

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 Agenda[†]~~

~~J. Adoption of the Pupil Discipline General Consent Report~~

~~K. Special Recognition and Presentations~~

[†] ~~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~~

A. Call To Order
B. Roll Call
C. Pledge of Allegiance
D. Special Recognitions and/or Presentations
E. Report of Student Board Members
F. Speaker Request Cards/Modifications To the Agenda²
G. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Board (maximum 45 minutes)
H. Public Hearing(s)³
I. Unfinished Business
J. New Business
K. Superintendent's Report
L. Report of Regular Board Members
M. Adoption of General Consent Report
N. President's Statement Disclosing Item(s) To Be Discussed In Closed Session Today
O. Closed Session Items
P. Recess To Closed Session
Q. Reconvene to Public Session
R. Second Roll Call
S. President's Statement of Reportable Action Taken In Closed Session
T. Adoption of the Pupil Discipline Consent Report
U. Introduction of New Matter
V. Adjournment

Committee agenda may be constructed in a similar fashion.

Suspension of the Order of Business

² All agenda item SPEAKER REQUESTS/CARDS shall have been submitted to the Secretary by this point in the Agenda. Late requests/cards will not be accepted. 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.

³ Unless hearing has been held in Committee.

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 (Reaffirmation)⁴

"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 Secretary. 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 at a regular meeting during Introduction of New Business or filed in the Office of the Board, addressed to the Secretary of the Board 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.

⁴ All Policies shall be reconciled and made consistent with this requirement.

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, the Superintendent of Schools and the General Counsel regarding the scheduling of Agenda items. 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.

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 provided 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

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

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

10/27/04; 8/29/07