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Memo

To Board of Education

From Shanthi Gonzales, Board Vice President

Board Meeting Date October 14, 2020

Subject Proposed Amendments to BB 9322 (Agenda/Meeting Materials)

Action Approve amendments to BB 9322 (Agenda/Meeting Materials)

Background Board Bylaw (BB) 9322 (Agenda/Meeting Materials) addresses agenda posting and notice requirements for regular, special, and emergency meetings. It also contains the order of business for regular Board meetings, including allocation of time for public comment, as well as the process by which an item, requested by a member of the public to be placed on a Board meeting agenda, is placed on a Board meeting agenda.

Discussion BB 9322 has not been updated since the move to online meeting and the proposed changes include amendments to do so. For instance, one of the proposed changes is to add the requirement that the agenda of a Board meeting or of a committee meeting conducted exclusively online as permitted by law include easily understandable directions for how to access and observe the meeting as well as make public comment.

BB 9322, in its current form, also does not include a requirement to translate the meeting; another of the proposed changes adds a requirement to provide interpreting services in Spanish and Cantonese whenever possible at regular Board meetings. Additional changes have been made since the September 23, 2020 first read. Specifically, the proposed changes now include the ability of the public to request interpreting services beyond Spanish and Cantonese for regular Board meetings and for any language for regular committee meeting as long as the request is received at least three working days prior to the

meeting and if interpreting services in the requested language are available for that meeting.

The proposed changes clarify that it is at the discretion of the Board President to determine when to agendaize an item requested by a member of the public to be placed on a Board meeting agenda. This is consistent with Education Code section 35145.5.

The proposed changes significantly modifies the order of a regular Board meeting agenda. Certain sections are added (e.g., Recognitions and Celebrations; Future Engagement Opportunities; Agenda Building & Work Plan Review) and certain sections are removed (e.g., Review Oath of Office and Meeting Norms for the Board of Education). Some sections are also reordered (e.g., Board member reports). Additionally, public comment on all agenda items (other than public comment for public hearings) is permitted in a new a single section at the beginning of the meeting.

Other changes to the order have been modified since the September 23, 2020 first read. The proposed changes now include leaving the Superintendent's report toward the beginning of the agenda, although it is now proposed to be limited to a written report followed by Board member questions. The proposed changes continue to include additional public comment for unfinished and new business items with a slight change: now the public comment is proposed to be given, at the President's discretion, collectively at beginning of each section and/or separately on one or more unfinished or new business agenda items.

There is also a new public comment opportunity after Introduction of New Matter(s), Board Member Reports, and Agenda Building & Work Plan Review to comment on those three sections. This is consistent with Education Code section 54954.3.

Lastly, the proposed changes include minor or non-substantive clean-up language that is included whenever any Board Policy or Board Bylaw is amended.

The changes from the first read may be found in red while the subsequent changes may be found in blue.

These are the challenges the proposed amendments hope to address:

1. As currently structured, Board meetings consistently go too late and critical topics (e.g., budget reports and the LCAP) do not come up until the Board members are too exhausted to properly attend to them. This gives short shrift to the most important

items (e.g., student academics, District's financial health) and does not support the Board in providing better oversight on these topics.

2. The public has to wait too long to make their comments. When the Board meeting agenda has multiple special orders and ceremonial items and long Superintendent reports, public comments on non-agenda items often are not heard until 9:00pm or 9:30pm. Similarly, budget items often do not occur until 11:00pm or 11:30pm. This reality discourages members of the public from attending and participating, especially students and families with young children.
3. The Board needs to better publicize the many ways that members of the public can engage with Board members and staff. Many members of the public do not know about or use committee meetings or other opportunities (e.g., Board member office hours, District working groups, town hall meetings) to learn or to offer their own ideas and perspectives. Board meetings are almost always impacted, which leads to time limits needing to be placed on public comments, which in turn leads to frustration for speakers. Dedicated time to share opportunities to engage will enable the publication of the other ways to participate, where the public can have more time for interaction with Board members and District staff.
4. Not enough time is spent highlighting the positive things happening in District schools and in the District as a whole. The culture and climate of the District starts with the Board, and it is important to build time into each meeting to highlight what is working.
5. There is a common refrain that members of the public that they do not know what is happening in OUSD. Spending more time reviewing and progress monitoring the Board's annual work plan (as the Superintendent does with her regular reports) would help the Board stay on top of its work. Adding a regular time at each meeting to review the Board's work plan and to preview what is coming up at future meetings will help the Board address these issues.
6. There will be four new board members joining come January, and it is important to make time for their questions. The three to five minutes typically allocated per Board member to ask their questions (and understand the response) and weigh in on an agenda item will not be sufficient.

Fiscal Impact

N/A

Attachment

Final Proposed Amendments to BB 9322 (Agenda/Meeting Materials) -
REDLINE

Final Proposed Amendments to BB 9322 (Agenda/Meeting Materials) -
CLEAN

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

Board Bylaws

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 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):
- 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)
- I. Future Engagement Opportunities (1 minute per Board member for verbal updates; Board members may also submit written updates)
- J. Modifications To Agenda
- K. Public Comment on All Non-Agenda Items (30 minutes for all public comments)
- L. Public Comment on All Agenda Items (30 minutes for all public comments)
- 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.
- N. Student Board Members Report
- O. Superintendent's Report. [Written report with Board member questions.](#)
- P. Comment by Bargaining Units (5 minutes per Bargaining Unit)
- Q. Public Hearing(s), public comment taken separately on each public hearing agenda item
- R. 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 each unfinished business agenda items or collectively at beginning of the section at the President's discretion](#)
- S. 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 each new business agenda items or collectively at beginning of the section at the President's discretion](#)
- T. Adoption of the Pupil Discipline Consent Report
- U. 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

- V. Introduction of New Matter(s)
- W. Board Member Reports
- X. Agenda Building & Work Plan Review
- Y. Additional Public Comments On Agenda Items (~~VU~~-X)
- Z. 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)

All items appearing on the agenda under "Adoption of the General Consent Report(s)" means that all items appearing on the agenda under this topic 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 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

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

OAKLAND UNIFIED SCHOOL DISTRICT

Board Bylaw

Board Bylaws

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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.

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