

BOARD BYLAW 9320: MEETINGS AND NOTICES

Comparison Matrix

Section: Bylaws of the Board

SUMMARY OF UPDATE

Summary of Update: Bylaw updated to clarify that a study session, retreat, public forum, or discussion meeting of the Governing Board must either be held as a regular or special Board meeting. Additionally, bylaw updated to reflect **NEW LAW (AB 557, 2023)** which extended and modified the ability of a Board member to join a meeting by teleconference due to just cause or emergency circumstances or during a proclaimed state of emergency. Bylaw also updated for clarity, precision, organization, and consistency.

| CURRENT VERSION | | | REVISED VERSION | CSBA MODIFICATIONS and/or NOTES |
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| PARA | Section | Sub-Section | June 17, 2014 | |
| 1 | | | <p>Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies and administrative regulations.</p> | <p>Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with <i>applicable</i> open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide <i>the opportunity for</i> members of the public <i>to directly address the Board</i>. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.</p> |
| 2 | | | <p>A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the Board or district.</p> | <p>A Board meeting exists whenever a majority of Board members gather at the same time and <i>location, including teleconference location as permitted by Government Code 54953</i>, to hear, discuss, deliberate, <i>or take action</i> upon any item within the subject matter jurisdiction of the Board.</p> |

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| 3 | | <p>A majority of the Board shall not, outside of an authorized meeting, use of communications of any kind, directly or through intermediaries, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members.</p> | <p><i>In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications</i>, a majority of the Board shall not, outside of an authorized meeting, use <i>a series of</i> communications of any kind, directly or through intermediaries, <i>including social media and other electronic communications, to discuss, deliberate</i>, or take action on any item that is within the subject matter jurisdiction of the Board.</p> | <p>CSBA NOTE: The Brown Act prohibits serial meetings, defined under Government Code 54952.2 as a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of district business.</p> <p>This prohibition against serial meetings also applies to communications via technology. Email exchanges, text/chat threads, or comments posted on a blog or social media account that result in a majority of the Governing Board "discussing among themselves" an item within the subject matter jurisdiction of the Board could result in a Brown Act violation. Pursuant to Government Code 54952.2, Board members may engage in separate conversations or communications with members of the public on an Internet-based social media platform that is open and accessible to the public as long as a majority of the Board does not use the platform to discuss among themselves business within the subject matter jurisdiction of the Board and members do not comment on or use digital icons (e.g., "likes" or emojis) to express reactions to communications made by other Board members. Additionally, a Board member is prohibited from responding directly to any communication from other members of the Board on a social media platform regarding matters that are within the subject matter jurisdiction of the Board. See BB 9012 - Board Member Electronic Communications.</p> <p>In 84 Ops.Cal.Atty.Gen. 30 (2001), the Attorney General opined that Government Code 54952.2 prohibits a majority of the</p> |
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| | | | | Board from sending emails to each other to develop a collective concurrence as to action to be taken by the Board even if the emails are (1) sent to the secretary and chairperson, (2) posted on the district's website, and (3) distributed (in a printed version) at the next meeting. Although the Attorney General recognized that those three conditions would allow the deliberations to be conducted, to some extent, "in public," the emails were prohibited by the Brown Act because all debate would be completed before the meeting and members of the public who did not have Internet access would be excluded from the debate. |
| | | | <i>However, the Superintendent or designee may engage in separate conversations or communications with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members.</i> | CSBA NOTE: Government Code 54952.2 specifies that briefings between staff and Board members are permissible in order to answer questions or to provide information, as long as the briefing is not used to communicate the comments or position of any other Board member. |
| 4 | | In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. | In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. <i>Any doubt about a request for accommodation shall be resolved in favor of accessibility. Notice of the procedure for receiving and resolving such requests for accommodation shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted.</i> | CSBA NOTE: Government Code 54953.2 requires that all Board meetings meet the protections of the Americans with Disabilities Act (ADA) (42 USC 12132) and implementing regulations. Such protections require the district to ensure that the meeting is accessible to persons with disabilities and, upon request, to provide disability-related accommodations, such as auxiliary aids and services. Auxiliary aids and services may include accommodations at the actual meeting, such as a sign-language interpreter, or accommodations to the supporting documentation, such as Braille translation of |

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| | | | | <p>the agenda packet. Government Code 54954.2 requires that the agenda specify how, when, and to whom a request for accommodation should be made; see BB 9322 - Agenda/Meeting Materials.</p> <p>Government Code 54953 requires the Board to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA, and to resolve any doubt in favor of accessibility.</p> |
| | | Regular Meetings | No change | |
| 1 | | The Board shall hold one regular meeting each month. Regular meetings shall be held at 7:00 p.m. on Tuesdays, generally the 2nd Tuesday of the month, at the District Office or other specified school site. | <i>Unless otherwise determined by the Board,</i> the Board shall hold one regular meeting each month <i>starting at 5:30 p.m. on</i> the 2 nd Tuesday of the month at the <i>Silver Valley USD District Office located at 35320 Daggett-Yermo Rd. Yermo, CA 92398.</i> | CSBA NOTE: Education Code 35140 and Government Code 54954 mandate the Board to fix the time and location for its regular meetings by rule and regulation. |
| 2 | | At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's internet web site. | At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's website. | <p>CSBA NOTE: Pursuant to Government Code 54954.2, the agenda for a regular meeting must be posted at least 72 hours prior to the meeting, at a location that is freely accessible to the public. Government Code 54954.2 also requires that the agenda be posted on the district's website. Other posting requirements may apply where Board members are participating by teleconference as specified below.</p> <p>The Attorney General has determined in 78 Ops.Cal.Atty.Gen. 327 (1995) that weekend hours may be counted as part of the 72-hour period for posting of the agenda prior to a regular meeting. In the same opinion, the Attorney General found that the term "freely accessible" requires that the agenda be posted in a location where it can be read by</p> |

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| | | | | <p>the public at any time during the 72 hours immediately preceding the meeting. For example, if a building where the agenda is posted is closed during the evening hours, the agenda must also be posted in a location accessible during evening hours, such as a lighted display case outside of the building. The Attorney General also opined in 88 Ops.Cal.Atty.Gen. 218 (2005) that the agenda may be posted on a touch screen electronic kiosk, in lieu of a paper copy on a bulletin board, as long as the kiosk is accessible without charge to the public 24 hours a day, seven days a week.</p> |
| 3 | | <p>Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose.</p> | <p><i>Consistent with Government Code 54957.5 and Board Bylaw 9322 - Agenda/Meeting Materials, whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. The records shall be posted on the district website at the time the materials are distributed to all or a majority of the Board if distributed outside of business hours.</i></p> | <p>CSBA NOTE: Pursuant to Government Code 54957.5, the agenda must list the address where the public can inspect agenda materials that are distributed to Board members less than 72 hours before a regular meeting. Pursuant to Government Code 54957.5, when agenda materials are distributed to all or a majority of the Board less than 72 hours before a regular meeting and outside of regular business hours, the materials may be posted on the district's website in satisfaction of the Brown Act if specified requirements are met. Districts with questions regarding this exception are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel. Also see BB 9322 - Agenda/Meeting Materials.</p> <p>In addition, pursuant to the California Public Records Act (Government Code 7920.000 - 7930.215), agenda materials related to an open session of a Board's regular meeting are "public records" and are subject to inspection</p> |

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| | | | | | by any member of the public as specified in BP/AR 1340 - Access to District Records. |
| | | | Special Meetings | No change | |
| 1 | | Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant Superintendent, or other management employee as described in Government Code 35111.1. | Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members <i>on any topic within the subject matter jurisdiction of the Board unless otherwise prohibited by law or as specified in BB 9323.2 - Actions by the Board.</i> | | CSBA NOTE: Government Code 54956 permits the Board president or a majority of the Board to call a special meeting. When a majority of the Board has requested a special meeting on the same specific topic, the Superintendent or designee shall inform the Board and the meeting shall be organized and called. If an individual Board member desires a special meeting on a specific topic that has not been called by the Board president, the Board member should inform the Superintendent or designee rather than other Board members in order to comply with the Brown Act. |
| 2 | | Written notice of special meetings shall be delivered personally or by any other means to all Board members, and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet website. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. | <i>At least 24 hours before the time of the meeting,</i> written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's website, <i>and,</i> at least 24 hours before the time of the meeting, <i>in a location freely accessible to the public.</i> The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. | | |
| 3 | | Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. | No change | | |

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| 4 | | Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. | No change | |
| | | Emergency Meetings | No change | |
| 1 | | In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. | In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice <i>and/or</i> 24-hour posting requirement for special meetings pursuant to Government Code 54956. | |
| | | | <i>The Board may meet in closed session during emergency meetings so long as two-thirds of the members present at the meeting agree or, if less than two-thirds of the members are present, by unanimous vote of the members present.</i> | |
| | | | <i>The Board shall comply with all other requirements for special meetings during an emergency meeting.</i> | |
| | | | <i>Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification shall be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board</i> | |

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| | | | <i>shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board.</i> | |
| | | | <i>The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible.</i> | |
| 2 | | An emergency situation means either of the following: | Delete | |
| | 1 | An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, and/or safety, as determined by a majority of the members of the Board. | An emergency <i>means</i> a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board. | |
| | 2 | A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety, as determined by a majority of the members of the Board. | A dire emergency <i>means</i> a crippling disaster, mass destruction, terrorist <i>act</i> , or threatened terrorist <i>activity</i> that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board. | |
| 3 | | Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone | Delete Note: the paragraph was moved | |

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| | | services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board | | |
| 4 | | In the case of a dire emergency, the Board president or designee, shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. | Delete | |
| 5 | | The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. | Delete Note: the paragraph was moved | |
| | | <u>Adjourned/Continued Meetings</u> | No change | |
| 1 | | A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place, which shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. | The Board may adjourn/continue any regular or special meeting to a later time and <i>location that</i> shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn/ <i>continue</i> such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned/ <i>continued</i> to a later time <i>and location</i> and shall give notice in the same manner required for special meetings. | |
| 2 | | Within 24 hours after the time of adjournment a copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held. | Within 24 hours after the time of adjournment/ <i>continuance</i> , a copy of the order or notice of adjournment/ <i>continuance</i> shall be conspicuously posted on or near the door of the <i>location</i> where the meeting was held. | |
| | | <u>Study Sessions, Retreats, Public Forums, and Discussion Meetings</u> | No change | |
| 1 | | The Board may occasionally convene a study session or public forum to study an issue in | The Board may convene a study session or public forum to study an issue in more detail | CSBA NOTE: The following section is optional and may be revised to reflect district practice. |

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| | | more detail or to receive information from staff or feedback from members of the public. The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships. | or to receive information from staff or feedback from members of the public. The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships. <i>Any such meeting, regardless of title or topic, shall be held as a regular or special meeting, as appropriate, and shall comply with all other requirements for regular or special meetings.</i> | Pursuant to Government Code 54954.2, the Board must still comply with the public notice requirements when holding a study session, retreat, public forum or other such meeting. |
| 2 | | Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings. | Delete | |
| | | Other Gatherings | No change | |
| 1 | | Attendance by a majority of the Board's members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: | Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: | |
| | 1 | A conference or similar public gathering that involves a discussion of issues of general interest to the public or to school board members | A conference or similar public gathering <i>open to the public</i> that involves a discussion of issues of general interest to the public or to school board members | |
| | 2 | An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern | No change | |
| | 3 | An open and noticed meeting of another body of the district | No change | |
| | 4 | An open and noticed meeting of a legislative body of another local agency | No change | |
| | 5 | A purely social or ceremonial occasion | No change | |

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| | 6 | An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers | An open and noticed meeting of a standing committee of the Board <i>established pursuant to Board Bylaw 9130 - Board Committees</i> , provided that the Board members who are not members of the standing committee attend only as observers | |
| | 2 | Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. | Individual contacts or conversations between a Board member and any other person <i>that are not part of a series of communications prohibited by the Brown Act are permitted.</i> | |
| | | <u>Location of Meetings</u> | No change | |
| | 1 | Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. | Delete | |
| | 2 | Meetings shall be held within district boundaries, except to do any of the following: | <i>Unless the Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings shall be held within district boundaries, except to do any of the following:</i> | |
| | 1 | Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party | No change | |
| | 2 | Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property | No change | |
| | 3 | Participate in meetings or discussions of multiagency significance, provided these | No change | |

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| | | meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law | | |
| | 4 | Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district | No change | |
| | 5 | Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction | No change | |
| | 6 | Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility | No change | |
| | 7 | Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs | No change | |
| | 8 | Attend conferences on nonadversarial collective bargaining techniques | No change | |
| | 9 | Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district | No change | |
| | 10 | Interview a potential employee from another district | No change | |
| | 3 | Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting. | Delete | |

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| | | | | <i>All meetings, regardless of location, shall comply with the applicable notice and open meeting requirements. Additionally, no such meeting may be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, which is inaccessible to individuals with disabilities, or where members of the public must make a payment or purchase in order to be admitted.</i> | |
| 4 | | | If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. | If a fire, flood, earthquake, or other emergency renders the <i>posted</i> regular <i>or special</i> meeting <i>location</i> unsafe <i>and the deadline for posting the location has passed,</i> the meeting shall be held <i>at a location</i> designated by the Board president or designee, who shall so inform all news media who have requested notice of meetings <i>pursuant to Government Code 54956</i> by the most rapid available means of communication. | |
| | | | <u>Teleconferencing</u> | <u>Traditional Teleconferencing</u> | |
| | | | | <i>A Board member may participate in any meeting by teleconference, which includes both audio or video/audio so long as the following conditions are met:</i> | |
| | | | | <i>1. All votes taken during the meeting are by rollcall</i> | |
| | | | | <i>2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency</i> | |
| | | | | <i>3. The location of the Board member participating by teleconference is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in</i> | |

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| | | | <i>person the Board member participating by teleconference, may hear/listen to the meeting to the same extent as the Board member participating by teleconference, and may make public comment during the same portion of the agenda as others members of the public from the same location as the Board member participating by teleconference</i> | |
| | | | <i>4. The location of the Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting</i> | |
| | | | <i>5. At least a quorum of the members is within the district boundaries</i> | |
| 1 | | A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, through audio and/or video. | Delete | |
| 2 | | The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. | Delete | |
| 3 | | During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. | Delete | |
| 4 | | Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. | Delete | |

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| 5 | | All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. | Delete | |
| 6 | | All Board policies, administrative regulations and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location. | Delete | |
| | | | <u><i>Teleconferencing by Individual Board Member Due to Just Cause</i></u> | |
| | | | <i>Until January 1, 2026, when there is "just cause" preventing a Board member from attending a Board meeting in person, that Board member may participate in that meeting by teleconference without:</i> | CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a Board member, until January 1, 2026, to participate in a meeting by teleconference for just cause, as described below. Districts should be aware that the choice to participate in a meeting by teleconference due to just cause is at the sole discretion of the Board member and can be exercised at any time. Therefore, it is recommended that districts consider including teleconference access, as described below, as part of every meeting. Districts are also encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with Government Code 54953. |
| | | | <i>1. Including the location of the Board member participating by teleconference in the agenda</i> | |

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| | | | | 2. Making the location of the Board member participating by teleconference open and accessible to the public | |
| | | | | 3. Posting the agenda at the location of the Board member participating by teleconference | |
| | | | | A Board member needing to participate by teleconference for just cause shall notify the Board at the earliest possible opportunity, including at the start of a regular meeting, of the need to do so and include a general description of the circumstances relating to the need to appear by teleconference at the given meeting. | |
| | | | | For the Board member to participate by teleconference under this section, all of the following are required: | |
| | | | | 1. All votes taken during the meeting are by rollcall | |
| | | | | 2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda | |
| | | | | 3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting | |
| | | | | 4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual | CSBA NOTE: Government Code 54953 requires Board members participating by teleconference due to just cause to publicly disclose whether any individual 18 years of age or older is present at the Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" Board action is taken, but does not specify the frequency of such disclosures. One option is for the Board member to make the initial disclosure at the |

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| | | | | | start of the meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the Board member's location. Another option is for the Board member to make separate disclosures before each Board action. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement. |
| | | | | <i>5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person</i> | |
| | | | | <i>5. (2) The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district</i> | |
| | | | | <i>6. The agenda for the meeting includes information describing how members of the public can access the platform or service</i> | |
| | | | | <i>If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved.</i> | |
| | | | | <i>A Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year.</i> | |
| | | | | <i>For purposes of this section, "just cause" may exist for any of the following:</i> | |

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| | | | | 1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely | |
| | | | | 2. A contagious illness prevents a Board member from attending in person | |
| | | | | 3. A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated | |
| | | | | 4. A Board member is traveling while on official business of the Board or another state or local agency | |
| | | | | <u>Teleconferencing by Individual Board Member Due to Emergency Circumstances</u> | |
| | | | | <i>Until January 1, 2026, when a physical or family medical emergency would prevent a Board member from attending a Board meeting in person, that Board member may request to participate in such meeting by teleconference. The Board member requesting to appear remotely shall submit the request as soon as possible and include a concise general description of the emergency that necessitated the request. The Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law.</i> | CSBA NOTE: Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), authorizes a Board member, until January 1, 2026, to participate in a meeting by teleconference due to emergency circumstances, as described below. |
| | | | | <i>If the request is received timely, it shall be added to the agenda as the first item of business at the meeting, even before any closed session items. If the request is not received timely, it shall be taken up by the Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the Board.</i> | |

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| | | | | <i>If the request is granted by the Board, the Board member may participate by teleconference without:</i> | |
| | | | | <i>1. Including the location of the Board member participating by teleconference in the agenda</i> | |
| | | | | <i>2. Making the location of the Board member participating by teleconference open and accessible to the public</i> | |
| | | | | <i>3. Posting the agenda at the location of the Board member participating by teleconference</i> | |
| | | | | <i>For the Board member to participate by teleconference due to emergency circumstances, all of the following are required:</i> | |
| | | | | <i>1. All votes taken during the meeting are by rollcall</i> | |
| | | | | <i>2. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda</i> | |
| | | | | <i>3. The Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting</i> | |
| | | | | <i>4. The Board member participating by teleconference publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Board member's location and the general nature of the member's relationship with each such individual</i> | CSBA NOTE: Government Code 54953 requires Board members participating by teleconference due to emergency circumstances to publicly disclose whether any individual 18 years of age or older is present at the Board member's location and, if so, the general nature of the member's relationship with each such individual before "any" Board action is taken, but does not specify the frequency of such disclosures. One option is for the Board member to make the initial disclosure at the start of the meeting |

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| | | | | | and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the Board member's location. Another option is for the Board member to make separate disclosures before each Board action. Districts are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel to determine the best means of complying with this requirement. |
| | | | | <i>5. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person</i> | |
| | | | | <i>5. (2) The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district</i> | |
| | | | | <i>6. The agenda for the meeting includes information describing how members of the public can access the platform or service</i> | |
| | | | | <i>If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board shall not take action on any agenda item until the disruption is resolved.</i> | |
| | | | | <i>In total, a Board member may not participate by teleconference due to emergency circumstances alone, or together with teleconference due to just cause, as specified above, for more than 20 percent of the Board's regular meetings or for more than three consecutive months. If the Board meets less</i> | |

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| | | | | <i>than 10 times in a calendar year, a Board member may not appear remotely due to emergency circumstances for more than two meetings.</i> | |
| | | | | <u>Teleconference Meetings During a Proclaimed State of Emergency</u> | |
| | | | | <i>The Board may conduct a Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances:</i> | CSBA NOTE: Pursuant to Government Code 54953, as amended by AB 557 (Ch. 534, Statutes of 2023), boards are authorized to conduct board meetings by teleconference as specified below when holding a board meeting during a proclaimed state of emergency. |
| | | | | <i>1. For the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency</i> | |
| | | | | <i>2. When the Board has been determined, pursuant to Item #1 above, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency</i> | |
| | | | | <i>The Board may hold a meeting by teleconference during a proclaimed state of emergency without:</i> | |
| | | | | <i>1. Including the location of Board members in the agenda</i> | |
| | | | | <i>2. Making the locations of Board members open and accessible to the public</i> | |
| | | | | <i>3. Posting the agenda at the locations of Board members</i> | |
| | | | | <i>For the Board to hold such meeting, all of the following are required:</i> | |
| | | | | <i>1. All votes taken during the meeting are by rollcall</i> | |

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| | | | | <p><i>2. The public is able to access the meeting via a call-in service or an internet-based platform or service, with real-time public comment being allowed via the platform or service</i></p> | |
| | | | | <p><i>2 (2) If an internet-based platform or service is utilized, it may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district</i></p> | |
| | | | | <p><i>3. The agenda for the meeting includes information describing how members of the public can access the platform or service</i></p> | |
| | | | | <p><i>If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the meeting may continue but the Board may not take action on any agenda item until the disruption is resolved.</i></p> | |
| | | | | <p><i>For any public comment period with a time limit, the Board may not close that public comment period or the opportunity to register until the full time for public comment has elapsed. For any other public comment period, the Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so.</i></p> | |
| | | | | <p><i>The Board may continue to conduct all meetings by teleconference throughout one or more 45-day periods so long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the Board to meet safely in person.</i></p> | |

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