ORANGE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

● SPECIAL MEETING ●

1401 N. HANDY STREET – ORANGE, CA 92867
THURSDAY, MARCH 22, 2012

6:00 P.M. – WORK/STUDY SESSION

AGENDA

1. CALL MEETING TO ORDER

2. ESTABLISH QUORUM

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF AGENDA

5. PUBLIC COMMENT ON WORK/STUDY AGENDA ITEM
   As required by the Brown Act, Government Code Section 54956, at special meetings, members of the audience may only address the Board of Education on items agendized. Speaking time is limited to three (3) minutes per speaker with a maximum of twenty (20) minutes per topic. Persons wishing to address the Board of Education should complete a blue public comment card, available on the information table, before the meeting begins.

6. WORK/STUDY SESSION (No action will be taken.)
   A. Business Services: Proposed Board Policy Revisions – First Reading
   B. Human Resources: Proposed Board Policy Revisions – First Reading
   C. Educational Services: Proposed Board Policy Revisions – First Reading
   D. Board of Education: Proposed Board Bylaw Revisions – First Reading

7. ADJOURNMENT

Orange Unified School District is a tobacco-free district. Tobacco use is prohibited on District property at all times. Any individual with a disability who requires reasonable accommodation to participate in a Board meeting may request assistance by contacting the Superintendent’s Office at 714-628-4487; fax: 714-628-4041.
TOPIC: BUSINESS SERVICES: PROPOSED REVISIONS TO BOARD POLICIES 1312.3, 3553, AND 5145.3, – FIRST READING

DESCRIPTION: The District’s Board policies are reviewed and updated periodically. As new state and federal laws and regulations are enacted, affected policies must be revised or updated.

The following Board Policies are presented for a first reading:

- BP 1312.3 Uniform Complaint Procedures
- BP 3553 Free and Reduced Price Meals
- BP 5145.3 Nondiscrimination/Harassment

FISCAL IMPACT: There is no fiscal impact.

RECOMMENDATION: It is recommended that the Board of Education receive Business Services’ proposed Board Policy revisions for a first reading.
Community Relations

Uniform Complaint Procedures

The Board of Education recognizes that the District is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The District shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the District's uniform complaint procedures once a complaint has been filed.

The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, and other applicable state and federal laws including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, or age, on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any District program or activity that receives or benefits from state and federal financial assistance. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs.

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the District's Williams uniform complaint procedure. The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board acknowledges and respects every individual’s rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This shall includes keeping the identity of the complainant confidential, appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

The Board prohibits retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

A complaint once filed will follow in accordance with the grievance procedures stated in AR 1312.3(b).
Legal Reference:

**EDUCATION CODE**

- 200-262.4 Prohibition of discrimination
- 8200-8498 Child care and development programs
- 8500-8538 Adult basic education
- 18100-18203 School libraries
- 32289 School safety plan, uniform complaint procedure
- 35186 Williams uniform complaint procedure
- 41500-41513 Categorical education block grants
- 48985 Notices in language other than English
- 49060-49079 Student records
- 49490-49590 Child nutrition programs
- 52160-52178 Bilingual education programs
- 52300-52490 Career-technical education
- 52500-52616.24 Adult schools
- 52800-52870 School-based coordinated programs
- 54000-54028 Economic impact aid programs
- 54100-54145 Miller-Unruh Basic Reading Act
- 54400-54425 Compensatory education programs
- 54440-54445 Migrant education
- 54460-54529 Compensatory education programs
- 56000-56867 Special education programs
- 59000-59300 Special schools and centers
- 64000-64001 Consolidated application process

**CODE OF REGULATIONS, TITLE 5**

- 3080 Application of section
- 4600-4687 Uniform complaint procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

**PENAL CODE**

- 422.6 Interference with constitutional right or privilege

**UNITED STATES CODE, TITLE 20**

- **1681 Title IX, Education Act Amendments of 1972**
  - 6301-6577 Title I basic programs
  - 6601-6777 Title II preparing and recruiting high quality teachers and principals
  - 6801-6871 Title III language instruction for limited English proficient and immigrant students
  - 7101-7184 Safe and Drug-Free Schools and Communities Act
  - 7201-7283g Title V promoting informed parental choice and innovative programs
  - 7301-7372 Title V rural and low-income school programs

**UNITED STATES CODE, TITLE 29**

- 794 Section 504 of the Rehabilitation Act of 1973

**UNITED STATES CODE, TITLE 42**

- 2000d-200d-7 Title VI, Civil Rights Act of 1964
- 6101 The Age Discrimination Act
- 1210 Americans with Disability Act
Title II, Americans with Disabilities Act of 1990, as amended
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101 et. seq. Prohibition of discrimination under the Americans with Disabilities Act
35.106 Regulation implementing the Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1 et seq. Regulations implementing Title VI
100.3 Prohibition of discrimination on the basis of race, color or national origin
100.6(d)
104.4 Prohibition of discrimination on the basis of disability
104.8 Regulations implementing Section 504
106.1 Regulations implementing Title IX -
106.9
106.31 Prohibition of discrimination on the basis of sex
110.10 Prohibition of discrimination on the basis of age
110.25 Regulations implementing Age Discrimination Act

Adopted: (9-93 6-04 10-05 9-09) (3-12)
BP 3553(a)

Business and Non-Instructional Operations

Free and Reduced Price Meals

The Board of Education recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the District shall provide nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend for Board approval a plan that ensures that students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

Upon approval of the Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

All applications and records related to eligibility for the free or reduced price meal program shall be confidential except as provided by law. (Education Code 49558)

In accordance with law, the Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of:

( Education Code 49558 )

1. Disaggregation of academic achievement data
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement

The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi- Cal, CalFresh (formerly Food Stamp) or other nutrition assistance program eligibility, provided that the student is approved for free or reduced-price meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

Legal Reference:
EDUCATION CODE
48980 Notice at beginning of term
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act of 1974
49547-49548.3 Comprehensive nutrition service
49550-49560 Meals for needy students
CODE OF REGULATIONS, TITLE 5
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20
1232g Federal Educational Rights and Privacy Act
6301-6514 Title I programs

UNITED STATES CODE, TITLE 42
1751-1769 National lunch programs
1771-1791 Child nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7
245.1-245.13 Determination of eligibility for free and reduced price meals

Adopted: (7-88 10-93) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Students

Nondiscrimination/Harassment

The Board of Education is committed to affording equal rights and opportunities for all students in public education. No student shall be subjected, in any program or activity conducted by the District, to unlawful discrimination and/or harassment on the basis of a person’s actual or perceived sex, gender, sexual orientation, ethnic group identification, race, national origin, ancestry, religion, color, mental or physical disability, religion, age, or any other characteristic sexual orientation or any basis that is contained in the identification prohibition of hate crimes set forth in subdivision (a) of contained Section 422.55 of the Penal Code.

The Board of Education shall ensure equal opportunities for all students in admission and access to educational programs and activities, classes and courses, guidance and counseling programs, athletic programs, physical education activities, extracurricular activities and student clubs, testing procedures, vocational education and other activities. Nothing herein shall be construed to prohibit the use of prerequisites that have been demonstrated to be essential to success in a given program, course, or extracurricular activity. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

The District may provide male and female students with separate sexual health and HIV/AIDS prevention classes in order to protect student modesty. In addition, students may be grouped by ability during physical education when assessed by objective standards of individual performance without regard to sex as long as all students are involved in the same physical activity or conceptual learning experience.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the District. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

Students who harass other students or District personnel, or who create an intimidating or hostile environment, shall be subject to appropriate discipline, up to and including expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

Any student who feels that he/she is being harassed or who observes an incident of harassment should immediately contact the principal or designee. The Board of Education designates the following compliance officer to receive and investigate complaints, and inquiries regarding implementation of the nondiscrimination policies, and ensure District compliance with law:

Assistant Superintendent, Educational Services
1401 N. Handy Street
Orange, CA 92867
714-628-4466
If a situation involving harassment is not promptly remedied by the principal or designee, a complaint alleging discrimination/harassment can be filed with the District's Compliance Officer in accordance with the Uniform Complaint Procedures set forth at BP 1312.3 and AR 1312.3.

This policy shall be posted in all schools and offices including student government meeting rooms. The District's nondiscrimination policy shall be published in the individual's primary language to the extent required by law.

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats, or harassment, or intimidation
49020-49023 Athletic programs
51006-51007 Equitable access to technological education programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials

PENAL CODE
422.55 Definition of hate crimes
422.6 Prohibition of hate crimes

CODE OF REGULATIONS, TITLE 5
4600 – 4687 Uniform Complaint Procedures
4900 et seq. Nondiscrimination in Elementary and Secondary Educational Programs
Receiving State or Federal Financial Assistance

UNITED STATES CODE, TITLE 20
1681 Title IX, Education Act Amendments of 1972

UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42
2000d-200d-7Title VI, Civil Rights Act of 1964
6101 The Age Discrimination Act
1210 Americans with Disability Act

12131 Title II, Americans with Disabilities Act of 1990, as amended

CODE OF FEDERAL REGULATIONS, TITLE 28
35.106 Regulation implementing the Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34
100.1 et seq. Regulations implementing Title VI

100.3 Prohibition of discrimination on the basis of race, color or national origin
100.6(d)

104.4 Prohibition of discrimination on the basis of disability
104.8 Regulations implementing Section 504
106.1 Regulations implementing Title IX
106.31 Prohibition of discrimination on the basis of sex

110.10 Prohibition of discrimination on the basis of age

110.25 Regulations implementing Age Discrimination Act
HUMAN RESOURCES: PROPOSED REVISIONS TO BOARD POLICIES 4030, 4119.24 – FIRST READING

The District's Board policies are reviewed and updated periodically. As new state and federal laws and regulations are enacted, affected policies must be revised or updated.

The following Board Policies are presented for a first reading:

- BP 4030 Nondiscrimination in Employment
- BP 4119.24 Academic Freedom

There is no fiscal impact.

It is recommended that the Board of Education receive Human Resources' proposed Board Policy revisions for a first reading.
The Board of Education is committed to affording all persons the opportunity to seek, obtain, and hold employment within the District. No District employee or job applicant shall be subjected, at any District site and/or activity, to unlawful discrimination and/or harassment with respect to the District's job application procedure, or their employment, discharge, or terms, conditions, or privileges of employment on the basis of race, color, national origin, ethnic group identification or ancestry, religion, age over 40, marital status, physical or mental disability, medical condition, sex (including pregnancy, childbirth and medical condition related thereto, and including gender as defined in Penal Code 422.76 422.56 (See E 4030)), sexual orientation, or the perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics. No District employee or job applicant shall be retaliated against, intimidated, threatened, or coerced for opposing an unlawful discrimination practice, or making a charge/complaint, testifying, assisting, or in any way participating in an investigation, proceeding, or hearing concerning allegations of unlawful discrimination.

Any District employee who engages in or participates in unlawful discrimination, or who aids, abets, incites, compels, assists, solicits, encourages, or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action up to and including dismissal.

Any District employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, a District administrator or the Superintendent as soon as practical after the incident. Failure of a District employee to report discrimination or harassment may result in disciplinary action.

The Superintendent or designee shall regularly publicize, within the District and in the community, the District's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment.

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent, Human Resources
1401 North Handy Street
Orange, CA 92867
714-628-4009 5515

Other Remedies

An employee or applicant, in addition to filing a discrimination complaint with the District, may file a discrimination complaint with either the California Department of Fair Employment and Housing ("DFEH") or the Equal Employment Opportunity Commission ("EEOC"). The time limits for filing such complaints are as follows:

1. To file a valid complaint with the DFEH, the complainant must file his/her complaint
BP 4030(a)

within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960.

2. To file a valid complaint with the EEOC, the complainant must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with the EEOC after filing a complaint with the DFEH, the complainant must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by the DFEH, whichever is earlier.

Individuals wishing to file complaints with the DFEH and/or EEOC should contact the Nondiscrimination Coordinator for more information.

Legal Reference:
EDUCATION CODE
200-262.4 Educational Equity; Prohibition of discrimination
GOVERNMENT CODE
11135 et seq. Unlawful discrimination
12900-12996 Fair Employment and Housing Act
PENAL CODE
422.6 Interference with exercise of Civil Rights
422.76 422.56 Definitions
CODE OF REGULATIONS, TITLE 2
7285.0 et seq. Regulations implementing Fair Employment and Housing Act
UNITED STATES CODE, TITLE 20
1681 et seq. Title IX, Education Act Amendments of 1972
UNITED STATES CODE, SECTION 29
621 et seq. Age Discrimination in Employment Act of 1967
794 Section 504 of the Vocational Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
1981 Civil Rights Act of 1866
1983 Civil Rights Act of 1871
2000d - 2000d-7 Title VI, Civil Rights Act of 1964
2000e - 2000e-17 Title VII, Civil Rights Act of 1964
2000h-2 - 2000h-6 Title IX, 1972 Education Act Amendments
12101 et seq. Americans with Disabilities Act of 1990
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101 et seq. Regulations implementing Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1 et seq. Regulations implementing Title VI
104.1 et seq. Regulations implementing Section 504
106.1 et seq. Regulations implementing Title IX

ORANGE UNIFIED SCHOOL DISTRICT
Adopted: (11-93  6-04  6-06) 3-12

Orange, California
The Orange Unified School District seeks to educate young people in the democratic tradition, to foster a recognition of individual freedom and social responsibility, to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights, and to instill appreciation of the values of individual personality. It is recognized that these democratic values can best be transmitted in an atmosphere which is free and open for inquiry and learning.

Teachers are expected to follow the adopted curriculum of the District. Teachers shall have the right and responsibility to present material concerning facts and concepts relating to this curriculum as long as the material is approached in an impartial and unprejudiced manner and in accordance with District policies and administrative regulations.

The Board recognizes that teachers have those constitutional rights accorded all citizens, including, but not limited to, freedom of speech, freedom of the press, freedom of assembly, and the right of due process.

Intent

The Board believes that the existence and progress of a democratic society demands that there be freedom of teaching the curriculum as approved by the Board and freedom of learning in schools. The Board accepts as one of its major responsibilities the protections of these freedoms for students, teachers, and others directly concerned with the school program.

The Board has the responsibility to ensure that the school fulfills its obligations to society at the local, state, and national levels. The obligation in behalf of academic freedom requires that the Board cooperate with educational personnel and with the community in a judicious and open-minded manner in policies and decisions for the preservation of that freedom.

The proper role of the Board requires providing all possible support within the law to the teachers, administrators, and other staff members who are making use of their abilities and resources to maintain a climate of intellectual freedom, without license, in the schools.

Successful action in matters of academic freedom depends greatly upon the Board's ability to see the true relationship between the total objectives of the educational program and the values of the academic freedom. Under this criterion, the Board will work with its administration for a practical and defensible balance in this relationship and will attempt to so interpret it to the community.

Criteria

Basis for judgment in matters pertaining to academic freedom within the District shall be:

1. The welfare of students, individually and collectively, in the present and for the future.
2. The intellectual maturity of the students.

3. The standards and beliefs of the majority of the citizens in the community.

4. The security and dignity of teachers, administrators and other employees.

5. The status of the problem or issue within the framework of law.

6. In the case of instructional materials, the informative, literary and general cultural values which may assist students in intellectual growth and habits of critical thought.

7. Informed opinion in policy statements regarding academic freedom available from organizations of teachers, administrators, parents/guardians, Board members and other citizens with special interest in public education.

In cases of alleged offense, the Board will concern itself with the maintenance of fair hearing and appeal procedures. The Board will collaborate with the governmental structure, the State Board of Education and the courts to ensure just protection of the responsible exercise of academic freedom.

Legal Reference:
EDUCATION CODE
51500 Prohibited instruction or activity (re adverse reflection upon persons because of race, color, creed, national origin or ancestry)
51501 Prohibited means of instruction
51510 Prohibited study or supplemental materials
51511 Religious matters properly included in courses of study
51512 Prohibited use of electronic listening or recording device; penalties
51530 Prohibition and definition (re advocating or teaching communism with the intent to indoctrinate, etc.)

ORANGE UNIFIED SCHOOL DISTRICT

Adopted: (7-88 11-93 6-06) 3-12

Orange, California
TOPIC: EDUCATIONAL SERVICES: PROPOSED REVISIONS TO BOARD POLICIES 0450, 5030, 5141.21, 5148, AND 6145.2 – FIRST READING

DESCRIPTION: The District’s Board policies are reviewed and updated periodically. As new state and federal laws and regulations are enacted, affected policies must be revised or updated.

The following Board Policies are presented for a first reading:

- BP 0450  Comprehensive Safety Plan
- BP 5030  Student Wellness
- BP 5141.21  Administering Medication and Monitoring Health Conditions
- BP 5148  Child Care & Development
- BP 6145.2  Athletic Competition

FISCAL IMPACT: There is no fiscal impact.

RECOMMENDATION: It is recommended that the Board of Education receive Educational Services’ proposed Board Policy revisions for a first reading.
Philosophy-Goals-Objectives and Comprehensive Plans

Comprehensive Safety Plan

The Board of Education recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year. (Education Code 32286)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall forward its comprehensive safety plan to the Board for approval. (Education Code 32288)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
32260-32262 Interagency School Safety Demonstration Act of 1985
32270 School safety cadre
32280-32289 School safety plans
32290 Safety devices
35147 School site councils and advisory committees
35183 School dress code; uniforms
35291 Rules
35291.5 School-adopted discipline rules
35294.10-35294.15 School Safety and Violence Prevention Act
41510-41514 School Safety Consolidated Competitive Grant Program
48900-48927 Suspension and expulsion
48950 Speech and other communication
49079 Notification to teacher; student act constituting grounds for suspension or expulsion
67381 Violent crime
PENAL CODE
422.55 Definition of hate crime
626.8 Disruptions
11164-11174.3 Child Abuse and Neglect Reporting Act
CALIFORNIA CONSTITUTION
Article 1, Section 28(c) Right to Safe Schools
CODE OF REGULATIONS, TITLE 5
11987-11987.7 School Community Violence Prevention Program requirements
11992-11993 Definition, persistently dangerous schools
UNITED STATES CODE, TITLE 20
7101-7165 Safe and Drug Free Schools and Communities
7912 Transfers from persistently dangerous schools
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act

Adopted:

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Students

Student Wellness Policy

The Board of Education is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and increased levels of physical activity.

Access to healthy foods and opportunities to be physically active assist children to grow, learn and thrive. Heart disease, cancer, stroke, and diabetes are responsible for two-thirds of deaths in the United States and major risk factors for those diseases, including unhealthy eating habits, physical inactivity, and obesity, often are established in childhood.

Schools will provide health education, physical education, and nutrition education for all students to foster lifelong habits of healthy eating and physical activity. In addition, schools will establish linkages between health education, school meal programs, parents, and related community services.

All students in grades Pre-K through 12 will have opportunities, support and encouragements to be physically active on a regular basis.

Foods and beverages sold or served at school will meet the nutrition recommendations of the United States Dietary Guidelines for Americans and current California state standards. Guidelines for reimbursable school meals will not be less restrictive than regulations and guidance issued by the United States Secretary of Agriculture pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act.

Qualified child nutrition professionals will provide students, faculty and staff with access to a variety of affordable, nutritious and appealing foods that meet their health and nutrition needs; will respect religious, ethnic and cultural diversity in meal planning; and will provide clean, safe and pleasant settings and adequate time to eat.

The Director of Nutrition Services, Director of Athletics, and Coordinator of Health Services shall be responsible to organize a Wellness for Student Achievement Committee and coordinate services. The Wellness for Student Achievement Committee will engage students, parents, teachers, representatives of the school food authority, members of the Board, school administrators, nutrition professionals, health professionals, district administrators, community based organizations, individual school health committees, and other interested community members to develop recommendations to the Board of Education for adoption of certain rules and regulations to support the goals of this policy. This advisory committee shall also monitor, review, and make periodic reports to the Board regarding the implementation of rules and regulations under this policy.

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall build a coordinated school health
system that supports and reinforces health literacy through health education, physical education and activity, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

The Superintendent or designee shall permit parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b)

Nutrition and Physical Activity Goals

The Board shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. (42 USC 1758b)

The district's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before- and after-school programs.

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means.

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.
The Board may enter into a joint use agreement to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

For all foods available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1773 and 1779 and support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health, taking into consideration the needs of students with special dietary needs. Nutritional standards adopted by the district for all foods and beverages sold to students, including foods and beverages provided through the district's food service program, student stores, vending machines, or other venues, shall meet or exceed state and federal nutritional standards.

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program. The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

Program Implementation and Evaluation

The Superintendent shall designate one or more district or school employees, as appropriate, to ensure that each school site complies with this policy. (42 USC 1758b)

The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the contents and implementation of this policy. He/she shall periodically measure and make available to the
public an assessment of the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

Legal Reference:

EDUCATION CODE
33350-33354 CDE responsibilities re: physical education
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49561 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act
51210 Course of Study, grades 1-6
51220 Course of Study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-51796.5 School instructional gardens
51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5
15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42
1751-1769 National School Lunch Program, especially:

1758b Local wellness policy
1771-1791 Child Nutrition Act, including:
1773 School Breakfast Program
1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Adopted: (5-06) 3-12
Students

Administering Medication and Monitoring Health Conditions

The Board of Education recognizes that some students may need to take medication prescribed by an authorized health care provider during the school day in order to be able to attend school. The Superintendent or designee shall develop processes for the administration of medication to such students by school personnel. For any student with a disability, as defined under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, necessary medication shall be administered in accordance with the student's individualized education program or Section 504 services plan.

When the Superintendent or designee has received written statements from a student's authorized health care provider and parent/guardian, prescribed medication may be administered by the school nurse or other designated school personnel. (Education Code 49423; 5 CCR 600)

School staff who administer medication to students, including anaphylactic injections, shall receive training from qualified medical personnel on how such medication should be administered as well as training in the proper documentation and storage of the medication.

Staff authorized to administer the medication shall do so in accordance with administrative regulations and shall be afforded appropriate liability protection.

If the parent/guardian chooses, he/she may administer the medication to his/her child. In addition, the parent/guardian may designate another individual who is not a school employee to administer the medication to the student.

Upon written request by the parent/guardian and with the approval of the student's health care provider, a student with a medical condition that requires frequent monitoring, testing or treatment may be allowed to self-administer, self-monitor, or self-test. The student shall observe universal precautions in the handling of blood and bodily fluids.

Any medication prescribed by an authorized health care provider, including an emergency antiepileptic medication for a student with epilepsy, may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423; 5 CCR 600)

School nurses and other designated school personnel shall administer medications in accordance with law, Board policy, and administrative regulation and shall be afforded appropriate liability protection.

Only a school nurse or other school employee with an appropriate medical license may administer an insulin injection to a student. In the event that no such licensed school personnel is available, the district may contract with a licensed nurse from a public or private agency to administer insulin to the student.
BP 5141.21(b)

Legal Reference:
EDUCATION CODE
48980 Notification at beginning of term
49407 Liability for treatment
49408 Emergency information
49414 Emergency epinephrine auto-injectors
49414.5 Providing school personnel with voluntary emergency training
49414.7 Emergency medical assistance: administration of epilepsy medication
49422-49427 Employment of medical personnel, especially:
49423 Administration of prescribed medication for student
49423.1 Inhaled asthma medication
49423.5 Specialized health care services
49426 School nurses
49480 Continuing medication regimen; notice
BUSINESS AND PROFESSIONS CODE
2700-2837 Nursing, especially:
2726 Authority not conferred
2727 Exceptions in general
CODE OF REGULATIONS, TITLE 5
600-611 Administering medication to students
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504

Adopted: (4-94 9-97 6-07) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Students

Child Care

The Board of Education recognizes that child care and supervision are a necessity for many working families. As part of our efforts to provide for the well-being of our community's children, the District shall work cooperatively with public and private agencies so as to jointly and mutually provide child care alternatives to the community. Besides serving community needs, the Board anticipates these alternatives will generate increased parental involvement and support for the schools.

The Superintendent or designee shall identify locations both at operating and future facilities where day care programs might be placed, without adverse impact on the District's instructional program. (cf. 3280 — Sale, Lease, Rental of District-owned Real Property) (cf. 6179 — Child Development Programs)

The Board of Education desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

The Board shall enter into a contract with the California Department of Education (CDE) for the provision of child care and development services by the district.

The Board shall approve a written philosophical statement, goals, and objectives for the district's child care and development program that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and administrative regulation. (5 CCR 18271)

As needed, the Superintendent or designee may identify district facilities that have capacity to provide child care and development services and/or may recommend that the Board enter into an agreement with a public agency or community organization to use community facilities for the purpose of providing such services.

Admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a medical assessment requirement. (5 CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.
When all families eligible for subsidized services have been served, priority for admissions shall be given to district students and children of district employees.

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

Legal Reference:
EDUCATION CODE
8200-8499.10 Child Care and Development Services Act, especially:
8200-8209 General provisions for child care and development services
8210-8216 Resource and referral program
8220-8226 Alternative payment program
8235-8239 California state preschool program
8240-8244 General child care programs
8250-8252 Programs for children with special needs
8263 Eligibility and priorities for subsidized child development services
8278.3 Child Care Facilities Revolving Fund
8360-8370 Personnel qualifications
8400-8409 Contracts
8482-8484.6 After-school education and safety program
8493-8498 Facilities
8499-8499.7 Local planning councils
17609-17610 Integrated pest management, applicability to child care facilities
49540-49546 Child care food program
49570 National School Lunch program
56244 Staff development funding
HEALTH AND SAFETY CODE
1596.70-1596.895 California Child Day Care Act
1596.90-1597.21 Day care centers
120325-120380 Immunization requirements
CODE OF REGULATIONS, TITLE 5
17906 Fiscal Control (Children's Centers)
18000-18434 Child care and development programs, especially:
18012-18122 General requirements
18140-18174 School-Age Parenting and Infant Development Programs
18201-18208 State Funded Child Development Programs
18220-18231 Alternative payment program
18240-18248 Resource and referral program
18270-18281 Program quality, accountability
18290-18292 Staffing ratios
18300-18308 Appeals and dispute resolution
80105-80125 Commission on Teacher Credentialing, child care and development permits

CODE OF REGULATIONS, TITLE 22
101151-101239.2 General requirements, licensed child care centers, especially:
101151-101163 Licensing and application procedures
101212-101231 Continuing requirements
101237-101239.2 Facilities and equipment

UNITED STATES CODE, TITLE 42
1751-1769 School lunch programs
9831-9852 Head Start programs
9858-9858q Child care and development block grant

CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch program

CODE OF FEDERAL REGULATIONS, TITLE 45
98.2-98.93 Child care and development fund

COURT DECISIONS
CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892

ORANGE UNIFIED SCHOOL DISTRICT

Adopted: (4-94 6-07) 3-12

Orange, California
Instruction

Athletic Competition

The Board of Education recognizes that the athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The athletic program shall be designed to meet students' interests and abilities and be varied in scope to attract wide participation.

The District's athletic program shall be free from discrimination and discriminatory practices in accordance with state and federal law. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for both sexes.

Any complaint regarding the District's athletic program shall be filed in accordance with the District's uniform complaint procedures.

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

The Board encourages business and community support for district athletic programs, subject to applicable district policies and regulations governing advertisements and donations.

Nondiscrimination and Equivalent Opportunities in the Athletic Program

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females.

Any complaint regarding the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

Sportsmanship

The Board values the quality and integrity of the athletic program and the ethical well-being and character development of the student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Codes of Conduct, as adopted by the California Interscholastic Federation (CIF) in its publication "Pursuing Victory with Honor."

Students and staff may be subject to disciplinary action for improper conduct.
California Interscholastic Federation

The Board maintains membership in the CIF and requires that interscholastic athletic activities be conducted in accordance with Board policy, administrative regulation, and CIF bylaws and rules. The Superintendent or designee shall have responsibility for the District's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for the site-level decisions, as appropriate.

The Superintendent or designee shall annually designate an employee from each high school to serve as a representative to the local CIF league. Appointees shall represent the District in performing all duties required by the CIF league. In making this selection, the Board shall consider the employee's understanding of the District's goals for interscholastic and extracurricular activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the District, and individual interpersonal communication and leadership skills.

The Superintendent or designee shall ensure that the District representatives to the CIF report regularly to the Board on league, section, and statewide issues, as well as activities and prospective actions related to athletics.

Student Eligibility

The first priority of student athletes shall be a commitment to their education and performing well in the classroom.

Eligibility requirements for participation in the District's interscholastic athletic program are the same as those set by the District for participation in extracurricular and cocurricular activities.

In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by the CIF satisfy CIF eligibility requirements.

Students shall not be charged a fee to participate in an athletic program.

Health and Safety

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities. Universal precautions shall be observed when injuries occur.

Students shall have a medical clearance before participating in the interscholastic athletic program. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

Coaches and appropriate District employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee
shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

In the event that an injury occurs, the coach or other appropriate district employee shall observe universal precautions and shall remove the student athlete from the activity and/or seek medical treatment for the student as appropriate.

Supervision

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, training, and preparation for competition. Athletic events shall be officiated by qualified personnel.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
270-271 Athletes' Bill of Rights
17578 Cleaning and sterilizing of football equipment
17580-17581 Football equipment
32221.5 Required insurance for athletic activities
33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program
33354 California Department of Education authority over interscholastic athletics
35160.5 District policies; rules and regulations
35179 Interscholastic athletics
48850 Interscholastic athletics; students in foster care
48900 Grounds for suspension and expulsion
48930-48938 Student organizations
49020-49023 Athletic programs; legislative intent, equal opportunity
49030-49034 Performance-enhancing substances
49458 Health examinations, interscholastic athletic program
49475 Health and safety, concussions and head injuries
49700-49701 Education of children of military families
51242 Exemption from physical education for high school students in interscholastic athletic program
PENAL CODE
245.6 Hazing

CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs, especially:
4920-4922 Nondiscrimination in intramural, interscholastic, and club activities
5531 Supervision of extracurricular activities of students
5590-5596 Employment of noncertificated coaches

UNITED STATES CODE, TITLE 20
1681-1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 34
106.31 Nondiscrimination on the basis of sex in education programs or activities
106.33 Comparable facilities
106.41 Nondiscrimination in athletic programs

Adopted: (7-88 12-92 3-08) 3-12
TOPIC: BOARD OF EDUCATION: PROPOSED REVISIONS TO BOARD POLICY 2210 AND BOARD BYLAWS, 9000 SERIES—FIRST READING

DESCRIPTION: The District’s Board policies and bylaws are reviewed and updated periodically. As new state and federal laws and regulations are enacted, affected policies must be revised or updated.

The following Board Bylaws are presented for a first reading:

- BP 2210 Administrative Discretion Regarding Board Policy
- BB 9012 Board Member Electronic Communications (New)
- BB 9100 Organization
- BB 9110 Terms of Office
- BB 9121 President
- BB 9122 Secretary
- BB 9124 Attorney
- BB 9140 Board Representatives
- BB 9150 Student Board Members (New)
- BB 9200 Limits of Board Member’s Authority
- BB 9220 Governing Board Elections
- BB 9221 Recruiting New Board Members (Delete)
- BB 9223 Filling Vacancies
- E 9223 Filling Vacancies (Delete)
- BB 9250 Remuneration, Reimbursement and Other Benefits
- BB 9260 Legal Protection
- BB 9271 Code of Ethics (Delete)
- BB 9300 Governance (Delete)
- BB 9310 Board Policies
- BB 9312 Board Bylaws (Delete)
- BB 9313 Administrative Regulations (Delete)
- BB 9314 Suspension of Board Policies and Board Bylaws (Delete)
- BB 9320 Meetings and Notices
- E 9320 Meeting and Notices (Delete)
- BB 9322 Agenda/Meeting Materials
- BB 9323 Meeting Conduct
- BB 9323.1 Order of Business (Delete)
- BB 9323.2 Actions by the Board
- E 9323.2 Actions by the Board
- BB 9324 Minutes and Recordings
- BB 9330 Membership in Associations (Delete)

FISCAL IMPACT: There is no fiscal impact.

RECOMMENDATION: It is recommended that the Board of Education receive the proposed Board Policy and Bylaws revisions for a first reading.
Administration

Administrative Leeway in Absence of Governing Board Policy

Administrative Discretion Regarding Board Policy

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

It shall be the duty of the Superintendent to keep the Board President apprised of any action taken in emergency situations as soon as practicable after its occurrence and certainly prior to the Board's next regular meeting. The President shall use his/her discretion in informing the Board before its next regular meeting. If the action necessitates addition or revision of policies, the Superintendent shall make the necessary recommendations to the Board. (cf. 9320—re. Emergency Special Meeting)

Through the adoption of written policies, the Board of Education conveys its expectations for actions that will be taken in the District, clarifies roles and responsibilities of the Board and Superintendent, and communicates Board philosophy and direction. However, the Board recognizes that, at times, situations may arise in the operation of District schools or in the implementation of District programs that are not addressed in Board policy or administrative regulation. When resolution of such a situation necessitates immediate action, the Superintendent or designee shall have the authority to act on behalf of the District.

If the situation or its resolution may affect the safety or security of students or staff members, involve a significant impact on student learning, or create a distraction within the school community, the Superintendent or designee shall notify the Board as soon as practicable after its occurrence. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

Legal Reference:
EDUCATION CODE
35035 Powers and duties of superintendent
35010 Control of district, prescription and enforcement of rules
35160 Authority of governing boards
35160.5 Annual review of school district policies
35163 Official actions, minutes and journal
42605 Tier 3 categorical flexibility

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

Adopted: (7-88 11-92 1-06) 3-12
Bylaws of the Board

Board Member Electronic Communications

The Board of Education recognizes that electronic communication among Board members and between Board members, District administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the District and its schools. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendized Board meeting.

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic 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. (Government Code 54952.2)

Examples of permissible electronic communications concerning District business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate District process. As appropriate, communication received from the press shall be forwarded to the designated District spokesperson.

In order to minimize the risk of improper disclosure, Board members shall avoid reference to confidential information and information acquired during closed session. Board members may use electronic communications to discuss matters other than District business with each other, regardless of the number of members participating in the discussion. Like other writings concerning District business, a Board member's electronic communication may be subject to disclosure under the California Public Records Act.

EDUCATION CODE
35140 Time and place of meetings
35145 Public meetings
35145.5 Agenda; public participation; regulations
35147 Open meeting law exceptions and applications

GOVERNMENT CODE
11135 State programs and activities, discrimination
54950-54963 The Ralph M. Brown Act, especially:
54952.2 Meeting, defined
54953 Meetings to be open and public; attendance
54954.2 Agenda posting requirements, board actions

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

Adopted:
Bylaws of the Board

Organization

Annual Organizational Meeting

The Board of Education shall hold an annual organizational meeting within the time limits prescribed by law. (E.C. 35143)

At this meeting, the Board shall:

1. Elect a President, Vice-President and Clerk from its members.
2. Appoint a Secretary to the Board.
3. Authorize signatures.
4. Develop a schedule of dates and times for regular meetings for the year.
5. Develop a Board calendar for the year.
6. Designate Board representatives. (cf. 9140 - Board Representatives) (cf. 9320 - Meetings)

The Superintendent’s Agenda Prep meetings may be attended by the Board President and no more than two other Board members, as available, on a rotational basis.

Election of Officers

The Board shall each year elect its entire slate of officers.

Legal Reference:
EDUCATION CODE
35143 Annual organizational meeting date and notice
35145 Public meetings
GOVERNMENT CODE
54953 Meetings to be open and public; attendance

Adopted: (10-92 10-02 12-02 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Regular Members/Student Advisory Council; Terms of Office

Regular Members

The Board of Education shall consist of seven (7) members whose terms of office shall be staggered so that as nearly as practicable, one-half of the members shall be elected in each even-numbered year at the statewide general election. (Elections Code 1302(b), 10404.5)

Seven authorized Board member areas have been designated within the boundaries of the Orange Unified School District. One Board member must reside within each of the seven established Board member areas. Board members shall be elected by the registered voters of the entire school district. Each candidate running for membership on the Governing Board must be a qualified elector.

The term of office for members elected in regular elections shall be four (4) years, commencing on the first Friday in December next succeeding their election. (E.C. 5017)

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (E.C. 5000)

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1360; E.C. 5017)

Student Advisory Council to the Board of Education (SACBE)

The Board believes it is important to seek out and consider student ideas, viewpoints and reactions to the educational program. To facilitate student input and involvement, the Board recognizes SACBE representatives for that purpose. There shall be one SACBE representative from each of the high schools elected according to procedures outlined in their school SACBE constitution.

The term of office for SACBE representatives shall be one calendar year, commencing on July 1. SACBE representatives shall meet monthly with a District liaison. SACBE representatives shall have the right to attend all regular Board meetings except closed sessions.

Upon being recognized by the President of the Board, SACBE members may participate in discussions of the Board. SACBE representatives shall receive a regular Board agenda prior to each Board meeting.

SACBE members may be reimbursed for expenses incurred in meeting responsibilities of the position, but shall not receive the compensation for attendance at Board meetings to which regular Board members may be entitled. (E.C. 35012)

(Legal Reference next page)
Legal Reference:
EDUCATION CODE
5000-5033 Election of school district Board members
33000.5 Appointment of student members (State Department of Education)
35010 Control of district
35012 Board members; number, election and terms, nonvoting pupil members
35107 Eligibility (adult member)
ELECTIONS CODE
1302 Governing Board Elections, even-numbered years
10404.5 Consolidation of elections
GOVERNMENT CODE
1302 Continuance in office until qualification of successor
1303 Exercising functions of office without having qualified
1360 Necessity of taking constitutional oath

BB 9110(b)

Adopted: (7-88 10-92 7-96 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

President

The Governing Board shall elect a President from among its members to provide leadership on behalf of the Board and the educational community it serves.

The President shall preside at all Board of Education meetings. He/she shall:

1. Call the meeting to order at the appointed time;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies relating to the order of business and the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act;
4. Recognize persons who desire to speak and protect the speaker who has the floor from disturbance or interference;
5. Explain what the effect of a motion would be if it is not clear to every member;
6. Restrict discussion to the question when a motion is before the Board;
7. Rule on parliamentary procedure;
8. Put motions to vote and state clearly the results of the vote;
9. Be responsible for the orderly conduct of all Board meetings.

In accordance with the rules of parliamentary procedure, the president shall have all the rights of any member of the Board, including the right to move, second, discuss and vote on all questions before the Board.

The Board President shall also perform other duties as directed by law, State Department of Education regulations and the Board policy, including the duty to:

1. Sign all instruments, acts, and orders necessary to carry out state requirements and the will of the Board;
2. Consult with the Superintendent or designee on the preparation of the Board's agendas;
3. Working with the Superintendent to ensure that Board members have necessary materials and information.
4. Appoint and disband all committees, subject to Board approval;

5. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;

6. Share informational mail with other Board members;

7. Confer with the Superintendent or designee on crucial matters which may occur between Board meetings;

8. Representing the District as governance spokesperson, in conjunction with the Superintendent

When the Board President resigns or is absent or disabled, the Board Vice President shall perform the President's duties. When both the President and Vice President are absent or disabled, the Clerk shall perform the President's duties.

Legal Reference:
EDUCATION CODE
35022  President of board
35143  Annual organizational meetings; dates and notice
35144  Special meetings
GOVERNMENT CODE
54950-54963  Ralph M Brown Act

Adopted: (7-88 10-92 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Secretary

The Superintendent, acting as Secretary to the Board of Education, shall have the following duties: The Governing Board shall appoint the Superintendent to serve as secretary to the Board. The secretary to the Board shall be responsible for maintaining an accurate and complete record of all Board proceedings and shall:

1. Prepare, distribute, and maintain the Board agenda
2. Prepare, distribute, and maintain the Board minutes
3. Maintain Board records and documents
4. Conduct official correspondence for the Board
5. As directed by the Board, sign and execute official papers
6. Submit to the Board officers the correspondence addressed to them
7. Other duties as assigned by the Board

Legal Reference:

EDUCATION CODE
35025 Secretary and bookkeeper
35143 Annual organizational meetings; dates and notice
35250 Duty to keep certain records and reports

GOVERNMENT CODE
54950-54963 Ralph M. Brown Act

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

Adopted: (7-88 12-88 10-92 12-05) 3-12
Bylaws of the Board

Attorney

The Board of Education recognizes the complex legal environment in which school districts operate and desires reliable, dependable legal advice. The Board also supports collaborative legal efforts with other agencies and districts in order to promote the District's interests. (cf. 1160 - Political Processes)

The Board may use the legal counsel from the Office of the County Superintendent or private attorneys to meet the needs of the District to:

1. Render legal advice to the Board and the Superintendent or designee.
2. Serve the Board and the Superintendent or designee in the preparation and conduct of District litigation and administrative proceedings.
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures.
4. Perform other administrative duties as assigned by the Board and Superintendent or designee.

Any member of the Board of Education, with the consent of the Board President or Superintendent, may use the county counsel, District attorney or private attorneys to meet the needs of the District.

The Superintendent or designee may confer with the District's legal counsel at his/her discretion and shall provide the Board with desired legal information when so directed by a majority of the Board. (cf. 9000 – Role of Board and Members) (cf. 9200 – Member (Limits of Authority)

Contacting Legal Counsel

At his/her discretion, the Board president or Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board in open session.

(Legal Reference next page)
Legal Reference:
EDUCATION CODE
35041 Administrative adviser
35041.5 Legal counsel: Relieving duties of county counsel and district attorney
35161 Powers and duties of governing board
35200-35214 Liabilities
35204 Contract with attorney in private practice
35205 Contract for legal services
GOVERNMENT CODE
814-895.8 Liability of public entities and public employees
995-996.6 Defense of public employees
26520 Legal services to school districts
26522 Services re school bond issue
53060 Special services and advice

Adopted: (7-88 10-92 7-96 12-05) 3-12
Bylaws of the Board

Board Representatives

The Board of Education recognizes that effective performance of its community leadership responsibilities may require its participation in District or community committees on matters of concern to the District and its students. As needed, the Board may appoint any of its members to serve as its representative on a District committee or on a committee of another public agency or organization of which the Board or District is a member or to which the Board is invited to participate.

When making such appointments, the Board shall clearly specify the authority and responsibilities of the representative(s), including, but not limited to, reporting back to the Board regarding committee activities and/or actions. Board representatives shall not exercise the authority of the Board without prior Board approval.

If a committee discusses a topic on which the Board has taken a position, the Board member shall express the position of the Board. When contributing his/her own ideas or opinions, the representative shall clearly indicate that he/she is expressing his/her individual idea or opinion.

Labor Relations Negotiators

The Board of Education will designate a chief negotiator to represent it in negotiations with employee organizations. The Board itself will not negotiate directly with any employee organization.

Although the negotiator will represent the Board in negotiations, the negotiator shall be responsible to the Superintendent, who shall evaluate the performance of the negotiator.

The Board's role in the negotiation process will be:

- To assess, to the best of its ability, the needs of its employees.

- To set priorities for the total educational program in the best interests of students, the District and public in general.

- To translate educational priorities and employee needs into a realistic budget.

- To maintain the Board's position of authority and control as provided by law.

- To establish and communicate to the Superintendent the overall objectives to be accomplished through the negotiation process.
BB 9140(b)

Board Representatives to Elect Members of County Committee on School District Organization

The Board shall, at its annual organizational meeting, designate one Board member as its representative to elect members to the County Committee on School District Organization.

The Board shall provide the representative with nominees to the County Committee on School District Organization.

Board members may be nominated to serve as a member of the county committee. (E.C. 4007)

Other Advisory Committees

The Board may appoint any of its members to serve on advisory committees or as representatives to other public agencies or organizations when the Board deems such appointments desirable, contingent on acceptance of the appointment by the member

Legal Reference:
EDUCATION CODE
4000-4014 County committees on school district organization
35020-35046 School district officers and agents (power of governing board to employ or appoint)
35160 Authority of governing boards
GOVERNMENT CODE
54952.2 Meetings
3540-3549.3 Public educational employer—employee relations
54956.8 Closed session with negotiator regarding real property

Adopted: (7-88 10-92 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

**Student Board Members**

The Board of Education believes that engaging the student body and seeking its input and feedback regarding the District's educational programs and activities are vital to achieving the District's mission of educating District students. To enhance communication between the Board and the student body and to encourage student involvement in District affairs, the Board shall include at least one student Board member selected by the District's high school students in accordance with procedures approved by the Board.

The term of a student Board member shall be one year, commencing on July 1 of each year. A student Board member shall have the right to attend all Board meetings except closed sessions. (Education Code 35012)

A student Board member shall be seated with other members of the Board. In addition, a student Board member shall be recognized at Board meetings as a full member, shall receive all materials presented to other Board members except those related to closed sessions, and may participate in questioning witnesses and discussing issues. (Education Code 35012)

**Student Board Member Development**

The Superintendent or designee may periodically provide an orientation for student Board member candidates to give them an understanding of the responsibilities and expectations of Board service.

Legal Reference:
EDUCATION CODE
33000.5 Appointment of student members to State Board of Education
35012 Board members; number, election and terms; pupil members

GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

Adopted:
Bylaws of the Board

Board Members Limits of Board Member's Authority

Limits of Board Member's Authority

The Board of Education recognizes that the Board is the unit of authority over the District and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

The Board of Education has broad, but clearly limited powers. The exercise of its authority is restricted to the functions required or permitted by law, and then only when it acts in a legally constituted meeting.

Members of the Board, by virtue of holding office, shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. The Superintendent or designee shall provide materials and/or information that are readily available. If a request for information is deemed by the Superintendent as requiring significant effort or research, he/she may assign a priority to the item so that the preparation of the information does not significantly impact the operation of the District.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate District process.

Individually, the Board member may not commit the District to any policy, act or expenditure. The Board member cannot do business with the District, nor should the Board member have an interest in any contract with the school District. The Board member represents and acts for the community as a whole.

No member of the Board shall be asked to perform any routine or clerical duties which may be assigned to an employee, nor shall any Board member become an employee of the District while serving on the Board.
Obligations of Board Members

Board members should understand their role and the programs offered by the District. They should study all agenda materials before the meeting, participate in the discussion of items which come before the Board and vote on all motions and resolutions, abstaining only for compelling reasons.

A Board member whose child is attending a district school should be aware of his/her role as a Board member when interacting with district employees about his/her child. Because his/her position as a Board member may inhibit the performance of school personnel, the Board member should inform the Superintendent or designee before volunteering in his/her child's classroom.

The Superintendent or designee shall provide a copy of the Brown Act to each Board member.

Board members and Board members-elect who have not yet assumed office are responsible for complying with the requirements of the state's open meeting laws Brown Act. (Government Code 54952.1)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
7054 Use of district property
35010 Control of district; prescription and enforcement of rules
35100-35151 Governing boards
35160-35184 Powers and duties
35230-35240 Corrupt practices
35291 Rules
35292 Visits to schools (board members)
51101 Rights of parents/guardians
GOVERNMENT CODE
54950-54962 The Ralph M. Brown Act,
54952.1 Member of a legislative body of a local agency
54952.7 Copies of chapter to members of legislative body
54959 Penalty for unlawful meetings

ORANGE UNIFIED SCHOOL DISTRICT

Adopted: (7-88 10-92 7-96 11-02 12-05 04-07) 3-12
Orange, California
Bylaws of the Board

Governing Board Elections

Any person is eligible to be a Board member, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school District, a registered voter and not legally disqualified from holding civil office. (E.C. 35107)

A District employee elected to the Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (E.C. 35107)

Board of Education election procedures shall be conducted in accordance with the California Education Code and Elections Code.

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and District, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

Statement of Qualifications

The District shall not assume any of the cost of printing, handling, translating or mailing candidate statements.

Candidate statements shall be limited to 200 words.

The Board Secretary shall notify the County Clerk of this policy on or before the 125th day before each Board member election. (Elections Code 13307)

On the 125th day prior to the day fixed for the general district election, the Board secretary or designee shall deliver a notice, bearing the secretary's signature and District seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the District to be filled at the general election and which offices, if any, are for the balance of an unexpired term

2. Whether the District or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307
Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where lots shall be cast to determine the winner. (E.C. 5016)

Legal Reference:
EDUCATION CODE
5000-5033 Election of governing board members, especially
5012 Declaration of candidacy
5012.5 Extension if incumbent does not file; withdrawal of candidacy
5019 Trustee areas and size of governing boards
5019.5 Trustee areas; adjustment of boundaries
1006 Qualifications for holding office, county board of education
5000-5033 Elections
5220-5231 Elections
5300-5304 General provisions (conduct of elections)
5320-5329 Order and call of elections
5340-5345 Consolidation of elections
5360-5363 Election notice
5380 Compensation (of election officer)
5390 Qualifications of voters
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions
10054 Use of district property
35107 Eligibility; school district employees
35177 Campaign expenditures or contributions
ELECTIONS CODE
10012 Candidate's statement
24000 School District governing board election; number of votes; one or more than one member being elected; ballot instructions
24002 Forms; declaration of candidacy and notice to declare candidacy
24003 Sample ballot; notice of polling place and time of election
24004 More than one ballot for separate propositions
1302 Local elections, school district election
2201 Grounds for cancellation
4000-4004 Elections conducted wholly by mail
10400-10418 Consolidation of elections
10509 Notice of election by secretary
10600-10604 School district elections
13307 Candidate's statement
13309 Candidate's statement, indigency
20440 Code of Fair Campaign Practices
GOVERNMENT CODE
85101 Previous or local conflicting limitations
85300-85307 Contributions limitations
1021 Conviction of crime
1097 Illegal participation in public contract
12940 Nondiscrimination, Fair Employment and Housing Act
81000-91014 Political Reform Act

Adopted: (7-88 10-92 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Recruiting New Board Members

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

The Superintendent or designee shall publicize Board elections well in advance so that prospective Board candidates will have time to investigate the responsibilities of Board membership and comply with legal requirements. (cf. 9220—Governing Board Elections)

-Adopted: (7-88-10-92)–12-05

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Filling Vacancies

Events Causing a Vacancy

A vacancy on the Board of Education may occur for any of the following events specified in Government Code 1770 or by a failure to elect (E.C. 5090). Removal by conviction of a grand jury or recall election shall also constitute a vacancy on the Board. (Government Code 3072; Elections Code 27344)

Within sixty (60) days of the date of the vacancy or the filing of the Board member's deferred resignation, the Board shall either order an election for the next regular election date or make a provisional appointment. (E.C. 5091)

If the vacancy occurs within four (4) months of the end of the Board member's term, the Board shall not fill the vacancy:

1. The death of an incumbent (Government Code 1770)

2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)

3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including by recall (Elections Code 11384; Government Code 1770)

5. A Board member's ceasing to be a resident of the District (Government Code 1770)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. 58 Ops.Cal.Atty.Gen. 888 (1975)
6. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)

   a. Upon District business with the approval of the Board

   b. With the consent of the Board for an additional period not to exceed a total absence of 90 days. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

   c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

   If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)

11. The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)

2. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)

3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

Eligibility

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

Provisional Appointments

When making a provisional appointment, the Board desires to draw from the widest possible number of candidates. The Board shall:

1. Advertise the vacancy in suitable local media.

2. Solicit applications or nominations of any legally qualified citizen interested in serving on the Board.

3. Provide candidates with appropriate information regarding Board Member responsibilities.
4. Announce names of candidates and accept public input either in writing or at a public meeting.

5. Interview the candidates at a public meeting.

6. Select the provisional appointee by majority vote at a public meeting.

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Within ten days after the appointment is made, the Board shall post notices of the vacancy, or the filing of a deferred dated resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the District. (E.C. 5092)

The notice shall contain: (E.C. 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation

2. The full name of the appointee

3. The date of appointment

4. A statement notifying the voters that the provisional appointment shall become effective immediately unless a petition calling for a special election pursuant to Education Code 5091 is filed in the Office of the County Superintendent of Schools within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for District Board members and shall be afforded all the powers and duties of a Board member upon appointment. (E.C. 5091)
Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the District election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the District shall publish a notice once in a newspaper of general circulation published in the District, or if no such newspaper exists, in a newspaper having general circulation within the District. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

Student Board Members

1. Upon resignation of the student Board member or upon recall by the student council on a two-thirds vote, the position is declared vacant.

2. The vacancy shall be filled by a two-thirds vote of the student council.

3. Until the new student Board member is selected, members of the student council shall, on an alternating school basis, represent the council at the remaining Board meetings.

Legal Reference:

EDUCATION CODE

5012—Declaration candidacy or nomination; withdrawal
5090—Definition (vacancy)
5091—Special election or provisional appointment
5092—Public notice of vacancy and provisional appointment
5093—Re vacancies occurring near end of term and incumbent not reelected
5094—Power of president of county board of education when majority of offices vacant
5095—Powers of remaining board members and new electees or appointees
5200—Districts governed by boards of education
5304—Duties of the governing board (re school district elections)
5325—Publication of information regarding district elections
5424—Expenses of conducting legal recall election
35107—Eligibility
5000-5033 Elections
5090-5095 Vacancies
5200-5208 Districts governed by boards of education
5300-5304 Elections
5320-5329 Order and call of election
5340-5345 Consolidation of elections
5360-5363 Election notice
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions, elections
35107 Eligibility of board members
35178 Resignation with deferred effective date

ELECTIONS CODE
27344 Vacancy in office if majority vote for recall
10600-10604 School district elections
11381-11386 Candidates for recall

GOVERNMENT CODE
1770 Vacancies: definition
6061 One time publication of notice
3060-3074 Removal other than by impeachment
54953 Meetings open and public; secret ballots
1064 Absence from state
1770 Vacancies: definition
3000-3003 Forfeiture of office
3060-3075 Removal other than by impeachment
6061 One time notice
54950-54963 The Ralph M. Brown Act

PENAL CODE
88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18
704 Military medals or decorations

Adopted: (7-88 10-92 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Government Code 1770—Events Causing Vacancy before Expiration of Term

An office becomes vacant on the happening of any of the following events before the expiration of the term:

1. The death of the incumbent;

2. The adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term;

3. His/her resignation;

4. His/her removal from office;

5. His/her ceasing to be an inhabitant of the Trustee Area for which the officer was chosen or appointed or within which the duties of his/her office are required to be discharged;

6. His/her absence from the state without the permission required by law beyond the period allowed by law;

7. His/her ceasing to discharge the duties of his/her office for the period of three (3) consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law;

8. His/her conviction of a felony or of any offenses involving a violation of his/her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purpose of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict or finding;

9. His/her refusal or neglect to file his/her required oath or bond within the time prescribed;

10. The decision of a competent tribunal declaring void his/her election or appointment;

11. The making of an order vacating his/her office or declaring the office vacant when he/she fails to furnish an additional or supplemental bond; and/or

12. His/her commitment to a hospital or sanatorium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict. The office shall not be deemed vacant until the order of commitment has become final.

---

ORANGE UNIFIED SCHOOL DISTRICT
Approved: (7-88 10-92) 12-05 Orange, California
Bylaws of the Board

Remuneration, Reimbursement and Other Benefits

Remuneration

Each member of the Board of Education may receive the maximum monthly compensation as provided for in law.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the Board. (Education Code 35120)

Board members are not required to accept payment for meetings attended.

If a member does not attend all regular Board meetings during the month, he/she may receive is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. (E.C. 35120)

Members may be paid for meetings missed when the Board, by resolution, finds that they were performing designated duties of services for the District at the time of the meeting or that he/she was absent because of illness, jury duty or a hardship deemed acceptable by the Board. (Education Code 35120)

During any year, members also may be paid for up to two meetings when the Board, by resolution, finds that they were absent because of illness.

In order to receive compensation for attending any Board meeting, Board members shall be present for at least ____ percent of the meeting time.

Student Board members shall receive no remuneration for meetings attended. (E.C. 35120)

Reimbursement of Expenses

Board members shall be reimbursed for all travel expenses incurred in attending any meetings or in making any trips on official business of the school District when so authorized in advance by the Board. (E.C. 35044) The rate of reimbursement shall be the same rate specified for District personnel.

Health and Welfare Benefits

Members of the Board of Education may participate in the health and welfare benefits program provided for by the District employees.
Health and welfare benefits for Board members shall be no greater than that received by District's nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

The District may shall pay the cost of all premiums required for Board members electing to participate in the District health and welfare benefits program to the same extent that the District pays premiums for District staff in accordance with Government Code 53208.5.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouses, dependent children under the age of 21, dependent children under the age of 25 who are full-time students at a college or university, and dependent children regardless of age who are physically or mentally incapacitated.

Legal Reference:
EDUCATION CODE
1090 Compensation for members and mileage allowance
33362 Reimbursement of expenses (Department of Education and CSBA workshops)
35012 Board members; number, election and term
35044 Payment of traveling expenses of representatives of board
35120 Compensation (services as member of governing board)
35172 Promotional activities
44038 Cash deposits for transportation purchased on credit
GOVERNMENT CODE
53200-53209 Group insurance
UNITED STATES CODE, TITLE 26
403(b) Tax-sheltered annuities

Adopted: (7-88 5-89 6-90 10-92 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Legal Protection

Liability Insurance

The Board of Education shall provide liability insurance, self insurance, or a combination thereof necessary to protect Board members, officers and employees from any judgment resulting from suits brought against them. The insurance shall cover claims in such matters as civil rights actions, negligence or other act resulting in accidental injury to any person or property damage in or out of the school buildings while the above named insureds are acting within the scope of their employment and/or under the direction of the Board.

The Governing Board shall provide insurance necessary to protect Board members and employees while acting within the scope of their office or employment in accordance with Education Code 35208.

Protection Against Liability

No Board member shall be liable for harm caused by his/her act or omission when acting within the scope of District responsibilities. The act or omission must be in conformity with federal, state and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736)

The protection against liability shall not apply when: (20 USC 6736)

1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person’s right to safety.

2. The Board member caused harm by operating a motor vehicle.

3. The Board member was not properly licensed, if required, by the State for such activities.

4. The Board member was found by a court to have violated a federal or state civil rights law.

5. The Board member was under the influence of alcohol or any drug at the time of the misconduct.

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the Board member has been convicted in a court.

Legal Reference:
EDUCATION CODE
17029.5 Contract funding; board liability
35208 Liability insurance
35214 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)
GOVERNMENT CODE
815.3 Intentional torts
820-823 Tort Claims Act
825.6 Indemnification of public entity
1090-1098 Conflicts of interest, prohibitions applicable to specified officers
54950-54963 The Ralph M. Brown Act
87100-89503 Conflicts of interest
UNITED STATES CODE, TITLE 18
16 Crime of violence defined
UNITED STATES CODE, TITLE 20
6731-6738 Teacher Protection Act
Bylaws of the Board

Code of Ethics

This Code of Ethics expresses the personal ideals which the Board of Education 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.

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

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

- 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 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, employees and students.

Recognize that the deliberations of the Board in closed session may, as permitted by law, be released or discussed in public only with Board approval within the scope of law. (cf. 9321—Closed Sessions)

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.
Bylaws of the Board

Governance

The Board of Education has the power of establishing its own procedures within the parameters of law. (E.C. 35010)

The formulation and adoption of written Board policies shall constitute the basic method by which the Board shall exercise its leadership in the governance of the school District. This right shall be retained solely by the Board. The study and evaluation of reports concerning the execution of its policies shall constitute the basic method by which the Board shall exercise its accountability for the governance of the schools.

The implementation of policies is an administrative task to be performed by the Superintendent or designee who shall be held responsible for the effective administration and supervision of the entire school system.

All actions of the Board shall be taken only in official Board meetings called, scheduled and conducted according to these bylaws and the statutes of the state.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules
35140 Time and place of meetings—dates and notices
35143 Annual organizational meetings—dates and notices
35144 Special meetings
35145 Public meetings
35146 Closed sessions
35160 Authority of governing boards
35163 Official actions; minutes and journal
35164 Vote requirements

Adopted: (7-88 10-92) 12-05

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Policy Manual Board Policies

In governing the District, the Board has pledged to consider the will and needs of the community. The District's policy manual is developed, distributed, and maintained for the purpose of communicating to all interested parties the parameters within which our schools will operate.

The Board desires the community and all District employees have access to the policy manual. The Board welcomes suggestions from the public regarding its adopted policies. A public copy of the manual shall be maintained in the District central office and at each school site so that it may be examined by students, staff members, and any other interested parties during normal business hours.

The Superintendent or designee shall issue copies of the District policy manual to the following:

1. Board members
2. Central office administrator
3. Board secretary
4. Schools and principals
5. Negotiating units
6. Other key District personnel

As necessary, the Board shall develop new policies and revise existing ones to reflect new legislation and changing community views.

The Superintendent or designee shall establish procedures for distributing to all authorized manual holders copies of new or revised policies, bylaws, and regulations. Annually, before the Board's organizational meeting, the Superintendent or designee shall arrange to have all District policy manuals reviewed to ensure that they are up to date and complete. (cf. 9311—Policies) (cf. 9312—Bylaws) (cf. 9313—Administrative Regulations)

Legal Reference:

EDUCATION CODE
35010 Control of District; prescription and enforcement of rules
35160 Authority of governing boards
35163 Official actions, minutes and journal
35164 Vote requirements

The Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the District, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the District to the extent that they do not conflict with federal or state law and are consistent with the District's collective bargaining agreements.
The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or District circumstances.

Policy Development and Adoption Process

The District's policy development process shall include the following basic steps:

1. The Board and/or Superintendent or designee shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new District vision or goals, educational research or trends, or a change in the superintendency or Board membership. The need may also occur as a result of an incident that has arisen in the District or a recommendation or request from staff or other interested persons.

2. As needed, the Superintendent or designee shall gather fiscal and other data, staff and public input, related District policies, sample policies from other organizations or agencies, and other useful information to fully inform the Board about the issue.

3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, how the proposed policy may affect student learning, community expectations, staff recommendations, fiscal impact, as well as the policy's impact on governance and operational efficiency.

4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.

5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

The District's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or to provide greater opportunities for consultation and public input.
Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

Board Bylaws

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

Administrative Regulations

The Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the District. Administrative regulations shall be consistent with law and Board policy and shall be designed to promote the achievement of District goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other necessary provisions. The Superintendent or designee also may develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

When Board policies are amended, the Superintendent or designee shall review corresponding regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review and/or approve regulations for the purpose of ensuring conformity with the intent of Board policy.

Monitoring and Evaluation

At the time a policy is adopted, the Board and Superintendent or designee shall determine whether an evaluation of the policy should be scheduled and, if so, shall agree upon a timeline and measures for evaluating the effectiveness of the policy in achieving its purpose.

Access to Policies

The Superintendent or designee shall ensure that all District employees and the public have access to an up-to-date District policy manual. A public copy of the policy manual shall be maintained at the District central office and at each school site. These copies shall be maintained either electronically or by paper copy.

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised.
He/she may determine the appropriate communications strategy depending on the issue.

Suspension of Policies

No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

Legal Reference:
EDUCATION CODE
35010 Control of District; prescription and enforcement of rules
35160 Authority of governing boards
35160.5 Annual review of school District policies
35163 Official actions, minutes and journal
35164 Vote requirements
Bylaws of the Board

Board Bylaws

Bylaws to be adopted and/or amended shall be approved by a majority vote of all members of the Board, following the same procedures as those used for the adoption or amendment of policy. (cf. 9311 - Formulation, Adoption, Amendment of Policies)

Board Bylaws shall be adopted to govern the internal operations of the Board. When the need for a new Bylaw or modification of an existing Bylaw is recognized, the Superintendent or designee shall draft a new or modified Bylaw for consideration by the Board.

Legal Reference:
EDUCATION CODE
35010 Control of district, prescription and enforcement of rules
35163 Official actions, minutes and journals
35164 Vote requirements

Adopted: (7-88 10-92) 12-05

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Administrative Regulations

In accordance with Board policy, the Superintendent shall specify and implement required actions and design detailed arrangements under which the District will be operated. The Superintendent or designee shall develop and implement administrative regulations when required by law or Board policy or when, in his/her judgment, District procedures are desired. The Board shall be kept informed of all Administrative Regulations and they shall be included in the District's policy manual. District and site level procedures will be maintained in appropriate District and/or site locations.

Administrative Regulations shall be consistent with Board policies, the California Education Code, education related laws, negotiated employee contracts, and rules and regulations of the State Board of Education. The Board may direct the revision of any Administrative Regulation which it finds inconsistent with Board policy.

Legal Reference:
EDUCATION CODE
35010 – Control of district; prescription and enforcement of rules

Adopted: (7-88-92) 12-05 – ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Suspension of Board Policies and Board Bylaws

Board Policies and Board Bylaws may be suspended for a specific purpose and limited time by majority vote.

Suspension of any Board Policy or Board Bylaw shall undergo the following consideration:

1. Board Policies or Board Bylaws shall be reviewed for continuity of approach and long-term applicability.

2. The Board shall decide whether the Board Policy or Board Bylaw still reflects the intent of the Board and the law. If so, the suspension will be denied and the Board Policy or Board Bylaw reaffirmed in the minutes.

Superintendent's Authority

The Superintendent or designee may suspend all or part of any Board Policy or Board Bylaw when it conflicts with state or federal law or regulations. The Superintendent or designee shall report the suspension to the Board. Suspension shall be valid until the Board Policy or Board Bylaw is rescinded, amended or reaffirmed.

Legal Reference:

EDUCATION CODE
35010—Control of district; prescription and enforcement of rules
35163—Official actions, minutes and journal
35164—Vote requirements

Adopted: (7-88-10-92) 12-05

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Meetings of the Board of Education are conducted for the purpose of accomplishing District business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by law.

To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. Speaking time is limited to three minutes per speaker with a maximum of twenty minutes per topic. Persons wishing to address the Board should complete and submit a blue speaker card, available on the information table, prior to the meeting. In accordance with Government Code Sections 54954.2 and 54954.3, matters not on the agenda may not be acted on or resolved by the Board at the meeting, but will be researched and responded to in any one of the following ways: (1) by telephone after research; (2) by mail after research; or (3) at a subsequent Board meeting as an agenda item.

All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

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)

Direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action that members will take on any item of District business. 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)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent’s Office for assistance.
Regular Meetings

The Board shall hold a minimum of one regular meeting each month. Regular meetings shall be held at the days and times established at the annual organizational meeting.

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 and on the District's Internet web site. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

Special Meetings

Special meetings of the Board may be called by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the District's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed; no other business shall be considered at these meetings. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (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 after the item's consideration. (Government Code 54954.3)

Public notice shall be given at least 72 hours before any retreats, study sessions or training sessions held by the Board. All such meetings shall be held within District boundaries and action items shall not be included.
Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. A work stoppage, crippling activity or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting under this section may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board President or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board President or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board 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 ten 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 meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present at any regular or adjourned regular meeting, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

A copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of adjournment. (Government Code 54955)
**Study Sessions, Retreats, Public Forums, and Discussion Meetings**

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.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All 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.

**Hearings**

The Board may occasionally convene public hearings at which no Board action is to be taken. Such hearings are held solely to allow the Board and members of the public to receive information. A hearing may take place immediately prior to a Board meeting.

If a quorum of Board members is present at a hearing, notice of the hearing shall be provided according to procedures specified above for regular meetings.

**Other Gatherings**

Attendance by a majority of the Board members at any of the following events is not subject to state open meeting laws the Brown Act provided that a majority of the Board members do not discuss specific District business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school Boards members

2. An open, publicized meeting organized by a person or organization other than the District to address a topic of local community concern

3. An open and noticed meeting of another body of the District or at a legislative body of another local agency

4. A purely social or ceremonial occasion
5. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers.

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws the Brown Act. (Government Code 54952.2)

**Location of Meetings**

Meetings shall be held within District boundaries, except when otherwise allowed by law. (Government Code 54954) Meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge. (Government Code 54961)

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 individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within District boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the District is a party

2. Inspect real or personal property which cannot conveniently be brought into the District, provided that the topic of the meeting is limited to items directly related to the property

3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law

4. Meet in the closest meeting facility if the District has no meeting facility within its boundaries or if its principal office is located outside the District

5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the District over which the state or federal officials have jurisdiction

6. Meet in or near a facility owned by the District but located outside the District, provided the meeting agenda is limited to items directly related to that facility

7. Visit the office of the District's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on non-adversarial collective bargaining techniques

9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district

10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (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. Additional teleconference locations may be provided to the public. (Government Code 54953)

**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)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

Legal Reference:
EDUCATION CODE
35140 Time and place of meetings
Annual organizational meeting, date, and notice
Special meeting
Public meetings
Agenda; public participation; regulations
Closed sessions
Open meeting law exceptions and applications

GOVERNMENT CODE

Local agency executives
State programs and activities, discrimination
The Ralph M. Brown Act, especially:
Meetings to be open and public; attendance
Compliance with Americans with Disabilities Act
Time and place of regular meetings
Mailed notices
Agenda posting requirements, board actions
Opportunity for public to speak
Special meetings; call; notice
Emergency meetings
Agenda distribution
Prohibition on use of certain facilities

UNITED STATES CODE, TITLE 42
Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28
Effective communications
Auxiliary aids and services

Adopted: (7/88 10/92 7/96 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Meeting and Notices

GOVERNMENT CODE 54954 PROVISIONS REGARDING MEETINGS OUTSIDE DISTRICT BOUNDARIES

Board meetings may be held outside District boundaries only under one or more of the following circumstances: (Government Code 54954)

1. When necessary to comply with state or federal law or court order, or to attend a judicial or administrative proceeding to which the District is a party.

2. To inspect real or personal property which cannot conveniently be brought into the District, provided that the topic of the meeting is limited to items directly related to the property.

3. To participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law.

4. To meet in the closest meeting facility if the District has no meeting facility within its boundaries or if its principal office is located outside the District.

5. To meet with state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the District over which the state or federal officials have jurisdiction.

6. To meet in or near a facility owned by the District but located outside the District, provided the meeting is limited to items directly related to that facility.

7. To visit the office of the District's attorney for a closed session on pending litigation, when doing so would reduce legal fees or costs.

8. To attend conferences on non-adversarial collective bargaining techniques.

9. To interview residents of another District regarding the Board's potential employment of that District's superintendent.

10. To interview a potential employee from another District.

Approved: (3-95-7-96) 12-05

ORANGE UNIFIED SCHOOL DISTRICT

Orange, California
Bylaws of the Board

Agenda/Meeting Materials

Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to address the Board at regular meetings on matters which are not on the agenda, but which are within the subject matter jurisdiction of the Board. (Government Code 54954.3) (E.C. 35145.5)

Notices of special meetings at which action is proposed shall provide an opportunity for the public to address the Board on the item before action is taken. (Government Code 54954.3)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting. Each agenda shall reflect the District's vision and goals and the Board's focus on student learning.

Any member of the public may request that a matter within the subject matter jurisdiction of the Board be placed on the agenda of a regular Board meeting. The request must be in writing and submitted to the Superintendent's office with supporting documents and information, if any, at least ten (10) working days before the scheduled meeting date. The Superintendent or designee 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. Members of the public submitting a written agenda request will be advised by the Superintendent's office of how their request is being handled.

A Board member or member of the public may request that a matter within the subject matter jurisdiction of the Board be placed on the agenda of a regular Board meeting. The request must shall be in writing and submitted to the Superintendent in the standard format for an agenda item, listing the Topic, a Description of the item, its Fiscal Impact (if any), and a proposed Recommendation along with supporting documents and information, if any, at least ten (10) working days before the scheduled meeting date. Items submitted less than ten (10) days before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.
The Board President and 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. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board President and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

The Board President in consultation with the Superintendent will decide whether a Board member request is within the subject matter jurisdiction of the Board and whether the agenda item is appropriate for discussion in open or closed session. Whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

If a decision is made not to allow the item, that item may be appealed by the requesting Board member to the Board of Education. The request for an appeal must be made in writing to the Superintendent’s Office within ten (10) working days of the decision not to place the item on the agenda.

An item appealed to the Board of Education will be heard in open session. An appeal may be granted when the proposed item falls within the subject matter jurisdiction of the Board. A vote of three Board members may grant the appeal. An item successfully appealed to the Board will then be considered for action at the next regularly scheduled Board meeting.

Items determined to be within the subject matter jurisdiction of the Board will be added to the agenda, taking into consideration the length and content of the meeting agenda. No more than two agenda item requests will be added to any agenda. Appropriate requests will be added to the agenda in the order of receipt. Consideration of the agenda item is subject to the Board’s Bylaws, and no member of the public or the Board has the right to speak on a matter outside the scope of the subject matter jurisdiction of the Board or unrelated to the agenda item under consideration. Comments that are outside the scope or unrelated to the agenda item at hand will be considered out of order and not a part of the agenda item.

When an item properly posted for a regular meeting is continued to a subsequent meeting, it does not have to be on the agenda of the subsequent meeting if it occurs within five days. The Board shall publicly identify the item before discussing it. (Government Code 54954.2)

Any Board action that involves borrowing $100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

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

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

Board Member Preparation Agenda Dissemination to Board Members

At least three days before each regular meeting, a copy of the agenda and agenda packet shall be forwarded to each Board member, including 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.

When special meetings are called, the Secretary and President Superintendent or designee shall make every effort to get distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

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

Agenda Dissemination to Members of the Public

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. The Superintendent or designee may also post the document on the District's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

Any documents prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)
Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Legal Reference:
EDUCATION CODE
35144 Special meeting
35145 Public meetings
35145.5 Right of public to place matters on agenda
35160 Authority of governing boards
GOVERNMENT CODE
6250-6270 Public Records Act
53635.7 Separate item of business
54954.1 Mailed agenda of meeting
54954.2 Agenda posting requirements, board actions
54954.3 Opportunity for public to address legislative body
54954.5 Closed session item descriptions
54956.5 Emergency meetings
54957.5 Public records
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 Effective Communications
36.303 Auxiliary aids and services

Adopted: (7-88 10-92 7-95 2-05 04-07) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Meeting Conduct

Meeting Procedures

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 persons upon request, in accordance with Board bylaws and posted and distributed in accordance the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

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

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at_________ unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

Parliamentary Procedure

Board meetings shall be conducted by the Board President in a manner consistent with the adopted Board Bylaws and, when appropriate, the most current Robert's Rules of Order as revised, unless special provisions are otherwise made.

Quorum and Abstentions

A majority of the number of filled positions on the Board constitutes a quorum. (E.C. 5095, 35165)

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

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

Abstentions

The Board recognizes that its members have a duty to vote on issues before them; however, a member may abstain from voting because of a conflict of interest or for any other reason.
The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

If a Board consists of seven members and not more than two vacancies occur on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. In addition, if a vacancy exists on the Board, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Public Participation

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

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

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board either before or during the Board's consideration of each item of business to be discussed at regular or special meetings. (E.C. 35145.5, Government Code 54954.3)

2. At a time so designated on the agenda at a regular meeting, members of the public also may bring before the Board matters that are not listed on the agenda of a regular meeting. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take no action or discussion of any item not appearing on the agenda on the posted agenda, at that time except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board. (E.C. 35145.5, Government Code 54954.2)

3. A person wishing to be heard by the Board shall first complete the form "Request to Address the Board of Education." The person will then be recognized by the Board President at an appropriate place on the agenda. He/she shall then identify himself/herself and proceed to comment as briefly as the subject permits.
Without taking action, Board members or District staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. The Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

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

5. A person wishing to be heard by the Board shall first complete the form "Request to Address the Board of Education." The person will be recognized by the Board President and shall then proceed to comment as briefly as the subject permits.

Individual speakers will be allowed three (3) minutes to address the Board on each agenda item. The Board shall limit the total time for public input on each agenda item to twenty (20) minutes. A speaker shall not yield to another person any portion of the time allotted to him/her to speak.

However, if the speaker is appearing as a representative of a point of view or of a group, with Board consent, the Board President may grant that speaker additional time in lieu of other persons addressing the Board on the same subject. The Board President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. All questions and remarks shall be directed to the Board and not to other speakers or administrative personnel. Members of the Board or the administration may make comments in response to any speaker's remarks.

6. The Board President may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the Board President may indicate the time and place when it should be presented. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. (Government Code 54954.3) In addition, the Board may not prohibit public criticism of District employees.

Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The Board president shall also encourage the complainant to file a complaint using the appropriate District complaint procedure.
7. Complaints against employees will normally be heard in closed session, and the District's complaint procedure should be followed before discussion with the Board. The Board President shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the Board President to terminate the privilege of addressing the Board.

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

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

Any person(s) who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor and shall be punished by a fine of not more that five hundred dollars ($500). (E.G. 32210) (cf. 9320—Meetings) (cf. 9322—Agenda/Meeting Materials) (cf. 9323.2—Actions by the Board)

Recording by the Public

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

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

Legal Reference:

EDUCATION CODE
5095    Powers of remaining board members and new appointees
32210   Willful disturbance of public school or meeting a misdemeanor
35010   Prescription and enforcement of rules
35145.5 Agenda; public participation; regulations
35163   Official actions, minutes and journal
35164   Vote requirements
35165   Effect of vacancies upon majority and unanimous votes by seven member board
GOVERNMENT CODE
54953.5 Audio or video tape recording of proceedings
54953.6 Broadcasting of proceedings
54954.2 Agenda; posting; action on other matters
54954.3 Opportunity for public to address legislative body; regulations
54957 Closed sessions
54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE
403 Disruption of assembly or meeting

Adopted: (7-88 10-92 7-96 9-97 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
The Board of Education's regular business meetings will be transacted in the order outlined below:

1. Call to Order
2. Establish Quorum
3. Public Comment on Closed Session Agenda Items
4. Adjourn to Closed Session
5. Call to Order Regular Session
6. Pledge of Allegiance
7. Report of Closed Session Decisions
8. Adoption of Agenda
9. Announcements and Acknowledgements
10. Approval of Minutes
11. Public Comment
12. Action Items
13. Information/Discussion Items
14. Consent Items
15. Public Comment
16. Other Business
17. Adjournment
18. Calendar of Board Meetings

The order of business may be changed at any meeting by the presiding officer with the consent of the majority of the Board.
Bylaws of the Board

Actions by the Board

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

An "action" by the Board of Education means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members.

2. A collective commitment or promise by a majority of the members to make a positive or negative decision.

3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance. (Government Code 54952.6)

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

Action on Non-Agenda Items

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5

2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted

3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

No action shall be taken in a regular meeting on a subject not listed on the published agenda, except when. (Government Code 54954.2)
1. The Board, by majority vote of its members, determines that the action responds to an emergency situation. An emergency situation is a work stoppage, crippling disaster or other activity which severely impairs public health or safety. (Government Code 54956.5)

2. The Board determines, either by a two-thirds (2/3) majority of its members or, if unavailable, by the unanimous vote of all members present, that the need to take immediate action came to the District's attention after the posting of the agenda.

3. The matter was properly posted for a previous meeting occurring not more than five (5) days earlier and was continued to the meeting at which action is being taken. (cf. 9320—Meetings and Notices) (cf. 9322—Agenda /Meeting Materials)

The Board shall not take action by secret ballot prior to or during Board meetings, whether preliminary or final. (Government Code 54953)

All actions taken by the Board in open session shall be recorded in the minutes of each Board meeting. (E.C. 35145) (cf. 9322—Board Policies) (cf. 9324—Minutes)

Actions requiring a two-thirds (2/3) vote of the Board include:

1. Resolution declaring intention to sell or lease real property. (E.C. 17466) (cf. 3280—Sale, Lease and Rental of District-owned Real Property)

2. Resolution declaring intent of Board to convey or dedicate property to the state or any political subdivision. (E.C. 17557)

3. Resolution authorizing and directing the Board President to execute a deed of dedication or conveyance of property. (E.C. 17559)

4. Lease for up to three months of school property which has a residence on it and which cannot be developed for District purposes because funds are unavailable. (E.C. 17481)

5. Temporary borrowing before receipt of fiscal income. Approval of county auditor and treasurer is required for this action. (Government Code 53821)

6. Ordering city or county zoning ordinances inapplicable if they would adversely affect the use of property for classrooms. (Government Code 53094)

7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund. (E.C. 17582, 17583)

Actions requiring a six-sevenths (6/7) vote of the Board of Education include:
1. The expenditure and transfer of necessary funds and use of District vehicles and personnel to meet a national or local emergency created by war, military, naval or air attack, or sabotage, or to provide for adequate national or local defense. (Government Code 53790-53792) (cf. 3110 — Transfer of Funds Between Categories)

2. Adoption of a resolution, between July 15 and August 30, to borrow funds of up to 25% of the estimated income and revenue to be received by the District during the fiscal year from apportionments based on ADA for the preceding year. (Government Code 53822-53824)

Actions requiring a unanimous vote of the Board of Education include:

1. Waiver of the competitive bid process when all Board members present determines that an emergency exists. (Public Contract Code section 20113)

2. Private sale of surplus property without advertisement requires the unanimous vote of the Board members present establishing that such property is not worth more than $2,500. Disposal of surplus property in the local dump requires the unanimous vote of the Board members present establishing that the value of such property would not defray the cost of its sale. (E.G. 17546)

Challenging Board Actions

Any demand to correct a Board action because of an alleged violation of the open meeting requirements shall be presented to the Board within ninety (90) days of the date when the action was taken. If the alleged violation of the Brown Act concerns action taken in violation of agenda requirements, the written demand must be made within thirty (30) days of the date when the alleged action took place. The demand shall clearly describe the challenged action and the nature of the alleged violation. Within thirty (30) days of receiving the demand, the Board shall review the action in question and shall inform the demanding party in writing of its decision to correct or not to correct the action. (Government Code 54960.1)

Any interested person or the district attorney's office may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of Government Code 54954.2 (agenda posting), Government Code 54953 (open meeting and teleconferencing), Government Code 54954.5 (closed session item descriptions), Government Code 54954.6 (new or increased tax assessments), Government Code 54956 (special meetings), or Government Code 54956.5 (emergency meetings). (Government Code 54960.1)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)
Within 30 days of receiving the demand, the Board shall do one of the following:
(Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.

2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.

3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

Legal Reference:
EDUCATION CODE
35144 – Special meeting
35145 – Public meetings
35145.5 – Agenda; public participation; regulations
35146 – Closed sessions
35164 – Majority vote of all members constituting board for board action
39366 – Declaration of intent to sell or lease real property
39380 – Lease of property with residence for non-District purposes
39431 – Resolutions requiring unanimous vote of all members constituting board
39521 – Private sale of personal property
39541 – Resolution of intention
39543 – Public hearing and adoption of resolution
39618 – District deferred maintenance fund
39618.5 – Deferred maintenance fund; transfer of excess local funds
15266 – School construction bonds
17466 – Declaration of intent to sell or lease real property
17481 – Lease of property with residence for nondistrict purposes
17510-17511 – Resolution requiring unanimous vote of all members constituting board
17546 – Private sale of personal property
17556-17561 – Dedication of real property
17582-17583 – District deferred maintenance fund
35140-35149 – Meetings
35160-35178.4 – Powers and duties
48660-48661 – Community day schools establishment and restrictions
GOVERNMENT CODE
53094 – Authority to render zoning ordinance inapplicable
53790-53792 – Exceeding the budget
53821 – Temporary borrowing; action requiring a two-thirds vote
53822-53824 – Action requiring a four-fifths vote
53850-53858 – Temporary borrowing
54950 – Meetings: declaration; intent; sovereignty
54952.6 Action taken, definition
54953 Meetings to be open and public; attendance; secret ballots
54953.5 Right to record proceedings; conditions
54954.2 Agenda posting requirements; board actions
54956 Special meetings; call; notice
54956.5 Special meetings called by local agency; emergency situations
54956.7-54956.95 Closed session authority
54957-54957.7 Closed sessions; especially
54957.1 Public report and roll call vote, employee matters in closed session
54957.2 Executive sessions; clerk; minute book
54959 Penalty for unlawful meeting
54960 Action to prevent violations
54960.1 Challenge of governing board actions
54960.5 Costs and attorney fees
53090-53097.5 Regulation of local agencies by counties and cities
53724 Parcel tax resolution requirements
53790-53792 Exceeding the budget
53820-53833 Temporary borrowing
53850-53858 Temporary borrowing
54950-54963 The Ralph M. Brown Act
54952.6 Action taken, definition
54953 Meetings to be open and public; attendance; secret ballots
54960 Action to prevent violations
65352.2 Coordination with planning agency

CODE OF CIVIL PROCEDURE
425.16 Special motion to strike in connection with a public issue
1245.240 Eminent domain vote requirements
1245.245 Eminent domain, resolution adopting different use

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

Adopted: (7-88 10-92 12-05) 3-12
Bylaws of the Board

Actions by the Board

Actions Requiring More Than a Majority Vote

Actions requiring a two-thirds vote of the Board include:

1. Resolution declaring intention to sell or lease real property. (E.C. 39366)

2. Resolution declaring intent of Board to convey or dedicate property to the state or any political subdivision for purposes specified in Education Code 17556. (E.C.-39541 Education Code 17557)

3. Resolution authorizing and directing the Board President, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559). (E.C.-39543)

4. Lease for up to three months of school property which has a residence on it and which cannot be developed for District purposes because funds are unavailable. (E.C.-39380) (Education Code 17481)

5. Temporary borrowing before receipt of fiscal income, if implemented pursuant to Government Code 53820-53833. (Government Code 53821)

6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, ordering city or county zoning ordinances inapplicable if they would adversely affect the use of property for classrooms inapplicable to a proposed use of the property by the District. (Government Code 53094)

7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund. (E.C.-39618, 39618.5) (Education Code 17582, 17583)

8. For districts desiring to operate a community day school on an existing school site to serve grades K-6 (and no higher grades), certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

9. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)

10. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)

11. Resolution to place a parcel tax on the ballot (Government Code 53724)
12. Resolution of necessity to proceed with an eminent domain action and, if the Board desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the District's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

Actions Requiring a Four-Fifths Vote of the Board Include:

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

2. Adoption of a resolution between July 15 and August 30 to borrow funds of up to 25 percent of the estimated income and revenue to be received by the District during the fiscal year from apportionments based on average daily attendance (ADA) for the preceding year. (Government Code 53822- 53824)

3. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas. (E.C. 39431) (Education Code 17510-17511)

2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)
Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement requires the unanimous vote of the Board members present to establish that such property is not worth more than $2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of its sale. (E.C. 39521) (Education Code 17546)

Adopted: (7-96 12-05) 3-12

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California
Bylaws of the Board

Minutes and Recordings

The Governing Board recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by District staff and the public. Accurate minutes also help foster public trust that Board actions are occurring in public in accordance with law.

The secretary of the Board of Education shall keep minutes and record all official actions of the Board of Education. The Board's minutes shall be public records and shall be made available to the public upon request. (Education Code 35145, 35163)

Copies of the minutes of each regular or special meeting shall be distributed to all Board members with the agenda for the next regular meeting.

The Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. At the next meeting, the Board shall approve the minutes as circulated or with necessary amendments.

Copies of the minutes of each regular or special meeting shall be distributed to all Board members with the agenda for the next regular meeting.

In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion, the names of members who made and seconded the motion, and the individual votes of each member, unless the action was unanimous. When a roll call vote is taken, the names and votes of each member shall be listed. Motions or resolutions shall be recorded as having passed or failed. All motions and Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

The minutes shall record which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

Official Board minutes, recordings and the master copy of the policy manual shall be stored in a fire-proof location, secure location and shall be retained in accordance with law.
Any minutes or recordings kept for Board meetings held in closed session shall be kept separate from the minutes or recordings of the regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

**Recording of Votes or Broadcasting of Meetings**

Motions or resolutions shall be recorded as having passed or failed. Individual votes will be recorded unless the action was unanimous. Absences and/or abstentions will be recorded. All motions and resolutions by the Board of Education shall be numbered consecutively at the beginning of each fiscal year.

**Recording Devices**

A video or audio tape recording may be made at any Board meeting. The District may tape, film, or broadcast any open Board meeting. The Board president shall announce that a recording or broadcasting is being made at the beginning of the meeting and, as practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any District recording may be erased or destroyed 30 days after the meeting. Recordings made during a meeting are public records and, upon request, shall be made available for inspection by members of the public on a district recorder without charge. (Government Code 54953.5) Recordings made during closed sessions are not public records.

All recordings, tapes or discs shall be kept in a fire-proof location.

Legal Reference:

**EDUCATION CODE**
35145 Public meetings
35163 Official actions, minutes and journal
35164 Vote requirements

**GOVERNMENT CODE**
54952.2 Meeting defined
54953.5 Audio or video recording of proceedings
54953.6 Broadcasting of proceedings
54957.2 Closed sessions; clerk; minute book
54960 Violations and remedies

**CODE OF REGULATIONS, TITLE 5**
16020-16027 Classification and retention of records

**PENAL CODE**
632 Unlawful to intentionally record a confidential communication without consent of all parties to the communication

ORANGE UNIFIED SCHOOL DISTRICT

Orange, California

Adopted: (7-88 10-92 7-96 12-05) 3-12
Bylaws of the Board

Membership in Associations

The Board of Education shall ordinarily hold membership in and attend meetings of such local, state, regional and national school board associations as may exist and shall look upon such memberships as opportunities for in-service training.

Legal Reference:

- EDUCATION CODE
- 35172 Promotional activities
- 35173 Expenses

Adopted: (7-88-10-92) 12-05

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California