

## **Bylaw 9320.1: Remote Meetings and Attendance**

**Status:** ADOPTED

**Original Adopted Date:** 02/01/2026 | **Last Reviewed Date:** 02/01/2026

CSBA NOTE: The following Board bylaw specifies the circumstances in which the Governing Board is legally permitted to meet remotely and in which individual Board members are permitted to attend and participate remotely in a Board meeting.

The Governing Board recognizes the need, when permitted by law, to hold Board meetings in which the Board members meet remotely or in which individual Board members attend and participate remotely.

### **Definitions**

*Local emergency* means either of the following that impacts persons under the jurisdiction of the district or property within the boundaries of the district: (Government Code 54953.8.2)

1. A condition of extreme peril proclaimed by a city, county, or city and county pursuant to Government Code 8630
2. A local health emergency proclaimed pursuant to Health and Safety Code 101080

*Remote* means not being physically present at the primary in-person location of a Board meeting, and includes the terms "teleconference" and "virtual."

*Remote attendance and participation* means the ability to attend and participate in a Board meeting by electronic means, through either audio or visual technology, or both.

*Remote Board Member* means a Board member, not physically present at the Board meeting, who nonetheless seeks to attend and participating in a Board meeting.

*State of Emergency* means state of emergency proclaimed pursuant to Government Code 8625.

### **Traditional Method of Remote Attendance**

A remote Board member may attend and participate in a Board meeting so long as all of the following conditions are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board
3. The physical location of the remote Board member 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 remote Board member; may hear, listen to, or watch the meeting to the same extent as the remote Board member; and may make public comment during the same portion of the agenda as other members of the public from the same location as the remote Board member
4. The location from which the remote Board member will attend the meeting is noted in the agenda and the agenda is posted at that location in advance of the meeting as statutorily required based on the type of meeting
5. At least a quorum of the Board is within district boundaries

### **Remote Attendance as an Accommodation**

CSBA NOTE: In 107 Ops.Cal.Atty.Gen. 107, the Attorney General opined that a Board member with a qualifying disability under the federal Americans with Disability Act (ADA) is required to be offered remote attendance and participation as a reasonable accommodation. While the Attorney General did not prescribe all of the conditions and requirements of such a reasonable accommodation, the opinion found that it is required to be "done in a manner that simulates in-person attendance." Additionally, Government Code 54953, as amended by SB 707 (Ch. 327, Statutes of 2025), permits remote attendance and participation as a reasonable accommodation for a Board

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4. The location from which the remote Board member will attend the meeting is noted in the agenda and the agenda is posted at that location in advance of the meeting as statutorily required based on the type of meeting
5. At least a quorum of the Board is within district boundaries

**Remote Attendance as an Accommodation**

A Board member with a qualifying disability under the Americans with Disabilities Act that precludes the Board member from attending a Board meeting in person or from attending and participating remotely in a Board meeting using the method specified in "Traditional Method of Remote Attendance" above may request to attend and participate remotely as a reasonable accommodation for the Board member's disability.

If the request is granted based on the district's process for reviewing reasonable accommodations, the remote Board member shall be permitted to attend and participate in the Board meeting as long as the following requirements are met: (Government Code 54953)

member with a disability but requires that the Board member (1) participate through both audio and visual technology, except that any Board member with a disability may participate only through audio technology if a physical condition related to their disability results in a need to participate off camera, and (2) disclose at the Board 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 Board member, and the general nature of the member's relationship with any of those individuals. The remote Board member in this circumstance is considered to be attending in-person at the physical meeting location for all purposes, including any requirement that a quorum participate from any particular location.

With respect to the requirement to disclose whether any other individuals 18 years of age or older are present in the room at the location with the remote Board member, and the general nature of the member's relationship with any of those individuals, Government Code 54953, as amended by SB 707, does not specify the frequency of such disclosures. One option is for the remote Board member to make the initial disclosure at the start of the Board meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the room. Another option is for the remote Board member to make separate disclosures before each Board action. It is recommended that districts 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.

A Board member with a qualifying disability under the Americans with Disabilities Act that precludes the Board member from attending a Board meeting in person or from attending and participating remotely in a Board meeting using the method specified in "Traditional Method of Remote Attendance" above may request to attend and participate remotely as a reasonable accommodation for the Board member's disability.

If the request is granted based on the district's process for reviewing reasonable accommodations, the remote Board member shall be permitted to attend and participate in the Board meeting as long as the following requirements are met: (Government Code 54953)

CSBA NOTE: While Government Code 54953 does not require that all votes be taken by rollcall when a remote Board member attends and participates as an accommodation, it is the practice required for every other situation in which there is remote attendance and participation as a means to ensure vote clarity. Item #1 below incorporates this approach and should be modified to reflect district practice.

1. All votes taken during the meeting are by rollcall
2. The remote Board member utilizes both audio and visual technology to participate in the meeting, except no visual technology shall be required if a physical condition related to their disability results in a need to participate off camera
3. The remote Board member 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

In this circumstance, the following conditions are not required: (Government Code 54953)

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

Additionally, in this circumstance, the remote Board member shall be considered to be attending in-person at the physical meeting location for all purposes, including any requirement that a quorum participate from any particular location. (Government Code 54953)

These requirements and conditions may be modified as required by law or the district may offer another reasonable accommodation as appropriate.

### **Remote Attendance Due to Just Cause**

CSBA NOTE: Government Code 54953.8.3, as added by SB 707, authorizes a remote Board member to attend and participate in a Board meeting for "just cause," as described below. This authorization, which goes into effect July 1, 2026, replaces prior provisions which authorized a remote Board member to attend and participate in a Board meeting for "just cause" or "emergency circumstances."

1. All votes taken during the meeting are by rollcall
2. The remote Board member utilizes both audio and visual technology to participate in the meeting, except no visual technology shall be required if a physical condition related to their disability results in a need to participate off camera
3. The remote Board member 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

In this circumstance, the following conditions are not required: (Government Code 54953)

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

Additionally, in this circumstance, the remote Board member shall be considered to be attending in-person at the physical meeting location for all purposes, including any requirement that a quorum participate from any particular location. (Government Code 54953)

These requirements and conditions may be modified as required by law or the district may offer another reasonable accommodation as appropriate.

#### **Remote Attendance Due to Just Cause**

Beginning July 1, 2026, a remote Board member may attend and participate in a Board meeting based on any of the following "just cause" reasons: (Government Code 54953.8.3)

1. A childcare or caregiving need of a Board member's child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the Board member to attend and participate remotely
2. A contagious illness that prevents a Board member from attending in person
3. A need related to a Board member's physical or mental condition not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency
5. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of a Board member requires the Board member to attend and participate remotely
6. A physical or family medical emergency prevents a Board member from attending in person
7. Military service obligations that result in a Board member being unable to attend in person because the Board member is serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the Board member to be at least 50 miles outside the boundaries of the district

The remote Board member shall notify the Board at the earliest possible opportunity, including at the start of a Board meeting, of the need to attend and participate remotely for just cause, including the general circumstances of the Board member's need to attend and participate remotely. The remote Board member need not disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law. The minutes for the Board meeting shall identify the specific provision that is the basis for the just cause. (Government Code 54953, 54953.8.3)

Additionally, when a remote Board member attends and participates in a Board meeting based on just cause, all of the following conditions shall be met: (Government Code 54953, 54953.8, 54953.8.3)

1. All votes taken during the meeting are by rollcall

Beginning July 1, 2026, a remote Board member may attend and participate in a Board meeting based on any of the following "just cause" reasons: (Government Code 54953.8.3)

1. A childcare or caregiving need of a Board member's child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the Board member to attend and participate remotely
2. A contagious illness that prevents a Board member from attending in person

CSBA NOTE: Item #3 below is for a Board member's physical or mental condition for which remote attendance is not required as a reasonable accommodation under the ADA. For more information about reasonable accommodations under the ADA, see "Remote Attendance as an Accommodation" above.

3. A need related to a Board member's physical or mental condition not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency
5. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of a Board member requires the Board member to attend and participate remotely
6. A physical or family medical emergency prevents a Board member from attending in person
7. Military service obligations that result in a Board member being unable to attend in person because the Board member is serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the Board member to be at least 50 miles outside the boundaries of the district

The remote Board member shall notify the Board at the earliest possible opportunity, including at the start of a Board meeting, of the need to attend and participate remotely for just cause, including the general circumstances of the Board member's need to attend and participate remotely. The remote Board member need not disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law. The minutes for the Board meeting shall identify the specific provision that is the basis for the just cause. (Government Code 54953, 54953.8.3)

Additionally, when a remote Board member attends and participates in a Board meeting based on just cause, all of the following conditions shall be met: (Government Code 54953, 54953.8, 54953.8.3)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board
3. 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 as long as the platform or service is not controlled by the district.

4. The agenda for the meeting includes information describing how members of the public can access the platform or service and how members of the public can offer public comment
5. The minutes of the Board meeting state that the remote Board member attended and participated remotely
6. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda and which is within district boundaries and is open to the public
7. The remote Board member utilizes both audio and visual technology to participate in the meeting

CSBA NOTE: Government Code 54953.8.3, as added by SB 707, requires a remote Board member attending and participating due to just cause to publicly disclose whether any individual 18 years of age or older is present in the room with the remote Board member 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

2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board
3. 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 as long as the platform or service is not controlled by the district.

4. The agenda for the meeting includes information describing how members of the public can access the platform or service and how members of the public can offer public comment
5. The minutes of the Board meeting state that the remote Board member attended and participated remotely
6. At least a quorum of the Board participates in person from a singular physical location clearly identified on the agenda and which is within district boundaries and is open to the public
7. The remote Board member utilizes both audio and visual technology to participate in the meeting
8. The remote Board member 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

In this circumstance, the agenda need not include the location of the remote Board member or be posted at that location, and the location of the remote Board member need not be open and accessible to the public. (Government Code 54953, 54953.8)

The Board shall give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. (Government Code 54953.8)

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the Board meeting may continue but the Board may not take action on any agenda item until public access to the meeting is restored. (Government Code 54953.8)

**OPTION 1: (For Boards that generally hold no more than one regular meeting per month)**

A remote Board member may attend and participate in no more than two Board meetings per year for just cause. (Government Code 54953.8.3)

**OPTION 1 ENDS HERE**

**OPTION 2: (For Boards that generally hold two regular meetings per month)**

A remote Board member may attend and participate in no more than five Board meetings per year for just cause. (Government Code 54953.8.3)

**OPTION 2 ENDS HERE**

**OPTION 3: (For Boards that generally hold at least three regular meetings per month)**

A remote Board member may attend and participate in no more than seven Board meetings per year for just cause. (Government Code 54953.8.3)

**OPTION 3 ENDS HERE**

A remote Board member's attendance and participation in multiple Board meetings that begin on the same calendar day shall only count as one Board meeting for purposes of this limit.

of such disclosures. One option is for the remote Board member to make the initial disclosure at the start of the Board meeting and then make additional disclosures, if needed, each time an individual 18 years of age or older enters or exits the room. Another option is for the remote Board member to make separate disclosures before each Board action. It is recommended that districts 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.

8. The remote Board member 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

In this circumstance, the agenda need not include the location of the remote Board member or be posted at that location, and the location of the remote Board member need not be open and accessible to the public. (Government Code 54953, 54953.8)

The Board shall give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. (Government Code 54953.8)

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the Board meeting may continue but the Board may not take action on any agenda item until public access to the meeting is restored. (Government Code 54953.8)

CSBA NOTE: Government Code 54953.8.3, as added by SB 707, sets an annual limit on the number of times a remote Board member can attend and participate in a Board meeting for just cause, which is based on the frequency of the Board's regular meetings. Districts should select the option below which best aligns with its regular Board meeting frequency.

**OPTION 1: (For Boards that generally hold no more than one regular meeting per month)**

A remote Board member may attend and participate in no more than two Board meetings per year for just cause. (Government Code 54953.8.3)

**OPTION 1 ENDS HERE**

**OPTION 2: (For Boards that generally hold two regular meetings per month)**

A remote Board member may attend and participate in no more than five Board meetings per year for just cause. (Government Code 54953.8.3)

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**OPTION 3: (For Boards that generally hold at least three regular meetings per month)**

A remote Board member may attend and participate in no more than seven Board meetings per year for just cause. (Government Code 54953.8.3)

**OPTION 3 ENDS HERE**

CSBA NOTE: Pursuant to Government Code 54953.8.3, as added by SB 707, a "meeting," for the purpose of counting remote attendance and participation, is defined as any number of Board meetings that begin on the same calendar day.

A remote Board member's attendance and participation in multiple Board meetings that begin on the same calendar day shall only count as one Board meeting for purposes of this limit.

**Remote Board Meetings During a Proclaimed State of Emergency**

CSBA NOTE: Government Code 54953.8.2, added by SB 707, supplanted the authority previously contained in Government Code 54953 related to remote Board meetings during a proclaimed state of emergency and expanded that authority to address local emergencies.

The Board may conduct a remote Board meeting during a proclaimed state of emergency or local emergency in either of the following circumstances: (Government Code 54953.8.2)

## Remote Board Meetings During a Proclaimed State of Emergency

The Board may conduct a remote Board meeting during a proclaimed state of emergency or local emergency in either of the following circumstances: (Government Code 54953.8.2)

1. For the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the Board, pursuant to Item #1 above, has determined that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

In either such circumstance, the Board may hold a remote Board meeting without: (Government Code 54953.8, 54953.8.2)

1. Including the location of Board members in the agenda
2. Making the locations of Board members open and accessible to the public
3. Posting the agenda at the locations of Board members
4. Having at least a quorum of the Board members within the district boundaries

When the Board holds such a meeting, all of the following shall be followed: (Government Code 54953.8, 54953.8.2)

1. All votes taken during the meeting are by rollcall
2. The public is able to access the meeting via a call-in or audiovisual platform or service, with real-time observation of the meeting and public comment being allowed via the platform or service

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.

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

The Board may continue to conduct all Board meetings remotely throughout one or more 45-day periods as long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the proclaimed state of emergency or local emergency and determined that it continues to directly impact the ability of the Board to meet safely in person. (Government Code 54953.8.2)

**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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 35140	<a href="#">Time and place of meetings</a>
Ed. Code 35143	<a href="#">Annual organizational meetings; date and notice</a>
Ed. Code 35144	<a href="#">Special meeting</a>
Ed. Code 35145	<a href="#">Public meetings</a>
Ed. Code 35145.5	<a href="#">Agenda; public participation and regulations</a>
Ed. Code 35146	<a href="#">Closed sessions; student matters</a>
Ed. Code 35147	<a href="#">Open meeting laws exceptions</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Gov. Code 3511.1	<a href="#">Local agency executives</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>

1. For the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the Board, pursuant to Item #1 above, has determined that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

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<b>State</b>	<b>Description</b>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 8625-8629	<a href="#">California Emergency Services Act</a>
Gov. Code 8630	Local emergency
H & S Code 101080	Local health emergency

<b>Federal</b>	<b>Description</b>
28 CFR 35.160	<a href="#">Effective communications for individuals with disabilities</a>
28 CFR 36.303	<a href="#">Nondiscrimination on the basis of disability; public accommodations, auxiliary aids, and services</a>
42 USC 12101-12213	<a href="#">Americans with Disabilities Act</a>

<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	<a href="#">107 Ops.Cal.Atty.Gen. 107 (2024)</a>
Attorney General Opinion	<a href="#">78 Ops.Cal.Atty.Gen. 327 (1995)</a>
Attorney General Opinion	<a href="#">79 Ops.Cal.Atty.Gen. 69 (1996)</a>
Attorney General Opinion	<a href="#">84 Ops.Cal.Atty.Gen. 181 (2001)</a>
Attorney General Opinion	<a href="#">84 Ops.Cal.Atty.Gen. 30 (2001)</a>
Attorney General Opinion	<a href="#">88 Ops.Cal.Atty.Gen. 218 (2005)</a>
Court Decision	<a href="#">Knight First Amendment Institute at Columbia University v. Trump (2019) 928 F.3d 226</a>
Court Decision	<a href="#">Garnier v. Poway Unified School District (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208</a>
Court Decision	<a href="#">Wolfe v. City of Fremont (2006) 144 Cal.App. 4th 533</a>
CSBA Publication	<a href="#">The Brown Act: School Boards and Open Meeting Laws, rev. 2023</a>
Institute for Local Government Publication	<a href="#">The ABCs of Open Government Laws</a>
League of California Cities Publication	<a href="#">Open and Public V: A Guide to the Ralph M. Brown Act, 2016</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">CSBA, GAMUT Meetings</a>
Website	<a href="#">Institute for Local Government</a>
Website	<a href="#">League of California Cities</a>
Website	<a href="#">California Attorney General's Office</a>
Website	<a href="#">CSBA</a>

<b>Cross References</b>	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1114	<a href="#">District-Sponsored Social Media</a>
1114	<a href="#">District-Sponsored Social Media</a>
1160	<a href="#">Political Processes</a>
1220	<a href="#">Citizen Advisory Committees</a>



<b>Cross References</b>	<b>Description</b>
1220	<a href="#">Citizen Advisory Committees</a>
1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
2000	<a href="#">Concepts And Roles</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
3516	<a href="#">Emergencies And Disaster Preparedness Plan</a>
4117.14	<a href="#">Postretirement Employment</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4241.6	<a href="#">Concerted Action/Work Stoppage</a>
4241.6	<a href="#">Concerted Action/Work Stoppage</a>
4312.1	<a href="#">Contracts</a>
9000	<a href="#">Role Of The Board</a>
9005	<a href="#">Governance Standards</a>
9012	<a href="#">Board Member Electronic Communications</a>
9100	<a href="#">Organization</a>
9121	<a href="#">President</a>
9130	<a href="#">Board Committees</a>
9140	<a href="#">Board Representatives</a>
9230	<a href="#">Orientation</a>
9240	<a href="#">Board Training</a>
9310	<a href="#">Board Policies</a>
9320	<a href="#">Meetings And Notices</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>
9322	<a href="#">Agenda/Meeting Materials</a>
9323	<a href="#">Meeting Conduct</a>
9323.2	<a href="#">Actions By The Board</a>
9323.2-E(1)	<a href="#">Actions By The Board</a>
9324	<a href="#">Minutes And Recordings</a>
9400	<a href="#">Board Self-Evaluation</a>