

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, and school sites when school is in session, during the regular school year.

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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.

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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)

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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

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CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California