

Twin Rivers USD

Board Bylaw

Governance Standards

REVISED

BB 9005

Board Bylaws

The Board of Trustees believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

(cf. 9000 - Role of the Board)

(cf. 9270 - Conflict of Interest)

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education

(cf. 9010 - Public Statements)

3. Recognize and respect differences of perspective and style on the Board and among staff, students, ~~parents/guardians~~ and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential

(cf. 9011 - Disclosure of Confidential/Privileged Information)

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader

(cf. 9240 - Board Development)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff

(cf. 2110 - Superintendent Responsibilities and Duties)

8. Understand that authority rests with the Board as a whole and not with individuals

(cf. 9200 - Limits of Board Member Authority)

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students

2. Communicate a common vision

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

3. Operate openly, with trust and integrity

4. Govern in a dignified and professional manner, treating everyone with civility and respect

5. Govern within Board-adopted policies and procedures

(cf. 9310 - Board Policies)

6. Take collective responsibility for the Board's performance

7. Periodically evaluate its own effectiveness

(cf. 9400 - Board Self-Evaluation)

8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

- ~~9. Consistent with Board authority resting with the Board as a whole, members of the Board shall not use district or Board stationery to communicate on any issue that has not been approved and/or authorized by the Board.~~

~~Censure Policy and Procedure~~

~~Background~~

~~The Board has a strong commitment to ethics. The public expects and must receive the highest standards of ethics from all of those in public service. In order to be able to enforce conformance to its ethical policies, the Board must have a procedure by which it can censure its own members for violation of its policies or bylaws of the Board.~~

~~Purpose~~

~~This Policy and Procedure is intended to provide the mechanism by which the Board, acting as a whole, can discipline and punish any of its members who violate state or federal laws applicable to the district or for violation of the Board Policies or Bylaws of the Board.~~

~~Policy~~

~~It is the Policy of the Board that all of its members shall abide by federal and state law that are applicable to members of the Board, as well as to Board Policies or Bylaws. Violation of such laws, policies, or bylaws tends to injure the good name of the district and undermine the effectiveness of the Board as a whole. Such conduct is deemed to be a dereliction of duty. Censure is a formal resolution of the Board officially reprimanding one of its members. Censure is an appropriate punitive measure when the violation of law or policy is deemed by the Board to be a serious offense.~~

~~In order to protect the overriding principle of freedom of speech, the Board shall not impose "censure" on any of its members solely for the lawful exercise of his or her First Amendment rights no matter how distasteful the expression was to the district and Board.~~

~~In order to ensure the right to a fair jury trial, the Board shall not impose "censure" on any of its members for the violation of any criminal law while criminal charges are pending. However, when the criminal proceedings are final, the Board need not be bound by the conclusions of the criminal Court and may hold a "censure" hearing.~~

~~Procedure~~

~~1. — A request for a "censure" hearing must be submitted to the Superintendent in writing by no less than three members of the Board. The request must contain the specific charge(s) on which the proposed censure is based and the written material(s) which are the basis for the charge(s).~~

~~2. — A copy of the request for censure and the charge(s) shall be sent by the Superintendent's office to all the members of the Board at least five (5) business days prior to the Board meeting at which it will be considered. The request and charge(s) shall be agendaized in accordance with the Brown Act for the meeting of the Board.~~

~~3. — The Board shall determine that either:~~

~~a. — Further investigation of the charge(s) is required; or~~

b. ~~—The matter is to be set for public hearing; or~~

c. ~~—No action is required.~~

4. ~~—Further investigation, if required, shall be done by an ad hoc Committee appointed by the Board President, with the assistance of district staff and legal counsel as needed and requested by the ad hoc committee. If the Board President is the subject of the request, the Committee shall be formed by the Board Vice Board President.~~

5. ~~—If the matter is set for public hearing, it must be set no sooner than the next regularly scheduled Board meeting following the Board's determination under Section 3 of these procedures in order to give the accused Board member adequate time to prepare a defense.~~

6. ~~—At the public hearing, the member of the Board of Education subject to the request shall be given the opportunity to respond to the request and to provide the Board information and material(s) relevant to the charge(s). The proponents of the request may also respond to the presentation and members of the Board of Education may ask questions pertaining to the matter at hand. The member subject to the charge(s) may be represented at his or her own personal expense and may have the representative speak on his or her behalf.~~

7. ~~—A decision to censure requires the adoption of a Resolution making findings with regard to the specific charge(s), based on substantial evidence, and approved by a majority vote of the Board.~~

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

GOVERNMENT CODE

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129.1 Incompatible activities

54950-54963 The Ralph M. Brown Act

87300-87313 **87314** Conflict of interest code

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

Bylaw	TWIN RIVERS UNIFIED SCHOOL DISTRICT	
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