

**BYLAWS OF THE BOARD OF EDUCATION
OF THE
PALO ALTO UNIFIED SCHOOL DISTRICT**

ARTICLE I

PHILOSOPHY

The local Board of Education is an arm of the state government established by the legislature. It is held responsible for the direction of the public schools and the acquisition and expenditure of funds related thereto. Within the limits set by the Education Code, the control of the district resides with the Board, which establishes policy and delegates administrative responsibility to the Superintendent of Schools, instructing him as to courses of action.

(Education Code, Section 35010)

The Palo Alto Board of Education believes that:

1. Its basic responsibility is to provide a school system that represents, in its judgment, a synthesis of the best community and professional views.
2. The public schools should:
 - a. Inspire all pupils and provide them with the means to achieve the highest possible competence in the skills, understandings and appreciations leading to effective, self-directing adulthood.
 - b. Reinforce the values of our democratic society, teach citizenship and provide an environment conducive to ethical behavior.
 - c. Provide all pupils with experiences and guidance leading toward sound vocational choices.
3. The Palo Alto community desires to support and maintain a high quality school system. This requires that the Board:
 - a. Determine the general nature of the educational program, including the scope of services and the number and types of schools.
 - b. Provide for active two-way communication between the Board, the school staff and the community concerning educational policies, practices, needs and performance.
 - c. Procure sufficient funds for the recruitment and retention of the best available staff members, the construction of adequate physical facilities, the maintenance of reasonably sized classes and all other services necessary to support a high quality educational program.
 - d. Secure and support the kind of administrative leadership that produces high staff morale and performance.

ARTICLE II

NONDISCRIMINATION AND SECTION 504 GRIEVANCE POLICY

A. PHILOSOPHY – NONDISCRIMINATION

The Palo Alto Unified School District believes in a policy which assures that there will be no discrimination in employment and personnel practices. The Board recognizes that a diverse certificated and classified staff is an asset to the district and that interaction with a diverse staff provides a valuable opportunity for students, staff, and community.

In keeping with these beliefs, the Board of Education of the Palo Alto Unified School District reaffirms its policy of nondiscrimination which is a strong moral obligation and legal commitment to establish and implement programs that ensure fair and equal opportunities in all areas of employment.

No layoff or involuntary transfer of those in present positions is recommended or anticipated by the adoption of this policy.

(Revised 10/97)

B. COMMITMENT – NONDISCRIMINATION

The Board of Education of the Palo Alto Unified School District shall provide equal opportunities in all areas and assure that there will be no discrimination against any person on the grounds of race, religion, age, sex, national origin, color, disability, political belief, sexual orientation, marital status or veteran's status.

(Revised 10/97)

C. SECTION 504 GRIEVANCE PROCEDURE

1. Purpose

The Palo Alto Unified School District does not discriminate on the basis of handicap/disability in any of its policies, procedures, programs, or practices. The nondiscrimination policy addresses admission, access to district facilities and programs, and employment.

Problems and complaints of alleged discrimination on the basis of disability brought by students, employees, parents, or other members of the community shall be resolved in a prompt and equitable manner. If possible, such problems and complaints should be resolved informally.

All persons involved in the alleged acts of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, or when a decision or ruling is rendered.

Retaliation in any form for the filing of a grievance, the reporting of instances of discrimination, or any participation in the grievance procedure is prohibited. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

2. Definitions

a. Grievance: A grievance shall mean the filing of a written complaint with the responsible district official alleging that there has been an act of discrimination on the basis of disability as prohibited by Section 504 of the Rehabilitation Act of 1973, in the District's education program or activities, including employment therein and admission thereto.

b. Complainant: An individual(s) who brings either a formal or informal complaint of alleged discrimination governed by Section 504 of the Rehabilitation Act of 1973. The grievance shall state the nature of the Section 504 violation with sufficient specificity to allow for a suitable response. The complainant shall be informed that the complaint must be presented as a written complaint. Those who have difficulty writing a complaint will be assisted by PAUSD staff, as appropriate, in preparing a written complaint. A complainant may be:

- (1.) An employee of the district, an employee group, or an individual or group acting on the employee's behalf with written consent.
- (2.) A student, or a parent/guardian acting on the student's behalf, a student group, or individuals or groups acting on a student's behalf.
- (3.) Any other interested individual or group alleging discrimination under Section 504 in PAUSD programs or practices.

3. Procedure:

When a complaint is filed against PAUSD alleging disability discrimination, the following procedural steps shall be followed. Failure to exhaust remedies at each level, or comply with specified timelines, may be considered an abandonment of the grievance.

a. Step One: Oral – Staff

The complainant will first meet with the person or persons immediately involved in an attempt to informally resolve the complaint. If the complaint is not resolved as a result of that meeting(s), or if the complainant wishes to bypass the first step, the complainant shall contact the Site 504 Coordinator.

b. Step Two: Oral – Site 504 Coordinator

The complainant must first orally present the grievance to the Site 504 Coordinator with the objective of resolving the matter informally. If the discussion between the complainant and the Site 504 Coordinator does not resolve the matter to the satisfaction of the complainant, then the complainant shall orally present the grievance to the supervisor/principal or designee with the objective of resolving the matter informally. If the Site 504 Coordinator is the Principal, proceed to Step Four.

c. Step Three: Oral – Supervisor/Principal

The complainant and the supervisor/principal or designee shall confer regarding the grievance with the objective of arriving at a mutually satisfactory resolution of the grievance. At the conference, the complainant may appear alone or be accompanied by a mutually acceptable person. The supervisor/principal shall have the same privilege.

d. Step Four: Written – Supervisor/Principal

If the discussion between the complainant and the supervisor/principal or designee does not resolve the matter to the satisfaction of the complainant and within ten (10) school days after the Step Two and/or Step Three conference, the complainant shall submit the grievance in writing to the supervisor/principal or designee specifying:

- The nature of the grievance;
- How the complainant has been harmed by action/inaction of the District;
- If any suggestions to resolve the grievance were made during the Step Two and/or Step Three conference;

- What remedy the complainant is seeking; and
- Why the complainant believes this remedy is appropriate.

If a complainant is unable to put a complaint in writing, district staff shall assist with the filing of the complaint.

The supervisor/principal or designee shall communicate the decision to the complainant in writing within ten (10) school days of receipt of the written grievance.

If a grievance is pursued beyond this level, written records shall be forwarded to each successive level of procedure by the complainant.

e. Step Five: 504 Compliance Officer – Assistant Superintendent

If the complainant is not satisfied with the disposition of the grievance after Step Four has been completed, s/he shall within seven (7) school days after the date of the supervisor/principal or designee’s decision, present the grievance in writing to the district Section 504 Compliance Officer or designee.

f. Step Six: Investigation of the Complaint

Investigation shall include, but not be limited to, interviews with any person believed to have relevant knowledge of the complaint as well as a policy and records review.

The use of mediation (optional) shall not extend the district’s timelines for investigation and resolving the complaint unless the complainant agrees in writing to such an extension of time.

g. Step Seven: Response

Within thirty-five (35) school days of receiving the complaint, the district 504 Compliance Officer shall prepare and send to the complainant a written report of the district’s investigation and decision.

h. Step Eight: Review of the Decision

If the complainant is dissatisfied with the district 504 Compliance Officer’s decision, the complainant may file, within ten (10) school days, a written request for the Superintendent to review the decision of the Compliance Officer. The Superintendent may decide not to hear the complaint; in which case, the 504 Compliance Officer’s decision is final. (In this instance, the parent has the right to appeal this decision as stated in Step Nine.)

i. Step Nine: Appeal/Hearing

If an appeal is granted/requested, the Superintendent shall immediately inform the Board of Education of the issues to be considered in the hearing. The President of the Board of Education shall appoint a Board member to join the Superintendent to hear the appeal. The appeal decision shall be in the form of a written report submitted to the complainant and the district’s 504 Compliance Officer within fifteen (15) school days or within the time period that has been specified in a written agreement with the complainant.

j. Step Ten: Final Written Decision

The report of the district’s decision shall be written in English and in the language of the complainant, whenever possible.

The Compliance Officer shall make information available to the complainant regarding further appeals procedures, which include but are not limited to, filing a complaint with the United States Office of Civil Rights.

(9/3/96)

ARTICLE III

CITY CHARTER PROVISIONS

The policy of the Board of Education of the Palo Alto Unified School District shall be consistent with the Palo Alto City Charter provisions governing schools, where applicable.

(Article VIII-A, Charter of the City of Palo Alto: Board of Education; Education Code, Section 5200)

ARTICLE IV

COMPOSITION OF BOARD

The Board of Education shall consist of five members who are residents of the territory of the unified school district. The election and recall of members of the Board shall be held at the times and in the manner provided by the Education Code.

The term of office of the members of the Board shall be four years from and after the first day of the month succeeding

their election and until their successors are elected and qualified.

(Article VIII-A, Charter of the City of Palo Alto: Board of Education;
Education Code, Sections 5091-5095)
(Revised 8/79)
(Revised 3/90)

ARTICLE V

BOARD MEMBERS

1. Qualifications

- a. **Elected Members.** Any person who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the constitution or laws of the state from holding a civil office shall be eligible to be elected a member of the Board of Education of the Palo Alto Unified School District.

(Education Code, Section 35107)

- b. **Student Member.** Any senior high school student in good standing who is selected through a process which allows for maximum participation of the student body in his/her respective school shall be eligible to be a student Board member or alternate.

(Education Code, Section 35016)
(10/82)

2. **Orientation.** Newly elected Board members shall be invited to join the Board for its sessions as nonvoting observers between the time of election and taking office. Each new member shall be given all materials required for the performance of his duties as a Board member.

3. **Reimbursement for Expenses.** An annual budget shall be established by the Superintendent to cover the costs of Board operations. These costs include, but are not limited to, stipends for service; travel and conferences; supplies and capital outlay; dues, memberships, and other contracted services. The Board will review and approve its budget as part of the District's annual budget process.

Members of the Board may be reimbursed for all necessary expenses incurred in bona fide School Board business. Each Board member shall be provided with a budget by the Board President and Superintendent. Additional funds may be authorized by the President or Superintendent. Approval of the President and Vice President shall be required for expenditure requests which exceed \$500. A per diem rate may be used to cover meals and other incidental costs exclusive of lodging and travel.

(Education Code, Section 35173)
(Revised 9/90)

4. **Stipends.** Elected members of the Board who attend all official Board meetings may receive a stipend in the amount allowed by the Education Code. A member may be paid for any meeting when absent if the Board adopts a resolution at the meeting finding that he or she was performing services outside the meeting for the school district, was ill or on jury duty, or was absent due to a hardship deemed acceptable by the Board.

Student Board members shall be entitled to a mileage allowance but not to the stipend.

(Revised 11/97)

5. **Authority of the Board.** The Board is the unit of authority. Apart from the normal function as part of the unit, the Board member has no individual authority. Individually the Board member may not commit the District to any policy, act or expenditure. The Board member cannot do business with the District served, nor should the Board member have an interest in any contract with the school district in general. The Board member does not represent any factional segment of the community, but is rather a part of the body which represents and acts for the community as a whole.

No individual member of the Board, by virtue of holding office shall exercise any administrative responsibility with respect to the schools, nor as an individual command the services of any school employee.

(Education Code 35010, 35230, 35240)

6. **Powers of the Board.** The Board has the power to employ personnel and contract for goods and services necessary for the operation of the school district. It has the power to be sued and to sue and to hold and convey property for the use and benefit of the district. It has the power of calling or causing to call the elections for certain purposes among the voters of the district. It has the power of eminent domain. It has the power of requiring rules and regulations for the operation of the school district. It has the power of being fiscally independent or of causing taxes to be levied for the support of the school district. It has the power of establishing its own procedures. It has the responsibility of determining the educational program and services of the school district consistent with state law. It has the power of appraising and reviewing its actions and policies. It retains all of its powers and authority to direct and control the district to the full extent of the law.

7. **Duties and Responsibilities of the Board.** The Board shall establish policies for the control of the schools under its jurisdiction. It shall be the duty of the Board to select a Superintendent who shall be the chief executive officer, and delegate to the Superintendent the authority of administering the policies of the Board. The Board shall consider the recommendation of the Superintendent in the employment or dismissal of personnel. The Board shall adopt an annual budget after due consideration of such administrative and financial reports as may be required. The Board may delegate responsibility for the signing of written orders which authorize the approved disbursement of funds to a member of the Board or designated employee(s).

The Board shall approve the annual school calendar. It shall provide for the annual audit of all funds which are under the supervision of the district, including student organizations and the cafeteria. It may provide for the payment of traveling expenses of any representative of the Board when performing services directed by the Board. It may select a member or members of the Board to attend meetings of any society, association, or organization for which the school district has subscribed for membership, or any convention to which it may pay the expenses for any employee. It may accept such gifts, donations, bequests, and devices as are made to the district for the benefit of the schools.

The Board may require and consider reports from the Superintendent concerning the program and conditions of the schools. Members of the Board, individually and collectively, recognize and welcome their responsibilities for listening to comments and suggestions from the residents of the district. Board members individually shall refer compliments, suggestions, and constructive criticisms about operational matters directly to the Superintendent or designee for appropriate consideration and action. Comments affecting policy will be routed, through appropriate channels available to the Superintendent, to the Board meeting agenda for consideration by the Board as a whole. No Board member as an individual will speak for, or in the name of, the Board without authorization from the Board.

(Education Code 35010, 35015, 35100 et seq., 72000 et seq.)
(Revised 9/90)

8. **Health and Welfare Benefits (Self-funded).** Elected members of the Board may participate in the district's group health insurance program during their terms of service on the Board. Members may choose among the health plans offered by the district and may participate by remitting the monthly premium for the plan selected to the Employee Benefits Office.

(Government Code, Section 53201)
(4/7/92)

ARTICLE VI

BOARD OFFICERS

1. **Election.** The president and vice-president of the Board shall be elected each year at the annual organizational meeting. This meeting shall be held between December 1 and December 15 inclusive.

(Education Code, Section 35143)
(Revised 8/79)

2. **Duties of President.** The president shall preside at all meetings, decide on questions of order, appoint Board members to committees, unless otherwise ordered by the Board, and hold the same rights as other members, such as voting, introducing motions and resolutions and discussing questions that come before the Board.

(Education Code, Section 35022, 35143)

3. **Duties of Vice President.** The vice president shall perform the duties of the president in the absence of the president and shall perform other functions as designated by the Board.

4. **Clerk-Secretary.** The clerk shall attest to certain reports and documents as prescribed by law. The Superintendent shall serve, *ex officio*, as clerk and secretary to the Board. He shall keep a record of all meetings (indicating the passage or defeat of each motion or resolution and the vote of each member), post all legal notices, prepare and sign all legal documents and perform such duties as directed by law or by the Board.

(Article VIII-A, Section 4, Charter of the City of
Palo Alto: Board of Education;
Education Code, Section 35143)

ARTICLE VII

MEETINGS

1. **Regular Meetings.** Except as authorized by the Board, regular meetings shall be held on the second and fourth Tuesdays of each month. If the regular business day falls on a holiday or election day, another date may be set.

Meetings shall be open to the public with the exception of such sessions as are authorized by law to be closed.

(Government Code, Sections 54953-54957;
Education Code, Sections 35140, 35145-35146)
(Revised 9/90)
(Revised 6/99)

- 2. **Adjourned Regular Meeting.** Adjourned meetings may be held at the discretion of the Board. Only uncompleted items of the original agenda of the adjourned regular meeting may be acted upon at the adjourned meeting.

(Government Code, Sections 54953-54957)

- 3. **Special Meetings.** Special meetings may be called at any time by the president or by any three members of the Board. Notice of such meetings shall be given in writing to each member of the Board, not less than 24 hours prior to such meetings. If all members are present, however, unanimous action may be taken to waive the written notice provision. No business shall be transacted at such a meeting except that for which it is called. Local newspapers of general circulation shall be notified of all special meetings.

Certain special meetings may be designated as “study sessions.” At such sessions no official action shall be taken.

(Government Code, Sections 54953-54957;
Education Code, Sections 35144)

- 4. **Closed Sessions.** The Board is in complete accord with the philosophy of the state law governing meetings of public bodies: “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know. The people insist on being informed so that they may retain control over the instruments they have created.” However, certain circumstances require closed meetings in the best interest of certain individuals or the public as a whole.

The Board shall hold closed sessions for the discussion of the following matters only:

- a. To consider the appointment, employment, dismissal or performance evaluation of an employee.
- b. To hear complaints or charges brought against an employee unless the employee requests a public hearing.
- c. To discuss the Board’s position and instruct the Board’s representatives on any item within the scope of collective bargaining prior to and during the Board’s representatives’ discussions with employee organizations.
- d. To confer with or review advice from the Board’s legal counsel regarding actual or pending litigation.
- e. To give instructions to the Board’s representatives prior to the purchase, sale, exchange, or lease of real property.
- f. To consider placement, disciplinary action or other matters regarding the welfare of an individual pupil.

Following such closed meetings, the Board shall convene to take final action in public. Such action shall be recorded in the minutes.

(Government Code, Section 54957;
Opinions of the Attorney-General, Vol. 36, 3359-180)
(Revised 4/82)
(Revised 9/90)

ARTICLE VIII

CONDUCT OF MEETINGS

- 1. **Quorum.** Meetings may be held with only three members (a quorum) present. However, in all meetings, the affirmative vote of at least three Board members shall be necessary in order to pass any action, since this number constitutes a majority of the Board.

(Education Code, Sections 35164-35165)

- 2. **Agenda.** Selection of items and order of the agenda shall be determined by the Superintendent in consultation with the Board president. Alterations may be made at the meeting with the agreement of the Board.

To provide opportunity for study by the Board and reaction from the community, agenda items should initially be presented at the first meeting for Discussion or Information and at a subsequent meeting for Action. Exceptions to the two-meeting rules are as follows:

- 1. Matters which are considered routine in nature may be placed on a Consent Calendar and acted upon in a single meeting. Any Board member’s request to have an item removed from the Consent Calendar will be honored.
- 2. Matters which are considered routine in nature may also be placed on the Action section of the agenda. The Board may table action if it is necessary to provide more time for study and comment.
- 3. The Board may waive the two-meeting requirement by a two-thirds vote of those present and voting if it is deemed important and necessary to act on a non-routine item in one meeting.

In addition to discussion and action items, there may be included items for presentation of information to the Board and community.

The agenda shall be posted 72 hours before a regular meeting and at least 24 hours before a special meeting.

(Education Code, Section 35145)
(Revised 9/90)

A citizen may place an item on the Board agenda by submitting a written request and supporting information to the Superintendent's Office. The Superintendent, in consultation with the Board President and Vice President, will determine at which upcoming regular Board meeting the item will be scheduled. The person who requested the item will be allowed three minutes at the meeting to present the information to the Board. Following this presentation the Board may address the issue, put the issue on a future agenda for more discussion and action, refer the issue to the administration for follow-up, or take no action.

(Education Code, Section 35145.5)
(9/79)
(Revised 7/99)

3. **Communications from Public.** Provision shall be made at each meeting for receiving oral communications from members of the community and for recognizing signed, written communications addressed to the Board. (All written communications addressed to the Board or its members at 25 Churchill Avenue shall be duplicated and transmitted to each Board member.) However, the Board encourages the community to seek answers to their concerns first from members of the staff most closely associated with the problems.

The Board shall refer communications on non-agenda matters to the Superintendent who shall obtain any necessary information and determine whether a written reply, with copies to the Board members, will be sufficient or whether the matter communicated should become an agenda item at a later meeting. In some instances, the Board may direct that the matter be included on the agenda of a later meeting.

Care should be exercised by the Board and the Superintendent to include on the agenda only those items of significance or community concern.

In unusual circumstances or when the question is of some urgency, the Board president and the Superintendent may decide to answer the question at the time it is first presented to the Board.

4. **Staff Communications.** All written communications from members of the administrative staff, principals, teachers and other school employees shall ordinarily be submitted through administrative channels and, if necessary or desirable, shall be presented to the Board by the Superintendent.
5. **Procedural Guidelines.** These guidelines are intended to ensure the orderly, efficient conduct of meetings, together with community participation and understanding.

- a. **Before Meetings.**

- (1) A Board calendar for the consideration of important matters, indicating the times of year and, if possible, specific meeting dates when the matters will be treated, should be maintained and made public.
- (2) Agenda items should be worded completely enough to be self-explanatory.
- (3) The agenda shall be conspicuously posted at entrance area of all schools during the regular school year.
- (4) The agenda should be easily available and, if possible, posted in libraries.
- (5) Packets for public libraries should be as complete as possible.
- (6) Packets for Board members should include copies of all relevant correspondence received in the Superintendent's office by 1:00 p.m. on the Wednesday preceding the meeting.

- b. **At Meetings.**

- (1) Relevant materials should be available for the community at the door of the meeting room.
- (2) *Roberts Rules of Order, Revised*, shall be used by the Board as a the basic reference for matters of procedure.
- (3) The Board president may provide time for audience comment on agenda items after their presentation and before action is taken.
- (4) Except for compelling reasons, the Board shall not take action on oral or written communications that are non-agenda items. Communications or items not of an emergency nature introduced by Board members without advance notice shall not normally be acted upon at the meeting at which they are introduced.
- (5) In the event that any meeting is willfully interrupted by a group of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue in session without violating the Brown Act. The Board may establish a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be readmitted to the session. Only matters appearing on the agenda may be considered in such a session.

(Government Code, Section 11126.5)

ARTICLE IX

BOARD ASSOCIATIONS

The Board shall maintain membership in the Santa Clara County School Boards Association and the California School Boards Association.

(Education Code, Section 35172)
(Revised 4/82)

ARTICLE X

CONFLICT OF INTEREST CODE

1. **Adoption.** In compliance with the Political Reform Act of 1974, California Government Code 81000, *et seq.*, Palo Alto Unified School District hereby adopts this Conflict of Interest Code, which shall apply to all governing Board members and designated employees of this school district, as specifically required by California Government Code 87300.
2. **Designated Employees.** Employees of the Palo Alto Unified School District, including governing Board members, who hold positions which involve the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest shall be designated employees. All persons who hold the positions specifically enumerated in Exhibit "A" are designated employees.
3. **Disclosure Statement – Filing.**
 - a. Each designated employee, including governing Board members, shall file annual statements at the time and in the manner prescribed in this Code, disclosing reportable interests in real property, investments in business entities and income which might foreseeably be affected materially by the operations of the school district. It has been determined that it is foreseeable that the types of investments, interests in real property and income listed in the disclosure categories in Exhibit "B" may be affected materially by decisions made or participated in by the designated employee by virtue of his or her position. Such interests are reportable if held by the designated employee and included in the employee's disclosure category.
 - b. Initial statements shall be filed by each designated employee within 30 days after the effective date of this Conflict of Interest Code, disclosing investments and interests in real property. This Code is effective on November 1, 1978.
 - c. Annual statements shall be filed during the month of March disclosing investments, interests in real property and income held or received in the period since the closing date of the employee's previously filed statement and the last day of February.
 - d. Leaving office statements shall be filed by every person who leaves a designated position specified in Exhibit "A" within 30 days after leaving the position, disclosing his or her reportable investments, interests in real property and income during the period since the closing date of the previous statement filed pursuant to this Code. The statement shall include any investments in business entities, interests in real property and income held or received at any time during the period covered by the statement, whether or not they are still held at the time of filing.
 - e. Employees appointed, promoted or transferred to designated positions shall file initial statements within 30 days after the date of assuming the position.
 - f. The statement shall be filed with the Palo Alto Unified School District. In the case of statements of members of the Board and the Superintendent, the district shall make and retain a copy and forward the original to the Santa Clara County Board of Supervisors.

(Revised 8/79)
4. **Disclosure Statements – Contents.** Disclosure statements shall be made on forms supplied by the Palo Alto Unified School District and contained in the "Instructional Manual and Disclosure Forms for Designated Employees."
 - a. **Contents of Investment and Interest in Real Property Reports:**
When an investment or interest in real property is required to be disclosed, the statement shall contain the following:
 - (1) A statement of the nature of the investment or interest.
 - (2) The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged.
 - (3) The address or other precise location of the real property.
 - (4) A statement whether the fair market value of the real property invested in exceeds ten thousand dollars

(\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

- (5) In the case of an investment which constitutes 50% or more of the ownership interest in a business entity, disclosure of the investments and interests in real property of the business entity.
- (6) If the property or investment was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

b. Contents of Income Reports:

- (1) When income is required to be reported under this Code, the statement shall contain the following:
 - (a) The name and address of each source of income aggregating \$250 or more in value, or \$25 or more in value if the income was a gift, and a general description of the business activity, if any, of each source.
 - (b) A statement whether the aggregate value of income from each source was greater than \$1,000 and whether it was greater than \$10,000.
 - (c) A description of the consideration, if any, for which the income was received.
 - (d) In the case of a gift, the name and address of the donor and the amount and the date on which the gift was received.
- (2) When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain the following:
 - (a) The name, address and a general description of the business activity of the business entity.
 - (b) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was greater than \$10,000 during a calendar year.
 - (c) Income of a business entity shall not be reported unless the filer or his or her spouse owns, directly, indirectly or beneficially, a 10% interest or greater. In addition, for purposes of subparagraph "b" of this section, the disclosure of persons who are clients or customers of a business entity is required only if it is reasonably foreseeable that the client or customer may be materially affected by the decisions of the filer.

c. Contents of Management Position Reports:

When management positions are required to be reported, a designated employee shall list the name of each business entity not specified above in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management.

- 5. **Disqualification.** Designated employees must disqualify themselves from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any financial interest of that employee (except sources of gifts less than \$250). No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. (See Government Code 87103 for definition of "financial interest.")
- 6. **Definition of Terms.** Except as otherwise provided, the definitions contained in the Political Reform Act of 1974, Government Code 82000, *et seq.*, the Regulations of the Fair Political Practices Commission, the amendments to the Act and Regulations, shall be incorporated into this Conflict of Interest Code.

EXHIBIT A

DESIGNATED POSITIONS

- I. Persons occupying the following positions are designated employees and must disclose financial interest in all categories defined in Exhibit B:
 - Members of the Board of Education
 - Superintendent
 - Associate Superintendent – Educational Services
 - Assistant Superintendent – Human Resources
 - Assistant Superintendent – Student Support Services
 - Business Manager
 - School Attorneys

II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of Exhibit B:

- Buyer
- Director – Food Services
- Classified Manager II and III
- Directors
- Coordinators I, II, and III
- Middle School Principals
- Middle School Assistant Principals
- High School Principals
- High School Assistant Principals
- Student Activity Directors

(Revised 9/91)
(Revised 1/97)

DISCLOSURE CATEGORIES

Category 1

- (a) **Interest in real property**^{1/} which is located in whole or in part either (1) within the boundaries of the district, or (2) within two miles of the boundaries of the district, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of interest is greater than \$1,000.
- (b) **Investments**^{1/} in or **income**^{3/} from business entities which are contractors or sub-contractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the district.
- (c) **Investments**^{2/} in or **income**^{3/} from persons or business entities engaged in the acquisition or disposal of real property within the jurisdiction.

^{1/} Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.

^{2/} (A) Investments include:

- (1) Any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interest.
- (2) A pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.

(B) Investment does not include:

- (1) A time or demand deposit in a financial institution, shares in a credit union, any insurance policy or any other debt instrument issued by any government or government agency.
- (2) Assets whose fair market value is less than \$1,000.

Category 2

Investments^{2/} in or **income**^{3/} from business entities which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Director. Investments include interests described in Category 1.

Category 3

Investments^{2/} in or **income**^{3/} from business entities which are contractors or sub-contractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Director. Investments include the interests described in Category 1.

^{3/} No source of income is reportable unless the income received by or promised to the public official aggregates \$250 in value during the preceding 12-month reporting period.

(2/77)

ARTICLE XI

AMENDMENTS

These bylaws may be amended by the Board at a regular meeting provided that a copy of the proposed amendment has been given to each Board member at least five days prior to its presentation and that the proposed amendment is approved by a majority vote of the Board's full membership.

ARTICLE XII

POLICY ADOPTION AND REVIEW

1. **Adoption, Revocation, and Review of Board Policies.** The Board, representing the people of the district, is the governing body which determines all questions of general policy to be employed in the conduct of the school district. Proposals regarding school district policies and operations may originate at any of several sources: a parent, an employee, students, a member of the Board, the Superintendent, a professional consultant, or other citizens.

The Superintendent shall usually be responsible for developing procedures and regulations governing the policy development processes. Policies will be adopted at regular meetings after they have been considered by the Board on at least one previous agenda. The Board reserves the right, in matters of urgency or extraordinary cases, to adopt, repeal, or amend any policy at any meeting without previous notice. Upon recommendation of the Superintendent or at the request of the Board, one or more study sessions may be held prior to the adoption of a policy. The formal adoption of policies shall be recorded in the minutes of the Board. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

The policies of the Board shall be subject to approval or amendment only upon a majority vote of the membership of the Board. Revisions and existing policies shall follow the same process of development and adoption except when such revisions are of a technical nature or specifically mandated by state law. Policies of the Board shall remain in effect until revised or rescinded. Policies of the Board shall be subject to suspensions only upon a majority vote of the membership of the Board.

2. **Adoption.** Proposed policies shall appear on the discussion agenda at least once before appearing on the action agenda for possible adoption. Changes made in policies submitted to the Board of Education for revision and/or adoption shall be clearly delineated.
3. **Revocation.** Established Board policies shall be revoked or revised in a like manner.
4. **Emergency Adoption and/or Revocation.** In the event of a situation which is designated an emergency by the Superintendent or by a vote of the majority of the Board members present, policies may be adopted or revoked by a vote of four members if five are present or three members if three or four are present.
5. **Policy Review.** The Board of Education, recognizing that the adoption of school board policies is one of its major functions if the district is to be effective, and that written policies are essential for clear, concise communication, does hereby adopt the following:
 - a. The Superintendent and members of the district administrative staff shall, on a continuing basis, note the effectiveness and legality of the adopted policies of the district.
 - b. The Superintendent shall, on a continuing basis, recommend to the Board changes as deemed necessary in existing policies or the formulation of new policies.
 - c. The Board, on an ongoing basis, may make recommendations for revisions.

(Education Code 35010, 35014)
(9/90)