

# Berkeley USD

## Board Bylaw

### Board Policies

BB 9310

#### Board Bylaws

The Governing Board recognizes the importance of adopting policies that reflect the district's vision and maintaining a policy manual that is up-to-date and reflects the mandates of law. A subcommittee of the Board will be appointed by the Board president at the Board's annual organizational meeting to monitor, develop, review and/or revise policies prior to their coming to the full Board for consideration.

(cf. 9000 - Role of the Board)

Only Board Policies formally adopted by a majority vote of the Board shall constitute official Board policy. Board Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

#### Board Policies

The District shall create and revise its policies as follows:

1. The Board, the Policy Subcommittee, or the Superintendent or designee shall regularly identify the need to adopt a new Board Policy or revise an existing Board Policy.
2. Unless the Board directs otherwise, the Policy Subcommittee shall discuss the need to adopt a new Board Policy or revise an existing Board Policy at one or more Policy Subcommittee meetings. The discussion may include, but not be limited to, how the proposed Board Policy or Board Policy change may affect student learning, community expectations, staff recommendations, and/or fiscal impact as well as the Board Policy's impact on governance and operational efficiency.
3. The Policy Subcommittee or Superintendent may request that legal counsel review the draft Board Policy as appropriate.
4. After the Policy Subcommittee approves a new Board Policy or revision to an existing Board Policy, the Superintendent or designee shall present the draft Board Policy for a first reading at a public Board meeting. At this meeting, the

Board shall determine whether it wants additional modifications to the draft. If no modifications are requested, then the Superintendent or designee shall place the draft Board Policy on the agenda of the next Board meeting for the second reading and approval. The Board, by a 2/3 vote, may waive the need for a second reading and approve the draft Board Policy at the meeting in which the first reading occurs so long as the draft Board Policy is listed in the agenda as an action item. If the Board determines that it wants minor modifications to the draft, the Superintendent or designee shall make the necessary changes and shall, unless otherwise directed by the Board, place the revised draft Board Policy on the agenda of the next Board for the second reading and approval. If the Board determines that it wants significant modifications to the draft, the Board Policy shall be returned to the Policy Subcommittee for further review consistent with the direction of the Board.

### Administrative Regulations

The Superintendent or designee shall have authority to adopt Administrative Regulations consistent with Board Policies. The Superintendent or designee shall first present any new Administrative Regulation or change to existing Administrative Regulation at a Policy Subcommittee meeting. The Superintendent or designee may, but is not required to, modify the Administrative Regulation in response to comments made at the Policy Subcommittee meeting. The Superintendent or designee then shall present the new Administrative Regulation or change to existing Administrative Regulation at a Board meeting. The Superintendent or designee may, but is not required to, modify the Administrative Regulation in response to comments made at the Board meeting.

### Board Bylaws

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010)

Board Bylaws governing Board operations may be developed, adopted, and amended pursuant to the Board Policy process.

### Conflict

In case of conflict between Administrative Regulation and Board Policy, the Board Policy shall prevail.

### Access to Policies

The Superintendent or designee shall ensure that all district employees and the public have access to up-to-date district policies.

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a Board Policy that affects them is adopted or revised.

#### Effect of Board Policies and Administrative Regulations

All Board Policies and Administrative Regulations shall apply to and shall be followed by all Board members, employees, contractors, students, and families without exception unless otherwise prohibited by state law, federal law, or the district's collective bargaining agreements. No Board Policy, Board Bylaw, or Administrative Regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a Board Policy is found to be invalid, that invalidity shall not affect other provisions of the Board Policy.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

Bylaw BERKELEY UNIFIED SCHOOL DISTRICT

adopted: April 20, 2005 Berkeley, California

revised: March 9, 2016