

Board Bylaw
AGENDA/MEETING MATERIALS

BB 9322 (a)

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 listed in the agenda, including items to be discussed in closed session in accordance with Board Bylaw 9321 - Closed Session. (Government Code 54954.2)

For a regular meeting, the Board may consider an item not included in the posted agenda in accordance with Board Bylaw 9323.2 - Actions by the Board.

Public Comment

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, including items to be considered in closed session in accordance with Board Bylaw 9321 - Closed Session and items listed on the consent agenda. (Education Code 35145.5; Government Code 54954.3)

Before any other open session agenda item, there shall be one public comment item on every meeting agenda to give members of the public the opportunity to address the Board on any item on the open session agenda. The public comment period shall last no longer than 30 minutes unless extended in accordance with Board Bylaw 9323 - Meeting Conduct. No member of the public may be permitted to speak more than once during this item.

The agenda does not need to provide an opportunity for public comment on an item that has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that all of the following conditions were met:

1. Members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item
2. The item has not been substantially changed since the committee considered it
3. A quorum of the committee attended and participated in the committee meeting at which the item was considered from a singular physical location that was clearly identified on the agenda, open to the public, and situated within the boundaries of the district
4. Any other applicable provisions of Government Code 54954.3

Additionally, the agenda for a regular meeting shall provide members of the public with an opportunity to address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)

The notice and agenda shall include information describing how members of the public can access the platform or service and how members of the public can offer public comment if required pursuant to Board Bylaw 9320.1 - Remote Meetings and Attendance.

Disability-Related Accommodations or Modifications

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 meeting, as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54953.8, 54954.2)

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, or for records of a statement threatening litigation against the district to be discussed in closed session, when such documents have been distributed to the Board less than 72 hours before the meeting. (Government Code 54956.9, 54957.5)

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. Additionally, the agenda shall state that the request must be made in writing to the secretary or clerk of the Board. (Education Code 49073.2)

Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each meeting, including whether an item requires Board action and whether an item shall be considered in open or closed session.

Any member of the public, or an individual Board member acting in that Board member's capacity as a member of the public, may request that a matter within the subject matter jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be in writing to the Superintendent or designee with supporting documents and information. (Education Code 35145.5)

The Board president and Superintendent shall decide whether such a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board shall not be placed on the agenda. Additionally, if the Board president and Superintendent determine that the request is merely a request for information, then the request shall not be placed on the agenda.

A Board member may request in writing, at a meeting as part of a related open session item, or at a meeting as part of an open session item intended for this purpose that a specific matter within the subject matter jurisdiction of the Board be placed on an upcoming Board agenda. Within thirty (30) days of receiving the request, the Board member shall be informed by the Board president if the request has been approved or denied by the Board president and Superintendent.

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, except as required by law. Consent items shall be of a routine nature for which Board discussion is not anticipated and for which the Superintendent recommends approval.

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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 all related materials such as 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. Additionally, the Superintendent or designee may distribute to the Board additional materials related to agenda items less than 72 hours before each regular meeting, as permitted by law.

When special meetings is called, Board members shall receive the agenda and all related materials at least 24 hours prior to the meeting (Government Code 54956)

Board members shall review agenda and all related materials before each regular or special meeting. Individual Board members may confer directly with the Superintendent or designee to ask questions and/or to 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.

Regular Meeting Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the Board related to a regular meeting shall be made available to the public upon request without delay. However, only those documents which are disclosable public records under the California Public Records Act (CPRA) 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)

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)

Additionally, 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)

If a writing 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 designee shall make the writing 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

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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 meeting

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 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 designee 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)

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 documents prepared by the district or the Board and distributed during a public open meeting shall be made available for public inspection at the meeting. ~~Any documents 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 CPRA ~~Public Records Act~~. (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)

Special Meeting Agenda Dissemination to Members of the Public

The requirements for the dissemination of regular meeting agendas and related materials and writings to members of the public found in "Regular Meeting Agenda Dissemination to Members of the Public" shall be applicable to the dissemination of special meeting agendas and related materials and writings to members of the public except that the 24-hour requirement shall apply rather than the 72-hour requirement.

State

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

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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 54950-54963: The Ralph M. Brown Act

Gov. Code 54953: Meetings; Americans with Disabilities Act accessibility

Gov. Code 54953.8: Remote meeting and attendance

Gov. Code 54953.8.2: State of emergency

Gov. Code 54953.8.3: Just cause

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: Special meetings

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

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

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

Bylaw Adopted: 5/13/26

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California