Adopted, As Amended, by the Board of Education at its Regular Meeting of January 10, 2006

Subject: Resolution No. 511-15A1

Recommendations for an Open Government Policy for the
San Francisco Unified School District
(As recommended by the Ad Hoc Committee on Open Government
Commissioners Mark Sanchez, Sarah Lipson, and Norman Yee)

WHEREAS: The Board of Education, per Resolution No 49-14A13, created an ad hoc committee to study open government policies, including the San Francisco Sunshine Ordinance, and develop recommendations for an open government policy for the San Francisco Unified School District; and

WHEREAS: The ad hoc committee has completed its study and has developed recommendations for consideration by the Board.

THEREFORE BE IT RESOLVED: That the Board of Education hereby adopts an open government policy (attached as P2600), expressing its support for increased openness in the governance and administration of the District. In the elaboration of this policy, the Board is guided by the following principles: (1) Ensuring student privacy protections, (2) Improving public access to Board deliberations, (3) Improving the transparency of the District's business practices, and (4) Sheltering schools from increased administrative burdens; and

FURTHER BE IT RESOLVED: That the Board of Education supports the following changes to District policy and practices designed to foster increased open government:

1. SPECIAL MEETINGS: Emergency meetings will continue to be governed by Brown Act requirements. The Board’s closed sessions will continue to be subject to the 24-hour notice provisions of the Brown Act for special meetings. The committee urges that, while not legally binding, it shall be the Board’s practice to the extent possible to post closed session agendas with more notice than the required 24 hours. All other special meetings will require a 72-hour notice period, which would include only business days, provided, however, that a supermajority of the Board can call a special meeting with less than 72 hours notice (but not less than the 24-hour notice provisions of the Brown Act for special meetings).

2. ARCHIVING PUBLIC COMMENT: Place a link on SFUSD’s website to the KALW streaming broadcast. Archive broadcasts on publicly accessible website.
3. **PUBLIC COMMENT:** Amend procedures and timelines for public comment as follows:

   a. Continue to allow speakers to sign up in advance of a meeting by calling the Board office. Speakers will be asked to identify the subject on which they are speaking, and will be asked if they wish to provide their name and telephone number. Those choosing not to provide their name will be asked to submit a speaker card at the meeting at which they wish to speak.
   
   b. Allow individuals to sign up for public comment at Board meetings *until the item is called*. Such individuals would submit speaker cards and could provide their names or speak anonymously.

4. **BOARD MEETING AGENDA:** Post the Board’s agenda and supporting documentation on the website in a format that is as accessible as feasible. Include at least the resolutions for first and second reading.

5. **PUBLIC REVIEW FILE:** Maintain a publicly available file, current to 30 days, including all letters, memos or correspondence to a quorum of the Board. Items to be excluded from this file include: confidential materials, commercial solicitations, and periodical publications. Board members will be responsible for forwarding to the Executive Assistant to the Board any communications that on their face appear to have gone to a majority of the Board. To facilitate electronic messages being delivered to the whole Board, the Board’s website should include a way for members of the public to send a message to all Board Members and Student Delegates, with that message copied to Board staff.

6. **DISCLOSURE OF CALENDARS:** Require the Superintendent and the Board President to each maintain a public calendar that includes the time, place, and subject matter of meetings specific to district business. This is meant to include only those meetings that involve external participants; it is not meant to include meetings with staff members. Urge Board members to maintain public calendars to the same specifications. The calendars of the Superintendent and Board President shall be made available within five business days of a request from a member of the public.
7. **RECORDING CLOSED SESSION:** Tape record all closed sessions of the Board and, **without abrogating attorney/client privilege,** make them available only in the context of a specific court order issued by a judge as part of ongoing litigation, following *in camera* review of the tape by the judge. The Board retains the right to oppose disclosure of the closed session tape in the litigation. The Board also retains the right, law permitting, to consent to disclose a closed session tape.

8. **DISCLOSURE OF RFP PANEL INFORMATION:** Require the disclosure, upon request from a member of the public, of evaluation forms and score sheets used in the RFP selection process as well as names of individual scorers, their ratings, and score sheets. This information is to be provided when the evaluation and scoring process is completed.

9. **DISCLOSURE OF RECORDS FOR SOLE SOURCE CONTRACTS:** Require the disclosure, upon request from a member of the public, of records exchanged between parties during negotiations of sole source contracts and leases with revenues of $500,000 or more, or a term of 10 years or more.

10. **DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENTS:** Require the disclosure of collective bargaining agreements at least 14 calendar days before the public meeting at which the agreement is approved.

11. **PROCEDURES FOR HANDLING PUBLIC RECORDS REQUESTS:** Add to the process used by the District for handling public records requests a formal appeals process, whereby, if a member of the public considers the District's response to a public records request inadequate, they may appeal in writing for a review by an appropriate administrative office of the District, as directed by the Superintendent. **All such appeals shall be reported to the Rules, Policy, and Legislation Committee.** This office, with the assistance of legal counsel, will review the case and provide a response to the individual within 30 business school days. **If an individual wishes to appeal the District’s decision, they may do so within 30 days by corresponding in writing with the Board of Education.** It will be at the Board’s discretion to respond to such an appeal. Information about this appeals process shall be made available on the District's public records request form. The District will create a fact sheet that provides information for the public on how to obtain commonly requested forms and records; and
BE IT FURTHER RESOLVED: That the Board adopts revisions (see attached) to Policy P120 to capture some of these changes. Staff is directed to establish regulations to support the implementation of the remaining changes; and

FURTHER BE IT RESOLVED: That staff shall prepare an annual report for the Board on implementation of the SFUSD Open Government Policy. This report shall include, but not be limited to, a review of the quantity, type, and response to public records requests, as well as a summary of all public records appeals and the District’s legal counsel’s disposition regarding those appeals. As needed, the Board may reconvene the Ad-Hoc Committee to further review the SFUSD Open Government Policy.