

File ID Number: 12-2390
Introduction Date: 9/12/12
Enactment Number: 15-2363
Enactment Date: 9/12/12
By: 0.2

OAKLAND UNIFIED SCHOOL DISTRICT Board Bylaw

BB 9200 Board Bylaws

Limits of Board Member Authority

Member Limits of Authority

The Board of Education being the primary authority over the District has broad but clearly limited powers. The exercise of its authority is restricted to the functions required or permitted by law, and then only when it acts in a legally constituted meeting.

A Board member has no individual authority. Individually, the Board member may not commit the district to any policy, act or expenditure. The Board member cannot do business with the district served, nor should the Board member have an interest in any contract with the school district. The Board member represents and acts for the community as a whole and does not represent any fractional segment of the community.

Individual members of the Board, by virtue of holding office, shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee, except his or her staff. Individual Board members shall submit request for information to the Superintendent of Schools. The Superintendent of Schools is neither obligated nor expected to follow the directions or instructions of individual board members, officers, and committees unless the Board has specifically delegated such exercise of authority. (source: B/CR-2)

At his/her discretion, the Superintendent may refer the request to the entire Board for consideration. If approved, the Superintendent or designee shall perform any necessary research associated with the request and report to the Board at a future meeting.

Obligations of Board Members

Board members should hold the education of children and youth above any partisan principle, group interest, or personal interest.

Board members should understand their role and the programs offered by the district. Members should study all agenda materials before the meeting, participate in the discussion of items which come before the Board, vote on motions and resolutions, and abstain only for compelling reasons.

Board members and persons elected to the Board are responsible for complying with the requirements of the state's open meeting laws.

City of Oakland Charter Limits

No District School Director of the Board of Education may interfere with the performance by the Superintendent of the District of those duties vested in or delegated to the Superintendent of the District by statute or by act of the Board of Education. Such interference specifically includes any attempt by a District School Director to order, coerce or influence, publicly or privately, any subordinate, official or employee of the District as to any matter within the authority of the Superintendent under statute or as conferred by the Board of Education through its policies, procedures, resolutions, or minutes of meetings. Such interference will constitute official misconduct. (Added by: Stats. June 1990.)

Violations of California Education Code section 7053 and 35230 and California Government Code section 1090 and 1126(a) will constitute official misconduct. (Added by: Stats. June 1990.)

Any District School Director who engages in official misconduct as defined in subsections (c) and (d) above may be removed from office, pursuant to Government Code section 3060, by an accusation presented by the Alameda County Grand Jury or as otherwise provided by law. (Added by: Stats. June 1990.)

Legal Reference:

EDUCATION CODE

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards - ESP.

35160-35184 Powers and duties

35230-35240 corrupt practices

35291 Rules

35292 Visits to schools (Board members)

GOVERNMENT CODE

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

54959 Penalty for unlawful meetings

CHARTER OF THE CITY OF OAKLAND

10/27/04