

# Virtual Board Meetings During the COVID-19 Pandemic

## Guidance and Helpful Tips for Board Presidents

The COVID-19 pandemic has dramatically altered daily life in California, including how the public's business is conducted at school district and county office of education Board meetings. Boards throughout the state have revised their Board meeting format and procedures to ensure they can continue to meet virtually to govern the community's public schools, operating under a revised set of rules based on Gov. Gavin Newsom's [executive orders](#) that waived portions of the Brown Act during the pandemic.

### UNDERSTANDING THE EXECUTIVE ORDERS

Under the governor's executive orders, the requirements of the Brown Act that would normally require the physical presence of members, the clerk and other personnel are waived. The Board does not need to make physical space available for the public to observe or participate in a virtual meeting, Board members do not need to publicly disclose the location from which they virtually attend the meeting, and Boards do not need to have a quorum of members participate from locations within the boundaries of the district.

Boards must allow the public to observe and address the meeting by telephone or other electronic means. Governing boards must implement a procedure for receiving and resolving requests for reasonable accommodations from individuals with disabilities. The meeting agenda and notice must include the procedure by which the public may observe the meeting and offer public comment.

Board members should note that there have *not* been changes to the limits on the use of closed sessions, to the notice periods, or to the agenda requirements for Boards to hold meetings during this time.

### FULFILLING THE DUTIES OF THE BOARD PRESIDENT

While the law does not specify the duties of a Board president, Boards generally describe their duties in Board Bylaw 9121. Many Boards specifically task the Board president with enforcing the Board's bylaws related to the conduct of meetings and ensuring compliance with the Brown Act. Board presidents are tasked with facilitating the Board's effective deliberation, ensuring that each Board member has

an opportunity to participate in the deliberation and that the discussion remains focused. Board presidents are relied upon to rule on issues of parliamentary procedure, put motions to a vote and clearly state the results of the vote, and to work with the Superintendent to ensure that Board members have the necessary materials and information. The COVID-19 pandemic potentially makes these duties both more difficult and more important. Board presidents can help ensure effective meetings by focusing on proper communication, transparency, and procedures before and during virtual Board meetings

### CREATING A TRANSPARENT BOARD MEETING

Virtual meetings can make transparency more challenging for Boards, but clear communication can make a significant difference. Agenda notices should be more detailed during the COVID-19 pandemic, including plain language details of how the public can access the meeting and how the Board is accepting public comment. All Board member votes should be taken by roll call to make clear to the public how each member voted on an agenda item. Board presidents can work with staff to ensure proper procedures are in place for resolving accessibility requests from individuals with disabilities.

### CREATING AN EFFICIENT VIRTUAL MEETING

Many Boards have designated a staff member to manage and monitor public access to the meeting to ensure public comments can be heard and addressed, and designated a staff member or Board member to read public comments into the record. It may be helpful for the person reading the public comment to



publicly identify themselves with a script before reading public comments to make clear that the speech is from a member of the community, and not from the Board.

Many Boards have created separate, private meeting links for closed sessions to reduce the chances of public access.

Boards can still use virtual meetings to create important discussion meetings for in-depth discussions of major issues and challenges facing district or county office, as long as the topic is clearly spelled out in the board agenda.

### CREATE A PUBLIC COMMENT SYSTEM THAT WORKS FOR EVERYONE

Boards must continue to give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. Public comment has created particular challenges for Boards during virtual meetings, and there is no one-size-fits-all solution. Boards should seek to create a system that allows for meaningful public participation in the meeting, and that allows the Board to conduct district business in an orderly and efficient manner.

Some Boards are using Zoom or other video conferencing software to allow attendees to comment in real-time or organizing public comment with a call-in number. Other Boards have found real-time commenting to be difficult for their district, and have limited public comment to email, providing a special email address for the public to submit comments in advance of the meeting. Some of these Boards have required public comments to be submitted by a specific cutoff time before the meeting begins, so staff can read and organize the comments to be read aloud before each agenda item during the virtual meeting.

To set community expectations, Board presidents can remind members of the public that the Board is there to listen and cares about comments from the public, but the meetings are not set up to be a back and forth between the board and public. Many Boards limit individual speakers to three minutes to address the Board on each agenda or nonagenda item, and limit the total time for public input on each item to 20 minutes. Boards can still enforce the per-minute and per-topic limits, even if they are taking public comment through email. Some Boards have addressed this issue by creating word limits for their emailed public comment.

For a more in depth discussion of holding virtual meetings during the COVID-19 pandemic, see CSBA's Webinar [Open Board Meetings in a World of School Closures](#).

For additional resources, see CSBA's model board policies:

Board Bylaw 9130 - Board Committees

Board Bylaw 9320 - Meetings and Notices

Board Bylaw 9321 - Closed Session

Board Bylaw 9322 - Agenda/Meeting Materials

Board Bylaw 9323 - Meeting Conduct

Board Bylaw 9323.2 - Actions by the Board

Board Bylaw 9324 - Minutes and Recordings