

BYLAWS OF THE
BOARD OF EDUCATION
SAN DIEGO UNIFIED SCHOOL DISTRICT
December 11, 2018

1001. OFFICERS

The officers of the Board of Education shall be: President and Vice President.

1002. ELECTION OF OFFICERS

The President and the Vice President of the Board of Education shall be elected from the members of the Board at the Board's annual meeting held at a public meeting of the Board of Education, after 10:00 a.m., on the first Monday after the first day of December, or as soon thereafter as may be practicable. The President and the Vice President shall each receive the votes of a majority of the full membership of the Board before being declared elected. The election shall be conducted using written ballots on which every Board Member's name appears. Separate ballots will be cast for President and Vice President. Each Board Member will vote for one person for the office being voted upon until some member has received at least three votes. Following each ballot, the Board Action Officer will announce the results of the vote identifying the members voting for each candidate. Prior to the casting of ballots, Board Members may speak in support of a particular candidate. Under this procedure all Board Members are eligible for election and there will be no nominations.

1003. TERMS OF OFFICE

The President and Vice President, respectively, shall hold their offices for one year during the period commencing with their election after 10:00 a.m., the first Monday after the first day of December and until their successors shall be duly elected and qualified.

1004. VACANCY IN OFFICE

In the event of a vacancy in the office of President or Vice President by death, resignation, or otherwise, the Board of Education shall immediately elect a successor to the President or Vice President, as the case may be, to fill the vacancy for the remainder of the normal term of the office and until a successor shall be duly elected and qualified.

1005. PRESIDING OFFICER

The President shall preside at all meetings of the Board of Education at which the President is present. The President shall perform such duties and exercise such powers as usually pertain to the office of President and shall also have such additional powers as may be granted by law or by the Board.

1006. PRESIDING OFFICER IN ABSENCE OF PRESIDENT

The Vice President shall preside at all meetings of the Board of Education in the absence of the President and shall perform such other duties as may be enjoined upon the Vice President by the Board. In the case of absence of the President or if there is a vacancy in the office of the President, all the powers and duties of that office shall devolve upon the Vice President, who shall continue to exercise such powers and duties until the President returns or the vacancy is filled.

1007. PRESIDING OFFICER IN ABSENCE OF PRESIDENT AND VICE PRESIDENT

In case of the absence, disability, or refusal to act of the President and the Vice President at any meeting of the Board of Education when a quorum is present, as determined by the Board Action Officer by roll call, the members present may elect by majority vote of the members voting a Chairperson Pro Tem for that meeting.

1008. QUORUM AND ORDER OF BUSINESS

At each meeting of the Board of Education, the President shall take the chair at, or as close as practicable after, the time appointed for the meeting and shall call the meeting to order. A quorum for the transaction of business shall consist of a majority of the full membership of the Board. If no quorum is present, the meeting shall be adjourned in accordance with California law. When a quorum is present, the order of business shall take place in accordance with the order established by and approved by the Board from time to time for the orderly conduct of its meetings.

1009. SUSPENSION OF ORDER OF BUSINESS

This order of business may be suspended or changed at any time during any meeting of the Board of Education by a majority vote of the members voting.

1010. ACTION BY THE BOARD OF EDUCATION

The Board of Education may take action on matters properly before it only in public at a regular or special meeting, except in those instances where action is permitted by law in closed session. The authority of the Board may only be exercised as a Board and only at such meetings or closed sessions as duly and legally constituted. Individual members including Board Officers acting in their individual capacities have no authority to commit the Board or Superintendent to any policy determination or course of action.

1011. ITEMS PRESENTED BY BOARD MEMBERS FOR IMMEDIATE ACTION

Members of the Board of Education who desire to introduce an item for immediate action at the public Board meeting at which that item is first considered should file such item for inclusion in the agenda with the Board Action Officer before the Thursday twelve (12) days preceding the regular Tuesday School District Board meeting. The item will not be included unless one other Board Member concurs with the request. When Board meetings are held on days other than Tuesday, or if a Special Meeting is called, special arrangements

for inclusion on the agenda of such Board Member “immediate action” item should be made with the Board Action Officer. The specially arranged item also requires concurrence by at least one other Board Member.

1012. ROLE OF BOARD OF EDUCATION IN ESTABLISHING POLICY

The Board of Education, under the law, is charged with the responsibility of setting policy for the San Diego Unified School District and with the assistance of the Superintendent and management staff, shall establish general policies governing the operation of the schools. Having adopted these policies, the Board shall delegate to the Superintendent the authority to carry them out and shall require of the Superintendent such reports as are deemed necessary to determine both the manner in which the policies have been administered and the wisdom of the policies themselves. (Board of Education Policy B-5000)

Discussions held in closed session in accordance with the Ralph M. Brown Act and other applicable law shall be confidential, and no Board Member or other participant shall disclose the contents thereof without the permission of a majority of the Board.

1013. PARLIAMENTARY PROCEDURE

The rules of parliamentary law set forth in the Current Edition of Robert’s Rules of Order Newly Revised shall serve as a guide in public meetings of the Board of Education in all cases in which such rules are not inconsistent with these Bylaws of the Board.

There must be a main motion and a second regarding the proposed staff/Board member recommendation before discussion by the Board will begin. Amendments to the main motion may be made. No substitute motions will be allowed.

1014. EXPECTATIONS FOR AUDIENCE CONDUCT

Demonstrations will not be allowed in the meeting room during Board of Education meetings. Placards, banners, signs, flags larger than 8½“ x 11” are not permitted in the Board of Education meeting room. Pagers and cell phones are expected to be turned off or put on the silent mode in the Board of Education meeting room.

Any disturbance or willful interruption of Board meetings shall not be permitted by the presiding officer. The presiding officer is authorized to order a meeting of the Board of Education adjourned, adjourned to clear the meeting room, or to remove disruptive individuals or groups at any time if the legislative decorum of the meeting is disrupted by members of the audience and the audience does not observe a request by the presiding officer for restoration of order. (California Government Code Section 54957.9.)

All orders and rulings by the presiding officer of the Board at any meeting of the Board shall be final except where a Member of the Board appeals an order or ruling by motion and such motion is approved by a majority of the full membership constituting the Board. An appeal motion may be made only immediately after the order or ruling being appealed has been made. If the presiding officer determines that the situation or circumstance, as a

result of disorder, constitutes an emergency and that a vote is not possible, he/she may solely decide to adjourn the meeting.

The General Counsel shall act as parliamentary law advisor at all meetings of the Board.

1015. AMENDMENT OF BYLAWS

The Bylaws of the Board of Education may be amended only at a regular meeting and by a majority vote of the full membership constituting the Board. Any and all amendments to these Bylaws shall specify the section sought to be amended.

1016. SUPERINTENDENT OF SCHOOLS

The Superintendent of Schools shall serve as the Chief Executive Officer of the District and secretary of the board of education. The Superintendent shall be evaluated annually by the Board of Education. The Superintendent shall, whenever possible, send information concerning matters of major significance to the Members of the Board not less than one week in advance of the proposed action by the Board of Education. If such information is not available in advance, the Board may consider the matter a “first reading.”

1017. BOARD GENERAL COUNSEL

The General Counsel shall be an attorney admitted to the practice of law in the State of California and shall provide legal counsel and representation to the Board of Education and the District. The General Counsel provides the Board of Education and the District with legal advice and representation in a wide range of legal and consultative subject matters. The General Counsel shall attend all meetings of the Board of Education unless excused.

1018. BOARD ACTION OFFICER

The Board Action Officer is the custodian of the official records of the Board and District, is responsible for preparation and noticing of the Board of Education agenda, certifies actions of the Board, and conducts follow-up on Board directed actions.

1019. INTERNAL AUDIT

The Internal Audit is an independent evaluation function to assure the Board of Education that internal controls of the District, District operational policies and District procedures are sufficient, effective and meet all necessary requirements of due diligence in safeguarding public funds, public assets and private donations received by the District. Toward this end, the Internal Auditor plans the development and implementation of an Internal Audit Program designed to examine and evaluate District activities and to provide the Board of Education with written reports containing analyses, appraisals and recommendations concerning the activities reviewed.

1020. REGULAR MEETINGS (Ralph M. Brown Act, Government Code Section 54954.2)

Regular meetings of the Board of Education shall be open to the public and shall be held in the Auditorium, Eugene Brucker Education Center, 4100 Normal Street, San Diego, California, or at such other places, or times, within the District as the Board shall designate. Regular meetings shall be held on the second and fourth Tuesday of each month. When a Tuesday falls on a legal or Board-declared holiday the meeting shall be deemed canceled unless rescheduled for the Monday preceding or the Wednesday following the holiday.

The Board believes that late night or lengthy meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. There shall be a five (5) hour maximum time limit on regular meetings of the Board, unless extended by majority vote of the Board.

Each verified employee organization shall be entitled to appoint one of its members, who shall be relieved of his or her normal duties of employment with the School District in sufficient time to attend regular meetings of the Board. Such employee shall suffer no loss of pay in attending Board meetings pursuant to this section.

A School Police Officer shall attend all regular and special meetings of the Board of Education.

1021. SPECIAL MEETINGS (Ralph M. Brown Act, Government Code Section 54956)

Special meetings of the Board of Education must be called by the President at the request of any two Members of the Board or the Superintendent. Special meetings shall be open to the public and shall be held in the place designated in the notice and call of the special meeting in accordance with California law. Each verified employee organization shall be entitled to appoint one of its members, who shall be relieved of his or her normal duties of employment with the School District in sufficient time to attend special meetings of the Board. Such employee shall suffer no loss of pay in attending Board meetings pursuant to this section.

1022. ANNUAL CONSIDERATION OF BOARD BYLAWS

At the annual organizational meeting of the Board of Education, the Board Action Officer shall present to the Board of Education for re-adoption these Bylaws which are then in effect and such Bylaws shall be considered, along with any proposed amendments thereto, for approval by a majority vote of the full membership. These Bylaws also may be amended at any duly called public meeting of the Board of Education.

1023. VOTING

The Superintendent shall be afforded the opportunity to present options and make recommendations, if any, on all matters pending before the Board of Education prior to the time the presiding officer calls for the vote. On other than routine business items, the Superintendent shall make known to the Board optional or alternative courses of action and their consequences. Except as otherwise provided by law or these Bylaws, all matters

pending before the Board shall be decided by a majority vote of the full membership constituting the Board. (Education Code section 35164) The Ayes and Nays shall be taken and entered into the record.

Abstentions shall be recorded as abstentions but counted as agreeing with the action taken by the majority of those who vote, whether affirmatively or negatively, except in those circumstances where an abstention vote is compelled by state law (e.g., conflict of interest) and in the election of Board officers.

1024. WRITTEN COMMUNICATIONS TO THE BOARD

All written communications addressed to the Board of Education or to an individual member of the Board of Education involving policy matters which are properly the first concern of the Board may be referred to the Office of the Superintendent for investigation and preparation of a proposed written response which shall be presented to the Board, or Board member to whom the communication was addressed. The Board or Board member to whom the communication was addressed may then either respond directly or request that the Superintendent respond to the communication.

1025. PUBLIC TESTIMONY AT MEETINGS OF THE BOARD OF EDUCATION

In order to provide an orderly process in receiving public testimony on matters before the Board, the Board encourages proponents on the same subject to determine in advance their principal speaker(s). The Board also encourages all public testimony speakers, whenever possible, (a) to be direct and concise, (b) to avoid repetition of statements made earlier by fellow proponents on the same subject, and (c) to place their views in writing and provide advance copies to Board members and the Superintendent. If questions are to be submitted to the Board, such questions must be in writing. The Superintendent, if requested by the Board, shall provide written responses to such questions subsequent to the Board meeting at which they were posed.

There shall be two types of public testimony received by the Board of Education at its regular public meetings, as follows:

- A. Agenda Items--Any organization and/or person who desires to be heard by the Board on an item listed on the agenda shall come forward before or during the meeting and submit a Public Testimony Request form to the Board Action Officer at the meeting, for or against the staff recommendation. Public Testimony Request forms will be accepted up to the time the item is called for discussion by the Board. Once Board discussion of the item begins, no Public Testimony Request forms will be accepted. Any organization and/or person who has requested to speak to an agenda item may express their opinion at the point in the when that item is called.

In the interests of expediting the consideration of other business before the Board, upon receiving a request to speak to a consent item, the Board may act to defer consideration of the consent item to that point in the meeting immediately prior to adjournment. Persons addressing the Board on an agenda item shall confine their remarks exclusively to the agenda item about which they speak, and they shall not be

permitted to participate in any legislative deliberations of the Board about the agenda item.

All individuals submitting an Agenda Item Testimony Request form in a timely manner, up to the time the item is called for discussion by the Board, will be given an opportunity to address the Board.

No deferral of time will be allowed. Organized presentations of five (5) or more speakers not to exceed ten (10) minutes per subject may be permitted at the discretion of the presiding officer. All speakers must submit an Agenda Item Testimony Request form.

- B. Non-Agenda Items--Any organization and/or person who desires to be heard by the Board on an item which is not listed on the agenda shall come forward before or during the meeting and file a request with the Board Action Officer at the meeting. Organizations and/or persons requesting to speak to a non-agenda item shall be prepared to be heard by the Board after all agenda items at the end of the meeting. All requests to speak to non-agenda items must be made prior to the time scheduled to hear non-agenda matters.

No deferral of time will be allowed. Organized presentations of five (5) or more speakers not to exceed ten (10) minutes per subject may be permitted at the discretion of the presiding officer. All speakers must submit a Public Testimony Request form.

The Board shall take no action, other than an action of referral, on any subject brought forth as a non-agenda item unless the Board finds that exigent circumstances require immediate action.

- C. Time Limits—Public testimony shall be limited to a maximum of twenty (20) minutes per consent and/or action item allowing for a maximum of ten (10) minutes per opposing viewpoint, and with a maximum of three (3) minutes per speaker unless such time limit is waived by the Board President. The President shall announce the amount of time allocated for public testimony on agenda items prior to hearing the public testimony.

Testimony on non-agenda items shall be limited to a maximum of fifteen (15) minutes per item with a maximum of three (3) minutes per speaker unless such time limit is waived by the Board president.

Any public testimony may be interrupted at any time on motion of any one member of the Board or by the Superintendent. If interrupted, the Board then shall decide whether it should continue to hear the speaker in public meeting, whether it should hear the speaker in private closed session, or whether it should refuse to continue hearing the speaker at all.

1026. ENDORSEMENTS BY BOARD OF EDUCATION

The Board of Education shall not endorse organizations or activities which it does not deem to have a direct impact on the educational program of this School District or which it finds are unrelated to the jurisdiction of the Board.

1027. BOARD COMMITTEES

The Board of Education may establish ad hoc or standing committees of its membership to perform fact-finding functions in any matter under jurisdiction of the Board. The Board of Education shall appoint a chairperson from one of its membership for each committee established.

A committee shall report its findings of fact to the Board of Education at a public meeting of the Board at which time the whole Board shall consider the findings of fact contained in the report together with the recommendation of the Superintendent.

Notice of committee meetings shall be given as required by, and in accordance with, California law.

All committee meetings shall be open to the public and the schedule of committee meetings shall be posted on the Board bulletin board in the window at the main entrance located adjacent to the Auditorium of the Eugene Brucker Education Center. Electronic recordings may be made, unless the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

1028. CITIZEN COMMITTEES

The Board of Education may appoint citizens of the community to serve on citizen committees for the purpose of counseling and advising the Board on matters pertaining to the government of the District. Citizens so appointed shall receive no monetary compensation, nor expense reimbursement.

Citizen committees appointed by the Board act in a purely counseling and advisory capacity and their findings and recommendations are not binding on the Board. All findings and recommendations of citizen committees, including minority reports, shall be submitted to the Board and the Superintendent and shall appear on a public agenda of the meeting of the Board held next after receipt of the communication by the Board and the Superintendent. If a citizen committee communication challenges the personal capacity of an employee to render service to this Board, involves a School District matter being litigated in the courts, or concerns the conduct of a pupil of the District, it shall not be placed on the public agenda. Instead, such communication shall be offered for private consideration of the Board at a closed session which shall be held following the meeting of the Board next after receipt of the communication by the Board.

The Superintendent is to readily make available any information to the citizen committee concerning the governing of the District which such citizen committee from time to time may request in the course and scope of fulfilling their charge from the Board. Nothing in

this section shall be construed to prohibit the employment of professional consultants as permitted in law by the Board.

1029. WRITTEN RECORD OF BOARD PROCEEDINGS

The official records of proceedings of Board of Education meetings shall be known as the minutes. The minutes shall be a record only of actions taken by the Board of Education, except that any member or the Superintendent may direct that his or her remarks, or a summary thereof, made during the meeting, be included in the minutes. The minutes shall be approved by the Board of Education at any subsequent meeting by majority vote of the full membership constituting the Board. The minutes, when approved by the Board of Education, shall be the official records of the proceedings at which they were taken. The Board Action Officer shall affix his/her signature to the minutes after they have been approved by the Board of Education. The minutes shall be permanent public records of this Board and maintained in perpetuity.

1030. ELECTRONIC RECORDINGS OF BOARD PROCEEDINGS

Where practicable, all meetings of the Board of Education shall be recorded in the entirety by an electronically actuated recording device. Such recordings as are made shall be considered unofficial public records of the proceedings of the Board designed primarily to assist in the preparation of the minutes.

1031. EDUCATIONAL EMPLOYMENT RELATIONS ACT COLLECTIVE BARGAINING NEGOTIATIONS SESSIONS--SCHOOL DISTRICT EMPLOYER-EMPLOYEE RELATIONS

- A. All forms of proposals described herein which have been made by the San Diego Unified School District (District) or an exclusive representative in the Educational Employment Relations Act collective bargaining negotiations process are matters of public record under Government Code section 3547. A file of such proposals, including the position, if available, on such proposals, of:

Each member of the Board of Education expressed by roll call vote at a public Board of Education meeting, or of the District's representative shall be maintained in the Labor Relations Office, Room 2101, Eugene Brucker Education Center, and shall be available for public inspection during regular working hours within 24 hours of the making of any such proposal.

- B. Any initial proposal made by the Board of Education or an exclusive representative shall be posted on the Board of Education Bulletin Board on the first floor in the Eugene Brucker Education Center for public viewing during regular Education Center business hours.

In addition to the distribution and posting requirements set forth in this paragraph, the District shall prepare a written notice of the fact that an exclusive representative or the District has presented an initial proposal and that such initial proposal may be viewed in places described in this paragraph, above. This written notice shall be sent

to all persons and organizations that are sent Board of Education public meeting agenda by including such notice in the agenda materials sent to such persons and organizations in connection with the next regular public meeting of the Board of Education scheduled immediately following the Board of Education meeting at which the initial proposal was presented. This written notice also shall be sent by regular school mail at the same time prescribed above to the presidents or chairpersons at each school's PTA and citizen's advisory committee.

- C. For the purposes of this procedure, the following definitions shall apply:
1. Initial Proposal. This is an offer for consideration made by either the District or an exclusive representative on a subject matter which has been introduced by that entity into the collective negotiations process during the negotiations for the next collective negotiations agreement under the Educational Employment Relations Act.
 2. Subsequent Proposal. This is an offer for consideration made by either the District or exclusive representative subsequent to the initial proposal which is on the same general subject matter but differs in cost or other degree from that entity's initial proposal or is introduced for the purpose of attempting to resolve an impasse in negotiations.
 3. Exclusive Representative. This is the exclusive representative of each certificated and classified appropriate unit authorized to participate in the collective negotiations process with the District under the Educational Employment Relations Act.
- D. An initial proposal made by the District or the exclusive representative shall be made only in public meetings of the Board of Education. No later than thirty (30) calendar days following the presentation of its initial proposal by an exclusive representative, the Board of Education shall present a position in public meeting in response to such initial proposal which shall constitute the Board of Education's initial proposal. During this public notice period, the Board of Education representative and the exclusive representative may meet for the sole purpose of clarifying or obtaining more information about various provisions of the exclusive representative's initial proposal. At least six calendar days must elapse after the presentation of the initial proposal of the Board of Education before the Board of Education may finally adopt its initial proposal in a public meeting and before negotiations may commence.
- E. During such public notice period, or at any time thereafter, members of the public are welcome and encouraged to address the Board of Education by letter or in public hearing in public board meetings expressing their views on any proposal in the Educational Employment Relations Act negotiations process which has been made part of the public record. To facilitate such public comment, each time the Board of Education deems it necessary to consider in public meeting any initial proposal or subsequent proposal received from, or to be offered to, an exclusive representative, notice of such consideration shall be printed on the meeting agenda with an appropriate notation that:

1. It is currently an item subject to the negotiations process under the Educational Employment Relations Act, and
 2. Members of the public are welcome to express their views thereon.
- F. While the intent of this procedure is to inform the public about matters which are the subject of negotiations under the Educational Employment Relations Act toward the end that members of the public may provide the benefit of their viewpoint to the Board of Education, any failure to make a distribution, post a notice, maintain a record, or list an agenda item required under this procedure shall not invalidate any agreement reached or process engaged in during, or as a result of, collective negotiations under the Educational Employment Relations Act. Moreover, nothing in this procedure shall limit the legislative discretionary authority of the Board of Education to act in a governance situation designated by the Board of Education as “emergency” in nature to prevent personal injury, property damage, or immediate harm to the educational program of the District to the extent such action is permitted under the Educational Employment Relations Act and other applicable law.
- G. Prior to the Board of Education entering into a written agreement with an exclusive representative, the major provisions of the agreement, including the current costs, costs for subsequent fixed years, and costs incurred under the agreement, will be provided at a public meeting of the Board of Education.

1032. CLAIMS FOR FEES, SALARIES, WAGES, MILEAGE OR OTHER EXPENSES, AND ANY OTHER CLAIMS EXCEPTED BY GOVERNMENT CODE SECTION 905

As a prerequisite to the filing of a lawsuit in connection with a dispute concerning fees, salaries, wages, mileage or other expenses and allowances, or concerning any other claim excepted by Government Code section 905, a claim shall be presented to the General Counsel or Manager, Insurance and Risk Services by the claimant or by a person acting on his or her behalf and shall show:

- (a) The name and post office address of the claimant;
- (b) The post office address to which the person presenting the claim desires notices to be sent;
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim;
- (e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and
- (f) The amount claimed as of the date of presentation of the claim,

including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Such claim shall be presented not later than one year after the accrual of the cause of action. If the General Counsel or the Manager, Insurance and Risk Services does not act on the claim within 45 days after its presentation, such claim shall be deemed to have been denied on the 45th day. A claim shall be deemed to be presented when filed in the Legal Services Office or Risk Management Department.

1033. AGENDA PLANNING COMMITTEE

An Agenda Planning Committee shall meet to establish the agenda for Regular Meetings. Members shall include the Board President and Vice President and the Superintendent. Meetings of the Agenda Planning Committee shall be held no less than eight (8) days prior to the corresponding Board Meeting. Board Members may provide officers with items for first reading up to the date of the agenda planning meeting. The concurrence of another Board member will not be required for resolutions or proclamations recognizing or honoring individuals or groups. The agenda established by the Agenda Planning Committee shall constitute the draft agenda. Additions of emergency items after the draft agenda has been established shall require the review and approval of the Superintendent or his/her designee and the Board president, or in his/her absence, the vice president. In line with Board Bylaw 1011, the addition of emergency or "immediate action" items after the agenda is approved requiring action at the next Regular Meeting, require the concurrence of at least one other Board Member.

Board members receive a draft agenda and copies of major reports on Friday, eleven (11) days prior to the regular Tuesday Board meeting. The final Board agenda and all exhibits/reports are distributed to the Board, press, public, community groups, employee organizations, and all others requesting such information no later than the Friday, four (4) days preceding the regular Board meeting. This release of the final agenda does not preclude the posting and use of additional or revised supporting documents, which shall be made available to the public at the time they are provided to the Board.

Board members are to refer all questions and/or requests for additional information to the Superintendent or his designee no later than 12:00 p.m., Thursday, five (5) days prior to the Board meeting.

Any request by a Board member to remove an item from the Consent Agenda to be discussed separately shall be made to the Superintendent or his designee no later than 12:00 p.m., the day before the Board meeting. If such a request is not made, the item will remain on the Consent Agenda until a request is made at the Board meeting.