

***Riverside County Office of Education
Board Bylaw 9320 Meetings and Notices***

BYLAWS OF THE BOARD

SUBJECT: Meetings and Notices

Meetings of the County Board of Education (County Board) are conducted for the purpose of accomplishing County Board business. In accordance with applicable open meeting laws (Brown Act), the County 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, County Board meetings shall provide the opportunity for members of the public to directly address the County Board. All meetings shall be conducted in accordance with law and Board's bylaws and policies.

A County Board meeting exists whenever a majority of County Board members gather at the same time and location, including teleconference location as permitted by Government Code 54953, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

In accordance with law and as specified in Board Bylaw 9012 - Board Member Electronic Communications, a majority of the County Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the County Board. (Government Code 54952.2)

However, the County Superintendent of Schools or designee (County Superintendent) may engage in separate conversations or communications with County Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the County Board, as long as the County Superintendent or designee does not communicate the comments or position of any County Board members to other County Board members. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals at County Board meetings, the County Superintendent of Schools or designee (County Superintendent) shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1) 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. (Government Code 54953, 54953.2, 54954.1, 54954.2)

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the County Board meeting should contact the County Superintendent in writing.

Regular Meetings

Each agenda shall also list the address(es) designated by the County Superintendent for public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

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Regular meetings of the County Board shall be held at such time and place as members determine, but not less than one per month. Although the County Board may deviate from that calendar for convenience of its members or for other reasons, regular meetings are scheduled for the first Wednesday of each month except January, July, and August which will be held the second Wednesday of the month at 5:00 p.m. on the fourth floor of the Riverside County Education Service Center, 3939 Thirteenth Street, Riverside, CA. Closed Session will begin at whatever time is deemed necessary by the President of the County Board and, if necessary, may resume after Open Session. The April meeting shall be held at the Don F. Kenny Education Service Center, 47-336 Oasis Street, Indio, CA. There shall be a second meeting added for the month of June and it shall be held on the fourth Wednesday of the month.

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 website of the County Board and/or the County Office. (Government Code 54954.2)

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 County Board less than 72 hours before the meeting, the secretary to the County Board or the secretary's 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 County Office website at the time the materials are distributed to all or a majority of the County Board if distributed outside of business hours.

If a fire, flood, earthquake or other emergency renders the regular meeting place unsafe, meetings may temporarily be held at a place designated by the Board President or designee, who shall so inform, by the most rapid available means of communication, all news media who have requested notice of special meetings. (Government Code 54954)

Special Meetings

Special meetings of the County Board may be called at any time by the presiding officer or a majority of the County Board members on any topic within the subject matter jurisdiction of the County Board unless otherwise prohibited by law or as specified in BB 9323.2 - Actions by the Board. (Government Code 54956)

At least 24 hours before the time of the meeting, written notice of special meetings shall be delivered personally or by any other means to all County Board members and the local media who have requested such notice in writing. The notice shall also be posted on the County Office's website, and, 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. (Education Code 35144; Government Code 54956)

Any County 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 County Board or by being present at the meeting at the time it convenes. (Government Code 54956)

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Every notice of a special meeting shall provide an opportunity for members of the public to directly address the County Board concerning any item that has been described in the meeting notice, before or after the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the County Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956.

The County 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. (Government Code 54956.5)

The County Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

Except in the case of a dire emergency, the County 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 County Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the County Board. In the case of a dire emergency, the County Board president or designee shall give such notice at or near the time he/she notifies the other members of the County Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the County 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. (Government Code 54956.5)

An *emergency* means 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 County Board. (Government Code 54956.5)

A *dire emergency* means a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the County 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 County Board. (Government Code 54956.5)

Adjourned/Continued Meetings

A majority vote by the County Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of

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the County Board may adjourn such a meeting. If no County 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. (Government Code 54955)

Within 24 hours after the time of adjournment/continuance, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The County Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The County Board may also convene a retreat or discussion meeting to discuss County Board roles and relationships. 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. (Government Code 54956)

Other Gatherings

Attendance by a majority of County Board members at any of the following events is not subject to the Brown Act provided that a majority of the County Board members do not discuss specific County Office business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public 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 County Board or County Office to address a topic of local community concern
3. An open and noticed meeting of another body of the County Office
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the County Board established pursuant to Board Bylaw 9130 - Board Committees, provided that the County Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a County Board member and any other person that are not part of a series of communications prohibited by the Brown Act are permitted. (Government Code 54952.2)

Location of Meetings

Unless the County Board is holding a teleconference meeting during a proclaimed state of emergency, all meetings shall be held within County Office boundaries, except to do any of the following: (Government Code 54954)

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1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the County Office is a party
2. Inspect real or personal property which cannot conveniently be brought into the County, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these 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 County Office has no meeting facility within its boundaries or if its principal office is located outside the County
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 County Office over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the County Office but located outside the County, provided the meeting is limited to items directly related to that facility
7. Visit the office of the County Office's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on non-adversarial collective bargaining techniques
9. Interview residents of another district/county regarding the County Board's potential employment of an applicant for County Superintendent position.
10. Interview a potential employee from another district/county.

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. (Government Code 54961)

If a fire, flood, earthquake, or other emergency renders the posted regular or special meeting location unsafe and the deadline for posting the location has passed, the meeting shall be held at a location designated by the County Board president or designee, who shall so inform all news media who have requested notice of meetings pursuant to Government Code 54956 by the most rapid available means of communication.

Traditional Teleconferencing

A County Board member may participate in any meeting by teleconference, which includes both audio or video/audio so long as the following conditions are met (Government Code 54953):

1. All votes taken during the meeting are by rollcall

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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
3. The location of the County 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 person the County Board member participating by teleconference, may hear/listen to the meeting to the same extent as the County 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 County Board member participating by teleconference
4. The location of the County Board member participating by teleconference is noted in the agenda and the agenda is posted at the location of the County Board member participating by teleconference in advance of the meeting as statutorily required based on the type of meeting
5. At least a quorum of the members is within the County Office boundaries

Teleconferencing by Individual County Board Member Due to Just Cause

Until January 1, 2026, when there is "just cause" preventing a County Board member from attending a County Board meeting in person, that County Board member may participate in that meeting by teleconference without: (Government Code 54953):

1. Including the location of the County Board member participating by teleconference in the agenda
2. Making the location of the County Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the County Board member participating by teleconference

A County Board member needing to participate by teleconference for just cause shall notify the County 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. (Government Code 54953)

For the County Board member to participate by teleconference under this section, all of the following are required (Government Code 54953):

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda
3. The County Board member utilizes both audio and visual technology to participate in the meeting

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4. The County Board member participating by teleconference publicly discloses, before any action is taken, whether any individuals 18 years of age or older are present at the County Board member's location and the general nature of the member's relationship with each such individual
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

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 County Office.

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

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 County Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

A County Board member shall be permitted to participate by teleconference for just cause for no more than two meetings per calendar year. (Government Code 54953)

For purposes of this section, "just cause" may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a County Board member to participate remotely
2. A contagious illness prevents a County Board member from attending in person
3. A County Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A County Board member is traveling while on official business of the County Board or another state or local agency

Teleconferencing by Individual County Board Member Due to Emergency Circumstances

Until January 1, 2026, when a physical or family medical emergency would prevent a County Board member from attending a County Board meeting in person, that County Board member may request to participate in such meeting by teleconference. The County 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 County Board member shall not be required to disclose any disability, medical diagnosis, or personal medical information exempt under existing law. (Government Code 54953)

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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 County Board before the first item of business at the meeting. The request shall only be granted upon a vote by the majority of the County Board. (Government Code 54953, 54954.2)

If the request is granted by the County Board, the County Board member may participate by teleconference without: (Government Code 54953):

1. Including the location of the County Board member participating by teleconference in the agenda
2. Making the location of the County Board member participating by teleconference open and accessible to the public
3. Posting the agenda at the location of the County Board member participating by teleconference

For the County Board member to participate by teleconference due to emergency circumstances, all of the following are required: (Government Code 54953):

1. All votes taken during the meeting are by rollcall
2. At least a quorum of the County Board participates in person from a singular physical location clearly identified on the agenda
3. The County Board member participating by teleconference utilizes both audio and visual technology to participate in the meeting
4. The County Board member participating by teleconference publicly discloses, before any action is taken, whether any individuals 18 years of age or older are present at the County Board member's location and the general nature of the member's relationship with each such individual
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

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 COE.

6. The agenda for the meeting includes information describing how members of the public can access the platform or service

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 County Board shall not take action on any agenda item until the disruption is resolved. (Government Code 54953)

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In total, a County 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 County Board's regular meetings or for more than three consecutive months. If the County Board meets less than 10 times in a calendar year, a County Board member may not appear remotely due to emergency circumstances for more than two meetings. (Government Code 54953)

Teleconference Meetings During a Proclaimed State of Emergency

The County Board may conduct a County Board meeting entirely by teleconference during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

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
2. When the County 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

The County Board may hold a meeting by teleconference during a proclaimed state of emergency without: (Government Code 54953):

1. Including the location of County Board members in the agenda
2. Making the locations of County Board members open and accessible to the public
3. Posting the agenda at the locations of County Board members

For the County Board to hold such meeting, all of the following are required: (Government Code 54953):

1. All votes taken during the meeting are by rollcall
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

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 County Office.

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

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 County Board may not take action on any agenda item until the disruption is resolved. (Government Code 54953)

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For any public comment period with a time limit, the County 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 County Board shall allow a reasonable amount of time to allow members of the public to provide public comment and to register to do so. (Government Code 54953)

The County 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 County Board has reconsidered the circumstances of the state of emergency and determines that it continues to directly impact the ability of the County Board to meet safely in person. (Government Code 54953)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Ed. Code 35140 Time and place of meetings
 Ed. Code 35143 Annual organizational meetings; date and notice
 Ed. Code 35144 Special meeting
 Ed. Code 35145 Public meetings
 Ed. Code 35145.5 Agenda; public participation and regulations
 Ed. Code 35146 Closed sessions; student matters
 Ed. Code 35147 Open meeting laws exceptions

Gov. Code 11135 Prohibition of discrimination
 Gov. Code 3511.1 Local agency executives
 Gov. Code 54950-54963 The Ralph M. Brown Act
 Gov. Code 54953 Oral summary of recommended salary and benefits of superintendent
 Gov. Code 54954 Time and place of regular meetings
 Gov. Code 54954.2 Agenda posting requirements; board actions
 Gov. Code 54956 Special Meetings
 Gov. Code 54956.5 Emergency meetings
 Gov. Code 7920.000-7930.215 California Public Records Act
 Gov. Code 8625-8629 California Emergency Services Act

Federal References
 28 CFR 35.160 Effective communications for individuals with disabilities
 28 CFR 36.303 Nondiscrimination on the basis of disability, public accommodations, auxiliary aids, and services
 42 USC 12101-12213 Americans with Disabilities Act

Management Resources
 Attorney General Opinion 78 Ops.Cal.Atty.Gen. 327 (1995)
 Attorney General Opinion 79 Ops.Cal.Atty.Gen. 69 (1996)
 Attorney General Opinion 84 Ops.Cal.Atty.Gen. 181 (2001)

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Attorney General Opinion 84 Ops.Cal.Atty.Gen. 30 (2001)
Attorney General Opinion 88 Ops.Cal.Atty.Gen. 218 (2005)

Court Decision Knight First Amendment Institute at Columbia University v. Trump (2019)

928 F.3d 226

Court Decision Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208

Court Decision Wolfe v. City of Fremont (2006) 144 Cal.App. 4th 533

CSBA Publication The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Institute for Local Government Publication The ABCs of Open Government Laws
League of California Cities Publication Open and Public V: A Guide to the Ralph M. Brown Act, 2016

Website CSBA District and County Office of Education Legal Services

Website CSBA, GAMUT Meetings

Website Institute for Local Government

Website League of California Cities

Website California Attorney General's Office

Website CSBA

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1160 Political Processes

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