

CAPISTRANO UNIFIED SCHOOL DISTRICT  
33122 Valle Road  
San Juan Capistrano, CA 92675  
BOARD OF TRUSTEES  
Workshop Meeting

July 21, 2021

Workshop 3:00 p.m.

**AGENDA**

*Members of the public may attend the meeting in person. As a K-12 Public School District, we must follow the guidelines established by the California Department of Public Health specifically for schools. These guidelines act as our standard of care. Per CDPH and Cal/OSHA guidelines, fully COVID-19 vaccinated staff and members of the public will not be required to wear a mask when indoors at the District Office. Any individual who is not fully vaccinated (defined as two weeks after the last vaccination shot) will be required to wear a mask while indoors. By entering these premises without a mask, you are attesting that you are fully vaccinated with a COVID-19 vaccine.*

**WORKSHOP 3:00 P.M.**

**CALL TO ORDER – ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA**

**1. DAY-TO-DAY PROTOCOLS AND PRACTICES, BOARD AND SUPERINTENDENT OPERATING PROCEDURES: DISCUSSION**

Board Bylaw 9003, *Protocols: Board and Superintendent Operating Procedures* states the Board of Trustees is the educational policy-making body for the District. To effectively meet the District's challenges, the Board and Superintendent must function together as a leadership team. To ensure unity among team members, effective operating procedures, or protocols, must be in place. These general day-to-day protocols that are specific for the Board and for the Superintendent.

***CUSD WIG 2: Communications - Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Contact: Judy Bullockus, President, Board of Trustees***

**Staff Recommendation**

It is recommended Judy Bullockus, President, Board of Trustees and Kirsten Vital Brulte, Superintendent, present information on this item and begin discussion. If the Board directs staff to make any changes, those changes will come back to a regularly scheduled Board meeting for action. This is an information item only and no Board action is necessary.

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**EXHIBIT 1**

**ADJOURNMENT**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, JULY 21, 2021, 7:00 P.M.  
AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM  
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**  
For information regarding Capistrano Unified School District, please visit our website:

[www.capousd.org](http://www.capousd.org)

## **INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING**

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures, which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

### **WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES**

**CLOSED SESSION:** In accordance with Education Code § 35146 and Government Code § 54957, the Board may recess to Closed Session to discuss personnel matters, which they consider inadvisable to take up in a public meeting.

Members of the public shall have an opportunity to address the Board regarding items on the agenda to be considered during Closed Session prior to the Board adjourning the meeting to Closed Session. Individual presentations are limited to a maximum of three minutes; however, the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers who wish to address a specific agenda topic.

**ORAL COMMUNICATIONS (Non-Agenda Items):** Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. Oral Communications, will take place following Special Recognitions. The total time for the Oral Communications portion of regular meetings shall be twenty minutes. Individual presentations are limited to a maximum of three minutes per individual but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. The Board may, however, at its discretion, refer items to the administration for follow-up or place topics on a future Board agenda.

**ORAL COMMUNICATIONS (Agenda Items):** Members of the public shall also have an opportunity to address the Board on Open Session agenda items before their consideration by the Board. Individual presentations for the Consent Calendar are limited to a maximum of five minutes for all Consent Calendar items. Individual presentations for Discussion/Action agenda items are limited to a maximum of three minutes however; the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers, who wish to address a specific agenda topic. The total time for presentations shall be limited to twenty minutes per agenda topic, unless the Board grants additional time. The Board shall hear all presentations after any staff comments but prior to the formal discussion by Board members of the agenda topic under consideration.

Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic unless otherwise approved by the Board. When addressing a specific item on the agenda, the Board may vote to allow additional public speaker time for an individual Discussion/Action item.

**PUBLIC HEARINGS:** Any time the Board schedules a separate public hearing on a given topic, it shall not hear speakers on that topic before the public hearing, except as to the scheduling of the hearing, nor shall it hear speakers after the hearing, except as to changes in the recommended action at the time of the hearing.

#### **REASONABLE ACCOMMODATION**

*In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). Persons with a disability who require a disability-related accommodation or modification, including auxiliary aids and services in order to participate in a Board meeting, shall contact the Superintendent or designee in writing by noon on the Friday before the scheduled meeting. Such notification shall provide school district personnel time to make reasonable arrangements to assure accessibility to the meeting.*

CAPISTRANO UNIFIED SCHOOL DISTRICT  
**BOARD REPORT**

To: Board of Trustees

From: Judy Bullockus, President, Board of Trustees

Prepared by: Susie Schmidt, Administrative Assistant, Board Operations

Date: July 21, 2021

Board Item: Day-to-Day Protocols: Board and Superintendent Operating Procedures

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**HISTORY**

Board Bylaw 9003, Protocols: *Board and Superintendent Operating Procedures* was adopted on March 11, 2015. Board members work with all members of the Board and the Superintendent to become a team devoted to students and are dedicated to making all members of the team successful. The Board and the Superintendent keep learning and achievement for each and every student as their primary focus. They value, support, and advocate for public education. The Superintendent works with the Board to establish a clear vision for the District.

**BACKGROUND INFORMATION**

The Board President has requested a Board Workshop to address the day-to-day protocols and practices of the Board of Trustees and to have a discussion to reaffirm our professional working relationship.

**CURRENT CONSIDERATIONS**

The Board of Trustees is the educational policy-making body for the District. To effectively meet the District's challenges, the Board and Superintendent must function together as a leadership team. To ensure unity among team members, effective operating procedures, or protocols, must be in place. These are general day-to-day protocols that are specific for the Board and for the Superintendent. The Board will review Board Bylaw 9003, *Protocols: Board and Superintendent Operating Procedures* and decide if any changes should be made in the future, and recommit to working together collaboratively for students.

**FINANCIAL IMPLICATIONS**

There are no financial impacts.

**STAFF RECOMMENDATION**

It is recommended Judy Bullockus, President, Board of Trustees and Kirsten Vital Brulte, Superintendent, present information on this item and begin discussion. If the Board directs staff to make any changes, those changes will come back to a regularly scheduled Board meeting for action. This is an information item only and no Board action is necessary.

**PREPARED BY:** Susie Schmidt, Administrative Assistant, Board Operations

**APPROVED BY:** Judy Bullockus, President, Board of Trustees

**PROTOCOLS: BOARD AND SUPERINTENDENT OPERATING PROCEDURES****Protocols: Board and Superintendent Operating Procedures**

The Board of Trustees is the educational policy-making body for the District. To effectively meet the District's challenges, the Board and Superintendent must function together as a leadership team. To ensure unity among team members, effective operating procedures, or protocols, must be in place. These are general protocols and protocols that are specific for the Board and for the Superintendent.

**General—The Board and Superintendent will:**

1. Keep learning and achievement for each and every student as the primary focus.
2. Value, support, and advocate for public education.
3. Operate openly with trust and integrity.
4. Govern in a dignified and professional manner, treating everyone with civility, dignity, and respect, while honoring the right to disagree with each other.
5. Keep confidential matters confidential. Uphold the legal requirement for confidentiality on all matters arising from Board meeting executive sessions and keep all conversations taking place in Closed Session absolutely confidential.
6. Discuss public matters in publicly noticed Board meetings.
7. Discuss confidential matters in closed session.
8. Focus on policy-making, planning and evaluation for student success.
9. Ensure opportunities for the diverse range of views in the community to inform Board deliberations, and evaluate the District's performance.

**The Superintendent will:**

1. Work with the Board toward creating a team dedicated to students.
2. Respect and acknowledge the Board's role in setting policy and overseeing the performance of the Superintendent.
3. Work with the Board to establish a clear vision for the District.
4. Communicate the common vision and annual goals.
5. Recognize that the Board/Superintendent governance relationship requires support by the District's management team.
6. Understand the distinction between Board and staff roles, and respect the role of the Board as the elected representative of the community.
7. Accept leadership responsibility and be accountable for implementing the vision, goals, and policies of the District.
8. Prepare preliminary goals annually for the Board's consideration.
9. Provide data (i.e., success indicators, benchmarks, milestones) to the Board to inform decisions and assess progress on annual goals.
10. Distribute information on student performance to the Board.
11. Make personnel recommendations and changes in consultation with the Board.
12. Communicate with the Board promptly and effectively.

**PROTOCOLS: BOARD AND SUPERINTENDENT OPERATING PROCEDURES  
(continue)**

13. Inform the Board prior to critical information becoming public; apprise all Board Members in a timely manner of any major incident that they may be called on to answer or explain.
14. Distribute information fully and equally to all Board Members.
15. Provide information requested by one Board Member to every Board Member.
16. Distribute the Board agenda in a timely fashion and with enough time for Board study, and clarify information prior to scheduled meetings.
17. Never bring a matter to a public meeting that is a surprise to a Board or Cabinet member.
18. Respond to requests for additional information through a Board Update, special report, Board agenda items, or as a Board workshop.
19. Present major decisions initially as a discussion item, then place them on the next Board agenda for action.
20. Treat all Board Members professionally.
21. Communicate with individual Board Members to determine if concerns exist prior to a possible problem developing, and respect the right to disagree with each other.
22. Provide a written self-assessment prior to the Board's evaluation of the Superintendent's job performance.
23. Provide timely feedback to the Board on its performance and effectiveness.
24. Keep the Board informed regarding issues and/or situations that concern parents, students, staff or community.

**Board Members will:**

1. Work with all members of the Board and the Superintendent to become a team devoted to students; be dedicated to making all members of the team successful.
2. Act with dignity, and understand the implication of demeanor and behavior.
3. Recognize and respect difference of perspective and style on the Board and among staff, students, parents, and the community.
4. Govern within Board-adopted policies.
5. Communicate a common vision and annual, measurable goals.
6. Understand authority rests with the Board as a whole and not with individuals. Recognize decisions are made only at properly scheduled meetings.
7. As an individual Board member, not make or appear to make a decision that appropriately should be made by the entire Board.
8. Support decisions of the majority after honoring the right of individual members to express opposing viewpoints and vote their convictions.
9. Attend regularly scheduled Board meetings unless a situation occurs that makes attendance impossible; cooperate in scheduling special meetings and/or work sessions for planning and training purposes.
10. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff.
11. Acknowledge individual requests for reports and projects will be directed only to the Superintendent.

**PROTOCOLS: BOARD AND SUPERINTENDENT OPERATING PROCEDURES  
(continue)**

12. Request reports from staff during Board meetings.
13. Understand the Superintendent's role to make personnel recommendations and changes in consultation with the Board.
14. Set and monitor measurable outcomes for annual goals.
15. Participate in establishing annual expectations and goals for the Superintendent.
16. Objectively evaluate the Superintendent's performance and provide appropriate feedback.
17. Evaluate its own effectiveness semi-annually in conjunction with the Superintendent's evaluation; review these protocols annually with the first review in January 2015.
18. Take collective responsibility for the Board's performance.
19. Contact the Superintendent and the Chief Communications Officer whenever contacted by the media regarding an incident, event, or agenda item.
20. Communicate directly with the Superintendent, or Cabinet Members prior to Board meetings to address questions and/or concerns about agenda items; honor the "no surprises" rule with the Superintendent and fellow Board Members.
21. Communicate one-on-one with the Superintendent when an individual concern arises; will not allow a matter to fester.
22. Cast a vote on all matters except when a conflict or possible conflict of interest arises.
23. Recognize the individual role of constituents and special interest groups, while understanding the importance of using one's best judgment to represent all members of the community.
24. As time permits, visit school sites and attend school functions, but avoid interrupting instruction or interrupting employees at work.
25. Send Board item questions to the Superintendent by noon on the Monday prior to the regular Board meeting.
26. Represent the District, when possible, by attending community functions.
27. Participate in professional development and commit the time and energy necessary to be an informed and effective leader.

*Legal Reference:*

EDUCATION CODE

33003 Operation and organization; bylaws

33319.5 Implementation of authority of local agencies

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards - esp.

35160-35182 Powers and duties

Bylaw  
adopted: March 11, 2015

**CAPISTRANO UNIFIED SCHOOL DISTRICT**  
San Juan Capistrano, California

| <b>Preparing for Meetings</b>      |   |
|------------------------------------|---|
| <b>Issue:</b>                      | <b>What is our process?</b>   |
| Agenda<br>– Building               | The Superintendent and Board President meet to discuss the upcoming Board meeting on the Monday prior to the Board agenda printing. Staff will receive feedback from the meeting on potential presentation concerns, as well as the order of placement of the agenda items.   |
| Agenda Items<br>– Trustee Requests | <p>As stated in Board Bylaw 9322, <i>Meeting Conduct</i>, Trustees may place any item on the agenda no later than ten days before the scheduled meeting date. Trustees may request that a topic be placed on the agenda, which has been recently considered and acted upon by the Board, providing there is new and relevant information on the topic, but only for the purpose of Trustees deciding whether, or not to reconsider the topic. If the Board decides to reconsider the agenda topic, it shall do so at a future regular Board meeting.</p> <p>Procedurally, a Trustee intending to place an item on a future agenda will announce such an intention during the "Board Communications" portion of the Board meeting. Any Trustee may request that staff time be committed to conducting research and/or providing appropriate background material to the Board related to the subject to be considered. A majority vote of the Board will direct that staff provide such background information. Any Trustee may also request that the Board seek the Superintendent's recommendation regarding this item. A majority vote of the Board will provide direction to the Superintendent as to whether a recommendation will be forthcoming.</p> |
| Board Meeting<br>– Schedules       | <p>As stated in Board Bylaw 9320(a), <i>Meetings</i>, by January of each school year, the Board of Trustees shall adopt a yearly calendar specifying the date, time and place of each scheduled meeting of the Board for upcoming fiscal/school year. The Board shall hold at least one regular meeting per month and will schedule other meetings as needed. Board Workshops and additional meetings will be added to the schedule as needed and agreed upon by the Board and Superintendent.</p> <p>All regular meetings of the Board shall be held at 7:00 p.m. on the designated Wednesday, the third Wednesday when possible, of each month in the Board Room of the Education Center. If at any time a regular meeting of the Board needs rescheduling for administrative purposes, the Board will determine an alternate date.</p>   |
| Board Meeting<br>– Closed Session  | The Superintendent, Cabinet, and the Board will meet up to three hours before the public session of the Board meeting. Discussions are confined to closed session agenda matters only.  |

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| Board Meeting<br>– Trustee Questions<br>regarding Agenda Items | Board packets are posted on the Wednesday before the Wednesday Board meeting. Per Board Bylaw 9003, <i>Protocols: Board and Superintendent Operating Procedures</i> , Trustees are asked to review the Board packet and send their questions via e-mail to the Manager II, Board Operations, and the Administrative Assistant, Board Operations by the following Monday at 12:00 p.m., prior to the regular Board meeting. The Manager II, Board Operations or the Administrative Assistant, Board Operations will provide the Trustee questions to the appropriate Cabinet member(s) for responses no later than 4:00 p.m. the same day. All responses will be sent to the Board via e-mail, by the end of day on Tuesday. After Tuesday, staff will be prepared to answer any further questions at the Board Meeting. |
| Board Meeting<br>– Seating Arrangements                        | At the dais, seating will be Trustees, Superintendent, Student Adviser and Manager II, Board Operations. Cabinet members will be seated to the side of the podium. The Administrative Assistant, Board Operations, will replace the Manager II, Board Operations during any absence of the Manager II, Board Operations.  |
| Board Meeting<br>– Order of Items                              | Whenever students are part of an agenda item presentation, every attempt will be made to move the item up in the agenda.  |
| Board Meeting<br>– Length of Time                              | Board Policy 9323, <i>Meeting Conduct</i> , requires a motion to extend the meeting beyond 11:00 p.m. Ideally, meetings should end within 2 hours of the start time outlined on the agenda. Open Session meetings are regularly scheduled to begin at 7:00 p.m.   |
| Board Meeting<br>– Sequence of General Order                   | <p><i>Principles:</i><br/> <i>The agenda should help the Board work effectively.</i><br/> <i>The agenda should help the Board focus on its priorities.</i><br/> <i>The agenda should assist the Board in demonstrating respect for meeting participants and attendees, including the community, students, parents, and staff.</i></p> <p>For discussion/action items, the general order will be:</p> <ol style="list-style-type: none"> <li>1. Recognition by Board President</li> <li>2. Presentation by Staff</li> <li>3. Public Comments (speaker cards)</li> <li>4. Board Discussion</li> <li>5. Board Deliberation, as needed prior to taking action</li> </ol>  |
| Agenda Items<br>– Summaries                                    | <p><i>Principle:</i><br/> <i>Promote openness and transparency in the work of the Board</i></p> <p>Where appropriate, agenda items will include summaries to clarify the nature of the agenda topic.<br/> These summaries should be in language that can be read and understood by a layperson or a person not familiar with Education Code.</p>  |



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|   | <p>The summaries should include appropriate background, history and data relevant to the agenda topic to provide clarity to the reader. The name of the person presenting will be shown in the item's description as the contact.</p>   |
| <p>Agenda Items<br/>– Board Report from Staff</p>                   | <p>All agenda items are to be outlined in a Board Report provided by staff. This comprehensive report will include detailed information on each agenda item. Information within the report will include the History, Background Information, Current Considerations, Financial Implications, Data and Staff Recommendation. The Executive Secretary and Executive Cabinet Member from each department will be responsible for providing the appropriate information to the Administrative Assistant, Board Operations. The reports will be compiled by the Administrative Assistant, Board Operations, and included with the Board Agenda.</p>  |
| <p>Agenda<br/>– Posting</p>   | <p><i>Principles:</i><br/> <i>Adhere to the Brown Act;</i><br/> <i>The Brown Act requires that the Board agenda be posted 72 hours in advance for regular meetings, and 24 hours in advance for special meetings, in a manner that is consistent, so the community knows where it can find Board information. The District's standard is to post the Board agenda one week prior to the Board meeting.</i></p> <ol style="list-style-type: none"> <li>1. The Board agenda will be posted on the District website and in the front window at the District office for every meeting. The agenda will be posted at all District school sites, when school is in session.</li> <li>2. Agendas, supporting documents, audio of Board meetings, and minutes are also linked to the District website.</li> <li>3. District staff will use multiple communication tools to notify the public about Board meetings including the District website and social media.</li> </ol>   |
| <p>Public Comment<br/>(Speaker Cards)<br/>Per Board Policy 9323</p> | <p><i>Principles:</i><br/> <i>Value community input;</i><br/> <i>Operate within the Brown Act;</i><br/> <i>Ensure the Board can work effectively;</i><br/> <i>It is our expectation and goal that all issues are resolved at the lowest possible level and that issues do not have to come to Board meetings to be handled.</i></p> <ol style="list-style-type: none"> <li>1. Members of the public shall have opportunities to address the Board on agenda items. Members of the public may submit one speaker card for Closed Session and one speaker card per Open Session Discussion/ Action Item.</li> <li>2. Members of the public shall have an opportunity to submit a speaker card for Oral Communications – Non-Agenda Items.</li> <li>3. Each member of the public shall be provided one opportunity with a maximum of five (5) minutes to address the Board when addressing multiple consent calendar items.</li> <li>4. The Board President, with consensus of the Board, may modify the time limit if necessary and appropriate.</li> </ol> |

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|  | <ol style="list-style-type: none"> <li>5. The Manager II, Board Operations, or the Administrative Assistant, Board Operations will monitor the time allotment and notify the speaker when their time has expired. The Board President will thank the speaker.</li> <li>6. The Board cannot deliberate during Oral Communications on a non-agenda items.</li> <li>7. The Superintendent can direct staff to follow up on concerns raised during Oral Communications non-agenda items.</li> </ol>  |
| Board Meeting<br>– Public Comment<br>(Speaker Cards)   | The Board does not respond to speakers during the Public Comments section. The Superintendent can acknowledge the speaker with an indication of any staff follow-up and follow-through as appropriate. If appropriate, the Superintendent will report back on an item through the Superintendent comments at the next Board meeting.   |
| Board Meeting<br>– Trustee Comments  | Trustees are encouraged to report on committee updates, community meetings, and school visits at the beginning of the meeting during the portion of the agenda called, Board and Superintendent Comments.  |
| Board/Superintendent<br>– Weekly Update  | A weekly update will be prepared and sent on Friday afternoon from the Superintendent to the Trustees. Information will be shared with all other Trustees unless it is a confidential or an individual matter. The Board Update will summarize the Superintendent's work and provide notification regarding upcoming items and issues.   |
| Board/Superintendent<br>– One-on-One Meetings  | The Superintendent will schedule monthly one-on-one meetings with every Trustee unless the Trustee prefers to meet on an add needed basis. These meetings will be coordinated through the Executive Assistant, Superintendent and the Administrative Assistant, Board Operations.  |
| Board/Superintendent<br>– School Site Visits, Open House, Back to School Night, plays and athletic events. | <p><i>Principle:</i><br/> <i>Trustees should demonstrate that the Board is visible, accessible, aware of student programs, and supportive of staff and students.</i></p> <p>For Back to School Night, Open House, and Graduations, the Superintendent's Office will notify Trustees of dates and RSVP on their behalf, should Trustees wish to attend.</p> <p>For all other events such as plays, athletics, and evening events, principals will invite Trustees and Trustees will let the Superintendent's Office know to RSVP on their behalf.</p> <ol style="list-style-type: none"> <li>1. Trustee attendance is scheduled through the Administrative Assistant, Board Operations</li> <li>2. Trustees are mindful of the following: <ul style="list-style-type: none"> <li>• Offer positive comments</li> <li>• Avoid evaluative statements</li> <li>• Provide advance notice as appropriate</li> </ul> </li> </ol> |

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|  | <p><i>The Superintendent will conduct site walkthroughs throughout the school year. All Trustees will have the opportunity to accompany the Superintendent on visits to sites, if so desired.</i></p> <p><i>Trustees will contact the Executive Assistant, Superintendent at least 24 hours in advance when they wish to accompany the Superintendent on a site walkthrough so the principal can be notified and prepared. The Executive Assistant, Superintendent will provide a confirmation of the appointment to the requesting Trustee, when calendared.</i></p>   |
| Board/Superintendent<br>– Emergency Notification         | For events where the press and/or parents may call Trustees (typically related to safety), the Superintendent or designee will contact the Trustees immediately via a Hot E-mail. Staff will use the District standard Hot E-mail template to ensure confidentiality and Brown Act compliance when communicating with all seven Trustees.   |
| Board/Superintendent<br>– Board Request for Information  | Trustees will send their request for information, via e-mail, to Manager II, Board Operations or the Administrative Assistant, Board Operations and copy the Superintendent. The Manager II, Board Operations, or the Administrative Assistant, Board Operations will send the questions out to the appropriate Staff member and copy the appropriate Cabinet Member. If staff determines it will take more than 15-30 minutes to research the request, the individual Trustee may receive a response that the Cabinet member will check with the Superintendent to prioritize staff time in order for Staff and Cabinet member work to be directed by the Superintendent. Trustees will be notified of the outcome by the Manager II, Board Operations, or the Administrative Assistant, Board Operations. Trustees question will be provide in the Board Update.  |
| Board/Superintendent<br>– Board Workshops/Study Sessions | Board workshops and study sessions will be used when a single item or topic is identified as needing more in-depth coverage and/or discussion than can be afforded at a regular Board meeting.  |
| Board/Superintendent<br>– Superintendent Evaluation      | <p>Annually, to be completed by June 15, the Board and the Superintendent shall meet for the purpose of mutual evaluation of the performance of the District and the Superintendent. A mid-year evaluation may be given in November of each year. The Board shall receive at least one month’s advance notice of these dates from the Superintendent.</p> <p>The Board’s evaluation and assessment of the Superintendent shall be reasonably related to the position description of the Superintendent and the goals and objectives of the District for the year subject to the evaluation and assessment. In the event the Board determines the performance of the Superintendent is unsatisfactory in any respect, it shall describe in writing, in reasonable detail, specific instances of unsatisfactory performance. The evaluation shall include recommendations as to areas of improvement in all instances where the Board deems performance to be unsatisfactory. There shall be one written evaluation based on the majority opinion of the Board.</p> |

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|  | <p>A copy of the written evaluation shall be delivered to the Superintendent. The Superintendent shall have the right to make a written reaction or response to the written evaluation. This response will become a permanent attachment to the written evaluation in the Superintendent's personnel file. Within 30 days of Board's delivery of the written evaluation to the Superintendent, the Board shall meet with the Superintendent to discuss the evaluation.</p> <p>The Superintendent's evaluation and assessment of performance, including evaluation criteria and performance goals and objectives, will be private and confidential. Unless specifically prohibited by law or otherwise requested by the Superintendent, all discussions regarding these matters shall be held during a closed session meeting of the Board.</p> |
| <p>Press<br/>– Response to Reporter Requests</p> | <p>The Chief Communications and Public Engagement Officer is the District's point of contact for the media. However, while any Trustee may answer inquiries from the press, it is the responsibility of the Trustee to distinguish between a personal position and Board position represented by a vote. By Board Bylaw 9010, <i>Public Statements</i>, both the Superintendent and Board President can speak on behalf of the District.</p>   |
| <p>Inquiry<br/>– Written/Verbal Complaints</p>   | <p>All requests need to be communicated to the Superintendent's office. Trustees will follow the appropriate complaint procedure and refer the individual with the complaint back to the specific site administrator, or appropriate designated District staff member.</p>   |

**PUBLIC STATEMENTS**

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

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

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*  
*(cf. 9200 - Board Members)*

*Legal Reference:*

EDUCATION CODE

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

GOVERNMENT CODE

*54960 Actions to stop or prevent violation of meeting provisions*

Bylaw  
adopted: February 27, 1995

**CAPISTRANO UNIFIED SCHOOL DISTRICT**  
San Juan Capistrano, California

**CODE OF ETHICS**

This code of ethics expresses the personal ideals which the Board of Trustees believes should guide each school Board member's activities.

In all actions as a school Board member, the member's first commitment is to the well-being of our youth. His/her primary responsibility is to every student in the District.

Board members also have other major commitments to:

- The Community. Each Board member is responsible to all residents of the District and not solely to those who elected him/her; nor solely to any organization to which he/she may belong, or which may have supported his/her election.
- Individuals. Each Board member has a direct concern for every individual in the community. As an integral part of his/her duties, he/she represents the authority and responsibility of government. This authority must be exercised with as much care and concern for the least influential as for the most influential member of the community.
- Employees. The Board member's actions may affect the capability of District employees to practice their trade or profession and should encourage their increasing competence and professional growth.
- Laws, Policies. Each Board member must be aware of, and comply with, the constitutions of State and Nation, the Education Code of the State of California, other laws pertaining to public education, and the established policies of the District.
- Decision Making. Each Board member is obliged by law to participate in decisions pertaining to education in the District. As an elected representative of the people, the Board member can neither relinquish nor delegate this responsibility to any other individual or group.
- Individual Feelings and Philosophy. Every individual Board member has something to contribute to society.

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

- Consider his/her position on the Board as a public trust and not use it for private advantage or personal gain.

**CODE OF ETHICS** (continued)

- Be constantly aware that he/she has no legal authority except when acting as a member of the Board. Board members shall present their concerns and concepts through the process of Board debate. If in the minority of any decision, they shall abide by and support the majority decision. When in the majority, they shall respect divergent opinions.
- Encourage ideas and opinions from the residents of the District and endeavor to incorporate community views into the deliberations and decisions of the Board.
- Devote sufficient time, thought, and study to proposed actions so as to be able to base decisions upon all available facts and vote in accordance with honest convictions, unswayed by partisan bias of any kind.
- Remember that the basic functions of the Board are to establish the policies by which District schools are administered and to select the Superintendent or designee and staff who will implement those policies.
- Promote and participate actively in a concerted program of timely exchange of information with all District residents, parents/guardians, employees and students.
- Recognize that the deliberations of the Board in closed session may be released or discussed in public only with Board approval.
- Make use of opportunities to enlarge his/her potential as a Board member through participation in educational conferences, workshops and training sessions made available by local, state and national agencies.

Bylaw  
adopted: February 27, 1995

**CAPISTRANO UNIFIED SCHOOL DISTRICT**  
San Juan Capistrano, California

**MEETINGS****Meetings and Notices**

Meetings of the Board of Trustees are conducted for the purpose of accomplishing District business. A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or District. (Government Code §54952.2)

In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board procedures.

Except as authorized by law, a majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code §54952.2)

**Regular Meetings**

By January of each school year the Board of Trustees shall adopt a yearly calendar specifying the date, time and place of each scheduled meeting of the Board for the upcoming fiscal/school year. The Board shall hold at least one regular meeting per month and will schedule other meetings as needed.

All regular meetings of the Board shall be held at 7 p.m. on the designated Wednesday of each month in the Board Room of the Education Center. If at any time a regular meeting of the Board needs to be adjusted for administrative purposes, the Board will determine an alternate date.

All meetings of the Board shall be open to the public, with the exception of closed sessions. (Government Code 54953)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. Effective July 1, 2008, SB 343 expands the public's right to inspect documents that are distributed to Board members less than 72 hours before a regular meeting. If these documents relate to an open session item at a regular meeting, they must be made available for public inspection at the time they are distributed to the Board of Trustees (Government Code §54957.5.). No action shall be taken on any item not appearing on the posted agenda, except as allowed by law. (Government Code §54954.2) Agendas shall be posted at the Education Center, 33122 Valle Road, San Juan Capistrano, California, on the District web site, [www.capousd.org](http://www.capousd.org), and school sites when school is in session, during the regular school year.



Agendas for Board meetings shall be available to any person who has filed with the Board a written request. Requests are valid for one year from the date filed unless renewed. (Government Code §54954.1)

Persons requesting agendas may be required to pay an annual fee as determined by Board Policy.

In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). (Government Code §54953.2, 54954.1)

To facilitate such an accommodation, and to give officials ample time to make arrangements for any modification or accommodation, the person needing accommodation, or his or her spokesperson, should contact the Superintendent's office with sufficient prior notice so such modifications or accommodations may be made. (As an example of the need for such prior notice, some modifications or accommodations may require special equipment or additional staff assistance at the meeting.)

### **Special Meetings**

Special meetings of the Board may be called by the presiding officer, the Superintendent in consultation with the Board President or a majority of the Board members.

Notice of special meetings shall be received at least 24 hours before the meeting by all Board members, the Superintendent, and by the local media who have requested such notice in writing. This notice also shall be posted at least 24 hours before the meeting in a location freely accessible to the public. This notice shall specify the time and place of the meeting and the business to be transacted; no other business shall be considered at these meetings. (Education Code §35144, Government Code §54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code §54954.3)

### **Emergency Special Meeting**

The Board may hold a special meeting without complying with the 24-hour notice requirement in the case of an emergency situation. 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 Board President or designee shall give notice of the emergency special meeting to the local media by telephone one hour before the meeting. If telephone services are not functioning, the notice requirement of one hour is waived. As soon after the meeting as possible, the Board shall notify the local media that the meeting was held and shall describe the purpose of the meeting and any action taken by the Board.

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 24-hour notice requirement.

The minutes of the meeting, a list of persons the president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code §54956.5)

### **Adjourned/Continued Meetings**

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place, specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no members are present at any regular or adjourned regular meeting, the secretary or clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings.

Within 24 hours after a meeting has been adjourned to a later time, a copy of the order of adjournment shall be posted at the meeting site. (Government Code §54955)

### **Study Sessions and Public Forums**

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session or public forum. Also such meetings shall comply with the Brown Act and shall be held in open session and within District boundaries. Action items shall not be included on the agenda for these meetings.

### **Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code §11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. (Government Code §54961)

### **Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, through either audio, video or both. (Government Code §54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code §54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within District boundaries. (Government Code §54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code §54953)

*Legal Reference:*

EDUCATION CODE

35140 Time and place of meetings

35143 Annual organizational meeting date, and notice

35144 Special meeting

35145 Public meetings

GOVERNMENT CODE

54950-54957.9 Meetings, especially

54953 Meetings to be open and public; attendance

54954 Time and place of regular meetings; holidays; emergencies

54954.2 Agenda posting requirements, board actions

54956 Special meetings; call; notice

54956.5 Emergency meetings in emergency situations

Bylaw

revised: June 14, 1999

revised: September 15, 2003

revised: July 21, 2008

revised: August 11, 2009

revised: June 29, 2011

revised: March 13, 2013

revised: June 28, 2017

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California

## **AGENDA/MEETING MATERIALS**

### **Construction of Agenda**

The Superintendent, as secretary of the Board of Trustees, shall be responsible to prepare the agenda for all meetings of the Board.

All agendas shall include the meeting time and place and a description of each business item to be transacted or discussed. All agendas shall be posted as required by law. (Government Code §54954.2)

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

Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and submitted to the Superintendent with supporting documents and information, if any. The Superintendent shall place the matter on a future regular Board meeting agenda within 45 days of receipt of the request, taking into account orderly conduct of the District's business.

There is no requirement in state law that the Board take action on, or even deliberate about such an item. It must, however, be placed on the agenda and persons requesting to address the Board to a published agenda item will do so in accordance with the provisions set forth in Board Policy 9323, *Meeting Conduct*.

Board members may place any item on the agenda no later than ten days before the scheduled meeting date. Board members may request that a topic be placed on the agenda which has been recently considered and acted upon by the Board, providing there is new and relevant information on the topic, but only for the purpose of Board members deciding whether or not to reconsider the topic. If the Board decides to reconsider the agenda topic, it shall do so at a future regular Board meeting.

Procedurally, a Board member intending to place an item on a future agenda will announce such an intention during the "Board Communications" portion of the Board meeting. Any Board member may request that staff time be committed to conducting research and/or providing appropriate background material to the Board related to the subject to be considered. A majority vote of the Board will direct that staff provide such background information. Any Board member may also request that the Board seek the Superintendent's recommendation regarding this item. A majority vote of the Board will provide direction to the Superintendent as to whether a recommendation will be forthcoming.

**AGENDA/MEETING MATERIALS (continued)**

In accordance with the provisions of Board Policy 9323, Meeting Conduct, the Board shall also give members of the public the opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. An agenda item for such input shall be included on the agenda of regular Board meetings, but not on the agenda of special meetings or special emergency meeting Board agendas. The Board shall not take action on such matters at the meeting where the testimony is given. (Government Code §54954.3)

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

**Addenda**

An addenda to the agenda may be prepared to include any items requiring immediate action by the Board which were not available or were inadvertently omitted for inclusion on the original agenda. Items for the addenda may be submitted to the secretary by any member of the Board or staff members through Tuesday noon prior to the regular Board meeting on Wednesday.

**Board Member Preparation**

A copy of the agenda shall be forwarded to each Board member at least 72 hours before each regular meeting and special conference session meeting date, together with the Superintendent or designee's report, minutes to be approved, copies of communications, reports from committees, staff, citizens, and others, and other available documents pertinent to the meeting. The Superintendent is responsible for the distribution of Board packets (which include the official agenda and all supporting information) on the Wednesday preceding the Wednesday Board meeting.

When special meetings are called, the secretary shall make every effort to get the agenda and support materials to Board members at least 24 hours prior to the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to obtain specific information on agenda items.

**Anonymous Letters**

It shall be the policy of the Board not to introduce anonymous letters in the agendas for Board meetings.

**AGENDA/MEETING MATERIALS (continued)**

*Legal Reference:*

EDUCATION CODE

35144 *Special meetings*

35145 *Public meetings*

35145.5 *Right of public to place matters on agenda*

GOVERNMENT CODE

54954.2 *Agenda posting requirements; board actions*

54954.3 *Agenda item allowing public input*

54956.5 *Emergency meetings*

54957.5 *Public records*

Bylaw

adopted: February 27, 1995

revised: February 12, 1998

revised: March 8, 1999

revised: August 13, 2001

revised: February 9, 2010

revised: August 13, 2014

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California

**MEETING CONDUCT**

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

Per Board Policy 1313, *Civility Policy*, members of CUSD staff will treat parents and other members of the public with respect and expect the same in return.

**Parliamentary Procedure**

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

*Robert's Rules of Order, Newly Revised* shall be used as a guide to enable the orderly conduct of meetings. Any member may raise a point of order under these rules, which action shall take precedence over all other business before the Board.

**Quorum**

A majority of the number of filled positions on the Board shall constitute a quorum. (Education Code 5095, 35165)

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

**Voice Vote**

Voting on motions shall be by voice vote. The minutes shall record the names of the persons making and seconding the motion, and if the motion carried, carried unanimously, or was defeated. Each member's vote shall be recorded as an aye or nay if the vote was not unanimous. The Board shall comply with the Education Code and the Brown Act provisions for roll call votes on motions or resolutions.

**Polling**

Voting on resolutions shall be by polling the members. The minutes shall record the person making the motion, the person seconding it, and the names of the Board members voting for and against the motion, as well as Board members who are absent or abstaining.

**ADDRESSING THE BOARD OF TRUSTEES**

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. In governing the District, the Board has pledged to consider the will and needs of the community. Any member wishing to address the Board, under time constraints, may request to do so immediately following Oral Communications (Non-Agenda Items). 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 54953.3). However, persons choosing to speak may be asked to give their name and city or area of residence.

**MEETING CONDUCT (continued)**

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

**Oral Communications (Non-Agenda Items)**

Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. A person wishing to address the Board on a non-agenda item may do so under the Oral Communications portion of the Board agenda. Oral Communications will take place at the beginning of the meeting and immediately following the Special Recognitions portion of the Board meeting. With Board consent, the Board President may modify the time allowed for public presentation.

1. The total time for the Oral Communications (Non-Agenda Items) portion of regular meetings shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual but could be less if there are a large number of Oral Communication speakers.
2. A person wishing to be heard by the Board on a non-agenda item during Oral Communications, after having submitted a "Request to Address the Board of Trustees" card prior to the commencement of the Oral Communications portion of the meeting, shall first be recognized by the Board President. The speaker may identify himself/herself by providing the Board with his/her name and city/community of residence.
3. No additional "Request to Address the Board of Trustees" cards will be accepted once the Oral Communications portion of the meeting has begun unless otherwise approved by the Board.
4. There shall be no transfer of a person's time, or a portion of a person's time, to another speaker.
5. Legally, the Board may not take action on items raised by speakers under Oral Communications. The Board may, however, at its discretion, refer items to the administration for follow-up or place topics on a future Board agenda. (Education Code 35145.5, Government Code 54954.3)

**Oral Communications (Agenda Items)**

1. Members of the public shall have an opportunity to address the Board prior to the Board's consideration of each agenda item. (Education Code 35145.5, Government Code 54954.3)
2. Persons seeking to address the Board on an agenda item shall complete a "Request to Address the Board of Trustees" card and give it to the Board Secretary or other designated staff member.
  - a. A speaker wishing to address the Board, after having submitted a "Request to Address



**MEETING CONDUCT (continued)**

the Board of Trustees" card in a timely manner, shall first be recognized by the Board President. The speaker may identify himself/herself by providing the Board with

his/her name and city/community of residence. All presentations shall be heard by the Board after any staff comments but prior to the formal discussion by Board Members of the agenda topic under consideration. Upon completion of his/her remarks, the speaker shall leave the podium unless requested to remain by the Board President.

- b. The Board shall limit the total time for presentations from the audience to twenty (20) minutes during agenda sections Closed Session and Consent Calendar. With Board consent, the Board President may modify the individual time allowed and/or the total time allowed for public presentations.
- c. Prior to the Closed Session, each speaker shall be provided a total of up to three (3) minutes to address the board regarding the items on the Closed Session agenda.
- d. Each speaker shall be provided a total of up to five (5) minutes to address the Board regarding the items on the Consent Calendar section of the agenda.
- e. Each speaker shall be provided up to three (3) minutes to address the Board regarding any Discussion/Action item on the agenda. The Board shall limit the total time for presentations from the audience to twenty (20) minutes per topic on Discussion/Action items. With Board consent, the Board President may modify the individual time allowed and/or the total time allowed for public presentations.
- f. There shall be no transfer of a person's time, or a portion of a person's time, to another speaker.
- g. Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.

**Public Hearings**

Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on the same topic before the public hearing except as to the scheduling of the hearing, nor shall it hear speakers after the hearing except as to changes in the policy or recommended actions, which are directed at the time of the hearing.

The Board recognizes that under the Brown Act, Government Code § 54954.3, the Board is not permitted to prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Case law also states that the Board may not require members of the public to state their complaints about employees in closed session.

No disturbance or willful interruption of any Board meeting shall be permitted. Persistence in the interruption of a Board meeting, by an individual or group, shall be grounds for the chair to terminate the privilege of addressing the meeting. The Board may remove disruptive individuals

**MEETING CONDUCT (continued)**

and order the room cleared if necessary; in this case, members of the media not participating in the disturbance may be allowed to remain, and individual(s) 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 54957.9)

In the interest of safety and the maintenance of proper meeting decorum, and to permit members of the audience to observe the Board meeting without artificial barriers blocking their view, no signs will be permitted in the Board meeting room. Meeting attendees who bring signs are welcome to display them outside the building where the Board meeting is taking place.

All cellular phones or other such electronic communication devices must be silenced in the Board room by members of the audience during Board meetings.

Furthermore, in order to insure the safety of all present, no signs carried by attendees shall be permitted in the Board meeting room itself.

**Adjournment**

Regular Board meetings shall be adjourned by 11:00 p.m. unless extended to a time certain by a majority of the Board.

*Legal Reference:***EDUCATION CODE**

*5095 Powers of remaining board members and new appointees*

*32210 Willful disturbance of public school or meeting a misdemeanor*

*35145.5 Agenda; public participation; regulations*

*35163 Official actions, minutes and journal*

*35164 Vote requirements*

*35165 Effect of vacancies upon majority and unanimous votes by seven member board*

**GOVERNMENT CODE**

*54954.3 Opportunity for public to address legislative body; regulations*

*54957.9 Disorderly conduct of general public during meeting; clearing of room*

*61 OPS. CAL. ATT. GEN. 243, 253 - 1978*

*66 OPS. CAL. ATT. GEN. 336, 337 - 1983*

*75 OPS. CAL. ATT. GEN. 89 (1992)*

*Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719, 734*

*Perry Educ. Ass'n. v. Perry Local Educators' Ass'n, (1983) 460 U.S. 37, 45*

**Bylaw**

adopted: February 27, 1995

revised: February 12, 1998

revised: October 2, 2000

revised: August 13, 2001

revised: March 10, 2003

revised: September 15, 2003

revised: February 7, 2005

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California

revised: May 25, 2007  
revised: September 22, 2008  
revised: May 22, 2013  
revised: August 23, 2017

CAPISTRANO UNIFIED SCHOOL DISTRICT  
**BOARD REPORT**

To: Board of Trustees

From: Judy Bullockus, President, Board of Trustees

Prepared by: Susie Schmidt, Administrative Assistant, Board Operations

Date: July 13, 2021

Board Item: Day-to-Day Protocols: Board and Superintendent Operating Procedures

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**HISTORY**

Board Bylaw 9003, Protocols: *Board and Superintendent Operating Procedures* was adopted on March 11, 2015. Board members work with all members of the Board and the Superintendent to become a team devoted to students and are dedicated to making all members of the team successful. The Board and the Superintendent keep learning and achievement for each and every student as their primary focus. They value, support, and advocate for public education. The Superintendent works with the Board to establish a clear vision for the District.

**BACKGROUND INFORMATION**

The Board President has requested a Board Workshop to address the day-to-day protocols and practices of the Board of Trustees and to have a discussion to reaffirm our professional working relationship.

**CURRENT CONSIDERATIONS**

The Board of Trustees is the educational policy-making body for the District. To effectively meet the District's challenges, the Board and Superintendent must function together as a leadership team. To ensure unity among team members, effective operating procedures, or protocols, must be in place. These are general day-to-day protocols that are specific for the Board and for the Superintendent. The Board will review Board Bylaw 9003, *Protocols: Board and Superintendent Operating Procedures* and decide if any changes should be made in the future, and recommit to working together collaboratively for students.

**FINANCIAL IMPLICATIONS**

There are no financial impacts.

**STAFF RECOMMENDATION**

It is recommended Judy Bullockus, President, Board of Trustees and Kirsten Vital Brulte, Superintendent, present information on this item and begin discussion. If the Board directs staff to make any changes, those changes will come back to a regularly scheduled Board meeting for action. This is an information item only and no Board action is necessary.

**PREPARED BY:** Susie Schmidt, Administrative Assistant, Board Operations

**APPROVED BY:** Judy Bullockus, President, Board of Trustees

**PROTOCOLS: BOARD AND SUPERINTENDENT OPERATING PROCEDURES****Protocols: Board and Superintendent Operating Procedures**

The Board of Trustees is the educational policy-making body for the District. To effectively meet the District's challenges, the Board and Superintendent must function together as a leadership team. To ensure unity among team members, effective operating procedures, or protocols, must be in place. These are general protocols and protocols that are specific for the Board and for the Superintendent.

**General—The Board and Superintendent will:**

1. Keep learning and achievement for each and every student as the primary focus.
2. Value, support, and advocate for public education.
3. Operate openly with trust and integrity.
4. Govern in a dignified and professional manner, treating everyone with civility, dignity, and respect, while honoring the right to disagree with each other.
5. Keep confidential matters confidential. Uphold the legal requirement for confidentiality on all matters arising from Board meeting executive sessions and keep all conversations taking place in Closed Session absolutely confidential.
6. Discuss public matters in publicly noticed Board meetings.
7. Discuss confidential matters in closed session.
8. Focus on policy-making, planning and evaluation for student success.
9. Ensure opportunities for the diverse range of views in the community to inform Board deliberations, and evaluate the District's performance.

**The Superintendent will:**

1. Work with the Board toward creating a team dedicated to students.
2. Respect and acknowledge the Board's role in setting policy and overseeing the performance of the Superintendent.
3. Work with the Board to establish a clear vision for the District.
4. Communicate the common vision and annual goals.
5. Recognize that the Board/Superintendent governance relationship requires support by the District's management team.
6. Understand the distinction between Board and staff roles, and respect the role of the Board as the elected representative of the community.
7. Accept leadership responsibility and be accountable for implementing the vision, goals, and policies of the District.
8. Prepare preliminary goals annually for the Board's consideration.
9. Provide data (i.e., success indicators, benchmarks, milestones) to the Board to inform decisions and assess progress on annual goals.
10. Distribute information on student performance to the Board.
11. Make personnel recommendations and changes in consultation with the Board.
12. Communicate with the Board promptly and effectively.

**PROTOCOLS: BOARD AND SUPERINTENDENT OPERATING PROCEDURES  
(continue)**

13. Inform the Board prior to critical information becoming public; apprise all Board Members in a timely manner of any major incident that they may be called on to answer or explain.
14. Distribute information fully and equally to all Board Members.
15. Provide information requested by one Board Member to every Board Member.
16. Distribute the Board agenda in a timely fashion and with enough time for Board study, and clarify information prior to scheduled meetings.
17. Never bring a matter to a public meeting that is a surprise to a Board or Cabinet member.
18. Respond to requests for additional information through a Board Update, special report, Board agenda items, or as a Board workshop.
19. Present major decisions initially as a discussion item, then place them on the next Board agenda for action.
20. Treat all Board Members professionally.
21. Communicate with individual Board Members to determine if concerns exist prior to a possible problem developing, and respect the right to disagree with each other.
22. Provide a written self-assessment prior to the Board's evaluation of the Superintendent's job performance.
23. Provide timely feedback to the Board on its performance and effectiveness.
24. Keep the Board informed regarding issues and/or situations that concern parents, students, staff or community.

**Board Members will:**

1. Work with all members of the Board and the Superintendent to become a team devoted to students; be dedicated to making all members of the team successful.
2. Act with dignity, and understand the implication of demeanor and behavior.
3. Recognize and respect difference of perspective and style on the Board and among staff, students, parents, and the community.
4. Govern within Board-adopted policies.
5. Communicate a common vision and annual, measurable goals.
6. Understand authority rests with the Board as a whole and not with individuals. Recognize decisions are made only at properly scheduled meetings.
7. As an individual Board member, not make or appear to make a decision that appropriately should be made by the entire Board.
8. Support decisions of the majority after honoring the right of individual members to express opposing viewpoints and vote their convictions.
9. Attend regularly scheduled Board meetings unless a situation occurs that makes attendance impossible; cooperate in scheduling special meetings and/or work sessions for planning and training purposes.
10. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff.
11. Acknowledge individual requests for reports and projects will be directed only to the Superintendent.

**PROTOCOLS: BOARD AND SUPERINTENDENT OPERATING PROCEDURES  
(continue)**

12. Request reports from staff during Board meetings.
13. Understand the Superintendent's role to make personnel recommendations and changes in consultation with the Board.
14. Set and monitor measurable outcomes for annual goals.
15. Participate in establishing annual expectations and goals for the Superintendent.
16. Objectively evaluate the Superintendent's performance and provide appropriate feedback.
17. Evaluate its own effectiveness semi-annually in conjunction with the Superintendent's evaluation; review these protocols annually with the first review in January 2015.
18. Take collective responsibility for the Board's performance.
19. Contact the Superintendent and the Chief Communications Officer whenever contacted by the media regarding an incident, event, or agenda item.
20. Communicate directly with the Superintendent, or Cabinet Members prior to Board meetings to address questions and/or concerns about agenda items; honor the "no surprises" rule with the Superintendent and fellow Board Members.
21. Communicate one-on-one with the Superintendent when an individual concern arises; will not allow a matter to fester.
22. Cast a vote on all matters except when a conflict or possible conflict of interest arises.
23. Recognize the individual role of constituents and special interest groups, while understanding the importance of using one's best judgment to represent all members of the community.
24. As time permits, visit school sites and attend school functions, but avoid interrupting instruction or interrupting employees at work.
25. Send Board item questions to the Superintendent by noon on the Monday prior to the regular Board meeting.
26. Represent the District, when possible, by attending community functions.
27. Participate in professional development and commit the time and energy necessary to be an informed and effective leader.

*Legal Reference:*

EDUCATION CODE

33003 Operation and organization; bylaws

33319.5 Implementation of authority of local agencies

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards - esp.

35160-35182 Powers and duties

Bylaw  
adopted: March 11, 2015

**CAPISTRANO UNIFIED SCHOOL DISTRICT**  
San Juan Capistrano, California

| Preparing for Meetings             |   |
|------------------------------------|---|
| Issue:                             | What is our process?  |
| Agenda<br>– Building               | The Superintendent and Board President meet to discuss the upcoming Board meeting on the Monday prior to the Board agenda printing. Staff will receive feedback from the meeting on potential presentation concerns, as well as the order of placement of the agenda items.   |
| Agenda Items<br>– Trustee Requests | <p>As stated in Board Bylaw 9322, <i>Meeting Conduct</i>, Trustees may place any item on the agenda no later than ten days before the scheduled meeting date. Trustees may request that a topic be placed on the agenda, which has been recently considered and acted upon by the Board, providing there is new and relevant information on the topic, but only for the purpose of Trustees deciding whether, or not to reconsider the topic. If the Board decides to reconsider the agenda topic, it shall do so at a future regular Board meeting.</p> <p>Procedurally, a Trustee intending to place an item on a future agenda will announce such an intention during the "Board Communications" portion of the Board meeting. Any Trustee may request that staff time be committed to conducting research and/or providing appropriate background material to the Board related to the subject to be considered. A majority vote of the Board will direct that staff provide such background information. Any Trustee may also request that the Board seek the Superintendent's recommendation regarding this item. A majority vote of the Board will provide direction to the Superintendent as to whether a recommendation will be forthcoming.</p> |
| Board Meeting<br>– Schedules       | <p>As stated in Board Bylaw 9320(a), <i>Meetings</i>, by January of each school year, the Board of Trustees shall adopt a yearly calendar specifying the date, time and place of each scheduled meeting of the Board for upcoming fiscal/school year. The Board shall hold at least one regular meeting per month and will schedule other meetings as needed. Board Workshops and additional meetings will be added to the schedule as needed and agreed upon by the Board and Superintendent.</p> <p>All regular meetings of the Board shall be held at 7:00 p.m. on the designated Wednesday, the third Wednesday when possible, of each month in the Board Room of the Education Center. If at any time a regular meeting of the Board needs rescheduling for administrative purposes, the Board will determine an alternate date.</p>   |
| Board Meeting<br>– Closed Session  | The Superintendent, Cabinet, and the Board will meet up to three hours before the public session of the Board meeting. Discussions are confined to closed session agenda matters only.  |



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| Board Meeting<br>– Trustee Questions<br>regarding Agenda Items | Board packets are posted on the Wednesday before the Wednesday Board meeting. Per Board Bylaw 9003, <i>Protocols: Board and Superintendent Operating Procedures</i> , Trustees are asked to review the Board packet and send their questions via e-mail to the Manager II, Board Operations, and the Administrative Assistant, Board Operations by the following Monday at 12:00 p.m., prior to the regular Board meeting. The Manager II, Board Operations or the Administrative Assistant, Board Operations will provide the Trustee questions to the appropriate Cabinet member(s) for responses no later than 4:00 p.m. the same day. All responses will be sent to the Board via e-mail, by the end of day on Tuesday. After Tuesday, staff will be prepared to answer any further questions at the Board Meeting. |
| Board Meeting<br>– Seating Arrangements                        | At the dais, seating will be Trustees, Superintendent, Student Adviser and Manager II, Board Operations. Cabinet members will be seated to the side of the podium. The Administrative Assistant, Board Operations, will replace the Manager II, Board Operations during any absence of the Manager II, Board Operations.  |
| Board Meeting<br>– Order of Items                              | Whenever students are part of an agenda item presentation, every attempt will be made to move the item up in the agenda.  |
| Board Meeting<br>– Length of Time                              | Board Policy 9323, <i>Meeting Conduct</i> , requires a motion to extend the meeting beyond 11:00 p.m. Ideally, meetings should end within 2 hours of the start time outlined on the agenda. Open Session meetings are regularly scheduled to begin at 7:00 p.m.   |
| Board Meeting<br>– Sequence of General Order                   | <p><i>Principles:</i><br/> <i>The agenda should help the Board work effectively.</i><br/> <i>The agenda should help the Board focus on its priorities.</i><br/> <i>The agenda should assist the Board in demonstrating respect for meeting participants and attendees, including the community, students, parents, and staff.</i></p> <p>For discussion/action items, the general order will be:</p> <ol style="list-style-type: none"> <li>1. Recognition by Board President</li> <li>2. Presentation by Staff</li> <li>3. Public Comments (speaker cards)</li> <li>4. Board Discussion</li> <li>5. Board Deliberation, as needed prior to taking action</li> </ol>  |
| Agenda Items<br>– Summaries                                    | <p><i>Principle:</i><br/> <i>Promote openness and transparency in the work of the Board</i></p> <p>Where appropriate, agenda items will include summaries to clarify the nature of the agenda topic.<br/> These summaries should be in language that can be read and understood by a layperson or a person not familiar with Education Code.</p>  |

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|   | <p>The summaries should include appropriate background, history and data relevant to the agenda topic to provide clarity to the reader. The name of the person presenting will be shown in the item's description as the contact.</p>   |
| <p>Agenda Items<br/>– Board Report from Staff</p>                   | <p>All agenda items are to be outlined in a Board Report provided by staff. This comprehensive report will include detailed information on each agenda item. Information within the report will include the History, Background Information, Current Considerations, Financial Implications, Data and Staff Recommendation. The Executive Secretary and Executive Cabinet Member from each department will be responsible for providing the appropriate information to the Administrative Assistant, Board Operations. The reports will be compiled by the Administrative Assistant, Board Operations, and included with the Board Agenda.</p>  |
| <p>Agenda<br/>– Posting</p>   | <p><i>Principles:</i><br/> <i>Adhere to the Brown Act;</i><br/> <i>The Brown Act requires that the Board agenda be posted 72 hours in advance for regular meetings, and 24 hours in advance for special meetings, in a manner that is consistent, so the community knows where it can find Board information. The District's standard is to post the Board agenda one week prior to the Board meeting.</i></p> <ol style="list-style-type: none"> <li>1. The Board agenda will be posted on the District website and in the front window at the District office for every meeting. The agenda will be posted at all District school sites, when school is in session.</li> <li>2. Agendas, supporting documents, audio of Board meetings, and minutes are also linked to the District website.</li> <li>3. District staff will use multiple communication tools to notify the public about Board meetings including the District website and social media.</li> </ol>   |
| <p>Public Comment<br/>(Speaker Cards)<br/>Per Board Policy 9323</p> | <p><i>Principles:</i><br/> <i>Value community input;</i><br/> <i>Operate within the Brown Act;</i><br/> <i>Ensure the Board can work effectively;</i><br/> <i>It is our expectation and goal that all issues are resolved at the lowest possible level and that issues do not have to come to Board meetings to be handled.</i></p> <ol style="list-style-type: none"> <li>1. Members of the public shall have opportunities to address the Board on agenda items. Members of the public may submit one speaker card for Closed Session and one speaker card per Open Session Discussion/ Action Item.</li> <li>2. Members of the public shall have an opportunity to submit a speaker card for Oral Communications – Non-Agenda Items.</li> <li>3. Each member of the public shall be provided one opportunity with a maximum of five (5) minutes to address the Board when addressing multiple consent calendar items.</li> <li>4. The Board President, with consensus of the Board, may modify the time limit if necessary and appropriate.</li> </ol> |

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|  | <ol style="list-style-type: none"> <li>5. The Manager II, Board Operations, or the Administrative Assistant, Board Operations will monitor the time allotment and notify the speaker when their time has expired. The Board President will thank the speaker.</li> <li>6. The Board cannot deliberate during Oral Communications on a non-agenda items.</li> <li>7. The Superintendent can direct staff to follow up on concerns raised during Oral Communications non-agenda items.</li> </ol>  |
| Board Meeting<br>– Public Comment<br>(Speaker Cards)   | The Board does not respond to speakers during the Public Comments section. The Superintendent can acknowledge the speaker with an indication of any staff follow-up and follow-through as appropriate. If appropriate, the Superintendent will report back on an item through the Superintendent comments at the next Board meeting.   |
| Board Meeting<br>– Trustee Comments  | Trustees are encouraged to report on committee updates, community meetings, and school visits at the beginning of the meeting during the portion of the agenda called, Board and Superintendent Comments.  |
| Board/Superintendent<br>– Weekly Update  | A weekly update will be prepared and sent on Friday afternoon from the Superintendent to the Trustees. Information will be shared with all other Trustees unless it is a confidential or an individual matter. The Board Update will summarize the Superintendent's work and provide notification regarding upcoming items and issues.   |
| Board/Superintendent<br>– One-on-One Meetings  | The Superintendent will schedule monthly one-on-one meetings with every Trustee unless the Trustee prefers to meet on an add needed basis. These meetings will be coordinated through the Executive Assistant, Superintendent and the Administrative Assistant, Board Operations.  |
| Board/Superintendent<br>– School Site Visits, Open House, Back to School Night, plays and athletic events. | <p><i>Principle:</i><br/> <i>Trustees should demonstrate that the Board is visible, accessible, aware of student programs, and supportive of staff and students.</i></p> <p>For Back to School Night, Open House, and Graduations, the Superintendent's Office will notify Trustees of dates and RSVP on their behalf, should Trustees wish to attend.</p> <p>For all other events such as plays, athletics, and evening events, principals will invite Trustees and Trustees will let the Superintendent's Office know to RSVP on their behalf.</p> <ol style="list-style-type: none"> <li>1. Trustee attendance is scheduled through the Administrative Assistant, Board Operations</li> <li>2. Trustees are mindful of the following: <ul style="list-style-type: none"> <li>• Offer positive comments</li> <li>• Avoid evaluative statements</li> <li>• Provide advance notice as appropriate</li> </ul> </li> </ol> |

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|  | <p><i>The Superintendent will conduct site walkthroughs throughout the school year. All Trustees will have the opportunity to accompany the Superintendent on visits to sites, if so desired.</i></p> <p><i>Trustees will contact the Executive Assistant, Superintendent at least 24 hours in advance when they wish to accompany the Superintendent on a site walkthrough so the principal can be notified and prepared. The Executive Assistant, Superintendent will provide a confirmation of the appointment to the requesting Trustee, when calendared.</i></p>   |
| Board/Superintendent<br>– Emergency Notification         | For events where the press and/or parents may call Trustees (typically related to safety), the Superintendent or designee will contact the Trustees immediately via a Hot E-mail. Staff will use the District standard Hot E-mail template to ensure confidentiality and Brown Act compliance when communicating with all seven Trustees.   |
| Board/Superintendent<br>– Board Request for Information  | Trustees will send their request for information, via e-mail, to Manager II, Board Operations or the Administrative Assistant, Board Operations and copy the Superintendent. The Manager II, Board Operations, or the Administrative Assistant, Board Operations will send the questions out to the appropriate Staff member and copy the appropriate Cabinet Member. If staff determines it will take more than 15-30 minutes to research the request, the individual Trustee may receive a response that the Cabinet member will check with the Superintendent to prioritize staff time in order for Staff and Cabinet member work to be directed by the Superintendent. Trustees will be notified of the outcome by the Manager II, Board Operations, or the Administrative Assistant, Board Operations. Trustees question will be provide in the Board Update.  |
| Board/Superintendent<br>– Board Workshops/Study Sessions | Board workshops and study sessions will be used when a single item or topic is identified as needing more in-depth coverage and/or discussion than can be afforded at a regular Board meeting.  |
| Board/Superintendent<br>– Superintendent Evaluation      | <p>Annually, to be completed by June 15, the Board and the Superintendent shall meet for the purpose of mutual evaluation of the performance of the District and the Superintendent. A mid-year evaluation may be given in November of each year. The Board shall receive at least one month’s advance notice of these dates from the Superintendent.</p> <p>The Board’s evaluation and assessment of the Superintendent shall be reasonably related to the position description of the Superintendent and the goals and objectives of the District for the year subject to the evaluation and assessment. In the event the Board determines the performance of the Superintendent is unsatisfactory in any respect, it shall describe in writing, in reasonable detail, specific instances of unsatisfactory performance. The evaluation shall include recommendations as to areas of improvement in all instances where the Board deems performance to be unsatisfactory. There shall be one written evaluation based on the majority opinion of the Board.</p> |

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|  | <p>A copy of the written evaluation shall be delivered to the Superintendent. The Superintendent shall have the right to make a written reaction or response to the written evaluation. This response will become a permanent attachment to the written evaluation in the Superintendent's personnel file. Within 30 days of Board's delivery of the written evaluation to the Superintendent, the Board shall meet with the Superintendent to discuss the evaluation.</p> <p>The Superintendent's evaluation and assessment of performance, including evaluation criteria and performance goals and objectives, will be private and confidential. Unless specifically prohibited by law or otherwise requested by the Superintendent, all discussions regarding these matters shall be held during a closed session meeting of the Board.</p> |
| <p>Press<br/>– Response to Reporter Requests</p> | <p>The Chief Communications and Public Engagement Officer is the District's point of contact for the media. However, while any Trustee may answer inquiries from the press, it is the responsibility of the Trustee to distinguish between a personal position and Board position represented by a vote. By Board Bylaw 9010, <i>Public Statements</i>, both the Superintendent and Board President can speak on behalf of the District.</p>   |
| <p>Inquiry<br/>– Written/Verbal Complaints</p>   | <p>All requests need to be communicated to the Superintendent's office. Trustees will follow the appropriate complaint procedure and refer the individual with the complaint back to the specific site administrator, or appropriate designated District staff member.</p>   |

**PUBLIC STATEMENTS**

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

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

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*  
*(cf. 9200 - Board Members)*

*Legal Reference:*

EDUCATION CODE

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

GOVERNMENT CODE

*54960 Actions to stop or prevent violation of meeting provisions*

Bylaw  
adopted: February 27, 1995

**CAPISTRANO UNIFIED SCHOOL DISTRICT**  
San Juan Capistrano, California

**CODE OF ETHICS**

This code of ethics expresses the personal ideals which the Board of Trustees believes should guide each school Board member's activities.

In all actions as a school Board member, the member's first commitment is to the well-being of our youth. His/her primary responsibility is to every student in the District.

Board members also have other major commitments to:

- The Community. Each Board member is responsible to all residents of the District and not solely to those who elected him/her; nor solely to any organization to which he/she may belong, or which may have supported his/her election.
- Individuals. Each Board member has a direct concern for every individual in the community. As an integral part of his/her duties, he/she represents the authority and responsibility of government. This authority must be exercised with as much care and concern for the least influential as for the most influential member of the community.
- Employees. The Board member's actions may affect the capability of District employees to practice their trade or profession and should encourage their increasing competence and professional growth.
- Laws, Policies. Each Board member must be aware of, and comply with, the constitutions of State and Nation, the Education Code of the State of California, other laws pertaining to public education, and the established policies of the District.
- Decision Making. Each Board member is obliged by law to participate in decisions pertaining to education in the District. As an elected representative of the people, the Board member can neither relinquish nor delegate this responsibility to any other individual or group.
- Individual Feelings and Philosophy. Every individual Board member has something to contribute to society.

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

- Consider his/her position on the Board as a public trust and not use it for private advantage or personal gain.

**CODE OF ETHICS** (continued)

- Be constantly aware that he/she has no legal authority except when acting as a member of the Board. Board members shall present their concerns and concepts through the process of Board debate. If in the minority of any decision, they shall abide by and support the majority decision. When in the majority, they shall respect divergent opinions.
- Encourage ideas and opinions from the residents of the District and endeavor to incorporate community views into the deliberations and decisions of the Board.
- Devote sufficient time, thought, and study to proposed actions so as to be able to base decisions upon all available facts and vote in accordance with honest convictions, unswayed by partisan bias of any kind.
- Remember that the basic functions of the Board are to establish the policies by which District schools are administered and to select the Superintendent or designee and staff who will implement those policies.
- Promote and participate actively in a concerted program of timely exchange of information with all District residents, parents/guardians, employees and students.
- Recognize that the deliberations of the Board in closed session may be released or discussed in public only with Board approval.
- Make use of opportunities to enlarge his/her potential as a Board member through participation in educational conferences, workshops and training sessions made available by local, state and national agencies.

Bylaw  
adopted: February 27, 1995

**CAPISTRANO UNIFIED SCHOOL DISTRICT**  
San Juan Capistrano, California



**MEETINGS****Meetings and Notices**

Meetings of the Board of Trustees are conducted for the purpose of accomplishing District business. A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or District. (Government Code §54952.2)

In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board procedures.

Except as authorized by law, a majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code §54952.2)

**Regular Meetings**

By January of each school year the Board of Trustees shall adopt a yearly calendar specifying the date, time and place of each scheduled meeting of the Board for the upcoming fiscal/school year. The Board shall hold at least one regular meeting per month and will schedule other meetings as needed.

All regular meetings of the Board shall be held at 7 p.m. on the designated Wednesday of each month in the Board Room of the Education Center. If at any time a regular meeting of the Board needs to be adjusted for administrative purposes, the Board will determine an alternate date.

All meetings of the Board shall be open to the public, with the exception of closed sessions. (Government Code 54953)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. Effective July 1, 2008, SB 343 expands the public's right to inspect documents that are distributed to Board members less than 72 hours before a regular meeting. If these documents relate to an open session item at a regular meeting, they must be made available for public inspection at the time they are distributed to the Board of Trustees (Government Code §54957.5.). No action shall be taken on any item not appearing on the posted agenda, except as allowed by law. (Government Code §54954.2) Agendas shall be posted at the Education Center, 33122 Valle Road, San Juan Capistrano, California, on the District web site, [www.capousd.org](http://www.capousd.org), and school sites when school is in session, during the regular school year.

Agendas for Board meetings shall be available to any person who has filed with the Board a written request. Requests are valid for one year from the date filed unless renewed. (Government Code §54954.1)

Persons requesting agendas may be required to pay an annual fee as determined by Board Policy.

In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). (Government Code §54953.2, 54954.1)

To facilitate such an accommodation, and to give officials ample time to make arrangements for any modification or accommodation, the person needing accommodation, or his or her spokesperson, should contact the Superintendent's office with sufficient prior notice so such modifications or accommodations may be made. (As an example of the need for such prior notice, some modifications or accommodations may require special equipment or additional staff assistance at the meeting.)

### **Special Meetings**

Special meetings of the Board may be called by the presiding officer, the Superintendent in consultation with the Board President or a majority of the Board members.

Notice of special meetings shall be received at least 24 hours before the meeting by all Board members, the Superintendent, and by the local media who have requested such notice in writing. This notice also shall be posted at least 24 hours before the meeting in a location freely accessible to the public. This notice shall specify the time and place of the meeting and the business to be transacted; no other business shall be considered at these meetings. (Education Code §35144, Government Code §54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code §54954.3)

### **Emergency Special Meeting**

The Board may hold a special meeting without complying with the 24-hour notice requirement in the case of an emergency situation. 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 Board President or designee shall give notice of the emergency special meeting to the local media by telephone one hour before the meeting. If telephone services are not functioning, the notice requirement of one hour is waived. As soon after the meeting as possible, the Board shall notify the local media that the meeting was held and shall describe the purpose of the meeting and any action taken by the Board.

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 24-hour notice requirement.

The minutes of the meeting, a list of persons the president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code §54956.5)

### **Adjourned/Continued Meetings**

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place, specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no members are present at any regular or adjourned regular meeting, the secretary or clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings.

Within 24 hours after a meeting has been adjourned to a later time, a copy of the order of adjournment shall be posted at the meeting site. (Government Code §54955)

### **Study Sessions and Public Forums**

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session or public forum. Also such meetings shall comply with the Brown Act and shall be held in open session and within District boundaries. Action items shall not be included on the agenda for these meetings.

### **Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code §11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. (Government Code §54961)

### **Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, through either audio, video or both. (Government Code §54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code §54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within District boundaries. (Government Code §54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code §54953)

*Legal Reference:*

EDUCATION CODE

*35140 Time and place of meetings*

*35143 Annual organizational meeting date, and notice*

*35144 Special meeting*

*35145 Public meetings*

GOVERNMENT CODE

*54950-54957.9 Meetings, especially*

*54953 Meetings to be open and public; attendance*

*54954 Time and place of regular meetings; holidays; emergencies*

*54954.2 Agenda posting requirements, board actions*

*54956 Special meetings; call; notice*

*54956.5 Emergency meetings in emergency situations*

Bylaw

revised: June 14, 1999

revised: September 15, 2003

revised: July 21, 2008

revised: August 11, 2009

revised: June 29, 2011

revised: March 13, 2013

revised: June 28, 2017

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California

## **AGENDA/MEETING MATERIALS**

### **Construction of Agenda**

The Superintendent, as secretary of the Board of Trustees, shall be responsible to prepare the agenda for all meetings of the Board.

All agendas shall include the meeting time and place and a description of each business item to be transacted or discussed. All agendas shall be posted as required by law. (Government Code §54954.2)

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

Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and submitted to the Superintendent with supporting documents and information, if any. The Superintendent shall place the matter on a future regular Board meeting agenda within 45 days of receipt of the request, taking into account orderly conduct of the District's business.

There is no requirement in state law that the Board take action on, or even deliberate about such an item. It must, however, be placed on the agenda and persons requesting to address the Board to a published agenda item will do so in accordance with the provisions set forth in Board Policy 9323, *Meeting Conduct*.

Board members may place any item on the agenda no later than ten days before the scheduled meeting date. Board members may request that a topic be placed on the agenda which has been recently considered and acted upon by the Board, providing there is new and relevant information on the topic, but only for the purpose of Board members deciding whether or not to reconsider the topic. If the Board decides to reconsider the agenda topic, it shall do so at a future regular Board meeting.

Procedurally, a Board member intending to place an item on a future agenda will announce such an intention during the "Board Communications" portion of the Board meeting. Any Board member may request that staff time be committed to conducting research and/or providing appropriate background material to the Board related to the subject to be considered. A majority vote of the Board will direct that staff provide such background information. Any Board member may also request that the Board seek the Superintendent's recommendation regarding this item. A majority vote of the Board will provide direction to the Superintendent as to whether a recommendation will be forthcoming.

**AGENDA/MEETING MATERIALS (continued)**

In accordance with the provisions of Board Policy 9323, Meeting Conduct, the Board shall also give members of the public the opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. An agenda item for such input shall be included on the agenda of regular Board meetings, but not on the agenda of special meetings or special emergency meeting Board agendas. The Board shall not take action on such matters at the meeting where the testimony is given. (Government Code §54954.3)

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

**Addenda**

An addenda to the agenda may be prepared to include any items requiring immediate action by the Board which were not available or were inadvertently omitted for inclusion on the original agenda. Items for the addenda may be submitted to the secretary by any member of the Board or staff members through Tuesday noon prior to the regular Board meeting on Wednesday.

**Board Member Preparation**

A copy of the agenda shall be forwarded to each Board member at least 72 hours before each regular meeting and special conference session meeting date, together with the Superintendent or designee's report, minutes to be approved, copies of communications, reports from committees, staff, citizens, and others, and other available documents pertinent to the meeting. The Superintendent is responsible for the distribution of Board packets (which include the official agenda and all supporting information) on the Wednesday preceding the Wednesday Board meeting.

When special meetings are called, the secretary shall make every effort to get the agenda and support materials to Board members at least 24 hours prior to the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to obtain specific information on agenda items.

**Anonymous Letters**

It shall be the policy of the Board not to introduce anonymous letters in the agendas for Board meetings.

**AGENDA/MEETING MATERIALS (continued)**

*Legal Reference:*

EDUCATION CODE

35144 *Special meetings*

35145 *Public meetings*

35145.5 *Right of public to place matters on agenda*

GOVERNMENT CODE

54954.2 *Agenda posting requirements; board actions*

54954.3 *Agenda item allowing public input*

54956.5 *Emergency meetings*

54957.5 *Public records*

Bylaw

adopted: February 27, 1995

revised: February 12, 1998

revised: March 8, 1999

revised: August 13, 2001

revised: February 9, 2010

revised: August 13, 2014

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California

**MEETING CONDUCT**

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

Per Board Policy 1313, *Civility Policy*, members of CUSD staff will treat parents and other members of the public with respect and expect the same in return.

**Parliamentary Procedure**

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

*Robert's Rules of Order, Newly Revised* shall be used as a guide to enable the orderly conduct of meetings. Any member may raise a point of order under these rules, which action shall take precedence over all other business before the Board.

**Quorum**

A majority of the number of filled positions on the Board shall constitute a quorum. (Education Code 5095, 35165)

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

**Voice Vote**

Voting on motions shall be by voice vote. The minutes shall record the names of the persons making and seconding the motion, and if the motion carried, carried unanimously, or was defeated. Each member's vote shall be recorded as an aye or nay if the vote was not unanimous. The Board shall comply with the Education Code and the Brown Act provisions for roll call votes on motions or resolutions.

**Polling**

Voting on resolutions shall be by polling the members. The minutes shall record the person making the motion, the person seconding it, and the names of the Board members voting for and against the motion, as well as Board members who are absent or abstaining.

**ADDRESSING THE BOARD OF TRUSTEES**

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. In governing the District, the Board has pledged to consider the will and needs of the community. Any member wishing to address the Board, under time constraints, may request to do so immediately following Oral Communications (Non-Agenda Items). 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 54953.3). However, persons choosing to speak may be asked to give their name and city or area of residence.



**MEETING CONDUCT (continued)**

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

**Oral Communications (Non-Agenda Items)**

Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. A person wishing to address the Board on a non-agenda item may do so under the Oral Communications portion of the Board agenda. Oral Communications will take place at the beginning of the meeting and immediately following the Special Recognitions portion of the Board meeting. With Board consent, the Board President may modify the time allowed for public presentation.

1. The total time for the Oral Communications (Non-Agenda Items) portion of regular meetings shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual but could be less if there are a large number of Oral Communication speakers.
2. A person wishing to be heard by the Board on a non-agenda item during Oral Communications, after having submitted a "Request to Address the Board of Trustees" card prior to the commencement of the Oral Communications portion of the meeting, shall first be recognized by the Board President. The speaker may identify himself/herself by providing the Board with his/her name and city/community of residence.
3. No additional "Request to Address the Board of Trustees" cards will be accepted once the Oral Communications portion of the meeting has begun unless otherwise approved by the Board.
4. There shall be no transfer of a person's time, or a portion of a person's time, to another speaker.
5. Legally, the Board may not take action on items raised by speakers under Oral Communications. The Board may, however, at its discretion, refer items to the administration for follow-up or place topics on a future Board agenda. (Education Code 35145.5, Government Code 54954.3)

**Oral Communications (Agenda Items)**

1. Members of the public shall have an opportunity to address the Board prior to the Board's consideration of each agenda item. (Education Code 35145.5, Government Code 54954.3)
2. Persons seeking to address the Board on an agenda item shall complete a "Request to Address the Board of Trustees" card and give it to the Board Secretary or other designated staff member.
  - a. A speaker wishing to address the Board, after having submitted a "Request to Address

**MEETING CONDUCT (continued)**

the Board of Trustees" card in a timely manner, shall first be recognized by the Board President. The speaker may identify himself/herself by providing the Board with

his/her name and city/community of residence. All presentations shall be heard by the Board after any staff comments but prior to the formal discussion by Board Members of the agenda topic under consideration. Upon completion of his/her remarks, the speaker shall leave the podium unless requested to remain by the Board President.

- b. The Board shall limit the total time for presentations from the audience to twenty (20) minutes during agenda sections Closed Session and Consent Calendar. With Board consent, the Board President may modify the individual time allowed and/or the total time allowed for public presentations.
- c. Prior to the Closed Session, each speaker shall be provided a total of up to three (3) minutes to address the board regarding the items on the Closed Session agenda.
- d. Each speaker shall be provided a total of up to five (5) minutes to address the Board regarding the items on the Consent Calendar section of the agenda.
- e. Each speaker shall be provided up to three (3) minutes to address the Board regarding any Discussion/Action item on the agenda. The Board shall limit the total time for presentations from the audience to twenty (20) minutes per topic on Discussion/Action items. With Board consent, the Board President may modify the individual time allowed and/or the total time allowed for public presentations.
- f. There shall be no transfer of a person's time, or a portion of a person's time, to another speaker.
- g. Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.

**Public Hearings**

Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on the same topic before the public hearing except as to the scheduling of the hearing, nor shall it hear speakers after the hearing except as to changes in the policy or recommended actions, which are directed at the time of the hearing.

The Board recognizes that under the Brown Act, Government Code § 54954.3, the Board is not permitted to prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Case law also states that the Board may not require members of the public to state their complaints about employees in closed session.

No disturbance or willful interruption of any Board meeting shall be permitted. Persistence in the interruption of a Board meeting, by an individual or group, shall be grounds for the chair to terminate the privilege of addressing the meeting. The Board may remove disruptive individuals

**MEETING CONDUCT (continued)**

and order the room cleared if necessary; in this case, members of the media not participating in the disturbance may be allowed to remain, and individual(s) 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 54957.9)

In the interest of safety and the maintenance of proper meeting decorum, and to permit members of the audience to observe the Board meeting without artificial barriers blocking their view, no signs will be permitted in the Board meeting room. Meeting attendees who bring signs are welcome to display them outside the building where the Board meeting is taking place.

All cellular phones or other such electronic communication devices must be silenced in the Board room by members of the audience during Board meetings.

Furthermore, in order to insure the safety of all present, no signs carried by attendees shall be permitted in the Board meeting room itself.

**Adjournment**

Regular Board meetings shall be adjourned by 11:00 p.m. unless extended to a time certain by a majority of the Board.

*Legal Reference:***EDUCATION CODE**

*5095 Powers of remaining board members and new appointees*

*32210 Willful disturbance of public school or meeting a misdemeanor*

*35145.5 Agenda; public participation; regulations*

*35163 Official actions, minutes and journal*

*35164 Vote requirements*

*35165 Effect of vacancies upon majority and unanimous votes by seven member board*

**GOVERNMENT CODE**

*54954.3 Opportunity for public to address legislative body; regulations*

*54957.9 Disorderly conduct of general public during meeting; clearing of room*

*61 OPS. CAL. ATT. GEN. 243, 253 - 1978*

*66 OPS. CAL. ATT. GEN. 336, 337 - 1983*

*75 OPS. CAL. ATT. GEN. 89 (1992)*

*Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719, 734*

*Perry Educ. Ass'n. v. Perry Local Educators' Ass'n, (1983) 460 U.S. 37, 45*

**Bylaw**

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**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California

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