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OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

BOARD OF EDUCATION 2014

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Date: November 12, 2014

To: Board of Education

From: David Kakishiba

Re: **Amendments (Modifications) to Board Bylaws 9100, 9131, 9322, 9323**

Legislative Action Requested

Approval by the Board of Education of amended Board Bylaws 9100, 9131, 9322, and 9323.

Background

Bylaw 9100 is amended to include the establishment of an annual Board Work Plan at every annual organizational meeting.

Bylaw 9131 is amended to: 1) Designate the Board President as the individual who recommends appointments to all Advisory and Oversight committees to the Board of Education for final ratification; 2) Establishes the role of Board Liaison to Advisory and Oversight committees; 3) Establishes the formation of the College & Career Readiness Commission to oversee Measure N – College & Career Readiness For All Act of 2014; and 4) Removes the requirement that the Audit Committee is seated with two Board of Education Directors.

Bylaw 9322 is amended to place “Special Recognitions & Presentations” on the regular meeting agenda between the “Pledge of Allegiance” and “Speaker Cards/Modifications to the Agenda”.

Bylaw 9323 is amended to read that public speakers are allowed to speak up to 3 minutes on each agenda and non-agenda item.

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9100 Board Bylaws

Organization

Annual Organizational Meeting

The Governing Board shall hold in public an annual organizational meeting within the time limits prescribed by law. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and vice president from its members, except student members;
2. By this rule designate its appointed officers as follows: the Superintendent of Schools or designee who shall serve as Secretary of the Board, and designate a Parliamentarian; the General Counsel of the District shall be the Counsel of the Board;
3. Authorize signatures;
4. ~~Establish~~Develop a schedule of regular meetings for the year;
5. ~~Establish~~Develop a-a Board Work Plan~~Board_calendar~~ for the year;
6. Designate Board representatives to other governmental agencies, community organizations and other entities; and
- ~~7. Adopt goals and objective for the year; and~~
78. Increase annual compensation, at its option, within the limits of Education Code Section 35120

(cf. 9140 - Board Representatives)
(cf. 9320 - Meetings and Notices)

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Election of Officers

The Board shall elect one of its member's president and vice president, respectively. An elected officer's term shall be for one year from the date of the annual organizational meeting of the Board and until his/her successor has been elected. In the event of a vacancy in an elected officer position, the Board shall immediately elect a successor to fill the unexpired officer term. In the event of a vacancy in an appointed office, the Board may appoint a successor or an acting officer until it appoints a permanent officer.

The annual meeting shall be held at 11 a.m. the first Monday following January 1.

In any year in which a new or a re-elected board member is sworn into office, the annual meeting shall be held concurrently with that of the City Council during the City of Oakland's Inaugural Ceremony at the place and site of such ceremony. In other years, the annual meeting shall be held in the Board Room of the District.

Legal Reference:

EDUCATION CODE

5017 Term of office

35143 Annual organizational meeting date and notice

35145 Public meetings

GOVERNMENT CODE

54953 Meetings to be open and public; attendance

ATTORNEY GENERAL OPINIONS

68 OPS. CAL. ATTY. GEN. 65 (1985)

59 OPS. CAL. ATTY. GEN. 619, 621-622 (1976)

Charter of the City of Oakland

10/27/04; Revised 4/10/2013; eff 7/01/2013

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9131

Advisory and Oversight Committees, Commission

Section 1 General Guidelines

Purposes

1.4.1 The Board shall establish advisory or oversight committees or commissions for the purpose of meeting legal requirements and to provide advice and involvement concerning matters of interest and welfare to the Board of Education District. Advisory Committees shall focus their work on the goals and objectives of the District aligning work and recommendations to the Balanced Score Card. Oversight committees or commissions have specific mandates outlined in authorizing legislation or voter-approved bonds and parcel taxes. These committees or commissions are advisory to the Board of Education; the Board of Education retains final authority.

1.4.2 All meetings of Advisory and Oversight Committees or Commissions are open to the public and shall have designated times for public comment.

Appointment, Term of Membership, and Attendance

1.2.1 Persons interested in serving on advisory committees, oversight committee or commission shall submit an application and any documents that outline their qualifications for and commitment to serve on the advisory committee body, such as a resume.

1.2.2 Information regarding openings for each advisory committee, oversight committee or commission, the mission, and anticipated number of meetings for each advisory committee body, and applications for committees each body shall be available from the Office of the Board of Education and the OUSD website.

1.2.3 Information regarding the mandate, membership, and meeting schedule for each advisory committee body shall be available from the Office of the Board of Education and the OUSD website.

1.2.4 Unless otherwise specified, the attendance requirement for each committee body shall provide that if a member misses two consecutive committee meetings without a valid excuse, as determined by the committee body, the member shall be considered to have resigned.

1.2.5 Unless otherwise specified, the term of a committee member, shall be for a two-year period. Fifty percent of the members are to be appointed each year. In instances where all committee members are appointed

simultaneously, the minority of members shall be appointed to one-year terms, and the majority of members shall be appointed to two-year terms.

1.2.6 Terms of ~~committee~~ members shall be limited to a total of six years or three full terms. ~~Committee members~~ are eligible for re-appointment after one year off the committee, commission.

1.2.7 ~~Advisory~~ Committees, Commissions unless otherwise specified, shall expire on June 30th of the academic year in which ~~the committee was~~ formed unless extended by the Board. ~~Advisory~~ Committees, Commissions shall be ~~on hiatus~~ in recess during the month of July.

1.2.8 A decision regarding any replacement to fill vacancies shall be made by the Board, according to the application process outlined above, unless otherwise specified.

Size and Composition

1.3.1 Committees, Commissions unless otherwise specified, shall be limited to seven members. Individuals interested in serving on an advisory committee, commission shall submit an application and any supporting documents such as a resume. All applications ~~shall~~ will be reviewed by the ~~Board President Superintendent~~ or the ~~Board President's Superintendent's~~ designee. ~~The Board President's recommendations~~ Recommendations for ~~the appointment of~~ regarding members ~~to~~ of each committee shall be forwarded to the Board of Education for ~~ratification~~ review and approval.

1.3.2 The composition of ~~advisory~~ committees, commissions shall be representative of the following, unless otherwise specified in the creation resolution:

- ♣ the ethnic, age group, and socio-economic composition of the District;
- ♣ the City's seven electoral districts;
- ♣ the business community;
- ♣ community organizations;
- ♣ teachers, administrators, and other school employees;
- ♣ parents;
- ♣ students; and
- ♣ labor organizations.

Operating Procedures

1.4.3 The specific function of the committee, commission shall be determined by the Board resolution establishing the committee.

1.4.4 Each committee, commission shall elect a chairperson, vice-chairperson, and secretary.

1.4.5 Written minutes shall be kept of all meetings held and shall record attendance and recommendations made. Copies of un-adopted minutes shall be forwarded to the Board and to the Superintendent within ten days after each meeting. Adopted minutes shall be made available to the public by posting on the OUSD website.

1.4.6 Copies of all recommendations shall be forwarded by separate letter to the Board and to the Superintendent within ten days after the meeting at which the recommendations were adopted by the committee.

1.4.7 The quorum for each meeting shall be fifty percent + one of the membership.

1.4.8 There shall be no proxy votes.

1.4.9 All ~~advisory~~ committees, commissions shall comply with the provisions of the Brown Act (Government Code 54950-54961).

1.4.10 Committee, commission members shall not be compensated for their services.

Board Liaisons

The Board President shall appoint a Board Director (each year at the Board's Annual Organization Meeting) to serve as a Board Liaison to each Advisory and Oversight committee, ~~commission~~. The Board Liaison shall attend and observe all committee, ~~commission~~ meetings, and provide consultative support to the committee, ~~commission~~ chairperson.

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Support Services

The Superintendent shall ~~designate~~establish a ~~Chief Officer (senior management) to serve as the coordinator/liaison~~ to each ~~advisory~~ committee, commission and said liaison shall be responsible for providing support services as needed. A staff person designated by the Superintendent shall ~~support~~monitor all ~~advisory~~ committees, commissions on behalf of the Superintendent. The Superintendent shall publicize the availability of vacancies on advisory, ~~and~~ oversight committees, commissions. The Superintendent shall inform the public of the appointment of members of advisory, ~~and~~ oversight committees, commission made by the Board.

District Impact

To the extent possible, the liaison to each ~~advisory~~ committee, commission shall provide a District Impact Statement on behalf of the Superintendent providing an analysis of the financial and programmatic impact of recommendations made by ~~advisory~~ committees, commissions.

Evaluation

If recommendations are enacted, the effectiveness of the recommendations shall be evaluated to determine if they are meeting the identified goals.

Section 2 Mandated Advisory or Oversight Committees, Commissions

Advisory or oversight committees, commissions that are mandated by law, court decision, or regulation shall conform and operate in compliance with the legal requirements for the committeebody. Prior to the time at which the mandate of such an advisory or oversight committee, commission ends, the Board shall determine if or in what form the committee, commission, consistent with law, shall continue to function.

Mandated committees, commissions include the Citizens' Bond Oversight Committee and the Measure G Parcel Tax Oversight Committee, and the Measure N – College and Career Readiness Commission.

Measures A, B, and J Citizens Bond Oversight Committee

Date created: February 27, 2013; Resolution No. 1213-0103

Purpose: To provide advice and recommendation to the District regarding the expenditure of funds for bond related projects, to actively review and report on the proper expenditure of taxpayers' money for school construction and to take any necessary action in furtherance of its purpose including, but not limited to, receiving and reviewing copies of annual independent financial audits and deferred maintenance proposals, inspecting school facilities and grounds, receiving and reviewing cost-saving measures designed to reduce the costs of professional fees and site preparation. The Committee shall have the option to tour sites where Bond funds are being expended, with support from the Superintendent.

Number of members: Nine (9)

Special selection process: Pursuant to Proposition 39 (2000), the Committee shall have at least nine members and shall include the following persons:

- One (1) member who is a parent or guardian of a child enrolled in the District.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen's organization.
- One (1) member active in a bona-fide taxpayers association.

- One (1) member who is both a parent and guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent- Teacher Association or a school site council.

- At least three (3) members of the community-at-large appointed by the Board.

A single individual may be appointed as a representative of more than one of the above categories, if applicable. The [Board of Education District](#) shall seek to ensure that the committee is representative of the diversity of the District.

Qualification Standards:

(a) To be a qualified person, he or she must be at least 18 years of age.

(b) The Bond Oversight Committee may not include any employee, official of the District, or any vendor, contractor, or consultant of the District.

(c) A majority of the members of the Committee shall possess expertise in one or more of the following areas:

- Large scale construction operations
- Municipal / Public finance matter
- Multiple years experience with agency/entity budgeting
- Construction related project management
- Real Estate acquisition or sales

Ethics: Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and Bylaw of the Board 9270.

Measure G Parcel Tax Oversight Committee

Date created: August 27, 2008 Resolution No. 0809-0043

Purpose: To inform the public concerning the expenditure of parcel tax revenues and to review and report on the proper expenditure of taxpayers' money generated by the 2009 Measure G parcel tax. The committee shall:

- ♣ Receive and review a report from the Superintendent no later than December 31st of each year that details: (1) the amount of Education Parcel Tax revenues received and expended in the prior year, including District reports and independent annual audit reports pertaining hereto; and (2) the status of any projects or descriptions of any program funded from proceeds of the tax.
- ♣ Produce an annual report on the preceding fiscal year expenditures for public distribution and distribution to the Board of Education not later than February 28th annually that communicates the Committee's finding as to whether tax proceeds are being spent for the purposes permitted by the Measure and recommendations, if any.

The Committee shall have the option to tour sites where Parcel Tax revenues are being expended.

Special Selection Process: The Committee shall consist of seven (7) members, and shall possess expertise in or represent the following:

- One member shall be the parent or guardian of a child enrolled in the District;
- One member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the School Site Council or Parent Teacher Association;
- One member shall be a community member who does not currently have a child enrolled in the District
- One member shall be a representative of the business community; and
- At least two members shall have demonstrated financial expertise.

At least four members of the committee shall be property owners in the City of Oakland. A single individual may be appointed as a representative of more than one of the above categories, if applicable. The [Board of Education District](#) shall seek to ensure the Committee is representative of the diversity of the District.

Measure N – College & Career Readiness Commission

Date Created: [December 10, 2014](#); [Effective February 1, 2015](#)

Purpose: [The Measure N College & Career Readiness Commission shall advise and report to the Board of Education ~~proper use of parcel tax revenue generated by Measure N—The 2014 College & Career Readiness for All Act. The College & Career Readiness Commission~~ and shall be responsible for:](#)

Planning

- [a\) Reviewing each high school's School Quality Review findings, Balanced Scorecard results, and education improvement plans;](#)
- [b\) Submitting school funding recommendations to the Board of Education for action.](#)

Oversight

- [a\) Oversight of proper allocation and use of all parcel tax monies;](#)
- [b\) Reviewing annual independent audit reports;](#)
- [c\) Submitting recommendations to the Board of Education any new or modified policies and administrative regulations to ensure the Oakland Unified School District's compliance with the requirements and intent of Measure N.](#)

~~Special Selection Process~~Membership/Qualifications: The College & Career Readiness Commission shall be comprised of five (5) persons who demonstrate extensive knowledge and expertise in high school and postsecondary curriculum, instruction, and leadership; education research, evaluation, and analytics; and financial management and audits. ~~collectively demonstrate extensive knowledge and expertise in: a) high school and postsecondary curriculum, instruction, and leadership; b) education research, evaluation, and analytics; and c) financial management and audits.~~

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Section 3 Ongoing Advisory Committees

The Board shall designate clearly the purpose, scope of activities, and membership of other advisory committees.

Ongoing other advisory committees include the Audit Committee. The Audit Committee is maintained at the recommendation of the Financial Crisis Management and Assistance Team as a best practice for highly functioning school districts.

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Audit Committee

Date created: December 13, 2006; Board Policy 3461

Purpose: The responsibilities of the Audit Committee shall include but not be limited to the following:

1. Recommend to the Board for approval the independent auditors.
2. Review the independent audit engagement including the fee, scope and timing of the audit, and any other services to be rendered, including non-audit services.
3. Review with the independent auditor's district policies and procedures regarding internal auditing and internal accounting and financial controls.
4. Upon completion of their audit, review with the independent auditors the cooperation they received from district personnel during the audit, the extent to which district resources could be used to minimize the time spent on the audit, and any significant matters of concern arising from the audit.
5. Review with the independent auditors any significant transactions which are not a normal part of the district's business, any changes in accounting principles and practices, all significant proposed audit adjustments, and any recommendations that they may have for improving internal controls, choice of accounting principles or management systems.
6. Review with the district's financial and accounting staff district policies regarding internal accounting and financial controls.

7. Review and recommend district policies to the Board to prohibit unethical, questionable, or illegal activities by district employees.
8. Review with the internal auditor the organization and independence of the internal audit function; the goals and plans of internal audit including the nature and extent of work; problems and experiences in completing internal audits; and findings, conclusions, and recommendations as a result of internal audits.
9. Upon completion of the independent audit, review with the district's financial and accounting managers their perception of the independent auditors, any significant matters of concern arising from the audit, and the extent to which recommendations made by the independent auditors have been implemented.
10. Prepare semi-annual written reports to the Board relating the results of committee activities.

The Board of Education shall provide written guidance to the Audit Committee on an annual basis regarding those areas on which the Audit Committee should focus.

Number of members: Five (5): ~~three (3) members from the community, two (2) members who serve on the Board of Directors.~~ At least ~~three~~ two community members shall possess expertise in internal and/or external audits, and/or management of a public school system.

Selection procedure: Community members shall apply consistent with the procedures outlined above. ~~Board members shall be appointed by the President of the Board of Directors. One of the Board members shall be appointed by the President of the Board of Directors and confirmed by the Board to serve as the Chair of the Audit Committee.~~

Section 4 Task Forces of Limited Duration

4.1 The Board shall designate clearly the purpose, scope of activities, membership, and duration of task forces that are, by design, of limited duration.

Section 5 Committee Ethics Policy Statement

This Ethics Policy Statement provides general guidelines for all advisory and oversight Committee, Commission members in carrying out their responsibilities. Not all ethical issues that Committee, Commission members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee, Commission members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

CONFLICT OF INTEREST. A Committee, Commission member shall not make or influence a District decision related to: (1) any contract funded by bond or parcel tax proceeds or (2) any ~~construction program~~, project which will benefit the committee, commission member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

OUTSIDE EMPLOYMENT. A Committee, Commission member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond or parcel tax proceeds, or (2) any construction project. A Committee, Commission member shall not make or influence a District decision related to any construction project or contact with the District involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, Commission, a former Committee, Commission member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee, Commission member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, Commission, a former Committee, Commission member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to:

- (1) Bidding on projects funded by the bond or parcel tax proceeds; and
- (2) Any construction project.

COMMITMENT TO UPHOLD LAW. A Committee, Commission member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Oakland Unified School District;

COMMITMENT TO IMPROVEMENT OF DISTRICT. A ~~Committee~~ Commission member shall place the interests of the District above any personal or business interest of the member.

3/27/13; 11/19/14

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9322

Board Bylaws

Agenda/Meeting Materials

Agenda - Posting and Notice Requirements

All meetings of the Board and of its committees shall have an advance noticed and posted agenda, except as permitted under law. The agenda of a regular Board and of a 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 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, whether in open or closed session, 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 or member (if closed session) or to both the essence of the item to be discussed or transacted.

The agenda 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.

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

The Board shall conduct business at every regular meeting.

The order of business shall be:

A. Call to Order

B. Roll Call

C. President's Statement Disclosing Item(s) To Be Discussed In Closed Session Today

Closed Session Items (Listed pursuant to law):

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. Pledge of Allegiance

I. [Special Recognitions and Presentations](#)~~Speaker Request Cards/Modifications to the Agenda~~

J. [Speaker Cards/Modifications To Agenda](#)~~Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (30 minutes)~~

K. Public Comments On All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (30 minutes)~~Special Recognition and Presentations~~

L. President's Report

M. Superintendent's Report

N. Student Board Members Report

O. Public Hearing(s)

P. Unfinished Business

Q. New Business

R. Adoption of the General Consent Report

S. Adoption of the Pupil Discipline Consent Report

T. Regular Board Members Report

U. Introduction of New Matter

V. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (30 minutes)(Continued)

W. Adjournment

Committee agenda 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.

Adoption of the General Consent Report

"Adoption of the General Consent Report" means that all items appearing on the agenda under this topic are approved in one motion unless a board member requests that an item be removed and voted on separately or otherwise acted upon. Generally, these items are affirmative recommendations from standing committees, or otherwise 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 the General Consent Agenda 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 Agenda, thereafter, shall be adopted in a single motion.

Introduction of New Business

Every Regular Meeting Agenda shall provide for the Introduction of New Business. 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 at a regular meeting, 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 for consideration of its programmatic, financial and/or other impact or consideration.

Public Requested Items on the Agenda

Members of the public may have matters directly related to school District business placed on the agenda of any regular meeting of the Board, provided a written request including the language of the specific legislative proposal and supporting documentation for such item is filed with the Superintendent at a regular meeting during Introduction of New Business or filed in the Office of the Secretary/Superintendent no later than 4:30 p.m. of published due date for Agenda Item submissions for a designated Regular Meeting. Such request shall be classified and handled at the current or next regular meeting as an Introduction of New Matter. Following introduction, the matter shall be referred to the appropriate Board standing or special committee for handling in like manner as all other legislation.

Any item placed on the Board agenda by a member of the public will be for presentation and discussion only. The Board retains discretion whether or not to include such item for Board action on the agenda of any subsequent Board meeting. In making such determination, the Board may permit adequate time for study, analysis and response by its committees and/or the Superintendent. The Board may also remove any such item from the agenda when it appears that no member of the public present at the Board meeting wishes to discuss the matter.

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.

Public's Right to Speak on Agenda Item During Meeting

The Board or a committee shall honor the right of the public to speak on any meeting agenda item before or during the time the item is taken up or considered at a meeting and shall at a regular meeting honor the public's right to speak on non-agenda items, as an agenda item, during the meeting.

Agenda/Meeting Materials

The President of the Board and the Superintendent of Schools shall confer regarding the scheduling of Agenda items. Agenda items shall be accepted at the direction of the President of the Board or a majority of the Board.

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

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.

Effective 7/01/2013

If a 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.

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

11/19/14A

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9323

Board Bylaws

Meeting Conduct

Education Code 35010 mandates the Board to "prescribe and enforce" rules for its own governance. These rules must not be inconsistent with law or with regulations prescribed by the State Board of Education.

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared and delivered by the Secretary in advance to all Board members and to other persons upon request.

(cf. 9322 - Agenda/Meeting Materials)

The Board president shall conduct Board meetings in accordance with law, Board bylaws and its parliamentary authority which shall enable the Board to efficiently consider issues and carry out the will of the majority.

Meetings Outside of the District

The Board or a committee may hold meetings outside of the District only under those conditions permitted by law:

- a. When necessary to comply with state or federal law or court order or to attend judicial or administrative proceedings to which the District is a party.
- b. To inspect real or personal property which cannot conveniently be brought into the District provided the topic of the meeting is limited to items directly related to the property.
- c. To participate in meetings or discussions of multiagency significance, provided the meetings are held within one of the other agencies boundaries, with all participating agencies giving the notice required by law.
- d. To meet in the closest meeting facility if the does not have a meeting facility within the boundaries or if it's principal office is located outside the district.

- e. To meet with state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction.
- f. To meet in or near a facility owned by the district but located outside of the district, provided the meeting is limited to items directly related to that facility.
- g. To visit the office of the district attorney for a closed session or pending litigation, when doing so would reduce legal fees or costs.
- h. To attend conferences on nonadversarial collective bargaining techniques.
- i. To interview residents of another district regarding the Board's potential employment of that district's superintendent.
- j. To interview a potential employee from another district.

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 president or 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 president or 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 Committee

No member of the Board shall speak for more than five (5) minutes on any subject matter pending before the Board or in committee without the consent of the president or of the 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 yield.

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 minutes per member unless such time is extended by the president or the 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 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 to be discussed at regular or special meetings. (Education Code 35145.5, Government Code 54954.3)
2. At a time so designated on the agenda, 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)
3. Without taking action, Board members or 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)

4. 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)

5. A person wishing to be heard by the Board shall first be recognized by the 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 on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the 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

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.

6. The Board president may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the 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 district employees.

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the 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

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven member board

GOVERNMENT CODE

54953.5 Audio or video tape recording of proceedings

54953.6 Broadcasting of proceedings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room
COURT DECISIONS

Baca v. Moreno Valley Unified School District, (C.D. Cal. 1996) 936 F. Supp. 719

ATTORNEY GENERAL OPINIONS

59 Ops.Cal.Atty.Gen. 532 (1976)

61 Ops.Cal.Atty.Gen. 243, 253 (1978)

63 Ops.Cal.Atty.Gen. 215 (1980)

66 Ops.Cal.Atty.Gen. 336, 337 (1983)

76 Ops.Cal.Atty.Gen. 281 (1993)

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