



DATE: January 19, 2022

TO: Board of Education

FROM: Mrs. Carmen Ghysels, Superintendent Chief Learning Officer

SUBJECT: Resolution No. 13-2021-2022 Authorizing Electronic Meetings of the Governing Board During a State of Emergency Pursuant to Government Code Section 54953(E)

PRESENTED BY: Mrs. Carmen Ghysels, Superintendent Chief Learning Officer

ACTION REQUESTED

Approve Resolution No. 13-2021-2022 Authorizing Electronic Meetings of the Governing Board During a State of Emergency Pursuant to Government Code Section 54953(E)

BACKGROUND INFORMATION

In March 2020, the Governor issued an Executive Order suspending provisions of the Brown Act and allowing meetings of the governing board to be held telephonically or otherwise electronically. This authority had been extended to September 30, 2021. Recently, the Governor signed Assembly Bill No. 361 which amends the Brown Act to continue to allow telephonic or electronic meetings beyond September 30. In allowing electronic meetings, AB 361 also protects the rights of the public by requiring electronic means for members of the public to observe and provide comment in real time.

The governing board may only hold electronic meetings under AB 361 if there is a proclaimed state of emergency and either social distancing is recommended/required or the governing board determines that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. The March 2020 state of emergency is still in effect and while social distancing is not necessarily recommended or required by state or local officials at this time, it is clear that both unvaccinated and vaccinated persons remain at risk of exposure or transmission of the virus. Accordingly, the governing board may hold meetings pursuant to AB 361 after determining that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The resolution would make the determination necessary to invoke AB 361 and would allow the governing board to meet electronically for the next 30 days. In order to continue to meet electronically beyond that time, the Board would need to re-affirm that the emergency continues to directly impact the ability of members to meet safely in person.

RESOURCES REQUIRED: N/A

PREPARED BY: Carmen Ghysels, Superintendent Chief Learning Officer

Attachment: Resolution No. 13-2021-2022