
- Coming to a training conference is a vacation!



Beyond "Board 101"

BY GREGORY J. DANNIS

I have served for over 35 years as legal counsel to dozens of boards and hundreds of board members throughout California, advising on every issue under the sun (and more than a few from the dark side of the moon!). Then, about ten years ago, I became and remain honored to be a Board member for the Hillsborough City School District.

I did not assume I knew everything about good governance from my previous experience; however, I never expected to learn as much as I have since taking office. Sitting behind the dais has taught me much about responsible board conduct and effective governance well beyond "Board 101."

I already knew I was "part of the collective" and, therefore, powerless individually. I knew (and had written a book) about the Brown Act, Parliamentary procedure, conflicts of interest and the like were previously part of my lexicon. I discovered, however, that these are only the "technical" aspects of the role that anyone can learn without actually being a trustee.

I learned that the essentials of good governance derive from knowing what is and is not your role, what is the purpose of board meetings and, most importantly, what is the impact of your conduct on colleagues and constituents.

What Is and Is Not Your Role?

I believe our role is to advocate for students and empower those who serve them. This short definition encompasses supporting public education locally and statewide; insisting on evolving and meaningful curricula; rewarding the efforts of those who deliver instruction and those who make this possible; and never forgetting that our charges are "adults under construction" whose social and emotional needs warrant as much attention and care as their intellectual growth.

Necessarily excluded are personal agendas, data-free assumptions, and disrespect for the professional expertise of educators who do the work. I give a "questioning but healthy deference" to the expertise of my superintendent, administrators, teachers and staff. I do not pretend or aspire to be a professional educator; rather, I strive to learn from those who are, question what I do not understand, and ultimately defer to the experts so long as it enables me to fulfill my role as defined above.

What Is the Purpose of Board Meetings?

Board meetings are comprised of legislative, judicial and executive actions and sometimes are town hall meetings, depending on the issue du jour. The overriding purpose of board meetings, however, is to conduct the business of the district while allowing the public to observe the process and deliberations, comment thereon, and understand the reasons underlying board decisions. Compliance with this description would almost guarantee Brown Act compliance no matter the subject.

Board meetings are not for extended debates with the public or peers; putting on an individual performance designed (but usually failing) to impress the audience; or playing "gotcha" with staff or col-



leagues over questions that could and should have been asked before the meeting. These seemingly self-evident truths are disregarded more often than you might think.

Once you take that board chair, you gain a real (not academic) sense of the destructiveness of these actions, how they impede the purpose of board meetings and consequently violate the public's trust. Formerly passionate watchdogs and critics must realize their status has changed to "governance team member" whose primary goal is to seek positive change through persuasion, respect and sensitivity to others' needs.

What Is The Impact of Your Conduct On Colleagues and Constituents?

How you say it is just as (if not more than) important as what you say. I did not anticipate how closely I would be watched in my interactions with the governance team and staff! I was alerted to this early in my first term when the kindly assistant superintendent took me aside after a board meeting and said, "Greg, you probably should stop rolling your eyes."

Board members subtly but surely model behavior that represents values of the district such as respect (even for those who disagree), courtesy (even with those who do not reciprocate), a business-like demeanor regardless of subject matter, and an overriding ethos of inclusion in decision-making. Every community wants to be proud of its district; however, if we conduct ourselves badly, some may see this as permission to do the same, and a few bad actors can alter the "character" and reputation of the entire organization.

In conclusion, I have learned we of the governance team all have a niche and bring different gifts to the table. I prize what others contribute and acknowledge what I cannot. In the end, good governance beyond "Board 101" comes down to the intelligent utilization of the best in each of us.

D | W | K
DANNIS WOLIVER KELLEY
 Attorneys at Law

Five rules to follow for great school board meetings

Steve Horton, school board services consultant

Meetings! Go ahead — insert your sigh here. One could ask the question, is there such a thing as a great meeting? The answer depends on your personal perspective.

However, there is one constant truth about school board meetings all board members must take seriously: They are where a large portion of the public’s opinion of the district is formed and, therefore, deserve our attention.

While parliamentary procedure is crucial to efficiently and professionally conducting meetings and is something all board members should be familiar with, that is not the focus of this article. Instead, we will explore five rules for creating great meetings that have purpose and provide the opportunity for connecting the governance of your district with its community.

Be a great board member

The basic rules of boardsmanship must apply to all members of the board; this should not be an optional requirement. The general issue with boardsmanship is that it gets in the way of personal agendas and, for too many board members, that simply will not do.

OK, what are the rules? Well, given that there are entire books written on the subject, I will stick to a high-level view.

First and foremost is the realization that you are a single member of a governing body. As such, you have no official authority outside of board sessions. So does that mean you can never talk about school business outside of board meetings? No. Conversations with other board members, administrators, teachers, parents and others from around the district can and do happen frequently, but remember, they are just conversations. No debate, decision making or votes happen during those conversations. They are where you learn and gather information to help you prepare to make an informed vote when the real business of the meeting is conducted.

Second, as an individual member of a governing board, it is never appropriate to act or speak on behalf of the board without the board’s permission. The proverbial “limb” is a tough place to be, so don’t purposefully put yourself out there. Also, ethics and trust are invaluable assets. Nothing can damage those more completely than divulging information shared in confidence. If it is shared behind closed doors, keep it behind closed doors.

Not too short, not too long

One of the stigmas about meetings is they often are perceived as being unnecessarily long. While it is a good idea to get in, handle the necessary business efficiently and get out, don’t forget that people’s time is valuable. This applies not just to

long meetings, but also to very short meetings. For many sessions it is easy to introduce the agenda items, call the vote and be done in 15 to 20 minutes. The meetings are held in public for a reason — to allow people in the district to be informed about the board’s decisions.

When I was a school board member, a community member once cornered me and said she watched one of our meetings on TV. I thought that was great. To my surprise, she did not agree with me. She told me she “learned that we all knew our names and how to say yes.” Remember, the agenda items that are just normal business to you are not common knowledge to people outside of the schools. Take time to educate community members and let them hear your questions and answers. Even if it is not what they want to hear, it will help bring them closer to the board’s work.

There is not much to say about unusually long meetings. They happen, but they should be the exception. I once heard a board member say that his board could not accomplish anything in under two hours. At the time I thought, if that is the case, you need to fix it. Figure out how to conduct your business more efficiently. Rein in those who like to talk a bit too much. In the end, everyone’s time is valuable.

Love your fellow board members

Are you kidding me? Well, no, not really. I am not suggesting you all gather around the campfire and sing “Kumbaya,” but I am talking about mutual respect. There are plenty of boards with members who will not communicate with each other during a meeting, let alone outside of the meeting. If you think the district employees and community members are not acutely aware of relationship issues, guess again.

Be aware of the fine line between debate and arguing or fighting, especially during a meeting. This is a tough one, but be willing to listen and seek middle ground. Politically, we don’t want to hear it, but there is always truth in an opposing position.

Little things also count during a meeting. Interruptions, eye rolling, negative body language, side conversations, passing notes and texting are all forms of disrespect. And those behaviors are noticed as if they have a spotlight on them.

I know what you are thinking. How can I control what others do? In reality, you can’t, but you should feel the responsibility to set an example and be willing to constructively communicate your expectations to your fellow board members. I realize this is a tough pill, but also be willing to receive that in return. It won’t solve every issue, but it is an important step in the right direction.

Board meetings provide an opportunity to educate community members on education issues and the needs of the district.

Respect the community

Inviting the public to appear and address the board can be intimidating but remember — these people elected you to represent them. It is incumbent on board members to hear and consider public input. Nothing separates a community from its schools like shutting it out of meetings.

If you consider that adults’ No. 1 fear is public speaking (death is seventh on that list), then a citizen who has summoned the courage to address the board certainly deserves the board’s full attention and respect. This is especially important when you do not agree with that person’s perspective. As difficult as it may be, do not allow that time to degenerate into a debate, or worse yet, an argument. The rules of respect that apply to engaging with other board members apply double for community members.

‘No man (or woman) is an island’

I love the **John Donne** verse, “no man is an island entire of itself; every man is a piece of the continent.” So it goes for school board members. That’s right ... I am talking about the dreaded “C” word. Consensus is the board’s job. Give thought to this quote from **O. Garfield Jones’** book *Parliamentary Procedure at a Glance*: “For a group to be of maximum

effectiveness, it must have complete leadership and also a high degree of competence among its members. Among other things, this implies that the members know how to deliberate and to crystallize these deliberations into group action.”

If the board is going to be truly effective in its work, it has to reach a consensus. This does not mean you must be a “rubber stamp” for the superintendent, nor does it mean you cannot express yourself when your opinion is different from the rest of the group. No, far from it. But if the board cannot come together and accept and support a final decision, then the result is always dysfunctional and very damaging for the district.

This also relates to the overall conduct of each of the board’s members, individually and collectively. I saw a YouTube video of Boston Red Sox player **David Ortiz** obliterating a dugout telephone with his bat after being ejected from a game.

On my first viewing, I got a chuckle out of the extremely overt temper tantrum. Then I thought about the impression that would leave on anyone who did not know Ortiz. I thought about him being the face of the Boston Red Sox and the team leader. If that tantrum is your only knowledge of him, or the Red Sox, then you will certainly never appreciate the longstanding legacy of the organization. That is a shame, but this is unfortunately what individual board members regularly do to their districts.

I will leave you to ponder two strong success stories. In the December 2013 issue of the *American School Board Journal*, **Del Stover** wrote a story about the recent success of the Charlotte-Mecklenburg Schools in Charlotte, N.C. Like so many other districts, increasing poverty and dwindling operating funds were fraying its fabric.

At the heart of the story were the considerable efforts of the board and newly hired Superintendent **Heath Morrison** to restore community trust in the schools. Morrison had this to say about the role of board governance: “In this challenging environment to improve public education, at a time when resources are going the wrong way and expectations are getting higher, the ability of the governance team to work together is critical.”

Board Vice Chair **Timothy Morgan** added, “A lot of trust had been lost, but we’ve worked really hard in our interactions at the dais and how we behave in public ... we’ve worked hard to build community trust in this board.”

NPR aired a story on Aug. 20, 2013, “What’s Behind the Turnaround at Miami Public Schools?” The Miami-Dade County Public School system was an absolute zoo. Local residents actually treated the videotaped board meetings like they were reality TV entertainment. The new superintendent, **Alberto Carvalho**, who has been referred to as a miracle worker for turning the situation around, realized that a major point of emphasis had to be the dysfunctional board.

Board member **Raquel Regalado** had this to say about Carvalho’s work: “He quickly made peace with the school board, which was seen as inept, disreputable and hopelessly divided. Carvalho has helped change that image.”



Pacific Grove Unified School District Governance Handbook 2022-2023

Board of Trustees

Carolyn Swanson, President

Jennifer McNary, Clerk

Elliott Hazen, Trustee

Laura Ottmar, Trustee

Brian Swanson, Trustee

Superintendent

Dr. Ralph Gomez Porrás

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PREAMBLE

Representative government requires that public officeholders be competent, independent, impartial, and accountable. Therefore, the Board of Trustees of the Pacific Grove Unified School District (PGUSD) adopts this Governance Handbook, which is a companion to its policy manual, to promote and maintain best practices and the highest standards of professional conduct. Its norms and protocols flow from board bylaws, embody the principles promulgated by the California School Boards Association (CSBA), and are based on the collective experiences of school boards across the state. This ready resource formalizes the conventions used by the governance team in the conduct of its day-to-day business.

For newly elected or appointed board members, especially those who have not yet completed CSBA's *Masters in Governance* program, this handbook is particularly valuable as it sets forth a series of do's and don'ts to ensure that all board members are ready to undertake confidently the work of the district.

This handbook is adapted in part from CSBA's guide and other training materials. It is the result of the collaborative effort of the Board of Trustees and the Superintendent.

OUR PUBLIC SERVICE

Responsible, Effective Governance

The Board of Trustees is a corporate body that implements state legislative policy concerning public schools in its geographical boundaries, administers California’s system of public education, and provides leadership and lay oversight of the district. The board, a legal agency of the state, derives its power from the state's constitution, laws, and judicial decisions.

The PGUSD school board is entrusted with a solemn duty to uphold the constitutions of California and the United States, protect the public interest in schools, and provide high quality education to all students. To fulfill this mandate, the board and superintendent join together to become the district’s governance team without forsaking their separate and distinct roles and responsibilities. The school board sets and monitors the direction of the school district. The superintendent plays a dual role—first, he is the chief executive officer, responsible for managing the district consistent with the board’s direction; second, he is the subject matter expert for the board which is comprised, typically, of lay people who may not have specialized knowledge of public education. For the district’s blueprint for educational excellence to succeed, members of the governance team must have a shared understanding of their purpose, be well-informed contributors to the team, and interact professionally.

OUR COMMITMENTS AND OBLIGATIONS

Unity of Purpose

Unity of purpose is a commitment to transcend individual differences to focus upon the greater good.

Our Governance Team’s Unity of Purpose

Our unity of purpose is to accomplish our mission, fulfill our goals, and realize our vision as we operate under best practices as set forth in policy and exemplified in the California School Boards Association’s *Masters in Governance* program.

Please see the appendix to review our mission, vision, goals, and professional governance standards.

Governance Role and Responsibilities

Pursuant to Board Bylaw 9000, the Board of Trustees is to ensure that the school district is responsive to the values, beliefs, and priorities of its communities by fulfilling five major responsibilities:

1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement.
2. Establishing an effective and efficient organizational structure for the district.
3. Providing support to the superintendent and staff as they carry out the board's direction.
4. Ensuring accountability to the public for the performance of the district's schools.
5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels.

The board carries out these responsibilities in each of the following domains:

- Student Learning and Achievement
- Finance
- Facilities
- Human Resources
- Policy
- Judicial Review
- Collective Bargaining
- Community Relations and Advocacy

Limits of Board Member Authority

Board members are state officers who act under the auspices of state law when conducting official business. The exercise of the board's authority is predicated upon the delegation of authority from the legislature and must be justified under standards of reasonableness to avoid a judicial presumption of arbitrary or capricious action.

According to Board Bylaw 9200, the Board of Trustees has broad but clearly limited powers with respect to its operations. Please see the appendix for the full text.

- The board is the unit of authority over the district.
- The exercise of the board's authority is restricted by law and may only take place in a legally constituted meeting.
- Board members have no individual authority.
- Individually, board members may not commit the district to any policy, act, or expenditure.
- Board members hold the education of students above any partisan principle, group interest, or personal interest.
- Board members who visit schools have no more authority than any other citizen.
- Unless agreed to by the board, individual members do not exercise any administrative responsibility with respect to the schools or command the services of any school employee.
- A board member whose child is attending a district school is aware of his/her role as a board member when interacting with district employees about his/her child. Because his/her position as a board member may inhibit the performance of school personnel, the board member informs the superintendent or designee before volunteering in his/her child's classroom.
- The superintendent or designee provides a copy of the state's open meeting laws (Ralph M. Brown Act) to each board member and to anyone who is elected or appointed to the board but has not yet assumed office.
- Board members and persons elected to the board who have not yet assumed office are responsible for complying with the requirements of the Brown Act.

Being a High-Caliber Governance Team

First-rate teamwork is essential to every quality organization, but it is not guaranteed. It is not enough to have good intentions; there must be a commitment to building and maintaining a dynamic partnership that produces positive results. This is why we are obligated to adamantly guard our esprit de corps and preserve our unity of purpose. Our success as a high-caliber team will be made evident by how well we attain our vision to be the Monterey County's premier learning establishment and by how well we work together.

To uphold our unity of purpose, to be well-informed contributors to our team, and to interact professionally, we hereby establish these norms and protocols.

OUR NORMS

In the Day-to-Day

1. Accountability

- a. We take collective responsibility for the success of our governance team.

2. Competence and Judiciousness

- a. We are honest stewards of students' education and focus on what is best for them.
- b. We set clear direction for the district.
- c. We recognize each member is integral to the governance team.
- d. We operate within our respective roles and responsibilities.
- e. We collaborate constructively for the success of the team.
- f. We do not micromanage the district.
- g. We demonstrate through our conduct the differences between good intentions and good government.
- h. We do not supervise individual board members; we are publicly elected or appointed officials, not employees.
- i. We participate in professional development and commit the time and energy necessary to be informed and effective leaders.
- j. We model dignified behavior for our students, staff, and community.
- k. We maintain poise and decorum in the face of controversy, difficulty, or complexity.
- l. We are conversant in district matters and with trends in education.
- m. We live out the principles of good boardsmanship as promulgated by the California School Boards Association in its *Masters in Governance* program.
- n. We are mindful that every word spoken and every action taken contribute to the district's reputation, either for good or for bad.
- o. We devote our time and energy to important business issues, not to politics, pettiness, or ungraciousness.
- p. Board members, either individually or corporately, never suggest or recommend any employee or member of the public for a position in the district.
- q. Absent board direction, we do not observe or participate in the interviews of prospective employees.

- r. We resolve not to let differences in personality, perspective, style, and background threaten our unity of purpose.
- s. We do not withhold or obstruct the flow of important information that belongs with the governance team.
- t. We wear official badges when at the district office, when visiting schools, and when attending school or district functions.

3. Ethics and Integrity

- a. We advance the effectiveness of our governance team through the individual and collective demonstration of integrity, consistency, responsibility, accountability, fairness, and transparency.
- b. Board members do not unilaterally assign work to employees except as provided for in the executive assistant to the superintendent's job description.
- c. We do not solicit or accept offers of help from district employees, except as allowed by law, for political campaigns, personal business interests, or other personal purposes.
- d. We do not use our position on the board to further our personal business ventures, nor do we publicize them at any district or school function or on any district properties. We do not distribute non-district business cards or other promotional materials to employees, nor do we exploit interactions with the public to promote personal business interests.
- e. We do not proffer or consider information from anonymous sources.
- f. We do nothing to blindside fellow governance team members.
- g. We do not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the board has authorized its disclosure. Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session (Government Code 54963).
- h. We are willing to admit mistakes readily and do not seek to evade responsibility.
- i. We reserve judgment on every matter until all known facts are communicated to the full board.
- j. We do not participate in gossip or rumor-mongering.
- k. We do not form alliances within the team to carry out divergent goals or secret agendas.
- l. We do not speak ill of current or former governance team members.
- m. The superintendent is required to report to the board president egregious violations by board members of board bylaws, policies, or the agreements made herein. If the board president is the offending party, the superintendent is required to make his report to the board clerk. The board president or clerk, as the case may be, then reviews with the offending party the established practices to be observed and offers guidance and support.
- n. We use our titles only when conducting official district business, for informational purposes, or as an indication of background and expertise. We are careful not to exceed or appear to exceed our authority or use our position to influence others unduly.

4. Solidarity

- a. When working together, we look beyond our own individual contributions to the governance team and appreciate our collective achievements.
- b. If necessary, we discuss with an individual team member, privately and respectfully, any personal concern or issue we have with him or her for the good of the team. We do not burden the team with such matters.
- c. We are neither arbitrary nor capricious in our conduct, decision-making, or deliberations.

- d. We do not engage in or permit any ad hominem attacks against fellow board members or the superintendent.

5. How the Board Communicates

- a. We develop and maintain open, honest communication with each other.
- b. We do not criticize the reasoning, motives, or philosophies of fellow team members, whether in public or private settings.
- c. When we disagree, we do so in a reasonable and respectful manner and do not take differences of opinion personally.
- d. We speak with one voice in order to maintain the trust of our community.
- e. We make no unilateral, extemporaneous remarks regarding the job performance of the superintendent or any other employee, recognizing that employee performance reviews are conducted solely in accordance with established policy.

6. Support, Respect, and Consideration

- a. We check our egos at the proverbial door and treat fellow board members as the co-equals they are.
- b. We support each other and operate from positions of goodwill, good faith, and good motivations.
- c. We consistently treat fellow team members with respect, courtesy, and consideration.
- d. We demonstrate sensitivity and caring for fellow team members.
- e. We shield the superintendency from the politicking that sometimes beleaguers public office.
- f. We give one another the benefit of the doubt and arrive at negative conclusions only when necessary and when incontrovertible evidence supports doing so.
- g. We look to the strengths of our colleagues and do not participate in frivolous fault-finding missions.
- h. We appreciate when the superintendent does his best to treat board members equally as is expected.
- i. We do not burden the superintendent with personal complaints or disparaging remarks about fellow team members or district employees.
- j. We are considerate of one another's schedules.

During Board Meetings

- a. Board meetings are held in public to conduct the business of the district in accordance with the Ralph M. Brown Act; they are not to be regarded as town hall meetings.
- b. Board meetings are for gathering information, making decisions, and taking action.
- c. We are on time and prepared for meetings.
- d. We behave and dress in a manner worthy of a professional business meeting.
- e. We endeavor to ensure that all members of the team have the same information.
- f. We do not bring hidden agendas to board meetings.
- g. We do not use the privacy afforded in closed-session meetings as a cloak for unprofessional conduct or wrongdoing.
- h. Board members remain behind the dais or the board table, except for personal or medical necessity, and are attentive throughout board meetings in order to govern effectively and participate fully.
- i. We work cooperatively with the board chair to promote common courtesy and decorum.

- j. We observe the philosophy in *Rosenberg's Rules of Order, Revised 2011*, "Debate on policy is healthy, debate on personalities is not" and uphold the practice, "The chair has the right to cut off discussion that is too personal, is too loud, or is too crude."¹
- k. We speak only after first having been recognized by the chair and do not interrupt others.
- l. Board discussion shall be addressed to fellow board members, the superintendent, members of the executive cabinet, or scheduled speakers, and not to the audience.
- m. Board members accept the contributions and full participation of fellow board members and do not monopolize discussions.
- n. We do not use coarse or profane language.
- o. We have no side conversations.
- p. Use of the Internet—except to view the Board of Trustees' online meeting agenda and agendized presentations—, e-mail, texting, and other electronic messaging on any device or computer is prohibited by board members during board meetings. This includes reading, sending, or receiving data and messages.
- q. We do not make or answer personal telephone calls. Personal cellular telephones are to be silenced before meetings are called to order.
- r. We use wisely the time set aside in board meetings for board members' reports and announcements. We do not grandstand, evaluate employees, advocate action be taken on behalf of employees, or reargue a failed motion or position.

OUR PROTOCOLS

Gatherings and Communications

- a. We comply with the Brown Act and do not form unlawful meetings, regardless of the circumstances.
- b. 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).
- c. A majority of the board does not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the board. However, an employee or district official may engage in separate conversations with board members in order to answer questions or provide information regarding an item 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).
- d. Attendance by a majority of board members at events delineated below 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

¹ Rosenberg's Rules of Order, Revised 2011, page 7, Courtesy and Decorum

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, provided that the board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Agenda Preparation and Distribution

- a. Agendas are to be set only with the approval of the board president, or clerk in the president's absence, and the superintendent.
- b. Agendas and all supporting materials for regular board meetings are made available online to the board, and general public, at least five days prior to the board meeting. Board members may request hard copies of the online information.
- c. Time set aside for the board president and the superintendent to plan meeting agendas is restricted to relevant matters and is not used to circumvent the normal procedure for the board to give direction to the superintendent.

Board Meeting Preparation and Attendance

- a. Consistent, punctual attendance at board meetings is expected. If a board member is unable to attend or will be late, the board president is to be notified as soon as possible.
- b. Board members limit their studies to the content of the agenda packets and/or other materials provided by the superintendent. Should board members require additional information, a request may be submitted to the superintendent, who will endeavor to provide a timely response. As appropriate, the superintendent ensures all trustees are privy to the information requested and given. Should the superintendent determine that more than thirty minutes are required to research and prepare a response, he informs the trustee who made the request that he will confer with the board president to determine the next steps. It could be that the agenda item should be postponed to a future date in order to gather additional information for the full board.
- c. Board members direct all questions regarding agenda items to the superintendent.
- d. Board members may improve through independent learning their knowledge about general matters related to public education.
- e. Board members do not undertake independent inquiries or investigations that could create conflicts of interest or compromise the integrity of the board or district.
- f. Staff members who receive inquiries from board members may only redirect them to the superintendent.

Planning Special Board Meetings

- a. Special meetings of the board may be called at any time by the presiding officer or by a majority of the board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1.

- b. In the interest of full attendance at special board meetings, priority is given by the board president to the proposed date and time which accommodates attendance by all board members. If that is not possible within the required timeframe, then priority is given to the date and time which accommodates attendance by four board members. If only a quorum can attend in the required timeframe, then the meeting is set for the soonest date and time.

Voting and Board Actions

- a. Board members respect each other's right to vote "no" on an issue.
- b. Though not required, it is courteous for a board member to explain during deliberations the rationale for an intended "no" vote.
- c. Members of the governance team who vote in the minority on an issue do nothing to undermine the will of the board.
- d. Authority to give direction to the superintendent resides with the board in a legally constituted meeting. Direction may come from a vote on an agenda item or from a consensus of the full board in response to information presented during a board meeting.

The Role of the Board President

- a. The board president provides leadership on behalf of the Board of Trustees and the educational community it serves (Board Bylaw 9121).
- b. The board president leads the business of the board and carries out the duties prescribed in Board Bylaw 9121. Please see the appendix.
- c. The board president has added leadership and administrative responsibilities but does not have greater power than other board members.

Requests for Information

- a. Questions and requests by board members for information related to district matters or programs or to matters that may come before the board are directed to the superintendent only. Staff members who receive such inquiries from board members may only redirect them to the superintendent.
- b. Should the superintendent determine that more than thirty minutes are required to research and prepare a response, then he informs the trustee who made the request that he will confer with the board president to determine the next steps. It may be that the matter should be placed on a future board meeting agenda.
- c. Board members do not undertake independent inquiries or investigations that could create conflicts of interest or compromise the integrity of the board or district.

New Ideas

- a. Board members are free to bring up new ideas provided they fall within the purview of the Board of Trustees.
- b. It is recommended that a board member wishing to present a new idea to the Board of Trustees first consult with the superintendent, who is the subject matter expert.
- c. In accordance with Board Bylaw 9322, should the board member decide to pursue the idea, then he or she may prepare an agenda item or request that one be prepared for placement on a future agenda.

- d. A board member may bring up a new idea during the *Board Members' Reports and Announcements* section of a board meeting. The board member uses this brief opportunity to mention the idea and state a benefit or two about it. The board member may not argue at length the merits of the idea or grandstand. No action will be taken.

Visiting Schools

- a. As a professional courtesy, board members must notify the superintendent of scheduled school visits at least one full day prior.
- b. It is preferable for board members to visit schools with the superintendent, or in the company of a site administrator.
- c. Should board members wish to visit schools, and in the interest of avoiding an imposition on busy schedules, they should contact the school principal ahead of time to arrange a workable date and time for the visit.
- d. Board members are to be careful not to encroach on the learning environment. As such, the superintendent shall instruct principals and teachers not to interrupt lessons when a board member is visiting.
- e. Board members shall not make unannounced visits to schools because this may cause significant disruption to the principal's work schedule and the priorities of the day.
- f. Board members may attend celebratory events on campuses but do not sit in on staff meetings, IEP meetings, or parent-teacher conferences, except as related to their own children, even if invited.

Handling Concerns or Complaints from the Public and Staff

- a. We assess, based on board policy, whether it is appropriate to hear a concern or complaint in view of our role in judicial review.
- b. We assess, based on board policy, whether it is appropriate to hear a concern or complaint in view of our need to protect confidentiality and due process rights of students and staff members.
- c. We respond to concerns or complaints in accordance with uniform procedures and policy to ensure not only that matters are handled expeditiously but also that everyone is treated fairly and without bias.
- d. We protect the confidentiality and due process rights of students and staff members.
- e. When listening to a concern or complaint, we are neutral in our position and fully aware that we are hearing only one side of the story.
- f. We are consistent in our responses and function within our roles, conveying that individual board members have no authority to resolve matters.
- g. We use the California School Boards Association's 6 R's to ensure we listen actively to members of the public and staff and that we abide by uniform procedures.

1. **Receive** - listen to what the person has to say without preparing a response.
2. **Repeat** - paraphrase or ask a question to clarify for understanding. We ask the person to identify those to whom s/he has spoken about the matter prior to contacting a board member.
3. **Request** - ask what the person would like the board member to do with the information and/or what is seen as a solution to the problem.
4. **Review** - go over the real options available to the person to remedy the situation.
5. **Redirect** - put the person back into the system at the appropriate place—respecting district lines of authority and chains of command.

6. **Report** - maintain open lines of communication between the board and superintendent and notify the superintendent of the conversation as soon as possible:
 - so the superintendent can verify or clarify the situation and follow-through as necessary and/or appropriate
 - so that the superintendent knows first-hand what the board member said to the community or staff member
- h. We invite the public or staff member to follow up with us about the issue.
- i. Board members exercise the same level of care when responding to emails from staff and members of the community as is described for personal interactions.

Media Relations

- a. To maintain message consistency and discipline, board members and the superintendent are obligated to speak with a common voice about district issues to the staff and community.
- b. Some situations have legal or other considerations that may place restrictions on what may be told to the media or public.
- c. The board president and the superintendent work together as spokespersons for the district (Board Bylaw 9121).
- d. The superintendent or his designee prepares and distributes press releases.
- e. The superintendent or his designee, in collaboration with the board president, is responsible for contacting the media on behalf of the district.
- f. Media inquiries are directed to the superintendent or designee.
- g. With prior board approval, any board member may speak on behalf of the district or Board of Trustees.

Official Board Correspondence

- a. The superintendent conducts official correspondence for the board (Board Bylaw 9122).
- b. Official correspondence from the board is signed by the board president.

Vacancies on the Board of Trustees

- a. Vacancies on the Board of Trustees must be filled in accordance with state law.
- b. If a vacancy is to be filled by appointment, then barring official correspondence from the board president, all contact with prospective board members is restricted to the formal interview process in a public meeting.

Orientation for School Board Candidates

- a. The Board of Trustees desires to provide board candidates with information that will enable them to understand the responsibilities and expectations of board membership.
- b. Anyone whose name has been published on the Monterey County Registrar of Voters' official website as a qualified candidate may request to attend the candidate orientation meeting with the superintendent to receive general information about school programs, district operations, and board responsibilities. The superintendent or designee must provide the same information to all candidates who make the request (Board Bylaw 9230).
- c. Before Election Day, the superintendent is to advertise the date and time of the candidate orientation meeting on the PGUSD website with at least two weeks advance notice.

Welcoming New Members to the Board

- a. The board convenes an orientation meeting to provide information to incoming board members to assist them in understanding the board's functions, policies, procedures, protocols, and agreed-upon standards of conduct.
- b. Incoming board members receive the district's policy manual, governance handbook, and other materials related to the district and board member responsibilities.
- c. Upon their election, incoming board members are provided with a copy of the Brown Act and are informed that, pursuant to Government Code 54952.1, they must conform to the Act's requirements as if they had already assumed office.
- d. The superintendent provides incoming board members with additional background and information regarding the district's vision and goals, operations, and current challenges in areas that include, but are not limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.
- e. Incoming members are encouraged to attend board meetings and review agenda materials available to the public in order to become familiar with current issues facing the district. Incoming members also may, at district expense and with approval of the board, attend workshops and conferences relevant to their individual needs or to the needs of the board as a whole or the district.
- f. Each new board member receives a new board member orientation packet that includes informational handouts about the district and governance team operations. Please see the appendix.

Avoiding Improprieties and Appearances Thereof

- a. Board members do not accept invitations from the superintendent, attorneys, or staff members to any non-district event unless all other members of the governance team are invited.
- b. Board members do not invite the superintendent, attorneys, or administrative staff members to any non-district event unless all other members of the governance team are invited.
- c. Board members do not sit in on collective bargaining meetings, even if invited.

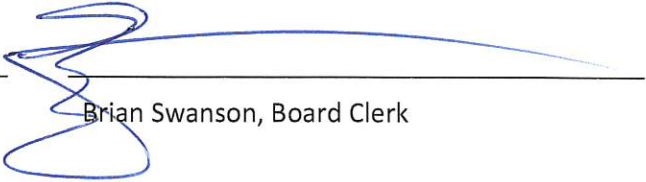
OUR COMPACT

We have perused this Governance Handbook and approve it as an equally binding companion to the Pacific Grove Unified School District's Policy Manual. We agree to abide by the principles, norms, and protocols described herein to further responsible, effective governance and to promote a positive working relationship with staff, students, and the community. We shall review the Governance Handbook, revise it as necessary, and renew this agreement during the 2018 annual organizational meeting of the Board of Trustees and thereafter every two years at the annual organizational meeting. If needed, the title and signature pages shall be updated annually to reflect changes to the makeup of the Board of Trustees.

Affirmed on this 5th day of May, 2021



John Paff, Board President



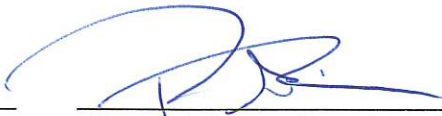
Brian Swanson, Board Clerk



Cristy Dawson, Board Member



Carolyn Swanson, Board Member


Dr. Ralph Porras, Superintendent

APPENDIX

I. Mission

Pacific Grove Unified School District, in partnership with the community and with a focus on equity, will challenge every student by providing a quality instructional program in a positive, safe and stimulating environment.

The District will meet the diverse needs of all students by ensuring exceptional learning opportunities to acquire and apply the knowledge and skills that develop the insight and character necessary for a productive and rewarding life.

II. Vision

Our vision is to be the Monterey County's premier learning establishment where dreams are awakened, academic achievement soars, and integrity leads the way to future success.

III. Goals

A. PGUSD District Goals

1. **Student Learning and Achievement:** Every student is performing at a minimum at grade level, engaged in his or her learning, and contributing positively to the community.
2. **Health and Safety of Students and Schools:** District students and staff are provided a safe and welcoming environment
3. **Credibility and Communication:** Credibility through effective and transparent communication with the public and stakeholders.
4. **Fiscal Solvency, Accountability and Integrity**

B. Goals Defined

1. **Improve and Enhance Student Learning and Achievement**
 - Alignment of District budget with established priorities in Local Control and Accountability Plan (LCAP) and strategic plan so that every student is proficient or above grade level, engaged in his/her learning and contributing positively to the community
 - Use data driven, standards-based instruction and curriculum with the goal of all students achieving at proficient or above
 - Monitor and utilize multiple measures of assessment and metrics to monitor academic progress
 - Monitor and respond to target student populations as identified by the LCAP, as well as other underserved student groups
 - Maintain annual LCAP updates and perform regular surveys of service needs, including the social/emotional needs of students and families
 - Assess programs and strategies to challenge students performing above grade level
2. **Health and Safety of Students and Schools**
 - Provide safe and well-maintained facilities for students and staff
 - Address student and staff health, wellness and social-emotional needs
 - Support programs that enhance community, staff and student engagement and connectedness
3. **Maintain Credibility Through Effective and Transparent Communication with All Stakeholders**
 - Determine strategies to inform the public on a timely basis on District plans and actions

- Board members will report on their community activities and actions impacting the District
 - Acknowledge and celebrate stakeholder support in all programs
- 4. Fiscal Solvency, Accountability and Integrity**
- Maintain fiduciary responsibilities
 - Align budget with LCAP and strategic plan
 - Maintain regular State updates and interim reporting, as well as periodic District updates to the Board
 - Maintain a current budget handbook available to the public

IV. Professional Governance Standards for the Board and Superintendent

A. Board Bylaw 9005 Governance Standards [for the Board of Trustees]

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the District. The Board also has major commitments to parents/ guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the District. To maximize Board effectiveness and public confidence in District governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education
3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
8. Understand that authority rests with the Board as a whole and not with individuals

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the District focused on learning and achievement for all students
2. Communicate a common vision

3. Operate openly, with trust and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board-adopted policies and procedures
6. Take collective responsibility for the Board's performance
7. Periodically evaluate its own effectiveness
8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations.

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

GOVERNMENT CODE:

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54962 The Ralph M. Brown Act

87300-87313 Conflict of interest code

CSBA PUBLICATIONS

CSBA Professional Governance Standards .2000

Maximizing School Board Leadership: Boardsmanship, 1996

B. Superintendent Goals and Standards

The Board of Trustees recognizes that effective district governance requires strong collaboration and teamwork with the Superintendent. Because the Board and Superintendent each have their unique roles and responsibilities, both contribute to the responsible governance of the district and the quality of education provided to the community's students.

The Superintendent is expected to hold himself/herself to the highest standards of ethical conduct and professionalism.

To support the Board in the governance of the district, the Superintendent:

1. Promotes the success of all students and supports the efforts of the Board to keep the district focused on learning and achievement
2. Values, advocates and supports public education and all stakeholders
3. Recognizes and respects the differences of perspective and style on the Board and among staff, students, parents/guardians and the community and ensures that the diverse range of views inform Board decisions

4. Acts with dignity, treats everyone with civility and respect, and understands the implications of demeanor and behavior
5. Serves as a model for the value of lifelong learning and supports the Board's continuous professional development
6. Works with the Board as a "governance team" and assures collective responsibility for building a unity of purpose, communicating a common vision and creating a positive organizational culture
7. Recognizes that the Board/Superintendent governance relationship is supported by the management team in the district
8. Understands the distinctions between Board and staff roles, and respects the role of the Board as the representative of the community
9. Understands that authority rests with the Board as a whole; provides guidance to the Board to assist in decision-making; and provides leadership based on the direction of the Board as a whole
10. Communicates openly with trust and integrity, including providing all members of the Board with equal access to information and recognizing the importance of both responsive and anticipatory communications
11. Accepts leadership responsibility and accountability for implementing the vision, goals and policies of the district

V. The Role of the Board and Limits of Board Member Authority

A. Board Bylaw 9000 Role of the Board

The Governing Board has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community.

The Board shall work with the Superintendent to fulfill its major responsibilities, which include:

1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement
2. Establishing an effective and efficient organizational structure for the district by:
 - a. Employing the Superintendent and setting policy for hiring of other personnel
 - b. Overseeing the development and adoption of policies
 - c. Establishing academic expectations and adopting the curriculum and instructional materials
 - d. Establishing budget priorities and adopting the budget
 - e. Providing safe, adequate facilities that support the district's instructional program
 - f. Setting parameters for negotiations with employee organizations and ratifying collective bargaining agreements
3. Providing support to the Superintendent and staff as they carry out the Board's direction by:
 - a. Establishing and adhering to standards of responsible governance
 - b. Making decisions and providing resources that support district priorities and goals
 - c. Upholding Board policies
 - d. Being knowledgeable about district programs and efforts in order to serve as effective

spokespersons

4. Ensuring accountability to the public for the performance of the district's schools by:
 - a. Evaluating the Superintendent and setting policy for the evaluation of other personnel
 - b. Monitoring and evaluating the effectiveness of policies
 - c. Serving as a judicial (hearing) and appeals body in accordance with law, Board policies, and negotiated agreements
 - d. Monitoring student achievement and program effectiveness and requiring program changes as necessary
 - e. Monitoring and adjusting district finances
 - f. Monitoring the collective bargaining process

5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

Vision

The Board shall set the direction for the district by adopting a vision statement which defines the district's goals and priorities. The Board shall carry out its vision setting role by identifying the strengths and needs of the district, developing and adopting a process for framing the vision, soliciting staff and community input as appropriate, ensuring that the adopted vision statement is implemented, and conducting a periodic review of the vision.

Superintendent Employment and Evaluation

The Board shall be solely responsible for employing the Superintendent and ensuring that he/she is the best match for the district based on needed abilities, traits and level of knowledge. When selecting a new superintendent, the Board shall ensure a smooth transition period; evaluate the district's current and long-term needs; plan and conduct a process for recruitment, screening and selection; and approve the Superintendent's employment contract. The Board shall regularly evaluate the Superintendent based on an evaluation system and performance objectives established by the Board and Superintendent.

General Hiring and Personnel Accountability

The Board shall adopt wage and salary schedules, and elect or reject employees at the recommendation of the Superintendent or designee. In order to have the best qualified people working at their maximum effectiveness, the Board shall hold the Superintendent responsible for overseeing the district's personnel system, developing effective hiring practices, creating a climate supportive of personnel and providing an effective framework for staff accountability.

Policy Adoption and Monitoring

The Board shall govern the schools by adopting policies that reflect the district's vision and the mandates of law. The Board shall establish a clear policy development process through which it may deliberate on issues, identify priorities, assign responsibilities, identify goals and courses of action, and review policy decisions.

The Board shall also adopt bylaws that promote cooperation, trust and teamwork among its members, give parameters to the Board's operation as a governing body, and ensure that its meetings proceed efficiently and in compliance with law.

Curriculum Adoption and Program Accountability

While the design and implementation of curriculum is primarily a staff responsibility, the Board's role is to adopt overall educational goals and standards, define the curriculum development process, specify graduation requirements, adopt the developed curriculum and ensure compliance with state and federal laws.

To ensure accountability to the community, the Board shall establish measurable benchmarks to assess the effectiveness of the district's educational programs in producing desired student achievement results. Based on these assessments, the Board shall direct the Superintendent or designee to take corrective actions as needed.

Budget, Facilities and Fiscal Accountability

The Board shall adopt a sound, responsible budget that supports district goals and priorities. To guide the Superintendent or designee in development of the budget, the Board shall establish a budget calendar, budget process and spending priorities.

Recognizing that school facilities are a long-term obligation that impacts district budgets, the Board shall also ensure that a plan is in place to address the district's facility needs, including the funding, construction and maintenance of school facilities. The Board shall approve facility sites, funding sources and architectural and construction contracts.

The Board recognizes that it is accountable to the community for its budget and facilities decisions and for the district's fiscal integrity. The Board shall use accountability systems and processes in order to monitor the district's fiscal health.

Collective Bargaining

The Board is the legal representative of the district in negotiations with employee representatives. In carrying out the collective bargaining process, the Board shall set goals and guidelines for collective bargaining, select the bargaining team, maintain communications throughout the process and approve the negotiated contract.

Judicial and Appeals Body

In addition to establishing complaint procedures that ensure due process and facilitate the satisfactory resolution of issues, the Board may convene to serve as a judicial and appeals body in accordance with law, Board policies and negotiated agreements. The Board may delegate fact-finding or hearing responsibilities in appropriate cases but remains the final decision-maker in these proceedings.

Community Leadership

The Board shall build and maintain community awareness and support by actively involving parents/guardians, business and other community members in the schools and informing them about district programs, policies and issues.

Recognizing that the level of local, state and national support for education impacts the Board's ability to fulfill its responsibilities, the Board shall engage in advocacy on behalf of district schools. The Board shall ensure that the district has the capability to respond to emerging issues and a proactive communications plan for issues that are district priorities.

Legal Reference:

EDUCATION CODE

5304 Duties of governing board (re school district elections)
12400-12405 Authority to participate in federal programs
17565-17592 Board duties re property maintenance and control
33319.5 Implementation of authority of local agencies
35000 District name
35010 Control of district; prescription and enforcement of rules
35020-35046 Officers and agents
35100-35351 Governing boards, especially:
35160-35185 Powers and duties
35291 Rules

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance
Professional Governance Standards, November 2000
School Board Leadership: The Role and Function of California's School Boards, 1996
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
The Key Work of School Boards, 2000

WEB SITES

CSBA: <http://www.csba.org>
CSBA Governance Institute: <http://www.csba.org/gi>
National School Boards Association: <http://www.nsba.org>

B. Board Bylaw 9200 Limits of Board Member Authority Limits of Board Members Authority

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest. The Board member cannot do

business with the District served, nor should the Board member have an interest in any contract with the school District.

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

Obligations of Board Members

Board members shall hold the education of all children and youth above any partisan principle, group interest, or personal interest.

Board members shall understand their role and the programs offered by the District. They shall study all agenda materials before the meeting, participate in the discussion of items that come before the Board, vote on motions and resolutions, and abstain only for compelling reasons.

Board members shall refer Board-related correspondence to the Superintendent or designee for forwarding to the Board or for placement on the Board's agenda.

Board members and persons elected to the Board are responsible for complying with the requirements of the state's open meeting laws. (GC 54952.1)

A Board member shall not use his/her position on the Board to influence school district personnel in matters concerning their child/ren.

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards, especially:

35160-35184 Powers and duties

35291 Rules

35292 Visits to schools (Board members)

51101 Rights of parents/guardians

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

- 54952.1 Member of a legislative body of a local agency
- 54952.7 Copies of chapter to members of legislative body

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: <http://www.csba.org>

VI. The Role of the Board President

A. Board Bylaw 9121 President

The Governing Board shall elect a president from among its members to provide leadership on behalf of the Board and the educational community it serves.

The Board President shall preside at all Governing Board meetings. He/she shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the Board in its proper order
3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
5. Explain what the effect of a motion would be if it is not clear to every member
6. Restrict discussion to the question when a motion is before the Board
7. Rule on parliamentary procedure, referring questions of procedure to the designated parliamentarian
8. Put motions to a vote, and state clearly the results of the vote
9. Be responsible for the orderly conduct of all Board meetings

The Board President shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

The President shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Sign all instruments, acts, and orders necessary to carry out state requirements and the will of the Board

2. Consult with the Superintendent (or designee) and the Vice-President/Clerk on the preparation of the Board's agendas
3. Work with the Superintendent to ensure that Board members have necessary materials and information
4. Appoint and disband all Board committees, subject to Board approval
5. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law
6. Confer with the Superintendent or designee on crucial matters which may occur between Board meetings
7. Share informational mail with other Board members
8. Establish a seating assignment of trustees and staff for regular trustee meetings
9. Assign trustees to graduation ceremonies with consideration given to individual trustee requests, and when relatives or close family friends are graduating
10. Act as a spokesperson for trustees at special ceremonies (such as students, employee resolutions, school dedications, etc.) and clarification of trustee direction
11. Represent the district as governance spokesperson, in conjunction with the Superintendent
12. Assign trustees to special visitations to other Districts as deemed appropriate by the trustees
13. Be an ex-officio member of all committees
14. Appoint Parliamentarian

If the Board President resigns, the Vice-President/Clerk shall perform the President's duties until a new president is elected at the first regular or special meeting following the vacancy. If the Board President is absent or disabled, the Vice-President/Clerk shall perform the President's duties. When both the President and Vice-President/Clerk are absent or disabled, the Secretary shall convene the meeting and ask the Board to select a President-Pro Tem to perform the President's duties.

Legal Reference:

EDUCATION CODE

35022 President of the board

35143 Annual organizational meetings; dates and notice

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

Board Presidents' Handbook, revised 2002

VII. New Board Member Orientation Packet

A. About the District²

1. District office address and phone number
2. Names and contact information for the superintendent, his assistant, and district office departments
3. Names and contact information for board members
4. The communities the district serves
5. School site names, addresses, contact information and other general information that includes grade levels and student enrollment figures
6. Student demographics, e.g., ethnic groups by percentages, English Language Learners, percentage of special education students, primary languages spoken other than English, percentage of students on free and reduced lunch
7. Number of square miles the district covers
8. Information about school transportation
9. District documents: Current budget, collective bargaining agreements, facilities plan, organizational chart, superintendent's contract, superintendent's most recent evaluation (marked as confidential)
10. Status of current district issues
11. A list of the commonly used acronyms and abbreviations used in education with their meaning

B. About Governance Team Operations³

1. Board meeting dates and times
2. Board officers' names and roles
3. A sample of a board meeting agenda
4. Purpose of the Public Comment Period
5. Purpose of the Governing Board Members' Reports and Announcements section of the agenda
6. When and how the superintendent is evaluated
7. When and how the board conducts a self-evaluation
8. Governance documents: board bylaws, the Brown Act, governance handbook, *Rosenberg's Rules of Order, Revised 2011*, annual governance calendar
9. Information about board member budgets, stipends, and health benefits
10. Process for attending conferences and workshops
11. Policy on travel expenses and other reimbursements

² Adapted from California School Boards Association's Board Presidents Workshop training manual, page 19, What Every New Board Member Needs to Know

³ Adapted from California School Boards Association's Board Presidents Workshop training manual, page 19, What Every New Board Member Needs to Know

The Brown Act and Board Procedures

Pacific Grove Unified School District

Presented by
William B. Tunick
April 28, 2023

This training is provided for educational compliance and loss-prevention purposes only and absent the express prior agreement of DWK does not create or establish an attorney-client relationship. The training is not itself intended to convey or constitute legal advice for particular issues or circumstances. Contact a DWK attorney for answers to specific questions.

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Intent of the Brown Act

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is good for them not to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

The Ralph M. Brown Act, Gov. Code, § 54950



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Intent of the Brown Act

- To keep the public informed of the actions, debates and views of locally elected representatives; and
- To provide the procedural framework for local legislators to meet, debate, act and listen collectively to their constituents.



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To whom does the Brown Act Apply?

- Act applies to a “member of the legislative body of a local agency” which includes “[a]ny person elected to serve as a member of a legislative body who has not yet assumed the duties of office ...”
- Once elected, officials are expected to know the requirements of the Brown Act, even before taking office (Gov. Code, § 54952.1.)



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Committees

- Committees created by staff are not subject to the Brown Act, unless they have a quorum of Board members.
- Committees created by the Board *are* subject to the Brown Act, unless they are ad hoc *and* their membership is solely less than a quorum of Board members.
- “Mini-Brown Act” committees:
 - LCAP Parent Advisory Committee
 - English Learner Advisory Committee
 - Schoolsite Council
 - School Advisory Committee on Compensatory Education Programs
 - Migrant Education Parent Advisory Council
 - Pre-1979 Parent Advisory Committees & Schoolsite Councils
 - Parent Involvement Program



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What is/is not a Meeting

- A “meeting” is:
 - Any congregation of a majority of members of a legislative body at the same time and place, including teleconference locations, to **hear, discuss, or deliberate** upon any item within the subject matter jurisdiction of the legislative body.
 - There need **not be action** taken or planned, for a “meeting” to occur.



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Meetings – Location, Logistics

- All meetings must be open and public.
- Meeting place must be accessible to public—nondiscriminatory, accessible to disabled, no payment or purchase required.
- Teleconference locations must be identified, accessible and meet requirements:
 - The teleconference location must be open and accessible to the public.
 - The agenda shall identify all locations, including the teleconference location(s).
 - The agenda must be posted at all locations, including the teleconference location(s) at the proper time before the meeting.
 - The agenda shall provide for public comment at all locations, including the teleconference location.
 - A majority of the Board must be within the boundaries of the District, even if participating by teleconference.
 - All votes during a teleconference meeting shall be by roll call.
 - The agenda should indicate how/if the meeting will proceed if technical problems prevent teleconferencing.



Meetings – Location, Logistics

- Meeting place must be within District boundaries, with limited exceptions (see Gov. Code, § 54954.), including but not limited to:
 - To attend a conference on non-adversarial collective bargaining techniques;
 - To interview a potential employee from another agency;
 - To interview members of the public concerning potential Superintendent;
 - To comply with court order or attend judicial proceeding;
 - To inspect real or personal property which cannot be brought within bounds of agency;
 - To meet with state or federal elected or appointed officials, when a local meeting impractical;
 - To participate in meetings of multi-agency significance; and
 - To visit with the agency's legal counsel in closed on pending litigation when to do so would reduce legal fees or costs.



Teleconference Options

- Three options:
 1. Traditional teleconference
 2. AB 361 electronic meeting
 3. AB 2449 remote participation
- Changing over next several years:
 - AB 2449 authority in effect 2023-25
 - AB 361 authority ends February 28, 2023 (state of emergency)
 - Traditional teleconference remains unchanged



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Traditional Teleconference

- “Teleconference” by audio or video.
- Teleconference location is open and accessible to the public.
- Teleconference location is identified on the agenda.
- The agenda is posted at the teleconference location .
- Public comment is allowed at all locations.



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AB 361 Electronic Meeting

- Replaced flexibility for remote meetings during the pandemic by Executive Order.
- All board members may meet remotely without complying with the traditional teleconference requirements if there is real-time remote public comment.
- Only available if:
 - There is a proclaimed state of emergency; and, if state or local officials have imposed or recommended social distancing measures; or, if the board has previously determined that it should hold remote meetings for health and safety reasons.
 - Findings renewed every 30 days.
- Option provided by AB 361 will no longer be available after February 28, 2023 absent another declared state of emergency.



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AB 2449 Remote Participation

- Board member may participate remotely without “traditional” requirements if:
 - Quorum in-person at a location open to the public.
 - Public access via a two-way audiovisual platform or audio service and live webcast
 - Public comment allowed via the remote platform as well as in person.
 - Members participate through both audio and video and identify individuals in the room.
- Available in limited circumstances:
 1. “Just cause:” provide care to a family, illness, disability, or traveling on government business. Notify board at the earliest opportunity possible.
 2. “Emergency circumstances:” a physical or family medical emergency, with board approval.
- Member limited to:
 - Two times a year for “just cause.”
 - No more than three consecutive months or 20% of regular meetings, for either reason, if board meets at least 10 times a year.



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What is/is not a Meeting?

- Definition of meeting excludes:
 - Appearance of a Board majority at a general conference open to the public concerning broad issues, attended by officials from a variety of governmental agencies;
 - Attendance at open and publicized meetings, organized to address a topic of local concern by a person or organization other than the local agency;
 - Individual contacts and conversations;
 - Social or ceremonial occasions;
 - Attendance by a Board majority at open and noticed meetings of another body of the same local agency or any other agency; and
 - Attendance by a Board majority at an open and noticed meeting of a standing committee of the Board, if members of the Board that are not members of the committee attend only as observers. (Gov. Code, § 54952.2.)



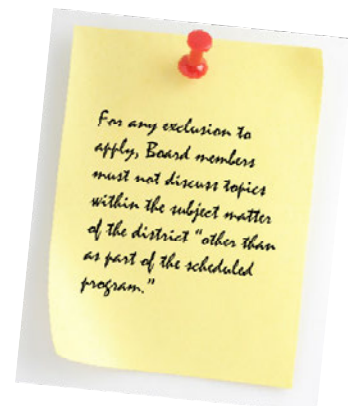
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What is/is not a Meeting?

- **Note:**
 - For any exclusion to apply, Board members must not discuss topics within the subject matter of the district “other than as part of the scheduled program.”



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Serial Meetings

- A majority of the members of a Board shall not, outside a noticed 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 board's jurisdiction.
- This includes communications through:
 - Telephone, electronic mail, facsimile, internet;
 - Communication through an intermediary



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Hub and Spokes

- An employee or official of a district may engage in separate conversations or communications outside of a meeting with other board members in order to answer questions or provide information regarding a matter that is within the district's jurisdiction, if that person does not communicate to board members the comments or position of any other board member.
- A board member may engage in conversations and communications with members of the public, interest groups, friends and family about a matter within the board's jurisdiction as long as that person is not used as an intermediary to communicate his/her comments or position to other board members.



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Hub, Spokes and Rim

Common scenarios of which to be aware:

- E-mail messages in which majority of Board is copied;
- Consecutive conversations through intermediary to poll the Board;
- Telephone conference calls involving a majority of the Board; and
- Internet chat rooms and blogs.



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Appropriate Communications

- Communications limited to providing information (i.e. superintendent's weekly report) or procedural or administrative matters do not constitute meetings or confidential communications.
 - Receipt of written legal advice is not a meeting!
- Private briefings for less than a quorum of board members on background events concerning agenda items do not violate the Act *unless the comments or position of any other board member is disclosed.*



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New Social Media Rules (AB 992)

- Board members may use social media for:
 - Conversations
 - Answer questions
 - Provide information
 - Solicit information from the public
- May not:
 - Use social media to “discuss” among Board members
 - “Respond directly” to content, “made, posted, or shared by” another Board member
- Limited to platforms which are open and accessible to the public



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Board Role & Conduct

- Board members have collective, not individual authority. Authority to make decisions is only granted to the board as a whole. The full board gives direction to the superintendent, most commonly at board meetings. Individual board members do not have the authority to direct the superintendent or staff, unless otherwise agreed to by the board and superintendent.
- No individual Board member has authority other than as conferred by Board majority.
- Board Bylaws
- Protocol for communicating with staff, requests for information

Coming in 2025 – Ethics Training Required For All Board Members



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Public Statements—Sample Board Protocol

- Responding to emails sent to Trustee from the public:
 - Trustees will refer the request to the board president with a copy to the superintendent (if the superintendent is not already copies).
 - The board president and superintendent will agree on which of them will respond.
 - If the superintendent responds, s/he will copy all trustees
 - If the board president responds, s/he will copy the superintendent, who will pass it on to all trustees.



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Agenda Requirements

- Publicizing a Meeting
 - Prominent, direct link to agenda posted on the homepage
 - Agenda must be downloadable, indexable, retrievable and searchable
 - 72 hours before regular meeting
 - 24 hours before special meeting
 - Post on the district's website
 - Mail to persons requesting mailed notice including local news media
 - Agendas and backup should be made available when distributed to a majority of the board



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Agenda Requirements



Information on Agenda

- Whether the meeting is a regular or special meeting;
- Location of the meeting so members of the public can attend;
- Information regarding how, to whom, and when a request for disability-related modification or accommodation may be made by a person with a disability who requires a modification to participate in the public meeting;
- The meeting start time;
 - **Note:** A board may include times at which certain items will start, however, if it does so, it should not begin consideration of those items prior to that time
- Information regarding where materials which were distributed within 72 hours of a regular meeting to a majority of board members can be inspected starting at the time they are distributed to the board members.



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Agenda Requirements



Items on Agenda

- A meeting opening - even if the board will recess to closed session as the first item, the meeting should begin with an opening in public.
- A statement triggering roll call and to ensure the board has a quorum present at the meeting.
- For regular meetings, an opportunity for members of the public to address the board on matters within the jurisdiction of the board which are not on the agenda.
- Descriptions of all items to be discussed, in open and closed session.
- An opportunity for public to address board prior to, or during, consideration of any agenda item.
- An indication that the Board will report out of closed session whether the Board took any actions in closed session which must be reported in open session following closed session.
- A statement of adjournment.



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Action on Non-Agenda Items – Regular Meetings

- Board may consider items not on agenda in two circumstances:
 - Emergency Items
 - Majority vote
 - Limited application
 - Need to take immediate action (urgency item)
 - Arose after agenda posted
 - Requires 2/3rds vote, unanimous if less than 2/3rds of Board present
- May be best to call a special meeting, with if sufficient time



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Non-Agenda Items

- Board may also:
 - Ask for clarification
 - Make a brief announcement or brief report of activity
 - Request staff to “report back” or place item on future agenda
 - “Briefly respond to statements made or questions posed by persons exercising their public testimony rights”



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Action & Vote Requirements

- “Action”
 - Decision by a majority of the board
 - A collective commitment or promise by a majority of the board to make a positive or a negative decision
 - An actual vote by a majority if the board members upon a motion, proposal or resolution
- Board
 - shall act by a majority vote of **entire membership**



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Meetings – Public Rights

- Right to comment:
 - Agenda must provide opportunity for public comment
 - Before (open and closed session) or during consideration of item
 - Public comment must be allowed on any other matter under the board’s jurisdiction.
- Board may place reasonable time limitations on particular topics or speakers.
- Speakers using a translator get twice the allotted time unless simultaneous translation is available.
- At special meetings, the public comment is limited to agenda items.



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Meetings – Public Rights

- Public may place items “directly related to school district business” on the agenda.
- Is Board obligated to speak to each agenda item?
- Check board bylaws for member response protocol.
- Check board bylaws for process by which board member may request to place an item on the agenda.



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Meetings – Public Rights

- Public meetings are considered a limited public forum.
 - Public right to comment on subject relating to the business of the body.
 - Restrictions on content must be narrowly tailored to effectuate a compelling state interest.
 - May not prohibit criticisms of district employees.
- Board need not permit disruptive conduct in a meeting.
 - Penal Code section 403 prohibits disturbing or breaking up a meeting.
 - SB 1100: After warning, President may remove individual disturbing a meeting (failure to adhere to body’s regulations, law, or use or threat of force).
- Any person attending a public meeting may videotape, unless disruptive.



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Board Member Use of Technology at Board Meetings

- Emailing and Texting Each Other:
 - This is use of electronic intermediary *inside* a legal meeting.
 - Section 54952.2 prohibits this for a majority of members *outside* a meeting.
 - Same as sharing hard copy?
 - Not “deliberation?”
 - Maybe not Brown Act violation, but distracting and not transparent.



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Board Member Use of Technology at Board Meetings (Continued)

- Emailing and Texting Each Other (cont.):
 - Intent of the Brown Act – Keep public informed of actions, debates and views of elected representatives.
 - Section 54953.3: Right of public to address Board etc. = right to participate in Board discussions.
 - Board may adopt regulations to carry out this intent.
 - Thus: Board may adopt regulations limiting or prohibiting use of electronic communications between or among board members during board meetings.



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School District Meeting Procedures

- The Brown Act and the Ed. Code do NOT address how board meetings are to be run.
- The Brown Act and the Ed. Code do NOT require Boards to use parliamentary procedures.
- Boards may adopt reasonable regulations to ensure the public may place items on the agenda and address the Board on agenda items.
- These regulations may specify reasonable procedures to insure the proper functioning of board meetings.



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Board Policy/Bylaws on Operating Procedures

- Does policy require the Board to conduct meetings using parliamentary procedure?
- If so, does the policy require the use of specific rules?
 - Robert’s Rules of Order, Newly Revised, 11th Ed.
 - The Standard Code of Parliamentary Procedure – Revised by the American Institute of Parliamentarians – Fourth Edition – originally by Alice Sturgis).
 - Riddick’s Rules of Procedure – Floyd Riddick is the Parliamentarian Emeritus of the U.S. Senate.



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Know When to Use the Rules

A quote from the original edition of Robert's Rules:

“Never be more technical or more strict than is absolutely necessary for the good of the meeting. Use your judgment, the assembly may be of such a nature, through its ignorance of parliamentary usage and peaceful disposition, that a strict enforcement of the rules, instead of assisting, would greatly hinder business.”



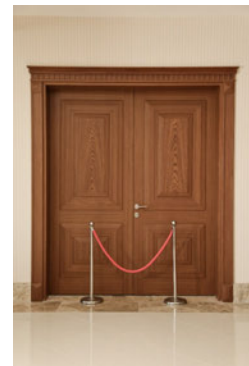
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Closed Session

- Board may meet in closed session to discuss/take action on items within enumerated “exceptions” to the open meeting requirements;
- Prior to closed session, disclose in an open session the items to be discussed in closed session which may be a reference to items on the Board’s agenda (Gov. Code § 54957.7.)
- Act provides sample “safe harbor” closed session item descriptions
- Safe harbor descriptions are not required and not all inclusive



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Closed Session Procedure

- Who may attend?
 - Board
 - Administrators
 - Legal counsel
 - Board’s negotiators
 - Parties whom Board specifically allows
 - Other consultants



Closed Session – Some permitted topics

- Personnel Actions – Appointment, Employment, Evaluation, Discipline/Dismissal/Release
- Hearing “Complaints or Charges” against employees – may require 24-hour notice of right to open session
- Labor Negotiations
- Real Property Transactions
- Pending and Anticipated Litigation
- Tort Claims
- Student discipline hearings - require 24-hour notice of right to open session

Employment Contracts

- All employment contracts with a superintendent, deputy superintendent, assistant superintendent, associate superintendent... or other chief executive officer **shall be ratified in an open session of the governing body which shall be reflected in the governing body's minutes** (Gov. Code, §53262(a).)
- The Brown Act **prohibits holding a special meeting** “regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a “local agency executive.” (Gov. Code § 54956(b).)
- Prior to taking action, the board must orally report a summary of a recommendation for final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a district executive, during the open meeting in which the final action is to be taken.



Labor Negotiations

- The board may discuss salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for represented employees, any other matter within the statutorily provided scope of representation.
- Prior to closed session, the board must identify its negotiator(s) in open session.

Note: Compliance with Brown Act not required for discussions regarding negotiations with represented employees (Gov. Code, § 3549.1, Rodda Act).



Real Property Transactions

- Limited to meeting with real property negotiators prior to sale or lease of property, to discuss confidential information concerning price or terms of payment during property negotiations (Gov. Code, § 54956.8)
 - General real property issues are not included within this exception



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Pending and Anticipated Litigation

- To confer with, or receive advice from legal counsel regarding pending or threatened litigation when discussion in open session would prejudice the position of the district in the litigation (Gov. Code, § 54956.9)
 - Includes consideration of tort claims



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Reporting Out

- Board must publicly report certain action taken in closed session
 - “Action taken” is defined in the Brown Act—not every action
 - Must report the vote of every member present
 - Must provide copies of contracts, agreements or other approved documents to a requester at time session ends (if prior written request on file), otherwise next day
- There are specific requirements for reporting out depending on type of action taken



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Confidentiality of Closed Session

- Neither board members nor staff may disclose confidential information from closed session unless specifically authorized by a majority of the Board
- Consequences:
 - Injunctive relief
 - Disciplinary action
 - Referral to grand jury
 - Expose the District to potential liability



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Closed Session Documents

- District shall provide copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in closed session:
 - to any person who is present at the end of the closed session and who submitted a request within 24 hours of the posting of the agenda
 - to any person with a standing request for all documents as part of a request for notice of meetings.
 - if a document is changed in closed session, district shall provide it as soon as it is retyped the next day as long as the presiding officer explains the substance of amendments in open session.



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Violations

- Consequences for violation of the Brown Act:
 - Criminal liability exists if there is “intent to deprive public” (Gov. Code, § 54959)
 - Public can sue to stop violation of Act
 - Declaratory relief regarding past violation of the Act
 - Payment of attorneys’ fees
 - Voiding of action taken in violation of the Act
 - Court may order taping of closed session



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Violations

- Disclosure of closed session confidential information prohibited.
- Consequences: injunctive relief, disciplinary action, referral to grand jury.
- For disciplinary action, employee must have been trained in or given notice of these requirements.

(Gov. Code, § 54963(d).)



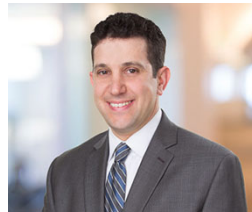
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Thank You!



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