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

# Board Cover Memorandum

**To** Board of Education

**From** Gary Yee, Board President  
Sam Davis, Board Vice President

**Meeting Date** August 24, 2022

**Subject** Proposed Amendment to Board Bylaw 9323 (Meeting Conduct)

**Ask of the Board** Adoption by the Board of Education of proposed amendments to Board Bylaw 9323 (Meeting Conduct)

**Background** Board Bylaw 9323 (Meeting Conduct) contains, among other things, Board meeting norms, rules of engagement and meeting procedures.

At a special meeting of the Board of Education (“Board”) on April 18, 2022, the Dr. Carmella Franco led the Board in a discussion of effective Board meetings, with a particular focus on the length of recent Board meetings. Among other things, the Board discussed the Board meeting norms and related topics. During that discussion, Dr. Franco focused on how to balance the need to hear from the public, staff and the Board in conducting the business of the District and how the Board can to conduct the business of the District and end at a reasonable time, transparently, thoroughly and timely. At the end of the meeting, Dr. Franco solicit interest among Board members to work with herself and President Yee on revising BB 9323.

The Board again discussed changes to BB 9323 at its retreat on August 5, 2022.

**Discussion** Some of the key changes in the proposed amendments to BB 9323 are:

- Replace the “Meeting Norms for the Board of Education” with new “Board of Education Protocols”
- Reducing the typical time allocated for Board members to speak from five minutes to three minutes
- Set the expected end time for regular Board meetings at 11:00pm (rather than 10:00pm) and permit one 45-minute extension

As with any amendment to Board Policies or Bylaws, the proposed amendments to BB 9323 also include cleanup, clarifying, and other minor edits.

**Fiscal Impact**    N/A

- Attachment**
- Amendments to Board Bylaw 9323 (Redline)
  - Amendments to Board Bylaw 9323 (Clean)

**OAKLAND UNIFIED SCHOOL DISTRICT**  
**Board Bylaw**  
**Board Bylaws**

**BB 9323**  
**Meeting Conduct**

**Meeting Norms for the Board of Education**

- ~~Honor the Time — No Sidebars, Technology Aligned to Meeting Purpose, Start and End on Time~~
- ~~Act as a Collective Body — Honor Confidentiality~~
- ~~Check for Understanding, Surface Assumptions~~
- ~~Share Divergent Views — Value as a Learning Opportunity~~
- ~~Celebrate Successes and Each Other's Contributions~~
- ~~Presume positive intent~~
- ~~No personal attacks~~

**Board of Education Protocols**

The purpose of these protocols is to provide a basic set of professional standards by which the Board and the Superintendent are to function as a team. There is no intention to abridge the rights and obligations of Board Members to oversee the operation of the organization, nor to interfere with the Superintendent with her role as the Superintendent of OUSD.

General

1. Every action by a Board Member should be directed toward improving the educational program for students.
2. Every Board Member will exhibit behavior that is honorable, honest, and dedicated to the success of the students and staff of the district.
3. Each Board Member is to be treated with dignity and respect.
4. Board Member Commitment will include:
  - Participate fully in the discussion of issues
  - Listen respectfully to all views and opinions
  - Respect each individual's opinion
  - Accept the majority action of the Board

Board Members

5. An individual Board Member will not use the media as a personal forum, unless it is clearly indicated that the opinion is personal and not representative of the Board majority position.
6. Each Board Member will make every effort to attend all Board meetings in person; and to start and end on time.
7. Board Members will ensure opportunities for each to comment.

## Superintendent

8. Staff is the responsibility of the Superintendent who will bring recommendations to the Board for action.
9. Questions regarding Board agenda items are to be communicated to the Superintendent prior to the Board meeting and the Superintendent will respond in a timely manner.
10. The Superintendent is to communicate all significant administrative actions to the Board.
11. Legal and personnel matters will be confidential.

## **Board of Education Meeting Rules of Engagement**

- Up to three (3)~~Five (5)~~ minute speaking limit for Board Members
- No mingling with the audience
- Address comments to other Board Members
- Focus on agenda items
- Don't repeat what's been said
- Always be respectful
- No interruptions
- Enforce norms
- Model desired behavior

## **Meeting Procedures**

All ~~Governing~~ Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

*(cf. 9322 - Agenda/Meeting Materials)*

The ~~Board p~~President shall conduct Board meetings in accordance with law, Board ~~b~~Bylaws, and its parliamentary authority which shall enable the Board to efficiently consider issues and carry out the will of the majority.

*(cf. 9121 - President)*

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned not later than 10:00 p.m. unless the Board agrees to extend the meeting, which may only be done once by 45 minutes~~extended to a specific time or adjourned to a later date as determined by a majority of the Board.~~

*(cf. 9320 - Meetings and Notices)*

## **Quorums**

Four members shall constitute a quorum for the transaction of business at all meetings of the Board. A majority of the members of a committee shall constitute a quorum for the transaction of business at a meeting of a committee. If a quorum is not present within fifteen minutes after the hour set for any public meeting, except when the Board ~~or committee~~ is in Closed Session, the ~~p~~President or ~~e~~Chair may adjourn the public meeting to the next half-hour. Should a quorum fail to be present at the expiration of the latter half-hour, the ~~p~~President or ~~e~~Chair may adjourn the meeting to a specified time and date. If no member of the Board or committee is present, after 45 minutes, the Superintendent or designee may adjourn the meeting.

### **Limits on Debate in a Board Meeting or in Board Committee**

No member of the Board shall speak for more than three (3)~~five (5)~~ minutes on any subject matter pending before the Board or in committee without the consent of the ~~p~~President or of the ~~e~~Chair ~~of a committee~~ or of a majority of the Board or committee membership. If additional time is granted any member, additional equal time shall be granted to any other member desiring it. A member may not yield any unexpired portion of time to another member or reserve any portion of the time for a later time. If a member yields to another member for a question, the time consumed by the question shall be charged to the member who has yielded.

No member shall speak twice or more on the same subject matter, at a Board meeting or in a committee meeting, except when all members desiring to speak have spoken at least once. The second or more round of speaking on the subject matter shall be limited to a maximum of five~~three (3)~~ minutes per member unless such time is extended by the ~~p~~President or the ~~e~~Chair ~~of the committee~~ or the majority of the Board or committee membership.

### **Public Participation**

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or, at regular meetings, a matter within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board either before or during the Board's consideration of each item of business at regular or special meetings. (Education Code 35145.5, Government Code 54954.3) Public comment shall be taken consistent with Board Bylaw 9322 (Agenda/Meeting Materials)~~on non-voting special orders and reports will generally be taken in one 20-minute block following all presentations of special orders and reports. Public comment will be taken on each item of new or unfinished business prior to the Board's vote on any such item.~~

2. At regular meetings of the Board, the ~~b~~Board shall reserve ~~time up to 20 minutes~~ on each agenda for the president of each of the District's bargaining units, or his or her designee, to address the Board on behalf of the unit regarding any item of business on the agenda or not on the agenda. ~~Each bargaining unit shall be provided up to 5 minutes, at the discretion of the Board present.~~

3. ~~At a time so designated on the agenda~~Consistent with Board Bylaw 9322 (Agenda/Meeting Materials), members of the public may bring before the Board ~~at a regular meeting~~, matters that are not listed on the agenda. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action at that time except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board. (Education Code 35145.5, Government Code 54954.2)

4. Without taking action, Board members or ~~e~~District staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

5. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard it, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

*(cf. 9130 - Board Committees)*

6. A person wishing to be heard by the Board shall first be recognized by the ~~p~~President and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed up to three minutes to address the Board. With Board consent, the ~~p~~President may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The ~~p~~President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

7. The ~~Board~~ ~~p~~President may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the ~~p~~President may indicate the time and place when it should be presented.

The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. (Government Code 54954.3) In addition, the Board may not prohibit public criticism of ~~d~~District employees.

8. The ~~Board~~ ~~p~~President shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the ~~e~~Chair to terminate the privilege of addressing the Board. The Board may remove disruptive individuals and order the room cleared if necessary; in this case, members of the media not participating in the disturbance shall be allowed to remain, and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

### **Recording by the Public**

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

If the Board finds that noise, illumination or obstruction of view related to these activities would persistently disrupt the proceedings; these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

#### *Legal Reference:*

##### *EDUCATION CODE*

*5095 Powers of remaining board members and new appointees*

*32210 Willful disturbance of public school or meeting a misdemeanor*

*35010 Prescription and enforcement of rules*

*35145.5 Agenda; public participation; regulations*

*35163 Official actions, minutes and journal*

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| 10/27/04; 4/10/2013A (eff 7/01/2013); 11/19/14A; 8/9/17A; 12/12/18A; [8/24/22A](#)



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