County Board Meetings

Purpose of Meetings

Meetings of the County Board of Education are conducted for the purpose of accomplishing County Board business.

A County Board meeting exists whenever a majority of County Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the County Board.

Open to the Public

In accordance with state open meeting laws (Brown Act), the County Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement, County Board meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and County Board procedures.

Every notice of a meeting shall provide an opportunity at the beginning of the meeting for members of the public to address the County Board directly concerning any item that has been described in the meeting notice, before the item's consideration.

Collective Concurrence

Except as otherwise authorized by law, direct communication, personal intermediaries, and technological devices shall not be used by a majority of County Board members to develop a collective concurrence as to an action to be taken by the County Board on any item of County Office of Education business.

However, the County Superintendent of Schools or a county office of education employee or official may engage in separate conversations with County Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the County Board, as long as that person does not communicate the comments or position of any County Board members to other County Board members. (Government Code 54952.2)

Accessibility/Accommodations for Persons with Disabilities

In order to help ensure participation in the meeting by individuals with disabilities, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act.
County Board Meetings

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the County Board meeting should contact the County Superintendent or his/her designee at least three days in advance.

Schedule of Regular Meetings

The County Board shall generally hold two (2) regular meetings each month, except when it takes action to cancel a meeting. The dates, times and places of the meetings shall be determined by the County Board and notice given to the public as required by law.

Posting and Inspection of Agenda Documents

At least 72 hours prior to a regular meeting, the agenda shall be posted at two or more locations freely accessible to members of the public, one of which will be the website, www.smcoe.org, of the County Office of Education.

Each agenda shall also list the address designated by the County Superintendent or his/her designee for public inspection of agenda documents that have been distributed to the County Board less than 72 hours before the meeting.

Special Meetings

Special meetings of the County Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or compensation of the County Superintendent. (Education Code 1012; Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all County Board members and the local media who have requested such notice in writing. “Written notice” includes notices sent by fax or email. The notice shall be received at least 24 hours before the time of the meeting and shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting.

Any County Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the County Board or by being present at the meeting at the time it convenes.

Every notice of a special meeting shall provide an opportunity at the beginning of the meeting for members of the public to address the County Board directly concerning any item that has been described in the meeting notice, before the item's consideration.
San Mateo County Board of Education Policy

Board of Education

BP 9320
Page 3 of 7

County Board Meetings

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the County Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The County Board shall comply with all other requirements for special meetings during an emergency meeting.

An emergency situation (as defined by Government Code 54956.5) means either of the following:

1. An emergency, defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the County Board.

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the County Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the County Board.

Except in the case of a dire emergency, the County Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the County Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the County Board. In the case of a dire emergency, the County Board president or designee shall give such notice at or near the time he/she notifies the other members of the County Board about the meeting.

The minutes of the meeting, a list of persons the County Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible.

Adjourned/Continued Meetings

A majority vote by the County Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the County Board may adjourn such a meeting. If no County Board members are present, the County Superintendent in his/her role as Secretary to the County Board may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings.
Board of Education

County Board Meetings

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment or continuance shall be conspicuously posted on or near the door of the place where the meeting was held.

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The County Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public. The County Board may also convene a retreat or discussion meeting to discuss County Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the County Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries (see “Location of Meetings,” below). Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of County Board members at any of the following events is not subject to the Brown Act provided that a majority of the County Board members do not discuss specific district business among themselves other than as part of the scheduled program:

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school district and/or County Office of Education Board members.

2. An open, publicized meeting organized by a person or organization other than the County Office of Education to address a topic of local community concern.

3. An open and noticed meeting of another body of the County Office of Education, such as the Personnel Commission.

4. Meet in the closest meeting facility if the County Office of Education has no meeting facility within its boundaries or if its principal office is located outside the county.

5. An open and noticed meeting of a legislative body of another local agency.

6. A purely social or ceremonial occasion.

7. An open and noticed meeting of a standing committee of the County Board, provided that the County Board members who are not members of the standing committee attend only as observers.
County Board Meetings

8. Interview residents of another county or district regarding the County Board’s potential employment of an applicant for interim County Superintendent.

Individual contacts or conversations between a County Board member and any other person are not subject to the Brown Act.

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility, which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted.

The Education Code requires that meetings shall be held “within the district’s boundaries.” In the cases in which the “district” is a County Office of Education, the boundaries are the boundaries of the county over which the County Office of Education has jurisdiction. Therefore, meetings of the San Mateo County Board of Education will be held within San Mateo County, except to do any of the following:

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the County Board of Education is a party.

2. Inspect real or personal property which cannot conveniently be brought into San Mateo County, provided that the topic of the meeting is limited to items directly related to the property.

3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law.

4. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction.

5. Meet in or near a facility owned by the County Office of Education but located outside San Mateo County, provided the meeting agenda is limited to items directly related to that facility.

6. Visit the office of the County Office of Education's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs.
Meetings exempted from the boundary requirements, as specified in items #1-6 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the County Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the County Board president or the County Superintendent acting as the president’s designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication.

Teleconferencing

A teleconference is a meeting of the County Board in which Board members are in different locations, connected by electronic means through audio and/or video.

The County Board may use teleconferences for all purposes in connection with any meeting within the County Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call.

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public.

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the County Board, including the right of the public to address the County Board directly at each teleconference location.

All County Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The County Superintendent or his/her designee(s) shall facilitate public participation in the meeting at each teleconference location.

Legal References:

- Education Code 1011 Regular Meetings
- Education Code 35140 Time and place of meetings
- Education Code 35143 Annual organizational meeting, date, and notice
- Education Code 35144 Special meeting
- Education Code 35145 Public meetings
- Education Code 35145.5 Agenda; public participation; regulations
- Education Code 35146 Closed sessions
- Education Code 35147 Open meeting law exceptions and applications
- Government Code 54950-54963 The Ralph M. Brown Act
- United States Code, Title 42, 12101-12213 Americans with Disabilities Act
County Board Meetings

Adopted SMCBE 09/03/08
(Replaces Board Policies 9310.1, 9320.1, 9353.1 and 9356.1)
Revised: 06/07/17