

CLASSIFICATION: Bylaws of the Board

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Agenda Content

County Board of Education (County Board) meeting agendas shall reflect the County Board's vision and goals and its focus on student learning.

Each County Board meeting agenda 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.

The agenda shall provide members of the public the opportunity to address the County Board on any agenda item before or during the County Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters that are not on the agenda but that are within the subject matter jurisdiction of the County Board. Procedures for addressing the County Board are presented in Board Bylaw 9323, Meeting Conduct.

Each meeting agenda shall list the address designated for public inspection of agenda documents that have been distributed to the County Board less than 72 hours before the meeting.

The agenda shall specify that an individual should contact the County Board secretary or designee if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the County Board meeting.

Agenda Preparation

The County Board President and the County Superintendent of Schools, as Secretary to the County Board, shall work together to develop the agenda for each regular and special meeting.

Any County Board member or member of the public may request that a matter within the jurisdiction of the County Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the County Superintendent and County Board

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President with supporting documents and information at least eight (8) working days prior to the scheduled meeting date. Items submitted fewer than eight (8) working days prior to the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

Any County Board member may request, at a regular meeting under “future agenda items,” that a matter within the jurisdiction of the County Board be placed on the agenda of a future meeting.

The County Board President and County Superintendent shall decide whether a request is within the subject matter jurisdiction of the County Board. Items not within the subject matter jurisdiction of the County Board shall not be placed on the agenda. In addition, before placing the item on the agenda, the County Board President and County Superintendent shall determine whether the item is merely a request for information or whether the issue is covered by an existing County Board policy.

If a Board member disagrees with the decision not to place an item on the agenda, the Board member may make a motion, at a regular meeting under “future agenda items,” that the item be placed on a future agenda. The motion must be approved by a majority of Board members.

The County Board President and County 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 County 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. The County Board President shall have final approval authority for all agenda items so long as the agenda items are permitted by the Education Code, the Brown Act, and/or other applicable rules and regulations.

An item or matter that has been voted on by the County Board will not be brought back to the County Board for reconsideration by a County Board member for a period of one year from the date of the previous consideration, unless:

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1. On motion of a County Board member who voted in the majority when the item or matter was previously considered, a majority of the County Board votes in favor of reconsideration; or
2. An emergency situation exists, as determined by the County Superintendent or a majority of the County Board.
3. A new County Board member has taken office either by an appointment or an election since the item or matter was previously considered.

Any County 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.

Consent Agenda

In order to promote efficient meetings, the County Board may group a number of items together and act upon them 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 County Board discussion is not anticipated and for which approval is recommended.

When any County 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 that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the County Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it.

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Agenda Dissemination to County Board Members

At least three (3) working days before each regular meeting, each County Board member shall be provided a copy of the agenda and agenda packet, including any reports from the County Superintendent; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting.

When special meetings are called, the County Superintendent or designee shall make every effort to distribute the agenda and supporting materials to County Board members as soon as possible before the meeting and, except in emergency situations as permitted by law, no later than 24 hours prior to the meeting.

County Board members shall review agenda materials before each meeting. Individual members may confer directly with the County Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of County Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the County Board.

Agenda Dissemination to Members of the Public

As the Secretary to the County Board, it is the responsibility of the County Superintendent or his/her designee to 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 or, if so requested, sent via email or other means at the time the agenda is posted or upon distribution of the agenda to a majority of the County Board, whichever occurs first.

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.

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Persons requesting mailing of physical copies of the agenda or agenda packet shall pay an annual fee, as determined by the County Superintendent or designee, not to exceed the cost of providing the service.

If a document that relates to an open session agenda item of a regular County Board meeting is distributed to the County Board less than 72 hours prior to a meeting, the County Superintendent or 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 County Board, provided the document is a public record under the Public Records Act. The documents may also be posted on the County Board's website in a position and manner that make it clear that the document relates to an agenda item for an upcoming meeting.

Any document prepared by the County Board or San Diego County Office of Education staff and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person and presented at the meeting 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.

If requested, the County 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.

SAN DIEGO COUNTY OFFICE OF EDUCATION

DRAFT 4/4/17
BYLAW NO. 9322

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Derivation:

Board Policy No. 8100, Amended and Renumbered 3/8/95. Amended 9/8/99, (DATE).

Legal Reference:

Education Code

35145.5

Government Code

54954.1, 54954.2, 54954.3, 54954.5, 54956.5, 54957.5

United States Code, Title 42

12101-12213

Code of Federal Regulations, Title 28

35.160, 36.303

Legal Opinion

94 Ops.Cal.Atty.Gen. 100 (2012)

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

Management Resources:

A Call to Order, revised 2015; *The Brown Act: School Boards and Open Meeting Laws*, 2014, California School Boards Association: www.csba.org

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2003: www.caag.state.ca.us