Morgan Hill USD

Board Bylaw

Agenda/Meeting Materials BB 9322

Board Bylaws

Agenda Content

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)

Each agenda 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. However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting of a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item at that meeting and that the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The agenda for a regular Board meeting shall also provide members of the public an opportunity to ~~testify at regular meetings~~provide comment 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)

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of ~~agenda~~ documents related to an open session item that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall ~~specify that~~ include information regarding how, when, and to whom a request should be made if 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 Superintendent or designee.~~. (Government Code 54954.2)

Agenda Preparation

The Board president and ~~a rotating member of the Board in consultation with~~ the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting. ~~Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.~~

~~(cf. 0000 - Vision)~~
~~(cf. 0200 - Goals for the School District)~~

(cf. 9121 - President)
(cf. 9122 - Secretary)

Any Board member or 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 shall be ~~made either~~submitted in writing ~~or verbally in open session during the "Future Agenda Items" portion of a regularly scheduled board meeting. The request, along~~ to the Superintendent or designee with ~~any~~ supporting documents and information. The Superintendent will determine the appropriate meeting to which the matter will be placed as an agenda item and may consult with staff and/or the Board president to help make that determination. ~~Items submitted less than 8 days~~a week ~~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~~. Written requests shall include the name and contact information of the person making the request so that a staff member can follow up to inform the requester of how the item will be addressed.

The Board president~~, a rotating member of the Board,~~ and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board ~~and shall be placed on the agenda within the next two regularly scheduled board meetings~~. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president 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~~.

~~If a request within the jurisdiction of the board cannot be placed on the agenda within the next two regularly scheduled board meetings, the board president shall announce a proposed date during the approval of the agenda when the item(s) will be included on a future agenda.~~ If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board to take action to determine whether the item shall be placed on the agenda.

The Board president~~, a rotating member of the Board~~ and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote~~,~~ or an information item that does not require immediate action~~, or a consent item that is routine in nature and for which no discussion is anticipated~~.

In order to promote efficient meetings, the Board may ~~In the interest of effective operations of the District, the Superintendent may amend the agenda items or reschedule items as needed.~~
bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. (Government Code 54954.3)

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. 1312.4 - Williams Uniform Complaint Procedures)
(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 Superintendent recommends 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 to Board Members

At least ~~three days~~72 hours before each regular meeting, each Board member shall be notification that the electronic ~~a~~ copy of the agenda and agenda packet ~~shall be forwarded to each Board member~~, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available documents pertinent to the meeting.

When special meetings are called, ~~the Superintendent or designee shall make every effort to distribute the agenda and supporting materials to~~ Board members ~~as soon as possible before~~ shall receive, at least 24 hours prior to the meeting~~.~~, notice of the business to be transacted. (Government Code 54956)

Board members shall review agenda materials before each meeting. ~~-~~Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

(cf. 9012 - Board Member Electronic Communications)

Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the Board shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (Government Code 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

In addition, the Superintendent or designee shall post the agenda on the homepage of the district web site. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the district's agendas, and the current agenda shall be the first available. (Government Code 54954.2)

(cf. 1113 - District and School Web Sites)
(cf. 1340 - Access to District Records)

If a document which relates to an open session agenda item of a regular Board meeting 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 a designated location at the same time the document is distributed to all or a majority of the Board. (Government Code 54957.5)

The Superintendent or designee shall electronically mail a link to the ~~on-line~~ agenda ~~and~~or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (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, not to exceed the cost of providing the service.

~~If a 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)~~

~~(cf. 1113 - District and School Web Sites)~~
~~(cf. 1340 - Access to District Records)~~

Any ~~documents~~document 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~~document 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 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 Superintendent or designee, not to exceed the cost of providing the service.~~

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~~Availability of public records
54960.2 Challenging board actions; cease and desist
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
Mooney v. Garcia, (2012) 207 Cal.App.4th 229
Caldwell v. Roseville Joint Union ~~HSD~~High School District, 2007 U.S. Dist. LEXIS 66318
ATTORNEY GENERAL OPINIONS
99 Ops. Cal. Atty. Gen. 11 (2016)
78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:
CSBA PUBLICATIONS
Call to Order: A Blueprint for Great Board Meetings, 2015
The Brown Act: School Boards and Open Meeting Laws, rev. ~~2007~~2014
~~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/GovernanceTechnology/AgendaOnline.aspx~~
California Attorney General's Office: http://www.~~caag.state~~oag.ca.~~us~~gov

~~Bylaw MORGAN HILL UNIFIED SCHOOL DISTRICT~~
~~adopted: January 23, 2018 Morgan Hill, California~~ (3/08 11/12) 12/18