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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

BOARD OF EDUCATION 2022

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To: Board of Education

Legislative File: 22-1377
Introduction Date: 8/5/2022
Enactment No.:
Enactment Date:
By:

From: Agenda Small Work Group
Carmella Franco, Ed.D., Governance Consultant, Facilitator
Gary Yee, Ed.D., President
Benjamin "Sam" Davis, Vice President
Mike Hutchinson, Member, Board
Jody Talkington, Senior Director, Special Projects
Edgar Rakestraw, Jr., Executive Assistant & Parliamentarian, Board

Board Meeting Date: August 5, 2022

Re: Adoption of Board Bylaw 9323 – Meeting Conduct (Revised)

Action Requested

Adoption by Board of Education of Bylaw 9323 - Meeting Conduct (Revised), absent legal restraints, effective August 24, 2022.

Discussion

Over the past six or more months an Agenda Small Working Group (ASWG), convened at the request of President Yee, under the facilitation of Carmella Franco, Ed.D., Governance Consultant, has been working to find ways to reduce the number of hours spent in Board Meetings yet conduct the business of the Board promoting student achievement.

The ASWG, following Dr. Franco’s individual conversations with Board Members, met at least two times whereby Board Bylaw 9323 – Meeting Conduct was discussed. The Group has concluded minor revisions of the Bylaw 9323 will be complementary to Board Bylaw 9322 – Agenda/Meeting Materials, resulting in more efficient meetings.

The principal recommended changes are:

- Reduction of 5 minutes to up to 3 minutes of speaking and/or debate time per item or issue by a member at a Board or Committee Meeting.
- Adjournment time of Regular Board Meeting changed from 10:00 P.M. to 11:00 P.M., with no more than

one 45-minute extension each Board Meeting.

- Provides for Public Comment at a Board Meeting to be as delineated in Board Bylaw 9322.
- Reduces from 20 Minutes cumulatively to 10 Minutes cumulatively presentations from official representatives of Collective Bargaining Units.

The ASWG believes, if the proposal is adopted by the Board, it may reduce two-three hours off of current regular meeting time. It also will facilitate more critical scheduling of Agenda items, more concise presentations, and Board member focused discussion on policy, fiduciary, and academic responsibilities of the Board during a meeting

Recommendation

Adoption by Board of Education of Bylaw 9323 - Meeting Conduct (Revised), absent legal restraints, effective August 24, 2022.

Attachments: Board Bylaw 9323 - Meeting Conduct (Revised)
Board Bylaw 9323 - Meeting Conduct (Current) (red-lined)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

Board Bylaws

BB 9323

Meeting Conduct

Meeting Norms for the Board of Education

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

Board of Education Meeting Rules of Engagement

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

Meeting Procedures

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

(cf. 9322 - Agenda/Meeting Materials)

The Board 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.

(cf. 9121 - President)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned not later than 11:00 p.m. unless extended by one 45-minute extension.

(cf. 9320 - Meetings and Notices)

Quorums

Four members shall constitute a quorum for the transaction of business at all meetings of the Board. A majority of the members of a committee shall constitute a quorum for the transaction of business at a meeting of a committee. If a quorum is not present within fifteen minutes after the hour set for any public meeting, except when the Board or committee is in Closed Session, the 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 three (3) 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 three 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, at regular meetings, a matter within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other

information as a condition of attending the meeting.

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

1. The Board shall give members of the public an opportunity to address the Board either before or during the Board's consideration of each item of business at regular or special meetings. (Education Code 35145.5, Government Code 54954.3) Public comment on Agenda items shall be taken as delineated in Board Bylaw 9322.
2. At regular meetings of the Board, the Board shall reserve up to 10 minutes cumulatively on each agenda for the president of each of the district's bargaining units, or his or her designee, to address the Board on behalf of the unit regarding any item of business on the agenda or not on the agenda. Each bargaining unit shall be provided up to 2 minutes, at the discretion of the Board present.
3. 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)
4. 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)

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

(cf. 9130 - Board Committees)

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

Individual speakers shall be allowed up to three minutes to address the Board. With Board consent, the 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.

7. 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.

8. 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)

10/27/04; 4/10/2013A (eff 7/01/2013); 11/19/14A; 8/9/17A; 12/12/18A; 6/29/2022A

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

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(cf. 9322 - Agenda/Meeting Materials)

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(cf. 9121 - President)

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(cf. 9320 - Meetings and Notices)

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No member of the Board shall speak for more than ~~five~~three (~~5~~3) 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.

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

2. At regular meetings of the Board, the ~~board~~ Board shall reserve up to ~~20-10 minutes~~ cumulatively minutes on each agenda for the president of each of the ~~District's~~ district's bargaining units, or his or her designee, to address the Board on behalf of the unit regarding any item of business on the agenda or not on the agenda. Each bargaining unit shall be provided up to ~~5-2~~ minutes, at the discretion of the Board present.

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