

Bylaw 9322: Agenda/Meeting Materials

Status: ADOPTED

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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 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. However, the agenda need not provide an opportunity for public comment when the agenda item 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. (Government Code 54954.3)

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)

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of 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 include information regarding how, when, and to whom a request for 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. (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.

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 two weeks before the scheduled meeting date. Items submitted less than two weeks 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 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.

~~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.~~

A request from a Board member to place an item on the agenda shall be accompanied by the written concurrence of at least one additional Board member before it is submitted to the Superintendent or designee. Only requests meeting this requirement will be considered for placement on the agenda pursuant to this bylaw.

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 or an information item that does not require immediate action.

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 regular agenda item.

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)

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.

Agenda Dissemination to Board Members

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; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available supporting documents pertinent to the meeting.

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)

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, unless during a noticed Board meeting, shall not 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

Any agenda and any other writing 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) Effective January 1, 2023, this section shall read, "Agendas of public meetings are disclosable public records that shall be made available upon request without delay, as required by law. (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 or 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)

Distribution of Public Records to All, or a Majority of All, of the Board

If a public record is related to an agenda item for an open session of a regular meeting of the Board and is distributed to all, or a majority of all, of the members of the Board less than 72 hours before the meeting, the public record shall be made available for public inspection at the time the writing is distributed at a public office or location that the District shall designate for this purpose on the agendas for all meetings of the Board. The foregoing shall be referred to as the "General 72-Hour Rule."

As an alternative to the General 72-Hour Rule, commencing January 1, 2023, the District may comply with Government Code section 54957.5 by meeting all of the following requirements:

- i. An initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or location designated for such purpose at least 72 hours before the meeting.
- ii. The District immediately posts the public record on the District's website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.
- iii. The District lists its website address on the agendas for all meetings of the legislative body of that agency.
- iv. The District makes physical copies available for public inspection, beginning the next regular business hours for the local agency, at the office or location designated for such purpose.

Collectively, the foregoing four rules shall be referred to as the "72-Hour Alternative." Notwithstanding the foregoing, the 72-Hour Alternative shall not apply if the District's next regular business hours commence less than 24 hours before a meeting. If the District's next regular business hours commence less than 24 hours before a meeting, the District shall follow the General 72-Hour Rule.

Internal Distributions of Documents

The Board welcomes public participation regarding its meetings and recognizes the importance of the Brown Act and the disclosure of documents related to Board meetings. As technology evolves, however, Brown Act compliance becomes more complex, especially with the proliferation of email communications. Accordingly, to promote compliance with the Brown Act, the Board requests that

no District employee or officer distribute any public record(s) relating to an open session agenda item to all, or a majority of all, of the Board within 72 hours prior to the meeting. Where a District employee or officer finds it necessary to distribute a public record relating to an open session agenda item to all, or a majority of all, of the Board within 72 hours prior to the meeting, such employee/officer shall copy the Superintendent's Executive Assistant and/or Communications Department at communication@hartdistrict.org. This will help the District to comply with Government Code 54957.5. The Superintendent, or Superintendent's designee, shall prepare written notice of this rule to be distributed to District staff on at least an annual basis.

External Distributions of Documents

Any Board member, District officer, or District employee who becomes aware of a public record sent by a member of the public (or other person that is not employed by the District) that is related to an agenda item for an open session of a regular meeting of the Board, and is distributed to all, or a majority of all, of the members of the Board less than 72 hours before that meeting, such Board member, District officer, or District employee shall immediately forward such public record to the Superintendent's Executive Assistant and/or Communications Department at communications@hartdistrict.org. This will help the District to comply with Government Code 54957.5.

Agenda Packets

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)

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)

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)

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 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 PRA. (Government Code 54957.5)

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. (Government Code 54954.1)

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 49061	Definitions; directory information
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Gov. Code 53635.7	Separate item of business for borrowing of \$100,000 or more
Gov. Code 54953	Meetings; Americans with Disabilities Act accessibility
Gov. Code 54954.1	Request for copy of agenda or agenda packet by member of public
Gov. Code 54954.2	Agenda posting requirements; board actions
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54954.5	Closed session item descriptions
Gov. Code 54956.5	Emergency meetings
Gov. Code 54956.9	Meetings
Gov. Code 54957.5	Public records
Gov. Code 54960.2	Challenging board actions; cease and desist
Gov. Code 7920.000-7930.170	California Public Records Act
Gov. Code 95000-95004	California Early Intervention Services Act
Federal	Description
28 CFR 35.160	Effective communications for individuals with disabilities
28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
Attorney General Opinion	99 Ops. Cal. Atty. Gen. 11 (2016)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Publication	The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision	Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86
Court Decision	Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68
Court Decision	Caldwell v. Roseville Joint Union High School District (2007) U.S. Dist. LEXIS 66318

Court Decision	Mooney v. Garcia (2012) 207 Cal.App.4th 229
CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2023
CSBA Publication	Call to Order: A Blueprint for Great Board Meetings
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	CSBA

Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
1100	Communication With The Public
1112	Media Relations
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.1-E PDF(1)	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E PDF(1)	Complaints Concerning Instructional Materials - Complaints Concerning Instructional Material
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E PDF(1)	Williams Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
1400	Relations Between Other Governmental Agencies And The Schools
3100	Budget
3100	Budget
3312	Contracts

3320	<u>Claims And Actions Against The District</u>
3320	<u>Claims And Actions Against The District</u>
3320-E PDF(1)	<u>Claims And Actions Against The District</u>
3460	<u>Financial Reports And Accountability</u>
3460	<u>Financial Reports And Accountability</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1-E PDF(1)	<u>Selection And Evaluation Of Instructional Materials</u>
9012	<u>Board Member Electronic Communications</u>
9121	<u>President</u>
9122	<u>Secretary</u>
9130	<u>Board Committees</u>
9150	<u>Student Board Members</u>
9150	<u>Student Board Members</u>
9200	<u>Limits Of Board Member Authority</u>
9310	<u>Board Policies</u>
9320	<u>Meetings And Notices</u>
9320-E PDF(1)	<u>Meetings And Notices - Meeting And Notices</u>
9321	<u>Closed Session</u>
9323	<u>Meeting Conduct</u>
9323.2	<u>Actions By The Board</u>
9323.2-E PDF(1)	<u>Actions By The Board - Actions Requiring More Than A Majority Vote</u>
9324	<u>Minutes And Recordings</u>