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Introduction Date	12/15/2021
Enactment Number	22-0133
Enactment Date	1/12/2022 er



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

Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Joshua R. Daniels, Chief Governance Officer

Meeting Date January 12, 2022

Subject Resolution No. 2122-0014C-A - Amendment to Resolution No. 2122-0014C (Making Certain Findings Necessary To Permit Virtual Meetings In Specified Circumstances for January 2022)

Ask of the Board Approval by the Board of Education of Resolution No. 2122-0014C-A - Amendment to Resolution No. 2122-0014C (Making Certain Findings Necessary To Permit Virtual Meetings In Specified Circumstances for January 2022)

Background Assembly Bill No. 361 (“AB 361”) amended the Education Code to “improve and enhance public access to . . . local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options.” It permits local governing board to hold virtual meetings without needing to publish the physical locations of Board members or make those locations open to the public if there is a proclaimed state of emergency and either:

- (i) state or local officials have imposed or recommended measures to promote social distancing, or
- (ii) the local governing board finds that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees or members.

AB 361 applies not just to OUSD School Board meetings but to all meetings of OUSD legislative bodies.

On December 15, 2021, the Board of Education (“Board”) adopted Resolution No. 2122-0014C - Making Certain Findings Necessary To Permit Virtual Meetings In Specified Circumstances for January 2022 (“January 2022 Virtual Meeting Resolution”), which made the findings necessary to permit virtual meetings during the month of January 2022 in two situations:

- 1) Regular Board meetings held in the Great Room if any attendee violates any state, local, or District health and safety protocols or engages in other unsafe behavior

- 2) Meetings of the Board (when the Great Room is unavailable), Board committees, OUSD commissions, and other OUSD legislative bodies subject to the Brown Act that normally meet in the Committee Room

Discussion In light of the Omicron surge, the proposed Resolution would amend the January 2022 Virtual Meeting Resolution to make the findings necessary to also permit regular Board meetings (normally held in the Great Room) to be held entirely virtually the month of January 2022 from the very beginning. The January 12, 2022 regular Board meeting is properly being held entirely virtually in light of this item. (See Government Code section 54953(e)(1)(B).) If the proposed Resolution is not approved, however, the regular Board meeting scheduled for January 26 would need to be conducted in person.

Fiscal Impact N/A

Attachment

- Resolution No. 2122-0014C-A - Amendment to Resolution No. 2122-0014C (Making Certain Findings Necessary To Permit Virtual Meetings In Specified Circumstances for January 2022)

**RESOLUTION OF THE
BOARD OF EDUCATION OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 2122-0014C-A

**Amendment to Resolution No. 2122-0014C (Making Certain Findings Necessary To Permit
Virtual Meetings In Specified Circumstances for January 2022)**

WHEREAS, Assembly Bill No. 361 (“AB 361”) is intended to “improve and enhance public access to . . . local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options”;

WHEREAS, AB 361 permits local legislative bodies subject to the Brown Act to hold virtual meetings without needing to publish the physical locations of Board of Education (“Board”) members or make those locations open to the public if there is a proclaimed state of emergency (pursuant to Section 8625 of the California Emergency Services Act) and either: (i) state or local officials have imposed or recommended measures to promote social distancing, or (ii) there is a finding that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees or members;

WHEREAS, prior to the COVID-19 pandemic, the Board held regular and most special meetings in a large, well-ventilated room (“Great Room”) at the La Escuelita/KDOL/MetWest campus, with the entrance located at or near 286 East 10th Street in Oakland;

WHEREAS, prior to the COVID-19 pandemic, the Board (when the Great Room was unavailable), Board committees, OUSD commissions, and most other OUSD legislative bodies subject to the Brown Act normally met in a small, poorly-ventilated room (“Committee Room”) on the second floor of the La Escuelita/KDOL/MetWest campus, with the entrance located at or near 286 East 10th Street in Oakland;

WHEREAS, the Board adopted Resolution No. 2122-0014C - Making Certain Findings Necessary To Permit Virtual Meetings In Specified Circumstances for January 2022 (“January 2022 Virtual Meeting Resolution”), which made the findings necessary to permit virtual meetings during the month of January 2022 in two situations:

- Regular Board meetings held in the Great Room if any attendee violates any state, local, or District health and safety protocols or engages in other unsafe behavior, and
- Meetings of the Board (when the Great Room is unavailable), Board committees, OUSD commissions, and other OUSD legislative bodies subject to the Brown Act that normally meet in the Committee Room;

WHEREAS, the Omicron variant is significantly more transmissible than prior variants and the case rates in Alameda and in the city of Oakland have increased dramatically;

WHEREAS, as a result of the Omicron surge, Governor Newsom recently issued Executive Order N-1-22, which permitted state bodies to continue to meet virtually through March 31, 2022;

WHEREAS, as similar extension for local legislative bodies such as school board must be done via the AB 361 process (rather than Executive Order);

WHEREAS, OUSD Board meetings can function just as well and just as transparently in an all-virtual setting properly;

WHEREAS, in December 2021, most of those who attended the regular Board meetings did so virtually.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby makes the following findings in addition to those in the January 2022 Virtual Meeting Resolution:

- Meeting in-person in the Great Room would present imminent risks to the health or safety of attendees and members.

BE IT FURTHER RESOLVED, the intent of these findings is to enable the Board to hold its January 12, 2022 and January 26, 2022 regular meetings virtually rather than in the Great Room;

BE IT FURTHER RESOLVED, this Resolution is effective for the month of January 2022.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 12th day of January, 2022, by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Aimee Eng, Shanthi Gonzales, Clifford Thompson, Vice President Benjamin "Sam" Davis, President Gary Yee

NOES: Mike Hutchinson

ABSTAINED: None

RECUSED: None

ABSENT: VanCedric Williams, Samantha Pal (Student Director), Natalie Gallegos Chavez (Student Director)

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on 12th day of January, 2022.

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By:	er

OAKLAND UNIFIED SCHOOL DISTRICT



Gary Yee
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education