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

# Memo

**To** Board of Education

**From** Marion McWilliams, General Counsel

**Board Meeting Date** August 9, 2017

**Subject** Amendment to Board Bylaw – Board Bylaws – BB 9322 Agenda-Meeting Materials

**Action Requested** Adoption by the Board of Education of Amendment to Board Bylaw – BB 9322 Agenda-Meeting Materials

**Background** Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board bylaw reflect the District’s standards.

The Bylaw has been renamed from BB 9322 Board Meeting Norms and Rules of Engagement-Agenda/Meeting Materials to BB 9322 Agenda/Meeting Materials.

**Discussion** In order to ensure that our policies are current, it is important for us to review and update our policies and bylaws. The proposed changes are based upon the California Association of Schools Board’s recommended model and the District’s practices. The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

**Recommendation** Approval of modification to the Oakland Unified School District Board Bylaw – BB 9322 Agenda-Meeting Materials

**Fiscal Impact** No direct funding implications

**Attachments** Amendment to Board Bylaw – BB 9322 Agenda-Meeting Materials

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Bylaw

### Board Bylaws

#### BB 9322

#### ~~Board Meeting Norms and Rules of Engagement/~~Agenda/Meeting Materials

#### ~~Meeting Norms for the Board of Education Include:~~

- ~~➤ 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 Meeting Rules of Engagement Include:~~

- ~~➤ 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~~

#### **Agenda - Posting and Notice Requirements**

The agenda of a regular Board ~~meeting, the Community Engagement~~ meeting 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, the Community Engagement~~ 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.

The Agenda shall specify that an individual should contact the Board Office (510) 879-8199 or boe@ousd.org, if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in a Board Meeting. (Government Code 54954.2)

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 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 Orders of the Day

J. Submittal of Speaker Cards/Modifications To Agenda

K. Adoption of the General Consent Report

L. Student Board Members Report

LM. President's Report

M. ~~Public Comment on All Agenda Items Sections K thru L~~

N. Superintendent's Report

O. ~~Public Comment On All Agenda Items Section N~~

~~P. Public Comment On All Non-~~Agenda Items Within the Subject Matter Jurisdiction of the District (30 minutes) – ***TO BE CALLED FOR A TIME CERTAIN AT 6:30 PM***

~~Q~~P. Public Hearing(s)

~~R~~Q. Unfinished Business

~~S~~R. New Business

~~T. Public Comment on All Agenda Items Sections R thru S~~

~~U. S~~~~Adoption of the General Consent Report~~

~~V~~. Public Comments On All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (cont'd if necessary)

~~W~~T. Adoption of the Pupil Discipline Consent Report

~~X~~U. Board Members Report

~~Y~~V. Introduction of New Matter

~~Z~~W. Adjournment

Committee agenda may be constructed in a similar fashion.

### ~~Agenda—Order of Business for Community Engagement Meetings~~

~~The order of business at the Community Engagement meetings shall be:~~

~~A. Call to Order~~

~~B. Roll Call~~

~~C. Pledge of Allegiance~~

~~D. Welcome the Community (5 minutes)~~

~~E. Format Review and Overview (Discuss guidelines for the meeting and meeting norms) (30 minutes)~~

~~F. Panel (Discussion) (45 minutes)~~

~~G. Breakout into Groups at Tables (Board of Education, Staff at each table) (30 minutes)~~

~~H. Group Report Out and Recommendations (30 minutes)~~

~~I. Next Steps and Key Staff point of Contact Discussion (15 minutes)~~

~~J. Public Comments (30 minutes)~~

~~K. Adjournment~~

### **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 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.

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.

### **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.

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*

[10/27/04](#); [8/29/07A](#); [4/10/13A](#); 01/04/~~16~~[16A](#); 1/27/16A; [8/9/17A](#)



# OAKLAND UNIFIED SCHOOL DISTRICT

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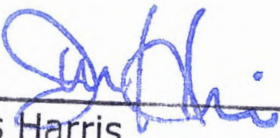
*CODE OF FEDERAL REGULATIONS, TITLE 28*

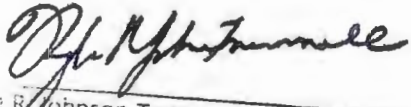
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By:

  
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James Harris  
President, Board of Education

  
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Rita Johnson-Trammell  
Secretary, Board of Education