

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:

<u>CURRENT</u>	<u>PROPOSED ORDER</u>
<u>A. Call to Order</u>	<u>A. Call to Order</u>
<u>B. Roll Call</u>	<u>B. Roll Call</u>
<u>C. President's Statement Disclosing Item(s) To Be Discussed In Closed Session</u> <u> Today</u>	<u>C. President's Statement Disclosing Item(s) To Be Discussed In Closed Session</u> <u> Today</u>
	<u>Closed Session Items (Listed pursuant to law):</u>
<u>D. Closed Session Items (Listed pursuant to law):</u>	<u>D. Recess to Closed Session</u>
<u>E. Recess to Closed Session</u>	<u>E. Reconvene to Public Session</u>
<u>F. Reconvene to Public Session</u>	<u>F. Second Roll Call</u>
<u>G. Second Roll Call</u>	<u>G. President's Statement of Reportable Action Taken In Closed Session and the Vote or</u>

	<u>Abstention of Members Present, If Any.</u>
<u>H. President's Statement of Reportable Action Taken In Closed Session and the Vote or Abstention of Members Present, If Any.</u>	<u>H. Pledge of Allegiance</u>
<u>I. Speaker Request Cards/Modifications to the Agenda</u>	<u>I. Speaker Request Cards¹/Modifications to the Agenda²</u>
<u>J. Adoption of the Pupil Discipline General Consent Report</u>	<u>J. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (30 minutes³)</u>
<u>K. Special Recognition and Presentations</u>	<u>K. Special Recognition and Presentations</u>
<u>L. Report of Student Board Members</u>	<u>L. President's Report⁴</u>
<u>M. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (30 minutes)</u>	<u>M. Superintendent's Report⁵</u>
<u>N. Public Hearing(s)</u>	<u>N. Student Board Members Report⁶</u>

¹ All agenda item paper SPEAKER REQUEST CARDS shall have been submitted to the Secretary by this point in the agenda, but not later than before Board or committee commencement of consideration of an agenda item, in order to be invited to speak during the course of the meeting. All electronic Registrations to Speak must have been received 30 minutes before commencement of the meeting. All Speaker Requests are limited to three minutes per person, or less, depending on the number of Speakers registered for an item. Minutes, or lesser time, are not transferrable from Speaker to Speaker.

²Modification(s) to the Agenda, by the Board, allows for any change in the printed order of business including, but not limited to, an announcement that an Agenda item or legislative file will be considered out of Agenda printed order, that consideration of an Agenda item has been withdrawn, postponed, rescheduled or "pulled" or taken off of the General Consent Report for separate discussion and/or possible action.

³ This section of the Agenda provides an opportunity for a member of the Public, pursuant to the time limit and non-transfer of minutes rules stated in Section I, to directly address the Board or a committee on any item of interest to a member of the Public that is not on the current Agenda, but is within the subject matter jurisdiction of the Board. This item is limited to a total of thirty (30) minutes. A Member of the public, who has filed a Speaker Request Card or Registration To Speak, not heard under this section may be heard under Agenda Item V. The Board may not discuss or take any action on a non-agenda item at the current meeting, except the Board or staff, as permitted by law, may briefly respond to a statement made or questions posed by a member of the public. In addition, on his or her own initiative or in response to questions posed by the public, a member of the Board or its staff may ask a question for clarification, make a brief announcement, or make a brief report of personal activities.

⁴ This is an oral report to the Board and to the Public by the President of the Board of any information that he/she wishes to share regarding past, present or future personal or official activities as the chief officer of the Board.

⁵This is an oral report to the Board and the Public by the Superintendent of Schools of any information that he/she wishes to share regarding past, present or future personal or official activities.

⁶ This is an oral report to the Board and to the Public by the Student Directors of any information that he/she wishes to share regarding past, present or future personal or official activities as the representatives of the All City Council and students of the District.

<u>O. Superintendent's Report</u>	<u>O. Public Hearing(s)</u>
<u>P. Adoption of the General Consent Report</u>	<u>P. Unfinished Business</u>
<u>Q. Unfinished Business</u>	<u>Q. New Business</u>
<u>R. New Business</u>	<u>R. Adoption of the General Consent Report⁷</u>
<u>S. Introduction of New Matter</u>	<u>S. Adoption of the Pupil Discipline Consent Report⁸</u>
<u>T. Report of Regular Board Members</u>	<u>T. Regular Board Members Report⁹</u>
<u>U. Adjournment</u>	<u>U. Introduction of New Matter¹⁰</u>
	<u>V. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (30 minutes)(Continued)¹¹</u>

⁷ Adoption of the General Consent Report (GCR)" means that all items appearing under this topic or Agenda Item are approved in one motion unless a Member of the Board requests that an item be removed and voted on separately or otherwise acted upon. Generally, GCR legislative items are recommendations from the Superintendent of Schools, or otherwise routine in nature, or are proposed actions that are sufficiently supported by prior or present accompanying reference materials and/or information not requiring additional discussion and are acted upon in one motion to conserve time and permit focus on other-than-routine legislative items on the Agenda.

⁸ Adoption of the Pupil Discipline Consent Report by the Board is the final Public Session decision, required by state law, on an individual pupil case from Closed Session, based on consideration of report and recommendations from the Pupil Discipline Hearing Panel, to either suspend, expel, grant a suspended expulsion, revoke a suspended expulsion order, reinstate, readmit, admit a pupil or not to do any of the preceding regarding a pupil. An individual pupil case specifics, other than as disclosed on printed agenda, is non-discloseable pursuant to federal law.

⁹ This is an oral report, consistent with Brown Act requirements, to the Public by an Elected Board member of any information that he/she wishes to share regarding past, present or future personal or official activities.

¹⁰ This section of the agenda permits the introduction of new business matter within subject matter jurisdiction of District that may be scheduled, pursuant to requirements of Board By-Law 9322, for a future meeting.

¹¹ This section of the Agenda provides an opportunity for a member of the Public not heard under Agenda Item J, for three minutes per person, or less, depending on the number of Speakers remaining, to directly address the Board, on any item of interest to a member of the Public that is not on the current Agenda, but is within the subject matter jurisdiction of the Board, subject to terms and conditions stated herein. Minutes are not transferable from Speaker to Speaker. A Speaker may be heard under this Item - U - only if s/he timely submitted a Registration to Speak by the time Agenda Item I is considered, the 30 minutes under Agenda Item J was exhausted before being called to speak and the 30 minutes of this section has not been exhausted. A Registration To Speak called during Agenda Item J but not responded to by the requester is not repeated and a new Registration To Speak is not accepted under this - U - Agenda item. Not more than 30 minutes shall be allocated for the purpose of this item. Likewise, as under Agenda

<u>W. Adjournment</u>

- A. Call to Order
- B. Roll Call
- C. ~~President's Statement Disclosing Item(s) To Be Discussed In Closed Session~~
~~—Today~~
- D. ~~Closed Session Items (Listed pursuant to law):~~
- E. ~~Recess to Closed Session~~
- F. ~~Reconvene to Public Session~~
- G. ~~Second Roll Call~~
- H. ~~President's Statement of Reportable Action Taken In Closed Session and the Vote~~
~~—or Abstention of Members Present, If Any.~~
- I. ~~Speaker Request Cards/Modifications to the Agenda~~¹²
- J. ~~Adoption of the Pupil Discipline General Consent Report~~
- K. ~~Special Recognition and Presentations~~
- L. ~~Report of Student Board Members~~
- M. ~~Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (30 minutes)~~
- N. ~~Public Hearing(s)~~
- O. ~~Superintendent's Report~~
- P. ~~Adoption of the General Consent Report~~
- Q. ~~Unfinished Business~~
- R. ~~New Business~~
- S. ~~Introduction of New Matter~~
- T. ~~Report of Regular Board Members~~
- U. ~~Adjournment~~

Item J, the Board may not discuss or take any action on a non-agenda item not appearing on the posted agenda for this meeting, except the Board or staff, as permitted by law, may briefly respond to a statement made or questions posed by a member of the public. In addition, on his or her own initiative or in response to questions posed by the public, a member of the Board or its staff may ask a question for clarification, make a brief announcement, or make a brief report of personal activities.

¹²~~All agenda item SPEAKER REQUEST CARDS shall have been submitted to the Secretary by this point in the agenda, but not later than before Board or committee commencement of consideration of an agenda item, in order to be invited to speak during the course of the meeting. Board members also will need to have pulled for discussion or made other requests on General Consent Report items by this point in the agenda in order to have the request considered during the course of the meeting.~~

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

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

10/27/04; 8/29/07; Revised 4/10/2013; 9/10/14A