
FRESNO COUNTY BOARD OF EDUCATION

Board Bylaws**BOARD MEMBER ELECTRONIC COMMUNICATIONS**

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

A majority of County Board members shall not, outside of a noticed 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 Board business include, but are not limited to, dissemination of County Board meeting agendas and agenda packets, reports of activities from the County Superintendent, and reminders regarding meeting times, dates, and places. 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. Additionally, County Board members are prohibited from using digital icons (e.g., "likes" or emojis) that express reactions to communications made by other County Board members regarding matters within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

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 County Board member regarding an issue within the subject matter jurisdiction of the County Board to any other County Board member.

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. County Board members shall make every effort to ensure that their electronic communications conform to County Board Bylaw 9010 - Public Statements by County Board Members.

As appropriate, complaints or requests for information may be forwarded to the County Superintendent so that the issue may receive proper consideration and be handled through the appropriate process. Communication received from the media shall be handled in accordance with Superintendent and Board Policy No. 1112, Media Relations.

A County Board member's electronic communications, including, but not limited to, emails and text messages, which are related to the conduct of the County Board's business may be subject to disclosure under the California Public Records Act, regardless of whether they are sent or received on the County Board member's personal or county office of education-provided account or device. To the extent possible, electronic communications regarding any County Board business shall be transmitted through a county office of education-provided device or

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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 of education electronic storage device for easy retrieval.

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, and such personal communications are generally not subject to public disclosure.

Adopted: 11/15/2018

Amended: 09/21/2023, 11/21/2024

Legal ReferenceEducation Code

1011 Time and place of meetings

35145 Public meetings

35145.5 Agenda; public participation; regulations

35147 Open meeting law exceptions and applications

Government Code

7920.000-7930.215 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

Lindke v. Freed (2024) 601 U.S. 187

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 ResourcesCSBA Publications

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

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

Attorney General Publications

The Brown Act: Open Meetings for Legislative Bodies, 2003