

COUNTY BOARD MEMBER ELECTRONIC COMMUNICATIONS

The Monterey County Board of Education (County Board) recognizes that electronic communication among County Board members and between County Board members, Monterey County Office of Education (MCOE) administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of MCOE and its schools. County Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the County Board to deliberate outside of an agendaized County Board meeting.

Note: Government Code 54952.2 defines a "meeting" as any congregation of a majority of the members of the County Board at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the County Board.

(cf. 1100 - Communication with the Public)
(cf. 6020 - Parent Involvement)
(cf. 9000 - Role of the County Board)
(cf. 9322 - Agenda/Meeting Materials)

In order to avoid inadvertent violations of open meeting laws, County Board members may not use electronic devices to communicate with each other during a meeting of the County Board. As a professional courtesy for each other, staff and the public, the use of electronic devices, if necessary for conducting official business, shall be used in the least disturbing manner during County Board deliberations.

A majority of the County Board shall not conduct a prohibited serial meeting, which is defined as any meeting outside of an authorized meeting, using 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 County Board. [Government Code 54952.2]

(cf. 9320 - Meetings and Notices)

Examples of permissible electronic communications concerning MCOE business include, but are not limited to, dissemination of County Board meeting agendas and agenda packets, reports of activities from the Monterey County Superintendent of Schools (County Superintendent) , and reminders regarding meeting times, dates, and places.

County Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other

forms of communication. A County Board member may respond, as appropriate, 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 County Board as a whole. Any complaint or request for information should be forwarded to the County Superintendent in accordance with County Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate MCOE process. As appropriate, communication received from the press shall be forwarded to the designated MCOE spokesperson.

- (cf. 1112 - Media Relations)*
- (cf. 1312.1 - Complaints Concerning MCOE 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 MCOE)*
- (cf. 9005 - Governance Standards)*
- (cf. 9121 - County Board President)*
- (cf. 9200 - Limits of County Board Member Authority)*
- (cf. 9270 - Conflict of Interest)*

In order to minimize the risk of improper disclosure, County Board members shall avoid reference to confidential information and information acquired during closed session.

- (cf. 4112.6/4212.6/4312.6 - Personnel Files)*
- (cf. 5125 - Student Records)*
- (cf. 9011 - Disclosure of Confidential/Privileged Information)*
- (cf. 9321 - Closed Session Purposes and Agendas)*

County Board members may use electronic communications to discuss matters other than MCOE business with each other, regardless of the number of members participating in the discussion.

Like other writings concerning MCOE business, a County Board member's electronic communication may be subject to disclosure under the California Public Records Act.

- (cf. 1340 - Access to MCOE Records)*

Legal Reference:

EDUCATION CODE

- 35140 *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 (2014) Cal. App. 4th 75

Adopted: 06/19/13

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