

MODESTO CITY SCHOOLS

Bylaw

BB 9322

BOARD OF EDUCATION

Agenda/Meeting Materials

Agenda Content

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 and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

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 for a regular Board meeting 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)

Each meeting agenda 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 an individual should contact the Superintendent's Office 48 hours prior to the meeting if they require disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. (Government Code 54954.2)

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.

BOARD OF EDUCATION

Agenda/Meeting Materials

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.

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 submitted in writing to the Superintendent or designee with supporting documents and information, if any, at least 10 working days before the scheduled meeting date. Items submitted less than 10 working 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 president and Superintendent shall decide whether a request from a member of the public or Board member 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 or whether the issue is covered by an existing policy or administrative regulation, and if so, respond accordingly.

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 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, 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.

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)

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

BOARD OF EDUCATION

Agenda/Meeting Materials

Consent Agenda/Calendar

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.

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.

Agenda Dissemination to Board Members

At least three working days 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; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available supporting documents pertinent to the meeting.

When special meetings are called, the Superintendent/designee shall make every effort to distribute the agenda and supporting materials to Board members at least 24 hours prior to, or as soon as possible before, 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/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.

BOARD OF EDUCATION

Agenda/Meeting Materials

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 (PRA) 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/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)

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/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, provided the document is a public record under the Public Records Act. The Superintendent/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)

The Superintendent or designee shall email a copy of, or a web site 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 web site 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)

BOARD OF EDUCATION

Agenda/Meeting Materials

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)

Upon request, the Superintendent/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)

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)

Any request for mailed copies of agenda 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 designee, not to exceed the cost of providing the service per Modesto City Schools Board Policy/Administrative Regulation/ Exhibit 1340 – Access to District Records. (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

7920.000-7930.170 California Public Records Act

53635.7 Separate item of business for borrowing of \$100,000 or more

54954.1 Request for copy of agenda or agenda packet by member of public

BOARD OF EDUCATION

Agenda/Meeting Materials

Legal References (cont.):

GOVERNMENT CODE (cont.)

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

54960.2 Challenging board actions; cease and desist

95000-95004 California Early Intervention Services Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications for individuals with disabilities

36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services

Management Resources:

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

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 OPINIONS

99 Ops.Cal.Atty.Gen. 11 (2016)

78 Ops.Cal.Atty.Gen. 327 (1995)

ATTORNEY GENERAL PUBLICATION

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

WEB SITES

California Attorney General's Office: <http://www.oag.ca.gov>

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

CSBA Simbli Board Agendas: <https://simbli.eboardsolutions.com/Index>

Cross References (cf.):

0000 – Vision (N/A)

0200 – Goals for the School District (N/A)

0410 – Nondiscrimination in District Programs and Activities

1100 Communication with the Public (N/A)

1112 – Media Relations

1113 – District School Staff and Student Websites

1312.1 – Complaints Concerning District Employees

1312.2 – Complaints Concerning Instructional Material

1312.3 – Uniform Complaint Procedures

BOARD OF EDUCATION

Agenda/Meeting Materials

Cross References (cf.) (cont.):

1312.4 – Williams Uniform Complaint Procedures
1340 – Access to District Records
1400 – Relations Between Other Governmental Agencies and the Schools (N/A)
2210 – Administrative Discretion Regarding Board Policy (N/A)
3100 – Budget (N/A)
3312 – Contracts
3320 – Claims and Actions Against the District (N/A)
3460 – Financial Reports and Accountability (N/A)
4312.1 – Contracts (N/A)
5144.1 – Suspension and Expulsion/Due Process
6161.1 – Selection and Evaluation of Instructional Materials
9012 – Board Member Electronic Communications
9121 – President
9122 – Secretary
9130 – Meetings
9150 – Student Board Members
9200 – Limits of Board Member Authority
9310 – Board Policies
9320 – Meetings and Notices
9321 – Closed Session
9323 – Meeting Conduct
9323.2 – Actions by the Board
9324 – Minutes and Recordings

REVISED: January 21, 1986
 November 13, 2000
 November 16, 2009
 May 20, 2013
 August 13, 2018
 October 23, 2023