

Bylaw 9012: Board Member Electronic Communications

Status: DRAFT

Original Adopted Date: 04/16/2013 | Last Revised Date: 04/13/2021 | Last Reviewed Date: 04/13/2021

The Governing Board recognizes that electronic communication is an efficient and convenient way for Board members to communicate and expedite the exchange of information ~~within the~~**with each other**, district ~~staff~~, and with members of the public. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for ~~compliance with the Brown Act~~, the Board to deliberate outside of an agenda Board meeting, circumvent the public's right to access records regarding district business, or restrict access to a public forum. **Public Records Act, and other applicable laws.**

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 may engage in separate conversations or communications with members of the public on a social media platform to answer questions, provide information, or solicit information regarding a matter that is within the subject matter jurisdiction of the Board; as long as a majority of the Board does not use the platform to discuss among themselves any business of a specific nature that is within the subject matter jurisdiction of the Board. ~~A Board member is prohibited from responding directly to any communication from other~~ **Additionally**, Board members regarding matters that are within the subject matter jurisdiction of the Board or **prohibited from** using digital icons (e.g., **such as** "likes" or "emojis") to, **that** express reactions to communications made by other Board members: **regarding matters within the subject matter jurisdiction of the Board.** (Government Code 54952.2)

~~Whenever a Board member uses a social media platform to communicate with the public about district business or Board activities, the Board member shall not block access to a member of the public based on the viewpoint expressed by that individual.~~

Board members may use electronic communications to discuss matters that do not pertain to district business, regardless of the number of Board members participating in the discussion.

Board members shall make every effort to ensure that their electronic communications conform to the same standards ~~Board Bylaw 9010 - Public Statements~~ 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 the response does not necessarily reflect the views of the Board as a whole. Any complaint or request shall forward any complaints or requests for information should be forwarded to the Superintendent in accordance with applicable 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 media shall be forwarded to the designated district spokesperson.~~

To the extent possible, electronic communications regarding any district-related business shall be transmitted through a district-provided device or account. When any such communication is transmitted through a Board member's personal device or account, the Board member shall copy the communication to a district electronic storage device for easy retrieval.

This Bylaw does not apply to Board member electronic communications not related to district business or not conducted by a Board member in the Board member's official capacity.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35140

Ed. Code 35145

Ed. Code 35145.5

Description

[Time and place of meetings](#)

[Public meetings](#)

[Agenda; public participation and regulations](#)

State References

Ed. Code 35147
 Gov. Code 11135
 Gov. Code 54950-54963
 Gov. Code 54952.2
 Gov. Code 54953
 Gov. Code 54954.2
 Gov. Code 7920.000-7930.215

Description

[Open meeting laws exceptions](#)
[Prohibition of discrimination](#)
[The Ralph M. Brown Act](#)
[Meeting; defined](#)
[Meetings to be open and public; attendance](#)
[Agenda posting requirements; board actions](#)
[California Public Records Act](#)

Management Resources References

Attorney General Publication
 Court Decision
 Court Decision
 CSBA Publication
 CSBA Publication
 Website
 Website
 Website
 Website

Description

[The Brown Act: Open Meetings for Legislative Bodies, rev. 2003](#)
 Lindke v. Freed (2024) 601 U.S. 187
 City of San Jose v. Superior Court (2017) 2 Cal.5th 608
[Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017](#)
 The Brown Act: School Boards and Open Meeting Laws, rev. 2023
[CSBA District and County Office of Education Legal Services](#)
[CSBA, GAMUT Meetings](#)
[California Attorney General's Office](#)
[CSBA](#)

Cross References

1100
 1112
 1113
 1113
 1113-E(1)
 1114
 1114
 1312.1
 1312.1
 1312.1-E PDF(1)
 1312.2
 1312.2
 1312.2-E(1)
 1312.3
 1312.3
 1312.3-E PDF(1)
 1312.3-E PDF(2)
 1312.4
 1312.4-E(1)
 1312.4-E(2)

Description

[Communication With The Public](#)
[Media Relations](#)
[District And School Websites](#)
[District And School Websites](#)
[District And School Websites](#)
[District-Sponsored Social Media](#)
[District-Sponsored Social Media](#)
[Complaints Concerning District Employees](#)
[Complaints Concerning District Employees](#)
[Complaints Concerning District Employees](#)
[Complaints Concerning Instructional Materials](#)
[Complaints Concerning Instructional Materials](#)
[Complaints Concerning Instructional Materials](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Williams Uniform Complaint Procedures](#)
[Williams Uniform Complaint Procedures](#)
[Williams Uniform Complaint Procedures](#)

Cross References

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1340

3320

3320

3580

3580

9000

9005

9010

9121

9200

9230

9320

9322

9323.2

9323.2-E(1)

Description[Access To District Records](#)[Access To District Records](#)[Claims And Actions Against The District](#)[Claims And Actions Against The District](#)[District Records](#)[District Records](#)[Role Of The Board](#)[Governance Standards](#)[Public Statements](#)[President](#)[Limits Of Board Member Authority](#)[Orientation](#)[Meetings And Notices](#)[Agenda/Meeting Materials](#)[Actions By The Board](#)[Actions By The Board](#)