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File ID Number	21-2351D
Introduction Date	1/26/2022
Enactment Number	22-0155
Enactment Date	1/26/2022 er



Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Joshua R. Daniels, Chief Governance Officer

Meeting Date January 26, 2022

Subject Resolution No. 2122-0014D - Making Certain Findings Necessary to Permit Virtual Meetings for February 2022

Ask of the Board Approval by the Board of Education of Resolution No. 2122-0014D - Making Certain Findings Necessary to Permit Virtual Meetings for February 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 February 2022 for all legislative bodies in OUSD. If the proposed Resolution for February 2022 is not approved, then meetings of all legislative bodies would need to be conducted in person starting February 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), and January 2022 (Resolution No. 2122-0014C) to permit virtual meetings in certain circumstances. The Board then amended Resolution No. 2122-0014C to permit virtual meetings in all circumstances for January 2022.

Fiscal Impact N/A

Attachment ● Resolution No. 2122-0014D - Making Certain Findings Necessary to Permit Virtual Meetings for February 2022

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

Resolution No. 2122-0014D

Making Certain Findings Necessary to Permit Virtual Meetings for February 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”; and

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.

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
- Meeting in person during the current Omicron surge would 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;

BE IT FURTHER RESOLVED, the intent of these findings is to permit all legislative bodies of the District to meet virtually for the month of February 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 impose certain conditions as deemed necessary by the chief legal officer to ensure the health and safety of attendees and members; and

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

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 26th day of January, 2021, 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: Aimee Eng, VanCedric Williams, Mike Hutchinson

ABSTAINED: None

RECUSED: None

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

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 26th day of January 2021.

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By:	

OAKLAND UNIFIED SCHOOL DISTRICT



Gary Yee
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education