

Book	BCSD Board Policies
Section	0100 Bylaws of the Board of Education
Title	MEETING CONDUCT
Code	0100.47
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### **Meeting Procedures**

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

[\(cf. BB 100.45 – Agenda/Meeting Materials\)](#)

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

[\(cf. BB 100.42 – Meetings and Notices\)](#)

### **Quorum and Abstentions**

The Board shall act by majority vote of all of the membership constituting the Board (Education Code Section 35164).

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall be considered to concur with the action taken by the majority of those who vote, whether affirmatively or negatively (61 Ops.Cal.Atty.Gen. 243, 253 [1978] and 66 Ops.Cal.Atty.Gen. 336, 337 [1983]).

### **Public Participation**

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting (Government Code Section 54953.3).

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item (Education Code Section 35145.5, Government Code Section 54954.3).
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law (Education Code Section 35145.5, Government Code Section 54954.2).
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities (Government Code Section 54954.2).

Furthermore, the Board or a Board member may provide a reference to staff or other resources for

factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda (Government Code Section 54954.2).

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item; the Board shall provide an opportunity for the public to speak (Government Code Section 54954.3).

[\(cf. BB 100.8 – Board Committees\)](#)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total time for public input on each item to 15 minutes. An individual speaker may not yield the balance of their allotted time to another speaker. With Board consent, the president may increase or decrease the time allowed for 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 (Government Code Section 54954.3).

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously (Government Code Section 54954.3).

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 (Government Code Section 54954.3). In addition, the Board may not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.

(cf. BB 100.52 - Closed Session Purposes and Agenda)  
(cf. BP 300.13 - Complaints Concerning District Employees)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda (Government Code Section 54957.9).

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement.

### **Recording by the Public**

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

[\(cf. BB 100.48 – Minutes\)](#)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board (Government Code Sections 54953.5, 54953.6).

**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

CODE OF CIVIL PROCEDURE

527.8 Workplace Violence Safety Act

**GOVERNMENT CODE**

54953.3	Prohibition against conditions for attending a board meeting
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

**PENAL CODE**

403	Disruption of assembly or meeting
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**Other References:**

McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275  
Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194  
Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719  
76 Ops.Cal.Atty.Gen. 281 (1993)  
66 Ops.Cal.Atty.Gen. 336 (1983)  
63 Ops.Cal.Atty.Gen. 215 (1980)  
61 Ops.Cal.Atty.Gen. 243, 253 (1978)  
55 Ops.Cal.Atty.Gen. 26 (1972)  
59 Ops.Cal.Atty.Gen. 532 (1976)

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