

**BERKELEY UNIFIED SCHOOL DISTRICT**  
**PLANNING & OVERSIGHT (P&O) COMMITTEE BYLAWS**

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## **APPENDICES**

Appendix A: Complete Text of the *Berkeley Public Schools Educational Excellence Act of 2016 and the Berkeley Educators Recruitment and Retention Act of 2020*

# **BERKELEY UNIFIED SCHOOL DISTRICT**

## **PLANNING AND OVERSIGHT COMMITTEE BYLAWS**

### **I. Name of Committee**

The name of the committee shall be the Planning and Oversight (P&O) Committee.

### **II. Purpose**

The P&O is established in accordance with Section 5 (B)(i) of the *Berkeley Public Schools Educational Excellence Act of 2016* (Measure E1 of 2016--see Appendix A) and the Berkeley Public Schools Educator Recruitment and Retention Act of 2020 (Measure E of 2020--see Appendix B).

The purpose of this Committee is to:

- Review, revise and recommend to the Board of Education annual expenditure plans for each of the Purposes of the Measures;
- Provide communication among school sites to enhance their effective use of the revenues provided by Measure E1; and,
- Review District compliance with the terms of the Measures.

The P&O shall ensure broad community participation in the planning and oversight of BSEP and BERRA funds.

### **III. Primary Responsibilities of the P&O Committee**

The primary responsibilities of the P&O Committee are to:

- Review and revise proposals from district staff for budgets and plan recommendations for the following school year for each BSEP/Measure E1 of 2016 purpose:
  - Smaller Class Size, and Support for Teaching
  - School Site Discretionary Funds
  - School Libraries
  - Music and Visual & Performing Arts
  - Effective Student Support
  - Technology
- Public Information and Oversight

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- Review and revise district staff proposals for budgets and plan recommendations for the following school year for the following purposes of Measure E of 2020:
  - Oversight (1% budget)
  - Educator Recruitment, Retention and Development Programs (5% budget)
  - Review for information the district staff plans and reports for the 95% of revenue from BERRA dedicated to educator compensation increases.
- Present these budget recommendations to the Board of Education for review and action as part of the BSEP Annual Plan.
- Oversee the implementation of each Measure's purpose and ensure that both planned budgets and actual expenditure of funds are in compliance with the Measures.
- Prepare a report to the Board on compliance with the Measures (subsequent to issuance of the annual report and the Auditor's Report).

### **IV. Additional Responsibilities of the P&O Committee**

Additional responsibilities of the P&O Committee are to:

- Review of Reserves
- Ensure that sufficient reserves are being maintained to meet state reserve standards for Measure expenditures (3% at by-laws writing); and ensure that Measure funds are available to be spent for their intended purposes.
- Review of Annual Cost-of-Living Adjustment (COLA)
- Section 4.C of Measure E1 provides for an annual COLA adjustment for Measure revenues.
- Mediate Site Fund Disputes
- Where SSCs (and BSEP Committee at BHS) cannot reach agreement on the allocation of site funds for their respective schools, the P&O will act to mediate and resolve such disputes.
- Hear waiver requests on SSC size and make a recommendation to the Board on the matter.
- School Site Council Guidelines provide that school sites may request waivers regarding their composition (primarily regarding minimum size requirements).
- Appoint liaisons to other committees

In the event that the district has, or shall form, Superintendent or Board Committees related to the BSEP Measure (such as Berkeley Arts in Education Steering Committee, Facilities Security and Maintenance Oversight Committee), the P&O Committee may request that P&O members be allowed representation on those committees to serve as a liaison between the district's committee and

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the P&O Committee.

### **V. Responsibilities of P&O Representatives and Alternates**

The responsibilities of Representatives to the P&O include:

- Attending P&O meetings;
- Making arrangements for an Alternate to attend any P&O meeting(s) that the Representative is unable to attend;
- Reporting to the P&O on the current status of School Site Council matters at their site (except at Berkeley High School, where the Representatives may report on the status of the BHS BSEP Site Committee); and
- Reporting back to the site School Site Council after each P&O meeting. At the high school the Representatives shall report back to the BHS BSEP Committee and to the School Governance Council.
- Serving on P&O Subcommittees.

### **VI. Membership**

The P&O shall be a district-wide committee composed of parents/guardians, staff members, students, residents or community members representing all school sites and an elected Chair. P&O membership shall consist of:

- One Representative and one Alternate for each elementary school;
- Two Representatives and two Alternates for each middle school;
- Four Representatives and four Alternates for Berkeley High School;
- One Representative and one Alternate for the Pre-K program;
- One Representative and one Alternate for the Berkeley Technology Academy;
- One Representative and one Alternate for the Independent Study Program.

Alternates are to represent the school sites when the selected Representative is absent.

### **VII. Selection of Representatives and Alternates**

Representatives and Alternates for each elementary school, each middle school, the Pre-K Program, the Berkeley Technology Academy and the Independent Study Program to the P&O shall be chosen by each School Site Council (SSC)

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during the month of October each year, as soon as the SSC election has taken place.

P&O Representatives need not sit on the school's School Site Council, or BSEP Site Committee in the case of Berkeley High School, but they are required to communicate regularly with the SSC or Berkeley High School Site Committee. P&O Representatives must have a definite connection to the school that they represent, such as being a parent or staff member at that school.

### **VIII. Term of Office**

The term of office of P&O Representatives is one year, from November 1 until October 31 of the following year. There is no limit to the number of terms, consecutive or interrupted, which P&O Representatives may serve.

### **IX. Vacancies**

In the event that a school should fail to appoint a Representative, the P&O Chair shall contact that school's SSC to inform them of the importance of participation on the P&O Committee, and to enlist their help in identifying a Representative from their school.

### **X. Removal from Membership**

In the event that a Representative should fail to attend three or more successive meetings of the P&O without sending an Alternate, he/she shall be considered to have relinquished his/her post. The Chair shall then contact the school's School Site Council to so inform them, and to request that they elect a new Representative.

In the case of habitually disruptive behavior by a Representative at P&O meetings, the individual may be removed from membership by a two-thirds vote of the Committee. The Chair shall then contact that school's SSC to so inform them, and to request that they appoint a new Representative.

In order to ensure representation of all schools at P&O meetings, the following protocol will be followed in the case of a school's Representative failing to attend a meeting: immediately following each P&O meeting, the Chair (or designee) shall inform the SSC Chair and Principal that their school was not represented at the meeting.

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### **XI. Quorum**

A quorum of the P&O shall consist of no fewer than "one half plus one" of the total number of Representatives. In the event that a school has had a vacancy (no Representative chosen) for the two previous Committee meetings, that seat shall not be counted in the total for the purposes of determining a quorum. The Chair may be counted for the purposes of establishing a quorum.

### **XII. Voting**

Each Site Representative shall have one vote. In the absence of the Representative, the Alternate for that site shall vote.

All voting must be open and recorded: secret ballots are not permitted.

### **XIII. Officers**

The P&O shall have either a Chair or two Co-Chairs. The Committee shall have no other officers.

### **XIV. Election and Term of Chair**

At the first meeting of each term, the P&O shall select a Chair (or Co-Chairs), to serve for one year.

The Chair (or Co-Chairs) shall be a Berkeley resident and non-employee of the district. The Chair (or Co-Chairs) may be a regular Representative to the P&O Committee, but this is not a requirement. If the Chair is a regular Representative, the Chair may vote. If the Chair is not an elected Representative to the P&O Committee, he or she must have been a regular Representative in the term immediately preceding his or her first election to Chair. Such an individual may only be re-elected to contiguous/consecutive terms and may not vote, except in the event of a tie. The Chair may be counted in order to establish a quorum.

There is no limit to the number of terms that a Chair (or Co-Chairs) may serve. Elections for the P&O Committee Chair(s) shall follow Robert's Rules of Order, except that the nomination and second of a candidate for Chair must come from a P&O Representative.

### **XV. Duties of Chair**

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Responsibilities of the P&O Chair include:

- Convening and presiding over the meetings of the P&O Committee;
- Making arrangements for an Alternate Chair or Co-Chair to preside at any meetings which the Chair is unable to attend;
- Convening and chairing Steering Committee meetings, as needed;
- Setting meeting agendas in conjunction with district staff;
- Setting the meeting calendar in conjunction with district staff;
- Communicating regularly with the Subcommittee Chairs and with appropriate district office staff;
- Representing P&O recommendations and concerns (not the Chair's own opinion), to the School Board and to the public. Reporting back to the P&O at their next meeting the substance of what was said.
- Contacting a school's SSC to inform them of the importance of participation on the P&O Committee, and enlisting their help in selecting a Representative from their school who will attend regularly, in the event that a SCC has failed to appoint a Representative or that an appointed Representative has failed to attend three or more successive P&O meetings. In the case of Berkeley High School, the Chair shall contact the BSEP Site Committee.
- Calling Steering Committee meetings.

In the absence of the Chair, or if a Chair has not been selected, the Committee shall appoint an Acting Chair. In the event that a Chair needs to be removed from office, Robert's Rules of Order shall be followed.

### **XVI. Calendar**

At the first meeting of the new term, district staff in conjunction with the P&O Chair(s) shall prepare and present to the P&O a draft calendar of meetings for the year. Once adopted by the Committee, this calendar shall stand as the official P&O Calendar for the year, but may be amended at any time by a majority vote of the Committee or by decision of the P&O Chair(s).

### **XVII. Meeting Frequency, Notice, Time & Place**

The P&O shall meet no fewer than six times a year. The Committee shall follow the Greene Act (Education Code 35147). Meetings shall be in a public place, held at times of reasonable public access, open to the public and noticed at least 72 hours in advance (preferably longer).

A closed session may not be convened without the express authority of the Board or its designee.



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### **XVIII. Conduct of Meetings**

Except where specified by Law, Board Policy or in these bylaws, the P&O will follow standard meeting procedures (e.g. Roberts Rules of Order) with meetings conducted in an open and civil manner.

### **XIX. Record Keeping**

The Committee shall perform the standard record-keeping functions including: having written agendas, recording attendance and minutes of each meeting, recording votes, and disseminating these documents to committee members and the Board.

### **XX. Communications with the Board**

The Committee shall make timely, written, progress reports to the Board pertinent to its charge and timeline as specified by the Board. These reports shall be placed on the Board meeting agenda by the Staff Liaison to the Committee through the Board's regular calendar and agenda process.

The P&O Chair (or designee) shall represent P&O recommendations and concerns (not the Chair's own opinion), to the School Board and to the public. The Chair shall report back to the P&O at the next meeting the substance of what was said.

P&O members and Subcommittee members who are not the Chair, and who are not specifically authorized to speak on behalf of the Committee, shall make it clear that they are speaking as individuals.

### **XXI. Amendment or Suspension of Bylaws**

Amendment or suspension of these bylaws must be authorized by the Berkeley Board of Education. These bylaws shall remain in effect until amended or rescinded by the Berkeley School Board.

### **XXII. Conflict of Interest**

A "Conflict of Interest" occurs when a P&O member or an individual in the member's immediate family stands to gain financially from adoption of a particular proposal submitted to the P&O.

Where a potential conflict may exist, the member with the potential conflict

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must disclose that conflict at the earliest possible opportunity and recuse themselves from voting on the particular matter.

If needed, arbitration of conflict of interest disputes shall be conducted by the Superintendent or designee.

### **XXIII. Minority Reports**

Minority reports from subcommittee determinations may be filed with the full P&O Committee. These reports will be considered alongside the majority recommendation if filed in a timely manner.

Minority reports from P&O committee deliberations may be filed with the Board.

### **XXIV. Complaint Procedures**

Every attempt should be made to resolve disputes and/or complaints concerning the work of the Committee through the Committee's plenary and subcommittee meetings.

In the event that a committee member feels that they have not been able to resolve their complaint, they are encouraged to meet with the Committee Chair (or Co-chairs) and/or the BSEP Director or Superintendent's Designee.. If this does not resolve the issue and the complaint is not of the nature that can be addressed through a minority report, the complainant may avail themselves of the District's Complaint Procedures as outlined in the District's Student/Parent Handbook.

### **XXV. Standing Rules and Special Rules**

Any component of or recommendation pertaining to the annual expenditure plans or any amendment to the Bylaws, that is to be voted on by the P&O Committee, shall first be presented to the Committee as a Discussion Item, at which time it cannot come up for a vote. At a subsequent meeting of the Committee the item can be presented as an Action Item, and the vote may then be taken.

Where urgent action is needed the two meeting rule may be waived by a  $\frac{3}{4}$  majority vote of all voting members present.

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### **XXVI. Steering Committee**

At the beginning of each term, the P&O Committee shall establish a Steering Committee, whose charge is to represent the P&O Committee under certain specific circumstances, in decisions and policy resolutions pertinent to the charge of the Committee. The Chair or co-Chair may convene the Steering Committee when a substantive issue pertinent to the charge of the Committee is determined to be time sensitive and needs to be considered between regularly scheduled meetings of the plenary Committee.

The Steering Committee may not modify any action taken by the plenary Committee, but is charged with acting on the full Committee's behalf, and shall report on any actions it has taken at the next regular meeting of the P&O Committee for ratification by the P&O.

Voting membership on the Steering Committee shall consist of seven P&O Representatives: the Chair (or Co-Chairs) plus additional Representatives elected at large. The Steering Committee shall be chaired by the Chairperson or, in the event of Co-Chairpersons, by either Chairperson, of the P&O Committee.

A quorum of the Steering Committee shall consist of four Steering Committee members.

### **XXVII. Subcommittees**

At the beginning of each term, the P&O may establish Subcommittees.

The charge of a Subcommittee is to assist the P&O in working with the appropriate district staff to review and consider the programs funded with local tax monies, and to assist the P&O in developing recommendations for the expenditures of such funds. Subcommittees are advisory to the full P&O Committee. Any findings, recommendations, reports, or conclusions drafted by Subcommittees must be presented to the full P&O committee for approval.

Subcommittees that are established shall select Chairs. The Chair (or Co-Chairs) must be a regular member of the P&O Committee.

Responsibilities of P&O Subcommittee Chairs include:

- Convening and presiding over meetings of the appropriate P&O Subcommittee;

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- Making arrangements for an Alternate Chair or Co-Chair to preside at any Subcommittee meetings which the Chair is unable to attend;
- Setting meeting agendas and calendar in conjunction with District staff.
- Informing other interested persons (parents, community members, staff) about the opportunity to participate in the Subcommittee and disseminating information about the work of the Subcommittee to interested parties.

Membership on all P&O Subcommittees (except the Steering Committee) is not limited to P&O Representatives. Teachers, parents, BUSD staff, and community members are encouraged to participate as full members of these Subcommittees.

### **XXVIII. Role of BSEP and Other District Staff**

District staff shall provide administrative, technical and clerical support to the P&O and Subcommittees, and to School Site Councils. This support includes:

- Providing, to the P&O Committee (and to the general public), updated revenue and expenditure reports of the proceeds of these special taxes at least four times annually: at the adoption of the District's annual budget, concurrently with the State-required First and Second Interim Reports, and an Annual Report of the previous year
- Supporting school sites in holding School Site Council elections and choosing their P&O Representative(s).
- Preparing (in conjunction with Chair/s) the annual P&O calendar and meeting agendas.
- Notifying P&O members of upcoming meetings, including posting meeting agendas as public information at least 72 hours in advance of the meeting.
- Recording and distributing minutes of P&O and Subcommittee meetings, including mailing/emailing minutes to the P&O Committee and the Board, and posting as public information on the BUSD website.
- Communicating to the P&O Committee any important Board events or actions and status updates on the State budget that will give a full picture of BUSD finances.
- Informing the Berkeley school community about the opportunity to serve on a School Governance Council, P&O Committee, or subcommittees of the P&O Committee.
- Presenting (to the P&O Committee and to the community) and helping to analyze other relevant data about student achievement, class size, or district operations.
- Informing the community about the implementation and expenditures of the BSEP and BERRA taxes.

## **PLANNING AND OVERSIGHT COMMITTEE BYLAWS**

Nothing in this section shall limit the District from providing additional information to the Committee.