



Proposed Changes to Board Bylaw 9322: Agenda/Meeting Materials

Board President Sam Davis
August 14, 2024

History and Rationale

In 2020, the Board made substantial changes to the format and order of the agenda, especially as regards public comment, through amendments to Board Bylaw 9322.

In 2022, then-President Gary Yee worked with a Board subcommittee to further amend BB 9322, including the famous 11:45 pm absolute limit on the ending time, after conducting a time analysis with Dr. Carmella Franco of several Board meetings.

Last year, then-Board President Mike Hutchinson implemented some changes on a trial basis, most significantly restoring the practice of taking public comment on each item, and requiring speaker registration to encourage the public to comment at the appropriate time depending on the item they intended to address.

This year, as Board President I have frequently moved the Superintendent's Report to later in the meeting, so

that the Board could be sure to address timely issues earlier in the evening, and to improve the public's ability to watch our deliberations and comment on them.

Given these changes, the Board should codify them formally into the Board Bylaw, along with other adjustments that I have recommended below.

Finally, new legislative matters introduced by Board members have caused controversy, whether the topic was Ethnic Studies, Reparations for Black Students, school closures, special education, vacant property, the conflict in Gaza, or district restructuring. A new provision would standardize referring any new legislative matter to a board committee for a recommendation before a vote by the full Board, except in cases of urgency.

Proposed changes to BB 9322

- A. Call to Order
- B. Roll Call
- C. President's Statement Disclosing Items To Be Discussed in Closed Session
 - 1. Public Comment 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
- H. Modifications To Agenda
- I. Special Orders of the Day

No changes to these sections.

Proposed changes to BB 9322

J. Student Board Members Report

K. Parent and Student Advisory Committee Report (only at the first regular Board meeting of each month)

~~L. Superintendent's Report~~

~~M. L. Comment by Bargaining Units~~

~~N. M. Public Hearings~~

Proposed changes:

1. Public comment was added after the Student Board Member Report in 2022. However, as the first place for public comment on the agenda, there have at times been intense or critical comments by adults, putting the Student Board Members in a difficult position. After our discussion during the Board Retreat in June, I am now recommending that Student Board Members may still choose to allow other **students** to speak as part of their report, at their discretion.
2. Move the Superintendent's Report after voting items in the agenda (along with the President and Board Member reports).

Proposed changes to BB 9322

~~O. Public Comment on All Non-Agenda Items within the Subject Matter Jurisdiction of the Board~~

~~P. Public Comment on All Agenda Items in Sections P through X~~

~~Q. N. Unfinished Business: ***There shall be public comment on each item.***~~

~~R. O. New Business: ***There shall be public comment on each item.***~~

P. Public Comment on All Agenda Items in Sections Q through W

Proposed changes:

3. In 2020, the Board revised this Bylaw to eliminate public comment on each individual item. Last year as Board President, Mike Hutchinson reinstated the practice of taking public comment on each separate agenda item. This would permanently reinstate that as part of the Bylaw.

4. Public comment on the consent agendas, and the reports by the Superintendent, President and Board members, would be consolidated under the new item P.

Proposed changes to BB 9322

~~S.~~ **Q.** Adoption of the Pupil Discipline Consent Report

~~T.~~ **R.** Adoption of the General Consent Report

~~U.~~ **S.** Adoption of the General Consent Report funded by G.O. Bond Measures B, J and Y

T. Superintendent's Report

~~V.~~ **U.** President's Report

~~W.~~ **V.** ***Board Committee Chairs' and Regular Board Members' Reports: Committee chairs may also submit written reports to the Board office for attachment to the agenda.***

No change to the practice of separating out consent items that are funded by the Facilities Bond Measures.

5. As mentioned earlier, the Superintendent's Report is moved later in the agenda to facilitate public participation and attention on the voting items, which will thereby come about an hour earlier in each meeting.

6. Based on feedback from Board members, add Committee Chair reports to the Regular Board Member reports, which may take the form of a written summary of a recent committee meeting, attached to this item on the agenda.

Proposed changes to BB 9322

✕. **W.** Introduction of New Matters

X. Public Comment on All Non-Agenda Items within the Subject Matter Jurisdiction of the Board

Y. Adjournment

7. Move public comment on non-agenda items to the end of the meeting (similar to where the Oakland City Council holds “Open Forum” at their meetings, and where it was placed in earlier versions of this Bylaw)

This would thereby move Board discussion and public comment earlier on matters that are up for deliberation and/or vote by the Board at the meeting in question, giving the public more opportunity to have their voice heard and to hear responses from Board members to their comments.

Additional changes to BB 9322

“The President, without objection of the majority, shall assign the *[new legislative]* subject matter *[introduced by a Board member or a member of the public]* 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~~ ***alternatively, in cases of urgency the Board may by majority vote schedule the matter for consideration at a meeting of the full Board on a date certain, without waiting for a committee recommendation.***”

“In general, presentations to the Board shall be limited to 10 minutes each, except when additional time is granted by the President or by a vote of the Board.”

8. There has been significant controversy in recent years over resolutions introduced by Board members that the President at the time did not want to bring back for a vote, at least once per year starting with Director Rosie Torres’s Ethnic Studies resolution in 2020 up to the present day. This year, I have returned to the old practice of referring such resolutions to committee for recommendation, and recommend codifying this in our Board Bylaws here as the only option for the President barring urgent situations.

9. The limit of 10 minutes per presentation has been the custom and practice for our Board meetings, but has not been formally stated in our Board Bylaws until now.