



POLICY & PROCEDURE SERVICE

**Board Policies
Chapter 2
Board of Trustees**

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| BP 2015 | Student Member(s) | <i>Revised 9/01, 2/02, 2/08, 3/12</i> |
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BP 2010 Board Membership

References:

Education Code Sections 72023, 72103, and 72104;
ACCJC Accreditation Standard IV.C.6

NOTE: *This policy is legally required.*

The Board shall consist of [#] members elected by the qualified voters of the District. Members shall be elected [*at large or by trustee area as defined in BP 2100 titled Board Elections*].

Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.

An employee of the District may not be sworn into office as an elected or appointed member of the governing board unless he/she resigns as an employee.

No member of the Governing Board shall, during the term for which he/she is elected, hold an incompatible office.

No member of the Governing Board shall, during the term for which he/she was elected, be eligible to serve on the governing board of a high school district whose boundaries are coterminous with those of the community college district.

NOTE: *Attorney General (AG) Opinion 01-112 (8/3/01) clarified employment of a board member as a part-time or substitute instructor. Education Code Section 72103(b)(2) makes an exception for individuals who are usually employed in an occupation other than teaching and who are employed by the district to teach no more than one course per semester or quarter in the subject matter of the individual's occupation. The AG Opinion states that this exception applies only when the contract to teach has already been executed at the time of the election to the board.*

Government Code Sections 1090 and 87100 and common law principles of conflict of interest prohibit such office-holding, and inclusion of this exception is not recommended.

Revised 9/01, 4/15, 4/16

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BP 2015 Student Member(s)

Reference:

Education Code Section 72023.5

NOTE: *This policy is legally required.*

The Board shall include [**number of student members; must be at least one**] non-voting student member(s). The term of office shall be one year commencing [**June 1 or May 15**].

The student member shall be enrolled in and maintain a minimum of five (5) semester units in the District at the time of nomination and throughout the term of service. The student member is not required to give up employment with the District. The student shall maintain [**insert standards of scholarship as determined by the District for students in the District**].

The student member shall be seated with the Board and shall be recognized as a full member of the Board at meetings. The student member is entitled to participate in discussion of issues and receive all materials presented to members of the Board (except for closed session). The student member shall be entitled to any mileage allowance necessary to attend board meetings to the same extent as publicly elected trustees.

NOTE: *Boards of trustees are responsible to decide whether to grant the following privileges to student members by May 15 of each year. Inclusion of the following policy will remind boards of this requirement for annual review and action. It is not required that boards adopt the following language. However, boards must annually decide whether to grant privileges (if any) to the student trustee. The following lists possible privileges.*

On or before May 15 of each year, the Board shall consider whether to afford the student member any of the following privileges:

- The privilege to make and second motions;
- The privilege to attend closed sessions, other than closed sessions on personnel or collective bargaining matters;
- The privilege to receive compensation for meeting attendance at a level of [**insert amount**] See BP 2725 Board member Compensation;
- The privilege to serve a term commencing on May 15.

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NOTE: *There are boards that provide the student member an advisory vote at board meetings, even though the law does not mention this privilege. If a board chooses to include an advisory vote, it should be listed in the above policy with a statement, "The privilege to cast an advisory vote, although the vote shall not be included in determining the vote required to carry any measure before the board."*

Revised 2/02, 2/08, 3/12

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BP 2100 Board Elections

References:

Education Code Sections 5000 et seq. and 72036

NOTE: *This policy is legally required.*

The term of office of each trustee shall be four years, commencing on [**specify date**] following the election. Elections shall be held every two years, in [**odd or even**] numbered years. Terms of trustees are staggered so that, as nearly as practical, one-half of the trustees shall be elected at each trustee election.

NOTE: *Terms of office begin on a date determined by the date of election. In districts where elections are governed by a city charter, the date will be the date all municipal officers take office. In districts governed by general law, the date will be the second Friday in December following the general election in November.*

NOTE: *For those districts that elect at large, the above policy is sufficient. For those districts that elect by trustee area (Education Code Section 72022), the following policies are required:*

The Board of Trustees has provided for the election of trustees by trustee areas. Effective [**insert date**], the trustee areas are:

Area 1 _____

Area 2 _____

Area 3 _____

Area 4 _____

Area 5 _____

Area 6 [if applicable]

Area 7 [if applicable]

Area 8 (if applicable)

Area 9 (if applicable)

NOTE: *Districts may wish to include a map of the trustee areas.*

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NOTE: *Districts with trustee areas have one of the following two options.*

Option 1. The election of a Board member residing in and registered to vote in the trustee area he/she seeks to represent shall be only by the registered voters of the same trustee areas.

Option 2. The election of a Board member residing in and registered to vote in the trustee areas he/she seeks to represent shall be by the registered voters of the entire community college district.

NOTE: *Education Code Section 5019.5 establishes the obligation to adjust the boundaries of trustee areas after each decennial census in districts where trustee areas have been established and in which each trustee is elected by the residents of the area.*

The [**CEO**] shall submit recommendations to the Board regarding adjustments to be made to the boundaries of each trustee area, if any adjustment is necessary, after each decennial federal census. The [**CEO**] shall submit the recommendation in time for the Board to act as required by law.

NOTE: *The Board may change from at large elections of trustees to elections by trustee areas, in accordance with Education Code section 72036 and the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code), upon the adoption by the Board of trustees of a resolution in support of the change and upon the approval of the Board of Governors of the California Community Colleges.*

Revised 3/12, 3/19

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BP 2105 Election of Student Member(s)

References:

Education Code Sections 72023.5 and 72103

NOTE: *This policy is legally required.*

The student member(s) shall be chosen by the students enrolled in the District as follows:

NOTE: *Boards should insert their current policy here. The Board is responsible for establishing the procedure by which the student member is chosen. The policy or administrative procedures should describe the election or selection process and require that it be completed so that the student member is able to assume office by June 1 or May 15, whichever is applicable.*

NOTE: *The following is provided as language that will comply with the requirement of the Education Code that all students enrolled be permitted to participate in the selection of this student member. See, 62 Ops. California Attorney General 126 (1979).*

The student member shall be elected by all the students of the student body in a general election held for that purpose. Normally an election will be held in the Spring semester so that the office is filled by June 1. The student member may be recalled by all the students of the student body in an election held for that purpose in accordance with administrative procedures established by the **[CEO]**.

If the seat of a student member becomes vacant during his/her term, the governing board may authorize the officers of student body associations established pursuant to Education Code Section 76060 at each community college in the district to appoint a student to serve the remainder of the term in accordance with procedures established by the governing board.

[OR]

Special elections may be held if the office becomes vacant by reason of the resignation, recall, or disqualification of an elected student member, or by any other reasons. Special elections shall be held within 30 days after notice of the vacancy comes to the attention of the **[CEO]**.

Candidates for the position may nominate themselves or be nominated by others by the filing of an application certifying that the candidate is eligible for service under the

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criteria set forth in California law and these policies. The election will be conducted in accordance with administrative procedures established by the **[CEO]**.

NOTE: *Alternative language suitable for multi-college districts:*

The student member shall be elected by all the students enrolled in the District in a general election held for that purpose. Normally, an election will be held in the Spring semester so that the office is filled by June 1. The student member may be recalled by all the students of the student body in an election held for that purpose in accordance with administrative procedures adopted by the **[CEO]**, except that all members of the student body shall be permitted to vote in the recall election. Special elections shall be held if the office becomes vacant by reason of the resignation, recall, or disqualification of an elected student member, or by any other reasons. Special elections shall be held within 30 days after notice of the vacancy comes to the attention of the **[CEO]**. Candidates for the position may nominate themselves or be nominated by others by the filing of an application at their campus of residence certifying that the candidate is eligible for service under the criteria set forth in California law and these policies.

An election will be conducted at each college in accordance with the administrative procedures adopted by the college student elections, except that all members of the student body shall be permitted to vote for the student member. Each candidate from throughout the District who has qualified shall be listed on the ballot at each college. The successful candidate must receive a plurality of all votes cast.

Revised 8/06, 3/12, 4/14

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BP 2110 Vacancies on the Board

References:

Education Code Sections 5090 et seq.;
Government Code Section 1770

NOTE: *The following language is legally required.*

Vacancies on the Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. Resignations from the Board shall be governed by Education Code Section 5090.

Within [**insert number of days, but no more than 60**] days of the vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy.

If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in Education Code Section 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

NOTE: *The following language is suggested as good practice/optional.*

The [**CEO**] shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

Revised 9/01

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BP 2130 Term Limits

Reference:

Education Code Section 72103(c)

NOTE: *The Board may, by a vote of the membership of the Board, act to submit to the electors of the District a proposal to limit the number of terms a member of the governing board may serve on the Board. Any proposal to limit the number of terms a member of the board may serve shall not become operative unless it is submitted to the electors of the District at a regularly scheduled election and a majority of the votes cast on the question favor adoption of the proposal. Any such proposal shall be subject to the administrative procedures set forth in the Elections Code Sections 9500 et seq.*

Any such proposal shall, if adopted by the electors of the district, apply prospectively only.

No district has yet held such an election. It is recommended that legal counsel be sought if the District is considering doing so. The resulting policy would essentially reflect the content of the proposal approved by the voters.

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BP 2200 Board Duties and Responsibilities

Reference:

ACCJC Accreditation Standard IV

NOTE: *This policy is suggested as good practice. Board duties and responsibilities are also reflected throughout the Board Policy Manual and are addressed in BP 2715 Code of Ethics/Standards of Practice.*

Insert local practice; sample concepts are provided below. Additional resources may be found in the League's Trustee Handbook and other publications on trusteeship.

The Board of Trustees governs on behalf of the citizens of the **[District]** in accordance with the authority granted and duties defined in Education Code Section 70902.

The Board is committed to fulfilling its responsibilities to:

- Represent the public interest
- Establish policies that define the institutional mission and set prudent, ethical and legal standards for college operations
- Hire and evaluate the CEO
- Delegate power and authority to the chief executive to effectively lead the District
- Assure fiscal health and stability
- Monitor institutional performance and educational quality
- Advocate and protect the District

NOTE: *Additional duties and responsibilities may be added.*

New 8/06, Revised 11/14

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BP 2210 Officers

Reference:

Education Code Section 72000

At the annual organizational meeting, the Board shall elect from among its members a President of the Board. [*If the secretary to the board is not the CEO (see below), then the secretary would be added to this sentence as well as other officers that the board chooses to have.*]

The terms of officers shall be for one year.

NOTE: *The following is suggested as good practice.*

The duties of the President of the Board are: [*Insert duties per local policy. The following are examples only.*]

- Preside over all meetings of the Board;
- Call emergency and special meetings of the Board as required by law;
- Consult with the [CEO] on board meeting agendas;
- Communicate with individual Board members about their responsibilities;
- Participate in the orientation process for new Board members;
- Assure Board compliance with policies on board education, self-evaluation and [CEO] evaluation;
- Represent the Board at official events or ensure board representation.

NOTE: *The following applies if the CEO is elected as secretary to the Board, as is common practice.*

The [CEO] shall serve as Secretary to the Board.

NOTE: *The following language is suggested as good practice.*

The duties of the Secretary are: [*Insert duties per local policy. The following is an example.*]

- Notify members of the Board of regular, special, emergency and adjourned meetings;
- Prepare and post Board meeting agendas;
- Have prepared for adoption minutes of Board meetings;
- Attend all Board meetings and closed sessions, unless excused, and in such cases to assign a designee;
- Conduct the official correspondence of the Board;

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- Certify as legally required all board actions;
- Sign, when authorized by law or by Board action, any documents that would otherwise require the signature of the Secretary or the Clerk of the Board.

NOTE: *If the Board elects other officers, their duties may be noted.*

NOTE: *The following language is legally advised if the Board practice is to follow an informal rotation of the Board presidency among its members, which if formalized, may be inconsistent with the requirement of Education Code Section 72000(c)(2) that the president be elected from the board's members, suggesting that all members of the Board are to be considered eligible to be elected president every year.*

The Board does not have an official system of rotation of officers; it elects the officers each year from among all its members.

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BP 2220 Committees of the Board

Reference:

Government Code Section 54952

The Board may by action establish committees that it determines are necessary to assist the Board in its responsibilities. Any committee established by Board action shall comply with the requirements of the Brown Act and with these policies regarding open meetings.

Board committees that are composed solely of less than a quorum of members of the Board that are advisory are not required to comply with the Brown Act, or with these policies regarding open meetings, unless they are standing committees.

NOTE: *The following language is **legally advised**.*

Board committees that are only advisory have no authority or power to act on behalf of the Board. Findings or recommendations shall be reported to the Board for consideration.

NOTE: *Although it is not recommended that Boards have standing committees, if the Board chooses to do so, the following would apply.*

The Board has established the following committee(s):

[*List committee and charge to committee.*]

Revised 8/07

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BP 2305 Annual Organizational Meeting

Reference:

Education Code Section 72000(c)(2)(A)

The annual organizational meeting of the Board will be held [*insert the time frame as per current policy. For districts holding elections in November, it would be within fifteen days of the date that elected Governing Board members take office, generally at the regular meeting held the first two weeks of December.*]

The purpose of the annual organizational meeting is to elect a president and a secretary [*list other officers that the board has established*], and conduct any other business as required by law or determined by the Board.

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BP 2310 Regular Meetings of the Board

References:

Education Code Section 72000(d);

Government Code Sections 54952.2, 54953 et seq., and 54961

Regular meetings of the Board shall be held [*insert here regular day of the week and frequency of meetings, e.g., "second and fourth Tuesday of each month"*]. Regular meetings of the Board shall normally be held at [*insert address*].

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District.

All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

Revised 2/03

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BP 2315 Closed Sessions

References:

Education Code Section 72122;
Government Code Sections 54956.8, 54956.9, 54957, 54957.1, 54957.6, and
11125.4

NOTE: *This policy is legally required.*

Closed sessions of the Board shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code and California Education Code. Matters discussed in closed session may include:

- the appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least 24 hours written notice of the closed session;
- advice of counsel on pending litigation, as defined by law;
- consideration of tort liability claims as part of the district's membership in any joint powers agency formed for purposes of insurance pooling;
- real property transactions;
- threats to public security;
- review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
- discussion of student disciplinary action, with final action taken in public;
- conferring of honorary degrees;
- consideration of gifts from a donor who wishes to remain anonymous;
- to consider its response to a confidential final draft audit report from the Bureau of State Audits.

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.

After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention of every member present.

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All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board or by law.

NOTE: *Although the following language is not legally required, it is suggested as good practice. It is designed to assure that when charges or complaints are brought by any person against an employee, before the board hears them in accordance with Government Code Section 54957, the administration of the district has an opportunity to address, and possibly solve, the problem.*

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the [**CEO**]. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The employee shall be given at least 24 hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

Revised 2/05, 4/14, 10/18

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BP 2320 Special and Emergency Meetings

References:

Education Code Section 72129;
Government Code Sections 54956, 54956.5, and 54957

Special meetings may from time to time be called by the President of the Board or by a majority of the members of the Board. Notice of such meetings shall be posted at least 24 hours before the time of the meeting, and shall be noticed in accordance with Brown Act. No business other than that included in the notice may be transacted or discussed.

Emergency meetings may be called by the President of the Board when prompt action is needed because of actual or threatened disruption of public facilities under such circumstances as are permitted by the Brown Act, including work stoppage, crippling disasters, and other activity that severely impairs public health or safety.

No closed session shall be conducted during an emergency meeting, except as provided for in the Brown Act to discuss a dire emergency.

The [**CEO**] shall be responsible to ensure that notice of such meetings is provided to the local news media as required by law.

Revised 2/03

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BP 2330 Quorum and Voting

References:

Education Code Sections 15266, 72000 subdivision (d)(3), 81310 et seq., 81365, 81511, and 81432;
Government Code Sections 53094 and 54950 et seq.;;
Code of Civil Procedure Section 1245.240

NOTE: *This policy is legally required.*

A quorum of the Board shall consist of [**simple majority**] members.

The Board shall act by majority vote of all of the membership of the Board, except as noted below.

No action shall be taken by secret ballot. The Board will publicly report any action taken in open session and the vote or abstention of each individual member present.

The following actions require a two-thirds majority of all members of the Board:

- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property;
- Resolution to pursue the authorization and issuance of bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution.

The following actions require a unanimous vote of all members of the Board:

- Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
- Resolution authorizing lease of District property under a lease for the production of gas.

Revised 8/03, 4/14, 10/18

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COMMUNITY COLLEGE LEAGUE
OF CALIFORNIA

POLICY & PROCEDURE SERVICE

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BP 2340 Agendas

References:

Education Code Sections 72121 and 72121.5;
Government Code Sections 6250 et seq. and 54954 et seq.

NOTE: *The requirement that agendas be posted online applies to districts that maintain a website and goes into effect on January 1, 2019.*

An agenda shall be posted adjacent to the place of meeting as well as on the District's Internet website at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- a majority decides there is an "emergency situation" as defined for emergency meetings;
- two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted;
- an item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of the Board.

The [**CEO**] shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a board meeting by submitting a written summary of the item to the [**CEO**]. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

NOTE: *The following language is suggested as good practice.*

Agendas shall be developed by the [**CEO**] in consultation with the Board President.

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Agenda items submitted by members of the public must be received by the office of the [CEO] [time frame, such as two weeks; must be at least 72 hours to assure compliance with the Brown Act] prior to the regularly scheduled board meeting.

Agenda items initiated by members of the public shall be placed on the Board's agenda following the items of business initiated by the Board and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a 90 day period following the initial submission.

Revised 2/03, 4/17

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BP 2345 Public Participation at Board Meetings

References:

Education Code Section 72121.5;
Government Code Sections 54954.3 and 54957.5

NOTE: *The language in this policy is **legally required**, unless noted otherwise.*

The Board shall provide opportunities for members of the general public to participate in the business of the Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:

NOTE: *If the District places a limit on the amount of time allocated for each individual speaker, the District must provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body, unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.*

- There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda.

NOTE: *The following paragraph is **legally advised**.*

Members wishing to present such items shall submit a written request at the beginning of the meeting to the [**CEO/President of the Board**] that summarizes the item and provides his/her name and organizational affiliation, if any. No action may be taken may be taken by the Board on such items.

- Members of the public may place items on the prepared agenda in accordance with BP 2340 titled Agendas.

NOTE: *The following paragraph is **suggested as good practice**.*

A written summary of the item must be submitted to the CEO at least [**time frame, such as two weeks; must be at least 72 hours to assure compliance with the Brown Act**] prior to the board meeting. The summary must be signed by the initiator, contain his/her residence or business address, and organizational affiliation, if any.

Members of the public also may submit written communications to the Board on items on the agenda and speak to agenda items at the Board meeting. Written communication regarding items on the Board's agenda should reach the office of the

[CEO] not later than [*insert number of days here, such as five working days*] prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.

Revised 2/03, 3/12, 4/17

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POLICY & PROCEDURE SERVICE

BP 2350 Speakers

References:

Education Code Section 72121.5;
Government Code Sections 54950 et seq.

NOTE: *This policy is legally required.*

Persons may speak to the Board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment.

Those wishing to speak to the Board are subject to the following:

- The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.

NOTE: *It is suggested as good practice that the Board adopt as policy the point on the agenda when a person can speak before the vote is called. It could be at the start of the meeting, the beginning of the agenda item before Board discussion, or just prior to the Board vote.*

NOTE: *It is legally advised that districts have policies that require persons wishing to speak to make their request in writing, and that establish time limits on presentations. The following are suggested clauses.*

- They shall complete a written request to address the Board at the beginning of the meeting at which they wish to speak.

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- The request shall include the person's name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed.
- No member of the public may speak without being recognized by the President of the Board.
- Each speaker will be allowed a maximum of [**number, such as five**] minutes per topic. [**Number, such as 30**] minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one board meeting. At the discretion of a majority of the Board, these time limits may be extended.
- Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.

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BP 2355 Decorum

References:

Education Code Section 72121.5;
Government Code Section 54954.3 (b)

NOTE: This policy is **suggested as good practice** because Government Code Section 54954.3(b) allows for “reasonable regulations” to limit speakers.

The following will be ruled out of order by the presiding officer.

- Remarks or discussion in public meetings on charges or complaints which the Board has scheduled to consider in closed session.
- Profanity, obscenity and other offensive language.
- Physical violence and/or threats of physical violence directed towards any person or property.

In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting unfeasible, the person(s) may be removed from the meeting room.

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the Board for the duration of the meeting.

Before removal, a warning and a request that the person(s) curtail the disruptive activity will be made by the President of the Board. If the behavior continues, the person(s) may be removed by a vote of the Board, based on a finding that the person is violating this policy, and that such activity is intentional and has substantially impaired the conduct of the meeting.

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session. The Board shall only consider matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.

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BP 2360 Minutes

References:

Education Code Section 72121(a);
Government Code Section 54957.5

The [**CEO**] shall cause minutes to be taken of all meetings of the Board. The minutes shall record all actions taken by the Board. The minutes shall be public records and shall be available to the public. If requested, the minutes shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

NOTE: *The following language is **suggested as good practice.***

The minutes shall also record [*boards may list other information they wish to include in the minutes, such as names of those present, all motions, names of those making and seconding motions, votes, major discussion points, etc.*].

Revised 2/03, 9/05

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BP 2365 Recording

References:

Education Code Section 72121(a);
Government Code Sections 54953.5 and 54953.6

Any audio or video recording of an open and public Board meeting made by or at the direction of the Board shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250 et seq. The [**CEO**] is directed to enact administrative procedures to ensure that any such recordings are maintained for at least 30 days following the taping or recording.

Persons attending an open and public meeting of the Board may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings. However, if the Board finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, any such person shall be directed by the President of the Board to stop.

Revised 9/12

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BP 2410 Board Policies and Administrative Procedures

References:

Education Code Section 70902;
ACCJC Accreditation Standards IV.C.7, IV.D.4, I.B.7, and I.C.5

NOTE: *Education Code 70902 establishes the policy-making authority of Boards. The following policies are suggested as good practice to define the Board's use of that authority.*

The Board may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to District activities. All District employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to, or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended. The Board shall regularly assess its policies for effectiveness in fulfilling the District's mission.

Administrative procedures are to be issued by the [**CEO**] as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the [**CEO**].

The [**CEO**] shall, [**schedule to be determined by the Board; suggest annual or biennial**], provide each member of the Board with [**copies of the administrative procedures**] or [**any revisions since the last time they were provided**]. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Copies of all board policies and administrative procedures shall be readily available to District employees through the [**CEO**].

Revised 11/14

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BP 2430 Delegation of Authority to the [CEO]

References:

Education Code Sections 70902(d) and 72400;
ACCJC Accreditation Standards IV.B.5, IV.C.12, and IV.D.1

NOTE: *The above code sections authorize the Board to delegate authority; the accreditation standard contains an expectation that the Board will do so. The following policies are suggested as good practice to fulfill the intent.*

The Board delegates to the [CEO] the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action.

The [CEO] may delegate any powers and duties entrusted to him/her by the Board **[including the administration of colleges and centers]**, but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The [CEO] is empowered to reasonably interpret Board policy. In situations where there is no Board policy direction, the [CEO] shall have the power to act, but such decisions shall be subject to review by the Board. It is the duty of the [CEO] to inform the Board of such action and to recommend written Board policy if one is required.

The [CEO] is expected to perform the duties contained in the [CEO] job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and goals and objectives for performance shall be developed by the Board in consultation with the [CEO].

The [CEO] shall ensure that all relevant laws and regulations are complied with, and that required reports are submitted in timely fashion.

The [CEO] shall make available any information or give any report requested by the Board as a whole. Individual trustee requests for information shall be met if, in the opinion of the [CEO], they are not unduly burdensome or disruptive to District operations. Information provided to any trustee shall be **[available/provided]** to all trustees.

The [CEO] shall act as the professional advisor to the Board in policy formation.

Revised 11/14

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BP 2431 [CEO] Selection

References:

Title 5 Sections 53000 et seq.

ACCJC Accreditation Standards IV.B and IV.C.3

NOTE: *Accreditation standards require boards to establish a formal search process for the chief executive officer and college presidents in multi-college districts. Local districts may insert their own practice here. The following is an illustrative example.*

In the case of a CEO vacancy, the Board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

NOTE: *The Community College League has resource materials to assist boards in establishing CEO and college president search processes.*

New 2/03; Revised 11/14

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BP 2432 [**CEO**] Succession

References:

Education Code Sections 70902(d) and 72400;
Title 5 Section 53021(b)

NOTE: *The following policy is suggested as good practice.*

The Board delegates authority to the [**CEO**] to appoint an acting [**CEO**] to serve in his/her absence for short periods of time, not to exceed [*insert number*] calendar days at a time.

In the absence of the [**CEO**] and when an acting [**CEO**] has not been named, administrative responsibility shall reside with (in order):

Insert titles of positions as appropriate

The Board shall appoint an acting [**CEO**] for periods exceeding [*insert time period*].

New 8/02, Revised 2/03

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BP 2435 Evaluation of the [CEO]

Reference:

ACCJC Accreditation Standard IV.C.3

The Board shall conduct an evaluation of [CEO] at least annually. Such evaluation shall comply with any requirements set forth in the contract of employment with the [CEO] as well as this policy.

The Board shall evaluate the [CEO] using an evaluation process developed and jointly agreed to by the Board and the [CEO].

The criteria for evaluation shall be based on Board policy, the [CEO] job description, and performance goals and objectives developed in accordance with BP 2430 Delegation of Authority to the [CEO].

NOTE: *The League has resource materials to assist boards and CEOs in developing the CEO evaluation process.*

Revised 11/14

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BP 2510 Participation in Local Decision-Making

References:

Education Code Section 70902(b)(7);
Title 5 Sections 53200 et seq. (Academic Senate), 51023.5 (Staff), and 51023.7 (Students);
ACCJC Accreditation Standards IV.A and IV.D.7

NOTE: *The language below reflects the minimum policy requirements of the Education Code and Title 5. It is legally advised that districts insert their current policies here.*

The Board is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for Board action and administrative procedures for [**CEO**] action under which the District is governed and administered.

Each of the following shall participate as required by law in the decision-making processes of the District:

Academic Senate(s) (Title 5 Sections 53200-53206)

The Board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law. Procedures to implement this section are developed collegially with the Academic Senate.

Staff (Title 5 Section 51023.5)

Staff shall be provided with opportunities to participate in the formulation and development of District policies and procedures that have a significant effect on staff. The opinions and recommendations of the [**name(s) of recognized group(s)**] will be given every reasonable consideration.

Students (Title 5 Section 51023.7)

The Associated Students shall be given an opportunity to participate effectively in the formulation and development of District policies and procedures that have a significant effect on students, as defined by law. The recommendations and positions of the Associated Students will be given every reasonable consideration. The selection of student representatives to serve on District committees or task forces shall be made after consultation with the Associated Students.

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Except for unforeseeable emergency situations, the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups have been provided the opportunity to participate.

Nothing in this policy will be construed to interfere with the formation or administration of employee organizations or with the exercise of rights guaranteed under the Educational Employment Relations Act, Government Code Sections 3540 et seq.

Revised 9/01, 11/14

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BP 2610 Presentation of Initial Collective Bargaining Proposals

Reference:

Government Code Section 3547

The [**CEO**] is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of initial proposals for collective bargaining.

Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration in accordance with the following timelines:

[*Insert timelines in the District's collective bargaining agreements or reference the timelines prescribed by the rules and regulations of the California Public Employment Relations Board.*]

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BP 2710 Conflict of Interest

References:

Government Code Sections 1090 et seq.; 1126; and 87200 et seq.;
Title 2 Sections 18730 et seq.

Board members and employees shall not be financially interested in any contract made by them in their official capacity, or in any body or board of which they are members.

A Board member shall not be considered to be financially interested in a contract if his/her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his/her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as an officer of the District.

In compliance with law and regulation, the [**CEO**] shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

NOTE: *Although the following is not legally required, it is **legally advised**.*

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

Revised 2/06, 4/16



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BP 2715 Code of Ethics/Standards of Practice

Reference:

ACCJC Accreditation Standard IV.C.11

The Board maintains high standards of ethical conduct for its members. Members of the Board are responsible to:

[Insert the current Board code of ethics or standards of Board practice.]

NOTE: *The code must contain a clearly defined statement for dealing with behavior that violates its code. The sample language on the following page reflects the accreditation standard.*

NOTE: *The Community College League of California has resources to assist Boards develop codes or standards. It suggests that standards address the following areas:*

- Acting only in the best interests of the entire community.
- Ensuring public input into Board deliberations; adhering to the law and spirit of the open meeting laws and regulations.
- Preventing conflicts of interest and the perception of conflicts of interest.
- Exercising authority only as a Board.
- Using appropriate channels of communication.
- Respecting others; acting with civility.
- Being informed about the District, educational issues, and responsibilities of trusteeship.
- Devoting adequate time to Board work.
- Maintaining confidentiality of closed sessions.

The Governing Board will promptly address any violation by a Board member or Board members of the Code of Ethics in the following manner:

Sample 1

The Superintendent/President and Governing Board President are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and

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use of public resources. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Violations of the Governing Board's Policy 2715 (Code of Ethics) will be addressed by the President of the Board, who will first discuss the violation with the Board member to reach a resolution. If resolution is not achieved and further action is deemed necessary, the Governing Board President may appoint an ad hoc committee to examine the matter and recommend further courses of action to the Board. Sanctions will be determined by the Governing Board officers [or committee] and may include a recommendation to the Governing Board to censure the Board member. If the President of the Governing Board is perceived to have violated the code, the Vice President of the Governing Board is authorized to pursue resolution.

Sample 2

Charges by any person that a Governing Board member has violated laws and regulations Governing Board behavior or the Board's Code of Ethics shall be directed to the Governing Board President or the Governing Board itself. The Governing Board President may establish an ad hoc committee to examine the charges and recommend further courses of action to the Board. Possible courses of action include:

- If alleged behavior violates laws Governing Board behavior, legal counsel may be sought and the violations referred to the District Attorney or Attorney General as provided for in law.*
- If the alleged behavior violates Board Policy on ethical conduct, the President of the Governing Board shall alert the Board member in question regarding the violation of policy, the Governing Board may discuss the violation at a Board Meeting and affirm its policy expectation, and/or the Board may move to censure the trustee.*

Sample 3

All Governing Board members are expected to maintain the highest standards of conduct and ethical behavior and to adhere to the Board's Code of Ethics. The Governing Board will be prepared to investigate the factual basis behind any charge or complaint of Board member misconduct. A Board member may be subject to a resolution of censure by the Governing Board should it be determine that Board member misconduct has occurred. Censure is an official expression of disapproval passed by the Governing Board.

A complaint of Board member misconduct will be referred to an ad hoc committee composed of two Board members not subject to the complaint. In a manner deemed

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appropriate by the committee, a fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint. The committee shall be guided in its inquiry by the standards set forth in the Code of Ethics as defined in Board Policy. The Board member subject to the charge of misconduct shall not be precluded from presenting information to the committee. The committee shall, within a reasonable period of time, make a report of its findings to the Governing Board for action.

NOTE: Excerpted from the Community College League's Winter 2005 Board Focus Newsletter (<http://www.ccleague.org/files/public/BF05win.pdf>)

Revised 9/05, 11/14

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BP 2716 Political Activity

References:

Education Code Sections 7054, 7054.1, and 7056;
Government Code Section 8314

Members of the Board shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Governing Board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding the possible effects of District bond issues or other ballot measures.

New 2/03; Revised 2/05, 9/12, 6/13



POLICY & PROCEDURE SERVICE

BP 2717 Personal Use of Public Resources

References:

Government Code Section 8314;
Penal Code Section 424

No trustee shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

New 2/03

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POLICY & PROCEDURE SERVICE

BP 2720 Communications Among Board Members

Reference:

Government Code Section 54952.2

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. In addition, no other person shall make serial communications to Board Members.

NOTE: *The following is **alternative language** that may be used in this policy:*

A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board. This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

Revised 2/10, 10/18

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BP 2725 Board Member Compensation

Reference:

Education Code Section 72024

Note: Only if the Board has acted to provide compensation to its members is the following policy proposed.

Members of the Board who attend all board meetings shall receive [*insert amount*] per month.* A member of the Board who does not attend all meetings held by the Board in any month shall receive, as compensation, an amount not greater than the pro rata share of the number of meetings actually attended.

A member of the Board may be paid for a meeting when absent if the Board, by resolution, finds that at the time of the meeting the member is performing services outside the meeting for the community college district, is ill, on jury duty, or the absence is due to a hardship deemed acceptable by the Board.

Note: If the Board has voted to grant to the student member of the Board the privilege of receiving compensation, the following policy phrase could be included at the conclusion of the first sentence:

*...and the student member, [*insert amount*] per month.

Note: The following language is optional.

The Board may, on an annual basis, increase the compensation of Board members by five percent. However, any increase is subject to rejection in a referendum by a majority of the voters in the District.

Revised 2/02, 8/06, 6/13



POLICY & PROCEDURE SERVICE

BP 2730 Board Member Health Benefits

References:

Government Code Sections 53201 and 53208.5

NOTE: *If the Board has determined that Board members are permitted to participate in the District's health benefits programs, the following policy language can be used to set out the District's commitment to current and former Board members. The determination of whether or not Board members and former Board members may participate must be made in accordance with Government Code Section 53201.*

Members of the Board shall be permitted to participate in the District's health benefit programs. The benefits of members of the Board through the District's health benefits programs shall not be greater than the most generous schedule of benefits being received by any category of non-safety employee of the District.

NOTE: *The following provision should only be used if former members of the Board have been permitted to continue receiving health benefits since before January 1, 1995.*

Former members of the Board may continue to participate in the District's health benefits programs upon leaving the Board if the following criteria are met: the member must have begun service on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995; and the member must have served at least 12 years. All other former Board members may continue to participate in the District's health benefits programs on a self-pay basis.

Revised 3/12

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BP 2735 Board Member Travel

Reference:

Education Code Section 72423

Members of the Board shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board.

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| <p>Note: Boards may wish to add local policies that describe expectations and processes for approving Board member travel.</p> |
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See Administrative Procedure [#].



POLICY & PROCEDURE SERVICE

BP 2740 Board Education

Reference:

ACCJC Accreditation Standard IV.C.9

The Board is committed to its ongoing development as a Board and to a trustee education program that includes new trustee orientation.

NOTE: *Local districts may insert their own policy here regarding their programs of Board development. A general statement is:*

To that end, the Board will engage in study sessions, provide access to reading materials, and support conference attendance and other activities that foster trustee education.

NOTE: *The Community College League has resources to assist Boards in further developing a local new trustee orientation program as well as ongoing development for the Board and experienced trustees, including the Community College League's Excellence in Trusteeship Program.*

Revised 11/14

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POLICY & PROCEDURE SERVICE

BP 2745 Board Self-Evaluation

Reference:

ACCJC Accreditation Standard IV.C.10

The Board is committed to assessing its own performance as a Board in order to identify its strengths and areas in which it may improve its functioning.

To that end, the Board has established the following processes:

NOTE: *Local districts may insert their own process here. The Community College League has resources to assist boards in developing processes. A sample process is:*

A committee of the Board shall be appointed in [**month**] to determine the instrument or process to be used in Board self-evaluation. Any evaluation instrument shall incorporate criteria contained in these Board policies regarding board operations, as well as criteria defining board effectiveness promulgated by recognized practitioners in the field.

The process for evaluation shall be recommended to and approved by the Board.

If an instrument is used, all board members will be asked to complete the evaluation instrument and submit them to [**insert position, such as Board President or Board Secretary**].

A summary of the evaluations will be presented and discussed at a Board session scheduled for that purpose. The results will be used to identify accomplishments in the past year and goals for the following year.

Revised 11/14

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POLICY & PROCEDURE SERVICE

BP 2750 Board Member Absence from the State

Reference:

Government Code Section 1064

NOTE: *This policy is legally advised.*

No member of the Board shall be absent from the state for more than 60 days, except in any of the following situations:

- Upon business of community college district with the approval of the Board.
- With the consent of the Board for an additional period not to exceed a total absence of 90 days. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.
- For federal military deployment, not to exceed an absence of a total of six months, as a member of the Armed Forces of the United States or the California National Guard. If the absence of a member of the Board pursuant to this subdivision exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of the circumstances described in this subdivision, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities.
- The term of an interim member of the Board appointed as set forth above may not extend beyond the return of the absent member, nor may it extend beyond the next regularly scheduled election for that office.

New 3/12

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