AAUW School Board Monitors & Observers Training

by Briana Mullen

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Learning Outcomes:

- Empower yourself to monitor school board meetings effectively.
- Learn key CA Education Code requirements to ensure local districts are following the law and protect students.
- Understand key School Board powers, limitations, and how to file a complaint when witnessing violations

Led by Briana Mullen, Executive Director, Education Justice Academy, & Program Consultant, Public School Defenders Hub

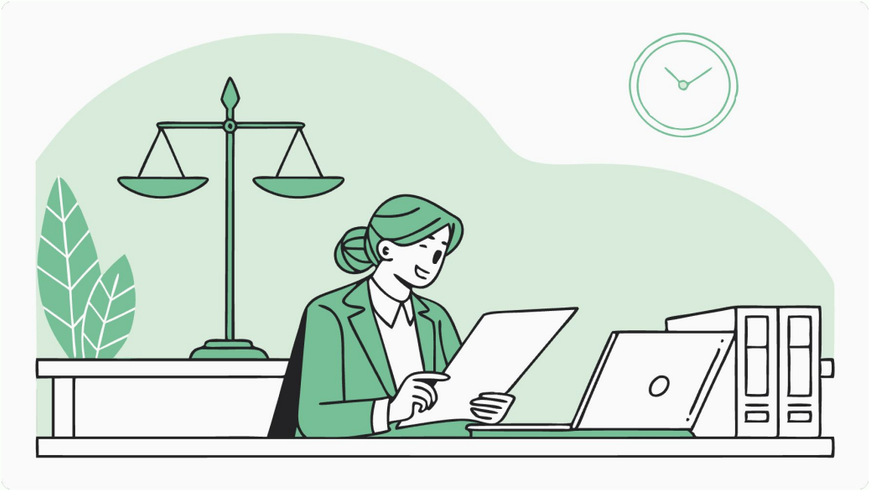
Today's Training Agenda

Board Roles: Understanding core functions and constitutional boundaries

Current Rules and Laws: AB 1955, Uniform Complaint Procedures, and critical curriculum requirements

Effective Meeting Monitoring: Meeting, and voting requirements, public comment guidelines,

Monitoring Toolkit & Support: Resources and network connections for ongoing observation



Board Role & Current Rules and Laws

School Board Roles

Key responsibilities and positioning of school boards in the educational system:

Independent Bodies

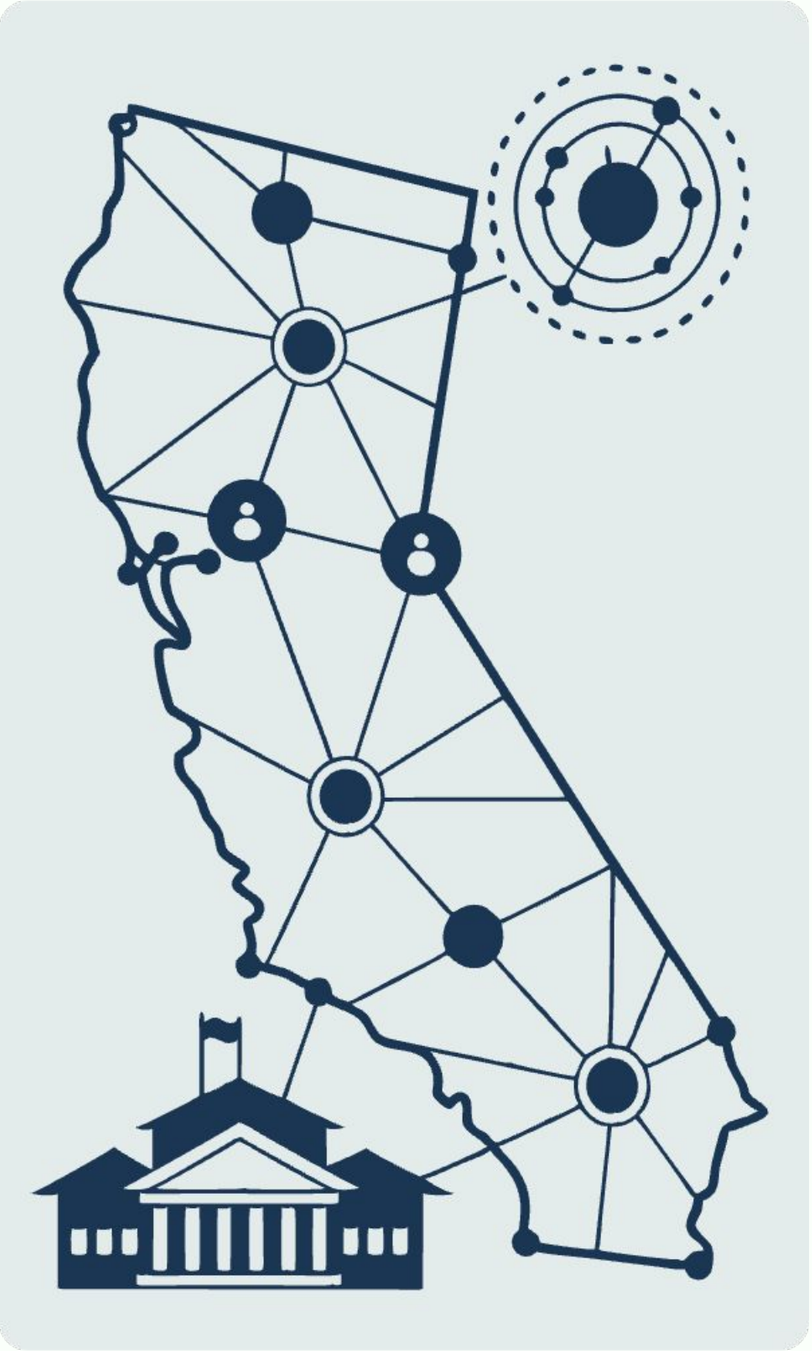
Separate from city/county government

Employers

Hire/review superintendent only

Local Business

Primarily state/federal funded



Core Curriculum Authority

1

Determine Core Curriculum

Within state/federal standards

2

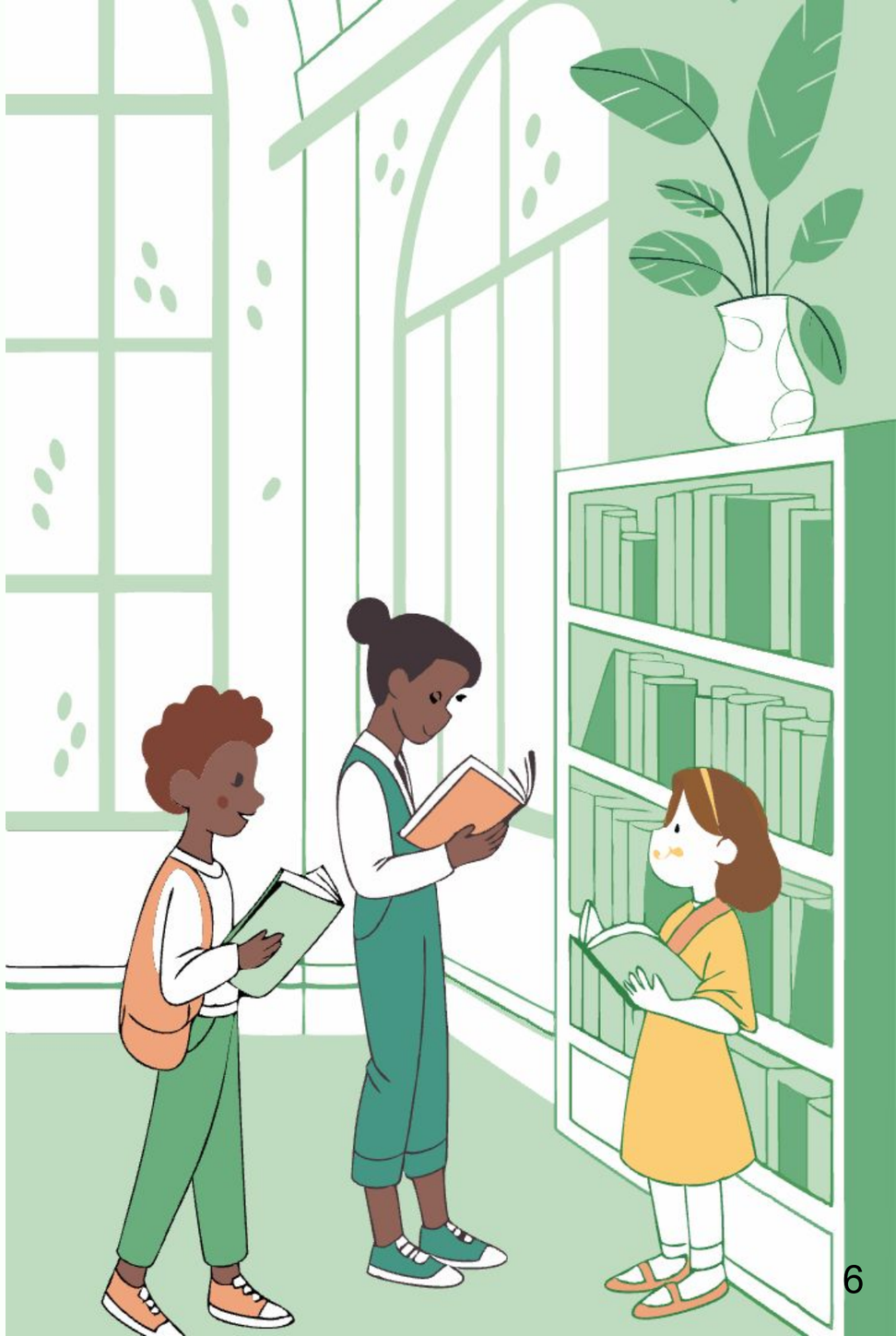
Must Offer Minimal Materials

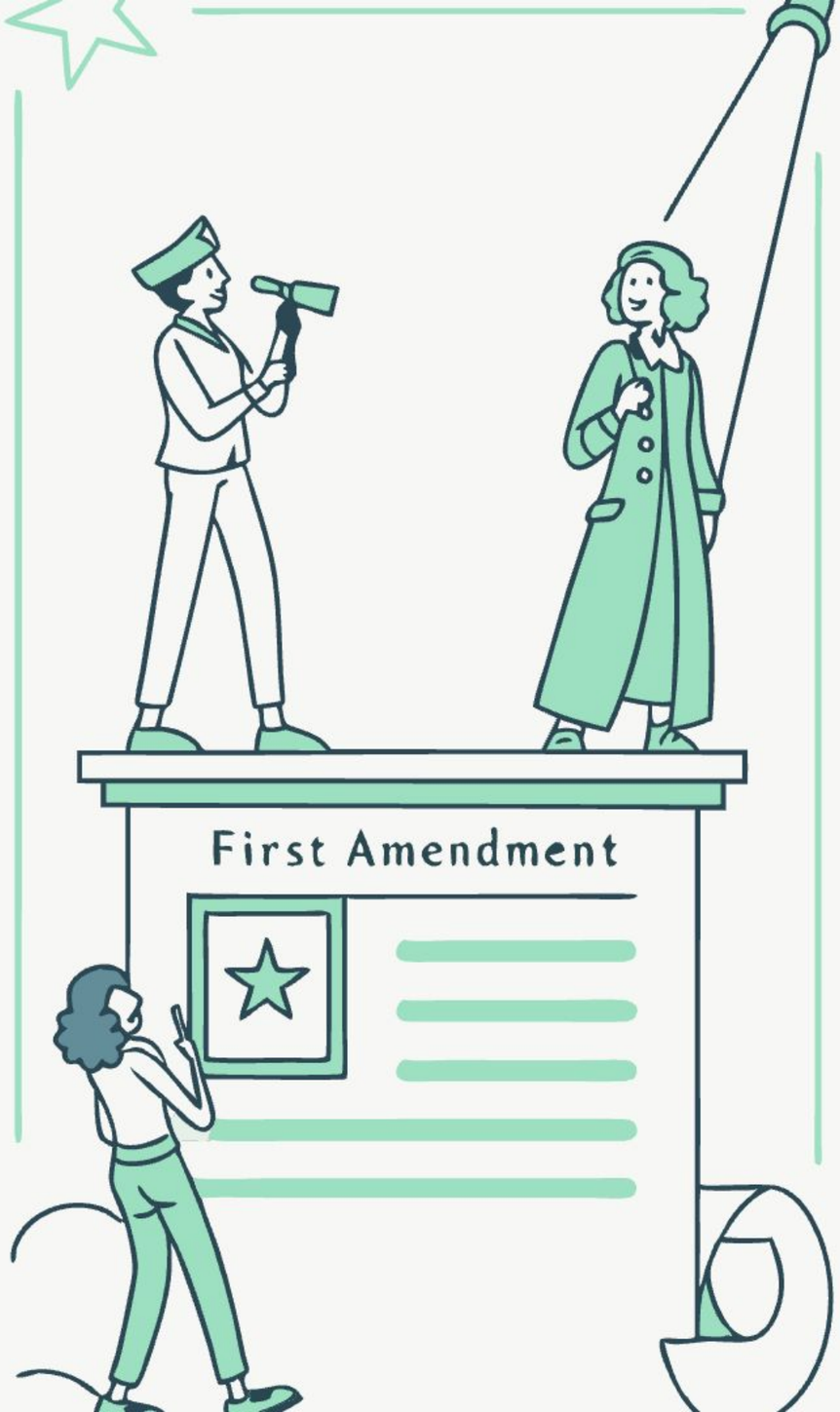
Per Education Code 60604-60618

3

Teacher Involvement Required

EC Section 60002





Constitutional Boundaries

No Political Ideology Motivation

Cannot bar discussions on race, gender, orientation

No Book Banning

Censorship violates 1st Amendment

Equal Protection

U.S. and CA Constitution protections apply

Free Speech

BUT Individual board members retain their first amendment

Look for Buzzwords

Political Wedge Tools

Critical Race Theory (CRT) as wedge issues

Coded Language

"Race-blind" rhetoric

Social Emotional Learning

SEL Programs and mental health support are often targeted

Ban Discussions

"Protecting our Children" rhetoric

Key Curriculum Education Code Sections

Safe Place to Learn Act

Protects student rights

EC 60040 & 60045

Accurate, diverse representation required

EC 51204.5

Social science must include all groups

AB 1078 / EC 243

Protects inclusive materials

EC 51930-39

CA Healthy Youth Act

EC 60119

Sufficient materials required

LGBT Student and Staff Rights

Privacy and support

LGBTQ+ students have the right to privacy around their identity, access to affirming mental health and school supports, and the ability to seek help or file complaints without fear of retaliation.

Affirmed & included

Students have the right to be respected for who they are, including being called by their chosen name and pronouns, participating fully in school activities, and seeing LGBTQ+ people and histories represented in curriculum.

Safety and nondiscrimination

LGBTQ+ students have the right to attend school free from bullying, harassment, and discrimination based on sexual orientation, gender identity, or gender expression, and schools are legally required to intervene and respond when harm occurs.

School Restrictions

Cannot Restrict Library Access

Materials must remain available

Must Protect Protected Classes

No limits on materials about protected groups

Must Act Against Discrimination

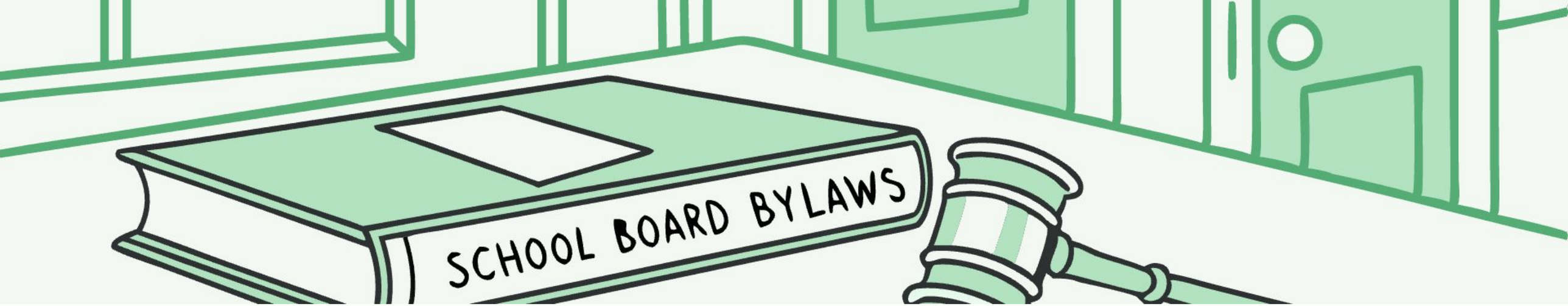
Failure may result in funding loss

Mahmoud vs. Taylor, or *'Opt - Out Ruling'*

government may not require children to participate in public school instruction that violates the families' religious beliefs - more guidance to come from CDE / State

Questions and Reflections

Monitoring and Action



Board Procedural Rules

Quorum Requirement

Minimum members for valid meeting

Remote Voting

Only if policy permits

Emergency Actions

Lower standards during emergencies

Board Bylaws

Found in 9000s of policy manual

Closed Session Rights

1 **Agenda Required**

Subject to same posting rules

2 **Public Comment Period**

Must be allowed before closed session

3 **Hiring Criticism Permitted**

Public may comment on district practices

Closed Session Basics

Permitted Topics

Personnel matters

Labor negotiations

Pending litigation

Public Requirements

Must be on agenda

Public comment allowed

Reporting Out

Must disclose actions taken

Documents available on request

Education Code 234

1

Protects Approved Textbooks

Cannot disallow previously approved materials

2

Safe Place to Learn Act (2023)

New board majorities limited in curriculum restrictions

3

Textbook Compliance

No replacing compliant with non-compliant texts

Taking Action

Document Everything

Meeting notes

Agendas and votes

Immediate Actions

Review upcoming agenda

Public comment at meetings

Formal Actions

Uniform Complaint filing

When Legal Help Is Needed

Voluminous Materials

Complex record requests

Privacy Conflicts

HIPPA, FERPA issues

Closed Session Access

Restricted meeting materials

Meeting Agenda Requirements

1

Regular Meetings

Agenda posted 72 hours prior

Special Meetings

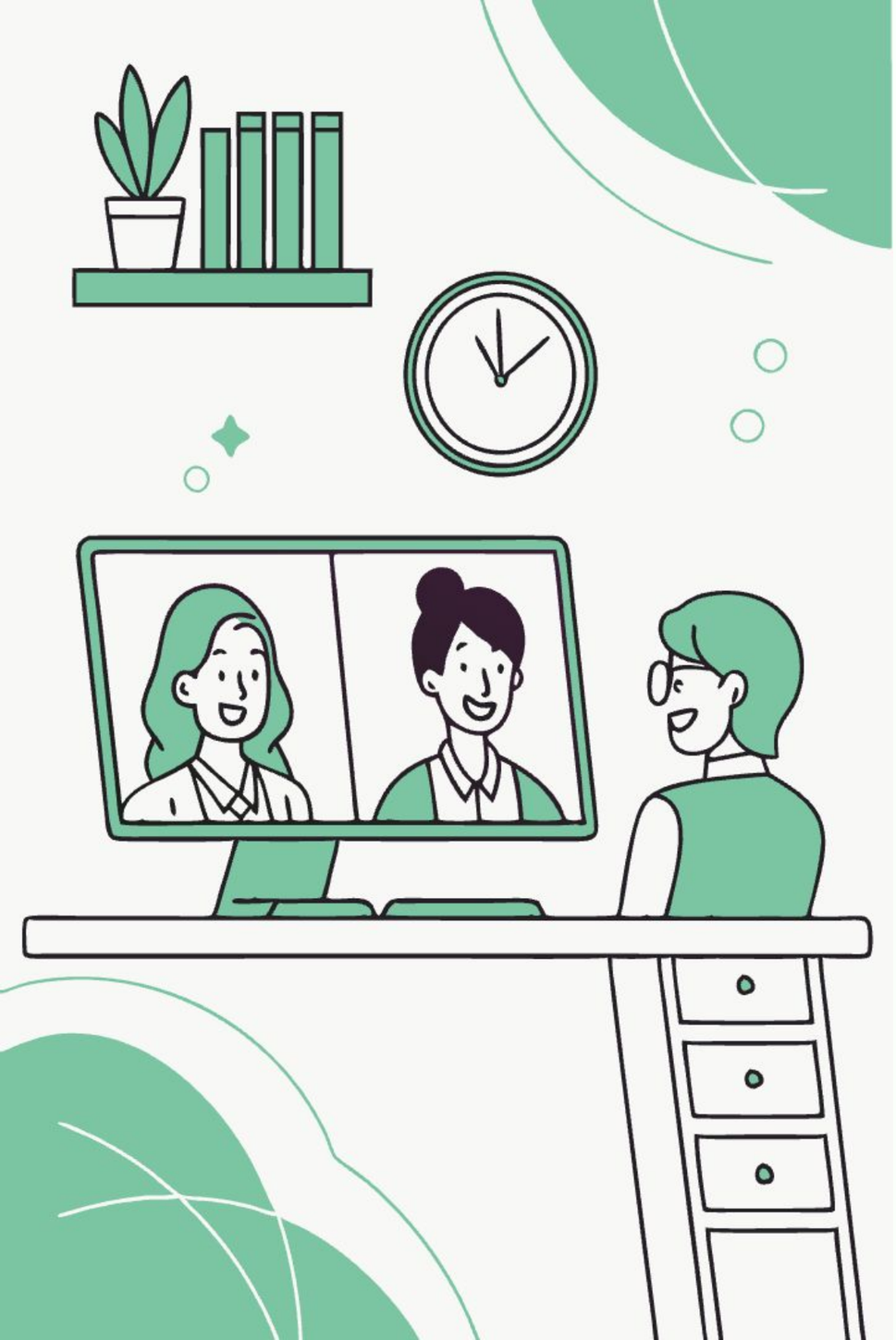
Agenda posted 24 hours prior

Website Posting

Must be publicly accessible

Description Requirement

Brief description of all items



Remote Meeting Allowances

COVID Era Changes

Remote meetings initially allowed during pandemic

Statute Amendments

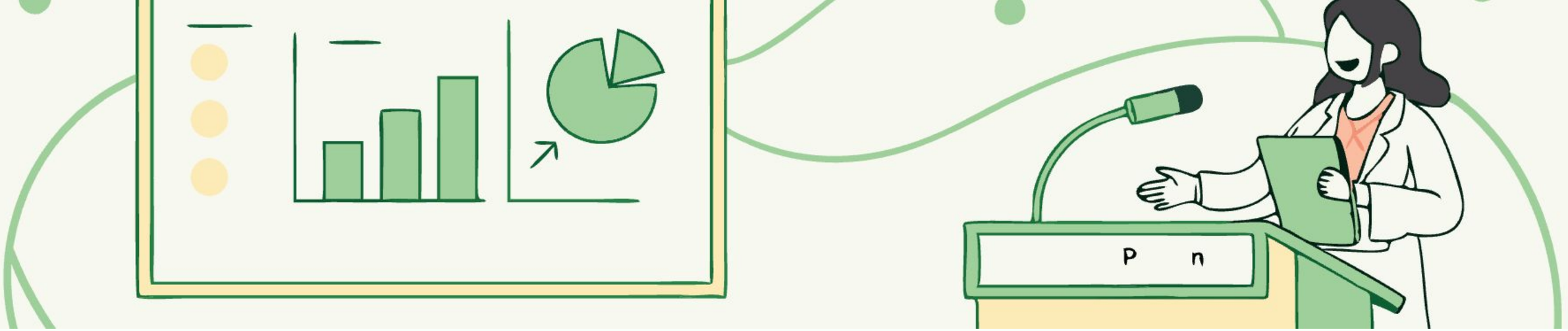
Remote meeting options continued

Hybrid Policies

Boards may allow mixed attendance formats

Still Accessible

Member must still post and be available to public



Meeting Exceptions

Individual Contact

Unless becomes serial meeting

Seminars or Conferences

Professional development events

Community Meetings

If open, no board business

Social/Ceremonial Events

No board business discussed

Finding Agendas

Check Multiple Sources

Online, board, meeting room door

Request If Not Found

Email or mail request

Make Standing Request

Regular delivery of all agendas

Research Local Policy

How community members can add items

BB 9322 - Meetings and Agenda

Meeting Process Standards

Meeting Elements

Invocations allowed, Prayer is not

Action vs. Discussion items

Public Access

72 hours for regular meetings

24 hours for special/emergency

Legal Basis

Gov. Code § 54954.2

Voting and Action Red Flags

Off-Agenda Items

Introducing controversial topics not listed

Dramatic Item Changes

Altering agenda items beyond recognition

Hidden Topics

Sneaking items under different topics

Public Intervention

Call out improper procedures immediately

Effective Board Monitoring

Attend Meetings

In-person or online participation

Document

Take detailed notes

Record Proceedings

You have legal right to record

Bring Witness

Have someone corroborate observations

Public Comment Guidelines

100%

Required Access

Public must be granted speaking time

3

Average Minutes

Standard speaker time limit

0

Name Requirements

Cannot require name to speak

Public Comment Best Practices

Focus on Issues

Avoid personal attacks

Prevent Arguments

One-sided exchanges more effective

Document Intimidation

Note attempts to silence speakers

Uniform Complaint Procedures

File Anonymously

Identity protection available

3-Day District Response

Must report to County office

Even One Student

Applies to individual cases

ALL Students

Must receive complaint materials

Complaint Resources

Comprehensive Guide

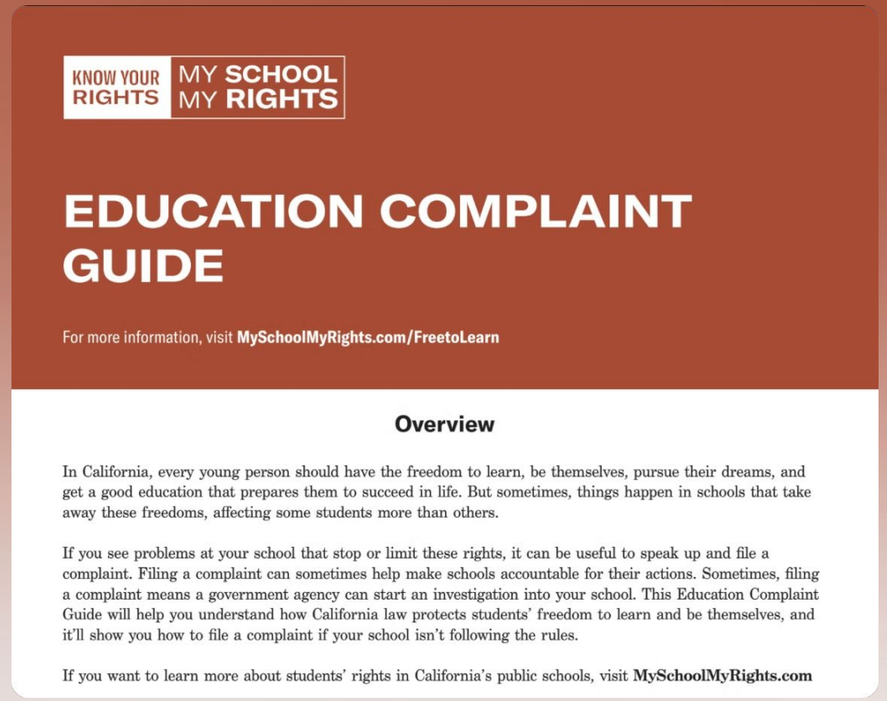
ACLU & Defenders Hub resource

Example Complaints

Templates for effective filing

Step-by-Step Process

Clear instructions for success



KNOW YOUR RIGHTS | MY SCHOOL MY RIGHTS

EDUCATION COMPLAINT GUIDE

For more information, visit **MySchoolMyRights.com/FreetoLearn**

Overview

In California, every young person should have the freedom to learn, be themselves, pursue their dreams, and get a good education that prepares them to succeed in life. But sometimes, things happen in schools that take away these freedoms, affecting some students more than others.

If you see problems at your school that stop or limit these rights, it can be useful to speak up and file a complaint. Filing a complaint can sometimes help make schools accountable for their actions. Sometimes, filing a complaint means a government agency can start an investigation into your school. This Education Complaint Guide will help you understand how California law protects students' freedom to learn and be themselves, and it'll show you how to file a complaint if your school isn't following the rules.

If you want to learn more about students' rights in California's public schools, visit **MySchoolMyRights.com**

1

WRITE WHAT HAPPENED

In your own words, describe what happened in detail. Include the name of the school or school district; the names of the people involved or witnessed the event; & dates. Do this soon after the event or incident.

2

GATHER EVIDENCE

Write down the names of any witnesses or people who were involved. Save copies of emails, board agendas, policies, social media posts, videos, photos, or other documents that are relevant to the incident.

3

IDENTIFY THE VIOLATION

To help you identify legal violations, use the "Cheat Sheet to California Education Laws."
To identify policy violations, research your school district's Board Policies & Administrative Regulations on the district's website.

4

IDENTIFY THE AGENCY

There are different government agencies that may receive a complaint for your issue. See our “Education Complaint Guide” to identify the best agency for your issue.

5

SUBMIT YOUR COMPLAINT

Be sure to write the date on the complaint and keep a copy of the complaint for your records. Keep an eye out for any deadlines.

6

APPEAL, IF POSSIBLE

You may be able to file an appeal if your complaint is not resolved to your satisfaction.

Issue	Accurate and Inclusive Curriculum
Examples of Potential Violations Related to this Issue	• Failure to teach inclusive history, meaning history that includes Black, Indigenous, people of color, LGBTQ+ people, and people with disabilities • Failure to teach inclusive sex education • Failure of a school board to adopt or removal of curricula materials (like schoolbooks) or library books because they include Black, Indigenous, or people of color and/or LGBTQ+ people)

Issue	Discrimination or Harassment on the Basis of a Protected Class
Examples of Potential Violations Related to this Issue	Protected classes are groups of people who share a particular characteristic that is protected from discrimination. These characteristics include, but are not limited to, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, and/or immigration status. Examples: • A trans student being denied access to the restroom matching their gender identity • Black students being disproportionately disciplined • School districts adopting discriminatory policies that single out students based on their identity

<-Some of these are currently being challenged in different courts, but are standing law in California

LEGAL GUIDANCE DIRECTORY

When you encounter potential school district non-compliance or infringement of rights under California law, the Defenders Hub **Education Complaint Guide** shows how and, to whom, you may file a complaint to hold the district accountable. The **Legal Guidance Directory** below includes organizations that may be able to provide preliminary guidance and references. Note: no direct legal services are not provided by these partner resources.

TOPIC	ORGANIZATION	CONTACT INFO
Book Bans/Censorship	PEN America (Freedom to Read team)	https://pen.org/book-bans/report-a-book-ban/
LGBTQ+ Rights/Non-compliance	Equality CA	Sara Malan smalan@perkinscoie.com info@eqca.org
Religious Intrusion in Public Schools	Freedom from Religion Foundation	Intake form

Effective Monitoring Toolkit

Learn Local Policies

District agenda publication rules

Active Monitoring

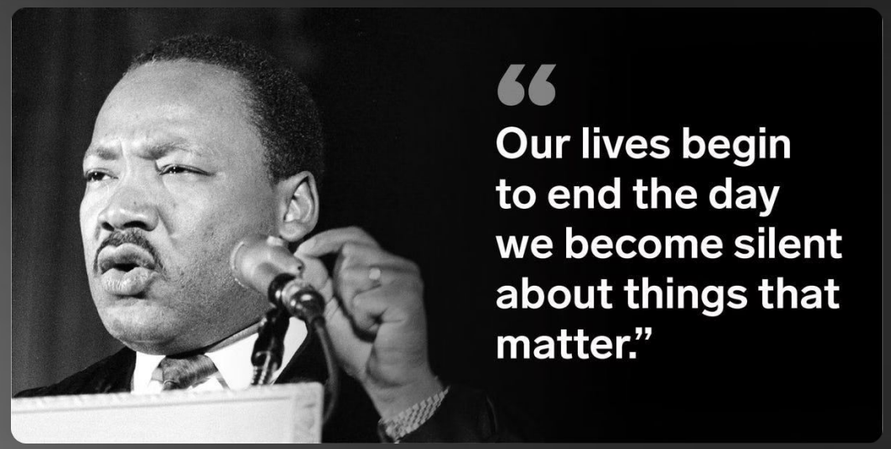
Review agendas, attend meetings

Public Participation

Speak up, request materials

Use Available Tools

Complaint forms, media contacts



Questions & Support Network

Email Updates

Periodic resources and information

Resource Library

Ask questions, share information

Events

Virtual and in-person gatherings

Contact

programs@cpihub.com