

Board Bylaw

BB 9012

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 ~~within the district and with~~ **with each other, district staff, and** 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 agendaized Board meeting, circumvent the public's right to access records regarding district business, or restrict access to a public forum.~~

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~~(cf. 1100 – Communication with the Public)~~¶

~~(cf. 9000 – Role of the Board)~~¶

~~(cf. 9322 – Agenda/Meeting Materials)~~¶

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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)¶

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~~(cf. 9320 – Meetings and Notices)~~¶

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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. ~~A Board member is prohibited from responding directly to any communication from other Board members regarding matters that are within the subject matter jurisdiction of the Board or~~ **Additionally, Board members are prohibited from** using digital icons ~~(e.g., such as "likes" or emojis)~~ **to "emojis," that** express reactions to communications made by other Board members. ~~(Government Code 54952.2)~~¶

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~~Whenever a Board member uses a social media platform to communicate with the public about district business or Board activities, the Board member shall not block access to a member of the public based on the viewpoint expressed by that individual.~~ ¶

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~~Board members may use electronic communications to discuss matters that do not pertain to district business, regardless of the number of Board members participating in the discussion.~~ ¶

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~~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 Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that the response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded 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 and protocols so that the issue may receive proper consideration and be handled through the appropriate district process. As appropriate, communication received from the media shall be forwarded to the designated district spokesperson. ¶

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~~(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 - President) ¶~~

~~(cf. 9200 - Limits of Board Member Authority) ¶~~

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~~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.~~ ¶

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~~(cf. 1340 - Access to District Records) ¶~~

~~(cf. 3580 - District Records) ¶~~

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~~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~~

~~Garnier v. Poway Unified School District, No. 17-cv-2215-W (JLB), 2019 WL 4736208 (S.D. Cal. September 26, 2019)~~

~~Knight First Amendment Institute at Columbia University v. Trump, 928 F.3d 226 (2019)~~

~~City of San Jose v. Superior Court (2017) 2 Cal.5th 608~~

~~Management Resources.~~

~~CSBA PUBLICATIONS~~

~~The Brown Act: School Boards and Open Meeting Laws, rev. 2019~~

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

~~ATTORNEY GENERAL PUBLICATIONS~~

~~The Brown Act: Open Meetings for Legislative Bodies, 2003~~

~~WEB SITES~~

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

~~CSBA, GAMUT Meetings: <https://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy>~~

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

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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.

PERRIS UNION HIGH SCHOOL DISTRICT
Perris, California

Bylaw Adopted: February 18, 2009

Revised: October 18, 2017

Revised: May 19, 2021

Revised: June 18, 2025 (Pending Board Approval)