

KERN COUNTY BOARD OF EDUCATION

BOARD BYLAWS

CLOSED SESSION

The County Board of Education is committed to complying with state open meeting laws and modeling transparency in the conduct of its business. The County Board shall hold a closed session only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

The County Board shall disclose in open session the items to be discussed in closed session. In the closed session, the County Board may consider only those matters covered in its statement.

The County Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of sexual misconduct or child abuse shall be identified in any County Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

A County Board member shall not disclose confidential information received in a closed session unless the County Board authorizes the disclosure of that information. (Government Code 54963)

After each closed session, but before adjourning the meeting, the County Board shall reconvene in open and, when applicable, report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. (Government Code 54957.7)

Matters Related to Students

The County Board shall meet in closed session to consider the appeal of an expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the County Board may meet in closed session for the purpose of deliberations. (Education Code 48920)

Conference with Real Property Negotiator

The County Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the County Board or county office of education (COE) in order to grant its negotiator

authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Pending Litigation

Based on the advice of its legal counsel, the County Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the COE or the County Board's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Security Matters

The County Board may meet in closed session with the Governor, Attorney General, district attorney, legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

Joint Powers Agency/Self-Insurance Authority Claims

The County Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the COE is a member. (Government Code 54956.95)

Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the County Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any County Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Legal Reference:

EDUCATION CODE

- 1040 Duties and responsibilities; county boards of education
- 1042 County boards; authority
- 1700 County school service fund
- 1703 Coordination services
- 1730 Supervision of instruction

- 1740 Supervision of attendance
- 1750 Supervision of health
- 1760 Provision of guidance services
- 35145 Public meetings
- 35146 Closed session (re student suspension)
- 48912 Governing board suspension
- 48918 Rules governing expulsion procedures; hearings and notice
- 49070 Challenging content of students records
- 60617 Meetings of governing board

GOVERNMENT CODE

- 815-818.9 California Government Tort Claims Act
- 3540-3549.3 Educational Employment Relations Act
- 6252-6270 California Public Records Act
- 54950-54963 The Ralph M. Brown Act