

ROLE OF THE BOARD (POWERS AND RESPONSIBILITIES)

The Board of Trustees is elected by the community to provide leadership and citizen oversight of the District's schools. The Board shall work with the Superintendent to fulfill its major roles, which include:

1. Establishing a long-term vision for the District
2. Establishing and maintaining a basic organizational structure for the District, including employment of the Superintendent and adoption of policies, curriculum, the budget and the collective bargaining agreement
3. Ensuring accountability to the local community, including personnel, programmatic and fiscal accountability and service as a judicial and appeals body as needed
4. Providing community leadership and advocacy at the local, state and national levels on behalf of children, District programs and public education

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

The Board may delegate any of its duties to the Superintendent or designee but shall be ultimately responsible for the performance of any duties it delegates. (Education Code 35161)

(cf. 2120 - Superintendent of Schools)

(cf. 2210 - Administrative Leeway in Absence of Board of Trustees Policy)

Vision

The Board shall set the direction for the District by adopting a vision statement which defines the District's goals and priorities. The Board shall carry out its vision-setting role by identifying the strengths and needs of the District, developing and adopting a process for framing the vision, soliciting staff and community input as appropriate, ensuring that the adopted vision statement is implemented and conducting a periodic review of the vision.

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

(cf. 6010 - Goals and Objectives)

ROLE OF THE BOARD (POWERS AND RESPONSIBILITIES) (continued)

Superintendent Employment and Evaluation

The Board shall be solely responsible for employing the Superintendent and ensuring that he/she is the best match for the District based on needed abilities, traits and level of knowledge. When selecting a new superintendent, the Board shall ensure a smooth transition period; evaluate the District's current and long-term needs; plan and conduct a process for recruitment, screening and selection; and approve the Superintendent's employment contract. The Board shall regularly evaluate the Superintendent based on an evaluation system and performance objectives established by the Board and Superintendent.

(cf. 2121 - Superintendent's Contract)

(cf. 2122 - Superintendent of Schools: Responsibilities and Duties)

(cf. 2123 - Evaluation of the Superintendent)

General Hiring and Personnel Accountability

The Board shall adopt wage and salary schedules, and elect or reject employees at the recommendation of the Superintendent or designee. In order to have the best qualified people working at their maximum effectiveness, the Board shall hold the Superintendent responsible for overseeing the District's personnel system, developing effective hiring practices, creating a climate supportive of personnel and providing an effective framework for staff accountability.

(cf. 4000 - Concepts and Roles)

(cf. 4111 - Recruitment and Selection)

(cf. 4115 - Evaluation/Supervision)

(cf. 4151/4251/4351 - Employee Compensation)

(cf. 4211- Recruitment and Selection)

(cf. 4215 - Evaluation/Supervision)

(cf. 4311- Recruitment and Selection)

(cf. 4315 - Evaluation/Supervision)

Policy Adoption and Monitoring

The Board shall govern the schools by adopting policies that reflect the District's vision and the mandates of law. The Board shall establish a clear policy development process through which it may deliberate on issues, identify priorities, assign responsibilities, identify goals and courses of action, and review policy decisions.

The Board shall also adopt bylaws that promote cooperation, trust and teamwork among its members, give parameters to the Board's operation as a governing body, and ensure that its meetings proceed efficiently and in compliance with law.

ROLE OF THE BOARD (POWERS AND RESPONSIBILITIES) (continued)

(cf. 9200 - Members)

(cf. 9300 - Governance)

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

(cf. 9323 - Meeting Conduct)

(cf. 9400 - Board Self-Evaluation)

Curriculum Adoption and Program Accountability

While the design and implementation of curriculum is primarily a staff responsibility, the Board's role is to adopt overall educational goals and standards, define the curriculum development process, specify graduation requirements, adopt the developed curriculum and ensure compliance with state and federal laws.

To ensure accountability to the community, the Board shall establish measurable benchmarks to assess the effectiveness of the District's educational programs in producing desired student achievement results. Based on these assessments, the Board shall direct the Superintendent or designee to take corrective actions as needed.

(cf. 0420.5 - School-Based Decision Making)

(cf. 6010 - Goals and Objectives)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)

(cf. 6162.5 - Student Assessment)

(cf. 6190 - Evaluation of the Instructional Program)

Budget, Facilities and Fiscal Accountability

The Board shall adopt a sound, responsible budget that supports District goals and priorities. To guide the Superintendent or designee in development of the budget, the Board shall establish a budget calendar, budget process and spending priorities.

Recognizing that school facilities are a long-term obligation that impacts District budgets, the Board shall also ensure that a plan is in place to address the District's facility needs, including the funding, construction and maintenance of school facilities. The Board shall approve facility sites, funding sources and architectural and construction contracts.

The Board recognizes that it is accountable to the community for its budget and facilities decisions and for the District's fiscal integrity. The Board shall use accountability systems and processes in order to monitor the District's fiscal health.

BB 9000(d)

ROLE OF THE BOARD (POWERS AND RESPONSIBILITIES) (continued)

(cf. 3000 - Concepts and Roles)
(cf. 3100 - Budget)
(cf. 3312 - Contracts)
(cf. 3460 - Financial Reports and Accountability)
(cf. 7110 - Facilities Master Plan)
(cf. 7140 - Architectural and Engineering Services)
(cf. 7150 - Site Selection and Development)
(cf. 7210 - Facilities Financing)

Collective Bargaining

The Board is the legal representative of the District in negotiations with employee representatives. In carrying out the collective bargaining process, the Board shall set goals and guidelines for collective bargaining, select the bargaining team, maintain communications throughout the process and approve the negotiated contract.

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)

Judicial and Appeals Body

In addition to establishing complaint procedures that ensure due process and facilitate the satisfactory resolution of issues, the Board may convene to serve as a judicial and appeals body in accordance with law, Board policies and negotiated agreements. The Board may delegate fact-finding or hearing responsibilities in appropriate cases but remains the final decision-maker in these proceedings.

(cf. 1312 - Complaints Concerning the Schools)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4117.3 - Personnel Reduction)
(cf. 4117.4 - Dismissal)
(cf. 4144/4244/4344 - Complaints)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4317.3 - Personnel Reduction)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)
(cf. 5119 - Students Expelled from Other Districts)
(cf. 5125.3 - Challenging Student Records)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6164.6 - Identification and Education under Section 504)

BB 9000(e)

ROLE OF THE BOARD (POWERS AND RESPONSIBILITIES) (continued)

Community Leadership

The Board shall build and maintain community awareness and support by actively involving parents/guardians, business and other community members in the schools and informing them about District programs, policies and issues.

Recognizing that the level of local, state and national support for education impacts the Board's ability to fulfill its responsibilities, the Board shall engage in advocacy on behalf of District schools. The Board shall ensure that the District has the capability to respond to emerging issues and a proactive communications plan for issues that are District priorities.

(cf. 0510 - School Accountability Report Card)

(cf. 1020 - Youth Services)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1160 - Political Processes)

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations between Private Industry and the Schools)

(cf. 9010 - Public Statements)

Legal Reference:

EDUCATION CODE

5304 Duties of governing board (re school district elections)

12400-12405 Authority to participate in federal programs

17565-17592 Board duties re property maintenance and control

33319.5 Implementation of authority of local agencies

35000 District name

35010 Control of district; prescription and enforcement of rules

35020-35046 Officers and agents

35100-35351 Governing boards, especially:

35160-35185 Powers and duties

35291 Rules

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9010

PUBLIC STATEMENTS

The Board of Trustees recognizes the rights of Board members to freely express their views and encourages open discussion of issues during the Board meeting. The Board believes that effective Board members have a responsibility to express themselves, whether in agreement or disagreement with the Board majority, in ways that promote the Board's ability to govern the District.

When speaking to community groups, the media, or other members of the public, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9200 - Members)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

GOVERNMENT CODE

54960 Actions to stop or prevent violation of meeting provisions

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9011(a)

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

Confidential/privileged information shall be released only as allowed by law.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Confidential/privileged information is defined as: (Government Code 1098)

1. Information that is not a public record subject to disclosure under the Public Records Act
2. Information that by law may not be disclosed
3. Information that may have a material financial effect on the Board of Trustees member

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 5125 - Student Records)

Confidential/privileged information which is produced for, or which comes out during, closed sessions of the Board shall not be divulged or released unless a majority of Board members agree to release the information, subject to applicable laws regarding closed sessions. (Education Code 35146; Government Code 3549.1, 6250-6270, 54956.8, 54956.9, 54957-54962)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Legal Reference: (see next page)

BB 9011(b)

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION (continued)

Legal Reference:

EDUCATION CODE

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

35146 Closed session

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records, especially:

6254 Public records; exemption of records

54950-54962 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957 Closed Session; "employee" defined; exclusion of witnesses

54957.1 Subsequent public report and rollcall vote; employee matters in closed session

54957.5 Public records

54957.6 Closed session; representatives with employee organization

54957.7 Reasons for closed session

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 231 (1997)

Management Resources::

CSBA PUBLICATIONS

Maximizing School Board Leadership, Boardmanship, 1996

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9100

ORGANIZATION

Annual Organizational Meeting

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

At this meeting the Board shall:

1. Elect a president, vice president, and a clerk from its members.
2. Appoint a secretary to the Board.
3. Authorize signatures.
4. Develop a schedule of regular meetings for the year.
5. Develop a Board calendar for the year.
6. Designate Board representatives.

(cf. 9140 - Board Representatives)

(cf. 9320 - Meetings and Notices)

Election of Officers

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

Legal Reference:

EDUCATION CODE

5017 *Term of Office*

35143 *Annual organizational meeting date, and notice*

35145 *Public meetings*

GOVERNMENT CODE

54953 *Meetings to be open and public; attendance*

68 *Ops. Cal. Atty. Gen. 65 (1985)*

59 *Ops. Cal. Atty. Gen. 619, 621-622 (1976)*

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9110

TERMS OF OFFICE

The Board of Trustees shall consist of five members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each odd-numbered year.

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

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code 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; Education Code 5017)

(cf. 9220 - Elections)

(cf. 9223 - Filling Vacancies)

(cf. 9224 - Oath or Affirmation)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

5000-5033 Election of school district board members

35010 Control of district

35012 Board members; number, election and terms

35107 Eligibility

GOVERNMENT CODE

1302 Continuance in office until qualification of successor

1303 Exercising functions of office without having qualified

1360 Necessity of taking constitutional oath

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9121(a)

PRESIDENT

The president shall preside at all Board of Trustees 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
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 a vote, and state clearly the results of the vote

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, 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. Appoint and disband all committees, subject to Board approval
4. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law
5. Confer with the Superintendent or designee on crucial matters which may occur between Board meetings
6. Be responsible for the orderly conduct of all Board meetings
7. Share informational mail with other Board members

BB 9121(b)

PRESIDENT (continued)

(cf. 9320 - Meetings and Notices)

When the president resigns or is absent or disabled, the vice president shall perform the president's duties. When both the president and vice president are absent or disabled, the Board clerk shall perform the president's duties.

Legal Reference:

EDUCATION CODE

35022 *President of the board*

35143 *Annual organizational meetings; dates and notice*

35144 *Special meetings*

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9122

SECRETARY

The Superintendent or designee, acting as secretary to the Board of Trustees, shall have the following duties:

1. Prepare and maintain the Board agenda
2. Prepare and maintain the Board minutes

3. Maintain Board records and documents
4. Submit to Board officers the correspondence addressed to them
5. Other duties as assigned by the Board

Legal Reference:

EDUCATION CODE

35025 Secretary and bookkeeper

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

CLERK

At the annual organizational meeting, the Board of Trustees shall appoint a clerk from its own membership.

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign the minutes of the Board meetings following their approval
4. Sign documents as directed by the Board on behalf of the District, and sign all other items which require the signature of the clerk
5. Serve as presiding officer in the absence of the president and vice president
6. Perform any other duties assigned by the Board

VICE PRESIDENT

The Vice President shall assume all duties and responsibilities of the President at the Board of Trustees meeting in the absence of the current President. The Vice President is the representative to elect members of the county committee school district organization.

Legal Reference:

EDUCATION CODE

17593 Repair and supervision of property (duty of district clerk)

35038 Appointment of clerk by county superintendent of schools

35039 Dismissal of clerk

35121 Appointment of clerk in certain city and high school districts

35143 Annual organizational meetings

35250 Duty to keep certain records and reports

38113 Duty of clerk (re provision of school supplies)

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

ATTORNEY

The Board of Trustees 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 county counsel, district attorney, or private attorneys to meet the needs of the District.

The District's legal counsel may:

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

The Superintendent 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. The Board also may authorize a specific member to confer with legal counsel on behalf of the Board.

(cf. 9000 - Role of the Board)

(cf. 9200 - Members)

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference: (see next page)

ATTORNEY (continued)

Legal Reference:

EDUCATION CODE

35041 *Administrative adviser*

35041.5 *Legal counsel: Relieving duties of county counsel and district attorney*

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*

Bylaw

Adopted: March 13, 2000

**FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California**

BOARD COMMITTEES

The Board of Trustees may establish Board committees as necessary. The Board shall determine the duties of the committee at the time of its appointment. Unless specifically authorized by the Board to act on its behalf, Board committees shall act in an advisory capacity. When its duties have been completed, the committee shall be dissolved.

(cf. 1220 - Citizen Advisory Committees)

Board committees shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws.

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Board advisory committees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the Board. (Government Code 54952)

Standing committees with a continuing subject matter jurisdiction include but are not limited to those responsible for providing advice on budgets, audits, contracts and personnel matters at the Board's request.

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

The Superintendent or designee may serve as an advisor to any committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community and students and may consult with local public boards and agencies.

When a Board committee composed exclusively of Board members has provided for public comment on an item at a public meeting before or during the committee's consideration of the item, the Board is not obliged to provide for public comment on the item at a subsequent Board meeting. Public comment shall be afforded, however, if the Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

Legal Reference: (see next page)

BOARD COMMITTEES (continued)

Legal Reference:

EDUCATION CODE

35010 *Control of district; prescription and enforcement of rules*

35024 *Executive committee*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

GOVERNMENT CODE

54952 *Legislative body, definition*

54952.2 *Definition of meeting*

54954 *Time and place of regular meetings; special meetings; emergencies*

54954.3 *Opportunity for public to address legislative body*

79 Ops.Cal.Atty.Gen. 69 (1996)

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

BOARD REPRESENTATIVES

The Board of Trustees may appoint any of its members to serve as its representatives on District committees or advisory committees of other public agencies or organizations. Due to open meeting law requirements, a majority of the Board shall not be appointed to serve on the same committee.

(cf. 9270 - Conflict of Interest)
(cf. 9320 - Meetings and Notices)

When making such appointments, the Board shall clearly specify, on a case-by-case basis, what authority and responsibilities are involved. Board representatives shall not grant District support or endorsement for any activity without prior Board approval.

If a committee discusses a topic on which the Board has taken a position, the Board member may express that position as a representative of the Board. When contributing individual ideas or opinions on other topics, he/she shall make it clear that he/she is speaking as an individual, not on behalf of the Board.

(cf. 1220 - Citizen Advisory Committees)
(cf. 9010 - Public Statements)
(cf. 9130 - Board Committees)

At its annual organizational meeting, the Board shall designate one Board member as its representative to elect members to the county committee on school District organization. (Education Code 35023)

The Board shall provide the representative with nominees to this committee.

A Board member is eligible to serve as a member of the county committee on school District organization. (Education Code 4007)

(cf. 9100 - Organization)

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

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

STUDENT BOARD MEMBERS

The Board believes it is important to seek out and consider students' ideas, viewpoints and reactions to the educational program. In order to provide student input and involvement, the Board shall include a minimum of one student Board member selected in accordance with procedures approved by the Board.

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

Student Board members shall be seated with regular Board members and be recognized at meetings as full members. They may participate in questioning witnesses and discussing issues and shall receive all materials presented to Board members except those related to closed sessions. (Education Code 35012)

Student Board members may be reimbursed for mileage but shall not receive compensation for attendance at Board meetings. (Education Code 35012)

Student Board member(s) may cast preferential votes on all matters except those subject to closed session discussion. Preferential votes shall be cast prior to the official Board vote and shall not affect the final numerical outcome of a vote. Preferential votes shall be recorded in the Board meeting minutes. (Education Code 35012)

Student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

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 Meeting and Negotiating in Public Educational Employment

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

STUDENT BOARD MEMBER GUIDELINES

Duties of Student Board Member

The duties of the student Board member include the following:

1. To provide continuing input for Board deliberations.
2. To strengthen communications between the Board and District students.
3. To represent all students and facilitate the discussion of all sides of issues. This duty does not preclude the student Board member from stating his/her individual opinion.

Selection and Term

The student Board member shall be elected by the students of the District based on the following criteria:

1. The student body of each high school shall have one vote.
2. The vote shall be cast by an elected student representative from each high school campus.
3. The student Board member shall be elected by a majority vote.
4. The term of office shall be July 1 - June 30.

Vacancy

If the position of student Board member becomes vacant, another student Board member shall be elected following the steps listed above.

Board Materials Information

The Superintendent or designee's office shall provide the student Board member with full and complete agendas and copies of any materials received by the Board except for those materials covered in closed session and any other confidential materials. The Superintendent's office shall serve as the "home office" for the student Board member, where he/she may make use of secretarial facilities and receive advice and/or information upon request.

Exhibit

Version: March 13, 2000

**FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California**

RESOLUTION # _____
STUDENT BOARD MEMBER MOTIONS

WHEREAS: The Board of Trustees of the Fortuna Union High School District includes one or more student Board member(s);

AND WHEREAS: California Education Code 35012 provides that the Board may authorize its student member(s) to make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3;

THEREFORE BE IT RESOLVED: That the Board hereby authorizes its student member(s) to make motions as specified above.

Passed and Adopted by the Board of Trustees of the Fortuna Union High School District on _____, by the following vote:

_____ (date)

Ayes: _____

Noes: _____

Absent: _____

President, Board of Trustees
Fortuna Union High School District
Humboldt County, California

Attested by: _____
Secretary to the Board

Exhibit
Version: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

MEMBERS

Limits of Board Members Authority

The Board of Trustees is the unit of authority over the District. It 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.

(cf. 9000 - Role of the Board)

The Board member has no individual authority. Individually, the Board member may not commit the District to any policy, act or expenditure. The Board member cannot do business with the District served, 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.

(cf. 9270 - Conflict of Interest)

Individual 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 perform any necessary research associated with the request and report to the Board at a future meeting on the results or on the efforts and staff time which made accomplishment of the task impossible.

(cf. 1340 - Access to District Records)

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

Because his/her position as a Board member may inhibit the performance of school personnel, a Board member shall not serve as a volunteer aide in the District during regular school hours.

Obligations of Board Members

Board members should hold the education of children and youth above any partisan principle, group interest, or personal interest.

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, vote on motions and resolutions, and abstain only for compelling reasons.

(cf. 9240 - Board Development)

(cf. 9271 - Code of Ethics)

(cf. 9320 - Meetings and Notices)

BB 9200(b)

MEMBERS (continued)

Board members shall refer Board-related correspondence to the Superintendent or designee for forwarding to the Board or for placement on the Board's agenda.

(cf. 9322 - Agenda/Meeting Materials)

Board members and persons elected to the Board are responsible for complying with the requirements of the state's open meeting laws.

The Superintendent or designee shall provide a copy of the Brown Act to each Board member and to anyone who is elected to the Board.

Legal Reference:

EDUCATION CODE

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards - esp.

35160-35184 Powers and duties

35230-35240 Corrupt practices

35291 Rules

35292 Visits to schools (Board members)

GOVERNMENT CODE

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

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9220(a)

BOARD OF TRUSTEES ELECTIONS

Any person is eligible to be a Board of Trustees 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. (Education Code 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. (Education Code 35107)

(cf. 9270 - Conflict of Interest)

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

(cf. 9110 - Terms of Office)

Statement of Qualifications

The District shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed pursuant to Elections Code 13307.

The Board secretary shall notify the county clerk of this policy on or before the 125th day before each Board member election. (Elections Code 10509)

Candidate statements shall be limited to no more than 200 words.

Tie Votes in Board Member Elections

Before each election, the Board shall establish whether a potential tie is to be resolved by lot.

After an election for which the Board has decided to resolve a tie by lot, 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. (Education Code 5016)

After an election for which the Board has decided to resolve a tie with a runoff election the Board shall schedule the runoff election in accordance with law.

Legal Reference: (see next page)

BB 9220(b)

BOARD OF TRUSTEES ELECTIONS (continued)

Legal Reference:

EDUCATION CODE

5000 Biennial election

5016 Selection in tie vote

5017 Term

5019 Trustee areas and size of governing boards

5019.5 Trustee areas; adjustment of boundaries

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 (re returns, recounts, etc.)

35107 Eligibility; school district employees

35177 Campaign expenditures or contributions

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 2, Section 4 Prohibition certain persons as electors

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

Article 7, Section 10 Libelous or slanderous statements against opposing candidates

ELECTIONS CODE

1302 Local elections, school district election

2201 Grounds for cancellation

2220-2226 Residency confirmation procedures

10400-10418 Consolidation of elections especially:

10403.5 Municipal election consolidated with statewide election or school district election

10509 Notice of election by secretary

10600-10604 School district elections

13307 Candidate's statement

13309 Candidate's statement, indigency

GOVERNMENT CODE

1021 Conviction of crime

1097 Illegal participation in public contract

3035 Impeachment

85706 Local regulation

85301-85313 Contribution limitations

PENAL CODE

68 Bribes

74 Acceptance of gratuity

424 Embezzlement and falsification of accounts by public officers

661 Removal for neglect or violation of official duty

California Prolife Council Political Action Committee v. Jan Scully et. al., CIV S-96-1965 (E. Dist. CA 1998)

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9221

RECRUITING NEW BOARD MEMBERS

In order to draw Board of Trustees 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 school 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 - Board of Trustees Elections)

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9222

RESIGNATION

A Board of Trustees member who wishes to resign may do so by filing a written resignation with the County Superintendent of Schools. (Education Code 5090)

A copy shall be given to the Board secretary.

The written resignation is effective when filed, except when a deferred effective date is specified in the resignation. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after filing. (Education Code 5091)

A written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable upon being filed. (Education Code 5090)

Upon resignation, the Board member may continue to exercise all his/her powers, save that of voting for a successor, until the effective date of resignation. (Education Code 35178)

(cf. 9270 - Conflict of Interest)

Legal Reference:

EDUCATION CODE

5090 *Definition (vacancy)*

5091 *Special Election*

35178 *Resignation with deferred effective date*

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9223(a)

FILLING VACANCIES

A vacancy on the Board of Trustees may occur for any of the events specified in Government Code 1770 or by a failure to elect. (Education Code 5090) Removal by recall election shall also create a vacancy on the Board. (Elections Code 11384)

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))

If a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)

If a vacancy occurs four or more 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 below. (Education Code 5091)

Mandated Special Election

If 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)

Provisional Appointments

When the special election described above is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

In order to draw from the largest possible number of candidates, 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.

(cf. 9130 - Board Committees)

(cf. 9220 - Board of Trustees Elections)

(cf. 9323.2 - Actions by the Board)

BB 9223(b)

FILLING VACANCIES (continued)

Notice and Duration of Provisional Appointment

Within 10 days after the appointment is made, the Board shall post notices of the vacancy or resignation and the provisional appointment. The notice shall be published in the local newspaper and posted in at least three public places within the District. (Education Code 5092)

The notice shall contain: (Education Code 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 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. (Education Code 5091)

Legal Reference: (see next page)

BB 9223(c)

FILLING VACANCIES (continued)

Legal Reference:

EDUCATION CODE

5019-5019.5 Trustee areas

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*
5420-5426 *Cost of elections, especially:*
5424 *Expenses of conducting legal recall election*
35107 *Eligibility*
35178 *Resignation with deferred effective date*
ELECTIONS CODE
10603-10604 *School district elections*
11384 *Vacancy in office if majority vote for recall*
GOVERNMENT CODE
1064 *Absence from state*
1770 *Vacancies: definition*
3060-3074 *Removal other than by impeachment*
6061 *One time*
54950-54962 *The Ralph M. Brown Act, especially:*
54953 *Meetings open and public; secret ballots*
58 Ops.Cal.Atty.Gen. 888 (1975)

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

E 9223(a)

Events causing vacancy before expiration of term (Government Code 1770)

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

- (a) The death of the incumbent
- (b) The adjudication pursuant to a quo warrant 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

- (c) His/her resignation
- (d) His/her removal from office
- (e) His/her ceasing to be an inhabitant of the district for which the officer was chosen or appointed or within which the duties of his/her office are required to be discharged
- (f) His/her absence from the state without the permission required by law beyond the period allowed by law
- (g) His/her ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law
- (h) His/her conviction of a felony or any offense 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 purposes 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.
- (i) His/her refusal or neglect to file his/her required oath or bond within the time prescribed
- (j) The decision of a competent tribunal declaring void his/her election or appointment
- (k) The making of an order vacating his/her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond
- (l) His/her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; in this event, the office shall not be deemed vacant until the order of commitment has become final.

E 9223(b)

Absence from state; members of governing board of school districts; conditions (Government Code 1064)

No member of the governing board of a school district shall be absent from the state for more than 60 days, except in any of the following situations:

- (a) Upon business of the school district with the approval of the board
- (b) With the consent of the governing board of the school district for an additional period not to exceed a total absence of 90 days

- (c) For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

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 governing board of the school district for an additional period not to exceed 30 days.

Exhibit
Version: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9224

OATH OR AFFIRMATION

When entering upon the duties of their office, all Board of Trustees members shall take the oath or affirmation required by law. (Constitution of the State of California, Article 20, Section 3)

A Board member, the Superintendent, or an authorized designee may administer this oath. (Education Code 60)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1360-1363 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

Chilton v. Contra Costa Community College District 55 Cal. App. 3d 554

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9230

ORIENTATION

Board Candidate Orientation

The Board of Trustees desires to provide Board candidates with orientation that will enable them to understand the responsibilities of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, District operations, and Board responsibilities.

(cf. 9200 - Members)

(cf. 9270 - Conflict of Interest)

The Board encourages all candidates to attend public Board meetings during the period of their candidacy. Candidates have the same access as members of the public to District staff and information.

(cf. 1340 - Access to District Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

NEW Board Member Orientation

The Board and the Superintendent or designee shall help each new member-elect to understand District operations and the Board's functions, policies and procedures as soon after election as possible. Incoming members shall be given a copy of the Brown Act and informed that they must conform to its requirements as if they had already assumed office. Incoming members shall also receive the District's policy manual and other materials related to the school system and Board member responsibilities.

Incoming members are encouraged to attend Board meetings and meet with the Superintendent or designee and Board president regarding their role and responsibilities. They also may, at District expense, attend workshops for newly elected members.

(cf. 9240 - Board Development)

Legal Reference:

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshops
33362 Reimbursement of expenses; member of school district board

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:
54952.1 Member of a legislative body
54952.7 Copies of Brown Act to Board members

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9240

BOARD DEVELOPMENT

Citizens elected to the Board of Trustees are entrusted with the responsibility of governing District schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.

All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences.

(cf. 9230 - Orientation)
(cf. 9320 - Meetings and Notices)

Board members shall report to the Board, orally or in writing, as soon as possible on the inservice activities they attend.

Funds for Board development shall be budgeted annually for each Board member.

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

33360 *Department of Education and statewide association of school district boards; annual workshop*

GOVERNMENT CODE

54950-54962 *The Ralph M. Brown Act, especially:*

54952.2 *Meeting*

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9250(a)

REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS

Remuneration

The Board of Trustees views Board service as a voluntary contribution to the community and elects not to receive the compensation to which it is entitled by law.

Reimbursement of Expenses

Board members shall be reimbursed for traveling expenses incurred when so authorized in advance by the Board. (Education Code 35044)

The rate of reimbursement shall be the same rate specified for District personnel.

(cf. 3350 - Travel Expenses)
(cf. 9240 - Board Development)

Board members may use District-issued credit cards while on official District business. Under no circumstances may personal expenses be charged on District credit cards.

Health and Welfare Benefits

Board members may participate in the health and welfare benefits program provided for District employees if they pay for their own premiums. The District will provide free life insurance for Board members.

Board members who elect to participate shall pay the full cost of premiums except for life insurance.

Benefits for Retired Board Members

Any members whose first term of office began on or after January 1, 1995, and any other members retiring from the Board after at least one term, may continue the health and welfare benefits program at their own expense if coverage is in effect at the time of retirement. (Government Code 53201)

Legal Reference: (see next page)

BB 9250(b)

REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS (continued)

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

20322 Elective officers; election to become member

53200-53209 Group insurance, especially:

53200 Definitions: group insurance, local agency; health and welfare benefits, employees

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9260

LEGAL PROTECTION

Liability Insurance

The Board of Trustees shall provide insurance necessary to protect Board members and employees from any judgment resulting from suits brought against them alleging their liability while acting within the scope of their employment and/or under the direction of the Board. The insurance shall cover claims in such matters as civil rights actions, negligence or other acts resulting in accidental injury to any person or damage to property.

(cf. 3530 - Risk Management/Insurance)

Legal Reference:

EDUCATION CODE

17029.5 *Contract funding; board liability*
17280-17316 *Field Act, approvals*
17365-17374 *Field Act, fitness for occupancy*
35208 *Liability insurance*
35214 *Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)*
GOVERNMENT CODE
820.9 *Immunity from liability*
815.3 *Intentional torts*
825 *Defense by public entity*
825.6 *Indemnification of public entity*
1090-1098 *Conflicts of interest, prohibitions applicable to specified officers*
54950-54957.9 *The Ralph M. Brown Act*
87100-89503 *Conflicts of interest*
Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9270(a)

CONFLICT OF INTEREST

Incompatible Activities

Board of Trustees members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. (Government Code 1126)

Conflict of Interest Code

Designated employees of the District, including Board members, shall adhere to the financial disclosure requirements of the District's conflict of interest code adopted pursuant to the provisions of Government Code 87300.

The District's conflict of interest code shall comprise the terms of the California Code of Regulations, Title 2, Section 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a District attachment specifying designated positions and the specific types of disclosure statements required for each position.

When a change in the District's conflict of interest code is necessitated by changed circumstances such as the creation of new positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

Upon receiving the statements of employees, the District shall make and retain copies and shall forward the originals to the code reviewing body. Statements for all other designated employees shall be retained by the District.

The Board shall review the District's conflict of interest code in even numbered years and send the code reviewing body either an amended code or, by October 1 of that year, a statement to the effect that no change is necessary. (Government Code 87306.5)

When reviewing and preparing conflict of interest codes, the District shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Statements of economic interests submitted to the District by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

Financial Interest

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

Bylaws of the Board

BB 9270(b)

CONFLICT OF INTEREST (continued)

A Board member shall not be considered to be financially interested in a contract if his/her interest is including, but not limited to, any of the following: (Government Code 1091.5)

1. That of an officer in being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in

which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091

4. That of a spouse of an officer or employee of a public agency if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the board or to which the board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records
7. That of compensation for employment with a governmental agency, other than the governmental agency that employs the officer or employee, provided that the interest is disclosed to the board at the time of consideration of the contract, and provided further that the interest is noted in its official records

Bylaws of the Board

BB 9270(c)

CONFLICT OF INTEREST (continued)

8. That of an attorney of the contracting party of that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting

and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. (Code of Regulations, Title 2, Section 18700)

A Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. (Education Code 35107)

Gifts

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law. (Government Code 89503)

Bylaws of the Board

BB 9270(d)

CONFLICT OF INTEREST (continued)

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 89503)

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code 89506.

A gift of travel does not include travel provided by the District for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering. (Government Code 89501, 89502)

Designated employees shall not accept any honorarium which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 89502)

The term "honorarium" does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income for tax purposes

legal reference: (see next page)

Bylaws of the Board

BB 9270(e)

CONFLICT OF INTEREST (continued)

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices

35233 Prohibitions applicable to members of governing boards

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of "designated employee"

82028 Definition of "gifts"

82030 Definition of "income"

82033 Definition of "interest in real property"

82034 Definition of "investment"

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

89506 Travel payments, advances and reimbursements

91000-91015 Enforcement
CODE OF REGULATIONS, TITLE 2
18100-18730 Regulations of the Fair Political Practices Commission
COURT DECISIONS
Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App. 4th 511
ATTORNEY GENERAL OPINIONS
80 Ops. Cal. Atty. Gen. 320 (1997)
69 Ops. Cal. Atty. Gen. 255 (1986)
68 Ops. Cal. Atty. Gen. 171 (1985)
65 Ops. Cal. Atty. Gen. 606 (1982)

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

E 9270(a)

**Regulations of the
FAIR POLITICAL PRACTICES COMMISSION
Title 2, Division 6
of the
California Code of Regulations**

18730. PROVISIONS OF CONFLICT OF INTEREST CODES

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code 87300 or the amendment of a conflict of interest code within the meaning of Government Code 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code 81000 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Code of Regulations, Title 2, Section 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Bylaws of the Board

E 9270(b)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code 87200 et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code 87200; and

(C) The filing officer is the same for both agencies.^{1/}

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his/her statement of economic interests those financial interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he/she foreseeably can affect materially through the conduct of his/her office.

^{1/} Designated employees who are required to file statements of economic interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code 81004.

Bylaws of the Board

E 9270(c)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.^{2/}

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she did not make or participate in the making of, or use his/her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement.

^{2/} See Government Code 81010 and the Code of Regulations, Title 2, Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

Bylaws of the Board

E 9270(d)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he/she did not make, participate in making or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received

during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Bylaws of the Board

E 9270(e)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property^{3/} is required to be reported,^{4/} the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds \$1,000, exceeds \$10,000, or exceeds \$100,000.

(B) Personal Income Disclosure. When personal income is required to be reported,^{5/} the statement shall contain: The name

and address of each source of income aggregating \$300 or more in value or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

^{3/} For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

^{4/} Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

^{5/} A designated employee's income includes his/her community property interest in the income of his/her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

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E 9270(f)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, or greater than \$10,000;

(B) Personal Income Disclosure. When personal income is required to be reported,^{5/} the statement shall contain:

1. The name and address of each source of income aggregating \$300 or more in value or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, or greater than \$10,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,^{6/} the statement shall contain:

^{6/} Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

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E 9270(g)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any

public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code 89506.

Note: Section #8.1 below reflects Title 2, Section 18730 as amended by the FPPC and filed April 9, 1997.

(8.1) Section 8.1. Prohibition on Receipt of Gifts of \$290 or More.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total

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E 9270(h)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

value of more than \$300 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f) and (g) of Government Code 89503 shall apply to the prohibitions in this section.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his/her official position to influence the making of any governmental decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his/her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$1,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$1,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$300 or more in value provided to, received by or promised to the designated

employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position or management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts or gifts aggregating \$300 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a

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E 9270(i)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

voting body is needed to break a tie does not make his/her participation legally required for purposes of this section.

Note: Section 9.5 applies only to state officers and employees and is not reprinted here.

(10) Section 10. Manner of Disqualification.

When a designated employee determines that he/she should not make a governmental decision because he/she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his/her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code 83114 or from the attorney for his/her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the

Political Reform Act, Government Code 81000-91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code 87100 or 87450 has occurred may be set aside as void pursuant to Government Code 91003.

Authority: Government Code 83112

Reference: Government Code 87300-87302, 89501, 89502, 89503

Exhibit
Version: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

E 9270(j)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

ATTACHMENT

Designated Positions and Disclosure Requirements

1. Persons occupying the following positions are designated employees in **Category 1**:

Board of Trustees Members
Superintendent of Schools
Assistant/Associate Superintendent
Purchasing Agent

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within District boundaries, or within two miles of District boundaries or of any land owned or used by the District. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments or business positions in or income from sources which:
 - (1) Are engaged in the acquisition or disposal of real property within the District,
 - (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the District, or
 - (3) Manufacture or sell supplies, books, machinery or equipment of the type used by the District.

2. Persons occupying the following positions are designated employees in **Category 2**:

Director

Principal
Assistant Principal
Maintenance and Operations Director
Program Coordinator
Project Specialist
Supervisor
Dean of Students

Designated persons in this category must report investments or business positions in or income from sources which:

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E 9270(k)

18730. PROVISIONS OF CONFLICT OF INTEREST CODES (continued)

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
 - b. Manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.
3. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the District, makes any of several specified governmental decisions or serves in a staff capacity with the District, performing the same or substantially the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code. Consultants are individuals who decide whether to: (Code of Regulations, Title 2, Section 18700)

- a. Approve a rate, rule or regulation;
- b. Adopt or enforce a law;
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement;
- d. Authorize the District to enter into, modify or renew a contract that requires District approval;

- e. Grant District approval to a contract or contract specifications which require District approval and in which the District is a party;
- f. Grant District approval to a plan, design, report, study or similar item; or
- g. Adopt or grant District approval of District policies, standards or guidelines.

Exhibit
Version: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9271(a)

CODE OF ETHICS

This code of ethics expresses the personal ideals which the Board of Trustees 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.
- Individual Feelings and Philosophy. Every individual Board member has something to contribute to society.

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

- Consider his/her position on the Board 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.

Bylaws of the Board

BB 9271(b)

CODE OF ETHICS (continued)

- 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 or designee 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/ guardians, employees and students.
- Recognize that the deliberations of the Board in closed session may be released or discussed in public only with Board approval.
- 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.

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9300

GOVERNANCE

The Board of Trustees has the power of establishing its own procedures within the parameters of law. (Education Code 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

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

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9310

POLICY MANUAL

The Superintendent or designee shall maintain a District policy manual for the purpose of communicating to all interested parties the policies and regulations within which our schools will operate. The Board of Trustees encourages members of the public to acquaint themselves with the District's policy manual.

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

(cf. 9313 - Administrative Regulations)

The Superintendent or designee shall ensure that the community and all District employees have access to the policy manual. A public copy of the manual shall be maintained in the District central office and at each school site.

(cf. 1340 - Access to District Records)

The Superintendent or designee shall establish procedures for distributing to all authorized manual holders copies of new or revised policies, bylaws and regulations as they are adopted. Annually, before the Board's organizational meeting, the Superintendent or designee shall have all District policy manuals reviewed to ensure that they are up-to-date and complete.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9311(a)

BOARD POLICIES

Board of Trustees policies are written statements adopted by the Board which communicate the guidelines within which the Superintendent or designee and staff may take discretionary action.

(cf. 2210 - Administrative Leeway in Absence of Board Policy)
(cf. 9310 - Policy Manual)

The Superintendent or designee shall present drafts or suggestions for new policy and policy revisions when changes in law occur and when specific needs arise.

The Board encourages members of the community to contribute information and opinions for the Board's consideration and to propose revisions to policy. When drafting or revising policies which affect other governmental agencies, the Board welcomes input from these agencies and will cooperate with them in addressing matters of mutual concern.

The Superintendent or designee shall provide for the continuous orderly review of existing policies at a time allocated for this purpose on the agenda of regular Board meetings.

The Board shall review certain policies annually, as required by law. (Education Code 35160.5)

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 6145 - Extracurricular and Cocurricular Activities)

The adoption of policy shall conform with Board bylaws governing agendas, meetings, and voting. Only those written statements adopted and recorded in the minutes shall constitute official Board policy.

Before adoption, policies shall normally be given two readings by the Board.

At its second reading, the policy may be adopted by a majority vote of all members of the Board. The Board may waive the second reading or may require additional readings.

When policies are amended, the Superintendent or designee shall review corresponding administrative regulations to ensure that they conform to the intent of the revised policy.

(cf. 9313 - Administrative Regulations)

Legal Reference: (see next page)

**Bylaws of the Board
BOARD POLICIES (continued)**

BB 9311(b)

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

AR 9311

BOARD POLICIES (continued)

The office of the Superintendent or designee will receive sample policies, regulations and bylaws issued by the California School Boards Association. The following procedures will be followed:

1. The Superintendent or designee will review the samples. If the Board of Trustees has initiated a committee of its members to participate in policy development, this committee shall also review the samples.
2. Policies, regulations and bylaws mandated by law will be given top priority. The Superintendent or designee will ensure that those mandated by law by a certain date are reviewed, amended if necessary and adopted by the Board within the timeline prescribed by law.
3. Policies will be reviewed for:
 - a. Legal requirements
 - b. Applicability at the local level
 - c. Options legally available to the District
 - d. Future need
4. The Superintendent or designee may delegate the initial task of review and revision to the administrator with appropriate expertise. However, the Superintendent or designee shall retain the responsibility of final review before submitting policies to the Board.
5. Draft policies, regulations and bylaws may be submitted to the District's legal counsel for review and recommendations.
6. The Superintendent or designee's office shall place the draft policy, administrative regulation or bylaw statement on the agenda of a public Board meeting for first reading.
7. The Board may return the drafts to the Superintendent or designee for further revision and/or move to give them a second reading and adoption.

Regulation

Approved: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9312

BOARD BYLAWS

The Board of Trustees shall adopt Board bylaws 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.

Bylaws may be adopted and amended 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 - Board Policies)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35163 Official actions, minutes and journals

35164 Vote requirements

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

ADMINISTRATIVE REGULATIONS

To carry out the intentions expressed in Board of Trustees policy, the Superintendent or designee shall develop administrative regulations and/or procedures specifying detailed actions to be taken and arrangements to be enforced within the District and its schools. Administrative regulations shall be consistent with state and federal law and regulations, Board policy and negotiated employee contracts.

The Board shall review and approve administrative regulations as mandated by law. In addition, the Board may review and approve other regulations related to topics of particular interest to the Board or for which the Superintendent requests Board endorsement. The Board shall review proposed administrative regulations for the sole purpose of ensuring conformity with the intent of Board policy.

(cf. 2210 - Administrative Leeway in Absence of Board of Trustees Policy)

Regulations and procedures shall be maintained at appropriate school and/or District locations and may be placed in the District's policy manual.

(cf. 9310 - Policy Manual)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

SUSPENSION OF POLICIES, BYLAWS, ADMINISTRATIVE REGULATIONS

Policies, bylaws and administrative regulations may be suspended for a specific purpose and limited time by majority vote.

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323.2 - Actions by the Board)

Suspension of any policy, bylaw or administrative regulation shall undergo the following consideration:

1. Policies, bylaws or administrative regulations shall be reviewed on their own merits rather than the circumstances of the moment.
2. The Board of Trustees shall decide whether the policy, bylaw or administrative regulation still reflects the intent of the Board and the law. If so, the suspension will be denied and the policy, bylaw or administrative regulation reaffirmed in the minutes.

Superintendent's Authority

The Superintendent may suspend all or part of any policy, bylaw or administrative regulation when it conflicts with state or federal law or regulations. The Superintendent shall report the suspension to the Board. Suspension shall be valid until the policy, bylaw or administrative regulation 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

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

MEETINGS AND NOTICES

Meetings of the Board of Trustees are conducted for the purpose of accomplishing District business.

A Board meeting exists whenever a majority of its members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Board or District. (Government Code 54952.2)

In accordance with state open meeting laws, the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified in law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

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. (Government Code 54952.2)

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)

Meeting notices and agendas shall specify that individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent or designee at least two days before the meeting date.

Regular Meetings

The Board shall hold one regular meeting each month. The Board will set the date and time 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. (Government Code 54954.2)

MEETINGS AND NOTICES (continued)

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

Special Meetings

Special meetings of the Board may be called by the presiding officer or a majority of the Board members. (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 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)

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)

At least 72 hours' public notice shall be given for 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

The Board may hold an emergency meeting without complying with the 24-hour notice requirement in the following cases: (Government Code 54956.5)

1. A work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

2. A crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Board

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

MEETINGS AND NOTICES (continued)

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 which 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. (Government Code 54956.5)

No closed session may be held during an emergency meeting. All other rules governing special meetings shall be observed, with the exception of the 24-hour notice requirement. (Government Code 54956.5)

The minutes of the meeting, a list of persons the president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned Meetings

A majority vote by the Board may adjourn any meeting to a later time and place which shall be specified in the order of adjournment. Within 24 hours after a meeting has been adjourned to a later time, a copy of the order of adjournment shall be posted at the meeting site. (Government Code 54955)

If no 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)

Teleconferencing

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)

Agendas shall be posted at all teleconference locations whenever they are posted elsewhere. (Government Code 54953)

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)

MEETINGS AND NOTICES (continued)

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.

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 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 that involves a discussion of issues of general interest to the public or to school boards
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 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

(cf. 9130 - Board Committees)

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

Legal Reference: (see next page)

MEETINGS AND NOTICES (continued)

Legal Reference:

EDUCATION CODE

- 35140 *Time and place of meetings*
- 35143 *Annual organizational meeting, date, and notice*
- 35144 *Special meeting*
- 35145 *Public meetings*
- 35145.5 *Agenda; public participation; regulations*
- 35146 *Closed sessions*
- 35147 *Open meeting law exceptions and applications*

GOVERNMENT CODE

- 54950-54957.9 *Meetings, especially:*
- 54953 *Meetings to be open and public; attendance*
- 54954 *Time and place of regular meetings; holidays; emergencies*
- 54954.1 *Mailed notices*
- 54954.2 *Agenda posting requirements, board actions*
- 54954.3 *Opportunity for public to speak*
- 54956 *Special meetings; call; notice*
- 54956.5 *Emergency meetings in emergency situations*
- 54957.5 *Agenda distribution*
- 54961 *Prohibition on use of certain facilities*

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*
- 78 *Ops.Cal.Atty.Gen. 827 (1995)*
- 79 *Ops.Cal.Atty.Gen. 69 (1996)*

Management Resources:

Open Meeting Laws, California Attorney General's Office, 1989

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

E 9320

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.

Exhibit
Version: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9321(a)

CLOSED SESSION PURPOSES AND AGENDAS

The Board of Trustees may hold closed sessions only for purposes identified in law and placed on the meeting agenda in the manner required by law. The Board may hold a closed session at any time during a regular or special meeting. No closed session may be held during an emergency meeting of the Board. (Government Code 54956.5, 54957.7, 54962)

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The Board shall announce in open meeting the items to be discussed in closed session. No other matters shall be discussed in closed session. (Government Code 54957.7)

Personnel Matters

The Board may hold closed sessions to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee, or to hear complaints or charges against an employee. These sessions shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2123 - Evaluation of the Superintendent)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)

Agenda items related to employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following meetings and executive sessions held for negotiation with represented employees shall not be subject to open meeting requirements: (Government Code 3549.1)

Bylaws of the Board

BB 9321(b)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

1. Any meeting and negotiating discussion between the District and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting or investigation conducted by a fact finder or arbitrator
4. Any executive session of the District or between the District and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

(cf. 4143 - Negotiations/Consultation)

(cf. 4143.1 - Public Notice - Personnel Negotiations)

The Board may meet in closed session with the Board's representative to consider matters which have been placed in negotiation and to instruct the representative as to the Board's position on these matters. Such sessions may be held before or during consultations and discussions with representatives of employee organizations and unrepresented employees. The Board also may meet in closed session with a state conciliator or a mediator who has intervened in negotiations proceedings. (Government Code 54957.6)

Closed sessions related to negotiations may include discussion of the District's available funds and funding priorities only insofar as these discussions relate to providing instructions to the District's designated representative. When the negotiations are with unrepresented employees, only salaries, salary schedules and compensation in the form of fringe benefits may be considered. (Government Code 54957.6)

Agenda items related to negotiations shall specify the name of the District negotiator and the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider a suspension, disciplinary action, or any other action in connection with a student if a public hearing on the matter would violate student privacy rights. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48918, 49073, 49076)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5125.3 - Challenging Student Records)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing," "grade change appeal" or "interdistrict attendance request," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 3515 - Campus Security)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board may meet in closed session with the Board's real property negotiator prior to the purchase, sale, exchange or lease of real property in order to give its negotiator the authority to settle the price and terms of the property on behalf of the District. (Government Code 54956.8)

Before holding the closed session, the Board shall at a public meeting identify the property under negotiation and specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

Bylaws of the Board

BB 9321(d)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Agenda items related to real property negotiations shall specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item

shall specify the parcel number or another unique reference. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board's position in the case. For this purpose, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation shall be considered pending when any of the following circumstances exist:

1. Litigation to which the Board is a party has been initiated formally (Government Code 54956.9(a))
2. Based on existing facts and circumstances and the advice of legal counsel, the Board is meeting only to decide whether there is a significant exposure to litigation against the District and a closed session is therefore authorized or the Board has already determined that there is significant exposure to litigation against the District (Government Code 54956.9(b))
3. Pursuant to Government Code 54956.9(c), the Board has decided to initiate or is deciding whether to initiate litigation

"Existing facts and circumstances" authorizing a closed session pursuant to Government Code 54956.9(b) as described in #2 above are limited to the following:

1. Facts and circumstances that might result in litigation against the District but which the District believes are not yet known to potential plaintiffs and which do not need to be disclosed
2. Facts and circumstances such as accidents, disasters, incidents or transactional occurrences which might result in litigation, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda

Bylaws of the Board

BB 9321(e)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

3. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the District)

4. A threat of litigation made by a person in an open meeting and related to a matter for which the Board has responsibility
5. A threat of litigation made by a person outside of an open meeting and related to a matter for which the Board has responsibility, provided that the District official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection

The above record does not need to identify an alleged victim or perpetrator of tortious sexual conduct or a victim or alleged victim of child abuse unless this identity has already been made public. (Government Code 54956.9, 54961)

Before holding a closed session pursuant to this section, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on subdivision (a), the Board shall either identify the litigation to be discussed or state that doing so would jeopardize the District's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding "Existing Litigation" or "Anticipated Litigation." (Government Code 54954.5)

"Existing litigation" items shall either specify the claimant's name, names of parties and case or claim number or shall state that disclosure would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the District expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. (Government Code 54954.5)

Bylaws of the Board

BB 9321(f)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

The agenda or an oral statement before the closed session may also be required to provide information about the following: (Government Code 54954.5, 54956.9)

1. Facts and circumstances known to a potential plaintiff that might result in litigation against the District
2. The receipt of a claim or other written threat of litigation which is available for public inspection
3. A threat of litigation made by a person in an open public meeting
4. Threats of litigation about which an employee has made a record which is available for public inspection

JPA/Self-Insurance Liability Claims

The Board may meet in closed session to discuss a claim against a joint powers authority or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3320 - Claims and Actions Against the District)
(cf. 3530 - Risk Management/Insurance)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that the Education Code requires closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference: (see next page)

Bylaws of the Board

BB 9321(g)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student suspension)

48918 Rules governing expulsion procedures; hearings and notice

49073 Release of directory information
49076 Access to records by persons without written parental consent (re invasion of privacy)
60617 Meetings of governing board

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act
6250-6268 California Public Records Act
54950-54962 The Ralph M. Brown Act, especially:
54952.6 Action taken, definition
54954.2 Agenda; posting
54954.5 Closed session item descriptions
54956.8 Closed session with negotiator regarding real property
54956.9 Closed session with legal counsel regarding pending legislation
54956.95 Closed sessions; insurance pooling
54957 Closed session; personnel and security matters
54957.1 Closed sessions; public report of action taken
54957.2 Taking of minutes at closed sessions; clerk; minute book
54957.6 Closed session; representatives to employee organization(s)
54957.7 Disclosure of items to be discussed in closed session
54961 Prohibitions
54962 Closed session prohibited
Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41, 69 Cal. Rptr. 480
Roberts v. City of Palmdale (1993) 5 Cal.4th 363
59 Ops.Cal.Atty.Gen. 532 (1976)
78 Ops.Cal.Atty.Gen. 218 (1995)

Bylaw

Adopted: March 13, 2000

**FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California**

Bylaws of the Board

BB 9321.1(a)

CLOSED SESSION ACTIONS AND REPORTS

No matters other than those announced in open session shall be acted upon during the closed session.
(Government Code 54957.7)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

Personnel Matters

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 2123 - Evaluation of the Superintendent)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Negotiations/Collective Bargaining

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Student Matters

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918; 20 USC 1232)

Bylaws of the Board

BB 9321.1(b)

CLOSED SESSION ACTIONS AND REPORTS (continued)

In an expulsion action, the student's name shall not be disclosed, but the cause for the expulsion shall be disclosed in open session.

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the District of its approval. (Government Code 54957.1)

Pending Litigation

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the District's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the District shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

Bylaws of the Board

BB 9321.1(c)

CLOSED SESSION ACTIONS AND REPORTS (continued)

JPA/Self-Insurance Claims

The Board shall report the disposition of joint powers authority or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

(cf. 3320 - Claims and Actions Against the District)

(cf. 3530 - Risk Management/Insurance)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student matters)

48918 Rules governing expulsion procedures; hearings and notice

49073-49079 Privacy of student records

60617 Meetings of governing board

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54957.1 Closed sessions; public report of action taken

54957.6 Closed sessions; representatives to employee organization(s)

54957.7 Disclosure of items to be discussed

UNITED STATES CODE, TITLE 20

1232 Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

80 Ops.Cal.Atty.Gen. 85 (1997)

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9322(a)

AGENDA/MEETING MATERIALS

Board of Trustees 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)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

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 testify at regular meetings on matters which are not on the agenda but which

are within the subject matter jurisdiction of the Board. (Education Code 35145.5, Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Agenda Preparation

The Superintendent, as Secretary to the Board, in consultation with the Board president, shall prepare the agenda for each regular and special meeting.

(cf. 9121 - President)

(cf. 9122 - Secretary)

Any member of the public or any Board member may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, **at least two weeks** before the scheduled meeting date. Items submitted less than two weeks 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 shall decide whether a request is within the subject matter jurisdiction of the Board. 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 and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item, informational item or consent item.

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)

Bylaws of the Board

BB 9322(b)

AGENDA/MEETING MATERIALS (continued)

(cf. 9323.2 - Actions by the Board)

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1340 - Access to District Records)

(cf. 3320 - Claims and Actions Against the District)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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.

Agenda Dissemination

A copy of the agenda shall be forwarded to each Board member **at least five working days** before each regular meeting, together with 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 Superintendent and president shall make every effort to distribute the agenda and support materials to Board members as soon as possible.

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.

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)

Bylaws of the Board

BB 9322(c)

AGENDA/MEETING MATERIALS (continued)

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.

Legal Reference:

EDUCATION CODE

35144 *Special meetings*
35145 *Public meetings*
35145.5 *Right of public to place matters on agenda*
GOVERNMENT CODE
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*

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9323(a)

MEETING CONDUCT

Meeting Procedures

All Board of Trustees meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Board members and to other persons upon request.

(cf. 9322 - Agenda/Meeting Materials)

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.

(cf. 9121 - President)

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 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Quorum

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

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

(cf. 9323.2 - Actions by the Board)

Abstentions

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 be considered to concur with the action taken by the majority of those who vote, whether affirmatively or negatively.

(cf. 9270 - Conflict of Interest)

Bylaws of the Board

BB 9323(b)

MEETING CONDUCT (continued)

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.

In order 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 either before or during the Board's consideration of each item of business to be discussed at regular or special meetings. (Education Code 35145.5, Government Code 54954.3)
2. At a time so designated on the agenda, members of the public may bring before the Board, at a regular meeting, matters that are not listed on the agenda. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action 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. (Education Code 35145.5, Government Code 54954.2)
3. 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. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, 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)

(cf. 9130 - Board Committees)

Bylaws of the Board

BB 9323(c)

MEETING CONDUCT (continued)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 20 minutes.

With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The 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.

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 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.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

7. 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 chair 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 individual(s) 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)

(cf. 9324 - Minutes and Recordings)

Bylaws of the Board

BB 9323(d)

MEETING CONDUCT (continued)

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*

Baca v. Moreno Valley Unified School District, (C.D. Cal. 1996) 936 F.Supp. 719

59 Ops.Cal.Atty.Gen. 532 (1976)

61 Ops.Cal.Atty.Gen. 243, 253 (1978)

63 Ops.Cal.Atty.Gen. 215 (1980)

66 Ops.Cal.Atty.Gen. 336, 337 (1983)

76 Ops.Cal.Atty.Gen. 281 (1993)

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT

Fortuna, California

Bylaws of the Board

BB 9323.2(a)

ACTIONS BY THE BOARD

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

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

When required by law, action shall instead require a two-thirds, four-fifths or unanimous vote of the Board.

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

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)

(cf. 9324 - Minutes and Recordings)

Challenging Board Actions

Any demand to correct a Board action because of an alleged violation of open meeting requirements 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 violation of agenda requirements of the Brown Act, the written demand must be made within 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 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)

Legal Reference: (see next page)

Bylaws of the Board

BB 9323.2(b)

ACTIONS BY THE BOARD (continued)

Legal Reference:

EDUCATION CODE

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17511 Resolution requiring unanimous vote of all members constituting board

17546 Private sale of personal property

17557 Resolution of intention

17559 Public hearing and adoption of resolution

17582 District deferred maintenance fund

17583 Deferred maintenance fund; transfer of excess local funds

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*

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*
54954.6 *New or increased taxes or assessments; hearings; notice*
54956 *Special meetings; call; notice*
54956.5 *Emergency meetings in 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*

Bylaw

Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

E 9323.2(a)

ACTIONS BY THE BOARD

ACTIONS REQUIRING MORE THAN A MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring intention to sell or lease real property (Education Code 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 (Education Code 17557)

3. Resolution authorizing and directing the Board president to execute a deed of dedication or conveyance of property (Education Code 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 (Education Code 17481)
5. Temporary borrowing before receipt of fiscal income, if implemented pursuant to Government Code 53820-53833 (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)

(cf. 7131 - Relations with Local Agencies)

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 (Education Code 17582, 17583)

Actions Requiring a Four-Fifths Vote of the Board:

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)

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 ADA for the preceding year (Government Code 53822-53824)

Bylaws of the Board

E 9323.2(b)

ACTIONS BY THE BOARD (continued)

Actions Requiring a Unanimous Vote of the Board:

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

Actions Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order 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 (Education Code 17546)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

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

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

Exhibit
Version: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9324(a)

MINUTES AND RECORDINGS

The secretary of the Board of Trustees shall keep minutes and record all official Board actions. (Education Code 35145, 35163)

(cf. 9323.2 - Actions by the Board)

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.

Any minutes or recordings kept for Board meetings held in closed session shall be kept separate from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

(cf. 1340 - Access to District Records)
(cf. 9321.1 - Closed Session Actions and Reports)

Official Board minutes and recordings shall be stored in a fire-proof location.

Recording of Votes

Motions or resolutions shall be recorded as having passed or failed. Individual votes shall be recorded unless the action was unanimous. All motions and Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

Video or Audio Recording

A video or audio tape recording may be made at any Board meeting. The presiding officer shall announce that a recording is being made at the beginning of the meeting, and the recorder shall be placed in plain view of all persons present, insofar as possible.

Recordings made during regular or special Board meetings are public records. They shall be kept for at least 30 days and upon request shall be made available for inspection by members of the public on a District recorder without charge. (Government Code 54953.5)

Legal Reference: (see next page)

Bylaws of the Board

BB 9324(b)

MINUTES AND RECORDINGS (continued)

Legal Reference:

EDUCATION CODE

35145 *Public meetings*

35163 *Official actions, minutes and journals*

35164 *Vote requirements*

PENAL CODE

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

GOVERNMENT CODE

54957.2 *Closed sessions; clerk; minute book*

54960 *Violations and remedies*

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California

Bylaws of the Board

BB 9400

BOARD SELF-EVALUATION

Effective and efficient Board of Trustees operations are an integral part of creating a successful educational program. In order to measure progress towards its stated goals and objectives, the Board will annually schedule a time and place at which all its members may participate in a formal self-evaluation.

The Board shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal operations and performance of the Board. The Board members shall develop goals and objectives against which the Board will be evaluated. A self-evaluation instrument will be based on these goals and objectives and not on goals set for the District.

Each Board member will complete a self-evaluation instrument independently. The ensuing evaluation will be based on the resulting composite picture of Board strengths and weaknesses. The Board will discuss the tabulated results as a group.

The evaluation process should include the establishment of strategies for improving Board performance. Revised priorities and new goals will be set for the following year's evaluation.

The Board may invite the Superintendent or others to participate in the evaluation and suggest specific criteria to measure Board success as a governing body.

The Board recognizes that adequate opportunities for Board member orientation and inservice are an essential component of conducting meaningful self-evaluation. The evaluation process shall include suggestions for continued Board member development.

(cf. 9240 - Board Development)

Bylaw
Adopted: March 13, 2000

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California