



**DEL MAR UNION SCHOOL DISTRICT
ARTICLE 9
BYLAWS OF THE BOARD
(Series 9000)**

**DEL MAR UNION SCHOOL DISTRICT
ARTICLE 9
BYLAWS OF THE BOARD
(Series 9000)**

NOTE: The CSBA comprehensive index/table of contents is widely used by districts throughout the state. It provides a standard index system designed to accommodate future policies/regulations and at the same time provides a table of contents for this manual. This manual contains only those Board Bylaws (BB), administrative regulations (AR) and exhibits (E) in the right-hand column.

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9000: ROLE OF THE BOARD

The Governing Board is 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. Establish a long-term vision for the district.
2. Establish and maintain a basic organizational structure for the district, including selection of the Superintendent, adoption of policies, curriculum, the budget and the collective bargaining agreement.
3. Establish accountability to the local community, including personnel, programmatic and fiscal accountability, and serve as a judicial and appeals body as needed.
4. Providing community leadership and advocacy at the local, state and national levels on behalf of children, district programs and public education.

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)

Delegation of Authority

The Superintendent shall follow all policies, regulations and statutes in carrying out his/her duties as delegated by the Board and operate with integrity, high ethical standards and best business practices. The Board can, at any time, revoke all or part of the authorities delegated to the Superintendent.

The Superintendent shall develop rules and regulations for the administration of the district consistent with adopted Board Policy.

The Superintendent shall be the chief executive officer of the district. The Board delegates to the Superintendent all administrative authority within its power with the exception of the Superintendent's appointment or dismissal.

Although the Board delegates authority to the Superintendent, the Board itself, is ultimately responsible for the efficient and effective conduct of the affairs of the district and retains all legal authority.

First Reading, Bylaws of the Governing Board 9000 Series
Adopted at the Regular Board Meeting on December 8, 1999
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Limits of Authority

The Board is the unit of authority. Apart from the normal function as part of the unit, the Board member has no individual authority. Individually, the Board member may not commit the district to any policy, act, or expenditure. 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 in general. The Board member does not represent any factional segment of the community but is rather a part of the body which represents and acts for the community as a whole.

No individual member of the Board, by virtue of holding office, shall exercise any administrative responsibility with respect to the schools.

Strategic Plan

The Board shall set the direction for the district by adopting a strategic plan which defines the district's goals and priorities. The Board shall monitor implementation of the strategic plan and solicit staff and community input as appropriate and conduct periodic reviews.

Superintendent Selection and Evaluation

The Board shall be solely responsible for hiring 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.

Policy Adoption and Monitoring

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

The Board shall also adopt bylaws that promote cooperative 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.

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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 promotion/retention requirements, and ensure compliance with state and federal laws.

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

Budget, Facilities and Fiscal Accountability

The Board shall adopt a sound, responsible budget that supports district goals and responsibilities.

Recognizing that school facilities are a long-term obligation that impact 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 establish accountability systems and processes in order to monitor the district's fiscal health.

Collective Bargaining

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

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.

Community Leadership

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 and ongoing issues as well as a proactive communication plan for issues that are district priority.

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

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

Professional Governance Standards, November 2000
Maximizing School Board Leadership, 1996

WEB SITES

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

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9005: GOVERNANCE STANDARDS

Board Responsibility to Community

A Governing Board Member should honor the high responsibility which Board membership demands:

- BY thinking always in terms of “children first.”
- BY understanding that the basic function of the School Board member is “policy making” and not “administrative,” and by accepting the responsibility of learning to intelligently discriminate between these two functions.
- BY accepting the responsibility along with fellow Board members of seeing that the maximum facilities and resources are provided for the proper functioning of the schools.
- BY refusing to “play politics” in either the traditional partisan, or in any petty sense.
- BY representing at all times the entire school community.
- BY accepting the responsibility of becoming well informed concerning the duties of Board members, and the proper functions of public schools.
- BY recognizing responsibility as a state official to seek the improvement of education throughout the state.

A Governing Board Member should meet his/her responsibilities to the community:

- By attempting to appraise fairly both the present and future educational needs of the community.
- BY regarding it as a major responsibility of the Board to interpret the aims and the methods of the schools to the community.
- BY insisting that all school business transactions be on an open, ethical, and above-board basis.
- BY vigorously seeking adequate financial support for the schools.

*First Reading, Bylaws of the Governing Board 9000 Series
BB 9200.6 Code of Ethics Adopted by the Board of Trustees • December 8, 1999 (obsolete, replaced by:)
BB 9005 Submitted for 1st Reading by the Board of Trustees: September 27, 2005
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Approved with Revisions by the Board of Trustees: June 27, 2007*

- BY refusing to discuss personnel matters or any other confidential business of the Board outside of an official Board meeting.

A Governing Board member should respect relationships with other members of the Board.

- BY recognizing that authority rests only with the Board in official meetings, and that the individual member has no legal status to bind the Board outside of such meetings.
- BY recognizing that integrity of his/her predecessors and associates, and the merit of their work.
- BY refusing to make statements or promises as to how the member will vote on a matter, which should properly come before the Board as a whole.
- BY making decisions only after all facts bearing on a question have been presented and discussed.
- BY respecting the opinion of others and by graciously conforming to the principle of majority rules.

Board - Superintendent Relationship

A Governing Board member should maintain desirable relations with the Superintendent of schools and staff:

- BY striving to procure, when the vacancy exists, the best professional leader available for the head administrative post.
- BY giving the Superintendent full administrative authority for properly discharging the Superintendent's professional duties, and by also holding the Superintendent responsible.
- BY acting only after receiving the recommendation of the Superintendent in matters of employment or dismissal of school personnel.
- BY having the Superintendent present at all meetings of the Board except when the Superintendent's contract and salary are under consideration.
- BY referring all complaints to the proper administrative office and by discussing them only at a regular meeting after failure of administrative solution.
- BY striving to provide adequate safeguards around the Superintendent and other staff members to the end that they can live happily and comfortably in the

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community and discharge their educational functions on a thoroughly professional basis.

- BY presenting personal criticism of any employee directly to the Superintendent in accordance with sound principles of personnel policies and procedures.

The Board has the power of establishing its own procedures (Education Code 35010).

The Board shall provide guides of discretionary action to those agents of the district to whom the Board delegates authority. This right shall be retained solely by the Board. These guides for discretionary action shall constitute the policies governing the operation of the school system.

The formulation and adoption of these written policies shall constitute the basic method by which the Board shall exercise its leadership in the operation of the school system. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board shall exercise its management of the schools.

The formal adoption of policies shall be recorded in the minutes of the Board. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

The implementation of policies is an administrative task to be performed by the Superintendent and the Superintendent's staff, who shall be held responsible for the effective administration and supervision of the entire school system.

All actions of the Board shall be taken only in official Board meetings called, scheduled, and conducted according to these bylaws and the statutes of the state.

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

54950-54963 The Ralph M. Brown Act

87300-87313 Conflict of interest code

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

CSBA: www.csba.org

First Reading, Bylaws of the Governing Board 9000 Series

BB 9200.6 Code of Ethics Adopted by the Board of Trustees • December 8, 1999 (obsolete, replaced by:)

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9010: PUBLIC STATEMENTS

The Governing Board recognizes the rights of Board members to freely express their views and encourages open discussion of issues during the Board meeting. The Board believes that effective Board members have a responsibility to express themselves, whether in agreement or disagreement with the Board majority, in ways that promote the Board's ability to govern the district.

No member of the Board individually will speak for, or in the name of, the total Board unless by explicit direction of the Board. When a Board decision has been reached, all Board members, even those who may have voted against it, will support that decision until amended or rescinded by Board action.

All public statements authorized to be made on behalf of the Board shall be made by the Board President or, if appropriate, by the Superintendent or other designated representative at the direction of the Board President. No individual Board member shall make public statements in the name of the Board.

When speaking to community groups, the media, or other members of the public, individual Board members should recognize that their statements may be perceived as reflecting their views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as a viewpoint of the Board.

No member of the Board shall release information from closed session unless authorized by the Board majority.

Members of the Board may have blogs or web pages associated with the district web site. All the policies, rules and statutes covering Board members shall apply to their district web sites. To avoid possible violations of Board policy Board members may not use the District blog feature from July 15 through November 10 of any year in which there is a school board election.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

GOVERNMENT CODE

54960 Actions to stop or prevent violation of meeting provisions

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9011: DISCLOSURE OF CONFIDENTIAL / PRIVILEGED INFORMATION

Confidential/privileged information shall be released only as allowed by law.

Confidential/privileged information is defined as:

1. Information that is not a public record subject to disclosure under the Public Records Act
2. Information that "by law" may not be disclosed
3. Information that may have a material financial effect on the Governing Board member

The Governing Board holds that information which is produced for or which comes out during closed meetings of the Board concerning subjects which are lawful matters for consideration at closed meetings is privileged information, and shall not be divulged or released by any member of the Board or by any employee of the district, unless and until a majority of the Board members agree to release the information. This is not to permit withholding information about the purpose and subject(s) of the closed session as required for public information under Government Code Section 54957.7. Information from closed sessions shall be released by the Board President or Chair of the meeting in which the closed session is held.

Release of privileged information contrary to the provisions of this bylaw by a member of the Board may result in public censure of the member by a majority vote of the members of the Board.

Release of privileged information by an employee of the district shall be considered by the Board to be unprofessional and/or unethical conduct, and a serious violation of the reasonable regularities of the Board of this district, and shall be grounds for disciplinary action under applicable policies and regulations.

Legal Reference

EDUCATION CODE

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

35146 Closed session

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957 Closed session; "employee" defined; exclusion of witnesses

54957.1 Subsequent public report and rollcall vote; employee matters in closed session

54957.5 Public records

54957.6 Closed session; representatives with employee organization

54957.7 Reasons for closed session

54963 Confidential information in closed session

ATTORNEY GENERAL OPINIONS

80 *Ops. Cal. Atty. Gen.* 231 (1997)

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards, November 2000

Maximizing School Board Leadership, 1996

WEB SITES

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

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9100: ORGANIZATION

Annual Organizational Meeting

The Governing Board shall hold an annual organizational meeting within the time limits prescribed by law. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk from its members
2. Appoint a Secretary to the Board
3. Develop a schedule of regular meetings for the year
4. Designate Board representatives
5. Authorize signatures

Legal Reference:

EDUCATION CODE

5017 *Term of Office*

35143 *Annual organizational meeting date, and notice*

35145 *Public meetings*

GOVERNMENT CODE

54953 *Meetings to be open and public; attendance*

ATTORNEY GENERAL OPINIONS

68 *Ops.Cal.Atty.Gen. 65 (1985)*

59 *Ops.Cal.Atty.Gen. 619, 621-622 (1976)*

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9110: TERMS OF OFFICE

The Governing Board shall consist of five members elected by the qualified voters of the district, as provided by law.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election. (Education Code 5017)

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code 5000)

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1360; Education Code 5017)

Legal Reference:

EDUCATION CODE

5000-5033 Election of school district board members

35010 Control of district

35012 Board members; number, election and terms

35107 Eligibility

GOVERNMENT CODE

1302 Continuance in office until qualification of successor

1303 Exercising functions of office without having qualified

1360 Necessity of taking constitutional oath

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***DEL MAR UNION SCHOOL DISTRICT
BYLAWS/ADMINISTRATIVE REGULATIONS OF THE BOARD***

BOARD BYLAW 9121: PRESIDENT

The President shall preside over 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 order of business and the conduct of meetings;
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;
8. Put motions to vote, and state clearly the results of the vote.

The 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 Board President shall also perform other duties as directed by law, California Department of Education regulations and the Board, including the duty to:

1. Sign all instruments, acts, and orders necessary to carry out state requirements and the will of the Board;
2. Work with the Superintendent or designee to prepare the Board's agendas;
3. Appoint and disband all committees, subject to Board approval;
4. Call such meetings of the Board, as he/she may deem necessary, giving notice as prescribed by law;

5. Confer with the Superintendent or designee on crucial matters, which may occur between Board meetings;
6. Be responsible for the orderly conduct of all Board meetings;
7. Share informational mail with other Board Members.

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

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

First Reading, Bylaws of the Governing Board 9000 Series

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9122: SECRETARY

The Superintendent shall act as Secretary to the Governing Board. As Secretary, the Superintendent shall:

1. Work with the Board president on the creation of the Board's agendas and distribute the Governing Board's agendas
2. Prepare and maintain the Board minutes.
3. Maintain and care for all district and Board records and documents.
4. Prepare a tentative calendar for the school year next ensuing for the consideration of the Board at the first regular meeting in December and notify all members of the annual organizational meeting at least 15 days prior to the meeting.
5. Submit to Board Officers and Members the correspondence addressed to them.

Legal Reference:

EDUCATION CODE

35025 Secretary and bookkeeper

35143 Annual organizational meetings; dates and notice

35250 Duty to keep certain records and reports

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

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DEL MAR UNION SCHOOL DISTRICT
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Board Bylaw 9123: CLERK

At the annual organizational meeting, the Governing Board shall elect a Clerk from its own membership.

The duties of the Clerk shall be to:

1. Certify or attest to actions taken by the Board when required.
2. Maintain such other records or reports as required by law.
3. Sign the minutes of the Board meetings following their approval.
4. Sign documents as directed by the Board on behalf of the district, and sign all other items, which require the signature of the Clerk.
5. Serve as presiding officer in the absence of the President.
6. Perform any other duties assigned by the Board.

Legal Reference:

EDUCATION CODE

17593 Repair and supervision of property (duty of district clerk)
35038 Appointment of clerk by county superintendent of schools
35039 Dismissal of clerk
35121 Appointment of clerk in certain city and high school districts
35143 Annual organizational meetings
35250 Duty to keep certain records and reports
38113 Duty of clerk (re provision of school supplies)

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000
Maximizing School Board Leadership: Boardmanship, 1996

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9124: ATTORNEY

The Governing Board recognizes the complex legal environment in which school districts operate and desires reliable, dependable legal advice. The Board also supports collaborative legal efforts with other agencies and districts in order to promote the district's interests.

The Board may use the county counsel, district attorney, or private attorneys to meet the needs of the district.

The district's legal counsel may:

1. Render legal advice to the Board and the Superintendent or designee.
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings.
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures.
4. Perform other administrative duties as assigned by the Board and Superintendent or designee.

The Superintendent may confer with the district's legal counsel at his/her discretion. The Superintendent shall provide the Board with requested legal information when so directed by a majority of the Board. The Board also may authorize a specific member of the Board to confer with legal counsel on behalf of the Board.

Legal Reference:

EDUCATION CODE

35041 Administrative adviser

35041.5 Legal counsel: Relieving duties of county counsel and district attorney

35204 Contract with attorney in private practice

35205 Contract for legal services

GOVERNMENT CODE

814-895.8 Liability of public entities and public employees

995-996.6 Defense of public employees

26520 Legal services to school districts

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9130: BOARD COMMITTEES

The Governing Board may establish Board committees as necessary. The Board shall determine the duties of the committee at the time of its appointment. Unless specifically authorized by the Board to act on its behalf, Board committees shall act in an advisory capacity. When its duties have been completed, the committee shall be dissolved.

Board committees shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws.

Board advisory committees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the Board.

Standing committees with a continuing subject matter jurisdiction include, but are not limited to, those responsible for providing advice on budgets, audits, contracts and personnel matters at the Board's request.

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers.

The Superintendent or designee may serve as an advisor to any committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and agencies.

When a Board committee composed exclusively of Board members has provided for public comment on an item at a public meeting before or during the committee's consideration of the item, the Board is not obliged to provide for public comment on the item at a subsequent Board meeting. Public comment shall be afforded, however, if the Board determines that the item has been substantially changed since it was heard by the committee.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35024 Executive committee

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54952 Legislative body, definition

54952.2 Definition of meeting

54954 Time and place of regular meetings; special meetings; emergencies

54954.3 Opportunity for public to address legislative body

ATTORNEY GENERAL OPINIONS

81 Ops.Cal.Atty.Gen. 156 (1998)

80 Ops.Cal.Atty.Gen. 308 (1997)

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

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9140: BOARD REPRESENTATIVES

The Governing Board will designate a chief negotiator to represent it in negotiations with employee organizations. The Board itself will not negotiate with any employee organization directly.

The Board's role in the negotiation process shall be:

1. To assess, to the best of its ability, the needs of employees.
2. To set priorities for the total educational program in the best interests of students, the district, and the public in general.
3. To translate educational priorities and employee needs into a realistic budget.
4. To maintain the Board's position of authority and control as provided by law.

Other Representatives

The Board may appoint any of its members to serve on advisory committees or as representatives to other public agencies or organizations when the Board deems such appointment desirable.

Legal Reference:

EDUCATION CODE

4000-4014 County committees on school district organization

35020-35046 School district officers and agents (power of governing board to employ or appoint)

35160 Authority of governing boards

GOVERNMENT CODE

54952.2 Meetings

***DEL MAR UNION SCHOOL DISTRICT
BYLAWS/ADMINISTRATIVE REGULATIONS OF THE BOARD***

BOARD BYLAW 9200: LIMITS OF BOARD MEMBER AUTHORITY

The Governing Board is the unit of authority over the district. It has broad but clearly limited powers. The exercise of its authority is restricted to the functions required or permitted by law, and then only when it acts in a legally constituted meeting.

The Board member has no individual authority. Individually, the Board member may not commit the district to any policy, act, or expenditure. 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. The Board member represents and acts for the community as a whole and does not represent any fractional segment of the community.

Individual members of the Board, by virtue of holding office, 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. At his/her discretion, the Superintendent may refer the request to the entire Board for consideration. If approved, the Superintendent or designee shall perform any necessary research associated with the request and report to the Board at a future meeting. The Superintendent shall provide all information to the entire Board.

Obligations of Board Members

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

Board members should understand their role and the programs offered by the district. They should study all agenda materials before the meeting, participate in the discussion of items which 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 law.

The Superintendent or designee shall make available a copy of the Brown Act to each Board member and to anyone who is elected to the Board.

Legal Reference:

EDUCATION CODE

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>

**DEL MAR UNION SCHOOL DISTRICT
BYLAWS/ADMINISTRATIVE REGULATIONS OF THE BOARD**

BOARD BYLAW 9220: GOVERNING BOARD ELECTIONS

The Governing Board shall strive to have ethical elections and have the district act in a neutral and ethical manner throughout the election process. District staff shall not permit election materials to be posted on school property. No district resources shall be used in any way that can be construed as supporting a candidate. District staff will operate the school system in a business as usual manner, not refraining from any activity including fiscal disclosures, due to the on-going school board election process. If any candidate is provided written materials, including photographs, all candidates shall be provided the same materials. If a candidate is found using district property, staff shall reclaim such property or such reimbursement for the district for any costs, such as copying costs.

The Superintendent and district staff shall not endorse any candidate in their official capacity but reserve their First Amendment rights of freedom of expression as individuals during non-work hours. The Superintendent and district staff shall not speak about any of the candidates at any school, district, or community function during the election period from the filing of candidacy papers until the election date.

Any person is eligible to be a Governing Board member, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter and not legally disqualified from holding civil office. (Education Code 35107)

A district employee elected to the Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

Board election procedures shall be conducted in accordance with the California Education Code and Elections Code.

Statement of Qualifications

The district shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed pursuant to Elections Code 13307. Candidates may be required to pay their pro rata share of these costs to the district in advance as specified in Elections Code 13307.

The Board secretary shall notify the county clerk of this policy on or before the 125th day before each Board member election. (Elections Code 10509)

Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

1st Reading by the Board of Trustees: September 27, 2005

Approved by the Board of Trustees: October 26, 2005

Approved with Revisions by the Board of Trustees: June 27, 2007

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where lots shall be cast to determine the winner. (Education Code 5016)

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of elections

5340-5345 Consolidation of elections

5360-5363 Election notice

5380 Compensation (of election officer)

5390 Qualifications of voters

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions (re returns, recounts, etc.)

35107 Eligibility; school district employees

35177 Campaign expenditures or contributions

ELECTIONS CODE

1302 Local elections, school district election

2201 Grounds for cancellation

2220-2226 Residency confirmation procedures

10400-10418 Consolidation of elections

10509 Notice of election by secretary

10600-10604 School district elections

13307 Candidate's statement

13309 Candidate's statement, indigency

GOVERNMENT CODE

1021 Conviction of crime

1097 Illegal participation in public contract

81000-91013 Political Reform Act

PENAL CODE

68 Bribes

74 Acceptance of gratuity

424 Embezzlement and falsification of accounts by public officers

661 Removal for neglect or violation of official duty

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

1st Reading by the Board of Trustees: September 27, 2005

Approved by the Board of Trustees: October 26, 2005

Approved with Revisions by the Board of Trustees: June 27, 2007

*Article 7, Section 7 Conflicting offices
Article 7, Section 8 Disqualification from office*

COURT DECISIONS

*California Prolife Council Political Action Committee v. Jan Scully et. al., (1998) 989 F.Supp.
1282*

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 181 (2000)

81 Ops.Cal.Atty.Gen. 98 (1998)

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

CA Secretary of State's Office: <http://www.ss.ca.gov>

1st Reading by the Board of Trustees: September 27, 2005

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9222: RESIGNATION

Resignation of a Board member shall be in writing and filed with the County Superintendent of Schools. The resignation shall be effective on the date specified.

A copy of the resignation shall be submitted to the Secretary of the Board.

The Board member shall retain the right to exercise all his/her powers until the effective date of the resignation. However, he/she shall not vote in any action the Board may take in making a provisional appointment to fill the vacancy.

Legal Reference:

EDUCATION CODE

5090 Definition (vacancy)

5091 Special Election

35178 Resignation with deferred effective date

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999 as BB 9200.1

Submitted for 1st Reading by the Board of Trustees as BB 9222: September 27, 2005

BB 9222 Approved by the Board of Trustees: October 26, 2005

Reviewed by the Board of Trustees: June 27, 2007

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9223: FILLING VACANCIES

A vacancy exists when a member of the Board submits his/her resignation in writing to the San Diego County Superintendent of Schools (Education Code 5090).

A vacancy may be declared by remaining members of the Board if a Board member fails to comply with all the requirements for continuing in public office in the State of California, including, but not limited to, failure to attend Board meetings for three consecutive months unless prevented by illness or unless absent from California with permission required by law (Government Code Section 1770).

Whenever a vacancy occurs, or whenever a resignation has been filed with the County Superintendent of Schools containing a deferred effective date, the Board shall, within 60 days of the vacancy of the filing of the deferred resignation, either call an election or make a provisional appointment to fill the vacancy (Education Code 5091).

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3060-3075 Removal other than by impeachment

6061 One time

54950-54963 The Ralph M. Brown Act

ATTORNEY GENERAL OPINIONS

58 *Ops. Cal. Atty. Gen.* 888 (1975)

Management Resources:

WEB SITES

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

California State Attorney General's Office, *Quo Warranto Applications:*

<http://caag.state.ca.us/opinions/quo.htm>

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999 as BB 9200.1

BB 9223 Reviewed by the Board of Trustees: September 27, 2005, October 26, 2006

Approved with Revisions by the Board of Trustees: June 27, 2007

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9224: OATH OR AFFIRMATION

Prior to entering upon the duties of their office, all Governing Board members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

The oath may be administered and certified by a Board member, secretary or assistant secretary to the Board, Superintendent, deputy or assistant superintendent, principal, or County Superintendent of Schools or any other person authorized in Education Code 60.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

Submitted for 1st Reading by the Board of Trustees: September 27, 2005

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9230: ORIENTATION

Board Candidate Orientation

The Governing Board desires to provide Board candidates with orientation that will enable them to understand the responsibilities of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities.

The Board encourages all candidates to attend public Board meetings during the period candidacy. Candidates have the same access as members of the public to district staff and information.

New Board Member Orientation

The Board and the Superintendent or designee shall help each new member-elect to understand district operations and the Board's functions, policies, and procedures as soon after election as possible. Incoming members shall be informed that they must conform to the requirements of the Brown Act as if they had already assumed office. Incoming members shall also receive information about the district's Board policies and other materials related to the school system and Board member responsibilities.

Incoming members are encouraged to attend Board meetings and meet with the Superintendent or designee and Board President regarding their role and responsibilities. They also may, at district expense, attend workshops for newly elected members.

Legal Reference:

EDUCATION CODE

33360 *Department of Education and statewide association of school district boards; annual workshops*

33362 *Reimbursement of expenses; member of school district board*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act, especially:*

54952.1 *Member of a legislative body*

54952.7 *Copies of Brown Act to Board members*

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9240: BOARD DEVELOPMENT

Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibility, stay abreast of new developments in education, and develop boardsmanship skills.

All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences.

Board members shall report to the Board, orally or in writing, as soon as possible on the inservice activities they attend.

Funds for Board development shall be budgeted annually for each Board member.

Legal Reference:

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshop

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:

54952.2 Meeting

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9250:

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

Each member of the Governing Board may receive a monthly compensation of no more than \$246. Board members are not required to accept payment for meetings attended.

Members of the Board shall be reimbursed for all legitimate expenses incurred (not to exceed any limitations specified for district personnel) in attending any meetings or in making any trips on official business of the district when so authorized in advance by the Board (Education Code 35044).

Board members may participate in the available health and welfare benefits program provided for district employees.

Board members who elect to participate shall pay the full cost of premiums.

Benefits for Retired Board Members

Any member whose first term of office began on or after January 1, 1991, and any other member retiring from the Board after at least one term, may continue the health and welfare benefits program at their own expense if coverage is in effect at the time of retirement and such enrollment has no fiscal impact on the district and other district employees.

Legal Reference:

EDUCATION CODE

1090 Compensation for members and mileage allowance

33050-33053 General waiver authority

33362-33363 Reimbursement of expenses (Department of Education and CSBA workshops)

35012 Board members; number, election and term

35044 Payment of traveling expenses of representatives of board

35120 Compensation (services as member of governing board)

35172 Promotional activities

44038 Cash deposits for transportation purchased on credit

GOVERNMENT CODE

20322 Elective officers; election to become member

53200-53209 Group insurance

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999 as BB 9200.4

BB 9250 Reviewed by the Board of Trustees: September 27, 2005, October 26, 2005

Approved with Revisions by the Board of Trustees: June 27, 2007

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 124 (2000)

Management Resources:

WEB SITES

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

Public Employees' Retirement System: <http://www.calpers.ca.gov>

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999 as BB 9200.4

BB 9250 Reviewed by the Board of Trustees: September 27, 2005, October 26, 2005

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9260: LEGAL PROTECTION

The Governing Board shall provide insurance necessary to protect Board members and employees from any judgment resulting from suits brought against them alleging their liability while acting within the scope of their employment and/or under the direction of the Board. The insurance shall cover claims in such matters as civil rights actions, negligence or other acts resulting in accidental injury to any person or damage to property.

Legal Reference:

EDUCATION CODE

17029.5 *Contract funding; board liability*

35208 *Liability insurance*

35214 *Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)*

GOVERNMENT CODE

815.3 *Intentional torts*

820-823 *Tort Claims Act*

825.6 *Indemnification of public entity*

1090-1098 *Conflicts of interest, prohibitions applicable to specified officers*

54950-54963 *The Ralph M. Brown Act*

87100-89503 *Conflicts of interest*

UNITED STATES CODE, TITLE 20

6731-6738 *Teacher Protection Act*

COURT DECISIONS

Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999 as 9200.5

BB 9260 Reviewed by the Board of Trustees as BB 9260: September 27, 2005, October 26, 2005

Reviewed by the Board of Trustees: June 27, 2007

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9270: CONFLICT OF INTEREST

Board members shall not be financially interested in any contract made by the Board or any contract made acting in their capacity as Board member.

If the Board member has remote interest in a contract considered by the Board, they shall declare that interest and refrain from debating or voting on the matter. Any decision by the Board shall be made without that Board member's vote.

Remote interest shall be defined pursuant to Government Code 1091. Exceptions to interest in contracts shall be governed by Government Code 1091.5.

In any situation where an appearance of conflict of interest exists, although a conflict in terms of the law does not actually exist, it is advisable that the Board member abstain. It is also advisable legal counsel be consulted.

1. Incompatible Activities

Governing Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board members' duties as an officer of the district.

2. Conflict of Interest Code

Board members and designated employees shall adhere to the district's conflict of interest code adopted pursuant to the provisions of Government Code section 87300.

Legal Reference:

EDUCATION CODE

- 1006 *Qualifications for holding office*
- 35107 *School district employees*
- 35230-35240 *Corrupt practices*
- 35233 *Prohibitions applicable to members of governing boards*
- 35239 *Compensation for board members in districts under 70 ADA*

GOVERNMENT CODE

- 1090-1098 *Prohibitions applicable to specified officers*
- 1125-1129 *Incompatible activities*
- 81000-91015 *Political Reform Act of 1974, especially:*
- 82011 *Code reviewing body*
- 82019 *Definition of designated employee*
- 82028 *Definition of gifts*
- 82030 *Definition of income*
- 87100-87103.6 *General prohibitions*
- 87200-87210 *Disclosure*
- 87300-87313 *Conflict of interest code*
- 87500 *Statements of economic interests*
- 89501-89503 *Honoraria and gifts*
- 91000-91014 *Enforcement*

CODE OF REGULATIONS, TITLE 2

- 18110-18997 *Regulations of the Fair Political Practices Commission, especially:*
- 18702.5 *Public identification of a conflict of interest for Section 87200 filers*

COURT DECISIONS

- Thorpe v. Long Beach Community College District*, (2000) 83 Cal.App.4th. 655
- Kunec v. Brea Redevelopment Agency*, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

- 86 *Ops. Cal. Atty. Gen.* 138(2003)
- 85 *Ops. Cal. Atty. Gen.* 60 (2002)
- 82 *Ops. Cal. Atty. Gen.* 83 (1999)
- 81 *Ops. Cal. Atty. Gen.* 327 (1998)
- 80 *Ops. Cal. Atty. Gen.* 320 (1997)
- 69 *Ops. Cal. Atty. Gen.* 255 (1986)
- 68 *Ops. Cal. Atty. Gen.* 171 (1985)
- 65 *Ops. Cal. Atty. Gen.* 606 (1982)

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999

Submitted for Review by the Board of Trustees: September 27, 2005, October 26, 2005

Revisions Approved by the Board of Trustees: October 26, 2005

Reviewed by the Board of Trustees: June 27, 2007

The 53-page biennial review of the Conflict of Interest Code of the Del Mar Union School District approved by the San Diego County Board of Supervisors follows this page. There is no change to the biennial review document.

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9300: BOARD OPERATIONS

The Governing Board has the power of establishing its own procedures (Education Code 35010).

The Board shall provide guides of discretionary action to those agents of the district to whom the Board delegates authority. This right shall be retained solely by the Board. These guides for discretionary action shall constitute the policies governing the operation of the school system.

The formulation and adoption of these written policies shall constitute the basic method by which the Board shall exercise its leadership in the operation of the school system. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board shall exercise its management of the schools.

The formal adoption of policies shall be recorded in the minutes of the Board. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

The implementation of policies is an administrative task to be performed by the Superintendent and the Superintendent's staff, who shall be held responsible for the effective administration and supervision of the entire school system.

All actions of the Board shall be taken only in official Board meetings called, scheduled, and conducted according to these bylaws and the statutes of the state.

Legal Reference:

EDUCATION CODE:

- | | |
|-------------|---|
| 35010 | <i>Control of District; Prescription and Enforcement of Rules</i> |
| 35140-35146 | <i>Times and Place of Meetings</i> |
| 35160 | <i>Authority of Governing Board Commencing January 1, 1976</i> |

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9310: POLICY MANUAL

The Superintendent or designee shall maintain district Board policies for the purpose of communicating to all interested parties the policies and regulations within which our schools will operate. The Governing Board encourages members of the public to acquaint themselves with the district's Board policies.

The Superintendent or designee shall ensure that the Board, community, and all district employees have access to the Board policies. A copy of the policies shall be maintained in the district central office and at each school site.

The Superintendent or designee shall establish procedures for distributing to all authorized policy holders' copies of new or revised policies, bylaws and regulations as they are adopted. Annually, before the Board's organizational meeting, the Superintendent or designee shall have all district policies reviewed to ensure that they are up-to-date and complete.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9311: BOARD POLICIES

The Governing Board recognizes that it has an important responsibility to establish policies, which communicate its direction for the operation of the schools. Policies are written statements adopted by the Board, which communicate the guidelines within which the Superintendent or designee and staff may take discretionary action.

The Superintendent or designee shall present drafts or suggestions for new policy and policy revisions when changes in law occur and when specific needs arise.

The Board encourages members of the community to contribute information and opinions for the Board's consideration and to propose revisions to policy. When drafting or revising policies which affect other governmental agencies, the Board welcomes input from these agencies and will cooperate with them in addressing matters of mutual concern.

The Superintendent or designee shall provide for the continuous orderly review of existing policies. Policies not amended shall be officially readopted by the Board.

The Board shall review certain policies annually, as required by law.

The adoption of policy shall conform to Board Bylaws governing agendas, meetings, and voting. Only those written statements adopted and recorded in the minutes shall constitute official Board policy.

Before adoption, policies shall normally be given two readings by the Board. At its second reading, the policy may be adopted by a majority vote of all members of the Board. The Board may waive the second reading or may require additional readings.

When policies are amended the Superintendent or designee shall review corresponding administrative regulations to ensure that they conform to the intent of the revised policy.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35160 Authority of governing boards

35160.5 Annual review of school district policies

35163 Official actions, minutes and journal

35164 Vote requirements

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999 as BB 9300.2

BB 9311 Reviewed by the Board of Trustees: September 27, 2005, October 26, 2005

Reviewed by the Board of Trustees: June 27, 2007

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9312: BOARD BYLAWS

Written and numbered Board Policies and Board Bylaws are rules, regulations or policies of the district, which must be adhered to by the Board, employees, pupils, parents and citizens. It is the intent of the Board that such written and numbered Board Policies and Board Bylaws be consistent with and in compliance with all applicable and relevant law. If any Board Policy or Board Bylaw is inconsistent with or not in compliance with applicable and relevant law, such Board Policy or Board Bylaw automatically shall be amended or interpreted to be consistent with or in compliance with such law.

The Superintendent, any Board member or any other individual may recommend the adoption or amendment of any Board Policy or Board Bylaw.

The Board may suspend or delete any Board Policy or Board Bylaw upon a majority vote of all members of the Board. Any motion to suspend a Board Policy or Board Bylaw should state the term of the suspension.

The Superintendent may suspend a Board policy, rule, regulation or bylaw until the next Board meeting where the policy, rule, regulation or bylaw conflicts with any provision of law or other policy, rule, regulation or bylaw. At the next meeting, the Superintendent shall report the suspension, present justification for the suspension and either present a revised policy, rule, regulation or bylaw that resolves the conflict, recommend that the Board rescind the policy, rule, regulation or bylaw, or recommend that the Board continue the suspension for a period of time to determine an appropriate course of action.

Legal Reference:

EDUCATION CODE

35010 *Control of district; prescription and enforcement of rules*

35163 *Official actions, minutes and journals*

35164 *Vote requirements*

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999 as BB 9312 Formulation, Adoption and Amendment of Bylaws

BB 9312 Reviewed by the Board of Trustees: September 27, 2005, October 26, 2005

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9313: ADMINISTRATIVE REGULATIONS

The Board delegates to the Superintendent the function of specifying required actions and designating the detailed arrangements under which the schools will be operated. Such rules and detailed arrangements shall constitute the administrative regulations governing the schools.

Administrative regulations must be consistent with Board policies, the California Education Code, education-related laws, negotiated employee contracts, and rules and regulations of the State Board of Education.

The Board reserves the right to review and direct revision of administrative regulations should they, in its judgment, be inconsistent with the policies adopted by the Board.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9314:

SUSPENSION OF POLICIES, BYLAWS, ADMINISTRATIVE REGULATIONS

Policies, bylaws and administrative regulations may be suspended for a specific purpose and limited time by a majority vote of the Board.

Suspension of any policy, bylaw or administrative regulation shall undergo the following consideration:

1. Policies, bylaws or administrative regulations shall be reviewed on their own merits rather than the circumstances of the moment.
2. The Governing Board shall decide whether the policy, bylaw or administrative regulation reflects the intent of the Board and the law. If so, the suspension will be denied and the policy, bylaw or administrative regulation reaffirmed in the minutes.

Superintendent's Authority

The Superintendent or designee may suspend all or part of any policy, bylaw or administrative regulation when it conflicts with state or federal law or regulations. The Superintendent or designee shall report the suspension to the Board. Suspension shall be valid until the policy, bylaw or administrative regulation is rescinded, amended or reaffirmed.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35163 Official actions, minutes and journals

35164 Vote requirements

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DEL MAR UNION SCHOOL DISTRICT
BYLAWS/ADMINISTRATIVE REGULATIONS OF THE BOARD

BOARD BYLAW 9320: MEETINGS AND NOTICES

The Governing Board recognizes that the district is a local public agency within the meaning of Ralph M. Brown Act. Consequently, the Board recognizes that it is subject to the open meetings provisions of this Act and shall adhere to all of the procedures and requirements set forth in the Act.

Meetings of the Board are conducted for the purpose of accomplishing district business.

All meetings of the Board, except closed sessions, shall be open to the public.

The Board shall adopt at its annual meeting in December a calendar specifying the date, time, and place of each regular meeting.

Regular Meetings

The Board shall hold at least one regular meeting every month.

Notice of Meetings

PTA Presidents, DMSEF President and Executive Director, DMCTA President and other District leadership positions shall receive such email notices for the duration of their terms. Persons requesting notices shall pay a fee for mailing the Agenda and Agenda packet, which fee shall not exceed the cost of providing the service (Government Code 54954.1). The Governing Board shall determine the annual fee, if applicable.

Notices, Agendas and Agenda packets shall be sent by email, unless the individual specifically requests transmittal by U.S. Mail and pays the applicable fee. Notices and materials shall be sent to Board members electronically unless otherwise instructed.

▪ **Notice of Regular Meetings**

At least 72 hours prior to the regular meeting, the agenda shall be posted at designated public locations.

A notice and agenda of each regular meeting shall be provided to any person who requests it in writing and otherwise as required by law. Requests are valid for one year from the date filed and must be renewed annually, and requestors are responsible for providing current, accurate, deliverable locations.

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Submitted for 1st Reading by the Board of Trustees: September 27, 2005
Revisions to BB 9320 Approved by the Board of Trustees: October 26, 2005
Revisions to BB 9320 Approved by the Board of Trustees: December 13, 2006
Revisions to BB 9320 Approved by the Board of Trustees: February 27, 2008

▪ **Notice of Special Meetings**

Special meetings of the Board may be called by the presiding officer or a majority of the members of the Board.

All Board members and the Superintendent shall be notified at least 24 hours prior to the special meeting. The notice shall contain the time, place, and the business to be transacted.

Notice of special meetings shall be provided to the local media and individuals who have requested such notice in writing, and as otherwise provided by law.

An agenda shall be prepared and delivered with the notice to Board members. The notice and agenda shall be posted at least 24 hours prior to the meeting.

Only those items of business listed in the call for the special meeting shall be considered at the special meeting.

▪ **Notice of Emergency Special Meeting**

The Board may hold a special meeting without complying with the 24 hour notice requirement in the case of an emergency situation and as otherwise provided by law. 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.

The President of the Board or designee shall give notice of the emergency special meeting to the local media by telephone one hour before the meeting. If telephone services are not functioning, the notice requirement of one hour is waived. As soon after the meeting as possible the Board shall notify the local media that the meeting was held, the purpose of the meeting, and any action taken by the Board.

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 such meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible (Government Code 54956.5).

Adjourned Meetings

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

If no members are present at any regular or adjourned regular meeting, the Secretary to the Board may declare the meeting adjourned and shall give notice in the same manner required for special meetings (Government Code 54955).

Annual Organizational Meeting

The Board shall hold an annual organizational meeting. The organizational meeting shall be held annually in December within the time limits prescribed by Education Code 35143.

At this meeting, the Board shall:

1. Elect a Board President, and Clerk of the Board from its members and announce a Secretary to the Board.
2. Develop a schedule of regular meetings for the year.
3. Designate Board representatives.
4. Authorize signatures.

External Public Meetings

Attendance of Board members at a meeting of other public agencies or organizations shall conform to the rules of the Brown Act.

Legal References on the following page.

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Revisions to BB 9320 Approved by the Board of Trustees: February 27, 2008

Legal Reference:

EDUCATION CODE

- 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

- 54950-54957.9 *Meetings, especially:*
- 54953 *Meetings to be open and public; attendance*
- 54953.2 *Compliance with Americans with Disabilities Act*
- 54954 *Time and place of regular meetings*
- 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*
- 54957.5 *Agenda distribution*
- 54961 *Prohibition on use of certain facilities*

UNITED STATES CODE, TITLE 42

- 12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 *Effective communications*
- 36.303 *Auxiliary aids and services*

ATTORNEY GENERAL OPINIONS

- 84 *Ops.Cal.Atty.Gen. 181 (2001)*
- 84 *Ops.Cal.Atty.Gen. 30 (2001)*
- 79 *Ops.Cal.Atty.Gen. 69 (1996)*
- 78 *Ops.Cal.Atty.Gen. 327 (1995)*

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2002

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9321: CLOSED SESSION PURPOSES AND AGENDAS

The Governing Board may hold closed sessions for purposes identified in law and placed on the meeting agenda in the manner required by law. The Board may hold a closed session at any time during a regular or special meeting. No closed session may be held during an emergency meeting of the Board.

The Board shall announce in open meeting the item to be discussed in closed session. No other matters shall be discussed in closed session.

No agenda, notice, announcement or report required by the Brown Act need identify any victim, or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

No matters other than these announced in open session shall be acted upon during closed session.

Personnel Matters

The Board may hold closed session to consider the appointment, employment, evaluation, performance, discipline or dismissal of an employee, or to hear complaints or charges against an employee. These sessions shall not include action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaint or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session.

Agenda items related to employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal or release require no additional information.

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act:

1. Any meeting and negotiating discussion between the district and a recognized or certificated employee organization

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2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting or investigation conducted by a fact finder or arbitrator
4. Any executive session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives.

Closed sessions shall be for the purpose of reviewing the Board's position and instructing the Board's designated representative. Closed session meetings may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

The Board may meet in closed session with the Board's designated representative regarding employee salaries, salary schedules or compensation paid in the form of fringe benefits of its represented and unrepresented employees. These closed sessions may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the district's designated representative.

For represented employees, the Board may also meet in closed session to hear any other matter within the statutorily provided scope of representation.

For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees.

The Board may also meet in closed session with a state conciliator or a mediator who has intervened in these proceedings.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations.

Matters Related to Students

The Board shall meet in closed session to consider a suspension, disciplinary action, or any other action in connection with a student if a public hearing on the matter would violate student privacy rights. If a written request for open session is received from the parent/guardian, it will be honored to the extent that it does not violate the privacy rights of any other student.

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Agenda items related to student matters shall briefly describe the reason for the closed session, such as “student expulsion hearing,” without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or to the public’s right of access to public services or public facilities.

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer with whom the Board will consult.

Conferences with Real Property Negotiator

The Board may meet in closed session with the Board’s real property negotiator prior to the purchase, sale, exchange or lease of real property in order to give its negotiator the authority to settle the price and terms of the property on behalf of the district.

Before holding the closed session, the Board shall, at a public meeting, identify the property under negotiation and specify the person(s) with whom the negotiator may negotiate.

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is not a street address, the agenda item shall specify the parcel number or another unique reference to the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both.

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board’s position in the case. For this purpose, “litigation” includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

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Litigation shall be considered pending when any of the following circumstances exist:

1. Litigation to which the Board is a party has been initiated formally.
2. Based on existing facts and circumstances and the advice of legal counsel, the Board is meeting only to decide whether there is a significant exposure to litigation against the district and a closed session is therefore authorized or the Board has already determined that there is significant exposure to litigation against the district.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation.

“Existing facts and circumstances” authorizing a closed session pursuant to Government Code 54956.9(b) as described in #2 above are limited to the following:

1. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
2. Facts and circumstances such as accidents, disasters, incidents or transactional occurrences which might result in litigation, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.
3. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from potential plaintiff. The claim or written communication must be available for public inspection.
4. A threat of litigation made by a person in an open meeting and related to a matter for which the Board has responsibility.
5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection.

The above record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on their behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

Before holding a closed session pursuant to this section, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or identify the litigation to be discussed or state that doing so would jeopardize the district's ability to provide service or process upon unserved parties or to conclude existing settlement negotiations to its advantage.

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding "Existing Litigation" or "Anticipated Litigation."

"Existing Litigation" items shall either specify the claimant's name, names of parties and case or claim number or shall state that disclosure would jeopardize service of process or existing settlement negotiations.

"Anticipated Litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9 and shall specify the potential number of cases. The agenda or an oral statement before the closed session may also be required to provide information pursuant to Items 2-5 above.

JPA/Self-Insurance Liability Claims

The Board may meet in closed session to discuss a claim against a joint power authority or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability.

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made.

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review.

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that the Education Code requires closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student suspension)

44929.21 Districts with ADA of 250 or more

48918 Rules governing expulsion procedures; hearings and notice

49073 Release of directory information

49076 Access to records by persons without written parental consent

49079 Notification to teacher re: students whose actions are grounds for suspension or expulsion

60617 Meetings of governing board

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6250-6268 California Public Records Act

54950-54963 The Ralph M. Brown Act

COURT DECISIONS

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860

Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87

Furtado v. Sierra Community College District (1998) 68 Cal. App. 4th 876

Roberts v. City of Palmdale (1993) 5 Cal.4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

86 Ops.Cal.Atty.Gen. 210 (2003)

78 Ops.Cal.Atty.Gen. 218 (1995)

59 Ops.Cal.Atty.Gen. 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2003

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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DEL MAR UNION SCHOOL DISTRICT
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Board Bylaw 9321.1: CLOSED SESSION ACTIONS AND REPORTS

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

The Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

Personnel Matters

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

Legal Reference:

EDUCATION CODE

35145 *Public meetings*

35146 *Closed session (re student matters)*

48918 *Rules governing expulsion procedures; hearings and notice*

49073-49079 *Privacy of student records*

60617 *Meetings of governing board*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act, especially:*

54957.1 *Closed sessions; public report of action taken*

54957.6 *Closed sessions; representatives to employee organization(s)*

54957.7 *Disclosure of items to be discussed*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 *Family Educational Rights and Privacy*

ATTORNEY GENERAL OPINIONS

80 *Ops. Cal. Atty. Gen. 85 (1997)*

Kleitman v. Superior Court of Santa Clara County 87 Cal Rptr. 2d (1999)

First Reading, Bylaws of the Governing Board 9000 Series

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DEL MAR UNION SCHOOL DISTRICT
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Board Bylaw 9322: AGENDA/MEETING MATERIALS

Construction of Agenda

After receiving the input of the Board President and Board Members at the previous Board meeting, the Superintendent and the Board President shall prepare an agenda for each meeting of the Board. Board members may place any item on the agenda no later than five working days before the scheduled meeting date.

All agendas shall include the meeting time and place and a brief description of each business item to be transacted or discussed. All agendas shall be posted as required by law.

Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and submitted to the Superintendent with supporting documents and information, if any, at least ten working days before the scheduled meeting date.

When constructing the agenda, the Board President and Superintendent will decide whether a request is within the subject matter jurisdiction of the Board and whether the agenda item is appropriate for discussion in open or closed session.

The Board shall also give members of the public the opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. An agenda item for such input shall be included on Board agendas. The Board shall not take action on such matters at that meeting.

All public communications with the Board are subject to requirements of relevant board policies and administrative regulations.

Initiating Requests for Staff Reports

Requests for research or administrative studies, desired by one or more Board members, shall be submitted to the whole Board for consideration. If approved by the majority of the Board, the Board shall direct the Superintendent to make such studies. Individual members shall confer directly with the Superintendent if specific information is desired or if information is needed regarding a complaint or request from a citizen.

Consent Items

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular item.

Legal Reference:

EDUCATION CODE

35144 *Special meetings*

35145 *Public meetings*

35145.5 *Right of public to place matters on agenda*

GOVERNMENT CODE

53635.7 *Separate item of business*

54954.1 *Mailed agenda of meeting*

54954.2 *Agenda posting requirements; board actions*

54954.3 *Opportunity for public to address legislative body*

54954.5 *Closed session item descriptions*

54956.5 *Emergency meetings*

54957.5 *Public records*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 *Effective communications*

36.303 *Auxiliary aids and services*

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9323: MEETING CONDUCT

The Governing Board desires to conduct its meetings effectively and efficiently. All Board meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Board members and other designated people.

Board meetings shall be conducted by the President in a manner consistent with adopted Board bylaws and parliamentary procedure.

Meeting agenda items that are discussion items, that is, not part of the approved consent calendar or a report, will follow this presentation format:

1. The Board President calls for the item on the agenda.
2. The District Superintendent or designee presents the item in a manner that allows for concise, accurate understanding of the item or issue.
3. Board members may then ask clarifying questions of the District Superintendent or his designee.
4. The Board President then calls for Public Input on the agenda item.
5. At the conclusion of Public Input, the Board President calls for Board discussion of the item.
6. At the conclusion of Board discussion, the Board President calls for a motion, which may then be seconded, followed by a vote or more discussion.
7. Action on motions shall follow established parliamentary procedure until the vote is cast and the item concluded.

Quorum

A majority of the members of the Board shall constitute a quorum (Education Code 5095, 35165).

Unless otherwise provided by law, affirmative votes by a majority of the Board's membership are required to approve any action under consideration, regardless of the number of members present (Education Code 35164).

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Public Participation

Because the Board has a responsibility to conduct district business in an orderly and efficient manner, the following procedures shall regulate public presentations to the Board.

1. The Board shall give members of the public an opportunity to address the Board either before or during the Board's consideration of each agenda item (Education Code 35145.5, Government Code 54954.3).
2. At a time so designated on the agenda, members of the public also may bring before the Board matters that are not listed on the agenda of a regular meeting. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action at that time. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board (Education Code 35145.5, Government Code 54954.3).
3. A person wishing to be heard by the Board shall first be recognized by the President. He/she shall then identify himself/herself and proceed to comment as briefly as the subject permits.
4. Individual speakers shall be allowed up to three minutes to address the Board on each agenda or non-agenda item during "public comments." A speaker's allotted time may not be increased by a donation of time from members of the Public in attendance. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for individual public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.
5. With Board consent, the President may modify the time allowed for public presentation.
6. The Board President may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the President may indicate the time and place when it should be presented.

The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions.

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Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957.

7. In the event of willful interruption by individuals or groups so as to render the orderly conduct of any open meeting unfeasible and order cannot be restored by the removal of the individuals or groups who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue the session. Only matters appearing on the agenda may be considered in such a session. Representatives of the media, except those participating in the disturbance, shall be allowed to attend such session.

After the room is cleared, the Board shall determine on either an individual or group basis whether the individual or group shall be readmitted to the meeting. Individuals or groups not responsible for the interruption or who did not participate in the interruption shall be readmitted.

Regular Board meetings shall be adjourned no later than 10:30 p.m. unless extended to a time certain by a majority of the Board. The meeting shall be extended no more than once for a maximum of 30 minutes and may be adjourned to a later time.

8. Any person who wishes to address the board during a board meeting is required to be present to make his/her comments, and all speakers must follow Board Bylaw 9323 in order to participate.

Legal References on next page.

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Approved with Revisions by the Board of Trustees: September 26, 2007
Approved with Revisions by the Board of Trustees: March 26, 2008

Legal Reference:

EDUCATION CODE

- 5095 Powers of remaining board members and new appointees
- 32210 Willful disturbance of public school or meeting a misdemeanor
- 35010 Prescription and enforcement of rules
- 35145.5 Agenda; public participation; regulations
- 35163 Official actions, minutes and journal
- 35164 Vote requirements
- 35165 Effect of vacancies upon majority and unanimous votes by seven member board

GOVERNMENT CODE

- 54953.5 Audio or video tape recording of proceedings
- 54953.6 Broadcasting of proceedings
- 54954.2 Agenda; posting; action on other matters
- 54954.3 Opportunity for public to address legislative body; regulations
- 54957 Closed sessions
- 54957.9 Disorderly conduct of general public during meeting; clearing of room

COURT DECISIONS

Baca v. Moreno Valley Unified School District, (C.D. Cal. 1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

- 76 Ops.Cal.Atty.Gen. 281 (1993)
- 66 Ops.Cal.Atty.Gen. 336, 337 (1983)
- 63 Ops.Cal.Atty.Gen. 215 (1980)
- 61 Ops.Cal.Atty.Gen. 243, 253 (1978)
- 59 Ops.Cal.Atty.Gen. 532 (1976)

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9323.2: ACTIONS BY THE BOARD

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order or ordinance

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.
2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the district's attention after the posting of the agenda.
3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

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Legal Reference:

EDUCATION CODE

- 15266 School construction bonds
- 17466 Declaration of intent to sell or lease real property
- 17481 Lease of property with residence for nondistrict purposes
- 17510-17511 Resolution requiring unanimous vote of all members constituting board
- 17546 Private sale of personal property
- 17556-17561 Dedication of real property
- 17582 District deferred maintenance fund
- 17583 Deferred maintenance fund; transfer of excess local funds
- 35144 Special meeting
- 35145 Public meetings
- 35164 Majority vote of all members constituting board for board action
- 35165 Vacancies, effect on majority and unanimous vote
- 48660 Establishment of community day schools
- 48661 School site restrictions for community day schools

GOVERNMENT CODE

- 53094 Authority to render zoning ordinance inapplicable
- 53097 Compliance with ordinances
- 53097.3 Charter school ordinances
- 53790-53792 Exceeding the budget
- 53820-53833 Temporary borrowing
- 53850-53858 Temporary borrowing
- 54950 Meetings: declaration; intent; sovereignty
- 54952.6 Action taken, definition
- 54953 Meetings to be open and public; attendance; secret ballots
- 54953.5 Right to record proceedings; conditions
- 54954.2 Agenda posting requirements; board actions
- 54954.5 Closed session item descriptions
- 54954.6 New or increased taxes or assessments; hearings; notice
- 54956 Special meetings; call; notice
- 54956.5 Emergency meetings in emergency situations
- 54960 Action to prevent violations
- 54960.5 Costs and attorney fees
- 65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

- 20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
- 20113 Emergencies, award of contracts without bids

COURT DECISIONS

- Bell v. Vista Unified School District, (2002) 82 Cal.App.4th 672
- Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4th 1109

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Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9324: MINUTES AND RECORDINGS

The Secretary of the Board shall keep minutes and record all actions of the Board. Copies of the minutes shall be made for distribution to the Board members at the meeting when the minutes are presented for approval.

Recording of Votes

Motions or resolutions shall be recorded as having passed or failed. Individual votes will be recorded unless the action was unanimous. All resolutions by the Board shall be numbered consecutively at the beginning of each fiscal year (Education Code 35163).

Maintaining of Minutes

The Board minutes shall be maintained as outlined below:

1. Content – Board Procedure
 - a. The date, place, and type of each meeting.
 - b. Members present and members absent by name.
 - c. Call to Order and Pledge of Allegiance to the Flag of the United States of America.
 - d. Arrival of tardy members by name and time of arrival.
 - e. Departure of members by name before adjournment or if absence takes place when any Board agenda items are acted upon.
 - f. Date of next meeting.
 - g. Adjournment of the meeting.
 - h. Record of written notice of special meetings.
 - i. Record of items of business to be considered at special meetings.

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2. Content – Board Actions
 - a. Approval or amended approval of minutes of preceding meetings.
 - b. Information as to each subject of the Board’s deliberation.
 - c. Complete information as to each subject including the roll call record of the vote on a motion if not unanimous.
 - d. All Board resolutions in complete context numbered serially for each fiscal year.
 - e. A record of all authorized contracts.
 - f. All employments and resignations or terminations of employment.
 - g. A record of all bid procedures including calls for bids authorized, bids received, and other action taken.
 - h. A record by number of all warrants approved for payment.
 - i. Adoption of the annual budget.
 - j. A record of financial reports.
 - k. A record of all correspondence presented to the Board.
 - l. A record of the Superintendent’s report to the Board.
 - m. Adoption of all policies, bylaws, and Board-adopted regulations.
 - n. A record of all delegations appearing before the Board.
 - o. Adoption of the annual school calendar.

Recording of Votes

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Recording Devices

A video or audio tape recording of any meeting of the Board may be made. The presiding officer will announce that a recording is being made at the beginning of the meeting. The recording device shall be placed in plain view of the persons present, so far as possible.

Recordings made during regular or special meetings of the Board are deemed public records. Recordings made during closed sessions are not public records. All recordings, tapes, discs, or other, shall be kept in a fire-proof location.

Legal Reference:

EDUCATION CODE

35145 *Public meetings*

35163 *Official actions, minutes and journals*

35164 *Vote requirements*

PENAL CODE

632 *Unlawful to intentionally record a confidential communication without consent of all parties to the communication*

GOVERNMENT CODE

54957.2 *Closed sessions; clerk; minute book*

54960 *Violations and remedies*

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DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9325: PUBLIC ACCESS

On a quarterly basis, the Board will review that important culminating District documents that will be made available to the public through placement on the district website. Examples of culminating District documents include, but are not limited to, the 2005 report from the Surplus Property Advisory Committee, authorized District Action Team reports, and other similar documents.

The Board will review the documents proposed for public access on a quarterly basis, and will determine the documents that will be made available for public access.

In addition, the Board also re-affirms BP/AR 1340, which describes the right of citizens to have access to the public records of the district (see attached).

Note: Effective 1/1/2007, the monthly school board meeting agenda and supporting documents are available at the District website. Effective May 2007 an audio recording of each monthly school board meeting is available on the District website 72 hours after the Board meeting.

***DEL MAR UNION SCHOOL DISTRICT
BYLAWS/ADMINISTRATIVE REGULATIONS OF THE BOARD***

BOARD BYLAW 9400: BOARD SELF-EVALUATION

Effective and efficient Governing Board operations are an integral part of creating a successful educational program. In order to measure progress toward its stated goals and objectives, the Board will schedule a time and place annually at which all its members may participate in a formal self-evaluation.

The Board shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal operations and performance of the Board. The Board members shall develop goals and objectives against which the Board will be evaluated. A self-evaluation instrument will be based on these goals and objectives and not on goals set for the District.

Each participating Board member will complete the self-evaluation instrument independently. The ensuing evaluation will be based on the resulting composite picture of Board strengths and weaknesses. The Board will discuss the tabulated results as a group.

The evaluation process should include the establishment of strategies for improving Board performance. Revised priorities and new goals will be set for the following year's evaluation.

The Board may invite the Superintendent and others to participate in the evaluation and suggest specific criteria to measure Board success as a governing body.