AP 2325 TELECONFERENCED MEETINGS

References:

Education Code Section 72000 subdivision (d);
Government Code Sections 54952.2, 54953 et seq., and 54961

The Board may use teleconferencing for the benefit of the public and the Board in connection with any meeting. If the Board elects to use teleconferencing, the Board must comply with all of the following:

- At least a quorum of Board members must participate from locations within the District boundaries, except as provided by law;
- The Board will identify all teleconference sites on the agenda;
- The Board will post the agenda at all teleconference sites;
- The agenda must provide an opportunity for members of the public to address the Board directly at each teleconference site;
- The Board members must vote by rollcall; and
- The Board must conduct the teleconferenced meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board.

Meetings During States of Emergency

The Board may use teleconferencing without complying with the requirements above in either of the following circumstances:

- The Board holds a meeting during a proclaimed state of emergency or local emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees or
- The Board holds a meeting during a proclaimed state of emergency or local emergency and has determined, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

If a state of emergency or local emergency remains active, in order to continue to teleconference without complying with the location requirement described above, the Board must, not later than 45 days after teleconferencing for the first time pursuant to the above circumstances, and every 45 days thereafter, make the following findings by majority vote:

- The Board has reconsidered the circumstances of the state of emergency or local emergency, and
- The state of emergency or local emergency continues to directly impact the ability of the members to meet safely in person.

When conducting a teleconference meeting pursuant to this section, the Board may elect to use a two-way telephonic service without a live webcasting of the meeting.

Requirements for Individual Board Members Participating Remotely
The Board can use teleconferencing without posting agendas at all teleconference locations provided at least a quorum of the Board members participates in person at a single physical location within the boundaries of the District, and that location is identified on the agenda. Additionally, the Board must provide a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting as a means by which the public may remotely hear and visually observe the meeting and remotely address the Board.

A member of the Board must only participate in a meeting remotely if:

- The member notifies the Board of the member's need to participate remotely for just cause. "Just cause" means a childcare or caregiving need, a contagious illness, a physical or mental disability, immunocompromised child or family member, physical or family medical emergency, military service or travel on District business or for another state or local agency; and
- The Board takes action to allow the member to participate remotely.

The member must participate through both audio and visual technology.

A member may not participate remotely under the "just cause" provisions in more than:

- two meetings per calendar year, if the Board regularly meets once per month or less;
- five meetings per calendar year, if the Board regularly meets twice per month; or
- seven meetings per calendar year, if the Board regularly meets three or more times per month.

These teleconferencing requirements do not apply when a member with a disability participates remotely as a reasonable accommodation. A board member with a disability who participates remotely as a reasonable accommodation must (1) participate through both audio and visual technology, unless the member's physical condition related to their disability results in a need to participate off camera and (2) disclose at the meeting

before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any of those individuals. Remote participation under this paragraph shall be treated as in-person attendance at the physical meeting location for all purposes.

The meeting minutes must list any member who participates in a teleconference meeting from a remote location and the specific provision of law that the member relied upon to permit their participation by teleconferencing.

Public Access Requirements When Board is Teleconferencing Under Amended Teleconference Rules

The Board must provide at least one of the following as a means by which the public may remotely hear and visually observe the teleconferenced meeting, and remotely address the legislative body:

- a two-way audiovisual platform; or
- a two-way telephonic service and a live webcasting of the meeting.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the Board must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend by a call-in option or an internet-based service option.

In the event of a disruption that prevents the Board from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the District's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board must take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored.

The Board must not require the public to submit comments in advance of the meeting and must provide an opportunity for the public to address the Board and offer comment in real time. An individual desiring to provide public comment through the use of an internet website, or other online platform not under the control of the Board that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

If the Board provides a timed public comment period for each agenda item, it must not close the public comment period for the agenda item, or the opportunity to register to provide public comment until that timed public comment period has elapsed. If the Board does not provide a timed public comment period, but takes public comment separately on each agenda item, it must allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time for members of the public to register or otherwise be recognized for the purpose of providing public comment. If the Board provides a timed general public comment period that does not correspond to a specific agenda item, it must not close the public comment period or the opportunity to register until the timed general public comment period has elapsed.

New 4/23; Legal Updates 4/24, 10/25, 4/26
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