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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

BOARD OF EDUCATION 2022

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To: Board of Education

Legislative File: 22-1376
Introduction Date: 8/5/2022
Enactment No.:
Enactment Date:
By:

From: Agenda Small Work Group
Carmella Franco, Ed. D., Governance Consultant, Facilitator
Gary Yee, Ed.D., President
Benjamin "Sam" Davis, Vice President
Mike Hutchinson, Member, Board
Jody Talkington, Senior Director, Special Projects
Edgar Rakestraw, Jr., Executive Assistant & Parliamentarian, Board

Board Meeting Date: August 5, 2022

Re: Adoption of Board Bylaw 9322 – Agenda/Meeting Materials (Revised)

Action Requested

Adoption by Board of Education of Bylaw 9322 - Agenda/Meeting Materials (Revised), absent legal restraints, effective August 24, 2022.

Discussion

Over the past six or more months an Agenda Small Working Group (ASWG), convened at the request of President Yee, under the facilitation of Carmella Franco, Ed.D., Governance Consultant, has been working to find ways to reduce the number of hours spent in Board Meetings yet conduct the business of the Board promoting student achievement.

The ASWG, following Dr. Franco’s individual conversations with Board Members, met at least two times to review Board Bylaw 9322, which among other provisions, contains the Meeting Agenda Order of Business. The Group has concluded streamlining the Boards Regular Meeting Agenda Order, among other practices, will result in more efficient meetings.

The principal recommended changes are:

- Current Agenda Items: H -Recognitions and Celebrations and I – Future Engagement Opportunities be consolidated into Board Member Reports – Agenda Item W.
- Public Comment Be Added But Consolidated for – Agenda Item K – Student Board Members Report

and Agenda Item L – Superintendent’s Report.

- Current separate Public Comment is retained for All Non-Agenda Items; Collective Bargaining Units; Public Hearings.
- Current separate Public Comment, for Unfinished Business, and New Business, is combined into one Public Comment covering the above subject matter **and** General Consent Report, Pupil Discipline Consent Report, General Consent Report -General Obligation Bonds, President’s Report, Board Member Report, Introduction of New Legislative Matter, and Adjournment to be known as one Public Comment – Agenda Items P thru Y.
- As a result of the foregoing, the Agenda Order -A thru Z - is rearranged as listed.

The ASWG believes, if the proposal is adopted by the Board, it may reduce two-three hours off of current regular meeting time. It also will facilitate more critical scheduling of Agenda items, more concise presentations, and Board member focused discussions on policy, fiduciary, and academic responsibilities of the Board during a meeting.

Recommendation

Adoption by Board of Education of Bylaw 9322 - Agenda/Meeting Materials (Revised), absent legal restraints, effective August 24, 2022.

Attachments: Board Bylaw 9322 - Agenda/Meeting Materials (Revised)
Board Bylaw 9322 - Agenda/Materials (Current) (red-lined)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9322

Agenda/Meeting Materials

Agenda - Posting and Notice Requirements

The agenda of a regular Board meeting and of a regular committee or commission (hereafter “committee”) meeting shall be noticed and posted at minimum seventy-two (72) hours in advance of a meeting. Agendas of a special Board and of a special 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 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 the essence of the item to be discussed or transacted. The closed session portion of the agenda for a Board meeting shall be described pursuant to law.

The agenda of a Board meeting or of a committee meeting 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.

The agenda of a Board meeting or of a committee meeting shall specify that an individual should contact the Board Office (510) 879-8199 or boe@ousd.org, if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in a Board Meeting. (Government Code 54954.2)

The agenda of a Board meeting or of a committee meeting conducted exclusively online as permitted by law shall include easily understandable directions for how to access and observe the meeting as well as make public comment.

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 act 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 for Regular Board Meetings

The Board shall conduct business at every regular meeting. The order of business at the regular Board meetings shall be:

- A. Call to Order
- B. Roll Call
- C. President's Statement Disclosing Item(s) To Be Discussed In Closed Session Today (Listed pursuant to law):
 - C1. Public Comment on Closed Session Items

This section of the Agenda provides an opportunity for members of the Public to address the Board on any Closed Session Item on today's Agenda prior to the Board's recess to Closed Session for possible consideration of such Item.

- D. Recess to Closed Session
- E. Reconvene to Public Session

- F. Second Roll Call
- G. President's Statement of Reportable Action Taken In Closed Session and the Vote or Abstention of Members Present, If Any.

- H. Modification(s) to the Agenda

Modification(s) to the Agenda, by the Board, allows for any change in the printed Order of Business including, but not limited to, an announcement that an Item or Legislative File will be considered out of Agenda printed order, that consideration of an Item has been withdrawn, postponed, rescheduled, or "pulled" or taken off a General Consent Report for separate discussion and/or possible action.

- I. Special Orders of the Day

Special Orders of the Day shall be primarily for one or more but not more than two - individual or group - ceremonial items on occasion but not exclusively.

- J. Public Comment on Reports – Agenda Item K - Student Board Members’ Report – and - Agenda Item L – Superintendent’s Report (Not to Exceed 15 Minutes)

- K. Student Board Members’ Report

This is an oral or written Report to the Board and to the Public by a Student Director of any information that he/she wishes to share regarding past, present or future personal or official activities as a representative of the All-City Council and students of the District.

- L. Superintendent’s Report

This is an oral or written report to the Board and to the Public by the Superintendent of Schools or designee of any information that he/she wishes to share regarding past, present or future personal or official activities.

- M. Comment By Collective Bargaining Units (Not to Exceed 10 Minutes)

This section of the Agenda provides an opportunity for the leadership of the District's recognized Collective Bargaining Units to address the Board of Education on issues or matters of concern other than as provided for in the respective Collective Bargaining Agreement and/or state law.

- N. Public Hearings (Not to Exceed 30 Minutes)

Public Comment Taken Separately On Each Public Hearing Agenda Item.

- O. Public Comment on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District (Not to Exceed 30 Minutes)
- P. Public Comment on All Agenda Items - Q Through Y - on Today's Agenda (Not To Exceed 30 Minutes)
- Q. Unfinished Business
- R. New Business
- S. Adoption of the Pupil Discipline Consent Report

Adoption of the Pupil Discipline Consent Report by the Board is the final Public Session decision, required by state law, on an individual pupil case from Closed Session, based on consideration of report and recommendations from the Pupil Discipline Hearing Panel, to either suspend, expel, grant a suspended expulsion, revoke a suspended expulsion order, reinstate, readmit, admit a pupil or not to do any of the preceding regarding a pupil. An individual pupil's case, other than as disclosed on printed agenda, is non-disclosable pursuant to federal and state law.

- T. 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 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 Report 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 Report, thereafter, shall be adopted or otherwise disposed of in a single motion.

- U. Adoption of General Consent Report - General Obligation Bonds (GOB) - Measures B, J and Y

Adoption of the General Consent Report – General Obligation Bonds (GOB) - Measures B, J and Y " 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 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 ^[SEP] General Consent Report – General Obligation Bonds (GOB) - Measures B, J and Y, 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 Report - General Obligation Bonds (GOB) - Measures B, J and Y, thereafter, shall be adopted or otherwise disposed of in a single motion.

V. President's Report

This is an oral or written Report to the Board and to the Public by the President of the Board of any information that he/she wishes to share regarding past, present or future personal or official activities as the chief officer of the Board.

W. Regular Board Members' Report

This is an oral or written Report, consistent with Brown Act requirements, to the Public by an Elected Board member of any information that he/she wishes to share regarding past, present or future personal or official activities, celebrations, and recognitions.

X. Introduction of New Legislative Matter(s)

This section of the Agenda permits the Introduction of a New Business Matter within the subject matter jurisdiction of District that may be scheduled, pursuant to requirements of Board Bylaw 9322, for a future meeting. No discussion, no debate.

Y. Adjournment

A Regular Board Meeting shall end not later than 11:00 P.M. Every effort will be made by the Board to restrict extensions to lengthen the Board Meeting to one 45-minute extension.

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.

General Consent Report(s)

All items appearing on the Agenda under "Adoption of the General Consent Report(s)" means that such items are approved in one motion per consent report unless a board member requests that an item be removed and voted on separately or otherwise acted upon. Generally, these items are 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 a General Consent Report 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 Report(s), thereafter, shall be adopted in a single motion per consent report.

Introduction of New Matter(s)

Every Regular Meeting Agenda shall provide for the Introduction of New Matter(s). 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 during this item, 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, if appropriate, for consideration of its programmatic, financial and/or other impact or consideration; otherwise, the President, without objection of the majority, shall determine when the subject matter shall be taken up by the Board.

Public Requested Items on the Agenda

Members of the public may request, in writing, that specific matters directly related to School District business be placed on the agenda of a regular meeting of the Board. The Board President shall determine when to place the requested item on a Board agenda and whether to do so as a presentation, discussion, or action item.

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.

Agenda/Meeting Materials

The President of the Board and the Superintendent of Schools shall confer regarding the scheduling of Agenda items. Agenda items shall be accepted at the direction of the President of the Board or a majority of the Board. The President of the Board, in consultation with the Superintendent, shall determine the estimated time allocation for each item or section in an Agenda, which shall be included in the published Agenda. These time allocations are to be or be construed as limitations on the actual time that may be spent on each item or section.

All resolutions of the Board shall be numbered, the subject matter stated in the title and specific references made in the minutes.

Final 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.

If a final 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 Secretary/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 Secretary/Superintendent or designee, not to exceed the cost of providing the service.

Interpreting

All regular meetings of the Board shall include interpreting services in Arabic, Cantonese, Spanish, Vietnamese and/or designated language(s) whenever possible. If no member of the public seeks interpreting services for the first three hours of the meeting or through Item P. Public Comment on All Agenda Items - Q Through Y - on Today's Agenda, whichever is later, then no interpreting services shall be available for the remainder of the meeting unless otherwise ordered by the President or a majority of the Board.

It is the intent of the Board that public comments made in languages other than English be interpreted into English, whenever possible, so that all Board members and members of the public who do not understand the language spoken can understand the perspectives being shared.

For a regular meeting of the Board, any member of the public may request interpreting services for a language other than Arabic, Cantonese, Spanish, Vietnamese and/or designated language(s) whenever possible. The request must be made at least three (3) working days prior to the day of the meeting and shall only be accommodated if interpreting services in the requested language are available for that meeting.

For any regular committee meeting, any member of the public may request interpreting services. The request must be made at least three (3) working days prior to the day of the meeting and shall only be accommodated if interpreting services in the requested language are available for that meeting.

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

10/27/04; 8/29/07A; 4/10/13A; 01/04/16A; 1/27/16A; 8/9/17A, 12/12/18A; 5/8/19A; 10/28/20A; 6/29/22A

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

BB 9322

Agenda/Meeting Materials

Agenda - Posting and Notice Requirements

The agenda of a regular Board meeting and of a regular committee or commission (hereafter “committee”) meeting shall be noticed and posted at minimum seventy-two (72) hours in advance of a meeting. Agendas of a special Board and of a special 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 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 the essence of the item to be discussed or transacted. The closed session portion of the agenda for a Board meeting shall be described pursuant to law.

The agenda of a Board meeting or of a committee meeting 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.

The agenda of a Board meeting or of a committee meeting shall specify that an individual should contact the Board Office (510) 879-8199 or boe@ousd.org, if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in a Board Meeting. (Government Code 54954.2)

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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

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- (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 for Regular Board Meetings

The Board shall conduct business at every regular meeting. The order of business at the regular Board meetings shall be:

- A. Call to Order
- B. Roll Call
- C. President's Statement Disclosing Item(s) To Be Discussed In Closed Session Today Closed Session Items (Listed pursuant to law):
 - C1. Public Comments on Closed Session Items.
- D. Recess to Closed Session
- E. Reconvene to Public Session
- F. Second Roll Call

- G. President's Statement of Reportable Action Taken In Closed Session and the Vote or Abstention of Members Present, If Any.
- H. ~~Recognitions and Celebrations (1 minute per Board member)~~Modifications to the Agenda
- I. ~~Future Engagement Opportunities (1 minute per Board member for verbal updates; Board members may also submit written updates)~~Special Orders of the Day
- J. ~~Modifications To Agenda~~Public Comments on Reports – Agenda Item K – Student Board Members Report – and – Agenda Item L – Superintendents' Report
- K. ~~Public Comment on All Non-Agenda Items (30 minutes for all public comments)~~Student Board Members Report
- L. ~~Public Comment on All Agenda Items (30 minutes for all public comments)~~Superintendent's Report
- M. ~~Special Orders of the Day. Examples of Special Orders of the Day include (but are not limited to) adoption of interim and annual budgets and tax-measure audit presentations~~Comments on Collective Bargaining Units .
- N. ~~Student Board Members Report~~Public Hearings
- O. ~~Public Comments on All Non-Agenda Items With the Subject Matters Jurisdiction of the District (Not to Exceed 30 Minutes)~~
~~President's Report~~
- P. ~~Superintendent's Report. Written report with Board member questions~~Public Comments on Aall Agenda Items – P Thru Y – on Today's Agenda .
- Q. ~~Comment by Bargaining Units (5 minutes per Bargaining Unit)~~Unfinished Business
- R. ~~Public Hearing(s), public comment taken separately on each public hearing agenda item~~New Business
- S. ~~Unfinished Business. Additional public comment (beyond the public comment opportunity offered in Section L) may be taken, at the President's discretion, collectively at beginning of this section and/or separately on one or more unfinished business agenda items~~Adoption of the Pupil Discipline Consent Report

- ~~S. _____~~
- T. ~~New Business. Additional public comment (beyond the public comment opportunity offered in Section L) may be taken, at the President's discretion, collectively at beginning of this section and/or separately on one or more new business agenda items~~Adoption of the General Consent Report
- ~~U. _____~~Adoption of General Consent Report - General Obligation Bonds (GOB) - Measures B, J and Y
- ~~U. _____~~Adoption of the Pupil Discipline Consent Report
- V. ~~Adoption of the General Consent Report(s). All consent items funded, at least in part, with Bond funds shall be considered and voted on as part of a separate Bond Measure(s) Consent Report~~President's Report
- W. ~~Introduction of New Matter(s)~~Regular Board Members' Report
- X. ~~Board Member Reports~~Introduction of New Legislative Matter
- Y. ~~Agenda Building & Work Plan Review~~Adjournment
- ~~Z. _____~~Additional Public Comments On Agenda Items (W-Y)
- ~~AA. _____~~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.

General Consent Report(s)

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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, if appropriate, for consideration of its programmatic, financial and/or other impact or consideration; otherwise, the President, without objection of the majority, shall determine when the subject matter shall be taken up by the Board.

Public Requested Items on the Agenda

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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.

Agenda/Meeting Materials

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Upon request, the Secretary/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 Secretary/Superintendent or designee, not to exceed the cost of providing the service.

Interpreting

All regular meetings of the Board shall include interpreting services in Spanish and Cantonese whenever possible. If no member of the public seeks interpreting services for the first three hours of the meeting or through Item S, Public Hearings, whichever is later, then no interpreting services shall be available for the remainder of the meeting unless otherwise ordered by the President or a majority of the Board.

It is the intent of the Board that public comments made in languages other than English be interpreted into English, whenever possible, so that all Board members and members of the public who do not understand the language spoken can understand the perspectives being shared.

For a regular meeting of the Board, any member of the public may request interpreting services for a language other than Spanish or Cantonese. The request must be made at least three (3) working days prior to the day of the meeting and shall only be accommodated if interpreting services in the requested language are available for that meeting.

For any regular committee meeting, any member of the public may request interpreting services. The request must be made at least three (3) working days prior to the day of the meeting and shall only be accommodated if interpreting services in the requested language are available for that meeting.

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda GOVERNMENT CODE

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UNITED STATES CODE, TITLE 42

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35.160 Effective communications

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10/27/04; 8/29/07A; 4/10/13A; 01/04/16A; 1/27/16A; 8/9/17A, 12/12/18A; 5/8/19A; 10/28/20A