

LODI UNIFIED SCHOOL DISTRICT

REVISION **Bylaws of the Board**

Bylaw 9322

Agenda/Meeting Materials

~~Board of Education meeting~~ Each agendas shall state the meeting time and place location and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session.

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~~ address the Board at regular meetings on matters which are not on the agenda, but which are within the subject matter jurisdiction of the Board.

The agenda does not need to provide an opportunity for public comment on an item that has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that 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 item has not been substantially changed since the committee considered it.

The notice and agenda shall describe the means available for the public to access the meeting and provide public comment in-person and, if a Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54953, through an internet-based service or call-in option.

The agenda shall include information regarding how, when, and to whom a request for ~~specify that an individual who requires~~ 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, as well as the procedure for receiving and resolving such requests as required by law. ~~should contact the Superintendent or designee at least 24 hours in advance of the meeting date.~~

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

Each agenda shall include 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. The agenda shall also state that the request must be made in writing to the secretary or clerk of the Board.

~~Notices of special meetings at which action is proposed shall provide an opportunity for the public to address the Board on the item before action is taken.~~

Agenda Preparation

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 and well-being.

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 must be in writing and submitted to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date.

The Board president and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. 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, and if so, respond accordingly. ~~or whether the issue is covered by an existing policy or administrative rule before placing the item on the agenda.~~

The Board president 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 subject to Board vote or an information item, and when the item is placed on the agenda. ~~that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.~~

Any Board member may submit an item for the Board agenda any time before the agenda is posted. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting.

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 take action during a Board meeting to determine whether the item shall be placed on the agenda.

When an item properly posted for a regular meeting is continued to a subsequent meeting, it does not have to be on the agenda of the subsequent meeting if it occurs within five days. The Board shall publicly identify the item before discussing it.

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.

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

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 are 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 72 hours before each regular meeting, A copy of the agenda shall be forwarded to each Board member shall be provided, via electronic means, a copy of the agenda and agenda packet; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents. at least three days (72 hours) before each regular meeting, along with other documents pertinent to the meeting.~~

~~When special meetings are called, the Superintendent or designee shall make every effort to distribute the agenda and support materials to Board members shall receive, at least 24-hours prior to the meeting, notice of the business to be transacted.~~

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.

Agenda Dissemination to Members of the Public

Agenda and related materials distributed to the Board shall be made available to the public upon request without delay. However, only those documents which are disclosable public records under the Public Records Act (PRA) 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.

~~If a document for a meeting is distributed to the Board less than 72 hours prior to a regular 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 the 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.

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.

In addition, the Superintendent or designee shall post the agenda on the 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, the link to that platform shall take the user directly to the website with the district's agendas, and the current agenda shall be the first available.

If a writing which relates to an open session agenda item or 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 Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the writing available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. However, if the writing distributed to at least a majority of the 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:

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 related 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 relevant Board 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 Board, whichever occurs first.

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.

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.

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 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 meetings. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act.

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.

Legal References: EDUCATION CODE
35144 Special meetings
35145 Public meetings
35145.5 ~~Right of public to place matters on agenda~~
Agenda; public participation and regulations
49061 Definitions; directory information
49073.2 Privacy of student and parent/guardian personal
information; minutes of board meeting
GOVERNMENT CODE
~~6250-6270 Public Records Act~~
53635.7 Separate item of business **for borrowing \$100,000 or
more**
54953 Meetings; Americans with Disabilities Act accessibility
54954.1 ~~Mailed agenda of meeting~~
**Request for copy of agenda or agenda packet by member of
public**
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
54956.9 Meetings
54957.5 Public records
7920.000-7930.170 California Public Records Act
95000-95004 California Early Intervention Services Act
FEDERAL REFERENCES
~~UNITED STATES CODE, TITLE 42~~
42 USC 12101-12213 Americans with Disabilities Act
~~CODE OF FEDERAL REGULATIONS, TITLE 28~~
**28 CFR 35.160 Effective communications for individuals with
disabilities**
**28 CFR 36.303 Auxiliary aids and services Nondiscrimination
On the basis of disability, public accommodations, 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: Boardmanship, 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
WEBSITES
California Attorney General's Office:
<http://www.caag.state.ca.us>~~

Bylaw
adopted: 11/02/76
revised: 10/04/77
revised: 12/19/78
revised: 02/18/97
revised: 06/03/03
revised: 11/04/03 (technical revision)
revised: 09/02/08
revised: 05/17/11