

MEETINGS AND NOTICES

Meetings of the Board of Education are conducted for the purpose of accomplishing Office of Education business.

A Board meeting exists whenever a majority of its members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Board of Education.

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

Direct communication, personal intermediaries, and technological devices (such as telephones, facsimile machines, or electronic mail) shall not be used by a majority of Board members to develop a collective concurrence as to an action that members will take on any item of Board of Education business.

Meetings shall be held within county boundaries, except when otherwise allowed by law.

Meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge.

Regular Meetings

The Board of Education shall hold regular meetings according to a schedule adopted by the Board at the organizational meeting, but in any case, not less often than once each month.

A regularly scheduled meeting may be cancelled for lack of a quorum or lack of agenda. Before making a decision to cancel the meeting, the Board President will consult with the County Superintendent and at least two other Board members.

Regular meetings of the Board shall be held in the Board Room of the County Office of Education unless the agenda specifically announces another location.

Items for an agenda for a regular meeting may be suggested by Board members, the County Superintendent, Office of Education staff or members of the community.

The order of business at regular meetings shall be:

1. Call to order/flag salute

2. Closed session (when needed)
3. Special presentations (when appropriate)
4. Adjustment of the agenda
5. Board member announcements
6. Consent agenda (consent items are generally routine matters which the Board encounters on a regular basis.)
7. Public comments
8. Discussion/action (each item requires some type of action by the Board)
9. Information/action items (these items will usually be informational; however, the Board may, at various times, wish to take action on an item in this category)
 - a) Superintendent's report
 - b) Committee reports
 - c) Board member reports
 - d) Routine budget revisions
 - e) Future agenda planning
10. Interdistrict attendance appeals (when needed)
11. Expulsion appeals (when needed)
12. Closed session (when needed)
13. Adjournment

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the Office of Education's website.

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

Special Meetings

Special meetings of the Board may be called by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the County Superintendent.

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time

of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public and shall be posted on the Office of Education's website. The notice shall specify the time and place of the meeting and the business to be transacted or discussed; no other business shall be considered at these meetings.

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or after the item's consideration.

At least 72 hours' public notice shall be given for any retreats, study sessions or training sessions held by the Board. All such meetings shall be held within county boundaries and action items shall not be included.

Emergency Meetings

The Board may hold an emergency meeting without complying with the 24-hour notice requirement in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities. An "emergency situation" means:

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

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media which have requested notice of special meetings. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting.

No closed session may be held during an emergency meeting. All other rules governing special meetings shall be observed, with the exception of the 24-hour notice requirement.

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

Adjourned Meetings

A majority vote by the Board may adjourn any meeting to a later time and place that shall be specified in the order of adjournment. Within 24 hours after a meeting has been adjourned to a later time, a copy of the order of adjournment shall be posted at the meeting site.

If no members are present at any regular or adjourned regular meeting, the County Superintendent may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings.

Meetings by Teleconference

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, through either audio, video or both.

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

During the teleconference, at least a quorum of the members of the Board shall participate from locations within county boundaries.

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

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

All Board policies, administrative regulations and bylaws shall apply equally to meetings that are conducted by teleconference.

Hearings

The Board may occasionally convene public hearings at which no Board action is to be taken. Such hearings are held solely to allow the Board and members

of the public to receive information. A hearing may take place immediately prior to a Board meeting.

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

Other Gatherings

Attendance by a majority of the Board members at any of the following events is *not* subject to state open meeting laws provided that a majority of the Board members do not discuss specific Office of Education business among themselves other than as part of the scheduled program:

1. A conference or similar public gathering that involves a discussion of issues of general interest to the public or to school boards
2. An open, publicized meeting organized by a person or organization other than the Board of Education to address a topic of local community concern
3. An open and noticed meeting of a legislative body of another local agency
4. A purely social or ceremonial occasion
5. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

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

Legal Reference:

EDUCATION CODE

1009 Annual organizational meeting

1011 Regular meetings

1012 Special meetings

1016 Permitted proceedings

35140 Time and place of meetings

35143 Annual organizational meeting, date and notice

35144 Special meeting

35145 Public meetings

35145.5 Agenda; public participation; regulations

35146 Closed sessions

35147 Open meeting law exceptions and applications

GOVERNMENT CODE

3511.1 Local agency executives

11135 State programs and activities, discrimination

54950-54957.9 Meetings, especially:

54953 Meetings to be open and public; attendance

54954 Time and place of regular meetings; holidays; emergencies

54954.1 Mailed notices

54954.2 Agenda posting requirements, board actions

54954.3 Opportunity for public to speak

54956 Special meetings; call; notice
54956.5 Emergency meetings in emergency situations
54957.5 Agenda distribution
54961 Prohibition on use of certain facilities
UNITED STATES CODE, TITLE 42
12101 - 12213 Americans With Disabilities Act
ATTORNEY GENERAL OPINIONS
88 Ops.Cal.Atty.Gen 218 (2005)
88 Ops.Cal.Atty.Gen 181 (2001)
88 Ops.Cal.Atty.Gen 30 (2001))
79 Ops.Cal.Atty.Gen. 69 (1996)
78 Ops.Cal.Atty.Gen. 327 (1995)

Bylaw

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HUMBOLDT COUNTY OFFICE OF EDUCATION

Eureka, California