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Enactment Date	6/29/17



**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Memo

To Board of Education

From Marion McWilliams, General Counsel

Board Meeting Date June 28, 2017

Subject Amendment to Board Bylaw – BB 9130 Board Committees

Action Requested Approval by the Board of Education of updates to the Oakland Unified School District Board Bylaw BB 9130 Board Committees

Background Periodically modifications to board policies and bylaws are recommended to align with changes in law or recommended best practices. The proposed modifications to the board bylaw reflects the District's standards.

Discussion In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

This bylaw is updated to add the Budget and Finance standing committee. The changes to the bylaw are shown on the attachment. The proposed deletions are indicated with blue strikeouts. The recommended additions are shown in red.

Recommendation Approval of modification to the Oakland Unified School District Board Bylaw BB 9130 Board Committees

Fiscal Impact No direct funding implications

Attachments Amendment to Board Bylaw BB 9130 Board Committees

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

Board Bylaws

BB 9130

Board Committees

~~The Governing Board may establish Board committees as necessary.~~

The Governing Board may establish a committee whenever it determines that such a committee would benefit the district by providing diverse viewpoints, specialized knowledge or expertise, or increased efficiency. Such committees may be subcommittees of the Board or committees that include members of the community, staff, or other stakeholder groups.

Purpose of Committees

~~The general purpose of any established Board committee is to research, develop and recommend policy to be adopted by the Board; and/or to conduct oversight of Board policy implementation, and develop findings and propose recommendations to the Board.~~

Upon establishing a committee, the Board shall clearly define the committee's purpose, any timeline for completion of assigned responsibilities, any stakeholder groups or individuals to be represented on the committee, length of time that committee members are expected to serve, and expectations for reporting to the Board and/or the Superintendent or designee. Unless specifically authorized by the Board to act on its behalf, the committee shall act in an advisory capacity.

Standing committees of the Board, irrespective of membership, are those that have a continuing subject matter jurisdiction or a meeting schedule established by action of the Board. (Government Code 54952)

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 Board.

Any committee not required by law may be dissolved when its duties or term has been completed or whenever the Board deems necessary.

Committee Meetings

Committee meetings shall be held pursuant to a schedule determined by the Committee to meet its mandate from or charge 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 Board President and Committee shall assign appropriate 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 committee(s), each consisting of less than a majority of the full Board, but not less than three or of a majority or more Board members on a joint or other governmental body requiring a greater number than three, within thirty days following the annual meeting:

A. 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.

B. Budget and Finance - This committee shall review and/or propose the District's annual budget, modifications thereto, including regular review of site and departmental level budgets to actual, 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 also shall handle other finance and budget related matters assigned.

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 Bylaws 9320 and 9322.

A committee in its consideration of an issue(s) shall provide an opportunity for members of the public to put items on the meeting agenda within the subject matter jurisdiction same as the public is permitted for the Board.

A 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.

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

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35024 Executive committee

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54950-54963 The Brown Act, especially:

54952 Legislative body, definition

54952.2 Definition of meeting

54954 Time and place of regular meetings; special meetings; emergencies

54954.3 Opportunity for public to address legislative body

54957 Closed session purposes

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

ATTORNEY GENERAL OPINIONS

81 Ops.Cal.Atty.Gen. 156 (1998)

80 Ops.Cal.Atty.Gen. 308 (1997)

79 Ops.Cal.Atty.Gen. 69 (1996)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

WEB SITES

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

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

10/27/04; 1/5/09A; 4/10/13A; 1/6/14A; 2/11/15A; 6/28/17A (if adopted)

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