

Novato USD

Board Bylaw

Minutes And Recordings

BB 9324

Board Bylaws

*****Note: The following optional bylaw should be modified to reflect district practice.*****

The Governing Board recognizes that maintaining accurate minutes of Board meetings **helps foster public trust in Board governance and** provides a record of Board actions for use by district staff and the public. ~~and helps foster public trust in Board governance.~~

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9323 - Meeting Conduct)

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

(cf. 1340 - Access to District Records)

(cf. 9122 - Secretary)

(cf. 9323.2 - Actions by the Board)

The minutes of Board meetings shall include, but not be limited to:

*****Note: Pursuant to Government Code 54952 and Education Code 35164, a "meeting" occurs when a majority of the Board is present and a Board action requires a majority vote of the Board. Thus, the minutes should reflect any occasion on which a member is not present for the entire meeting in order to document that a majority of the Board remained in attendance throughout the meeting.*****

1. ~~The minutes shall reflect~~ **A notation of** which **Board** members are present, **in person or by teleconference**, and whether a member is not present for part of the meeting due to late arrival and/or early departure

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

(cf. 9320 - Meetings and Notices)

2. ~~In order to ensure that the minutes are focused on Board action, the minutes shall include only~~ **A** brief summary of the Board's discussion **on each agenda topic**, ~~but shall not include~~

rather than a verbatim record of ~~the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.~~ **each Board member's specific points of view during the discussion**

3. A summary of the public comments made on agendized items and unagendized topics

4. ~~The minutes shall include~~ The specific language of each motion and the names of the Board members who made and seconded the motion.

*****Note: Item #5 is for use by districts that maintain high schools and have one or more student Board members. Pursuant to Education Code 35012, student Board members are allowed to cast preferential votes on open session items before the official vote of the Board. Preferential votes are recorded in the minutes but not counted as a vote for the purpose of taking Board action. See BB 9150 - Student Board Members.*****

5. Preferential votes cast by student Board member(s) (Education Code 35012)

(cf. 9150 - Student Board Members)

6. ~~The minutes shall also report~~ Any action taken by the Board, and the vote or abstention on that action of each Board member present (Education Code 35145; Government Code 54953)

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

*****Note: Pursuant to Education Code 49073.2, as added by SB 1036 (Ch. 788, Statutes of 2018), the district is prohibited from including in its minutes a student's directory information, as defined in Education Code 49061, or a parent/guardian's personal information, as defined in Education Code 49073.2, when the student or parent/guardian requests that such information be excluded. For further information about the types of information that are categorized as directory information, see AR 5125.1 - Release of Directory Information.*****

Upon request by a student's parent/guardian, or by the student if age 18 or older, the minutes shall not include the student's or parent/guardian's address, telephone number, date of birth, or email address, or the student's name or other directory information as defined in Education Code 49061. The request to exclude such information shall be made in writing to the secretary or clerk of the Board. (Education Code 49073.2)

(cf. 5125.1 - Release of Directory Information)

*****Note: The following paragraph is optional and may be revised to reflect district practice.*****

The Board agenda shall include a statement of the option and process for students and parents/guardians to request that such information be excluded from the minutes.

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

*****Note: The following optional paragraph is for use by districts which have their approved minutes signed by a Board officer or designee and should be modified to reflect the appropriate position.*****

Upon approval by the Board, the minutes shall be signed by _____.

*****Note: Pursuant to 5 CCR 16023, minutes and official actions of the Board must be classified and retained in accordance with 5 CCR 16022. See BP/AR 3580 - District Records.*****

*****Note: CSBA's Agenda Online, an electronic board meeting agenda service, allows for the development, storage, and access to Board meeting agendas, supporting documents, and minutes from any computer with Internet access. Further information can be found on CSBA's web site.*****

Official Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

(cf. 3580 - District Records)

*****Note: Although Government Code 54957.2 permits keeping of minutes for closed sessions, districts should consult with legal counsel before making it a practice to do so. Should a court determine that a district has violated the Brown Act, Government Code 54960 allows the court to compel the Board to record its closed sessions. See BB 9323.2 - Actions by the Board.*****

Any minutes or recordings kept for Board meetings held in closed session shall be kept **separately** 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. 9321.1 - Closed Session Actions and Reports)

Recording or Broadcasting of Meetings

*****Note: The following optional section addresses the recording or broadcasting of meetings by the district.*****

*****Note: Pursuant to Government Code 54953.5 and 54953.6, any person attending an open meeting may record or broadcast the meeting, unless the Board makes a reasonable finding that the recording or broadcast cannot continue without noise, illumination, or obstruction of view which would persistently disrupt the meeting. See BB 9323 - Meeting Conduct for language regarding recording by the public.*****

The district may tape, film, **stream**, or broadcast any open Board meeting. **At the beginning of the meeting**, the Board president shall announce that a recording or broadcasting is being made at the direction of the Board ~~at the beginning of the meeting~~, and **that the recording or broadcast may capture images and sounds of those attending the meeting**. As practicable, the recorder or camera shall be placed in plain view of ~~the~~ meeting participants.

Any district recording may be erased or destroyed 30 days after the meeting. Recordings made at the direction of the Board during a meeting are public records and upon request shall be made available for inspection by members of the public on district equipment without charge. (Government Code 54953.5)

Legal Reference:

EDUCATION CODE

35012 Number of members; terms; student board members

35145 Public meetings

35163 Official actions, minutes and journals

35164 Vote requirements

49061 Student records; definitions

49073.2 Privacy of student and parent/guardian personal information

GOVERNMENT CODE

54952.2 Meeting defined

54953 Meetings

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent

CODE OF REGULATIONS, TITLE 5

16020-16027 Classification and retention of records

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. ~~2009~~ **2014**

~~Guide to Effective Meetings, rev. 2007~~

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

Bylaw NOVATO UNIFIED SCHOOL DISTRICT

adopted: September 9, 2008 Novato, California

revised: May 6, 2014

revised: April 25, 2017

DRAFT