



# **WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT GOVERNANCE HANDBOOK**

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## **DISTRICT OVERVIEW**

West Contra Costa Unified School District serves nearly 30,000 students in the East Bay region of the San Francisco Bay Area. The District serves the cities of El Cerrito, Richmond, San Pablo, Pinole and Hercules, along with several unincorporated areas of Contra Costa County, including North Richmond, El Sobrante, Tara Hills, Kensington and Montalvin Manor.

The District operates 54 schools. There are 38 elementary schools, six middle schools, nine high schools and one adult education center. In addition, there are 11 charter schools operating within the District's boundaries; eight have been authorized by WCCUSD.

The District's student population, like the community it serves, is diverse. The District's ethnic/racial makeup is: 52.7 percent Hispanic/Latino, 18.3 percent African American, 10.3 percent White, 10.1 percent Asian, and 5.3 percent Filipino. Another 3.3 percent of students are American Indian, Pacific Islander, multi-racial, other or declines to state.

WCCUSD employs more than 3,000 full- and part-time employees. Some 1,400 classified employees support about 1,750 certificated teachers, counselors, nurses, psychologists, and administrators.

More than 2,000 parent and community volunteers provide support to students and teachers in and out of the classroom. Companies like Chevron and Bio-Rad join with non-profit organizations such as the West Contra Costa Public Education Fund and the California Endowment to provide the resources necessary to augment classroom instruction with rich educational experiences. The District also prides itself on involving the community in key decisions through several key avenues including active participation at Board meetings, playing crucial roles on the Local Control Accountability Plan Parent Committee and on local School Site Councils.

As a Full Service Community Schools district, WCCUSD works with its community partners to provide the resources necessary to achieve educational success, well-being and self-efficacy for students, families and communities. Among other initiatives, the District has embarked on ensuring that every school has a college-going culture supported by the resources necessary to ensure that students are eligible for, and successful at the college of his or her choice. As part of this culture, the District has taken significant steps to close the achievement gap, address the needs of English language learners and provide technology to level the playing field for low-income families.

As part of its efforts to ensure that its students are prepared for college and career, the District has embarked on an ambitious effort to rebuild and refurbish its oldest and most needy facilities and outfit them with 21<sup>st</sup> century technology and tools and provide the essential spaces to support Full Service Community Schools. Voters have approved six bond measures totaling \$1.6 billion in revenues. Those funds have been supplemented by \$163 million from state sources that would not have been available without the voter authorized bonds. Thus far, the program has renovated or rebuilt 29 schools and made major improvements at six schools. Currently five school rebuilds, two stadium/fields projects, and additions at two other schools are underway.

**West Contra Costa Unified**  
**Mission, Vision and Values**  
**Whole Child, Whole Community**

***Mission***

WCCUSD's mission focuses on key priorities and partnerships. Providing a high quality education goes beyond the walls of the classroom and integrates real-world learning experiences that require students to utilize social and intellectual skills. WCCUSD's Board recognizes students' social-emotional development and overall wellness are critical to academic and personal success.

The school and district staff cannot do it alone. There are many individuals, organizations, and businesses in the community working toward West Contra Costa student success. The District values these partners and is committed to creating and maintaining strong partnerships through coordination, collaboration and communication.

Mission Statement:

***WCCUSD, in partnership with the community, serves the whole child, preparing every student to succeed in higher education, career, and life by pairing high quality academics with social, emotional, and wellness support.***

This mission statement led to the District's mantra, "Whole Child, Whole Community."

***Vision***

The vision statement frames the District's mindset and solidifies long-term goals. The District vows to never be stagnant, to be constantly reflecting on successes and failures in order to re-define and refine best practices to better serve students.

To continue to raise the bar for District-wide student achievement, all parties must be engaged and encouraged to celebrate successes and voice constructive criticism. The Board of Education sets the tone for an inclusive community where all are supported, heard, and empowered to do their best work.

Vision Statement:

***WCCUSD envisions a school district that:***

- *continuously sets and meets high expectations;*
- *embraces challenges and innovative solutions;*
- *supports its teachers and employees whole-heartedly;*
- *builds a community with shared values and buy-in; and*
- *above all, prepares every student to succeed in all facets of education and life.*

**Values**

All of the District's decisions and actions are rooted in core beliefs about student achievement; what defines student success and the necessary components. The listed values below reflect the mindset District leadership, educators, employees, program partners, and all stakeholders, are expected to embody and instill in students.

**Student Success**

Student success, in the classroom and in life, is at the forefront of everything we do. WCCUSD strives to equip all students, children and adults, with the academic, social and emotional skills necessary for success.

**Quality Instruction**

Quality educators facilitate growth, set and achieve ambitious goals and advance student learning. WCCUSD believes standards-based curriculum, data tracking and analysis drive student achievement and empowers educators to innovate and collaborate to identify best practices. Rigorous training, support, and development for educators strengthen teacher effectiveness and accelerate student achievement.

**Collective Ownership**

WCCUSD believes all stakeholders – students, teachers, employees, partners and community members - are fundamental to creating and maintaining safe and effective learning environments. In order to provide every student with a high quality education WCCUSD relies on continuous participation and feedback from stakeholders.

**High Expectations**

WCCUSD believes that every student can succeed at a high level and expects them to excel in the classroom, in career, and in life. Similarly, the District expects all stakeholders to operate at the highest level and to continuously seek out the best strategies and processes to ensure District-wide success.

**Accountability**

The District is dedicated to fostering a culture of transparency and maintaining open lines of communication that are engaging, informative and accessible. WCCUSD recognizes that data and metrics are essential for effective decision making.

**Leadership**

WCCUSD is committed to developing classroom, school and community leaders with the vision and skill set to execute the District's mission.

**Diversity**

WCCUSD celebrates the diversity of West Contra Costa and values the strength in varying perspectives, beliefs and backgrounds.

## **EFFECTIVE GOVERNANCE**

*School district governance is the process of reaching agreements that balance and reflect community values, beliefs, and priorities in policies that focus and align all district efforts to enhance student achievement.*

There are three dimensions of the effective governance of an organization: the actions of an individual, a group coming together to govern, and the performance of governance responsibilities of the group.

The board and superintendent work together to maintain unity of purpose, agree on and govern within appropriate rules, create and sustain a positive governance culture, and create a support structure for effective governance. The result enables the governance team to remain focused on improved student learning and achievement, and create a climate of excellence.

The primary responsibilities of the board are setting direction, establishing an effective and efficient structure, ensuring accountability, and providing community leadership as advocates for children, the district and its schools. Authority is granted to the board as a whole, not each trustee individually; therefore the board with the superintendent must work together to make decisions that best serve all students.

School boards ensure success for all students by making decisions that fulfill legal mandates and align district systems and resources to ensure the long-term fiscal stability of the district. To do this, boards must act collectively and openly, be guided by community interests, and informed by recommendations from the superintendent and professional staff.

Effective boards improve governance through practices specifically designed to focus on improving their board skills. Board development improves the board's ability to work together successfully. This includes:

- Awareness of education trends and practices as well as governance roles, knowledge and skills.
- Monitoring and evaluating board performance by setting governance performance targets, monitoring these and conducting board evaluations.
- Focus on successful reform as a foundation for change efforts in:
  - o Systems thinking: intentional about learning the dynamics of the systems they govern and recognize how changes will impact the entire system.
  - o Culture of continuous learning: intentionally invest in and maximize the performance of educators by recognizing and understanding the characteristics of quality professional development.
  - o Distributed leadership: building instructional and leadership capacity based on the belief that sustained improvement is achieved when all educators are focused on improving learning.

- Use data for their governing work
  - o Data at the system level: focus on district level data & the board's response to it.
  - o Data guides decision-making and accountability and progress toward goals to raise student achievement through continuous improvement.
  - o Data use guided by policy that clarifies its purpose, content, and cycle of review.

There are four domains for attributes and practices of effective school boards.

- Governance commitments
  - o Clarifying the board's unifying agreements that serve as the foundation for a cohesive and effective governance board.
- Governance practices
  - o Observing specific governing activities that are expressions of their common commitments and increase their capacity to make governing decisions.
- Governance decisions
  - o Taking action to provide direction, align resources, and ensure accountability.
- Community engagement
  - o Creating intentional processes to learn the interest of the communities they represent, engage them in district efforts, and report to them about district performance.

From Governing to Achieve: A Synthesis of Research  
On School Governance to Support Student Achievement  
California School Board Association

## **GOVERNANCE CULTURE**

### **Unity of Purpose**

*Fostering and supporting an environment that demonstrates to the public the board's shared commitment to a positive meeting culture will help ensure that the district will be successful in meeting its goals and remain focused on student learning.*

- We will keep the district focused on learning and achievement for all students.
- We commit the requisite time to govern effectively and will come prepared for meetings.
- We will form an effective team by building good working relationships among ourselves.
- We will share accountability for how we operate as an effective governance team.
- We agree to promptly address individual issues that hinder the board's effectiveness.
- We will be willing to find common ground through effective deliberation and collaboration.

Above from California School Board Association

## **WCCUSD GOVERNANCE MEETING AGREEMENTS TO SUSTAIN A POSITIVE CULTURE**

We agree to:

- Keep focused on student outcomes.
- Create inclusivity, candor, and clarity in problem solving.
- Listen powerfully for possibility and positive intention.
- Remain focused on issues, not people.
- Be informed, thoughtful, and open to all ideas.
- Maintain awareness of agenda and time constraints.



***The Individual Trustee***

- Keeps learning and achievement for all students as the primary focus.
- Values, supports and advocates for public education.
- Recognized and respects differences of perspective and style on the board and among staff, students, parents, and community.
- Acts with dignity, and understand the implications of demeanor and behavior.
- Keeps confidential matters confidential.
- Participates in professional development and commits the time and energy necessary to be an informed and effective leader.
- Understands the distinctions between board and staff roles, and refrains from performing management functions that are the responsibility of the superintendent and staff.
- Understands that authority rests with the board as a whole and not with individuals.

***The Board***

- Keeps the district focused on learning and achievement for all students.
- Communicates a common vision.
- Operates openly, with trust and integrity.
- Governs in a dignified and professional manner, treating everyone with civility and respect.
- Governs within board-adopted policies and procedures.
- Takes collective responsibility for the board's performance.
- Periodically evaluates its own effectiveness.
- Ensures opportunities for the diverse range of views in the community to inform board deliberations.

***The Board's Jobs***

- Involve the community, parents, students, and staff in developing a common vision for the district focused on learning and achievement and responsive to the needs of all students.
- Adopt, evaluate, and update policies consistent with the law and the district's vision and goals.
- Maintain accountability for student learning by adopting the district curriculum and monitoring student progress.
- Hire and support the superintendent so that the vision, goals, and policies of the district can be implemented.
- Conduct regular and timely evaluations of the superintendent based on the vision, goals, and performance of the district, and ensure that the superintendent holds district personnel accountable.
- Adopt a fiscally responsible budget based on the district's vision and goals, and regularly monitor the fiscal health of the district.
- Ensure that a safe and appropriate educational environment is provided to all students.
- Establish a framework for the district's collective bargaining process and adopt responsible agreements.
- Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state, and federal levels.

## **BOARD ROLES AND RESPONSIBILITIES**

### **Board Officer Roles & Responsibilities**

#### **Board President**

Board Bylaw 9121

- Fosters an environment of communication by promoting a culture of open, transparent communication.
- Holds responsibility for the orderly conduct of meetings.
- Prepares with the superintendent and clerk the Board agendas.
- Explains what the effect of a motion would be if it is not clear to members.
- Serves, in collaboration with the superintendent, as the official media contact for the Board.

#### **Board Clerk**

Board Bylaw 9123

- Serves as the presiding officer in the absence of the President.
- When required by law:
  - Certifies actions taken by the Board.
  - Maintains records and reports.
  - Signs approved Board meeting minutes.
  - Signs documents on behalf of the Board.

#### **Student Board Representative**

Board Bylaw (new)

Student Board members will be selected by the West Contra Costa Unified Youth Commission. The Youth Commission will appoint two members to represent WCCUSD students at each Board meeting for a term of one semester. The Youth Commission will then appoint two different students to represent WCCUSD students for each subsequent semester. At its monthly meetings, the Youth Commission will review items and issues that will be coming before the Board to assist the student Board representatives in preparing for the meetings of the School Board. In this way Youth Commission members will better understand the work of the Board and be more prepared to participate in meetings.

#### **Role of the Board**

Board Bylaw 9000

The Governing Board has been elected by the community to provide leadership and citizen oversight of the District. The key role of the Board is in ensuring high levels of student achievement. The Board shall ensure that the District is responsive to the values, beliefs, and priorities of the community. The Board shall work with the Superintendent to fulfill its major responsibilities, which include:

- Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement.

- Establishing an effective and efficient organizational structure for the District by:
  - Employing the Superintendent and setting policy for hiring of other personnel.
  - Overseeing the development and adoption of policies.
  - Establishing academic expectations and adopting the curriculum and instructional materials.
  - Establishing budget priorities and adopting the budget.
  - Providing safe, adequate facilities that support the district's instructional program.
  - Setting parameters for negotiations with employee organizations and ratifying collective bargaining agreements.
  
- Providing support to the Superintendent and staff as they carry out the Board's direction by:
  - Establishing and adhering to standards of responsible governance.
  - Making decisions and providing resources that support District priorities and goals.
  - Upholding Board policies.
  - Being knowledgeable about district programs and efforts in order to serve as effective spokespersons.
  
- Ensuring accountability to the public for the performance of the District's schools by:
  - Evaluating the Superintendent and setting policy for the evaluation of other personnel.
  - Monitoring and evaluating the effectiveness of policies.
  - Serving as a judicial (hearing) and appeals body in accordance with law, Board policies, and negotiated agreements.
  - Monitoring student achievement and program effectiveness and requiring program changes as necessary.
  - Monitoring and adjusting District finances.
  - Monitoring the collective bargaining process.
  - Evaluating the Board's own effectiveness in carrying out its role.
  
- Providing community leadership and advocacy on behalf of students, the District's educational program, and public education in order to build support within the local community and at the state and national levels. 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)

## **Board Election of Officers**

Proposed Board Bylaw 9100

It is the intent of the Board that all Board members have an opportunity for Board leadership.

In order to fairly rotate the offices of the President and Clerk among the five members of the Board the following process is established:

- A newly elected Board member who is not an incumbent will serve a minimum of one year on the Board before qualifying as President.
- The Board Clerk will replace the outgoing President. This member shall be one who previously has not served in office, unless all the Board's members have previously served in office.
- The Board Clerk will be the member who has received the highest number of votes compared to other Board members elected at the same time. This process continues until all Board members elected in the same year have served as Board President.
- An appointed Board member shall join the rotation only after first being elected.
- Newly elected and re-elected Board members are added on to the existing order of rotation in the order of the number of votes received from the highest number of votes to the lowest.
- When the only Board members who have not served as an officer are new to the Board, the Board may elect a Board Clerk who has served in office.
- A Board member may decline to serve as Board Clerk. This will drop the Board member back one position in the rotation.
- This format will be followed except in unusual or exceptional cases. The Board has the ultimate discretion to elect or not elect any Board member for any office.

## **Board Committees**

Board Bylaw 9140

- Board members review assignments for the various committees, councils and high school family liaisons at their annual January retreat.
- Board president will review and assign committees.
- All standing committees will be identified in the annual Board calendar.
- Board members will annually rank interest in committees.
- Terms on committees and subcommittees will be two years.

<b>Standing Board Subcommittees</b>	<b>Description</b>
Academic Subcommittee	Oversees academic operations, engages teacher representatives from each school who carry information from the committee back to sites.
Facilities Subcommittee	Oversees bond, construction, and facilities management.
Governance Subcommittee	Improving Board governance by addressing governance measures such as the Board Bylaws, Board policy change reviews, and completing the detail work on a Board governance handbook.
Safety and Climate Subcommittee	Oversees K12 operations, Community Schools and climate policy.
Technology Subcommittee	Oversees Information Technology integration into school and classroom.

<b>Commissions, Citizen and Parent Committees</b>	<b>Description</b>
Citizens Bond Oversight Committee	Provides citizen input into the finance and implementation of WCCUSD's school renewal program. Reviews annual finance and performance audits.
Community Budget Advisory Committee	Oversees the appropriate usage of WCCUSD parcel tax funds. Provides citizen feedback into the budget process.
Youth Commission	Provides student representatives from all high schools opportunity to inform the Board on issues of importance to our youth.
Solutions Team	Workgroup comprised of all bargaining units, Asst Sup for HR, the Superintendent and Board.
Multilingual District Advisory Committee	Provides engagement opportunity for parents of English Learners.
Community Advisory Committee for Special Education	Parent/community advisory committee for Special Ed required by federal law.
Local Control Accountability Committee	Parent/student advisory committee required by the local control funding formula.

## **Board of Education Liaison Position**

The Board designates members to serve as liaisons to high school families and to City Councils. Board members volunteer to serve in these positions that involve participating in the high school graduation and when needed, as a representative to a family of schools including elementary, middle and high schools. The City Council liaisons take on the responsibility of communicating with the council on a regular basis providing information about the district that is relevant to the city and hearing about the unique issues in each jurisdiction.

### **High School Family Assignments and Graduations**

El Cerrito High School  
Hercules High School  
Kennedy High School  
Pinole Valley High School  
Richmond High School  
DeAnza High School  
Middle College High School  
Adult Education  
Alternative High Schools  
Extended Year Graduation

### **Liaison to City Councils and Unincorporated Councils**

El Cerrito  
Hercules  
Pinole  
Richmond  
San Pablo  
Unincorporated Councils (El Sobrante, Kensington)

## **Board Evaluation**

Proposed Board Bylaw 9400

The Board is committed to monitoring and annually evaluating their collective board performance to demonstrate accountability to the community and ensure that district governance effectively supports student achievement and the attainment of the district's vision and goals.

Evaluations give the board an opportunity to identify and remove obstacles to better performance and to highlight best practices. Boards derive the highest values from a board assessment that is shaped on by five key principles:

1. The board has clear objectives for evaluation.
2. A board leader drives the process.
3. The process incorporates perspectives from senior management who regularly interact with the board.
4. The assessment process goes beyond compliance issues to examine board effectiveness across a broad range of measures.
5. The board commits to reviewing the results of the assessment together and address the issues that emerge.

(from Au, Born, DeAngelis, January 2012)

If thoroughly conducted, a board evaluation has the potential to significantly enhance board effectiveness, maximize strengths, and tackle weaknesses. The primary driver for the evaluation should be a desire to build a high-performing board, well suited to anticipate, meet and overcome challenges ahead.

(from Ungureanu, Harvard Law School)

WCCUSD Board members agree that the evaluation will include the following:

- Evaluation is based on data.
- It is completed annually.
- It addresses the Board goals.
- It includes public and agency input.

### **Governance Calendar**

The calendar represents not only the legally required dates but also builds in check points to reflect on the District's direction including:

- Annual Brown Act training
- Annual evaluation dates for the Board and Superintendent
- Board election of officers
- Budget calendar with full reports on fiscal status
- Any statutory and/or regulatory deadlines (i.e. LCAP)
- Policy revisions and updates
- Quarterly reports on student data with an emphasis on progress on addressing the achievement gap & third grade reading
- Innovative practices
- Board committee meetings and subcommittees
- Construction timelines and updates
- Resource reports (i.e. Philanthropy, grants)
- Community engagement reports

## **BOARD PRACTICES**

### **Board Meetings**

All Board meetings are a reflection of how well the Board is doing their work. These meetings are meetings of the Board in public. Meetings are held in accordance with District policies and bylaws to ensure equitable access to all community members.

### **Agenda Setting**

Board Bylaw 9322

- Requests for agenda items may be submitted to the Superintendent or President of the Board no later than two Fridays prior to the meeting.
  - Items deemed to be more urgent would be placed on the agenda more expeditiously than less urgent ones.
  - Other factors considered would be the number, type and public interest that may be generated.
- The Superintendent will prepare a draft agenda that is shared and discussed with the President and Clerk of the Board approximately ten days prior to the meeting.
- Agendas will regulate the time of presentations and celebrations to ensure effective use of meeting times.
- Consideration will be given to Board study sessions that will allow for more inclusive conversations.
- Agendas will provide continual status on previous agenda items or work of staff (i.e. process, continuing work, completion).

### **Preparing for Meetings**

- Agendas and all needed materials will be available to the Board and the public seventy-two hours before a meeting.
- If a Trustee needs more information or has questions, he/she should contact the superintendent.
  - In so far as possible, Board members will let the Superintendent and staff know ahead of time when a request for information is made.
  - When an individual Board member requests information pertaining to an agenda item, it will be provided to all Trustees.
- If a Trustee requests to share supporting or clarifying documents for an agenda item, he/she will provide them to the Superintendent.
  - The Superintendent in consultation with the Board president will decide the appropriate way to share the information (i.e. email or include for discussion item for meeting).



## **Conducting Meetings**

Board Bylaw 9323

- Meetings will follow Rosenberg's Rules of Order
  - [https://www.cacities.org/Resources/Open-Government/RosenbergText\\_2011.aspx](https://www.cacities.org/Resources/Open-Government/RosenbergText_2011.aspx)
- President may adjust the order of agenda items based on perceived community or District need.
- President ensures all Board members have equal opportunities to participate, and facilitates effective deliberation.
- Board will allow public to provide input at the time allotted to ensure multiple community voices and inform Board deliberations.

(Attached: Rosenberg's Rules of Order)

## **Closed Session**

Board Bylaw 9321

All Board meetings are open to the public, except those noticed in advance as Closed Session. Closed Session agenda items are announced in public and then discussed with only Board Members and District staff present. Closed Sessions are permitted by law and held in accordance with the state Open Meeting laws to allow Board Members to discuss confidential legal, personnel and collective bargaining matters as well as certain real estate issues.

Closed sessions may normally only be conducted during a regular or special meeting when the meeting has been called with proper notification and properly agendized. However, in limited circumstances the board may hold a closed session during an emergency meeting. (Government Code 54956.5)

The Board must:

- Disclose in open session the items to be discussed in closed session that includes citing the legal authority.
- Allow the public to comment on the issues being discussed.
- Consider in closed session only those matters covered in the agenda.
- Board president is responsible to preside in closed session but all members of the board share the responsibility of ensuring the discussion remains focused on the agenda items.
- Return to open session to adjourn and announce certain actions taken in closed session. (Govt. Code 54957.1)

(Attached: Description of Types of Board Meetings)

## **BOARD PROTOCOLS**

### **Requests for Information or of Staff Support**

- Board members are encouraged to make requests for specific information through the Superintendent. The Superintendent will decide who on staff will address the request.
- Staff will notify the Superintendent regarding questions and/or concerns from a Board member especially if the request is overly time consuming or seems inappropriate. The Superintendent will discuss this with the Trustee.
- The Superintendent will decide if questions and answers should be sent out to all trustees or brought for discussion to a Board meeting. A Trustee will ask the Superintendent for assistance if not satisfied with the information presented.
- Requests should be relevant to the work of the Board and the current work in progress.

### **Public and Staff Communications**

Board members will use email in a manner that insures the Board does not violate the Brown Act.

The Brown Act prohibits a quorum of the Board from doing any of the following on a subject within the jurisdiction of the Board, whether through direct communications, personal intermediaries, or technological devices:

- Discussing the matter
- Deliberating on the matter
- Taking action

Board members should recognize that using the 'reply all' feature in response to an email creates the risk of a Brown Act violation.

Board members should be responsive and consistent to constituents, however they need to stay within their role of a Trustee.

- Information should be referred to the Superintendent.
- Correspondence sent to all Board members will be forwarded to the Superintendent who will respond and cc the Board members.
- Correspondence sent to one Board member will be responded to by that Board member.
  - Individual Board members should acknowledge receipt of the correspondence and forward to the Superintendent.
  - When there is any question or concern it will be forwarded to the Superintendent.
- Staff and community complaints must comply with the Uniform Complaint Policy and the District's agreements with the bargaining groups.

## **Vendor Communications and Relations**

Board members should limit their direct communications with vendors, consultants, contractors and others either doing business with the District or seeking to do business with the District, unless otherwise decided and directed by the Board.

Board members should stay within their role of a Trustee in relation to such vendors, consultants, contractors and others. The Board should refrain from performing management functions that are the responsibility of the Superintendent and staff. (Board Bylaw 9005)

- Information and communications received from such individuals or businesses should be referred to the Superintendent.
- Board members will not direct the work of any vendors, consultants, contractors or others doing business with the District.
- Board members will not individually negotiate with or influence the selection of such individuals or businesses.

Board members should not influence the making of a contract or amendment to an existing contract with such individuals or businesses.

- The negotiation and terms of contracts should primarily be handled by District staff and/or District legal counsel. The Board acts as the decision making body regarding such contracts.
- Questions or comments regarding terms of existing contracts and/or the possible amendment of such contracts should be directed to the Superintendent.
- The Board shall take staff input into consideration when contracts or amendments to contracts are being considered by the Board.

Board members should disclose their current or prior relationships with vendors, consultants, contractors and others either doing business with the District or seeking to do business with the District to the Superintendent, the rest of the Board, and the public, to the extent required by applicable conflicts of interest laws and the District's conflict of interest policy, and further, to the extent necessary to avoid the appearance of impropriety or of a conflict of interest.

## **Site Visitations**

Visiting schools is a reminder to Trustees that students and their learning are the primary focus of their work. Visits provide valuable insight into how Board policy is implemented at the school site level. Trustees should have knowledge of the schools and programs that are achieving the District's goals and show appreciation and support for the staff's work.

- All schools are open to the Board members at all times.
- Visits to schools require the Board member to wear their identification, check in at the office and make arrangements with the principal.
- Board members will ensure no disruption to site and classrooms.
- Protocols apply to professional development and staff meetings by making arrangements with the principal.

- While visiting schools pursuant to these protocols, Board members shall act as observers, and will not direct District staff, or engage in activities being conducted by District staff unless invited to do so by staff. (Board Bylaw 9200)
- Board members should inform the Superintendent before volunteering at school sites. (See Board Bylaw 9200)

## **Conflicts of Interest**

Board Bylaw 9270

Board members will govern responsibly and hold themselves to the highest standards of ethical conduct. (Board Bylaw 9005)

Board members should be thoroughly familiar with the Board's Conflict of Interest Code (Board Bylaw 9270) in its entirety.

The Board should seek out opportunities for conflict of interest training for the Board and its members.

Consistent with the Board's conflict of interest policy, Board members shall at all times strive to avoid any conflicts of interest or appearances of conflict of interest. In all matters, Board members will consider the appearance of impropriety of any action the Board members may be taking. This includes consideration of the personal, professional or familial relationship with persons doing business or seeking to do business with the District. At all times, Board members shall act primarily for the benefit of the public.

- Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members.
- Board members who determine that they have a financial interest in a decision shall disclose that interest, and will not participate in voting on that matter unless their participation is legally required.
- A Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member.
- Board members may accept gifts only under the conditions and limitations provided for by law.
- Board members shall not accept any honorarium, which is any payment in consideration for any speech given, article published, or attendance at any public or private gathering, unless expressly allowed by law.
- If soliciting donated funds for a non-profit, charitable or other outside organizations, Board members shall not give the impression that donation of such funds will be taken into consideration in the award of contracts to individuals or businesses doing business or seeking to do business with the District.

Board members shall comply with all reporting requirements under the Political Reform Act.

## ATTACHMENTS

### Board Governance Calendar 2015-2016

Board Meeting Items	Board Committee Dates
<p><b>July</b> (implement in 2016) Brown Act Training Building Program Training Annual Resolutions Assessed Value Report from County</p>	
<p><b>August 12</b> Summer Program Report Bond Finance Training – Aug 18 Workshop meeting on Governance Handbook</p>	<p><b>August</b> Community Budget Advisory – Aug 27 Citizens Bond Oversight – Aug 26 Clay Investigation Subcommittee – Aug 10 Facilities Subcommittee – Aug 18 Governance – Aug 10, Aug 24 Solutions Team – Aug 13 Technology Subcommittee – Aug 10</p>
<p><b>September 2 &amp; 16</b> Opening of School Report Response to Grand Jury – CBOC / Brown Act State Testing Report Hispanic Heritage Recognition Unaudited Actuals Report LCAP Actions &amp; Services Latino / Hispanic Heritage Recognition</p>	<p><b>September</b> Academic Subcommittee – Sept 8 Community Advisory for Special Education – Sept 14 Community Budget Advisory – Sept 24 Citizens Bond Oversight – Sept 23 Joint Meeting with Board / CBOC – Sept 30 Clay Investigation Subcommittee – Sept 10 Facilities Subcommittee – Sept 8 Governance – Sept 21 Local Control Accountability Plan - TBD Safety/Climate - TBD Solutions Team – Aug 20 Technology Subcommittee – Sept 14 Youth Commission - Sept 14 CBOC Joint Meeting – Sept 30</p>
<p><b>October 7 &amp; 21</b> CALPERs Annual Resolutions Textbook Sufficiency LCAP Measures &amp; Outcomes: Student Learning Data Superintendent Evaluation</p>	<p><b>October</b> Academic Subcommittee – Oct 13 Community Budget Advisory – Oct 22 Citizens Bond Oversight – Oct 28 Clay Investigation Subcommittee - TBD Facilities Subcommittee – Oct 13 Governance- Oct 19 Local Control Accountability Plan - TBD Multilingual District Advisory Council- Oct 29, 30 Safety/Climate - TBD Solutions Team - TBD Technology Subcommittee – Oct 12 Youth Commission - TBD</p>
<p><b>November 4 &amp; 18</b> LCAP Actions &amp; Services Community Engagement Report Board Self-Evaluation</p>	<p><b>November</b> Academic Subcommittee – Nov 17 Community Advisory for Special Education – Nov 2 Community Budget Advisory - NA</p>

	<p>Citizens Bond Oversight - TBD  Clay Investigation Subcommittee - TBD  Facilities Subcommittee – Nov 10  Governance – Nov 9, Nov 30  Local Control Accountability Plan - TBD  Safety/Climate - TBD  Solutions Team - TBD  Technology Subcommittee - Nov 9  Youth Commission - TBD</p>
<p><b>December 9</b>  1<sup>st</sup> Interim Report  LCAP Measures &amp; Outcomes: Student Learning Data  Annual Organization Meeting: Election of Officers</p>	<p><b>December</b>  Academic Subcommittee - Dec 15  Community Budget Advisory – Dec 3  Citizens Bond Oversight – Dec 16  Clay Investigation Subcommittee - TBD  Facilities Subcommittee – Dec 8  Governance - NA  Local Control Accountability Plan - TBD  Multilingual District Advisory Council – Dec 17, 18  Safety/Climate - TBD  Solutions Team - TBD  Technology Subcommittee – Dec 14  Youth Commission - TBD</p>
<p><b>January 6 &amp; 20</b>  Achievement Gap Report  Philanthropy &amp; Grants Report  Budget Study Session – special meeting  Financial Audit Report</p>	<p><b>January</b>  Academic Subcommittee – Jan 12  Community Advisory for Special Education - Jan 4  Community Budget Advisory - TBD  Citizens Bond Oversight - TBD  Clay Investigation Subcommittee - TBD  Facilities Subcommittee – Jan 12  Governance - TBD  Local Control Accountability Plan - TBD  Multilingual District Advisory Council – Jan 28, 29  Safety/Climate - TBD  Solutions Team - TBD  Technology Subcommittee – Jan 11  Youth Commission - TBD</p>
<p><b>February 10</b>  LCAP Actions &amp; Services  Budget Study Session – Special Meeting  African American Heritage Recognition  Joint meeting with CBOC – Feb 24</p>	<p><b>February</b>  Academic Subcommittee - Feb 9  Community Budget Advisory - TBD  Citizens Bond Oversight - TBD  Clay Investigation Subcommittee - TBD  Facilities Subcommittee - Feb 9  Governance -TBD  Local Control Accountability Plan - TBD  Safety/Climate - TBD  Solutions Team - TBD  Technology Subcommittee – Feb 9  Youth Commission – TBD  CBOC Joint Meeting – Feb 24</p>

<p><b>March 2 &amp; 23</b>  LCAP Measures &amp; Outcomes: Student Learning Data  Charter School Partnership Report  Employee Status – layoffs, non-renewals, non-reelects  2<sup>nd</sup> Interim Report  Performance Audit Report</p>	<p><b>March</b>  Academic Subcommittee - March 8  Community Advisory for Special Education – March 10  Community Budget Advisory – March 24  Citizens Bond Oversight - TBD  Clay Investigation Subcommittee - TBD  Facilities Subcommittee – March 8  Governance - TBD  Local Control Accountability Plan - TBD  Multilingual District Advisory Council – March 31  Safety/Climate - TBD  Solutions Team - TBD  Technology Subcommittee – March 14  Youth Commission - TBD</p>
<p><b>April 13 &amp; 27</b>  LCAP Actions &amp; Services  Long Term Enrollment Projection Report</p>	<p><b>April</b>  Academic Subcommittee – April 18  Community Advisory for Special Education – April 11  Community Budget Advisory – April 21  Citizens Bond Oversight - TBD  Clay Investigation Subcommittee - TBD  Facilities Subcommittee – April 12  Governance - TBD  Local Control Accountability Plan - TBD  Multilingual District Advisory Council – April 1  Safety/Climate - TBD  Solutions Team - TBD  Technology Subcommittee – April 11  Youth Commission - TBD</p>
<p><b>May 11 &amp; 25</b>  LCAP Measures &amp; Outcomes: Student Learning Data  EdFund Scholarship Recognition</p>	<p><b>May</b>  Academic Subcommittee – May 17  Community Advisory for Special Education – May 2  Community Budget Advisory- TBD  Citizens Bond Oversight - TBD  Clay Investigation Subcommittee - TBD  Facilities Subcommittee – May 10  Governance - TBD  Local Control Accountability Plan - TBD  Multilingual District Advisory Council- May 26, 27  Safety/Climate - TBD  Solutions Team - TBD  Technology Subcommittee – May 9  Youth Commission - TBD</p>
<p><b>June 15 &amp; 29</b>  LCAP Actions &amp; Services  Local Control Accountability Plan Public Hearing &amp; Adoption  District Budget Hearing &amp; Adoption  Annual Service &amp; Budget Plan for Sp. Ed.</p>	<p><b>June</b>  Academic Subcommittee - TBD  Community Advisory for Special Education  Community Budget Advisory  Citizens Bond Oversight - TBD  Clay Investigation Subcommittee - TBD</p>



	Facilities Subcommittee – June 14 Governance - TBD Local Control Accountability Plan - TBD Safety/Climate - TBD Solutions Team - TBD Technology Subcommittee – June 13 Youth Commission - TBD
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# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

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# Introduction

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

- 1. Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- 2. Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
- 3. Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
- 4. Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

## Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

## The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

## The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

## Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

## To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**Note:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

## Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

## Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

### *How does this work in practice? Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## **The Motion to Reconsider**

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.

# TYPES OF BOARD MEETINGS

## REGULAR MEETINGS

Regular meetings are where the board conducts a majority of its business. As its name implies, these meetings are held on a regularly-scheduled basis to support the operational needs of the district.

*Posting requirements:* Regular meeting agendas must be posted at an accessible place where members of the public, including district employees, can see it at least 72 hours prior to the regular meeting. Agendas must contain a brief, general description which provides sufficient detail for the public to ascertain the nature of the business to be conducted, though the description need not exceed 20 words.

## SPECIAL MEETINGS

A special meeting may be called when there is a need for the board to meet outside of the time specified for a regular meeting and/or when there is a need to meet with less than 72 hours notice. Like regular meetings, special meetings must be open and publicly noticed, though the time and location may differ from the board's regular meeting place and the room set-up may be more informal. The board may schedule special meetings for a variety of reasons. When special meetings are called, the superintendent and the president must distribute the agenda and support materials to board members as soon as possible, but according to law, at least 24 hours in advance of the meeting. The public must be allowed to attend any open session of a special meeting and must be provided an opportunity to comment on items on the special meeting agenda.

### SPECIAL MEETINGS: STUDY SESSION

Study sessions give the board an opportunity to learn. They often include reporting from staff to receive more in-depth information on an important issue like the budget or special education. These matters are complex, and board members may need guidance from staff. Study sessions give board members an opportunity to learn without the pressure of making a decision, but the study session will certainly inform later decisions.

### SPECIAL MEETINGS: DISCUSSION MEETINGS

These meetings may involve staff at the discretion of the board, but typically they involve only the governance team—the board and the superintendent. As the name implies, a discussion meeting is an opportunity to reflect and learn from each other without the pressure of making a decision. It gives the governance team members the opportunity to think out loud, to share ideas with one another on one or more issues. Just as study sessions give the board time to learn information, discussion meetings give the board time to process information, to interpret the data it has received, and to evaluate the information in light of district values, mission, vision and priorities. Discussion meetings may also include board retreats for team-building conversations or matters that deal with the board's internal operations. These retreats can increase the board's effectiveness in governing the district by unifying the governance team through governance agreements that guide the board's operations. By achieving a high degree of clarity and mutual understanding on how the board functions, these concerns can be removed as barriers, and free the board to focus on its oversight responsibilities in service to the children of the district.

## EMERGENCY MEETINGS

The school board may convene a special meeting to respond to an emergency situation without complying with the 24-hour notice requirement for special meetings. Such meetings are covered by Government Code 54956.5. An emergency situation is defined as a work stoppage, a crippling disaster, dire emergency, mass destruction, terrorist act or other activity which severely impairs public health, safety or both as determined by a board majority.

## CLOSED SESSIONS

Note: Authorization for closed sessions is complex. Also, county boards have different requirements than school district boards for closed sessions. Check with legal counsel as appropriate.

A closed session may normally only be conducted during a regular or special meeting, when the meeting has been called with proper notification and properly agendaized. However, in limited circumstances the board may hold a closed session during an emergency meeting (Government Code 54956.5).

Prior to any closed session, the board must disclose in open session the items to be discussed in the closed session, which usually includes citing the legal authority under which the closed session is held, and must allow the public to comment on the issues that the board will be discussing in the closed session. In the closed session, the board may consider only those matters covered in the statement and on the agenda.

The board president has the responsibility to preside over the closed session, but all board members share the responsibility of ensuring that the discussion remains focused on only those items listed on the agenda that meet the requirements of law for the closed session. Once the closed session is over, the board must return to open session to adjourn and announce certain actions taken in closed-session (Government Code 54957.1).

## PUBLIC HEARINGS

Schoolboards hold public hearings in order to learn public opinion about a matter the board may take action on, or when issues are particularly sensitive or may create public controversy. In addition, public hearings may be required for certain legal issues and must follow special rules about public testimony and public notice. Members of the board generally don't comment during public hearings, but rather listen to speakers' views on the issue. If members of the public offer erroneous information as fact, the board or staff can offer clarification after the public comment session is closed, but should not engage the speaker in discussion of the issue.

## References

CSBA sample:

88 9320- Meetings and Notices

88 9321- Closed Session Purposes and Agendas

88 9321.1- Closed Session Actions and Reports Government Code 54954.2, 54956, 54956.5, 54957.1 Education Code 35145

