

**Bylaws of the Board**

**Closed Session Actions and Reports**

No matters other than those announced in open session shall be acted upon during the closed session. (GC 54957.7)

The Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other

disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (GC 54957.7)

Personnel Matters

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or non-renewal

of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (GC 54957.1)

Negotiations/Collective Bargaining:

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (GC 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented

employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (GC 54957.1)

Student Matters

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (EC 35146, 48918)

In an expulsion action, the student's name and the cause for expulsion shall not be disclosed in open session.

Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which

the closed session is held. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the District of its approval.

Pending Litigation

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.

2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the District's ability to serve process on un-served parties or its ability to conclude

existing settlement negotiations to its advantage.

3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the District shall report the fact of approval, the substance of the agreement, and the vote and abstentions thereon to persons who inquire once the settlement is final. (GC 54957.1)

#### JPA/Self-Insurance Liability Claims

The Board shall report the disposition of JPA or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the

name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (GC 54957.1)

#### Review of Assessment Instruments

At the public meeting during which the Board holds a closed session to review student assessment instruments, the Board shall confirm that this review was made. Any actions related to the review

shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

Legal Reference:

EDUCATION CODE

[35145](#) Public meetings

[35146](#) Closed session (re student matters)

[48918](#) Rules governing expulsion procedures; hearings and notice

[49073-49079](#) Privacy of student records

[60617](#) Meetings of governing board

GOVERNMENT CODE

[54950-54962](#) The Ralph M. Brown Act, especially:

[54957.1](#) Closed sessions; public report of action taken

[54957.6](#) Closed sessions; representatives to employee organization(s)

[54957.7](#) Disclosure of items to be discussed

UNITED STATES CODE, TITLE 20

[1232g](#) Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

[99.1 - 99.8](#) Family Educational Rights and Privacy

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 85 (1997)

COURT DECISIONS

Kleitman v. Superior Court (1999) 87 Cal.Rptr.2d 813