

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Section 9000

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LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9000

Basic Policy - Page 1

Board Adopted: 1/11/00

Board Revised: 9/12/07

The organization of the Board of Trustees of the Loma Prieta Joint Union Elementary School District of Santa Clara County, California, shall conform to all requirements of law and to all provisions it may legally set for itself.

9000.1 Powers and Duties

The powers and duties of the Board include governance, executive and judicial functions. These relate to the Board's own operations as a governing body and to all functions of the District.

The Board is charged with the responsibility for the general control and direction of education in the District based on state and federal constitutions and laws, and State Board of Education rules and regulations.

The Board shall discharge its duties through the following actions:

1. Adopt written policies in the manner prescribed by law which are consistent with the District's long-term goal of service to the community through educating its children.
2. Adopt a budget which will adequately provide for the educational and operational functions of the District.
3. Employ the Superintendent to act as the Board's executive officer. The Board shall give full consideration to the recommendations of the Superintendent with respect to adoption of policies, adoption of the budget, and employment of staff members.
4. Appraise the effectiveness of current policies, budget, and performance of the Superintendent pursuant to an ongoing process of gathering information from the Superintendent, staff members, students, and members of the community.

In order to best serve the children in our District, Board members and the Superintendent have an ethical obligation to bring a high order of devotion, statesmanship and integrity to the tasks of establishing and administering policies. Such devotion, statesmanship and integrity are best exhibited when the Board and the Superintendent work cooperatively in an atmosphere of mutual trust and good will. Further, the Board shall hold all meetings in the Superintendent's presence except when discussing the Superintendent's performance, contract or salary.

9000.2 Governance Functions

The Board shall prescribe rules for its own governance consistent with law or with the rules prescribed by the State Board of Education.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9000

Basic Policy - Page 2

Board Adopted: 1/11/00

Board Revised: 9/12/07

The Board's governance function includes the consideration of an approval or disapproval of matters submitted to it by the Superintendent, other employees, and the public.

It is the policy of this Board not to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Board at any congregation of a majority of the Board unless proper public notice is given.

In addition to other duties imposed or authority granted by law, the Board shall have the following duties and authority.

1. The Board shall order elections and provide for their conduct.
2. The Board may accept gifts on behalf of the District for the benefit of any school within the District, including program grant awards and program grants.
3. The Board may conduct litigation in the name of the District.
4. The Board may arrange for recreational programs and may provide its facilities to groups whose programs foster educational, political, economic, moral, and recreational interests of District communities.
5. The Board shall adopt an annual calendar for the District.
6. With respect to students, the Board:
 - a. May suspend or expel as mandated or permitted by law and Board policy
 - b. May order participation in a federally authorized educational program
 - c. Shall approve curricula and materials to be used and shall prescribe rules for governing schools within the District as required by law
 - d. Shall provide for compulsory attendance as required by law and may provide for interdistrict or intradistrict attendance
 - e. Shall provide for mental and physical health of students in accordance with law
 - f. May provide for a school lunch program and for student transportation
7. With respect to District property, the Board:
 - a. Shall decide upon physical plan development and repair and maintenance of buildings, grounds, and equipment as recommended by the Superintendent

- b. May acquire, pay for, and sell personal and real property for use by the District
- c. Shall manage and control all real and personal property owned by the District.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9000

Basic Policy - Page 3

Board Adopted: 1/11/00

Board Revised: 9/12/07

9000.3 Executive Functions

The Board may execute any power delegated by law to it or to the District of which it is the Board, and shall discharge any duty imposed by law upon it or upon the District of which it is the Board.

9000.4 Delegation of Authority

The Superintendent shall be the chief executive officer of the District. The Board hereby delegates to the Superintendent all administrative authority within its power with the exception of the Superintendent's appointment or dismissal. This delegation shall carry with it full responsibility for the proper use of such authority.

The Superintendent shall carry out the following functions:

1. Set and implement rules for the administration of the District consistent with adopted Board policies.
2. Manage all other employees. Staff management shall include recruiting prospective employees, evaluating the performance of existing employees, assigning employees to particular positions, and making recommendations to the Board with respect to employment and dismissal of employees.
3. Manage fiscal resources effectively. Fiscal management shall include allocating available funds in a manner which meets the standards of education set by the Board, developing a proposed budget, and recommending the proposed budget to the Board.
4. Appraise effectiveness of District operations in meeting the needs of the community. Appraisal of operations shall include soliciting and assessing comments from employees, students, and members of the community, reporting the effectiveness of operations to the Board, and proposing policy revisions to the Board. Such appraisals are recommended to be in the form of annual surveys when fiscally responsible and appropriate.

9000.5 Judicial Functions

The inevitability of grievances, complaints, and criticisms are recognized by the Board.

The Board believes that employees of the schools and citizens have the right to a hearing and resolution of grievances, complaints, and criticisms in order to maintain positive personnel and public relations.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9000

Basic Policy - Page 4

Board Adopted: 1/11/00

Board Revised: 9/12/07

Unless appeal procedures are found elsewhere such as in the collective bargaining agreement, the Board, convened, shall serve as a body of appeal of grievances, complaints, and criticisms of District employees and of the patrons of the schools. Complaint and grievance procedures shall be followed pursuant to Board policy and collective bargaining agreements.

Legal Reference:	Education Code
	2600-2603 School District Boundaries
	5000-5033 Elections
	5304 Duties of the Governing Board (Re: School District Elections)
	10900-
	10914.5 Community Recreation Programs
	12400-12405 Participation in Federal Programs
	35000 District Name
	35010 Control of District; Prescription and Enforcement of Rules
	35020-35046 Officers and Agents (Power of Governing Board to Appoint)
	35100-35107 Governing Boards - esp.
	35160-35178 Powers and Duties
	35162 Power to Sue, be Sued, Hold and Convey Property
	35208 Liability Insurance
	35230-35240 Corrupt Practices
	35290-35293 School Maintenance
	35291 Rules
	37000 Maintenance of Schools
	48900-
	48918.5 Suspension or Expulsion
	51050 Enforcement of Courses of Study and Use of Textbooks

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9010

Public Statements

Board Adopted: 1/11/00

Board Revised: 9/12/07

All public statements in the name of the Board shall be issued by the Board President or if appropriate by the Superintendent at the direction of the Board. No individual Board member, nor the president, acting as spokesperson for the Board, nor the Superintendent directed by the Board, shall make public statements in the name of the Board or statements that contravene the policies and actions of the Board or that jeopardize the ability of the Board to act effectively.

When a Board decision has been reached all Board members shall support that decision until amended or rescinded by Board action.

No member of the Board shall release information from a closed session.

A Board member may state publicly his or her reasons for opposing an official action or position taken by the Governing Board; however, such a statement shall not be critical of individual Board members nor shall it question the integrity of the Governing Board.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9012

Annual Organizational Meeting

Board Adopted: 9/12/07

The Board shall hold an annual organizational meeting within the time limits prescribed by law.

At this meeting the Board shall:

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

Legal Reference: Education Code
 35143 Annual Organizational Meeting Date, and Notice
 35145 Public Meetings

 Government Code
 54953 Meetings to be Open and Public

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9013

Regular Members; Terms of Office

Board Adopted: 9/12/07

The Governing Board shall consist of five members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each odd-numbered year.

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.

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

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.

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

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9121

Officers of the Board - Page 1

Board Adopted: 1/11/00

Board Revised: 9/12/07

Board Revised: 2/11/09

9121.1

President

At the annual organizational meeting, the Board shall elect a president from its own membership per the rotation process defined in the Administrative Regulation. The president shall preside at all meetings of the Board and shall perform other duties as directed by law, State Department of Education regulations, and the Board. In carrying out these responsibilities, the president shall:

1. Consult with the Superintendent on the Board's agendas
2. Call such meetings of the Board as deemed necessary giving notice as prescribed by law
3. Confer with the Superintendent on crucial matters that may occur between Board meetings
4. Be responsible for the orderly conduct of all Board meetings

As presiding officer at all meetings of the Board, the president 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. Answer all parliamentary inquiries, referring questions of law to the Board attorney or county counsel
8. Put motions to a vote, stating definitely and clearly the vote and result thereof

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

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9121

Officers of the Board - Page 2

Board Adopted: 1/11/00

Board Revised: 9/12/07

Board Revised: 2/11/09

In case of the resignation, absence or disability of the president, the vice-president/clerk shall perform the duties of the president. In case of the absence or disability of both the president and the vice-president/clerk, the Board shall choose a president pro tempore, who shall perform all of the duties of the president.

9121.2 Vice-President/Clerk

At the annual organizational meeting, the Board shall elect a vice-president/clerk from its own membership. The vice-president/clerk shall sign minutes of regular and special meetings verifying their accuracy and adoption by the Board. The vice-president/clerk shall perform such duties delegated by the Board or specified in the law and shall serve as presiding officer in the absence of the president.

9121.3 Secretary

The Superintendent, as secretary of the Board, shall perform the following duties:

1. Keep accurate and complete records of Board actions
2. Serve as custodian of the Board's records and documents
3. Maintain a classified index of the minutes of Board meetings and a classified record of all policies and administrative regulations
4. Prepare, issue, and serve all orders of the Board
5. Send to each Board member a written notice of all regular, adjourned, and special Board meetings, together with the agenda and appropriate materials for the meeting
6. Send written notice of all Board meetings to news media within the District and to organizations that have requested such notice in writing. Post and distribute notices and agendas as required by law or as directed by the Board
7. Prepare the unadopted minutes of each Board meeting and forward these to each Board member prior to each regular meeting
8. Have charge of the office of secretary, conduct official correspondence of the Board, execute contracts as authorized by the Board, and perform all other duties as required by the Board

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9121

Officers of the Board - Page 3

Board Adopted: 1/11/00

Board Revised: 9/12/07

Legal Reference:	Education Code
	35022 President of the Board
	35025 Secretary and Bookkeeper
	35034 District Superintendent of Certain Unified Districts (Acts as Secretary of the Board)
	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 (Dates and Notice)
	35144 Special Meetings
	35250 Duty to Keep Certain Records and Reports
	39630 Repair and Supervision of Property (Duty of District Clerk)
	40003 Duty of Clerk (re Provision of School Supplies)

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9124

Attorney

Board Adopted: 1/11/00

Board Revised: 9/12/07

The Governing Board may, at its discretion, contract with counsel for legal services or appoint an attorney to perform the following legal services:

1. Render legal advice to the Superintendent, Board, and employees of the District
2. Serve the Superintendent 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 matters
4. Advise the Superintendent and the Board on matters pertaining to employer-employee relations
5. Defend the District in any suit brought against it
6. Defend any member of the Board or any employee of the District as provided in Part 7 (commencing with Section 995) of Division 3.6 of Title 1 of the Government Code.
7. Conduct any other business that the Board deems appropriate

All contact with legal counsel made on behalf of the governance of the District must be made through the Superintendent or designee.

Legal counsel shall serve at the Governing Board's pleasure and be compensated at a mutually agreeable rate.

Legal Reference:	Education Code
	35041 Administrative Adviser
	35041.5 Legal Counsel (Relieving Duties of County Counsel and District Attorney) (CCE - Education Code 72419.5)
	35204 Contract with Attorney in Private Practice
	35205 Contract for Legal Services
	35206 Contract for Additional Legal Services by County Counsel or District Attorney

Government Code

814 et seq. Liability of Public Entities and Public Employees (in General)

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9130

Committees

Board Adopted: 1/11/00

Board Revised: 9/12/07

Committee of the Whole

The Board shall act as a committee of the whole in final consideration of all matters. The vice-president/clerk shall not record the proceedings of the committee in the minutes, but should keep a memorandum of the proceedings for the use of the committee.

Temporary or Special Board Committees

Temporary or special committees may be established to study selected topics and make recommendations to the Board as a whole. Written charges or duties shall be given at the time of appointment. When the charges or duties have been completed, the committee shall be dissolved.

Membership of Board members will be limited to two (2).

The Superintendent or designee shall be a member of any such committee.

It shall be the responsibility of such committees to make use of professional expertise and resources within and outside the District. These committees are encouraged to actively seek input and participation by parents, staff, community, and students, as well as consult with other local public boards and agencies.

Committees shall act in an advisory capacity making recommendations to the Board but shall take no action which is binding on the full Board.

Legal Reference: Education Code
 35010 Control of District; Prescription and Enforcement of Rules
 35024 Executive Committee
 35160 Authority of Governing Boards Commencing January 1, 1976

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9140

Board Representatives

Board Adopted: 1/11/00

Board Revised: 9/12/07

Negotiators

The Board may designate a negotiator to assist the Superintendent to represent it in negotiations with employees.

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

1. Assess, to the best of its ability, the needs of employees
2. Set priorities for the total educational program in the best interests of students, the District, and public in general
3. Translate educational priorities and employee needs into a realistic budget
4. Maintain the Board's position of authority as provided by law
5. Promote a positive atmosphere wherein all parties may have a voice in the negotiation process

Other Advisory Committees

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 appointments desirable.

Legal Reference: Education Code
35020-35046 School District Officers and Agents (Power of Governing Board to Employ or Appoint)

Government Code
3540-3549.3 Public Educational Employer - Employee Relations

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9200

Members

Board Adopted: 1/11/00

Board Revised: 9/12/07

Limits of Board Members Authority

The Board 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 is the unit of authority. Apart from the normal function as part of the unit, a Board member has no individual authority. Individually, a Board member may not commit the District to any policy, act or expenditure. A Board member should not do business with the District served, nor should a Board member have an interest in any contract with the District in general. A Board member does not represent any factional segment of the community, but is rather a part of a 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; nor, as an individual, command the services of any school employee.

No members of the Board shall be asked to perform any routine or clerical duties that may be assigned to an employee or shall any Board member become an employee of the District while serving on the Board.

Obligations of Members

Members of the Board must endeavor to attend all meetings, study all materials presented with the agenda prior to attending the meeting, participate in the discussion of any items that come before the Board, and vote on all motions and resolutions, abstaining only for compelling reasons.

The Board member should be prepared and willing to devote a sufficient amount of time to the study of the problems of education in the District.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9220

Membership of the Board of Trustees

Board Adopted: 1/11/00

Board Revised: 9/12/07

Number of Members

The Board of Trustees of the District consists of five (5) members elected from the District at large. Elections are to be held as prescribed by law.

Eligibility Requirements

To qualify as a member of the Board, a person must be a registered voter in the District.

Term of Office

Elected members serve a four-year term of office as prescribed by law.

Legal Reference:	Education Code
	5000-5033 Election of School District Board Members
	5420 <u>et seq.</u> Cost of Elections
	5000-5033 Election of School District Board Members
	5300-5304 General Provisions (Conduct of Elections)
	5320-5329 Order and Call of Elections
	5340-5345 Consolidation of Elections
	5360-5363 Election Notice
	5380 Election Officers; Compensation
	5390 Qualifications of Voters; Procedure in Polling Places; Equipment and Supplies
	5420-5426 Cost of Elections
	5440-5442 Miscellaneous Provisions (Re Returns, Recounts, etc.)
	35012 Board Members; Number, Election and Terms; Unified or Certain Elementary Districts; Nonvoting Pupil Members
	Elections Code
	10012 Candidate's Statement

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: **9221**

Recruiting New Board Members

Board Adopted: **9/12/07**

In order to draw Board member candidates from the widest possible number of interested, active, well-informed citizens, the Superintendent shall publicize widely all public Board meetings, committee openings, and community-related school events and shall encourage the participation of parents/guardians and members of the professional and business community in these activities.

The Superintendent shall publicize school Board elections well in advance so that prospective Board candidates will have time to investigate the responsibilities of Board membership and comply with legal requirements.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9222

Resignation/Vacancy

Board Adopted: 1/11/00

Board Revised: 9/12/07

Resignation

Resignation of a Board member shall be in writing and filed with the Santa Clara 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 powers until the effective date of the resignation. However, the member shall not vote in any action the Board may take in making a provisional appointment to fill the vacancy.

Vacancy

A vacancy exists when a member of the Board submits a resignation in writing to the Santa Clara County Superintendent of Schools.

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.

Whenever a vacancy occurs or whenever a resignation has been filed with the County Superintendent of Schools containing a deferred effective date, the Board will within sixty (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.

Legal Reference:	Education Code
	5090 Definition (Vacancies)
	5093 Special Election Consolidated With Regularly Scheduled Election
	35178 Resignation With Deferred Effective Date

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9223

Election/Provisional Appointment - Page 1

Board Adopted: 1/26/00

Board Revised: 9/12/07

Election

Charges for Candidate's Statement

The Board shall take action to determine whether the District or the candidate shall pay for the printing and distributing and other costs in connection with the candidate's statement.

In the Event of a Tie Vote

In the event of a tie vote in Board member elections, it shall be the policy of the Board of the District to determine the winner of the election by lot.

The president of the Board or designee shall notify each candidate who has received the tie vote to appear before the Board, either personally or by a representative, at a public meeting to be held at a time and place specified by the Board not later than two weeks following the canvass of the vote by the Santa Clara County Clerk.

The Board shall, at that time and place, determine the winner by lot in the following manner:

1. Each candidate's name will be printed on a 3" x 5" index card which, folded once, shall be placed in a container by the clerk of the Board or designee.
2. The Board member presiding at the meeting, if not involved personally in the tie vote, shall select in a blind draw one card from the container. If the Board member presiding is involved in the tie vote, the Board member other than the clerk of the Board who is not involved in the tie vote and whose last name is first alphabetically shall make the draw.
3. The candidate listed on the first card drawn shall be declared the winner of the election by the Board member presiding, and the clerk of the Board shall certify the results to the Santa Clara County Clerk and Santa Clara County Superintendent of Schools.

Provisional Appointment

The Board may make a provisional appointment, within time limits set by law, as follows:

1. Advertise the vacancy in media of broad, local circulation.
2. Solicit applications or nominations of any legally qualified citizen interested in serving on the Board.
3. Provide candidates with appropriate information regarding Board member responsibility.
4. Announce names of candidates and accept public input either in writing or at a public meeting.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9223

Election/Provisional Appointment - Page 2

Board Adopted: 1/26/00

Board Revised: 9/12/07

5. An interview may be conducted by the Board of a candidate at a public meeting.
6. Select the provisional appointee by majority vote at a public meeting.

Within ten (10) days after the provisional appointment is made, the Board shall post notices pursuant to Education Code section 5092 of the vacancy or dated resignation and the provisional appointment. The notice shall be published in the area newspaper and posted in at least three (3) public places.

No provisional appointment shall occur during the period between six months and 130 days prior to a regularly scheduled governing board election and the position is not scheduled to be filled at such election. In such a case, the position shall be filled at a special election for that position to be consolidated with the regular election.

Legal Reference:	Education Code
	5012 Declaration Candidacy or Nomination
	5016 Selection in Case of Tie Vote
	5091 Special Election or Provisional Appointment
	5092 Public Notice of Vacancy and Provisional Appointment
	5093 Special Election Consolidated with Regularly Scheduled Election
	5094 Power of President of County Board of Trustees When Majority of Offices Vacant
	5095 Powers of Remaining Board Members and New Appointees
	5200 Districts Governed (by Boards of Education)
	5304 Duties of the Governing Board (Re: School District Elections)
	35107 Eligibility
	Government Code
	1770 Events Causing Vacancy Before Expiration of Term

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Exhibit No.: 9224

Oath or Affirmation

Board Adopted: 9/12/07

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9230

Orientation

Board Adopted: 1/11/00

Board Revised: 9/12/07

Board Candidate Orientation

During the period of Board candidacy all candidates will be urged to attend public meetings of the Board. All public information about the school system will be made available to them.

Additionally, the Board directs the Superintendent to cooperate impartially with all candidates in providing them with information about school governance, Board operations, and school programs.

The Board and staff will seek to be impartial as they cooperate with Board candidates. It expects the candidates to recognize that until and unless elected to the Board their official status is that of other members of the public, and thus are not entitled to privileged information discussed in closed session.

New Board Member Orientation

The Board and the administrative staff shall assist each new member-elect to understand the Board's functions, policies, and procedures, and the general operation of the school system as quickly after election as possible. The following methods shall be used as a base for orientation, with such other materials and experiences upon which the president, secretary, and the member-elect may agree that the incoming member-elect:

1. Will be given selected materials on the function of the Board and the school system (e.g. "Boardsmanship")
2. Will be provided with a Board agenda and related descriptive material, with the exception of confidential material
3. Will be invited to attend Board meetings that occur between election and the date the member takes office
4. Will be invited to meet with the Superintendent, Board president, and other administrative personnel to discuss services they perform for the Board
5. Will be provided with a copy of the District's policy manual, including administrative regulations and bylaws, and copies of pertinent materials developed by the California School Boards Association
6. Will be invited to visit school facilities
7. Must be sworn in before attending closed session

Legal Reference: Education Code
 33360 Annual Workshop
 33362 Reimbursement of Expenses; Member of School District Board

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9240

Professional Development

Board Adopted: 1/11/00

Board Revised: 9/12/07

All Board members shall participate in professional development activities in order to broaden their understanding of their responsibilities, to learn of new tools and techniques for coping with them, and to keep abreast of new developments in education. Such activities shall include but not be limited to state, regional, and national workshops, conferences, conventions, and seminars developed by associations such as the Small School District Association, California Schools Boards Association and the National School Boards Association.

Board members may be requested to present a report of the activity attended to the Board.

Funds for participation at such meetings shall be budgeted. Reimbursement of Board members for their travel and conference/workshop expenses shall be consistent with policy and regulations governing reimbursement of District personnel.

Legal Reference:	Education Code
	33360 Annual Workshops
	33362 Reimbursement of Expenses: Member of School District Board
	35044 Payment of Traveling Expenses of Representatives of Board
	35172 Promotional Activities
	44038 Cash Deposits for Transportation Purchased on Credit

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9250

Remuneration and Reimbursement, Other Benefits

Board Adopted: 1/26/00

Board Revised: 9/12/07

Remuneration

Board members shall be eligible for District-provided health and welfare benefits. No premium payment shall exceed the premium payment made on behalf of management employees.

Reimbursement of Expenses

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 by the Board (Education Code Section 35044).

When Board members attend authorized meetings of professional associations or organizations, the authorized dates of attendance shall be the actual dates of the meeting as indicated in the organization's call. If travel time is required, up to one day's travel time preceding and following the opening and closing dates of the convention shall be allowed.

Board members may receive a monthly stipend as permitted by the Education Code, when approved by a majority of the Board.

Legal Reference:

Education Code

33362 Reimbursement of Expenses: Members of School District Board
35044 Payment of Traveling Expenses of Representatives of Board
35120 Compensation (Services as Member of Governing Board)

Government Code

53200-53209 Group Insurance, Especially
53200 Definitions (Group Insurance, Local Agency; Health and Welfare Benefits, Employees)

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: **9255**

District Membership in Organizations and Associations

Board Adopted: **1/11/00**

Board Revised: **9/12/07**

The Loma Prieta Joint Union Elementary School District shall as the Board deems appropriate annually subscribe to institutional memberships in appropriate county, state, and national organizations, which may include California School Boards Association, National School Boards Association, Association of School Business Officials of the United States and Canada, Association of California School Administrators, and other such organizations.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9260

Legal Protection

Board Adopted: 1/11/00

Board Revised: 9/12/07

Liability Insurance

As allowed by law, the Board shall provide liability insurance necessary to protect the Board members, officers, and employees from judgments as a result of suits brought against them alleging their liability. The insurance shall cover claims in such matters as civil rights actions, negligence or other acts resulting in accidental injury to any person or property damage in or out of the school buildings while the above named insured are acting within the scope of their employment and/or under the direction of the Board.

Legal Reference: Education Code
 35208 Liability Insurance
 35214 Liability Insurance (Self Insurance or a Combination of Self
 Insurance and Insurance Through an Insurance Company)

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9270

Conflict of Interest – Page 1

Board Adopted: 1/11/00

Board Revised: 9/12/07

District officers and employees are prohibited from engaging in any employment or activity, which is inconsistent, incompatible, in conflict with or inimical to their duties with the District.

The District adopts and incorporates by this reference the terms of California Code of Regulations, Title 2, Section 18730 and any amendments to it as may be adopted by the Fair Political Practices Commission.

Designated employees of the District, including Board members, shall adhere to the financial disclosure requirements of the District's conflict of interest code adopted pursuant to Section 18730 (b) (4) (B) of Title 2 of the California Code of Regulations, the Government Code and regulations of the Fair Political Practices Commission.

The District Superintendent or designee shall make and retain copies in the District office of all statements of employees in designated areas. Statements of economic interest shall be available for public inspection and reproduction.

Disclosure Categories

1. The positions which are deemed to be Category 1 employees must report:
 - a. Interests in real property located entirely or partly within District boundaries, or within two miles of the District boundaries or of any land owned or used by the District. Such interests include any leasehold, beneficial or ownership interests or option to acquire such interest in real property.
 - b. Investments or business positions in income from sources which are engaged in the acquisition or disposal of real property within the District; contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the District or; manufacture or sell supplies, books, machinery or equipment of the type used by the District.
2. Positions which are deemed to be Category 2 employees must report:

Investments or business positions in or income from sources which are contractors or subcontractors engaged in the work or services of the type used by the department which the designated person manages or directs; or, manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9270

Conflict of Interest – Page 2

Board Adopted: 1/11/00

Board Revised: 9/12/07

3. Consultants shall disclose financial interests as determined by the Superintendent pursuant to the regulations of the Fair Political Practices Commission. However, in general a consultant must disclose financial interests if they approve a rate, rule or regulation, adopt or enforce a law, authorize the District to enter into modify or renew a contract that requires District approval, grant District approval to a contract or contract specifications which require District approval and in which the District is a party, grant District approval to a plan, design report, study or similar item; adopt or grant District approval of District policies, standards or guidelines.

The District Board of Trustees shall annually review and update, as necessary the category of employees who must file disclosure statements in accordance with the Fair Political Practice Commission's regulations. The annual review shall occur no later than October 1 of each fiscal year. At this time members of the public, officers and employees will be provided notice and an opportunity to present their views regarding the District's conflict of interest code.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Regulation No.: 9270

Conflict of Interest

Board Adopted: 9/12/07

It is acknowledged that the Board of Trustees and Superintendent are positions which manage public investments and shall make a full statement of economic interests pursuant to the California Government Code (87200). In addition, each person holding any position below must file statements disclosing the kinds of financial interests shown for that employee's position, in accordance with the District's conflict of interest code, the Fair Political Practice Commission's regulations and the Government Code. Statements must be filed on time and on the form prescribed by law. Failure to file statements on time may result in penalties including but not limited to late fines.

Designated Positions

Disclosure Category

Board of Trustees

1, 2, 3, 4

District Superintendent

1, 2, 3, 4

Chief Business Official

1, 2, 3, 4

With respect to consultants the Board of Trustees may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in these categories. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Board of Trustees shall forward a copy of this determination to the County Clerk. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9271

Code of Ethics and Behavior – Page 1

Board Adopted: 1/11/00

Board Revised: 9/12/07

“Ethics” are concerned with discernment of and commitment to principles which establish standards of conduct imposed by moral obligation. Ethics are not based upon the prevalent behavior of the group. Ethics are not determined by what the law allows because ethics may require that a person do more than the minimum which would satisfy the law or may preclude a person from doing that which is permitted by law.

“Moral obligation” includes the principles of integrity, fairness, compassion and respect.

“Integrity” is characterized by justice, temperance, courage, and intellectual and moral honesty.

This policy on ethical conduct for Board members transcends conflict of interest policies or behavior that is law-directed. It establishes an understanding that each member will be honest, fair, compassionate and respectful with every other member, with staff members and with the community.

The authority of a Board member is restricted to the Board meeting (unless extended to a member by a public vote of all members; however, the requirements for ethical behavior extend to the entire term of office.

In all actions as a Loma Prieta School Board member, the member’s first commitment is to implement the District’s vision statement.

Understanding and acting upon the foregoing premises, each Board member shall:

1. Consider a position on the Board as a public trust in which members represent all students and not use it for private advantage or personal gain.
2. Devote sufficient time, thought, and study to propose actions so as to be able to base decisions upon all available information and vote in accordance with impartial convictions.
3. Make use of opportunities to enlarge one’s potential as a Board member through participation in educational conferences, workshops and training sessions.
4. Encourage ideas and opinions from the patrons of the District and endeavor to incorporate those views into the deliberations and decisions of the Board.
5. Present concerns and concepts through the process of Board debate. If in the minority of any decision, the member shall abide by and support the major decision. When in the majority, the member shall respect divergent opinions.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9271

Code of Ethics and Behavior – Page 2

Board Adopted: 1/11/00

Board Revised: 9/12/07

The relationship between the Trustee, teachers, staff, and the general public should be one of mutual frankness, confidence, and sincerity. To that end, the Board resolves to:

1. Work with the Superintendent to establish and maintain a relationship which encompasses mutual trust and support.
2. Separate the role of the Board as the policy making body from the role of the Superintendent as the chief administrator and implementer of policy.
3. Model behavior which will cause the Board and the Superintendent to be perceived as an effective and efficient leadership team and which will enhance the image of the District as a leader among elementary ~~secondary~~ schools dedicated to excellence in education.
4. Encourage the expression of divergent opinions by individual members of the Board, the students, community, and the staff on all issues of concern.
5. Listen courteously and respectfully and to give full consideration to differing points of view.
6. Work, without bias, to reach decisions which are in the best interests of all students after carefully reviewing all available information and considering all options, disregarding the efforts of special interest or pressure groups to influence these decisions.
7. Support all decisions and policies of the Board whether those decisions and policies are made unanimously or by a majority of the Board, and to support staff members who are responsible for implementing those policies and decisions.
8. Work with the Superintendent to resolve complaints and not to act individually to resolve matters which should be handled by staff or by the Board.
9. Work through the communications channels established by the Superintendent to gather information on District programs for use in their communications with the community.
10. Work through a Board selected spokesperson who will represent their views on significant issues in dealings with the press.
11. Work through the Superintendent and the Board president to establish and maintain Board communication on all issues of interest to the Superintendent, the Board and the District.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: **9271**

Code of Ethics and Behavior – Page 3

Board Adopted: **1/11/00**

Board Revised: **9/12/07**

12. Recognize that while there is no real authority vested in a Board member except during a legally convened meeting of the Board or when acting on behalf of the Board at their direction, there is a perception of authority derived from the apparent power of the position; and to avoid making statements that may be perceived as Board policies or decisions.
13. Avoid all personal criticism of staff or of fellow Board members and to deal exclusively with issues.
14. Resolve any perceived infractions of this behavior code in a manner designed to exert a positive influence upon future behavior.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9300

Governance

Board Adopted: 1/11/00

Board Revised: 9/12/07

The Board has the power of establishing its own procedures (Education Code Section 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 Loma Prieta Joint Union Elementary School District. 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. The Board shall refrain from any conduct that may be considered in violation of the Ralph M. Brown Act. Prohibited conduct shall include but not be limited to engaging in serial meetings, whether by telephonic or electronic means.

Legal Reference:	Education Code
	35010 Control of District; Prescription and Enforcement of Rules
	35143 Annual Organizational Meetings (Dates and Notices)
	35144 Special Meetings
	35145 Public Meetings; Posting of Agenda; Commencement of Action
	35146 Closed Sessions
	35160 Authority of Governing Board Commencing January 1, 1976
	35163 Official Actions, Minutes and Journal
	35164 Vote Requirements

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9310

Development, Distribution, and Maintenance of Policy Manual

Board Adopted: 1/11/00

Board Revised: 9/12/07

Board policy is an ever-changing statement of District educational, operational, and managerial needs. New policies will be necessary and existing policies will require revision. Policy development and maintenance shall be the responsibility of all Board members working with the Superintendent.

The Superintendent shall provide the District policies by the most convenient and cost-effective method to the following:

1. Board members
2. Other key District personnel

A public copy shall be maintained in the District office for review by all interested parties during normal business hours.

The Superintendent shall develop procedures for distributing copies of new or amended policies as they are adopted.

Legal Reference:	Education Code
	35010 Control of District; Prescription and Enforcement of Rules
	35160 Powers of Governing Board
	35163 Official Actions, Minutes and Journal
	35164 Vote Requirements

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9311

Formulation, Adoption, Amendment of Policies – Page 1

Board Adopted: 1/11/00

Board Revised: 9/12/07

The Board recognizes that its most important function is the establishment of long-range policies for the District. The Board acknowledges that these policies must provide for the best possible education for its students, and must also reflect mature consideration of the will and needs of the community.

In order to assure that policy adopted by the Board is timely, legal, consistent, and in the public interest, the Board appoints the Superintendent as policy coordinator.

Procedures for adoption of policy shall conform in all respects to the bylaws of the Board concerning agendas, meetings, and voting. The procedures shall provide a means whereby all interested parties in the school community may submit proposals for additions and amendments to the District policy manual, and may contribute opinions and information for the Board's consideration.

The Superintendent shall ascertain any conflicts between proposed and existing policies and bring them to the attention of the Board at the first reading of the draft.

Prior to adoption, policies shall be given a first and second reading by the Board. The initial draft of a policy shall be presented at the first reading. Prior to the required first and second reading, the initial draft of a policy shall be included on the agenda as a discussion item. The Board shall discuss the draft policy and make revisions if needed. The policy as revised shall be given a second reading at a subsequent meeting. The Board may make further revisions to the policy at that time. The policy shall then be adopted by a majority vote of all members of the Board after the second reading. The action shall be recorded in the minutes. Only those written statements adopted and recorded shall constitute official Board policy.

Process for Policy

1. Discuss with Superintendent if there are any related policies in place that item refers to.
2. Board member that wants the policy shall draft the "intent."
3. Circulate to other Board members and Superintendent.
4. Place on agenda for next Board meeting for discussion of intent.
5. Discuss in open session, the intent and purpose and approve to move forward.
6. Turn over to a consultant for proper wording and legal issues.
7. Superintendent circulates to Board in highlight of revision with tracked changes.
8. Place on agenda for next Board meeting as 1st draft reading.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9315

Administrative Leeway in Absence of Board Policy

Board Adopted: 1/11/00

Board Revised: 9/12/07

The Superintendent shall have the power to act in cases where emergency action must be taken and the Board has not provided guides for administrative action. The Board shall review the Superintendent's decision at the next special or regular Board meeting.

The Board shall be kept informed by the Superintendent of any action taken.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9320

Meetings - Page 1

Board Adopted: 1/11/00

Board Revised: 9/12/07

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

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

Regular Meetings

The Board shall hold at least one regular meeting each month. Meetings will be held as scheduled at the Loma Prieta School (forum), 23800 Summit Road, Los Gatos.

Notice of Regular Meetings

At least seventy-two (72) hours prior to the regular meeting, the agenda shall be posted in the District office, District website and at designated public locations.

The local media shall be mailed the annual calendar of regular Board meetings. Any changes to the calendar shall be mailed prior to the meeting.

A notice of each regular meeting shall be mailed to any resident in the District who requests it. The notice shall be mailed at least three days prior to the meeting. Requests must be filed with the Board. Requests are valid for one year from the date filed and must be renewed yearly. An annual mailing fee may be charged. (Government Code Section 54954.1)

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 twenty-four (24) hours prior to the special meeting. The notice shall contain the time, place, and the business to be transacted.

Notice of special meetings will be given to the local media and residents who have requested such notice in writing. The notice will be given at least twenty-four (24) hours prior to the meeting and will include the business to be transacted.

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

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9320

Meetings - Page 2

Board Adopted: 1/11/00

Board Revised: 9/12/07

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

Emergency Special Meeting

The Board may hold a special meeting without complying with the twenty-four (24) hour notice requirement in the case of any emergency situation. 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.

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

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 ten (10) days in a public place as soon after the meeting as possible (Government Code Section 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 twenty-four (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 there is a lack of a quorum at any regular or adjourned regular meeting, the secretary, president, vice-president/clerk or most senior member may declare the meeting adjourned and shall give notice in the same manner required for special meetings (Government Code Section 54955).

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9320

Meetings - Page 3

Board Adopted: 1/11/00

Board Revised: 9/12/07

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 Section 35143.

At this meeting the Board shall:

1. Elect a president and a vice-president/clerk from its members
2. Authorize signatures
3. Elect a representative and an alternate to the Santa Clara County School Board Association

Legal Reference:

Education Code

- 35140 Time and Place of Meetings
- 35143 Annual Organizational Meeting (Date, and Notice)
- 35144 Special Meetings
- 35145 Public Meetings; Posting of Agenda; Commencement of Action

Government Code

- 54950-54962 Meetings, Especially
- 54953 Meetings to be Open and Public; Attendance; Video Teleconferencing; Duration of Section
- 54954 Time and Place of Regular Meeting; Holidays; Emergencies
- 54956 Special Meetings; Call; Notice
- 54956.5 Emergency Meetings in Emergency Situations

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9321

Meeting Curfew

Board Adopted: 1/11/00

Board Revised: 9/12/07

It is the policy of the Board of Trustees to promote public input and to represent the sentiments of the parent community in the decision making process. The Board of Trustees recognizes that the public, the staff, and Board members have home and career responsibilities which require that meetings begin and end at hours convenient for those considerations. The Board further recognizes that public meetings should begin and end at predictable times for proper discussion, and full input from staff and the public.

Time Schedule

A time schedule for meetings of the Board of Trustees shall be published which establishes the number of minutes allocated for the various items listed on the monthly Agenda. It shall be understood that the time schedule is an "estimate" of the time needed to fully discuss an item in order to make a fair and just decision, and is flexible as determined by the President of the Board.

Meeting Curfew

Decisions made by the Board shall observe a 10:30 p.m. curfew. At 9:30 p.m., the President shall instruct the members of the Board to consider revising the Agenda in order to take up those items of highest priority and for which a decision can be made. Items not taken up for a decision prior to the curfew shall automatically be rescheduled for the next Regular Meeting of the Board of Trustees, except in cases where an item has an urgency requiring a Special Session devoted to that and other items.

Meeting Past the Curfew

The President shall announce to the public at 10:30 p.m. that only items prioritized at 9:30 p.m. will continue to be considered and acted on by the Board, and that no further decisions will be made related to other Agenda Discussion/Action items.

A Board of Trustees meeting shall continue past the curfew only by a majority vote of the Board to take up items that cannot be continued.

Scheduling and Announcing Special Session Meetings

The Board of Trustees shall specify the date, time, and place for a Special Session devoted to any item it has rescheduled due to curfew. Notification to the public, and posting shall honor the legal notification requirements and shall be open to the public.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9322

Closed Sessions - Page 1

Board Adopted: 1/11/00

Board Revised: 9/12/07

Statement of Purpose of Closed Session

If the Board is planning to hold a closed session, the presiding officer shall publicly announce the reason(s) before adjourning into the closed session. No matters other than those given in the statement shall be discussed or acted upon in such session. If no members of the public are present, a statement shall be made after the closed session (Government Code Section 54957.7).

The purposes for which closed sessions may be held shall be allowed by law including, but not limited to:

1. Consideration of "personnel matters," that is, the appointment, employment, evaluation of performance or dismissal of an employee. The Board shall publicly report any official action taken during closed session and the roll call vote thereon either at the public meeting during which the closed session was held or at a subsequent public meeting. The Board may also hold a closed session to hear complaints or charges against an employee, unless the employee requests a public hearing (Government Code Section 54957)
2. Meeting with the Board's representative for the purposes of considering matters which have been placed in collective negotiations, and instructing the representative as to the Board's position on them. Such closed session may be held prior to or during consultations and discussions with employee organization representatives, and are exempt from requirements of the Ralph M. Brown Act (Government Code Section 3549.1)
3. Consideration of "student personnel matters," that is, suspension of or disciplinary action or any other action in connection with any student in the District schools, if a public meeting would lead to giving out information which might violate the student's right of privacy (Education Code Sections 35146, 49073, 49076; Government Code Section 54957)
4. Meeting with a state conciliator or a mediator who has intervened in negotiations proceedings (Government Code Sections 3549.1, 54957.6)
5. Hearing and considering "security matters" affecting the national security; to discuss with Attorney General, District or County Counsel, Sheriff or Chief of Police or their deputies, matters threatening District buildings or the public's right of access to District services or facilities (Government Code Section 54957)
6. Meeting with its attorney within a proper limit of attorney-client privilege to include pending litigation. Pending litigation is defined as follows:
 - a. An adjudicatory proceeding to which the legislative body is a party, which has been initiated formally before a court, administrative body, hearing officer or arbitrator.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9322

Closed Sessions - Page 2

Board Adopted: 1/11/00

Board Revised: 9/12/07

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- b. A point has been reached where, in the opinion of the legislative body on the advice of its legal counsel, based on existing facts and circumstances, there is a *significant exposure* to litigation against the local agency.
 - c. Based on existing facts and circumstances, the legislative body has decided to *initiate* or is deciding whether to initiate litigation (Government Code Section 54956.9).
7. Negotiation with a recognized or certified employee association

Time and Place of Closed Sessions

Provided the closed session is properly noticed on the agenda, the Board may adjourn a regular or special public meeting at any time and go into closed session, returning to public session as soon as the closed session is over (Government Code Section 54957). No closed session may be held during an emergency special meeting of the Board (Government Code Section 54956.5). Nothing in these bylaws shall restrict the Board's authority to hold closed sessions for collective bargaining purposes as specified in Government Code Section 3549.1.

Legal Reference:	Education Code
	35145 Public Meetings
	35146 Closed Session (re Student Suspension)
	48918 Rules Governing Expulsion Procedures; Hearings and Notice; Decision in Absence of Request for Postponement
	49073 Release of Directory Information
	49076 Access to Records by Persons Without Written Parental Consent or Under Judicial Order (re Invasion of Privacy)
	Government Code
	3543.2 Scope of Representation
	3549.1 Proceedings Exempt From Public Meetings Provisions
	6250 et seq. Inspection of Public Records
	54952.6 Action Taken, Definition
	54957 Closed Session; Exclusion of Witnesses
	54957.1 Closed Session; Public Report of Action Taken
	54957.6 Closed Session; Legislative Body of Local Agencies; Salaries, Salary Schedules or Fringe Benefits; Mandatory Subjects
	54957.7 Closed Session; Statement of Reasons and Legal Authority; Scope of Coverage; Notice

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9323

Agenda/Meeting Materials - Page 1

Board Adopted: 1/26/00

Board Revised: 9/12/07

Construction of Agenda

The secretary of the Board in cooperation with the president of the Board shall prepare an agenda for each regular meeting. Board members may place any item on the agenda no later than seven (7) working days prior to the legally required public posting of the agenda.

Any member of the public may request that a matter directly related to District business be placed on the agenda of a regular meeting subject to the following conditions:

1. The request must be in writing and be submitted to the Board secretary with supporting documents and information, if any, at least seven (7) working days prior to the legally required public posting of the agenda.
2. The Board president and secretary shall be the sole judge of whether the request is or is not a matter directly related to District business.
3. No topic which is by law a proper subject for consideration in closed session will be accepted under this provision.

The Board may place limitations on the total time to be devoted to the matters that are not on the agenda which a member of the public may wish to bring before the Board. The Board shall not take action on such matters at that meeting.

This provision does not prevent the Board from taking testimony at regular meetings on matters that are not on the agenda that a member of the public may wish to bring before the Board. The Board shall not take action on such matters at that meeting.

Posting of Agenda

At least seventy-two (72) hours prior to the time of all regular meetings, an agenda shall be posted in the District office, on the District website, and at such public place or places where members of the public may view it. The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting in the same locations.

Initiating Requests for Staff Reports

Requests for research or administrative studies, desired by one or more Board members, shall be submitted to the Board for consideration. If approved, 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.

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9323

Agenda/Meeting Materials - Page 2

Board Adopted: 1/26/00

Board Revised: 9/12/07

Advance Delivery of Meeting Materials

A copy of the agenda for regular meetings with accompanying support materials shall be forwarded to each Board member not less than seventy-two (72) hours prior to a regular meeting.

Board members shall become familiar with the agenda and support materials prior to the meeting, and shall obtain any additional information that may be necessary to make well-informed decisions.

The secretary and president are directed to make every effort to get support materials and the agenda for special meetings to the Board members at the earliest possible time after the meetings are called, and except in emergency situations as permitted by law, at least twenty-four (24) hours prior to the time the meetings are called.

Legal Reference:

Education Code

- 35144 Special Meetings
- 35145 Public Meetings; Posting of Agenda; Commencement of Action
- 35145.5 Agenda; Public Participation; Regulations

Government Code

- 54956.5 Emergency Meetings in Emergency Situations
- 54957.5 Agendas and Other Writings Distributed for Discussion or Consideration at Public Meetings; Public Records; Inspection; Closed Sessions

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9324

Meeting Conduct - Page 1

Board Adopted: 1/11/00

Board Revised: 9/12/07

All Board meetings shall commence at the stated time and shall be guided by an agenda that will have been prepared and delivered in advance to all Board members and other designated persons.

The conduct of meetings shall, to the fullest possible extent, enable members of the Board (1) to consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems, and (2) to receive reports on students, personnel, and District operations. The Board shall consider and take any necessary action concerning such reports.

Parliamentary Procedures

Meetings of the Board shall be conducted by the president in a manner consistent with the adopted bylaws of the Board and generally accepted parliamentary procedures.

Quorum

A majority of the members of the Board (3) shall constitute a quorum. Affirmative votes by a majority of the Board members are required to approve any action item under consideration regardless of the number of members present unless otherwise provided by law.

Public Participation

Members of the public, whether individuals or groups, may address the Board subject to the following procedures:

1. Each speaker shall give his or her name and address and, if speaking on behalf of an organization, indicate whom he or she is representing. Three minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter.
2. Members of the public may bring matters before the Board that are not on the agenda of a regular meeting. The Board may not take action at that time unless the members present find need for immediate action. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board. Individual personnel matters shall not be discussed in public session except with the permission of the employee under discussion.
3. No disturbance or willful interruption of any Board meeting shall be permitted. Persistence by an individual or group shall be grounds for the chair to terminate their privilege of address or removal from the meeting.

No action will be taken in a regular meeting on a subject not listed in the published agenda for that meeting, unless upon a determination by a two-thirds vote of the legislative body or, if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted. In the case of a special, adjourned or continued meeting, the call for the meeting will specify the business to be transacted (Education Code Sections 35144, 35145.5; Government Code Sections 54955, 54955.1).

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9324

Meeting Conduct - Page 2

Board Adopted: 1/11/00

Board Revised: 9/12/07

The Board shall adopt a written resolution when it is required by law, where the intent of the Board is to publish a status position, to commend staff members or other agencies for work well done or when otherwise appropriate as determined by the Board.

All actions taken by the Board shall be recorded in the minutes of each Board meeting (Education Code Section 35145(a)).

Actions requiring two-thirds vote of the Board shall be as required by law to include:

1. Resolution declaring intention to sell or lease property (Education Code Section 39366).
2. Resolution declaring intent of Board to convey or dedicate property to the state or any political subdivision (Education Code Sections 39541, 39543).
3. Resolution authorizing and directing the Board president to execute a deed of dedication or conveyance of property (Education Code Section 39543).
4. Lease for up to three (3) months of school property which has a residence on it and which the District cannot develop for District purposes for unavailability of funds (Education Code Section 39380).
5. Temporary borrowing before receipt of fiscal income. Approval of county auditor and treasurer required for this action (Government Code Section 53821).
6. Reducing city or county zoning ordinances inapplicable as allowed by Government Code Section 53094.

Actions requiring a unanimous vote of the Board shall be as required by law to include:

1. Disposal of surplus property as specified in Education Code Section 39521.
2. Resolution authorizing and prescribing the terms of a community lease for extraction of gas as specified in Education Code Section 39431.

Actions requiring four-fifths vote of the Board shall be as required by law to include:

1. The expenditure and transfer of necessary funds and use of District vehicles and personnel to meet a national or local emergency created by war, military, naval or air attack or sabotage or to provide for adequate national or local defense (Government Code Sections 53790-53792).

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9324

Meeting Conduct - Page 3

Board Adopted: 1/11/00

Board Revised: 9/12/07

2. Adoption of a resolution, between July 15 and August 30 to borrow funds up to 25 per cent of estimated income and revenue to be received by the District in any fiscal year (Government Code Sections 53823, 53824).

Legal Reference:

Education Code

5094	Power of President of County Board of Trustees When Majority and Offices Are Vacant
5095	Powers of Remaining Board Members and New Appointees
32210	Willful Disturbance of Public School or Meeting; Misdemeanor
35144	Special Meetings
35145	Public Meetings
35146	Closed Sessions
35163	Official Actions, Minutes and Journal
35164	Vote Requirements
39366, 39380	Actions Requiring a Majority
39541-39543	Vote
39521	Private Sale of Personal Property; Disposition of Property Unsold at Public Auction or of Insufficient Value to Defray Cost of Sale

Government Code

53094	Authority to Render Zoning Ordinance Inapplicable to Use of School District Property; Review by City or County
53790-53792	Actions Requiring a 4/5ths Vote
54952.6	Action Taken, Definition
54953	Meetings To Be Open and Public; Attendance; Operative Date of Section
54956	Special Meetings; Call; Notice
54956.5	Emergency Meetings in Emergency Situations
54957	Closed Sessions; Exclusion of Witnesses
54957.1	Closed Sessions; Public Report of Action Taken
54957.2	Minute Book Record of Closed Sessions; Inspection
54957.9	Disorderly Conduct of General Public During Meeting; Clearing of Room

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9325

Minutes - Page 1

Board Adopted: 1/11/00

Board Revised: 9/12/07

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 with the agenda for the next regular meeting. The official minutes of the regular and special meetings, and the master copy of the policy manual shall be stored in a fire-proof location (Education Code Sections 35145, 35163).

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 Section 35163).

Maintaining the 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
 - 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
2. Content - Board Actions
 - a. Approval or amended approval of the minutes of preceding meetings
 - b. Information as to each subject of the Board's deliberation

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: 9325

Minutes - Page 3

Board Adopted: 1/11/00

Board Revised: 9/12/07

Legal Reference: (cont.)

Penal Code

632 Unlawful to Intentionally Record a Confidential Communication
Without Consent of all Parties to the Communication

Government Code

54957.2 Minute Book Record of Closed Sessions; Inspection
54960 Violations and Remedies

LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT

BYLAWS OF THE BOARD

Policy No.: **9328**

Board Self-Evaluation

Board Adopted: **9/12/07**

Effective and efficient Board operations are an integral part of creating a successful educational program. In order to measure progress towards its stated goals and objectives, the Board will annually schedule a time and place 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 Board member will complete a Board 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 or others to participate in the evaluation and suggest specific criteria to measure Board success as a governing body.