

Board Office Use: Legislative File Info.	
File ID Number	19-0937
Introduction Date	5/8/19
Enactment Number	19-0708
Enactment Date	5/8/19 lf



Memo

To Board of Education

From Mike Smith, Interim General Counsel

Board Meeting Date May 8, 2019

Subject Amendment to Board Bylaw – Board Bylaw 9130 Board Committees

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

Background Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District’s standards.

Discussion Board Resolution 1718-0165 provided that the Board would create a standing committee to consider charter matters for recommendation to the Board. Part of the charter committee’s charge is to review and select charter board members from among applicants for approval by the Board. The amendments to the Bylaw establish that Board Committee. The amendments also eliminate the Special Committee on Fiscal Vitality because the charge of that committee sunset in January 2019 pursuant to the prior amendments of Board Bylaw 9130.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

Fiscal Impact No direct funding implications

Attachments Amendment to Board Bylaw 9130 Board Committees

OAKLAND UNIFIED SCHOOL DISTRICT
Board Bylaw
Board Bylaws

BB 9130
Board Committees

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

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 .

C. Facilities – This committee shall make recommendations to the Board relating to Facilities matters as reflected in the Board’s calendar and amended Board work plan including an updated Facilities Master Plan, an updated bond spending plan, considerations for subsequent bond issuances, asset management and potential revenue generation from real property, leases, Civic Center policy, an updated joint use agreement with the City relating to real property, and the Blueprint for Quality Schools. The committee shall also be responsible for reviewing and proposing facilities related policies. The committee also shall handle other facilities matters assigned.

D. Charters – This committee shall be appointed pursuant to Pursuant to Board Resolution 1718-0165, “to consider charter matters for recommendation to the Board, and part of this committee’s charge is to review and select charter board members from among applicants for approval by the Board.” Education Code 47604(b) and Board Policy 0420, allows the governing board of a school district that authorizes a charter school to appoint one representative to that charter school’s governing board. Under the Superintendent’s Implementation Plan of Resolution 1718-0165, the Superintendent or designee will make recommendations to the Charter committee about potential appointments to charter boards based on the criteria outlined in the Implementation Plan.

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.

(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, 8/22/18A, 5/8/18A



5/9/19

Aimee Eng
President, Board of Education



5/9/19

Kyla Johnson Trammell
Secretary, Board of Education

OAKLAND UNIFIED SCHOOL DISTRICT
Board Bylaw
Board Bylaws

BB 9130
Board Committees

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

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 .

C. Facilities – This committee shall make recommendations to the Board relating to Facilities matters as reflected in the Board’s calendar and amended Board work plan including an updated Facilities Master Plan, an updated bond spending plan, considerations for subsequent bond issuances, asset management and potential revenue generation from real property, leases, Civic Center policy, an updated joint use agreement with the City relating to real property, and the Blueprint for Quality Schools. The committee shall also be responsible for reviewing and proposing facilities related policies. The committee also shall handle other facilities matters assigned.

D. Charters – This committee shall be appointed pursuant to Board Resolution 1718-0165, “to consider charter matters for recommendation to the Board, and part of this committee’s charge is to review and select charter board members from among applicants for approval by the Board.” Education Code 47604(b) and Board Policy 0420, allows the governing board of a school district that authorizes a charter school to appoint one representative to that charter school’s governing board. Under the Superintendent’s Implementation Plan of Resolution 1718-0165, the Superintendent or designee will make recommendations to the Charter committee about potential appointments to charter boards based on the criteria outlined in the Implementation Plan.

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.

(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, 8/22/18A, 5/8/18A