



## RIALTO UNIFIED SCHOOL DISTRICT

### Bylaws of the Board

BB 9012(a)

### BOARD MEMBER ELECTRONIC COMMUNICATIONS

The Board of Education recognizes that electronic communication is an efficient and convenient way for Board members to communicate and expedite the exchange of information within the district and with members of the public. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agenda meeting nor to circumvent the public's right to access records regarding district business.

A majority of the Board members shall not, outside of a noticed meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

*(cf. 9320 - Meetings and Notices)*

To avoid inadvertently violating the prohibition of law against a serial meeting, a Board member shall not forward his/her comments on an electronic communication he/she receives from another member regarding an issue within the subject matter jurisdiction of the Board to any other member.

When communicating electronically, Board members shall make every effort to adhere to the same standards and protocols established for other forms of communication. A Board member may respond to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. As appropriate, complaints or requests for information may be forwarded to the Superintendent so that the issue may receive proper consideration and be handled through the appropriate district process. Communication received from the media shall be forwarded to the designated district spokesperson.

*(cf. 1112 - Media Relations)*

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

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

*(cf. 9005 - Governance Standards)*

*(cf. 9121 - Board President)*

*(cf. 9200 - Limits of Board Member Authority)*

**BOARD MEMBER ELECTRONIC COMMUNICATIONS** (continued)

A Board member's electronic communications, including, but not limited to, emails and text messages, which are related to the conduct of district business may be subject to disclosure under the California Public Records Act, regardless of whether they are sent or received on the Board member's personal or district-provided account or device. To the extent possible, electronic communications regarding any Board business shall be transmitted through a district-provided device or account. When any such communication is transmitted through a Board member's personal device or account, he/she shall copy the communications of a district electronic storage device for easy retrieval.

Board members may use electronic communications to discuss matters that are outside the jurisdiction of the Board, regardless of the number of members participating in the discussion, and such personal communications are generally not subject to public disclosure.

(cf. 9010 – Public Statements)

*Legal Reference:*EDUCATION CODE

1011 Time and place of meetings

35145 Public meetings

35145.5 Agenda; public participation; regulations

35147 Open meeting law exceptions and applications

GOVERNMENT CODE

6250-6270 California Public Records Act

11135 State programs and activities, discrimination

54950-54963 The Ralph M. Brown Act, especially:

54952.2 Meeting, defined

54953 Meetings to be open and public; attendance

54954.2 Agenda posting requirements, board actions

COURT DECISIONS

City of San Jose v. Superior Court (2017) 2 Cal.5<sup>th</sup> 608

*Management Resources: (see next page)*

**BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)**

*Management Resources:*

CSBA PUBLICATIONS

Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

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

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

Bylaw  
adopted: December 16, 2009  
revised: April 11, 2018  
revised: September 26, 2018

**RIALTO UNIFIED SCHOOL DISTRICT**  
Rialto, California