

Board Member Electronic Communication

The Yolo 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 Yolo County Office of Education (“YCOE”) and with members of the public. However, electronic communications shall not used as a means for the County Board to deliberate outside of an agendized meeting, circumvent the public’s right to access records regarding YCOE 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 COE business include, but are not limited to, dissemination of County Board meeting agendas and agenda packets, reports of activities from the Yolo County Superintendent of Schools (“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 YCOE 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 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 Superintendent so that the issue may receive proper consideration and be handled through the appropriate YCOE process. Communication received from the media shall be forwarded to the County Board president and the Superintendent.

To the extent possible, electronic communications regarding any County Board business shall be transmitted through a YCOE-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 YCOE electronic storage device for easy retrieval.

Legal Reference:

Education Code, 1011

Government Code, 7920.000-7931.000, 11135, 54950-54963

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

Websites:

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

CSBA GAMUT Meetings:

<http://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy>

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

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