

BOARD MEETING AGENDA

Agenda Content

At least 72 hours before a regular meeting and 24 hours before a special meeting of the County Board of Education, the Secretary to the Board shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the meeting and shall be posted in a location that is freely accessible to the public.

Each meeting agenda shall list the address designated by the Superintendent for public inspection of agenda documents that have been distributed to the Board. (Government Code 54957.5)

The agenda shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, or language translation, in order to participate in the Board meeting should contact the Superintendent or designee at least 48 hours before the scheduled meeting. (Government Code 54954.2)

No action or in depth discussion shall be taken on any matter that does not appear on the posted Board agenda except as follows:

1. By a majority vote of the Board that an emergency situation exists as defined by Government Code Section 54956.5.
2. By a two-thirds vote of the Board or, if less than two-thirds of the members are present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted.
3. The matter was posted as an item for a prior meeting of the Board and the item was continued for a following meeting which occurs no more than five (5) calendar days later.

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 from the member of the public shall be in writing and be submitted to

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the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week 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.

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

Agenda items should be within the purview authority and responsibility of the Board. The Board president and Superintendent shall decide whether a request 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, the Board president and Superintendent shall determine if the item is merely a request for information or likely to need a lengthy discussion, research or investigation or extensive demand on staff time. Such an agenda item should first be scheduled for discussion only.

The Board president and 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 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.

Consent Items

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

Agenda Dissemination to Board Members

The County Superintendent of Schools shall prepare an agenda and send one (1) copy to each Board member no later than 72 hours prior to any regular Wednesday meeting. If any controversial item is to be considered, the Superintendent shall give a synopsis of the facts for study prior to the meeting.

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Agenda Dissemination to Members of the Public

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)

If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. The Superintendent or designee may also post the document on the MCOE'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)

Any documents prepared by MCOE or the Board and distributed during a public 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 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)

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. (Government Code 54954.1) However, a surcharge may not be imposed for providing the agenda and other public record documents, in alternative formats to persons with disabilities. (Government Code 54957.5)

Each school district in the county shall be mailed a copy of the agenda of each meeting of the Monterey County Board of Education. Copies shall also be mailed to local newspapers, television and radio stations and designated public libraries.

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Copies of materials, except those covered by the laws governing confidentiality which relate to the agenda, are given to Board members and shall be available to the public at Board meetings.

Legal Reference:

EDUCATION CODE:

Section 35144 Special meetings

Section 35145 Public meetings

Section 35145.5 Right of public to place matters on agenda

GOVERNMENT CODE:

Section 6250-6270 Public Records Act

Section 53635.7 Separate item of business

Section 54954.1 Mailed agenda of meeting

Section 54954.2 Agenda posting requirements; board actions

Section 54954.3 Opportunity for public to address legislative body

Section 54954.5 Closed session item descriptions

Section 54957.5 Public records

UNITED STATES CODE, TITLE 42:

Section 12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28:

Section 35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS:

Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

Adopted: 3/16/94

Reviewed: 8/87; 1996; 1999; 9/2002; 9/17/08

Revised: 2/3/88, 3/2/94; 5/98; 9/01/99; 10/15/08