

**Modesto City Schools
Board of Education**

Board Protocols and Norms

April 1, 2023

Governance Team Beliefs

Together, we believe that:

1. Our primary purpose is to provide quality education for the students of our District;
2. What is best for our students informs all of our decisions;
3. Our focus is the needs of our students, staff and community;
4. We seek and encourage innovation;
5. We need to ask the tough questions in order to be wise stewards of the public's money;
6. Public education is fundamental to democracy;
7. Collaboration and cooperation are at the heart of our leadership;
8. All ideas are deserving of discussion and deliberation, and we value input from all stakeholders;
9. We provide a safe and healthy environment for students;
10. As role models for our students, staff and community, we demonstrate respect for others, even when we disagree;
11. We hold our governance team to high expectations, just as we do students and staff;
12. We recognize the value of mutual trust, open team dialogue, and being fully informed as a condition of mutual trust;
13. We govern as a unified team with a shared vision to lead and serve the community;
14. We commit to governing with a shared understanding of roles and responsibilities; and
15. We commit to creating and sustaining a positive governance leadership culture.

<p>#1 Role of the Board (continued)</p>	<p>appropriate meeting and timing for the Board to address an item. The Superintendent shall send a draft agenda to the President and Vice President before the Board agenda is printed and publicized.</p> <ul style="list-style-type: none"> b. Superintendent, Board President and Vice President have authority to place an urgent issue on agenda as necessary. c. Absent compelling reasons determined by the Board President and Superintendent, items shall be placed on the agenda and heard in the order received.
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Issue	Protocol
<p>#2 Role of the Board President</p>	<p>The Board President shall perform the following specific tasks:</p> <ul style="list-style-type: none"> A. Assist with Agenda Preparation <ul style="list-style-type: none"> 1. Meet and consult with the Superintendent and Vice President to review the agenda for all Board meetings to determine the manner information will come before the Board for consideration and action. See Protocol 1, C(4). 2. Facilitate the identification and inclusion of agenda items requested by other Board members and the public. 3. Work with the Superintendent to ensure Board members receive necessary materials and information to assess and make informed decisions. B. Preside at the Meeting <ul style="list-style-type: none"> 1. Call the meeting to order at the appointed time. 2. Announce the business to come before the Board in its proper order. 3. Enforce the Board's policies and protocols relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act. 4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference. 5. Redirect, if necessary, discussion to the question when a motion is before the Board. 6. With input from the Board and the District's legal counsel, rule on issues of parliamentary procedure. 7. Put motions to a vote, and state clearly the results of the vote. 8. Be responsible for the orderly conduct of all Board meetings.

Issue	Protocol
#3 Removal of the President	<p>A. A President may resign at any time from the position of Board President.</p> <p>B. A President may be removed by the following procedures:</p> <ol style="list-style-type: none"> 1. Following the procedures for placing an item on an agenda set forth in Protocol 1, C(2), an item entitled "Removal of the Board President" shall be placed on the next Board meeting agenda. The meeting shall be noticed in accordance with the law. The Board must vote on the issue in open session. 2. A majority vote of the Board is required to remove the President. The President may vote on his/her own removal. <p>C. When the Board President resigns or is removed, absent or disabled, the Vice President shall perform the President's duties.</p>

Issue	Protocol
#4 Relationship with Legal Counsel	<p>A. California Education Code authorizes the Board to enter into a contract to hire an attorney to provide legal services for purposes deemed appropriate for the Board. When an attorney is hired by the school district, the attorney's client is the Board as a whole and not an individual Board member or employee. However, at certain times, the Board may retain an attorney to defend a Board member or employee pursuant to the Tort Claims Act, Cal. Government Code 814-895.8.</p> <p>B. The District's legal counsel may:</p> <ol style="list-style-type: none"> 1. Render legal advice to the Board, to the President on the Board's behalf, and the Superintendent or designee. 2. Serve the Board and the Superintendent or designee in the preparation and conduct of District litigation, collective bargaining, and administrative proceedings. 3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures. 4. Perform other administrative duties as assigned by the Board and Superintendent or designee. <p>C. Hiring Legal Counsel</p> <ol style="list-style-type: none"> 1. When entering into a new contract for legal services, the Board shall use a Request for Proposal (RFP) to advertise and solicit proposals for legal services. In

#4 Relationship with Legal Counsel (continued)	counsel. 5. Individual Board members, other than the Board President, may not seek advice from District legal counsel on matters of District business, unless so authorized by a majority of the Board.
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Issue	Protocol
#5 Communication Between Meetings	<p>A. With other Board members and the Superintendent:</p> <ol style="list-style-type: none"> 1. Emailing: <ol style="list-style-type: none"> a. The Board shall use email carefully to ensure that we do not violate the Brown Act, which prohibits Board members from exchanging facts to: <ol style="list-style-type: none"> 1) Develop collective concurrence 2) Advance or clarify an issue 3) Facilitate agreement or compromise 4) Advance ultimate resolution b. If the Superintendent sends an email to all Board members and needs no response, s/he may indicate this by placing the words “Do not reply” in the subject header of the email. c. If the Superintendent sends an email to all Board members and seeks a response, s/he may indicate this by placing the text “Reply Requested” in the subject header of the email. Board members will use the reply function so that only the Superintendent receives the response. Members will not use “reply to all.” d. When sending an email to less than a majority of the Board concerning an item of business before the Board, the Board member should make sure to not have “serial communications.” To ensure that less than four Board members are linked in to the communication, the Board member should write the following notification on the top of the email: “Brown Act Notification: Shared with Trustees ___ and ____.” The notice should include conversations that were had in person. e. In all cases where a Board member is sending an email to the entire Board, the Board member shall ensure that no business is being discussed. Board members will only send an email to all (or a majority) of the Board in the following situations: <ol style="list-style-type: none"> 1) To ask a calendar-related question, narrowly tailored to only seek consensus on

<p>#5 Communication Between Meetings (continued)</p>	<p>about an employee, the Board member shall redirect the parent to the employee and the site principal. The Board member shall inform the Superintendent of the complaint.</p> <p>7. If a Board member has a request for Cabinet decisions or inquiries surrounding decisions by Cabinet, these requests must be made to the Superintendent. The Superintendent can provide updates as necessary.</p> <p>C. Members of the Bargaining Units:</p> <ol style="list-style-type: none"> 1. Board Members will participate in the collective bargaining process by providing direction and guidance to those selected to represent the Board. In extraordinary circumstances, Board member(s), at the direction of the majority of the Board, may observe individual negotiating sessions and report back to the Board. 2. Individual Board members who meet with bargaining unit members shall not commit the District to a position.
<p>Issue</p>	<p>Protocol</p>
<p>#6 Visiting School Sites</p>	<p>A. Visiting school sites is an important part of board governance. It allows board members to see the results of their governance decisions. Specifically, site visitations allow the Board to see how the goals it sets for the District, the policies it creates to provide the structure for operations, the allocation of resources it sets through its budget process are implemented throughout the system and their effect on students, employees and the community. Board members shall wear identification lanyards at all school sites and follow sign in procedures.</p> <p>B. A Board member wishing to visit a school site should contact the Executive Secretary to the Board of Education in advance of the desired visitation. If the Board member wishes to observe a particular program, the program should be identified to the Executive Secretary in this initial contact. The Executive Secretary will work with the principal and the Board member to identify a date and time for the visitation.</p> <p>C. If the Board member wishes to observe classroom activities, this information should be provided when first contacting the Executive Secretary. This will allow for the site principal to identify faculty who would welcome an observation on the day scheduled for visitation. If a Board member is invited by a specific faculty or staff member, the</p>

**#7 Conduct of Meetings
(continued)**

focusing on the most important aspects of the issue.

d. Avoid jargon and define acronyms.

3. Information regarding Board packet information:

a. Board members may phone or email the Superintendent anytime with questions regarding Board materials.

b. To ensure questions can be answered prior to the Board meeting, questions shall be submitted as early as possible.

c. The staff may not be able to address questions submitted after 12:00 noon on the day of the meeting.

d. The Superintendent may direct a Board member to the appropriate staff member for answers to questions.

e. The Superintendent will, if appropriate, share any question and answer with all Board members by email.

4. Questions in Advance – Minimize surprises for staff and Superintendent

a. Board members will, if possible, inform the Superintendent before the meeting if there is additional information on an agenda item that they feel should come forward during the Board meeting.

b. Board members may not always anticipate questions in advance. If so, Board members will let the Board and community know before asking.

c. Nothing in this Protocol shall prevent Board members from asking questions at a meeting.

B. Board Member Conduct

1. No sidebars or note-passing unless necessary. If a Board member needs to communicate immediately with another Board member, a request for a break should be made.

2. Being mindful of lengthy Board meetings, Board members shall limit comments to a reasonable amount of time on each subject. This Protocol is meant to guide Board members and should not be used as an effort to silence a Board member.

3. Board members shall not talk over each other and shall be courteous when another Board member is talking.

7 Conduct of Meetings (continued)

tonight's speaker(s) to address the Board, I want to clarify that we may not engage in any discussion on the topic(s) that will be raised, because we are legally obligated to provide the public with advance notice about topics that the Board of Education will be discussing. Agendas are intended to inform the public about all topics of discussion and action, so anyone interested in a particular subject on the agenda may attend the meeting and address the Board. While we cannot engage in discussion on items not on the agenda, I assure you that we will listen attentively to your comments. Again, thank you for joining us tonight."

- b. Unless there are special circumstances determined by the Board President, a maximum of 30 minutes shall be allotted for public comment on items not on agenda.
- c. Each speaker will be allotted a maximum of three (3) minutes. The Board President may decide to exceed three minute limit to accommodate special circumstances. A majority of the Board may overrule the Board President's decision.
- d. Speakers are not allowed to cede or assign time to other speakers
- e. Unless the Board President decides otherwise, each speaker may speak once at the podium on each agenda item.
- f. Members of the public wishing to address the Board on a non-agenda item shall fill out a speaker's card and turn it in prior to the time for public comment for items not on the agenda. One speaker per card and every member of the public who wishes to address the Board must fill out a card.
- g. All public comments or questions should be addressed to the Board.
- h. Everyone must be allowed to feel comfortable sharing their opinions. There will be no cheering or jeering in a disrespectful way.
- i. The Board's right to comment or take any action is limited, but a Board member may ask questions for clarification.
- j. The Board President may refer speakers to staff or correct for the record any misinformation, as necessary.

	<p>desire to change their vote.</p> <p>b. The Board President shall call for the vote again.</p> <p>G. Confidentiality/Closed Session Practices</p> <ol style="list-style-type: none"> 1. The Board will maintain confidentiality around all matters so prescribed by the Brown Act, including matters about employee labor contract negotiations, District litigation, personnel matters, the substance of Superintendent and employee evaluations, and other matters permitted or required to be discussed in closed session by the Brown Act. 2. The Board will maintain the public trust and each other's trust by not breaching confidentiality. 3. If a member of the Board inadvertently or accidentally violates a confidential issue, the Board, in consultation with legal counsel, will take immediate action to rectify the matter. 4. A Board member may contact the Stanislaus County District Attorney to inquire about or report a suspected Brown Act violation occurring in closed session.
Issue	Protocol
#8 Social Media Communication	<p>It is each Board member's right to use social media. The Board agrees to the following regarding the use of social media:</p> <ol style="list-style-type: none"> A. When making a post or a comment on another person's post, the Board member must clearly distinguish between their personal opinion and a Board position. B. No Board member shall offer their personal opinion on a matter that will come before the Board for action. C. If a Board member responds on social media to a member of the community, the Board member should make it clear that his/her response does not necessarily reflect the views of the Board as a whole. D. If the Board member sees an issue regarding the District, including but not limited to a student safety issue, employee issue, or other matter that may have legal or other ramifications to the District, such communication should be reported to the Superintendent. E. Each Board member represents the Board in what they say and agree to set an example of professionalism in all posts and comments.
Issue	Protocol
#9 Community Engagement	<p>The Board understands the importance of being visible and accessible to the public. Board members will demonstrate</p>

The Board of Education for Modesto City Schools is entrusted by the community to uphold the Constitutions of California and the United States, to protect the public interest in schools, and to ensure that a high quality education is provided to each student. To effectively meet District challenges, the Board and Superintendent must function together as a governance leadership team. Agreed upon operating procedures or protocols support consistent behaviors and actions among team members.

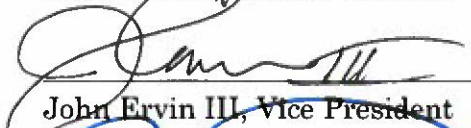
The purpose of the District's governance team agreements is to ensure a positive and productive working relationship among Board members, the Superintendent, the District staff, students and the community. The Protocols were developed for and by the members of the governance team, and may be modified over time as needed. Upon election or appointment of new Board members, these Protocols shall be reviewed and adopted by the new Board.

We have reviewed and agree to follow the aforementioned Protocols in order to support a positive and productive working relationship among the Modesto City Schools Board of Education, staff, students and the community. First affirmed on June 17, 2013, and re-affirmed on June 20, 2016 and August 16, 2021.

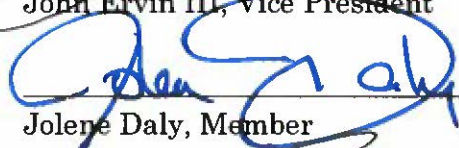
Affirmed this 1st day of April, 2023



Chad Brown, Board President



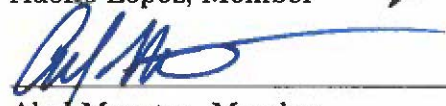
John Ervin III, Vice President



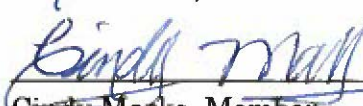
Jolene Daly, Member



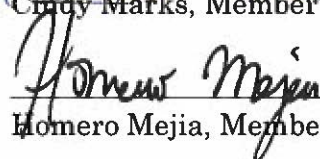
Adolfo Lopez, Member



Abel Maestas, Member



Cindy Marks, Member



Homero Mejia, Member