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Enactment Date	2-23-2022 CJH



**OAKLAND UNIFIED  
SCHOOL DISTRICT**  
Community Schools, Thriving Students

# Board Cover Memorandum

**To** Board of Education

**From** Gary Yee

**Meeting Date** February 23, 2022

**Subject** Resolution No. 2122-0014E - Making Certain Findings Necessary to Permit Virtual Meetings In Specified Circumstances for March 2022

**Ask of the Board** Approval by the Board of Education of Resolution No. 2122-0014E - Making Certain Findings Necessary to Permit Virtual Meetings In Specified Circumstances for March 2022

**Background** Assembly Bill No. 361 (“AB 361”) amended the Education Code to “improve and enhance public access to . . . local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options.” It permits local governing board to hold virtual meetings without needing to publish the physical locations of Board members or make those locations open to the public if there is a proclaimed state of emergency and either:

- (i) state or local officials have imposed or recommended measures to promote social distancing, or
- (ii) the local governing board finds that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees or members.

AB 361 applies not just to OUSD School Board meetings but to all meetings of OUSD legislative bodies.

**Discussion** The proposed Resolution would make the findings necessary to permit virtual meetings during the month of March 2022 for all legislative bodies in OUSD. If the proposed Resolution for March 2022 is not approved, then meetings of all legislative bodies would need to be conducted in person starting March 1, 2022.

The Board previously adopted similar resolutions for October 2021 (Resolution No. 2122-0014), November 2021 (Resolution No. 2122-0014A), December 2021 (Resolution No. 2122-0014B), January 2022 (Resolution No. 2122-0014C), and February 2022 (Resolution No. 2122-0014D) to permit virtual meetings in many or all circumstances.

**Fiscal Impact** N/A

**Attachment** ● Resolution No. 2122-0014E - Making Certain Findings Necessary to Permit Virtual Meetings In Specified Circumstances for March 2022

**RESOLUTION OF THE  
BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 2122-0014E**

**Making Certain Findings Necessary to Permit Virtual Meetings In Specified Circumstances for  
March 2022**

**WHEREAS**, Assembly Bill No. 361 (“AB 361”) is intended to “improve and enhance public access to . . . local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options”;

**WHEREAS**, AB 361 permits local legislative bodies subject to the Brown Act to hold virtual meetings without needing to publish the physical locations of Board of Education (“Board”) members or make those locations open to the public if there is a proclaimed state of emergency (pursuant to Section 8625 of the California Emergency Services Act) and either: (i) state or local officials have imposed or recommended measures to promote social distancing, or (ii) there is a finding that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees or members;

**WHEREAS**, prior to the COVID-19 pandemic, the Board of Education (“Board”) held regular and most special meetings in a large, well-ventilated room (“Great Room”) at the La Escuelita/KDOL/MetWest campus, with the entrance located at or near 286 East 10th Street in Oakland;

**WHEREAS**, prior to the COVID-19 pandemic and again on August 11, 2021, Board meetings were disrupted by means that would present imminent risks to the health or safety of attendees or members if Board meetings were to be similarly disrupted now;

**WHEREAS**, prior to the COVID-19 pandemic, the Board (when the Great Room was unavailable), Board committees, OUSD commissions, and most other OUSD legislative bodies subject to the Brown Act normally met in a small, poorly-ventilated room (“Committee Room”) on the second floor of the La Escuelita/KDOL/MetWest campus, with the entrance located at or near 286 East 10th Street in Oakland, or in similar locations that are not currently safe in light of COVID-19;

**WHEREAS**, there is not an alternate, consistent location other than the Committee Room that offers a sufficiently safe option for in-person meetings in light of COVID-19; and

**WHEREAS**, the COVID positivity rate and related COVID data for OUSD and Alameda County continues to improve, avoidance of mass gatherings is still recommended by health officials,

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby makes the following findings:

- The Governor has proclaimed a state of emergency pursuant to Section 8625 of the California Emergency Services Act (see attached), and
- Based on the current trend for the COVID positivity rate and related COVID data for OUSD and Alameda County while improved, meeting in person in the Great Room through March would still present imminent risks to the health or safety of attendees and members in light of, among other concerns, the limited ability to restrict symptomatic attendees and to be aware of the vaccination status of adults in attendance,
- Based on the current trend for the COVID positivity rate and related COVID data for OUSD and Alameda County while improved, meeting in person in the Great Room in March would still present imminent risks to the health or safety of attendees and members if there were a violation of any state, local, or District health and safety protocols or other unsafe behavior in light of COVID-19 by one or more attendees at an in-person meeting in the Great Room,
- In-person meetings of the Board (when the Great Room is unavailable), Board committees, OUSD commissions, and other OUSD legislative bodies subject to the Brown Act normally held in the Committee Room or other similar locations would present imminent risks to the health or safety of attendees and members given the small, poorly ventilated nature of the Committee Room;

**BE IT FURTHER RESOLVED**, the intent of these findings is to permit all legislative bodies of the District to meet virtually through March, 2022;

**BE IT FURTHER RESOLVED**, nothing in this Resolution shall prohibit an OUSD commission or another OUSD legislative body subject to the Brown Act from meeting in person if (i) a majority of the membership of the body approves a request to do so, (ii) the request specifies the dates of the desired in-person meeting(s) and the desired location(s), and (iii) the chief legal officer of the District finds and approves the request (and imposes certain conditions as deemed necessary to ensure the health and safety of attendees and members); and

**BE IT FURTHER RESOLVED**, this Resolution is effective for the month of March 2022.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this 23rd day of February, 2022, by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

**AYES:** Shanthi Gonzales, Clifford Thompson, Vice President Benjamin "Sam" Davis, President Gary Yee

NOES: VanCedric Williams, Mike Hutchinson

ABSTAINED: Aimee Eng

RECUSED: None

ABSENT: Student Director Samantha Pal, Student Director Natalie Gallegos Chavez

**CERTIFICATION**

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on February  
23, 2021.

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By:	

**OAKLAND UNIFIED SCHOOL DISTRICT**



2-24-2022

Gary Yee  
President, Board of Education



2-24-2022

\_ Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education