

AGENDA/MEETING MATERIALS

I. AGENDA CONTENT

- A. Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning and well-being.
- B. 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)
- C. The agenda shall provide members of the public an opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda for a regular meeting shall also provide members of the public an opportunity to address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Government Code 54954.3)
- D. The agenda for a regular Board meeting shall also provide members of the public 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)
- E. 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. (Government Code 54953)
- F. Each agenda for a regular meeting shall list the address designated by the Superintendent or Assistant Superintendent for public inspection of documents related to an open session item, or for records of a statement threatening litigation against the district to be discussed in closed session, that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54956.9 54957.5)
- G. The agenda shall include information regarding how, when, and to whom a request should be made if an individual requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting, as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54954.2 54953)
- H. 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.

II. AGENDA PREPARATION

- A. The Board president, vice president, and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting (Board Bylaw 9122).
- B. 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.
 - 1. A request shall be submitted in writing to the Board president or Superintendent with supporting documents and information, if any, at least fourteen (14) business days before the scheduled meeting date.
 - 2. A request from a Board member shall be submitted in writing to the Board President or Superintendent with supporting documents and information, if any, at least eight (8) business days before the scheduled meeting date. Items submitted less than the days indicated 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.

- C. The Board president, vice president, and Superintendent shall decide whether a request 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, vice 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.
- D. If the Board president, vice 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.
- E. The Board president, vice 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.
- F. 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 separate agenda item.
- G. 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)
- H. 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)
- I. All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

III. CONSENT ITEMS

- A. 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 agenda items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval.
- B. 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.

IV. AGENDA DISSEMINATION TO BOARD MEMBERS

- A. At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report(s); minutes to be approved; copies of communications; reports from committees, staff, and others; and, other available documents pertinent to the meeting.
- B. When special meetings are called, Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)
- C. Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or Assistant Superintendent 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.

V. AGENDA DISSEMINATION TO MEMBERS OF THE PUBLIC

- A. 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 (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. (Government Code 54956.9 54957.5)
- B. 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)
- C. In addition, the Superintendent or Executive Assistant 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)
- D. If a document 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 Assistant Superintendent 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. However, if the writing is 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: (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 relevant Board meeting
- E. 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. (Government Code 54954.1)
- F. The Superintendent or Executive Assistant 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 Executive Assistant 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)
- G. 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)

- H. Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or Assistant Superintendent, not to exceed the cost of providing the service.
- I. Any document prepared by the district or Board and distributed during a public 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. (Government Code 54957.5)
- J. Upon request, the Superintendent or Assistant Superintendent 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)

LEGAL REFERENCES:

EDUCATION CODE

- 35144 Special meetings
- 35145 Public meetings
- 35145.5 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. Separate item of business
- 54953 Meetings; Americans with Disabilities Act accessibility
- 54954.1 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
- 54960.2 Challenging board actions; cease and desist
- 7920.000- California Public Records Act
- 7930.170
- 95000- California Early Intervention Services Act
- 95004

UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 Effective communications
36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services

COURT DECISIONS

Mooney v. Garcia, (2012) 207 Cal.App.4th 229
Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318
Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86
Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

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, 2018
The Brown Act: School Boards and Open Meeting Laws, rev. 2019

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>
California Attorney General's Office: <http://www.oag.ca.gov>
CSBA District and County Office of Education Legal Services

ADOPTED: 2/12/2014

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