

PROPOSED CHANGES TO RULES OF THE BOARD OF EDUCATION

Los Angeles Unified School District
2009-10 School Year

INTRODUCTION

As the Los Angeles Unified School District strives to absorb significant budget cuts, the Board of Education—together with the rest of the District—must increase the efficiency of its operations. At the same time, as the public governance body for the District, the Board must fully maintain its commitment to transparency and inclusiveness.

Below please find several recommendations to streamline Board operations. The proposals were designed to maximize efficiency, transparency, and inclusiveness. **These changes would apply to the 2009-10 School Year only, and would be subject to evaluation and revision in the following years.** The “Rationale” and “Challenges” represent my own best thinking; the “Legal Implications” were provided in a memo from the Office of the General Counsel (attached). This memo is intended as a springboard for discussion and action by the full Board of Education.

PROPOSAL #1: CHANGE IN BOARD SCHEDULE

Under this proposal, the full Board would meet every first, second, third and fourth Tuesdays, and on no other days, as follows:

Board Day	Proposed Format	Setting	Description
First Tuesday	Closed Session (10AM)	Break Room	Regular Business
Second Tuesday	Board Meeting (1PM)	Board Room	Regular Business
Third Tuesday	Committee of the Whole (1PM)	Board Room	Recognitions and Special Business as Needed (e.g., Budget, Charters, Parent Board Reports) Rotating Chair
Fourth Tuesday	Board Meeting (1PM)—Reserved for Special Topics	Board Room	In-Depth Study of a Single Component of the Superintendent's Strategic Plan Rotating Chair

Note: Board will meet on Fifth Tuesdays only as needed.

Rationale

- Allows a monthly rotation of Board Members to chair meetings on the Third and Fourth Tuesdays of the month (Committee of the Whole and Board Meeting on Special Topics)
- Allows full-Board, in-depth discussion of topics critical to the Board, such as Facilities, the Inspector General's Annual Work Plan, Student Attendance, the Student Discipline Policy, etc.
- Respects the scheduling demands of Board Members by reducing Board Meetings to one day per week
- Makes the Board Schedule more consistent and predictable
- Compresses routine Board Business to one meeting per month, offering more time to explore components of the Superintendent's Strategic Plan and to develop a shared agenda
- Reduces the number of hours spent in Closed Session

Challenges

- Successful implementation will require disciplined efforts by Board Members, Board Staff, and Superintendent's staff.

Legal Implications (If Any)

In general, in order to amend or repeal a Board Rule, an affirmative vote of at least four Board Members is needed, and the notice of the proposed action is required to be given at a prior regular Board meeting. (Board Rule 181, Amendment or Appeal of Board Rules.) Board Rules or sections thereof may be suspended by an affirmative vote of at least four Board Members. (Board Rule 171, Suspension of Board Rules.)

(a) Meeting Time and Date. Statutes require the Board to, by rule and regulation, set the time and place for its regular meetings. (Ed. Code, §35140; Gov't Code, §54954.) Currently, Board Rule 11, Regular Meetings, provides for regular meetings to take place on the second and fourth Tuesdays of each month at 10:00 a.m. The proposed Board meeting schedule maintains the regular meeting dates, but changes the start time from 10:00 a.m. to 1:00 p.m. To comply with statutory requirements, the Board Rule should be amended or suspended for the year and substituted with a resolution that reflects the new meeting time.

(b) Committee of the Whole and Second Board Meeting – Rotating Chair. No statute, regulation or Board Rule prohibits the appointment of rotating Chairs for a Committee of the Whole ("COW"). Therefore, it appears that the Board can have a different chair each month by developing a schedule identifying the chair for each meeting. No modification to Board Rules is necessary to implement this change. However, current Board Rules require the Board President to preside at all meetings of the Board of Education. (See Board Rule 51). In order to assign a rotating chair, Board Rule 51 would have to be amended in accordance with Board Rule 181.

(c) In-Depth Study of Superintendent’s Strategic Plan. There is no statute, regulation or Board Rule that would prohibit scheduling an “In-Depth Study of a Single Component of the Superintendent’s Strategic Plan” to occur at the regular Board meeting held on the fourth Tuesday of the Month.

PROPOSAL #2: SUSPEND BOARD COMMITTEES

- Content previously considered in Board Committees will be considered in either Committee of the Whole or in the second Board Meeting of the month.
- Charters will be reviewed and either approved or denied during, or right after, the Committee of the Whole meeting.
- NOTE: Any Board Member may continue to engage fellow Board Members and/or community members in a less formal format (e.g., Ms. Galatzan’s Middle Class Task Force and Ms. Flores Aguilar’s Parent Engagement Task Force)

Rationale

- Reduces the workload of the Board Secretariat in the wake of significant budget reductions
- Ensures that all Board Members have the opportunity to understand and engage with all important District business
- Respects the scheduling demands of Board Members by reducing Board Meetings to one day per week
- Reduces duplicative Board-level discussions (e.g., Facilities items heard in Committee and by the Full Board; Charters heard in Committee and by the Full Board)

Challenges

- Content previously considered in Board Committees must be considered in either Committee of the Whole or in the second Board Meeting of the month.

Legal Implications (If Any)

(a) Suspend Standing Committees. While Board Rules give the Board President the discretion to establish Standing Committees (see Board Rule 141), there is no statute, regulation or rule requiring that she do so. However, in reviewing the Board Rules, it is not clear how existing Standing Committees are to be discontinued. Therefore, it is recommended that the suspension of Standing Committees be addressed at a regular meeting of the Board.

(b) Act on Charter School Petitions during Committee of the Whole Meeting. The Charter School Act requires that a charter school petition be voted on by the Board, but does not specify whether action on a charter school petition must occur at a regular meeting of the Board.¹ (See Ed. Code, §47605(i).) Nevertheless, given that the statute requires that the “governing board” act on a

¹ This memorandum does not address potential impacts to the District’s Charter School Policy.

charter petition we believe that prudence necessitates action, not at a committee meeting, but at a board meeting. Additionally, in light of statutory time limits within which the Board must act on a charter school petition (see Ed Code, §47605(b)), it appears a monthly COW meeting may not occur frequently enough to permit compliance with statutory deadlines.

If the Board decides to move forward with the plan, it is recommended that the Board amend the Board Rules to permit taking action on charter school petitions during a COW meeting. Regarding public hearings related to charter school petitions, current Board Rules permit the conduct of hearings at Committee meetings (see Board Rule, 160, Committee Hearings); therefore, Board Rules would not have to be changed to allow hearings to occur at COW meetings.

PROPOSAL #3: REVISE PUBLIC COMMENT PROCEDURES

- Suspend procedure requiring members of the public to sign in to make public comment in advance of the meeting
- Accept public comment cards at Board Meetings on a first-come, first-served basis (up to 7 speakers per Board Item and up to 15 speakers for General Public Comment)
- If public sign-ups exceed these limits, reduce time allotments to 2 minutes or to 1 minute, accordingly (specifics to be developed)
- Enforce Board Rules pertaining to public comment (e.g., public comment on pending action items must pertain to the item at hand).

Rationale

- Increases the number of stakeholders who may address the Board on any given action item or generally on items in the Board's jurisdiction
- Increases the public accessibility of Board Meetings by ensuring the public comment list does not fill up until the day of the meeting
- Provides flexibility to allow the Board to shorten any particular individual's public comment period while increasing the total number of viewpoints heard

Challenges

- On occasion, may limit an individual speakers' time to 1 minute

Legal Implications (If Any)

(a) Suspend Advance Sign-Up Requirement for Public Speakers; Accept Public Comment Cards on a First-Come, First-Served Basis. While statutes require that the agenda for a regular meeting provide an opportunity for members of the public to address the Board (see Ed. Code, §35145.5; Gov't Code, §54954.3), there is no legal requirement that the member of the public sign-up to do so. Therefore, the practice can be suspended. Because the sign-up requirement is currently a Board Rule (see Board Rule 131,

Presentations to the Board), a formal Board vote is required to suspend the practice.

(b) Enforce Board Rules Pertaining to Public Comment. The right of a member of the public to speak at a Board Meeting is limited to matters within the subject matter jurisdiction of the Board. (Ed. Code, §35145.5; Gov't Code, §54954.3(a).) The right may be exercised before or during the Board's consideration of items. (Id.) The Board may adopt reasonable regulations to insure the proper functioning of the Board. (Ed. Code, §35145.5; Gov't Code, §54954.3(b).) Therefore, so long as the Board's public comment guidelines comply with the above statutes, it is appropriate for the Board to enforce those guidelines as necessary.

PROPOSAL #4: STREAMLINE BOARD MEETING AGENDAS

- Group items by content area:
 - Facilities
 - Instruction
 - Procurement
 - Etc.
- Default all Board items to the "Consent Calendar," and move the full "Consent Calendar" at the start of each Board Meeting
- Remove Board items from the "Consent Calendar" for full Board discussion if any Board Member requests it (asks that it be considered "For Discussion")
- Display for meeting attendees a running list of "For Discussion" Board Items still to be considered

Rationale

- Allows the Board to quickly adopt routine and non-controversial items to focus its deliberations on the items of greatest significance
- Allows relevant staff and stakeholders of routine and non-controversial items to leave the Board room early in the meeting
- Provides real-time updates to inform members of the public of the status of their items
- Will likely shorten Board Meetings

Challenges

- Will require effort to implement effectively
- May be confusing at first
- May limit public opportunities to comment, if members of the public arrive late to meetings

Legal Implications (If Any)

a) Group Items by Content Area; Default Items to Consent Calendar. To change the order in which items appear on an agenda to group items by content area and/or default items to a Consent calendar, it is recommended that the Board amend Board Rule 61 in accordance with the process set

forth in Board Rule 181 or suspend the Board Rule for the year in accordance with Board Rule 171.

- b) Remove Items from Consent Calendar upon Request of Board Member.** There are no statutes, regulations or Board Rules that would prohibit this practice. However, to have “special” items automatically carried over from one meeting to another, the Board Rules should be amended to implement the practice on an ongoing basis.
- c) Display for Attendees a Running List of “For Discussion” Items to Still Be Considered.** There are no statutes, regulations or rules that would prohibit the display of a running list of items at the Board meetings.

PROPOSAL #5: SIMPLIFY BOARD RULES

- Begin by suspending Board Rule 133, which reads:

CHARGES OR COMPLAINTS AGAINST EMPLOYEES: The Board of Education urges that all charges and complaints against Los Angeles Unified School District employees be made in writing and contain as much specificity concerning the matter as possible. However, no one will be prevented from making a charge or complaint to the Board solely because they decline to do so in writing. Employees seeking resolution of a complaint pertaining to their employment may be required to avail themselves of the avenues provided in their employment or collective bargaining agreements.

Rationale

- Reduces the workload of the Board Secretariat in the wake of significant budget reductions
- Eliminates a process that has proven to be both onerous and ineffective

Challenges

- Per the recommendation of the Executive Officer of the Board, a new process should be created, likely by the Office of Inspector General, to allow a more appropriate avenue for public complaint.

Legal Implications (If Any)

The Office of General Counsel has advised the Board regarding simplification of Board Rules in the past and remains available to continue such discussions.