

Bylaw 9010: Public Statements

Status: ADOPTED

Original Adopted Date: 09/01/1990 | **Last Revised Date:** 09/01/2024 | **Last Reviewed Date:** 09/01/2024

The Governing Board recognizes the responsibility of Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the district, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding district issues, Board members are expected to respect the authority of the Board to choose its representatives, to communicate its positions, and to abide by established protocols.

Board Spokesperson

CSBA NOTE: Many districts designate the Governing Board president and/or Superintendent to communicate with the public on behalf of the district. The following paragraph should be revised to reflect Board practice.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or, with respect to a specific issue or topic, other representative as designated by the Board or Board president.

When speaking for the Board, a spokesperson shall exercise restraint and tact and communicate in a manner that promotes public confidence in the Board's leadership.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board or by law. (Government Code 54963)

Statements by Individual Board Members

CSBA NOTE: The following paragraph is responsive to the recent U.S. Supreme Court holding in *Lindke v. Freed*, which held that a Board member who limits or prevents critics from speaking, such as by blocking them on social media, violates the First Amendment only if the member (1) has been granted the power to speak on behalf of the Board or the district, and (2) claims to be actually exercising that power. For more information, see BB 9012 - Board Member Electronic Communications.

When speaking to community groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify when a viewpoint is held by an individual Board member rather than the Board as a whole. For example, a Board member may include a disclaimer on the Board member's personal social media account that the Board member is expressing personal viewpoints and not those of the Board or the district.

Board members who opt to express their opinions on district matters, whether in-person or online, are expected to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for district students and the community.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35010

Gov. Code 54960

Gov. Code 54963

Gov. Code 7920.000-7930.170

Description

[Control of district; prescription and enforcement of rules](#)

[Actions to stop or prevent violation of meeting provisions](#)

[Unauthorized disclosure of confidential information](#)

[California Public Records Act](#)

Management Resources References

Court Decision

Website

Website

Description

[Lindke v. Freed \(2024\) 601 U.S. 187](#)

[CSBA District and County Office of Education Legal Services](#)

[CSBA](#)

Cross References**Description**

0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1000	Concepts And Roles
1100	Communication With The Public
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1160	Political Processes
1340	Access To District Records
1340	Access To District Records
2110	Superintendent Responsibilities And Duties
4143	Negotiations/Consultation
4143.1	Public Notice - Personnel Negotiations
4143.1	Public Notice - Personnel Negotiations
4243	Negotiations/Consultation
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
9000	Role Of The Board
9005	Governance Standards
9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9121	President
9140	Board Representatives
9200	Limits Of Board Member Authority
9230	Orientation