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# Memo

**To** Board of Education

**From** Jody London, Board President

**Board Meeting Date** October 28, 2020

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

**Action** Review amendments to BB 9322 (Agenda/Meeting Materials)

**Background** Board Bylaw (BB) 9322 (Agenda/Meeting Materials) contains, among other things, the order of business for regular Board meetings.

BB 9322 was recently updated. One of the changes was to eliminate the Board President's report as a separate item. Under the now-current BP 9322, the Board President can present a report along with any Board member during the Board Member Reports item towards the end of the Board meeting agenda.

**Discussion** The proposed change to BB 9322 would have the agenda again include the Board President's report as a separate item. It would place the Board President's report in the agenda where it was located previously – between the Student Directors' Report and the Superintendent's Report items.

**Fiscal Impact** N/A

**Attachment** Proposed Amendments to BB 9322 (Agenda/Meeting Materials) - REDLINE  
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](mailto: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. President's Report

Ø.P. Superintendent's Report. Written report with Board member questions.

P.Q. Comment by Bargaining Units (5 minutes per Bargaining Unit)

Q.R. Public Hearing(s), public comment taken separately on each public hearing agenda item

R.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

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

T.U. Adoption of the Pupil Discipline Consent Report

U.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

~~V~~.W. Introduction of New Matter(s)

~~W~~.X. Board Member Reports

~~X~~.Y. Agenda Building & Work Plan Review

~~Y~~.Z. Additional Public Comments On Agenda Items (~~V~~-~~X~~W-Y)

~~Z~~.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)**

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*

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#### *UNITED STATES CODE, TITLE 42*

*12101-12213 Americans with Disabilities Act CODE OF FEDERAL REGULATIONS, TITLE 28*

*35.160 Effective communications*

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