

***Riverside County Office of Education
Board Bylaw 9012 Board Member Electronic Communications***

BYLAWS OF THE BOARD

SUBJECT: Board Member Electronic Communications

The County Board of Education (County Board) recognizes that electronic communication is an efficient and convenient way for County Board members to communicate and expedite the exchange of information within the county office of education (County Office) and with members of the public. However, electronic communications shall not be used as a means for the County Board to deliberate outside of an agendaized meeting, circumvent the public's right to access records regarding County Office business, or restrict access to a public forum.

A majority of County Board members 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 County Board. (Government Code 54952.2)

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

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

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

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

County Board members may use electronic communications to discuss matters that are outside the jurisdiction of the County Board, regardless of the number of members participating in the discussion.

When communicating electronically, County Board members shall make every effort to adhere

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to the same standards and protocols established for other forms of communication. A County Board member may respond 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 County Board as a whole. As appropriate, complaints or requests for information shall be forwarded to the County Superintendent so that the issue may receive proper consideration and be handled through the appropriate County Office process. Communication received from the media shall be forwarded to the County Board president and the County Superintendent.

To the extent possible, electronic communications regarding any County Board business shall be transmitted through a County Office-provided device or account. When any such communication is transmitted through a County Board member's personal device or account, the County Board member shall copy the communications to a County Office electronic storage device for easy retrieval.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Attorney General Publication
Court Decision

Court Decision

Court Decision
CSBA Publication
CSBA Publication

Website
Website
Website

Description

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
 Knight First Amendment Institute at Columbia University v Trump, 928 F.3d 226 (2019)
 Garnier v Poway Unified School District, No. 17-cv-2215-W (JLB), 2019 WL 4736208 (S.D. Cal. September 26, 2019)
 City of San Jose v. Superior Court (2017) 2 Cal.5th 608
 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
[CSBA GAMUT Meetings](#)
[CSBA](#)
[California Attorney General's Office](#)

State

Ed. Code 1011
 Gov. Code 11135
 Gov. Code 54950-54963
 Gov. Code 54952.2
 Gov. Code 54953
 Gov. Code 54954.2
 Gov. Code 7920.000-7930.170

Description

Time and place of meetings
[State programs and activities, discrimination](#)
[The Ralph M. Brown Act](#)
 Meeting defined
 Meetings to be open and public; attendance
 Agenda posting requirements; board actions
 California Public Records Act

Cross References

Code

1112
1312.3

Description

[Media Relations](#)
[Uniform Complaint Procedures](#)

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1312.3-E(1)	<u>Uniform Complaint Procedures</u>
1312.3-E(2)	<u>Uniform Complaint Procedures</u>
1312.3-E(3)	<u>Uniform Complaint Procedures</u>
1312.4	<u>Williams Uniform Complaint Procedures</u>
1312.4	<u>Williams Uniform Complaint Procedures</u>
1312.4-E(1)	<u>Williams Uniform Complaint Procedures</u>
1312.4-E(2)	<u>Williams Uniform Complaint Procedures</u>
9005	<u>Governance Standards</u>
9010	<u>Public Statements</u>
9121	<u>President</u>
9230	<u>Orientation</u>
9320	<u>Meetings And Notices</u>
9323.2	<u>Actions By The Board</u>
9323.2-E(1)	<u>Actions By The Board</u>