

Board Office Use: Legislative File Info.	
File ID Number	25-1991
Introduction Date	Aug 13, 2025
Enactment Number	
Enactment Date	



# Board Cover Memorandum

**To** Board of Education

**From** Jennifer Brouhard, Board President  
Valerie Bachelor, Vice President

**Meeting Date** August 13, 2025

**Subject** Proposed Amendment to Board Bylaw 9322 (Agenda/Meeting Materials)

**Ask of the Board** Adoption by the Board of Education of proposed amendments to Board Bylaw 9322 (Agenda/Meeting Materials)

**Background** Board Bylaw 9322 (Agenda/Meeting Materials) contains, among other things, the order of business for regular Board meetings. The Board seeks to conduct the business of the District transparently with opportunities for community engagement and public comment while ending board meetings at a reasonable time.

**Discussion** The proposed amendments to BB 9322 would change the order of the agenda are:

- Move adoption of the pupil consent to an earlier time immediately following President's Statement of Reportable Action Taken In Closed Session and the Vote or Abstention of Members Present, if Any.
- Move Student Board Member report, PSAC report, Comments by Collective Bargaining Units and the Superintendent’s report to an earlier time in the agenda immediately following special items of the day.
- Add a section for public comment on the PSAC report.

As with any amendment to Board Policies or Bylaws, the proposed amendments to BB 9322 also include cleanup, clarifying, and other minor edits.

**Fiscal Impact** N/A

**Attachment**

- Amendments to Board Bylaw 9322 (Redline)
- Amendments to Board Bylaw 9322 (Clean)

## 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. The agenda of a special Board or 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 or 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 or committee 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 and on the home page of the District's web site. 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) 879-1944 or [boe@ousd.org](mailto:boe@ousd.org), if they require disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in a legislative body meeting (Government Code 54954.2).

The agenda of Board meeting or of a committee meeting, if broadcasted and/or streamed on the internet, shall include easily understandable directions on 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, emergency situation exists, as defined in Government Code Section 54956.5.
- (b) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in Government Code Section 54954.2(a).
- (c) The item was posted pursuant to Government Code Section 54954.2(a) for a prior meeting of the legislative body 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.
- (d) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Government Code Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

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 (The items are listed pursuant to law.)

C1.Public Comment on Closed Session Items (This section for 10 minutes provides an opportunity for members of the Public to address the Board on any Closed Session Item on the 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. Modifications To Agenda (This section 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 taken off of a General Consent Report for separate discussion and/or possible action.)
- I. Adoption of the Pupil Discipline Consent Report (This section is required by state law. For each individual pupil case from Closed Session, the Board determines whether to expel, grant a suspended expulsion, revoke a suspended expulsion order, reinstate, readmit, admit a pupil, or take other appropriate disciplinary action. Other than what is printed in the public agenda, all information regarding an individual pupil case cannot be disclosed pursuant to federal and state law. There shall be public comments on this section, which shall not exceed 10 minutes.)
- J. Special Orders of the Day (This section is primarily for ceremonial items. There shall be one public comment opportunity prior to all Special Order items, which shall not exceed 10 minutes.)
- K. Student Board Members Report (This section is for an oral or written report to the Board and to the public by the Student Board Members regarding any information that they wish to share regarding past, present, or future personal or official activities as a representative of the All-City Council and students of the District. Student Board Members may choose to allow other students to speak as part of their Report. Public comment on this item shall not exceed 10 minutes.)
- L. Parent and Student Advisory Committee Report (This section is for an oral or written report to the Board and to the public by the lead delegate or designee of the Parent and Student Advisory Committee regarding any information that they wish to share regarding past, present, or future activities as parent/guardian representatives of the Parent and Student Advisory Committee and of all parents and guardians in the District. ~~There need not be separate public comment on this section.~~ This report shall only occur

at the ~~first~~ **second** regular Board meeting of each month. **There shall be public comment on this section, which shall not exceed 10 minutes.)**

- M. Comment by Bargaining Units (This section of the Agenda is an opportunity for the leadership of the District's recognized Collective Bargaining Units to address the Board on issues or matters of concern. Each bargaining unit shall have up to 5 minutes for its comment time).
- N. Superintendent's Report (This section is for an oral or written report to the Board and to the public by the Superintendent or designee regarding any information that he/she may wish to share regarding past, present, or future personal or official activities. There shall be public comments on this section, which shall not exceed 10 minutes.)
- O. Adoption of the General Consent Report (See description of General Consent Report section below. There shall be public comments on this section, which shall not exceed 10 minutes.)
- P. Adoption of General Consent Report - General Obligation Bonds Measures B, J and Y (See description of General Consent Report section below. There shall be public comments on this section, which shall not exceed 10 minutes.)
- Q. **Public Comment on All Non-Agenda Items within the Subject Matter Jurisdiction of the Board (This section shall not exceed 30 minutes.)**
- R. Public Hearing(s) (This section is for public hearings. There shall be public comment for each public hearing, with no public comment period exceeding 10 minutes per hearing.)
- S. Unfinished Business (There shall be public comment on each item, with no public comment period exceeding 10 minutes per item.)
- T. New Business (There shall be public comment on each item, with no public comment period exceeding 10 minutes per item.)
- U. President's Report (This section is for an oral or written report to the Board and to the public by the President regarding any information that he/she may wish to share regarding past, present, or future personal or official activities.)
- V. Regular Board Members' Report (This section is for an oral or written report, consistent with Brown Act requirements, to the Board and to the public by each Board member (excluding the Student Board members) regarding any information that he/she may wish to share regarding past, present, or future personal or official activities, including, if a member is a committee chair, or the ranking member of the committee, in the absence of the chair, the announcement of date, time and possible topics at next committee meeting, celebrations, and recognitions.
- W. Introduction of New Matter(s) (See description of Introduction of New Matter(s) section below.)
- X. Adjournment

The agenda for meetings of other legislative bodies of the District 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.

#### **Named Consent Report(s)**

All items appearing on the agenda under "Adoption of the [Specifically Named] 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 or committee member requests that an item be removed and voted on separately or otherwise acted upon. Items so removed from a named Consent Report shall be considered separately in the agenda immediately after that named Consent Report (unless otherwise moved with other items by a Board member) is adopted or otherwise acted upon and there shall be no additional or separate public comment on those items. 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 named Consent Report(s), thereafter, shall be adopted in a single motion per consent report.

#### **Introduction of New Matter(s) - Board Members and/or Members of the Public**

Every Regular Meeting agenda of the Board or of a committee shall provide for the Introduction of New Matter(s). Board members, except a Student Director, or a member of the Public 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, if any. The President 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.

If the request to place a matter on the Board's or committee agenda pertains to a Closed Session topic, the President of the Board or committee chair may so advise the member or the person requesting inclusion of such matter on the meeting agenda.

#### **Presentations**

In general, presentations to the Board or committee shall be limited to 10 minutes each, except when additional time is granted by the President or committee chair in 10-minute increments not more than twice or as specified by a vote of the Board or Committee.

#### **Agenda/Meeting Materials**

The President and the Superintendent of Schools shall confer regarding the scheduling of agenda items. Agenda items shall be scheduled at the direction of the President or a majority of the Board. The President, in consultation with the Superintendent, or prior consultation with a majority of the Board in a Public Session shall determine the estimated time allocation for each

item or section in an Agenda, which may be included in the published Agenda. These time allocations are not to be construed as limitations on the actual time that may be spent on each item or section, unless otherwise limited by the Bylaws, or by majority vote, of the Board. The requirements herein in like manner are also applicable to a Committee and the Superintendent's designee to the Committee.

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 or a member thereof and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by another person and distributed at the meeting 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 of the Board or of a committee 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 or committee shall include interpreting services in Spanish and Arabic, whenever possible. District provided interpreters shall be available from Call To Order through Introduction of New Legislative Matter(s).

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

For any meeting of the Board or committee any member of the public may request interpreting services for a language other than Arabic or Spanish. The request must be made the Board Office in writing at least three (3) work 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; 8/24/22A; 12/14/22A; 9/25/24A



## OAKLAND UNIFIED SCHOOL DISTRICT

### Board Bylaw

#### BB 9322

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(a) Upon a determination by a majority of the Board or committee that an emergency situation exists, emergency situation exists, as defined in Government Code Section 54956.5.

(b) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in Government Code Section 54954.2(a).

(c) The item was posted pursuant to Government Code Section 54954.2(a) for a prior meeting of the legislative body 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.

(d) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Government Code Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

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**

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#### **Agenda - Order of Business for Regular Board Meetings**

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- A. Call to Order
- B. Roll Call
- C. President's Statement Disclosing Item(s) To Be Discussed In Closed Session (The items are listed pursuant to law.)

C1.Public Comment on Closed Session Items (This section for 10 minutes provides an opportunity for members of the Public to address the Board on any Closed Session Item on the 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. Modifications To Agenda (This section 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 taken off of a General Consent Report for separate discussion and/or possible action.)
- I. Adoption of the Pupil Discipline Consent Report (This section is required by state law. For each individual pupil case from Closed Session, the Board determines whether to expel, grant a suspended expulsion, revoke a suspended expulsion order, reinstate, readmit, admit a pupil, or take other appropriate disciplinary action. Other than what is printed in the public agenda, all information regarding an individual pupil case cannot be disclosed pursuant to federal and state law. There shall be public comments on this section, which shall not exceed 10 minutes.)
- J. Special Orders of the Day (This section is primarily for ceremonial items. There shall be one public comment opportunity prior to all Special Order items, which shall not exceed 10 minutes.)
- K. Student Board Members Report (This section is for an oral or written report to the Board and to the public by the Student Board Members regarding any information that they wish to share regarding past, present, or future personal or official activities as a representative of the All-City Council and students of the District. Student Board Members may choose to allow other students to speak as part of their Report. Public comment on this item shall not exceed 10 minutes.)
- L. Parent and Student Advisory Committee Report (This section is for an oral or written report to the Board and to the public by the lead delegate or designee of the Parent and Student Advisory Committee regarding any information that they wish to share regarding past, present, or future activities as parent/guardian representatives of the Parent and Student Advisory Committee and of all parents and guardians in the District. This report shall only occur at the second regular Board meeting of each month. There shall be public comment on this section, which shall not exceed 10 minutes.)

- M. Comment by Bargaining Units (This section of the Agenda is an opportunity for the leadership of the District's recognized Collective Bargaining Units to address the Board on issues or matters of concern. Each bargaining unit shall have up to 5 minutes for its comment time).
- N. Superintendent's Report (This section is for an oral or written report to the Board and to the public by the Superintendent or designee regarding any information that he/she may wish to share regarding past, present, or future personal or official activities. There shall be public comments on this section, which shall not exceed 10 minutes.)
- O. Adoption of the General Consent Report (See description of General Consent Report section below. There shall be public comments on this section, which shall not exceed 10 minutes.)
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- W. Introduction of New Matter(s) (See description of Introduction of New Matter(s) section below.)
- X. Adjournment

The agenda for meetings of other legislative bodies of the District may be constructed in a similar fashion.

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### Named Consent Report(s)

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### Introduction of New Matter(s) - Board Members and/or Members of the Public

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If the request to place a matter on the Board's or committee agenda pertains to a Closed Session topic, the President of the Board or committee chair may so advise the member or the person requesting inclusion of such matter on the meeting agenda.

### Presentations

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### Agenda/Meeting Materials

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item or section, unless otherwise limited by the Bylaws, or by majority vote, of the Board The requirements herein in like manner are also applicable to a Committee and the Superintendent's designee to the Committee.

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 or a member thereof and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by another person and distributed at the meeting 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 of the Board or of a committee available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

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#### Interpreting

All regular meetings of the Board or committee shall include interpreting services in Spanish and Arabic, whenever possible District provided interpreters shall be available from Call To Order through Introduction of New Legislative Matter(s).

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For any meeting of the Board or committee any member of the public may request interpreting services for a language other than Arabic or Spanish. The request must be made the Board Office in writing at least three (3) work 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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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; 8/24/22A; 12/14/22A; 9/25/24A