

Ojai Valley News Editorial April 23, 2021

Brown Act fades to black in OUSD handbook

Ojai Unified School District should not waste any more time discussing its proposed “Board Governance Handbook.” OUSD is already governed by its board bylaws, state Education Code, and meeting guidelines printed on its agendas.

The handbook the board spent more time reviewing at a special in-person meeting on Tuesday, April 20, is beyond sloppy. It misstates California’s open-meeting laws — the Ralph M. Brown Act — to make school board members falsely believe — if they are that ill informed — that they risk violating the law if they individually address their constituents’ concerns.

For example, proposed OUSD protocol No. 12:

“If a communication is sent to Board members, members may provide an initial response confirming receipt of the communication, explaining how the Brown Act restrains us from conducting business/discussion in non-public communications, and encouraging the sender to attend a future board meeting where the Board’s business is publicly conducted. Board members shall courtesy copy the Superintendent and the Board President with any such response. The Board President is also the initial spokesperson for the Board with respect to controversial or ‘hot-button’ issues that may require explanation beyond confirmation of receipt.”

However, the Brown Act, as described in California Government Code 54952.2, does **not** restrain individual board members from having “non-public communications” with another individual.

The Government Code 54952.2 posted above reads: *“Nothing in this section shall impose the requirements of this chapter upon any of the following:*

“1. Individual contacts or conversations between a member of a legislative body and any other person that does not violate subdivision b.”

Subdivision b of Government Code 54952.2 reads: “A **majority** of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”

One year ago, when the Ojai Unified School board spent an hour and 25 minutes belaboring several amendments to a proposed “Board Governance Handbook,” Trustee Jane Weil said:

“I have a problem with what I feel like is a sudden distrust of board members. ... It’s like boards are, you know, really to be avoided at all costs. Boards get involved in ways that they’re not supposed to, and they’re — it’s just not Ojai. ... It’s made me not happy to be a board member because I feel like board members are not respected, and it just feels accusatory — all this stuff. It doesn’t feel like us.”

That’s because Ojai Unified school board’s handbook outlining “governance norms and protocols” is not “us.” It’s off-the-shelf boilerplate from Coronado Unified School District in 2015, revised in 2019.

Beyond demeaning the role of school board members, the handbook’s effect is also to alienate parents and guardians who entrust their children to be educated in our public schools — the ones governed by board members citizens choose, and paid for by taxpayers.

A year ago, Trustee Kevin Ruf clearly chafed at the “spokesperson” portion of the handbook stating:

“As an elected official, I don’t feel like I need consensus from anybody to be able to respond to constituents, you know, ultimately, however I think is appropriate.”

We also find ridiculous the handbook admonition to remember the “‘no surprises’ rule with the superintendent.” First, it assigns an ulterior motive to trustees asking questions, when, in fact, school board members should have questions at school board meetings that they might not have thought to ask the superintendent about prior. There is absolutely nothing wrong with an administrator saying: “I don’t know. I will find out.”

The canard, stated in the current protocols and repeated occasionally by some who don’t want to be bothered by public input or involvement, is that “board meetings are meetings of the Board held in public, not open forum town hall meetings.”

That is insulting to the public the school board serves.

It is understood that public meetings are conducted within certain parameters.

Community members who volunteer, donate thousands of dollars and are integral to a successful school district do not deserve to be referenced in such a condescending manner in a document that dismisses their contributions.

School districts actually rely on, and in several instances are mandated to include, community members — on school site councils, PTAs/PTOS, art programs, field trips, fundraising committees and much more.

The same goes for school board members who volunteer countless hours to represent their constituents and work for the public good. They should not be so eager to muzzle themselves, under the guise of “good governance.”

At Wednesday’s meeting during board comment, Mr. Ruf quoted from the California School Board Association: “Citizen oversight of local government is the cornerstone of democracy in the United States. School board members are locally elected public officials entrusted with governing a community’s public schools. The role of the school board is to ensure that school districts are responsive to the values, beliefs and priorities of their community.”

Thank you, Trustee Ruf, for stating the obvious.

The cartoon below depicts the superintendent leading the school board as a dog on a leash, telling her dog “No Surprises.” The accompanying editorial on the same page explained the outrageousness of what had just occurred at OUSD.

