

# OAK PARK UNIFIED SCHOOL DISTRICT

## BYLAWS OF THE BOARD

*Series 9000*

*Bylaws of the Board*

*BB 9012( 1 )*

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### Board Member Electronic Communications

The Governing Board recognizes that electronic communication is an efficient and convenient way for Board members to communicate and expedite the exchange of information with each other, district staff, and members of the public. Board members shall exercise caution to ensure compliance with the Brown Act, the Public Records Act, and other applicable laws.

A majority of the Board shall not, outside of an authorized 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)

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

Board members may engage in separate conversations or communications with members of the public on a social media platform to answer questions, provide information, or solicit information regarding a matter that is within the subject matter jurisdiction of the Board as long as a majority of the Board does not use the platform to discuss among themselves any business of a specific nature that is within the subject matter jurisdiction of the Board. Additionally, Board members are prohibited from using digital icons, such as "likes" or "emojis," that express reactions to communications made by other Board members regarding matters within the subject matter jurisdiction of the Board. (Government Code 54952.2) Board members shall make every effort to ensure that their electronic communications conform to Board Bylaw 9010 - Public Statements and shall forward any complaints or requests for information to the Superintendent in accordance with applicable Board bylaws.

To the extent possible, electronic communications regarding any district-related 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, the Board member shall copy the communication to a district electronic storage device for easy retrieval.

This Bylaw does not apply to Board member electronic communications not related to district business or not conducted by a Board member in the Board member's official capacity.

Adopted: 5-19-2009

Amended: 8-15-2017, 2-16-2021, 11-19-24

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### **Policy Reference:**

#### **State**

Ed. Code 35140

#### **Description**

[Time and place of meetings](#)

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Ed. Code 35145	<a href="#">Public meetings</a>
Ed. Code 35145.5	<a href="#">Agenda; public participation and regulations</a>
Ed. Code 35147	<a href="#">Open meeting laws exceptions</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>
Gov. Code 54952.2	<a href="#">Meeting; defined</a>
Gov. Code 54953	<a href="#">Meetings to be open and public; attendance</a>
Gov. Code 54954.2	<a href="#">Agenda posting requirements; board actions</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
<b>Management Resources</b>	<b>Description</b>
Attorney General Publication	<a href="#">The Brown Act: Open Meetings for Legislative Bodies, rev. 2003</a>
Court Decision	Lindke v. Freed (2024) 601 U.S. 187
Court Decision	City of San Jose v. Superior Court (2017) 2 Cal.5th 608
CSBA Publication	<a href="#">Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017</a>
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2023
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">CSBA, GAMUT Meetings</a>
Website	<a href="#">California Attorney General's Office</a>
Website	<a href="#">CSBA</a>