

# Modesto City Schools

## Board Bylaws

BB 9012

### BOARD OF EDUCATION

#### Board Member Electronic Communications

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 district 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 the Board to deliberate outside of an agendaized Board meeting, **nor to** circumvent the public's right to access records regarding district business, **or restrict access to a public forum.**

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 Board members regarding matters that are within the subject matter jurisdiction of the Board or using digital icons (e.g., “likes” or emojis) to express reactions to communications made by other Board members. (Government Code 54952.2)**

**Bold Black Underline = MCS Language**

**Bold Red = CSBA Language**

Regular Black = Common Language

→ Denotes changes being suggested

BB 9012 (a)

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**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.**

In addition, 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 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 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** he/she shall copy the communication to a district electronic storage device for easy retrieval.

### *Legal Reference:*

#### **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**

BB 9012 (b)

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*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*

*6250-6270 California Public Records Act*

#### COURT DECISIONS

*City of San Jose v. Superior Court (2017) 2 Cal.5th 608*

***A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455***

*Management Resources:*

#### CSBA PUBLICATIONS

***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. 2014***

***A Governance Perspective: Interviews with School Board Members from the Nine Linked Learning Initiative School Districts, March 2014***

#### ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Legislative Bodies, 2003*

#### WEB SITES

***CSBA: <http://www.csba.org>***

***CSBA, Agenda***

***Online: <http://www.csba.org/ProductsAndServices/AllServices/AgendaOnline.aspx>***

***California Attorney General's Office: <http://oag.ca.gov>***

***AASA The School Superintendents Association -***

***<https://simbli.eboardsolutions.com/SU/MOaF8AO8cslshSlfGc13QQoEQ==>***

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**ADOPTED: September 9, 2019**

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