

Berkeley USD

**Board Bylaw
Policy Manual**

BB 9310

Board Bylaws

The Governing Board recognizes the importance of adopting policies that reflect the district's vision and maintaining a policy manual that is up-to-date and reflects the mandates of law. A subcommittee of the Board will be appointed by the Board president at the Board's annual organizational meeting to monitor, develop, review and/or revise policies prior to their coming to the full Board for consideration.

(cf. 9000 - Role of the Board)

The Superintendent, working with the Board subcommittee, shall maintain a district policy manual for the purpose of communicating to all interested stakeholders the policies, regulations and bylaws within which district schools will operate.

The Superintendent or designee shall ensure that the community and all district employees have access to the policy manual and keep such a manual current. A public copy of the manual shall be maintained in the district central office and at each school site. These copies shall be maintained either electronically or by paper copy.

The Board encourages members of the public to acquaint themselves with the district's policy manual.

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy. Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

Board Policies

The District shall create and revise its policies as follows:

1. The Board, the Policy Subcommittee, or the Superintendent or designee shall regularly identify the need to adopt a new policy or revise an existing policy.
2. Unless the Board directs otherwise, the Policy Subcommittee shall discuss the need to adopt a new policy or revise an existing policy at one or more Policy Subcommittee meetings. The discussion may include, but not be limited to, how the proposed policy or policy

- change may affect student learning, community expectations, staff recommendations, and/or fiscal impact as well as the policy's impact on governance and operational efficiency.
3. The Policy Subcommittee or Superintendent may request that legal counsel review the draft policy as appropriate.
 4. After the Policy Subcommittee approves a new policy or revision to an existing policy, the Superintendent or designee shall present the draft policy for a first reading at a public Board meeting. At this meeting, the Board shall determine whether it wants additional modifications to the draft. If no modifications are requested, then Superintendent or designee shall place the draft policy on the agenda of the next Board for the second reading and approval. The Board, by a 2/3 vote, may waive the need for a second reading and approve the draft policy at the meeting in which the first reading occurs so long as the draft policy is listed in the agenda as an action item. If the Board determines that it wants significant modifications to the draft, the policy shall be returned to the Policy Subcommittee (see #2). If the Board determines that it wants minor modifications to the draft, the Superintendent or designee shall make the necessary changes and shall, unless otherwise directed by the Board, place the revised draft policy on the agenda of the next Board for the second reading and approval.

Administrative Regulations

The Superintendent or designee shall have authority to adopt administrative regulations consistent with Board Policies. The Superintendent designee or designee shall first present any new administrative regulation or change to existing administrative regulation at a Policy Subcommittee meeting. The Superintendent or designee may, but is not required to, modify the administrative regulation in response to comments made at the Policy Subcommittee meeting. The Superintendent or designee then shall present the new administrative regulation or change to existing administrative regulation at a Board meeting. The Superintendent or designee may, but is not required to, modify the administrative regulation in response to comments made at the Board meeting.

The Board may choose to approve any administrative regulation, in which case the Board Policy process shall be used.

Board Bylaws

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended pursuant to the Board Policy process.

Conflict

In case of conflict between administrative regulation and Board policy, policy shall prevail.

Access to Policies

The Superintendent or designee shall ensure that all district employees and the public have access to an up-to-date district policy manual. A public copy of the policy manual shall be maintained at the district central office, at each school site, and on the District's website. These copies shall be maintained either electronically or by paper copy.

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. The Superintendent or designee shall determine the appropriate communications strategy depending on the issue.

Effect of Board Policies and Administrative Regulations

All Board Policies and Administrative Regulations shall apply to and shall be followed by all Board members, employees, contractors, students, and families without exception unless otherwise prohibited by state law, federal law, or the district's collective bargaining agreements. No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

BERKELEY UNIFIED SCHOOL DISTRICT

Adopted: April 20, 2005 Berkeley, California