

Bylaw 9322: Agenda/Meeting Materials

~~Agenda Content~~

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

Each agenda shall state the meeting time and location(s) and shall briefly describe each item ~~to be transacted or discussed~~ listed in the agenda, including items to be discussed in closed session. ~~(Government Code 54954.2)~~

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~~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 in accordance with Board Bylaw 9321 - Closed Session. (Government Code 54954.2)~~

For a regular meeting, the **Governing** Board may consider an item not included in the posted agenda in accordance with Board Bylaw 9323.2 - Actions by the Board.

Public Comment

The agenda shall provide members of the public the opportunity to address the **Governing** Board on any agenda item before or during the **Governing** Board's consideration of the item, including items to be considered in closed session in accordance with Board Bylaw 9321 - Closed Session and items listed on the consent agenda. (Education Code 35145.5; Government Code 54954.3)

OPTION 1 (ONE PUBLIC COMMENT ITEM FOR ALL OPEN SESSION AGENDA ITEMS)

Before any other open session agenda item, there shall be one public comment item on every meeting agenda to give members of the public the opportunity to address the **Governing** Board on any item on the open session agenda. The public comment period shall last no longer than **forty** minutes unless extended in accordance with Board Bylaw 9323 - Meeting Conduct. No member of the public may be permitted to speak more than once during this item.

OPTION 1 ENDS HERE

OPTION 2 (SEPARATE PUBLIC COMMENT FOR EACH OPEN SESSION AGENDA ITEM)

As part of every open session item, the **Governing Board President** ~~there shall~~ **may provide** be an opportunity for members of the public to address the Board on that item. ~~The time set aside for public comment on each item shall last no longer than~~ **minutes unless extended in accordance**

~~with Board Bylaw 9323 – Meeting Conduct.~~ No member of the public may be permitted to speak more than once on each item.

~~OPTION 2 ENDS HERE~~

The agenda need not provide an opportunity for public comment ~~when the agenda~~ on an item that has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that ~~members~~ all of the following conditions were met: (Government Code 54954.3)

1. ~~Members~~ of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item, ~~and the~~

The item has not been substantially changed since the committee considered it. ~~(Government Code 54954.3)~~¶

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2. ~~The~~

3. A quorum of the committee attended and participated in the committee meeting at which the item was considered from a singular physical location that was clearly identified on the agenda, open to the public, and situated within the boundaries of the district

4. Any other applicable provisions of Government Code 54954.3

~~Additionally, the agenda for a regular Board meeting shall also provide members of the public with an opportunity to 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)~~ address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

The notice and agenda shall include information describing how members of the public can access the platform or service and how members of the public can offer public comment if required pursuant to Board Bylaw 9320.1 - Remote Meetings and Attendance.

Disability-Related Accommodations or Modifications

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may

be made by an individual who requires accommodations or modifications in order to participate in the meeting, as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54953.8, 54954.2)

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item ~~that, or for records of a statement threatening litigation against the district to be discussed in closed session, when such documents~~ have been distributed to the Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

~~The~~Each agenda shall include ~~information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Board meeting. (Government Code 54954.2)~~¶

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~~Agenda Preparation~~¶

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~~The Board president and 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.~~¶

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Any Board member ~~or~~ a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. Additionally, the agenda shall state that the request must be made in writing to the secretary or clerk of the Board. (Education Code 49073.2)

Agenda Preparation

The **Governing** Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each meeting, including whether an item requires Board action and whether an item shall be considered in open or closed session.

Any member of the public, or an individual Board member acting in that Board member's capacity as a member of the public, may request that a matter within the subject matter jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the 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.~~ (Education Code 35145.5)

The **Governing** Board president and Superintendent shall decide whether ~~such a request from a member of the public~~ is within the subject matter jurisdiction of the **Governing** Board. Items not within the subject matter jurisdiction of the **Governing** Board ~~may~~ shall not be placed on the agenda. ~~In addition, before placing the item on the agenda,~~ **Additionally, if the **Governing** Board president and Superintendent shall determine if the item** **determine that the request** is merely a request for information, ~~and if so, respond accordingly.~~ ¶

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~~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.~~ ¶

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~~The Board president 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.~~ ¶

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~~In order to promote efficient meetings, the Board may 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.~~ ¶

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~~The agenda shall provide an opportunity for members of the public to comment on any consent agenda item unless such item has been previously considered at an open meeting of a committee comprised exclusively of Board members. (Government Code 54954.3)~~ ¶

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~~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)~~ ¶

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

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~~Agenda Dissemination to Board Members~~ ¶

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~~At least 72 hours before each regular meeting, a copy of the agenda and agenda packet shall be provided to each Board member, including~~ **then the request shall not be placed on the agenda.**

A **Governing** Board member may request in writing, at a meeting as part of a related open session item, or at a meeting as part of an open session item intended for this purpose that a specific matter within the subject matter jurisdiction of the **Governing** Board be placed on an upcoming Board agenda. Within thirty (30) days of receiving the request, the **Governing** Board member shall be informed by the **Governing** Board president if the request has been approved or denied by the **Governing** Board president and Superintendent.

If the request is approved, the **Governing** Board president and Superintendent shall inform the **Governing** Board member of the general timeframe that the matter will be placed on an agenda, on which part of the agenda the item will appear, and whether the item requires action by the **Governing** Board. If the request is denied, the **Governing** Board president and Superintendent fail to provide a response to the request, or the requesting Board member disagrees with the timeframe that the matter will be placed on an agenda, on which part of the agenda the item will appear, or whether the item requires action by the **Governing** Board, then the **Governing** Board member may appeal the response to the request to the **Governing** Board. The **Governing** Board president and Superintendent shall place the appeal on the next upcoming regular meeting agenda for Board action, but only as to whether, when, and how to agendaize the requested matter. If a majority of the **Governing** Board agrees with the appeal, the item will be considered in accordance with the decision of the majority of the **Governing** Board.

In order to promote efficient meetings, the **Governing** Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda, except as required by law. Consent items shall be items of a routine nature for which Board discussion is not anticipated and for which the Superintendent recommends approval.

Agenda Dissemination to Board Members

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and all related materials such as the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents pertinent to the meeting. Additionally, the Superintendent or designee may distribute to the Board additional materials related to agenda items less than 72 hours before each regular meeting, as permitted by law.

~~When a special meetings are meeting is called, Board members shall receive, the agenda and all related materials at least 24 hours prior to the meeting, notice of the business to be transacted. ¶~~

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~~Board members shall review agenda materials before each. (Government Code 54956)~~

Governing Board members shall review the agenda and all related materials before each regular or special meeting. Individual **Governing** Board members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of **Governing** 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 **Governing** Board.

Regular Meeting Agenda Dissemination to Members of the Public

~~Any~~The agenda and all related materials distributed to the **Governing** Board related to a regular meeting shall be made available to the public upon request without delay. ~~Only~~However, only those documents which are disclosable public records under the California Public Records Act (~~PRA~~CPRA) and which relate to an agenda item scheduled for the open session portion of a regular meeting or which contain a claim or written threat of litigation which will be discussed in closed session shall be made available to the public. (Government Code 54956.9, 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~~

~~Additionally~~, the Superintendent or designee shall post the ~~document~~agenda on the ~~district's web site~~homepage of the district website. 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~~website with the district's agendas, and the current agenda shall be the first available. (Government Code ~~54957.5~~54954.2)

If a ~~document~~writing which relates to an open session agenda item ~~of~~for which contains a claim or written threat of litigation which will be discussed in closed session during a regular ~~Board~~meeting is distributed to the **Governing** Board less than 72 hours prior to ~~a~~the meeting, the Superintendent or designee shall make the ~~document~~writing available for public inspection at a designated location at the same time the document is distributed to all or a majority of the **Governing** Board. ¶

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~~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)¶~~

However, if the writing is distributed to at least a majority of the **Governing** Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the district website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting
2. The writing is immediately posted on the district's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting
3. The district lists the website address where such writings may be accessed on all Board meeting agendas
4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the meeting

The Superintendent or designee shall 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 at the time the agenda is posted or upon distribution of the agenda to a majority of the **Governing** Board, whichever occurs first. (Government Code 54954.1) ~~The agenda may also be emailed to individuals who request an electronic agenda.~~

The Superintendent or designee shall email a copy of, or a website link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a website link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (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.

Any document prepared by the district or Board and distributed during a ~~public~~ **open** meeting shall be made available for public inspection at the meeting. Any 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 (PRA)~~ **CPRA**. (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)

Special Meeting Agenda Dissemination to Members of the Public

The requirements for the dissemination of regular meeting agendas and related materials and writings to members of the public found in "Regular Meeting Agenda Dissemination to Members of the Public" shall be applicable to the dissemination of special meeting agendas and related materials and writings to members of the public except that the 24-hour requirement shall apply rather than the 72-hour requirement.