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OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Jacqueline P. Minor, General Counsel

Board Meeting Date April 10, 2013

Subject Revisions in Board Bylaws (BB9000 Series)

Action Requested Approval of Revisions to Board Bylaws 9000, 9005, 9010, 9100, 9121, 9122, 9123, 9124, 9130, 9221, 9230, 9250, 9310, 9311, 9312, 9313, 9320, 9321, 9321.1, 9322, 9323, 9324, 9325, 9326, 9327, 9328 and 9400

Background
A one paragraph explanation of the Board Policy is needed.

Approval by the Board of Education of changes in the Board Bylaws to conform to the changes in the Board organizational structure approved by the Board on March 27, 2013, changes in law and several changes to conform to recommendations of the California School Board Association.

Discussion
One paragraph summary of the Board Policy.

The following Board Bylaws are being revised to conform to the changes in the Board organizational structure approved by the Board on March 27, 2013 and prior changes in Board standing committee structure: BB 9000, 9005, 9010, 9100, 9121, 9122, 9123, 9124, 9221, 9230, 9310, 9313, 9322, 9323, 9324, 9325 (Board functioning without referral to Business and Finance Committee), 9326 and 9400.

Board Bylaw 9130 is being changed because of approval by the Board on March 27, 2013 of BB 9131 (Advisory and Oversight Committees).

Board Bylaw 9250 is being changed to conform to changes in the Federal Health Care law.

Board Bylaws 9311, 9312 (BB 9312 is being deleted and combined with BB 9311), 9321.1 and 9328 are being changed to conform to California School Board Association recommendations (No Board Bylaw 9328 because topic covered in BB 9270 (incompatible activities and conflict of interest))

Board Bylaw 9320 is being changed to conform to changes recommended by the California School Board Association, to conform to a change in the Brown Act, and to change the Board meeting location to La Escuelita Elementary School, 1050 Second Ave

Board Bylaw 9321 is being changed to conform to changes



recommended by the California School Board Association and to conform to a change in the Brown Act, including permissible closed session to discuss draft audit reports.

Board Bylaw 9322 is being changed to conform to changes recommended by the California School Board Association and the Brown Act

Board Bylaw 9327 is being changed to include process for handling complaints lodged at Board of Education meetings.

Recommendation

Approval of Revisions to Board Bylaws 9000, 9005, 9010, 9100, 9121, 9122, 9123, 9124, 9130, 9221, 9230, 9250, 9310, 9311, 9312, 9313, 9320, 9321, 9321.1, 9322, 9323, 9324, 9325, 9326, 9327, 9328 and 9400

Fiscal Impact

N/A

Attachments

Redline Versions of Board Bylaws 9000, 9005, 9010, 9100, 9121, 9122, 9123, 9124, 9130, 9221, 9230, 9250, 9310, 9311, 9312, 9313, 9320, 9321, 9321.1, 9322, 9323, 9324, 9325, 9326, 9327, 9328 and 9400

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9000

Board Bylaws

Role of the Board (Powers and Responsibilities)

The Governing Board of the Oakland Unified School District, commonly referred to as the Board of Education, exists under and derives its powers and duties from the Constitution of the United States, Constitution of the State of California, Charter of the City of Oakland, and acts of the Congress of the United States, California State Legislature, and the Oakland electorate.

Subject to the limitations of federal, state, and local law, the Governing Board of the Oakland Unified School District shall:

1. Establish measurable Goals for Student Achievement.
2. Establish a Theory-Of-Action, a coherent strategy for achieving its student achievement goals.
3. Establish policies consistent with the Goals for Student Achievement and the Theory-Of-Action, and systematically monitor the implementation and effectiveness of such policies.
4. Adopt a comprehensive and aligned district curriculum, and systematically monitor disaggregated student academic performance by grade and school.
5. Adopt a fiscally responsible district budget, and systematically monitor the district's fiscal health.
6. Advocate on behalf of students and public education at the local, state, and federal levels.
7. Hire, support, and evaluate the Superintendent, and General Counsel, ~~and~~ Board Executive Assistant.
8. Evaluate the Board of Education's own performance and effectiveness.

~~6/27/12~~ 6/27/12; Revised 4/10/2013; eff 7/01/2013

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9005

Board Bylaws

Governance Standards

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

(cf. 9000 - Role of the Board)
(cf. 9270 - Conflict of Interest)

The Board expects its members to work with each other and the Superintendent, ~~and~~ the General Counsel ~~and the Executive Assistant, Board~~ to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus;
2. Value, support and advocate for public education;

(cf. 9010 - Public Statements)

3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community;
4. Act with dignity, and understand the implications of demeanor and behavior;
5. Keep confidential matters confidential;

(cf. 9011 - Disclosure of Confidential/Privileged Information)

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader;

(cf. 9240 - Board Development)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent ~~and~~, the General Counsel ~~and the Executive Assistant, Board~~ and staff; and

(cf. 2110 - Superintendent Responsibilities and Duties)

8. Understand that authority rests with the Board as a whole and not with individuals.

(cf. 9200 - Members)

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students;
2. Communicate a common vision;

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

3. Operate openly, with trust and integrity;
4. Govern in a dignified and professional manner, treating everyone with civility and respect;
5. Govern within Board-adopted policies and procedures;

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

6. Take collective responsibility for the Board's performance;
7. Periodically evaluate its (Board) effectiveness; and

(cf. 9400 - Board Self-Evaluation)

8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authorities to act in any manner not conflicting with law
35164 Actions by majority vote
GOVERNMENT CODE
1090 Financial interest in contract
1098 Disclosure of confidential information
1125-1129 Incompatible activities
54950-54963 the Ralph M. Brown Act
87300-87313 Conflict of Interest Code

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: www.csba.org

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9010

Board Bylaws

Public Statements

The Governing Board recognizes the rights of Board members to freely express their views and encourages open discussion of issues during the Board meeting. The Board believes that effective Board members have a responsibility to express themselves, whether in agreement or disagreement with the Board majority, in ways that promote the Board's ability to govern the district.

When speaking to community groups, the media, or other members of the public, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, as may be appropriate, by the Superintendent or, the General Counsel, ~~Executive Assistant, Board~~ or other designated representative.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9200 - Members Limits of Authority)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

GOVERNMENT CODE

54960 Actions to stop or prevent violation of meeting provisions

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

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 Executive Assistant, Board shall serve as Secretary and Parliamentarian of the Board;~~ the Superintendent of Schools or designee who shall serve and/or the Deputy Superintendent of Schools shall act as Secretary of the Board, ~~and designate a Parliamentarian in the absence of the Secretary;~~ the General Counsel of the District shall be the Counsel of the Board;
3. Authorize signatures;
4. Develop a schedule of regular meetings for the year;
5. Develop a Board calendar for the year;
6. Designate Board representatives to other governmental agencies, community organizations and other entities;
7. Adopt goals and objective for the year; and
8. Increase annual compensation, at its option, within the limits of Education Code Section 35120

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

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 9121

Board Bylaws

President

The President shall preside at all Governing Board meetings. He or she shall:

- (a) Call the meeting to order at the appointed time or as soon thereafter as the meeting may be lawfully convened;
- (b) Announce the business to come before the Board in its proper order;
- (c) Enforce the Board's policies relating to the order of business and the conduct of meetings;
- (d) Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- (e) Explain what the effect of a motion would be if it is not clear to every member;
- (f) Restrict discussion to the question when a motion is before the Board;
- (g) Rule on parliamentary procedure;
- (h) Put motions to a vote, and state clearly the results of the vote.

The President shall also perform other duties as directed by law, regulation and by the Board including,

- (i) Signing all instruments, acts and orders including contracts, leases and other official documents approved by the Board;
- (j) Consulting with the ~~Secretary~~ Superintendent or designee on the preparation of the Board's agendas;
- (k) Appointing all committees of the Board, whose appointments are not otherwise provided for;
- (l) Serving as the immediately superior, between Board meetings, of all employees appointed by the Board, subject to the will of the Board;
- (m) Calling such meetings of the Board, as he/she deems necessary, giving notice as prescribed by law;

(n) Conferring with the employees appointed by the Board or their designees on crucial matters, which may occur between Board meetings;

(o) Being responsible for the orderly conduct of all Board meetings;

(p) Sharing informational mail and other items with other Board members;

(q) Issuing all official statements of the Board when speaking for the body;

and

(r) Exercising any other powers and duties assigned by the Board from time to time.

The President shall have the rights of any member of the Board, including the right to move, second, discuss and vote on all questions before the Board without vacating the chair.

In the absence of the President from a Board meeting or from the District, the vice-president shall become Acting President. The Acting President shall assume the president's powers and duties. In the absence of the president and vice president from a Board meeting or from the District, the Board member next in greater and continuous length of service on the Board shall become Acting President.

Legal Reference:

EDUCATION CODE

35022 President of the board

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9122

Board Bylaws

The Superintendent as the Secretary

The Secretary shall perform the following duties:

- (a) To keep an accurate account of the proceeding's of the Board;
- (b) To have custody of all of the Board's books, contracts, and other official documents;
- (c) To post agendas for meetings of the Board in accordance with requirements of the Education Code and/or Government Code;
- (d) To notify all members of the Board of all special and adjourned and emergency meetings;
- (e) To maintain an up-to-date file of the policies of the Board;
- (f) To publish all adopted orders of the Board;
- (g) To countersign with the President of the Board, all warrants, contracts, and other official papers of the Board;
- (h) To certify or attest to actions, concurrently with the President or separately, taken by the Board whenever such certification or attestation is required for any purpose; and
- (i) To perform such other duties as the Board may require from time to time.

Legal Reference:

EDUCATION CODE

35025 Secretary and bookkeeper

35143 Annual organizational meetings; dates and notice

35250 Duty to keep certain records and reports

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9123

Board Bylaws

Parliamentarian as designated by the Superintendent

The Parliamentarian, as designated by the Superintendent, shall perform the following duties:

The duties of the Parliamentarian shall be to advise the President, committee chairs, the Superintendent, any member of the Board and the Board on procedural matters pertaining to the business of the Board under law and the adopted parliamentary authority, subject to advice and opinion of the General Counsel. The advice may be given at any time.

The parliamentarian may make recommendations to the above pertaining to rules, regulations and operating procedures of the Board.

The parliamentarian may also perform other duties as assigned by the President, the committee chairs following consultation with the President, and/or the Board.

The parliamentarian shall also serve as the principal liaison to the Rules and Ethics Committee of the Board or successor committee.

Legal Reference:
EDUCATION CODE
Robert's Rules of Order, Newly Revised)

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9124

Board Bylaws

General Counsel

The Governing Board recognizes the complex legal environment in which school districts operate and desires reliable, dependable legal advice. The Board also supports collaborative legal efforts with other agencies and districts in order to promote the district's interests.

The Board and Superintendent shall appoint a General Counsel who shall dual report to the Board and the Superintendent to meet the needs of the district.

The General Counsel shall:

1. Render legal advice to the Board, the Superintendent or designee, other officials and employees of the District, as may be needed.
2. Serve the Board and Superintendent or designee, other officials and employees in the preparation and conduct of district litigation and administrative proceedings.
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures.
4. Manage and direct the Office of the General Counsel and oversee, manage, engage all outside counsel performing legal work on behalf of the District.
5. Perform other ~~administrative~~ duties as assigned by the Board or requested by the Superintendent or designee.

Legal Reference:

EDUCATION CODE

35041 Administrative adviser

35041.5 Legal counsel: Relieving duties of county counsel and district attorney

35204 Contract with attorney in private practice

35205 Contract for legal services

GOVERNMENT CODE

814-895.8 Liability of public entities and public employees

995-996.6 Defense of public employees

26520 Legal services to school districts

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9130

Board Bylaws

Board Committees

The Governing Board may establish Board committees as necessary.

Committee Appointments

All Board committees shall be appointed by the president, subject to advice and consent of the Board. The president shall designate the chairperson of the committee. The vice-chairperson of the committee shall be the senior member in continuous service on the committee. If two or more members began service on the committee concurrently, service seniority on the Board shall determine seniority on the Committee.

Functions of Standing Committees

It shall be the primary function of each standing committee of the Board:

- (a) To undertake and complete such inquiries, investigations and studies as the President or Board may assign to any such committees for the purpose of presenting communications, recommendations, report, motions and other subject matter to the Board.
- (b) To initiate and pursue such inquiries, investigations and studies respecting matters within the province of the committee concerned as may be approved by a majority thereof, for the purpose of eventually directing appropriate communications, recommendations and reports to the Board; provided, however, that no such committee project shall be initiated without informing the Board respecting the general objective and plan of such proposed inquiry, investigation or study, either by statement made by the committee chairperson at open meeting of the Board and recorded in the minutes or by memorandum in writing signed by a majority of said committee and filed with the Board.
- (c) To process and present to the Board, communications, recommendations, reports and other matters submitted by the superintendent of Schools to the Board through the appropriate committee.
- (d) To review motions initiated by Board members and propose amendments as needed, prior to action by the Board.
- (e) To review all budget, legislative and administrative matters relating to the functions of said committee and made recommendations to the Board.

(f) To perform such other duties as may properly be assigned from time to time to any such committee by the Board.

Committee Meetings

Committee meetings shall be held at least monthly at a fixed hour, date, and place. The annual calendar of a committee's meetings shall be adopted not later than the second meeting of the committee following the annual organization meeting of the Board. Committee meetings shall be called and noticed pursuant to Board Bylaws 9320 and 9322.

Committee Staffing

The Superintendent, upon consultation of the Committee Chair by the President and with the President's approval, shall assign senior staff members of the Administration to assist a particular committee of the Board with its work. It shall be the responsibility of the Superintendent and staff so assigned to facilitate and meet the timelines set by the committee for consideration, action and the reporting of committee recommendations to the Board.

Standing Committees

The President of the Board shall appoint the following standing committees, each consisting of less than a majority of the full Board, but not less than three, within thirty days following the annual meeting:

A. Rules and Ethics - This committee shall review and/or propose policy recommendations designed to promote, improve and expedite the business and procedures of the Board and of the committees thereof, and to offer to the Board any amendments to the Rules deemed necessary to accomplish such purposes. The committee shall also propose rules of ethics and amendments thereof for members of the Board and designated members of the administration. The committee also shall handle other matters assigned.

B. Finance and Human Resources - This committee shall review and/or propose the District's annual budget, modifications thereto, policies governing the fiscal integrity of the District, and the handling of bids and contracts for non-instructional technology and services, except facilities and instructional services. The committee also shall be responsible for proposing and reviewing purchasing policies. The committee shall also review and/or propose policies for the hiring, promotion, retention, training and evaluation of employees. The committee shall also be responsible for reviewing and proposing policies regarding collective bargaining issues including reviewing and making recommendations on collective bargaining contracts and other labor-management related issues. Coherent Governance Operational Expectations (OEs) 6, 7, 8 and 9 are assigned to this Committee. The committee also shall handle other matters assigned.

C. Teaching and Learning - This committee shall review and/or propose policies on curriculum, instructional programs and related support services as well as handle bids and contracts for instructional related services, including but not limited to supplementary academic programs and instructional technology for the District. The committee also shall review student services issues and programs, including but not limited to student truancy and related programs except pupil discipline and student safety issues assigned to the Safety Committee. Coherent Governance Operational Expectations (OEs) 11, 12, and 14 are assigned to this Committee. The committee also shall handle other matters assigned.

D. Intergovernmental Relations - This committee shall review and/or propose policies fostering inter-agency collaboration with city, local, state and federal agencies, individuals, public and private groups and corporations; recommend positions to be taken through the legislative process -federal, state, local - on behalf of the District. The committee also shall handle other matters assigned. The members of this committee, by virtue of their appointment, shall also serve as the District's representatives on the City-Schools Education Partnership or successor Committee.

E. Facilities - This committee shall review and/or propose policies governing development and maintenance of the physical facilities and physical infrastructure of the District, the handling of bids and contracts for facilities development, renovation and construction, including but not limited to facilities technology and the sale or lease of real surplus property. Coherent Governance Operational Expectation (OE) 10 is assigned to this Committee. The committee also shall handle other matters assigned.

F. Safety - This committee shall review all recommendations from the Pupil Disciplinary Hearing Panel (PDHP) to the Board including but not limited to the proposed expulsion, suspended expulsion, reinstatement, readmission of a District pupil, or admission of an expelled pupil from another district, and make recommendations thereon to the Board. The Committee shall also make policy recommendation to the Board on safety issues. Coherent Governance Operational Expectation (OE) 13 is assigned to this Committee. The committee also shall handle other matters assigned.

Special Committees

The President of the Board or the Board may appoint special committees, consisting of not more than three members, to undertake and complete such inquiries, investigations and studies of subject matter not assigned to a standing committee for the purpose of presenting communications, recommendations, report, motions and other subject matter to the Board.

Committee Actions

Committees shall only have the power to propose and to recommend action to the full Board. No action of a committee shall establish the official policy or position of the Board regarding any matter. No action of any committee shall be binding upon the Board. All proposals, reports and recommendations from committees shall be scheduled for consideration at a regular or special meeting of the Board. Such motions, reports and recommendations shall be scheduled and noticed for action pursuant to Board By Laws 9320 and 9322.

The committee to which the subject matter is assigned shall at a regular or special meeting of the committee, posted and noticed pursuant to Board By Laws 9320 and 9322, schedule consideration or a hearing on the matter. The proponent of the subject matter shall present draft language of the motion, resolution, recommendation or other matter and background documentation to the committee at the same time the agenda is posted for the committee meeting at which action is to be taken. At the meeting, the committee may take testimony from proponents and opponents of the subject matter.

The committee, following deliberations on the subject matter, may make a favorable written recommendation, including modifications on the matter to the Board. The committee also may vote an unfavorable recommendation on the matter. Subject matter given an unfavorable recommendation by vote of the committee shall not be reported to the full Board, unless discharged as provided herein.

A subject matter not favorably reported from a committee may be discharged from the committee and considered by the Board upon a majority vote of the Board to discharge, provided the subject matter of the discharge has been posted and noticed on a Board meeting agenda.

No motion, resolution, recommendation, order or other subject matter shall be scheduled for action by the full Board unless the subject matter has been first considered in committee, unless such subject matter is subject to Board By Law 9322 (i.e., Suspension of Agenda Posting Requirement) or the rule herein or is ceremonial.

[See BB 9131 for Advisory and Oversight Committee Board Bylaws](#)

Advisory Committees

~~The Board of Education by motion, resolution or other formal action may from time to time establish advisory committees on its own motion, as required by state or federal law or regulation advisory committees to advise it or the administration on matters within the subject matter of the Board. Such advisory committees shall function and operate pursuant to the authority of the Board and any and all application state, federal laws and regulations.~~

~~Advisory committees shall be subject to review and reconstitution by the Board at any time but not later than annually at the second regular meeting in January of each year.~~

10/27/04; 1/5/09A; Revised 4/10/13

Oakland Unified School District Board Bylaw

BB 9221 Board Bylaws

Recruiting New Board Members

In order to draw Governing Board member candidates from the widest possible number of interested, active, well-informed citizens, the Board, ~~the Secretary~~ and the Superintendent shall publicize widely all public Board meetings, committee openings, and community-related school events and shall encourage the participation of parents/guardians and members of the professional and business community in these activities.

The Board, ~~the Secretary~~ and the Superintendent shall refer prospective Board candidates to the City Clerk's Office well in advance of election dates so that prospective Board candidates will have time to investigate the responsibilities of Board membership and comply with legal requirements.

(cf. 9220 - Governing Board Elections)

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9230 Board Bylaws

Orientation

Board Candidate Orientation

The Governing Board desires to provide Board candidates with orientation that will enable them to understand the responsibilities of Board membership. The Board, ~~the Secretary and/or~~ the Superintendent or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities.

(cf. 9200 - Members)
(cf. 9270 - Conflict of Interest)

The Board encourages all candidates to attend public Board meetings during the period of their candidacy. Candidates have the same access as members of the public to district staff and information.

(cf. 1340 - Access to District Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

New Board Member Orientation

The Board, ~~the Secretary~~ and the Superintendent or designee shall help each new member-elect to understand district operations and the Board's functions, policies and procedures as soon after election as possible. Incoming members shall be given a copy of the Brown Act and informed that they must conform to its requirements as if they had already assumed office. Incoming members shall be provided access to the district's policy manual and other materials related to the school system and Board member responsibilities.

Incoming members are encouraged to attend Board meetings and meet with ~~the Board members~~, the President, ~~the Secretary and~~ the Superintendent regarding their role and responsibilities. They also may, at district expense, attend workshops for newly elected members provided such workshops are approved in advance by the Board and the expense is appropriated in the annual budget of the Board.

(cf. 9240 - Board Development)

Legal Reference:

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshops

33362 Reimbursement of expenses; member of school district board

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially

54952.1 Member of a legislative body

54952.7 Copies of Brown Act to Board members

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9250

Board Bylaws

Remuneration, Reimbursement and Other Benefits

Remuneration

Each member of the Governing Board, except a student director, may receive the monthly compensation as provided for in law.

At the annual organization meeting, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the Board. (Education Code 35120)

If a member does not attend all Board meetings during the month, he/she is eligible to receive a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

A member may be paid for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was absent because of illness, jury duty or a hardship deemed acceptable by the Board. (Education Code 35120)

Reimbursement of Expenses

Board members shall be reimbursed for all expenses incurred in the performance of duties or when making trips on official district business when authorized in advance by the Board. Board member trips for official business shall be deemed authorized when the member files the appropriate District conference/travel documents in the Board Office. Reimbursements for expenses and conference travel, if any, shall be limited by the cumulative total of such funds approved and residing within the annually approved budget of the Board.

Health and Welfare Benefits

Board members may participate in the health and welfare benefits program provided for district employees. The District shall pay the cost of all premiums required for Board members electing to participate in the district health and welfare benefits program.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouses, dependent children under the age of ~~21~~²⁶, ~~dependent children under the age of 25 who are full-time students at a college or university~~, and dependent children regardless of age

who are physically or mentally incapacitated.

Health and Welfare Benefits for Retired Board Members

Any member retiring from the Board after at least one term may continue the health and welfare benefits program at their own expense if coverage is in effect at the time of retirement.

Legal Reference:

EDUCATION CODE

1090 Compensation for members and mileage allowance

33050-33053 General waiver authority

33362-33363 Reimbursement of expenses (Department of Education and CSBA workshops)

35012 Board members; number, election and term

35044 Payment of traveling expenses of representatives of board

35120 Compensation (services as member of governing board)

35172 Promotional activities

44038 Cash deposits for transportation purchased on credit

GOVERNMENT CODE

20322 Elective officers; election to become member

53200-53209 Group insurance

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 124 (2000)

Management Resources:

WEB SITES

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

Public Employees' Retirement System: <http://www.calpers.ca.gov>

10/27/04; Revised 4/10/2013

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9310

Board Bylaws

Policy Manual

The Governing Board recognizes the importance of adopting policies that reflect the district's vision and maintaining a policy manual that is up-to-date and reflects the mandates of law.

(cf. 9000 - Role of the Board)

| ~~The Secretary of the Board~~ The Superintendent or designee shall maintain an publicly accessible electronic, web based district policy manual, containing board by-laws, policies, administrative regulations and exhibits, for the purpose of communicating to all interested stakeholders the policies, regulations and bylaws within which district schools will operate. The Board encourages members of the public to acquaint themselves with the district's policy manual.

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

(cf. 9313 - Administrative Regulations)

| The Secretary's maintenance of a publicly accessible electronic, web based district policy manual shall satisfy the requirement that all district employees have access to the policy manual and that copies be maintained in the district central office and at each school site.

(cf. 1340 - Access to District Records)

| The ~~Secretary~~ Superintendent or designee shall, upon adoption or issuance of new, revised, amended or repealed policies, bylaws and administrative regulations update the electronic, web based district policy manual. Biannually, on or before January 1 and July 1, the Superintendent, ~~the Secretary~~ and the General Counsel shall review the content of the district's policy manual to ensure that it is up-to-date and complete.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9311

Board Policies Bylaws and Bylaws

Board Policies

The Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 9000 - Role of the Board)

The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agendas/Meeting Materials)

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or district circumstances.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 6145 - Extracurricular and Cocurricular Activities)

Policy Development and Adoption Process

The district's policy development process shall include the following basic steps:

1. The Board and/or Superintendent or designee shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new district vision or goals, educational research or trends, or a change in the superintendency or Board membership.

The need may also occur as a result of an incident that has arisen in the district or a recommendation or request from staff or other interested persons.

2. As needed, the Superintendent or designee shall gather fiscal and other data, staff and public input, related district policies, sample policies from other organizations or agencies, and other useful information to fully inform the Board about the issue.

(cf. 1220 - Citizen Advisory Committees)

3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, how the proposed policy may affect student learning, community expectations, staff recommendations, fiscal impact, as well as the policy's impact on governance and operational efficiency.

4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.

5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

(cf. 9323 - Meeting Conduct)

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323.2 - Actions by the Board)

The district's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or to provide greater opportunities for consultation and public input.

Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

Board Bylaws

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

Administrative Regulations

The Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the district. Administrative regulations shall be consistent with law and Board policy and shall be designed to promote the achievement of district goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other necessary provisions. The Superintendent or designee also may develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

When Board policies are amended, the Superintendent or designee shall review corresponding regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review and/or approve regulations for the purpose of ensuring conformity with the intent of Board policy.

Monitoring and Evaluation

At the time a policy is adopted, the Board and Superintendent or designee shall determine whether an evaluation of the policy should be scheduled and, if so, shall agree upon a timeline and measures for evaluating the effectiveness of the policy in achieving its purpose.

(cf. 0500 - Accountability)

Access to Policies

The Superintendent or designee shall ensure that all district employees and the public have access to an up-to-date district policy manual. A public copy of the policy manual shall be maintained at the district central office and at each school site. These copies shall be maintained either electronically or by paper copy.

(cf. 1113 - District and School Web Sites)

(cf. 1340 - Access to District Records)

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate communications strategy depending on the issue.

(cf. 1112 - Media Relations)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

(cf. 6020 - Parent Involvement)

Suspension of Policies

No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35160 Authority of governing boards

35160.5 Annual review of school district policies

35163 Official actions, minutes and journal

35164 Vote requirements

Management Resources:

CSBA PUBLICATIONS

Targeting Student Learning: The School Board's Role as Policymaker, 2005

Maximizing School Board Leadership: Policy, 1996

WEB SITES

CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT Online™), Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>

National School Boards Association: <http://www.nsba.org>

(10/94 6/99) 7/06

~~Governing Board policies are written statements adopted by the Board which communicate the guidelines within which the Superintendent, the General Counsel and the Executive Assistant, Board or designee and staff may take discretionary action.~~

~~(cf. 9310 Policy Manual)~~

~~The Superintendent, the General Counsel and the Executive Assistant, Board shall present drafts or suggestions for new policy and policy revisions, within their respective scope of responsibilities, when changes in law occur and when specific needs arise.~~

~~The Board encourages members of the community to contribute information and opinions for the Board's consideration and to propose revisions to policy. When drafting or revising policies which affect other governmental agencies, the Board welcomes input from these agencies and will cooperate with them in addressing matters of mutual concern.~~

~~The Board shall provide for the continuous orderly review of existing policies at a time allocated~~

~~for this purpose on the agenda of regular Board meetings.~~

~~The Board shall review certain policies annually, as required by law. (Education Code 35160.5)~~

~~(cf. 5116.1—Intra-district Open Enrollment)~~

~~(cf. 6145—Extracurricular and Co-curricular Activities)~~

~~The adoption of policy shall conform to Board bylaws governing agendas, meetings, and voting. Only those written statements adopted and recorded in the minutes shall constitute official Board policy.~~

~~Before adoption, policies shall normally be given two readings by the Board. Presentation and consideration of a proposed policy in a standing committee of the Board shall count as one of the two required readings.~~

~~At its second reading, the policy may be adopted by a majority vote of all members of the Board. The Board may waive the second reading or may require additional readings.~~

~~When policies are amended, the Superintendent, the General Counsel, and the Executive Assistant, Board shall review and modify corresponding administrative regulations, within their respective scope of responsibilities, to ensure that they conform to the intent of the revised policy.~~

~~(cf. 9313—Administrative Regulations)~~

Legal Reference:

EDUCATION CODE

~~35010 Control of district; prescription and enforcement of rules~~

~~35160 Authority of governing boards~~

~~35160.5 Annual review of school district policies~~

~~35163 Official actions, minutes and journal~~

~~35164 Vote requirements~~

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9312

Board Bylaws

Board Bylaws

The Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 9000 - Role of the Board)

The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agendas/Meeting Materials)

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or district circumstances.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 6145 - Extracurricular and Cocurricular Activities)

Policy Development and Adoption Process

The district's policy development process shall include the following basic steps:

1. The Board and/or Superintendent or designee shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new district vision or goals, educational research or trends, or a change in the superintendency or Board membership. The need may also occur as a result of an incident that has arisen in the district or a

recommendation or request from staff or other interested persons.

2. As needed, the Superintendent or designee shall gather fiscal and other data, staff and public input, related district policies, sample policies from other organizations or agencies, and other useful information to fully inform the Board about the issue.

(cf. 1220 - Citizen Advisory Committees)

3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, how the proposed policy may affect student learning, community expectations, staff recommendations, fiscal impact, as well as the policy's impact on governance and operational efficiency.

4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.

5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

(cf. 9323 - Meeting Conduct)

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323.2 - Actions by the Board)

The district's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or to provide greater opportunities for consultation and public input.

Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

Board Bylaws

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

Administrative Regulations

The Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the district. Administrative regulations shall be consistent with law and Board policy and shall be designed to promote the achievement of district goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other necessary provisions. The Superintendent or designee also may develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

When Board policies are amended, the Superintendent or designee shall review corresponding regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review and/or approve regulations for the purpose of ensuring conformity with the intent of Board policy.

Monitoring and Evaluation

At the time a policy is adopted, the Board and Superintendent or designee shall determine whether an evaluation of the policy should be scheduled and, if so, shall agree upon a timeline and measures for evaluating the effectiveness of the policy in achieving its purpose.

(cf. 0500 - Accountability)

Access to Policies

The Superintendent or designee shall ensure that all district employees and the public have access to an up-to-date district policy manual. A public copy of the policy manual shall be maintained at the district central office and at each school site. These copies shall be maintained either electronically or by paper copy.

(cf. 1113 - District and School Web Sites)

(cf. 1340 - Access to District Records)

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate communications strategy depending on the issue.

(cf. 1112 - Media Relations)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

(cf. 6020 - Parent Involvement)

Suspension of Policies

No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35160 Authority of governing boards

35160.5 Annual review of school district policies

35163 Official actions, minutes and journal

35164 Vote requirements

Management Resources:

CSBA PUBLICATIONS

Targeting Student Learning: The School Board's Role as Policymaker, 2005

Maximizing School Board Leadership: Policy, 1996

WEB SITES

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Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>

National School Boards Association: <http://www.nsba.org>

(10/94 6/99) 7/06

~~The Governing Board shall adopt Board bylaws to govern the internal operations of the Board. When the need for a new bylaw or modification of an existing bylaw is recognized, the Board, the Superintendent, the General Counsel or the Executive Assistant, Board shall draft a new or modified bylaw for consideration by the Board.~~

~~Amendment or Repeal of Board Bylaws~~

~~Bylaws may be adopted, amended or repeal by a majority vote of all members of the Board, following the same procedures as those used for the adoption or amendment of policy.~~

~~(cf. 9311— Board Policies)~~

~~Parliamentary Authority~~

~~Robert's Rules of Order Newly Revised shall be the authority for all parliamentary questions not provided for in these bylaws or in law.~~

Legal Reference:

~~EDUCATION CODE~~

~~35010 Control of district; prescription and enforcement of rules~~

~~35163 Official actions, minutes and journal~~

~~35164 Vote requirements~~

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9313

Board Bylaws

Administrative Regulations

To carry out the intentions expressed in Governing Board policy, the Superintendent, ~~the General Counsel or the Executive Assistant, Board designee~~ and the General Counsel shall develop and issue administrative regulations and/or procedures, within their respective scope of responsibility, specifying detailed actions to be taken and arrangements to be enforced within the district and its schools. Administrative regulations shall be consistent with state and federal law and regulations, Board policy and negotiated employee contracts.

The Board, notwithstanding the foregoing, shall review and approve those administrative regulations requiring its approval pursuant to law or regulation. In addition, the Board may review and approve other regulations related to topics of particular interest to the Board or for which the Superintendent requests Board endorsement. The Board shall review proposed administrative regulations for the sole purpose of ensuring conformity with the intent of Board policy.

(cf. 2210 - Administrative Leeway in Absence of Governing Board Policy)

Administrative Regulations, as well as Board Policies and Board By-laws, shall be maintained by the ~~Secretary of the Board~~ Superintendent or his -in designee in the publicly accessible electronic, web based district policy manual on the Board's Official web site.

(cf. 9310 - Policy Manual)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9320

Board Bylaws

Meetings and Notices

Meetings of the Governing Board are conducted for the purpose of accomplishing district business.

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

In accordance with state open meeting laws, the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

Each agenda shall also list the address(es) designated by the Superintendent or designee for public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

Regular Meetings

Regular meetings of the Board of Education shall be held two Wednesdays of each month at 5:00 p.m., pursuant to a schedule determined during the annual organizational meeting, except as noted herein. Unless otherwise designated, meetings shall be held, until further notice, in the Board Great Room, the Paul Robeson Building, 1025 Second Avenue La Escuelita Elementary School, 1050 Second Avenue, Oakland, California 94606. Regular Board meetings shall not be held during Thanksgiving week, winter recess, or the month of July.

If, however, a regular meeting date falls on a Board declared or a legal holiday, the Board shall

meet on the following business day, Saturday and Sunday excepted, at the same hour and place unless specifically ordered otherwise by the Board.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

Every notice of a regular meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. (Government Code 54954.3)

Every notice of a regular meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that is within the subject matter jurisdiction of the Board, but is not listed on the meeting agenda. (Government Code 4954.3)

Special Meetings

Special meetings of the Board of Education may be called when necessary by either the president or a majority of the members. Such meetings shall be called by written notice given each member at least 24 hours before the meeting, unless a Board member has waived written notice. It shall also be the policy of the Board to notify, in writing at least 24 hours before the meeting, each local newspaper of general circulation, radio or television station and the public requesting notice in writing. No business shall be transacted at a special meeting except that for which the meeting has been noticed and called.

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. A work stoppage, crippling activity or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting under this section may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. (Government Code 54956.5)

In the case of a dire emergency, the Board president shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned Meetings

The Board may adjourn (continue) any meeting to a later time and place as permitted by law. A copy of the order of adjournment shall be posted at the meeting site.

If no member of the Board is present at any regular or adjourned regular meeting of the Board, the Secretary may declare the meeting adjourned to a later time and shall give notice in the same manner required by these By-Laws or law.

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Open Meetings

All meetings of the Board of Education and all committee meetings of the Board shall be open to the public except closed sessions. The public shall have the right to speak, pursuant to the rules herein, on any item on the agenda or under consideration.

Direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action that members will take on any item of district business. (Government Code 54952.2)

Meetings shall be held within district boundaries, except when otherwise allowed by law. (Government Code 54954)

Meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge. (Government Code 54961)

(cf. 0410 – Nondiscrimination in District Programs and Activities)

In order to help ensure participation in the meeting by disabled individuals, the ~~Secretary-District~~ shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the ~~Secretary-in-writing~~ Superintendent or Superintendent's designee.

Effective 7/01/2013 Video/Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All applicable law, Board policies, administrative regulations and bylaws shall apply equally to meetings that are teleconferenced.

Other Gatherings

Attendance by a majority of the Board members at any of the following events is not subject to state open meeting laws provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school Boards
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district or at a legislative body of another local agency
4. A purely social or ceremonial occasion
5. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws. (Government Code 54952.2)

Legal Reference:

EDUCATION CODE

35140 Time and place of meetings

35143 Annual organizational meeting, date, and notice

35144 Special meeting

35145 Public meetings

35145.5 Agenda; public participation; regulations

35146 Closed sessions

35147 Open meeting law exceptions and applications

GOVERNMENT CODE

54950-54957.9 Meetings, especially:

54953 Meetings to be open and public; attendance

54953.2 Compliance with Americans with Disabilities Act

54954 Time and place of regular meetings

54954.1 Mailed notices

54954.2 Agenda posting requirements, board actions

54954.3 Opportunity for public to speak

54956 Special meetings; call; notice

54956.5 Emergency meetings
54957.5 Agenda distribution
54961 Prohibition on use of certain facilities
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
ATTORNEY GENERAL OPINIONS
84 Ops.Cal.Atty.Gen. 181 (2001)
84 Ops.Cal.Atty.Gen. 30 (2001)
79 Ops.Cal.Atty.Gen. 69 (1996)
78 Ops.Cal.Atty.Gen. 327 (1995)

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

WEB SITES

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

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

| 10/27/04; 1/5/09A: Revised 4/10/2013

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9321 Board Bylaws

Closed Sessions and Purposes

Closed sessions of the Board or of a committee maybe called, upon lawful notice during a regular, special or emergency meeting. The keeping of separate minutes of Closed Sessions shall be optional since the Brown Act mandates that items finalized in Closed Session shall be immediately reported out in public meetings or thereafter. Such minutes if keep shall be kept and labeled "confidential" except as to actions required to be disclosed by law.

The Board or a committee may hold a closed session only on those topics or matters expressly authorized by law' including, but not limited to, the following:

In accordance with law, a Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(a) Personnel Issues.

To consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee, or to hear complaints or charges against an employee. If the Board is to the latter, notice shall be provided to the employee as required by law. Government Code Section 54957.

The Board may also hold closed sessions to hear complaints or charges brought against an employee by another person, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

Agenda items related to employee appointments and employment shall state the title of the position to be filled. Agenda items related to performance evaluations shall specify the ~~file-title~~ of the employee being reviewed. Agenda items related to employee discipline, dismissal or release, other than the statement of the subject matter, require no additional information.

(b) Negotiations/Collective Bargaining.

The Board and standing committees are exempt, pursuant to the Educational Employment Reform Act or Rodda Act, from notice and posting meetings regarding labor negotiations and

related matters including but not limited to instruction or direction to labor negotiators, mediation or impasse procedures, contractual arbitration hearings.

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

The Board may meet in closed session with the Board's designated representative regarding employee salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. These closed sessions may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the district's designated representative. (Government Code 54957.6)

Closed sessions shall be for the purpose of reviewing the Board's position and instructing the Board's designated representative. Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session to hear any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or a mediator who has intervened in these proceedings. (Government Code 54957.6)

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held

prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

(c) Matters Related to Students

The Board shall meet in closed session to consider disciplinary or other action related to a specifically identified pupil if a public hearing on the matter would violate that pupil or any other pupil's privacy rights.

Agenda Items related to student matters shall generally describe the reason for the closed session in general terms such as "Expulsion Hearing", "Grade Change Hearing", "Interdistrict Attendance Request", etc.

(d) Matters Related to Security.

The Board may meet in Closed Session with law enforcement officials, as permitted by law, on matters threatening to the security of public buildings or to the public's right of access to public services or public facilities.

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer with whom the Board will meet.

(e) Conference With Real Property Negotiator

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange or lease of real property to give its negotiator instructions regarding the price and terms of payment for the purchase, sale, exchange, or lease of property.

Agenda items related to real property shall specify the name of the negotiating parties and the street address, the parcel number or other unique reference of the real property under discussion.

(f) Conference With Legal Counsel

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board's position in the case. For this purpose, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" when any of the following circumstances exist:

1. Litigation to which the Board is a party has been initiated formally. (Government Code 54956.9(a))

2. A point has been reached where, in the Board's opinion based on the advice of legal counsel and on the existing facts and circumstances, there is a significant exposure to litigation against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

"Existing facts and circumstances" authorizing a closed session pursuant to Government Code 54956.9(b) as described in item #2 above are limited to the following: (Government Code 54956.9)

1. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.

2. Facts and circumstances including, but not limited to, an accident, disaster, incident or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.

3. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the District)

4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.

5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection.

The above record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

Before holding a closed session pursuant to this section, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state

the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to "pending litigation" shall be described as a conference with legal counsel regarding "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties and case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information pursuant to items #2-5 above. (Government Code 54954.5, Government Code 54956.9(b)(3)(B-E))

~~The Board may hold a closed session to confer with its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board's position in the case. Pending litigation is as defined by Government Code Section 54956.9.~~

~~Agenda items related to pending litigation shall be described as a conference with legal counsel regarding "Existing Litigation" or "Anticipated Litigation" and listed as required by Government Code Section 54954.5.~~

~~In accordance with law, a Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)~~

The Board may meet in closed session to discuss a claim against a joint powers authority formed for the purpose of insurance pooling or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3320 - Claims and Actions Against the District)
(cf. 3530 - Risk Management/Insurance)

When the board of the joint powers agency has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss and take action

concerning information obtained in a closed session of the joint powers agency. During the district's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to "Conference Involving a Joint Powers Agency" shall specify the closed session description used by the joint powers agency and the name of the district representative on the joint powers agency board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Upon receipt of a confidential final draft audit report, the Board may meet in closed session to discuss its response to that report. After public release of the report, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit shall state "Audit by Bureau of State Audits." (Government Code 54954.5)

(g) Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student suspension)

44929.21 Districts with ADA of 250 or more

48918 Rules governing expulsion procedures; hearings and notice

49073 Release of directory information
49076 Access to records by persons without written parental consent
49079 Notification to teacher re: students whose actions are grounds for suspension or expulsion
60617 Meetings of governing board

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act
6250-6268 California Public Records Act
54950-54963 The Ralph M. Brown Act

COURT DECISIONS

Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Furtado v. Sierra Community College District, (1998) 68 Cal. App. 4th 876
Roberts v. City of Palmdale, (1993) 5 Cal.4th 363
Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

78 Ops.Cal.Atty.Gen. 218 (1995)
59 Ops.Cal.Atty.Gen. 532 (1976)

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>

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9321.1

Board Bylaws

Closed Session Actions and Reports

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

Personnel Matters

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Negotiations/Collective Bargaining

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Student Matters

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918; 20 USC 1232))

In an expulsion action, the student's name shall not be disclosed, but the cause for the expulsion shall be disclosed in open session.

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Litigation

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.

2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.

3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with

the other party or with the court, the district shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

JPA/Self-Insurance Claims

The Board shall report the disposition of joint powers authority or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

(cf. 3320 - Claims and Actions Against the District)
(cf. 3530 - Risk Management/Insurance)

Review of Assessment Instruments

At the public meeting during which the Board holds a closed session to review student assessment instruments, the Board shall confirm that this review was made. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

(cf. 6162.5 - Student Assessment)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student matters)

48918 Rules governing expulsion procedures; hearings and notice

49073-49079 Privacy of student records

60617 Meetings of governing board

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:

54957.1 Closed sessions; public report of action taken

54957.6 Closed sessions; representatives to employee organization(s)

54957.7 Disclosure of items to be discussed

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

COURT DECISIONS

Kleitman v. Superior Court (1999) 87 Cal.Rptr.2d 813

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 85 (1997)

(2/97 6/97) 2/98: 4/10/13

~~No matters other than those announced in open session shall be discussed or acted upon in closed session.~~

~~The Board shall comply with any and all statutory requirements for the required reporting out of items acted upon in closed session.~~

Legal Reference:

EDUCATION CODE

~~35145 Public meetings~~

~~35146 Closed session (re student matters)~~

~~48918 Rules governing expulsion procedures; hearings and notice~~

~~49073-49079 Privacy of student records~~

~~60617 Meetings of governing board~~

GOVERNMENT CODE

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UNITED STATES CODE, TITLE 20

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~~99.1-99.8 Family Educational Rights and Privacy~~

ATTORNEY GENERAL OPINIONS

~~80 Ops. Cal. Atty. Gen. 85 (1997)~~

COURT DECISIONS

~~Kleitman v. Superior Court (1999) 87 Cal.Rptr.2d 813~~

10/27/04: Revised 4/10/2013

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 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
- 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 Agenda¹
- J. Adoption of the Pupil Discipline General Consent Report
- K. Special Recognition and Presentations

¹ 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.

- 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

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 ~~Secretary~~ Superintendent at a regular meeting during Introduction of New Business or filed in the Office of the ~~Board, addressed to the Secretary of the Board~~ Superintendent no later than 5:00 p.m. eight days preceding the next regularly scheduled meeting. Such request shall be classified and handled at the current or next regular meeting as an Introduction of New Matter. Following ~~r~~ 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 ~~Secretary shall consult and confer with the~~ President of the Board and, ~~the Superintendent of Schools and the General Counsel shall confer~~ regarding the scheduling of Agenda items. Agenda items shall be accepted at the direction of the ~~Agenda items shall be accepted by the Secretary upon recommendation from the Superintendent of Schools, the General Counsel and on his/or her own initiative for scheduling on an appropriate subject matter agenda, save a directive from the President of the Board or a majority of the Board to otherwise schedule or handle such matter.~~

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 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 Superintendent or designee, not to exceed the cost of providing the service.

~~Public meeting materials given to members of the Governing Board by an employee or consultant of the District or a member of the legislative body during a public meeting, not previously posted on the Board's web site, or otherwise not previously made available, shall simultaneously be given to the public in attendance at said meeting. A minimum of three copies of such material shall be made available to the public in attendance at the meeting for immediate review. Such materials, thereafter, shall be made available on the Board's website as part of the meeting's Minutes. Members of the public who lack web access may be provided such materials, outside of the public meeting, upon request at cost.~~

~~Public meeting materials given to members of the Governing Board by a non-employee of the District during a public meeting, not previously posted on the Board's web site, or otherwise not previously made available, shall be made available after the meeting on the Board's website as part of the meeting's Minutes. Members of the public who lack web access shall be provide such materials, outside of the public meeting, upon request at cost.~~

~~Annual agenda subscriptions and requests for meeting agenda materials are renewal within a thirty day (30) period immediately following the annual organizational meeting of the Board.~~

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

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| 10/27/04; 8/29/07; Revised 4/10/2013

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, ~~subject to the posting and notice requirements of Rules 2035, 2036, 2037 and 2050,~~ 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 ~~Secretary~~ 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 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 [Secretary-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; [Revised 4/10/2013; eff 7/01/2013](#)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9324

Board Bylaws

Board Minutes and Recordings

The ~~Secretary~~ Superintendent or designee of the Governing Board shall keep minutes and record all official Board actions. (Education Code 35145, 35163)

Minutes

The official records of the proceedings of the Board and of its committees shall be known as the minutes. Minutes of the Board and of committees shall be recorded in writing and maintained in the Board office, except as permitted by these rules. ~~The minutes shall, at minimum, include those subject matters moved, seconded, and voted upon. The minutes, when approved by the Board or by a committee, shall be the official records of the proceedings at which they were taken. Minutes of a meeting shall be prepared and considered for adoption not later than the next regular scheduled meeting of the Board or of a committee. Minutes of the Board and committees shall be preserved in perpetuity.~~

The Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. At the next meeting, the Board shall approve the minutes as circulated or with necessary amendments.

In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion, the names of members who made and seconded the motion, and the individual votes of each member, unless the action was unanimous. When a roll call vote is taken, the names and votes of each member shall be listed. Motions or resolutions shall be recorded as having passed or failed. All motions and Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

The minutes shall record which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

Official Board minutes and recordings shall be stored in a secure location and shall be retained in

accordance with law.

The keeping of separate minutes of Closed Sessions shall be optional since the Brown Act mandates that items finalized in Closed Session shall be immediately reported out in public meetings or thereafter. Such minutes if kept shall be kept and labeled "confidential" except as to actions required to be disclosed by law.

Recordings

Whenever feasible, all public meetings of the Board and of its committees also shall be recorded in its entirety by an electronic and/or video recording device. Such electronic and/or video recordings shall not be edited and as made shall be considered unofficial public records of the proceedings of the Board or of a committee, designed primarily to assist in the preparation of the minutes, and may be erased or destroyed ninety calendar days after such electronic and/or video recordings are made.

Voting

All motions, resolutions, orders, elections, and votes of the Board and of committees shall be taken by ayes and noes, and the vote recorded. Records of closed session matters, if taken, shall be kept confidential unless disclosure is required by law or disclosure is authorized by the Board. No measure or proposition shall be valid unless passed by a majority of the membership or a greater majority if required by law.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journals

35164 Vote requirements

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent of all parties to the communication

GOVERNMENT CODE

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9325

Board Bylaws

Board Budget Development and Other Approval Procedures

The Board President, or ~~her/his~~ designee ~~with the advice and consent of the Business and Finance Committee (or successor committee)~~ shall present a proposed Board operating budget to the Board each spring a part of the District's budget process for the following year. The amount and types of expenditures authorized for each Director shall be itemized in the document along with other proposed operating expenditures of the Office of the Board.

Each Director shall be appropriated an individual and equal amount, as determined through the budget approval process, annually for capital expenditures, travel/conferences and miscellaneous expenses related to District business. Directors shall submit receipts and bills for such expenses to the same extent as required of District employees.

Directors may transfer funds between their individual itemized accounts as long as the amount transferred does not exceed the appropriation.

Unexpended funds for the Office of the Board and/or Directors shall cumulate from year to year.

10/27/04; Revised 4/10/2013

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9326

Board Bylaws

Equipment Use

| The ~~Secretary~~ Superintendent or designee shall keep a record of equipment issued for the purpose of fulfilling and facilitating the efficiency of District business to Directors, officers and immediate employees of the Board.

All items issued under this By-Law shall be solely for the conduct of District business.

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

OAKLAND UNIFIED SCHOOL DISTRICT
Board Bylaw

BB 9327
Board Bylaws

Communications To The Board

Written Communications

Written communications to the Board involving policy matters which are properly the first concern of the Board shall be referred to ~~appropriate committee~~ or staff for development of a written response or other action by the Board. Written communications to the Board involving administrative matters which are properly the first concern of the Administration shall be referred to the Superintendent of Schools for a written response or other action by the Administration.

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 supporting documentation for such item is received in the Board Office, addressed to the President of the Board no later than the 12 Noon the Wednesday preceding the next regularly scheduled meeting. Such request after introduction shall be referred to the appropriate Board committee for disposition.

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.

Verbal Communications to the Board

Oral presentations may be made before the Board or a committee thereof as follows:

(a) Procedure. Requests to address the Board or committee must be made by completing a card available at the entrance to the meeting room and personally filing it with the Board Office or the District's Public Information Office. Speaker cards must be submitted to the President ~~or the Committee Chair~~ prior to ~~Board or Committee~~ action on Modifications to the Agenda. The card should indicate the agenda item or items, the name of the speaker and/or topic, which the speaker seeks to address.

(b) Time Limit and Topic. Speakers shall limit their remarks to three minutes. A speaker or scheduled speaker may not yield his/her time to another person. If a speaker yields his or her time to ask or seek an answer to question, the time shall be charged to the speaker. The President or chair of a committee, however, is privileged to extend a time limit for any speaker, subject matter, or topic. The President or chair of a committee, however, is also privileged to restrict any speaker to the topic or subject under consideration.

(c) Out of Order Remarks. Each speaker, under law, is responsible for his or her remarks made in a meeting of the Board of Education or a committee. While the Board will not censure any person's speech, speakers are responsible for their remarks and should present all remarks courteously within the time permitted for such comments. At the same time, Board members are free to express criticism of remarks they believe are prejudicial or biased against other groups. They are free to remind speakers that prejudicial speech is antithetical to the aims of the educational endeavor.

If any member of the public uses obscenities or offensive language that could immediately provoke a violent reaction, the presiding officer, or any member of the board, upon recognition by the presiding officer, is free to calmly and politely advise the speaker to communicate civilly. This policy promotes mutual respect, civility, and orderly conduct among District employees, parents, students and the public. It shall be the Board's practice to maintain, to the extent feasible and reasonable, an atmosphere in which the public, the Board and District staff treat each other with respect. The Board is committed to maintaining the educational process and meetings free from disruptions that prevent learning and the free exchange of ideas.

(d) Order of Speaking/Time. The President or chair of a committee or the body is privileged to arrange requests by agenda, subject, or topic. Speakers wishing to address an agenda item will be called when that item is under discussion and before a vote is taken. Items posted on the agenda, which have been subsequently canceled or continued, are not subject to discussion by a member of the Board or of the public at that session of the committee or Board. Speakers on an agenda topic, other than public presentations, shall be called in the order of speakers card received alternating between proponent, opponent, alternative position on the issue. The Board, the committee or its chair shall announce the amount of time allocated for public comments on an agenda topic. Generally such amount of time shall not exceed one hour or unless the body consents to additional time. The amount of time allocation for public comment shall be announced in advance of consideration of the agenda item.

(e) Written Questions. Speakers are encouraged to present substantive questions in writing so that answers, as appropriate, may be made after due consideration.

(f) Oral Request. Members of the public may make an oral request at any Board ~~of Committee~~ meeting that a matter directly related to School District business be placed on the agenda pursuant to Rule 2074.

(g) Charges or Complaints Against Personnel. Charges or complaints against District personnel are urged to be addressed and resolved through the Uniform Complaint Procedure before addressing such issue to the Board. Addressing Complaints Raised at Board Meetings
If a person raises a matter during a public board meeting that would normally require investigation if presented as a written complaint through the Uniform Complaint

Procedure (UCP), the person will be notified of the opportunity to use the UCP. The Board will request that the Superintendent, the Superintendent's Chief of Staff, or other appropriate staff person respond to the complainant by: (1) advising the complainant of the UCP; (2) obtaining the complainant's contact information; and (3) following up with the complainant within 24 hours of the Board meeting.

(h) Disruptions.

- (1) Any individual who disrupts or threatens to disrupt Board operations; threaten the health and safety of Board Members, students, staff, or members of the public, or uses loud and/or offensive language which could provoke a violent reaction, the Chair will direct the individual to leave the meeting of the Board of Education, or its committee.
- (2) When an individual is directed to leave a Board meeting, the Chair shall inform the person that he/she will be guilty of a misdemeanor in accordance with California Education Code Section 44811 and Penal Code 415.5 and 626.7, if he/she reenters any District facility within 30 days after being directed to leave, or within seven days if the person is a parent/guardian of a student attending the school. If an individual refuses to leave upon request or returns before the applicable period of time, the Chair or designee may notify law enforcement officials.
- (3) If any speaker uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the Chair shall calmly and politely admonish the speaker to communicate civilly.

(i) Discriminatory or Harassing Comments

The District invites public comment about its operations, including comment about the performance of its public officials and employees, at the public meetings of the Board. But District policies, along with federal, state and local laws, prohibit discrimination against or harassment of District employees. Discriminatory or harassing comments about or in the presence of District employees, may create a hostile work environment, if severe or pervasive. **District policy prohibits discrimination or harassment of its employees on the basis of: Race, color, ancestry, national origin, ethnicity, place of birth, sex, age, religion, creed, disability or medical condition, HIV/AIDS status, sexual orientation, marital or domestic partner status, gender identity, pregnancy, or any other characteristic protected by state or federal employment discrimination laws.**

In order to acknowledge the public's right to comment on District operations at public meetings, while taking reasonable steps to protect District employees from discrimination and harassment, Governing Board shall adhere to the following procedures.

**HOW TO RESPOND TO DISCRIMINATORY OR HARASSING REMARKS
MADE AT A PUBLIC MEETING.**

If any person makes discriminatory or harassing remarks at a public meeting that violate federal or state law the Board President shall immediately take the following actions:

The Board President shall read the Board's policy against discrimination and harassment, set forth above in bold type, into the record. The President shall state that comments in violation of District policy will not be condoned and will play no role in District decisions.

If that person or others continue to make discriminatory or harassing remarks that violate District policy, the Board President shall remind the speaker of District policy, and then may recess the meeting temporarily. After this temporary interruption, speakers engaged in public comment shall be permitted to finish their allotted time.

| 10/27/04; 9/27/11A; Revised 4/10/2013

OAKLAND UNIFIED SCHOOL DISTRICT
Board Bylaw

BB-9328
Board Bylaws

~~Board Member-Elect, Board Member or Former Board Member Prohibited Contract~~

~~A Board member-elect, Board member or former Board Member less than one year out of office is prohibited from entering into any contract for compensation to provide professional or any other independent contract or employment services for or on behalf of the District. An existing District contract with a person who becomes a Board member-elect shall be immediately terminated upon the person becoming a Board member-elect. This by-law shall not be waived by the Governing Board.~~

1/27/05

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9400

Board Bylaws

Board Self-Evaluation

The Governing Board shall annually conduct a self-evaluation in order to demonstrate accountability to the community and ensure that district governance effectively supports student achievement and the attainment of the district's vision and goals.

(cf. 0000 - Vision)

(cf. 2123 - Evaluation of the Superintendent)

The evaluation may address any areas of Board responsibility, including but not limited to Board performance in relation to vision setting, curriculum, personnel, finance, policy, collective bargaining and community relations. The evaluation also may address objectives related to Board meeting operations, relationships among Board members, relationship with the Superintendent ~~and~~; the General Counsel, ~~the Executive Assistant, Board~~, understanding of Board and Superintendent roles and responsibilities, communication skills, or other boardsmanship skills.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

The Board shall be evaluated as a whole. Individual Board members also are encouraged to use the evaluation process as an opportunity to privately assess their own personal performance.

Each year the Board, ~~with assistance from the Superintendent, the General Counsel, the Executive Assistant, Board~~ shall determine an evaluation method or instrument that measures a reasonable number of previously identified performance objectives. ~~Videotape of a Board meeting may be used as an evaluation tool only with the consent of all Board members.~~

Any discussion of the Board's self-evaluation shall be conducted in open session. At the request of the Board, a facilitator may be used to assist with the evaluation process. The Board may invite the Superintendent, the General Counsel, ~~and the Executive Assistant, Board~~ or others to provide input into the evaluation process.

Following the evaluation, the Board shall develop strategies for strengthening Board performance and shall establish priorities and objectives for the following year's evaluation.

(cf. 9230 - Orientation)

(cf. 9240 - Board Development)

Legal Reference:

GOVERNMENT CODE

54950-54963 Brown Act; board self-evaluations not covered

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards, 2000

Maximizing School Board Leadership, 1996

WEB SITES

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

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