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Memo

To Board of Education

From Mike Smith, Interim General Counsel

Board Meeting Date May 8, 2019

Subject Amendment to Board Bylaw – 9322 Agenda/Meeting Materials

Action Requested and Recommendation Approval by the Board of Education of updates to the Oakland Unified School District Board Bylaw – 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 policies reflect the District’s standards. Board Bylaw 9322 was amended in December 2019 to add, among other things, a section to the Board agenda for leaders of collective bargaining units of the District to comment to the Board.

Discussion 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**. In the amendments made in December 2019, the agenda inadvertently omitted adding the public comment on the collective bargaining item to other public comment sections. This amendment corrects that clerical omission and provides for public comment on collective bargaining matters to take place with other non-voting, non-business items on the Agenda.

Fiscal Impact No direct funding implications

Attachments Amendment to Board Bylaw – 9322 Agenda/Meeting Materials

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

Board Bylaws

BB 9322

Agenda/Meeting Materials

Agenda - Posting and Notice Requirements

The agenda of a regular Board 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 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. Review Oath of Office and Meeting Norms for the Board of Education

(cf. 9323 Meeting Conduct)

- I. Special Orders of the Day. If a Special Order of the Day is an item on which the Board will vote, the President shall allow for public comment on that item prior to the Board's vote.
- J. Submittal of Speaker Cards/Modifications To Agenda
- K. Student Board Members Report
- L. President's Report
- M. Superintendent's Report
- N. Comment by Bargaining Units
- O. Public Comment On All Items A-~~MN~~, not to exceed a total of 20 minutes, and any further deliberation by the Board on Items A-~~MN~~ following public comment
- P. Adoption of the General Consent Report, public comment on all matters on General Consent, not to exceed a total of 20 minutes
- Q. Public Comment On All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (20 minutes) – TO BE CALLED FOR A TIME CERTAIN AT 7:30 PM OR AN ANNOUNCEMENT BY THE BOARD CHAIR OF THE UPDATED TIME NO LATER THAN 7:30 PM.
- R. Public Hearing(s), public comment taken separately on each public hearing agenda item
- S. Unfinished Business, public comment taken separately on each unfinished business agenda item
- T. New Business, public comment taken separately on each new business agenda item
- U. Public Comments On All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (continued if necessary)
- V. Adoption of the Pupil Discipline Consent Report
- W. Board Members Report
- X. Introduction of New Matter

Y. 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 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)

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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

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UNITED STATES CODE, TITLE 42

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

35.160 Effective communications

36.303 Auxiliary aids and services

| 10/27/04; 8/29/07A; 4/10/13A; 01/04/16A; 1/27/16A; 8/9/17A, 12/12/18A, [5/8/19A](#)

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Aimee Eng
President, Board of Education

5/9/19



Kyla Johnson Trammell
Secretary, Board of Education

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