SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

Agenda Item# 11.1

Meeting Date: June 24, 2021

Subject: Public Hearing: First Reading of Revised Board Bylaws 9121 (President) and 9322 (Agenda/Meeting Materials)

- ☐ Information Item Only
- ☐ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☒ Conference/First Reading (Action Anticipated: _____)
- ☐ Conference/Action
- ☐ Action
- ☐ Public Hearing

Division: Legal Services

Recommendation: Approve revisions to Board Bylaws 9121 and 9322.

Background/Rationale: In accordance with Board Bylaw 9000 (Role Of the Board) (Powers and Responsibilities)), the Board is required to work with the Superintendent to fulfill its major responsibilities, which include "[s]etting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement."

The revised board bylaws now streamline the agenda setting process to the Board President and Superintendent. Moreover, the revisions confirm the process for the public and other Board Members to submit requests for agenda topics.

No prior updates to the board bylaws have occurred since 2008. Such updates are consistent with the processes used by other school districts throughout California in setting agendas.

Documents Attached:
1. Executive Summary
2. BB 9121 (Redlines)
3. BB 9322 (Redlines)

Estimated Time of Presentation: 5 Minutes
Submitted by: Raoul Bozio, In House Counsel
Approved by: Jorge A. Aguilar, Superintendent

Board of Education Executive Summary

Legal Department

Revision to Board Bylaws 9121 (President) and 9322 (Agenda/Meeting Materials)

June 24, 2021

I. Overview/History of Department or Program

In accordance with Board Bylaw 9000 (Role Of the Board) (Powers and Responsibilities)), the Board is required to work with the Superintendent to fulfill its major responsibilities, which include "[s]etting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement."

The current version of Board Bylaw 9121 was adopted in 1998 and was reviewed in 2001 and revised in 2008. The current version of Board Bylaw 9322 was adopted in 1998 and has been revised in 2001 and 2008. The proposed revisions to both bylaws are consistent with the processes used by other school districts throughout California in setting agendas. Further, the revised board bylaws now streamline the agenda setting process to the Board President and Superintendent. Moreover, the revisions confirm the process for the public and other Board Members to submit requests for agenda topics.

II. Driving Governance:

In addition to the aforementioned law, pursuant to Education Code 35145:

> (b) An agenda shall be posted by the governing board, or its designee, in accordance with the requirements of Section 54954.2 of the Government Code. Any interested person may commence an action by mandamus or injunction pursuant to Section 54960.1 of the Government Code for the purpose of obtaining a judicial determination that any action taken by the governing board in violation of this subdivision or Section 35144 is null and void.

Pursuant to Government Code section 54954.2, which provides in relevant part:

> (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to

whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

III. Budget:
The proposed bylaws are intended to streamline and clarify the agenda setting process.

IV. Goals, Objectives and Measures:
Pursuant to the Board's code of ethics under Board Bylaw 9271, each Board member shall "[e]ncourage ideas and opinions from the residents of the district and endeavor to incorporate community views into the deliberations and decisions of the Board." As such, the goal is for the District to establish sound bylaws that establish the agenda setting process and encourage community involvement in the schools in accordance with the law.

V. Major Initiatives:
These bylaws are critical for streamlining and clarifying the agenda setting process and specifically, encouraging community involvement in the schools and meetings.

VI. Results:
Approval of revision to Board Bylaws 9121 and 9322.

VII. Lessons Learned/Next Steps:
Adoption of revised Board Bylaws 9121 and 9322 concerning the Board President and agenda/meeting materials. Information and correspondences concerning this matter have previously been shared with the District and the Board. Further updates will be provided as necessary.

Sacramento City USD
Board Bylaw
President

BB 9121
Board Bylaws

The president shall preside at all Governing Board meetings. He/she shall:

1. Call the meeting to order at the appointed time.

2. Announce the business to come before the Board in its proper order.

3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act.

4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference.

5. Explain what the effect of a motion would be if it is not clear to every member.

6. Restrict discussion to the question when a motion is before the Board.

7. Rule on issues of parliamentary procedure.

8. Put motions to a vote, and state clearly the results of the vote.

9. Be responsible for the orderly conduct of all Board meetings.

(cf. 9323 - Meeting Conduct)

The president shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

The president shall also perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts, and orders necessary to carry out state requirements and the will of the Board.

2. Consulting with the Superintendent or designee ~~and Board Executive Committee~~ on the preparation of the Board's agendas as needed.

(cf. 9322 - Agenda/Meeting Materials)

3. Appoint and disband all committees, subject to Board approval.

(cf. 9130 - Board Committees)

4. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law.

(cf. 9320 - Meetings and Notices)
(cf. 9321 - Closed Session Purposes and Agendas)

5. Confer with the Superintendent or designee on crucial matters which may occur between Board meetings.

6. Work with the Superintendent to ensure that Board members have necessary materials and information.

7. Share informational mail with other Board members.

8. Representing the district as governance spokesperson, in conjunction with the Superintendent.

(cf. 1112 - Media Relations

When the president resigns or is absent or disabled, the first vice president shall perform the president's duties. When both the president and first vice president are absent, the second vice president shall perform the president's duties.

Legal Reference:
EDUCATION CODE
35022 President of the board
35143 Annual organizational meetings; dates and notice
GOVERNMENT CODE
54950-54963 Ralph M. Brown Act

Management Resources:
CSBA PUBLICATIONS
Board Presidents' Handbook, revised 2002
CSBA Professional Governance Standards, 2000
Maximizing School Board Leadership: Boardsmanship, 1996
WEB SITES
CSBA: http://www.csba.org

Bylaw SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: November 16, 1998 Sacramento, California
reviewed: November 5, 2001
revised: November 6, 2008
revised: August __, 2021

Board Bylaw
Agenda/Meeting Materials

BB 9322
Board Bylaws

Governing Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)
(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Board of Education Office at least two days before the meeting date.

Agenda Preparation

The Board President ~~Executive Committee~~ and the Superintendent shall prepare the agenda for each regular and special meeting.

Any Board member, the Superintendent, a staff member, or any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Board President and Superintendent or designee with supporting documents and information, if any, at least ten days before the scheduled meeting date. Items submitted less than ten days before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue. ~~The Board of Education Specialist will place the request on the Board Executive Committee agenda.~~

Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board President ~~Executive Committee~~ and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

The Board President ~~Executive Committee~~ and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item, informational item or consent item. The individual or group who submitted the item for the ~~Board Executive Committee~~ agenda will be notified by the Board of Education Specialist of the status of their request. In addition, this status will be reported to Board members.

Any Board action that involves borrowing $100,000 or more shall be discussed, considered and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

(cf. 9323.2 - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1340 - Access to District Records)
(cf. 3320 - Claims and Actions Against the District)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Consent Items

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Board President ~~Executive Committee~~ and the Superintendent recommend approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

Agenda Dissemination

A copy of the agenda shall be forwarded to each Board member at least three days before each regular meeting, together with minutes to be approved; copies of communications; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent and Board P~~p~~resident shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible.

Board members shall review agenda materials disseminated to the Board before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items.

Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

The Superintendent or designee shall make available the agenda on the district website and mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be mailed, and made available on the district's website, at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. Failure of the requesting person to receive the agenda or agenda packet, or failure to make available the documents constituting the agenda packet on the district's website pursuant to this Bylaw, shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received or the agenda packet was not posted on the district website. (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 Superintendent or designee.

Legal Reference:
EDUCATION CODE
35144 Special meetings
35145 Public meetings
35145.5 Right of public to place matters on agenda
GOVERNMENT CODE
6250-6270 Public Records Act
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
COURT DECISIONS
Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

Management Resources:
CSBA PUBLICATIONS
The Brown Act: School Boards and Open Meeting Laws, rev. 2007
Guide to Effective Meetings, rev. 2007
Maximizing School Board Leadership: Boardsmanship, 1996
ATTORNEY GENERAL PUBLICATIONS
The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev. 2003
CALIFORNIA CITY ATTORNEY PUBLICATIONS
Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000
WEB SITES
CSBA, Agenda Online:
http://www.csba.org/Services/Services/GgovernanceTechnology/AgendaOnline.aspx
California Attorney General's Office: http://www.caag.state.ca.us

Bylaw SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: November 16, 1998 Sacramento, California
reviewed: November 5, 2001
revised: November 20, 2008
revised: August __, 2021