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Board Cover Memorandum

To Board of Education

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

Meeting Date December 14, 2022

Subject Proposed Amendment to Board Bylaw 9322 (Agenda/Meeting Materials)

Ask of the Board Adoption by the Board of Education of proposed amendments to Board Bylaw 9322 (Agenda/Meeting Materials)

Background Board Bylaw 9322 (Agenda/Meeting Materials) contains, among other things, the order of business for regular Board meetings. On November 30, 2022, the Board adopted Resolution No. 2223-0035 - Affirming Voice and Role of PSAC as Representatives of OUSD Parents and Guardians, by which the Board sought “to have a monthly segment for the PSAC lead delegate or designee to provide an oral and/or written report to the Board and to the public regarding any information that they wish to share regarding past, present, or future activities as parent/guardian representatives of PSAC and of all parents and guardians in the District.” The Resolution directed that the “Report . . . be minimally equivalent to the total amount of time afforded to the student representatives of All City Council each month but there shall be no additional public comment period” and that it “shall occur between the ‘Student Board Members’ Report’ and ‘All Public Comments on Non-Agenda Items’.” The Resolution also directed “the Superintendent or designee . . . to prepare an amendment to Board Bylaw 9322 - Agenda/Meeting Materials consistent with this Resolution and to place such amendment on consent for Board consideration at the soonest available Board meeting.”

Discussion The Proposed Amendments to Board Bylaw 9322 (Agenda/Meeting Materials) are consistent with the Board’s direction under the Resolution.

Fiscal Impact N/A

Attachment

- Amendments to Board Bylaw 9322 (Redline)
- Amendments to Board Bylaw 9322 (Clean)
- Resolution No. 2223-0035 - Affirming Voice and Role of PSAC as Representatives of OUSD Parents and Guardians

**OAKLAND UNIFIED SCHOOL DISTRICT
Board Bylaw**

BB 9322

Agenda/Meeting Materials

Agenda - Posting and Notice Requirements

The agenda of a regular Board meeting and of a regular committee or commission (hereafter "committee") meeting shall be noticed and posted at minimum seventy-two (72) hours in advance of a meeting. Agendas of a special Board and of a special committee meeting shall be noticed and posted 24 hours in advance of the meeting. Agendas of an emergency meeting of the Board or a committee shall be noticed and posted pursuant to law.

The agenda for a Board meeting and of a committee shall contain a brief general description of each item of business to be discussed or transacted at the meeting. The brief description shall convey to the public the essence of the item to be discussed or transacted. The closed session portion of the agenda for a Board meeting shall be described pursuant to law.

The agenda of a Board meeting or of a committee meeting shall specify the time and location of the meeting and shall be posted in a location that is freely accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda, except as permitted by law.

The agenda of a Board meeting or of a committee meeting shall specify that an individual should contact the Board Office (510) 879-8199 or boe@ousd.org, if they require disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in a Board Meeting. (Government Code 54954.2)

The agenda of a Board meeting or of a committee meeting conducted exclusively online as permitted by law shall include easily understandable directions for how to access and observe the meeting as well as make public comment.

Agendas for special meetings of the Board or a committee shall conform to the requirements of law.

Agendas for emergency meetings of the Board or a committee shall conform to the requirements of law.

Suspension of the Agenda Posting Requirement – Regular Meetings

Additions to the posted agenda of the regular meetings of the Board or of a committee, commonly called "Suspension of the Agenda Posting Requirement" shall only be done pursuant to Government Code Section 54954.2, under any of the following conditions:

- (a) Upon a determination by a majority of the Board or committee that an emergency situation exists pursuant to requirement.
- (b) Upon a determination by a two-thirds vote of the Board or committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted pursuant to legal requirements.
- (c) The item was posted pursuant to legal requirements for a prior meeting of the Board or committee occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

If the agenda is "suspended" under this requirement, the new subject matter or motion to be considered, following the move and second but before the vote is taken, shall provide the public an opportunity to speak on the subject matter or motion without the necessity of complying with posting requirements.

Suspension of the Agenda Posting Requirement – Special Meeting

Suspension of the agenda item-posting requirement may not be made at a special meeting of the Board or of a committee.

Suspension of the Agenda Posting Requirement - Emergency

Suspension of the agenda posting requirement may not be made at an emergency meeting of the Board or of a committee.

Agenda – Order of Business for Regular Board Meetings

The Board shall conduct business at every regular meeting. The order of business at the regular Board meetings shall be:

- A. Call to Order
- B. Roll Call
- C. President's Statement Disclosing Item(s) To Be Discussed In Closed Session (The items are listed pursuant to law.)
- C1. Public Comment on Closed Session Items (This section provides an opportunity for members of the Public to address the Board on any Closed Session Item on the Agenda prior to the Board's recess to Closed Session for possible consideration of such Item.)

- D. Recess to Closed Session
- E. Reconvene to Public Session
- F. Second Roll Call
- G. President's Statement of Reportable Action Taken In Closed Session and the Vote or Abstention of Members Present, If Any.
- H. Modifications To Agenda (This section allows for any change in the printed Order of Business including, but not limited to, an announcement that an item or legislative file will be considered out of Agenda printed order, that consideration of an Item has been withdrawn, postponed, rescheduled, or taken off of a General Consent Report for separate discussion and/or possible action.)
- I. Special Orders of the Day (This section is primarily for ceremonial items. There shall be one public comment opportunity prior to all Special Order items, which shall not exceed 10 minutes.)
- J. Student Board Members Report (This section is for an oral or written report to the Board and to the public by the Student Board Members regarding any information that they wish to share regarding past, present, or future personal or official activities as a representative of the All-City Council and students of the District. There shall be public comment on this section, which shall not exceed 10 minutes.)
- ~~J~~.K. Parent and Student Advisory Committee Report (This section is for an oral or written report to the Board and to the public by the lead delegate or designee of the Parent and Student Advisory Committee regarding any information that they wish to share regarding past, present, or future activities as parent/guardian representatives of the Parent and Student Advisory Committee and of all parents and guardians in the District. There need not be separate public comment on this section. This report need only occur at the first regular Board meeting of each month.)
- ~~K~~.L. Superintendent's Report (This section is for an oral or written report to the Board and to the public by the Superintendent or designee regarding any information that they wish to share regarding past, present, or future personal or official activities. There shall be public comment on this section, which shall not exceed 10 minutes.)
- ~~L~~.M. Comment by Bargaining Units (This section of the Agenda is an opportunity for the leadership of the District's recognized Collective Bargaining Units to address the Board on issues or matters of concern. Each bargaining unit shall have up to 5 minutes for its comment time.

~~M.N.~~ Public Hearing(s) (This section is for public hearings. There shall be public comment for each public hearing, with no public comment period exceeding 10 minutes.)

~~N.O.~~ Public Comment on All Non-Agenda Items within the Subject Matter Jurisdiction of the Board (This section shall not exceed 30 minutes.)

~~O.P.~~ Public Comment on All Agenda Items in Sections P through X (This section shall not exceed 30 minutes.)

~~P.Q.~~ Unfinished Business

~~Q.R.~~ New Business

~~R.S.~~ Adoption of the Pupil Discipline Consent Report (This section is required by state law. For each individual pupil case from Closed Session, the Board determines whether to expel, grant a suspended expulsion, revoke a suspended expulsion order, reinstate, readmit, admit a pupil, or take other appropriate disciplinary action. Other than was is printed in the public agenda, all information regarding an individual pupil case cannot be disclosed pursuant to federal and state law.)

~~S.T.~~ Adoption of the General Consent Report (See description of General Consent Report section below.)

~~T.U.~~ Adoption of General Consent Report - General Obligation Bonds Measures B, J and Y (See description of General Consent Report section below.)

~~U.V.~~ President's Report (This section is for an oral or written report to the Board and to the public by the President regarding any information that they wish to share regarding past, present, or future personal or official activities.)

~~V.W.~~ Regular Board Members' Report (This section is for an oral or written report, consistent with Brown Act requirements, to Board and to the public by each Board member (excluding the Student Board members) regarding any information that they wish to share regarding past, present, or future personal or official activities, celebrations, and recognitions.)

~~W.X.~~ Introduction of New Matter(s) (See description of Introduction of New Matter(s) section below.)

~~X.Y.~~ Adjournment

The agenda for meetings of other legislative bodies of the District may be constructed in a similar fashion.

Suspension of the Order of Business

The order of business may be suspended by the President or a committee chair or with the consent of the quorum of the respective body.

General Consent Report(s)

All items appearing on the agenda under "Adoption of the General Consent Report(s)" means that all items appearing on the agenda under this topic are approved in one motion per consent report unless a Board member requests that an item be removed and voted on separately or otherwise acted upon. Items so removed from a General Consent Report shall be considered separately in the agenda immediately after that General Consent Report (unless otherwise moved with other items by a Board member) and there shall be no additional or separate public comment on those items. Generally, these items are routine in nature, and are acted upon in one motion to conserve time and permit focus on other-than-routine items on the agenda. An item on a General Consent Report which a member has requested be removed, shall be removed, without debate for separate consideration and vote or other disposition. All items remaining on the General Consent Report(s), thereafter, shall be adopted in a single motion per consent report.

Introduction of New Matter(s)

Every Regular Meeting agenda shall provide for the Introduction of New Matter(s). Board members, except a Student Director, desiring to have a motion, resolution, order, or other subject matter scheduled for action by the Board shall announce the subject nature of the intended matter during this item, provide written language of the specific legislative proposal and supporting documentation for such item and file it with the Superintendent. Or alternatively, the member may file his or her request in the same manner as a member of the public. The President, without objection of the majority, shall assign the subject matter to the appropriate standing or special committee, if appropriate, for consideration of its programmatic, financial and/or other impact or consideration; otherwise, the President, without objection of the majority, shall determine when the subject matter shall be taken up by the Board.

Public Requested Items on the Agenda

Members of the public may request, in writing, that specific matters directly related to School District business be placed on the agenda of a regular meeting of the Board. The President shall determine when to place the requested item on a Board agenda and whether to do so as a presentation, discussion, or action item.

If the request to place a matter on the Board's agenda pertains to a topic more appropriately discussed in Closed Session, the President or the Board may so advise the person requesting inclusion of such matter on the public meeting agenda. The Board retains discretion to determine those subjects, which it will consider in Closed Session pursuant to the requirements

of law.

Agenda/Meeting Materials

The President and the Superintendent of Schools shall confer regarding the scheduling of agenda items. Agenda items shall be accepted at the direction of the President or a majority of the Board. The President, in consultation with the Superintendent, shall determine the estimated time allocation for each item or section in an Agenda, which shall be included in the published Agenda. These time allocations are to be or be construed as limitations on the actual time that may be spent on each item or section.

All resolutions of the Board shall be numbered, the subject matter stated in the title and specific references made in the minutes.

Final public meeting materials given to members of the Governing Board at the time a meeting agenda is posted shall simultaneously be given to members of the public via the Board's Official web site. Members of the public who lack web access may be provided agenda background materials at cost.

If a final document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. The Superintendent or designee may also post the document on the District's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

Any documents prepared by the District or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Secretary/Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Secretary/Superintendent or designee, not to exceed the cost of providing

the service.

Interpreting

All regular meetings of the Board shall include interpreting services in Spanish and Cantonese whenever possible. If no member of the public seeks interpreting services for the first three hours of the open portion of the meeting or through Item O, Public Comment on All Agenda Items in Sections P Through X, whichever is later, then no interpreting services shall be available for the remainder of the meeting unless otherwise ordered by the President or a majority of the Board.

It is the intent of the Board that public comments made in languages other than English be interpreted into English, whenever possible, so that all Board members and members of the public who do not understand the language spoken can understand the perspectives being shared.

For a regular meeting of the Board, any member of the public may request interpreting services for a language other than Spanish or Cantonese. The request must be made at least three (3) working days prior to the day of the meeting and shall only be accommodated if interpreting services in the requested language are available for that meeting.

For any meeting of another legislative body, any member of the public may request interpreting services. The request must be made at least three (3) working days prior to the day of the meeting and shall only be accommodated if interpreting services in the requested language are available for that meeting.

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda GOVERNMENT CODE 53635.7 Separate item of business 54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions 54954.3 Opportunity for public to address legislative body 54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

10/27/04; 8/29/07A; 4/10/13A; 01/04/16A; 1/27/16A; 8/9/17A, 12/12/18A; 5/8/19A;

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G. Yee

Gary Yee, President, BOE

K. Johnson-Trammell

Kyla Johnson-Trammell, Superintendent & Secretary, BOE