

## Cradle-to-Career Governing Board Staff Report

Date Report Issued: October 18, 2023  
Attention: Members of Cradle-to-Career Governing Board  
Subject: **Recent Bagley-Keene Amendments**  
Staff Contact: Julia Blair, General Counsel

At this meeting, the Governing Board (Board) will have the opportunity to learn about amendments to the Bagley-Keene Act which governs requirements for meetings of the Board and advisory boards.

### Requested Action:

There is no requested action for this item. This is an informational item only.

### Background:

[Education Code sections 10864\(f\) and 10865\(d\)](#) state that the Board and statutorily created advisory boards are subject to the requirements of the Bagley-Keene Open Meeting Act. Generally the requirements of Bagley-Keene are designed to promote transparency and provide members of the public an opportunity to observe and comment on business before a state body.

As a result of the COVID-19 emergency, certain provisions of the Bagley-Keene Open Meeting Act were waived by executive orders issued by the Governor to protect public health by limiting public gatherings and requiring social distancing. Those waivers were extended through additional executive orders and legislation. Most recently Senate Bill (SB) 143 included an extension of the waivers through December 31, 2023. SB 143 was intended to serve as a bridge to the potential passage of SB 544, which was passed in September and will take effect January 1, 2024.

[SB 544](#) among other things, allows for remote participation of board members without including their location in the meeting notice if either a majority of

members are participating in person at the same location or the member discloses a need based on a disability. This amendment also, under specified circumstances, authorizes a member of the state body to participate from an undisclosed remote location, which would not be required to be noticed or accessible to the public. Specifically, the bill authorizes a member's remote participation if the other members who are physically present at the same teleconference location constitute a majority of the state body. The bill also temporarily removes the requirement for a teleconference meeting of a state body that is an advisory board, advisory commission, or similar, to have a quorum of members present at a primary physical meeting location where the public can participate. Instead, at least one staff member of the state body must be present. These provisions will sunset on January 1, 2026.