

Date of Hearing: April 22, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Mike Fong, Chair
AB 409 (Arambula) – As Amended April 10, 2025

SUBJECT: Open meetings: teleconferences: community college student body associations and student-run organizations

SUMMARY: Extends, until January 1, 2030, the sunset date on the provisions of law enacted by AB 1855 (Arambula), Chapter 232, Statutes of 2024, which allowed a community college student body association or any other student-run community college organization to teleconference without meeting all of the teleconferencing requirements of the Ralph M. Brown Act (Brown Act). Specifically, **this bill:**

- 1) Extends, until January 1, 2030, the sunset date on provisions of law enacted by AB 1855 (Arambula), Chapter 232, Statutes of 2024, which allowed a community college student body association or any other student-run community college organization to teleconference without meeting all of the teleconferencing requirements of the Brown Act.
- 2) Finds and declares that:
 - a) Local student body associations and other student-run organizations in the California Community Colleges (CCC) provide important input to community college districts' (CCD) boards of trustees.
 - b) Unlike other legislative bodies that have access to regular meeting locations, these volunteer, uncompensated, elected members have had trouble accessing public meeting locations. This poses a major accessibility concern for students who are disabled, have dependents they need to care for, or are otherwise unable to participate in the meetings in person due to unreliable access to transportation or limited resources, qualifications that many CCC students, who serve as student leaders on their local student body associations or other student-run organizations, meet.
 - c) While the Legislature recently granted additional teleconferencing flexibility for legislative bodies to use teleconferencing more flexibly, the additional teleconferencing flexibility of this act is necessary to account for the specific needs of student body associations and other student-run organizations in the CCCs.
- 3) Makes technical and clarifying changes.

EXISTING LAW:

- 1) Provides the following:
 - a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

- b) The people have the right to access information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
 - c) In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in b), above, each local agency is required to comply with the California Public Records Act, the Brown Act, and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of these constitutional provisions. (Article I, Section 3 of the California Constitution)
- 2) Provides, pursuant to the Brown Act, requirements for local agency meetings. (Government Code (GOV) Sections 54950 – 54963)
 - 3) Authorizes the legislative body of a local agency to use teleconferencing, subject to a number of requirements that include posting agendas at all teleconference locations, identifying each teleconference location in the notice and agenda for the meeting or proceeding, making each teleconference location accessible to the public, and requiring at least a quorum of the members of the legislative body to participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, as specified. (GOV Section 54953(b)(3))
 - 4) Defines “teleconference” to mean a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. (GOV Section 54953(j)(6))
 - 5) Authorizes, until January 1, 2026, pursuant to provisions of law enacted AB 1855, a community college student body association or any other student-run community college organization to teleconference without meeting all of the teleconferencing requirements of Brown Act. (GOV Section 54953.9)
 - 6) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of CCDs. (Education Code (EDC) Section 70900)
 - 7) Establishes that CCDs are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges within its district, as specified. (EDC Section 70902)
 - 8) Permits a governing board of a CCD to authorize the creation of a student body association, whose purpose is to encourage students to participate in the governance of the college and may conduct activities including fundraising activities if approved by the college officials. (EDC Section 76060)

- 9) Authorizes campus officials of a CCC with a student organization to collect a student representation fee of two dollars from students for the purpose of supporting governmental affairs representatives of local or statewide student body organizations who may state their positions and viewpoints before city, county and district governments or agencies of state governments. Authorizes one dollar of every two dollars collected as part of the student representation fee to be provided to support the operations of a statewide community college student organization recognized by the Board of Governors. (EDC Section 76060.5).
- 10) Requires meetings conducted by the statewide community college organization to comply with the Brown Act. (EDC Section 76060.5)

FISCAL EFFECT: This bill was keyed non-fiscal by Legislative Counsel.

COMMENTS: *Double-referral.* This measure was heard by the Assembly Committee on Local Government on April 10th, 2025. It passed with an 8-0 vote.

Purpose. According to the author, “The Brown Act has been a landmark policy that ensured open access to government participation. During the COVID-19 public health emergency, audio and video teleconferencing was successfully used to increase participation and protect the health and safety of civil servants and the public. It is time to update the Act to reflect modern times and new challenges faced by our students. Current provisions of the Brown Act require members of a legislative body to participate in meetings of the legislative body by teleconference for no more than 20% of the regular meetings. However, this may serve as a barrier to access for students who are disabled, have limited access to transportation, or are otherwise unable to participate in the meetings in person.”

“AB 409 protects public access and allows an eligible legislative body of a student organization to use alternate teleconferencing provisions if approved by the Board of Trustees and adopted by the eligible body. Students should be able to participate in their student body associations without threat to safety, privacy, or accessibility.”

Background. The Brown Act was enacted in 1953 and has been amended numerous times since then. The legislative intent of the Brown Act was expressly declared in its original statute, which remains unchanged:

“The Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

The Brown Act generally requires meetings to be noticed in advance, including the posting of an agenda, and generally requires meetings to be open and accessible to the public. The Brown Act

also generally requires members of the public to have an opportunity to comment on agenda items, and generally prohibits deliberation or action on items not listed on the agenda.

Teleconferencing and the Brown Act. The Brown Act first allowed meetings to be conducted via video teleconference in 1988. At the time, San Diego County was considering the use of video teleconferencing for meetings and hearings of the board of supervisors due to concerns about the long distances that some of their constituents were having to travel to participate in board meetings. They were especially concerned that these distances were so great that it prohibited some people from attending meetings at all. AB 3191 (Frazee), Chapter 399, Statutes of 1988, responded to these concerns by authorizing the legislative body of a local agency to use video teleconferencing. Since that time, a number of bills have modified the original authorization to permit teleconferencing. .

The Brown Act generally allows the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding must comply with all requirements of the Brown Act and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding. Teleconferencing may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body.

If the legislative body of a local agency elects to use teleconferencing, the legislative body must comply with a number of requirements. It must conduct teleconference meetings 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. The legislative body must give notice of the meeting and post agendas as otherwise required by the Brown Act, and must allow members of the public to access the meeting. The agenda for the meeting must provide an opportunity for members of the public to address the legislative body directly pursuant to the Brown Act's provisions governing public comment. All votes taken during a teleconferenced meeting must be taken by roll call.

The Four Teleconferencing Rules. The Brown Act contains four specific requirements for teleconferenced meetings in GOV Section 54953(b)(3). Specifically, this paragraph requires all of the following:

- 1) The legislative body shall post agendas at all teleconference locations.
- 2) Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding.
- 3) Each teleconference location shall be accessible to the public.
- 4) During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions.

AB 1855 of 2024. AB 1855 (Arambula), Chapter 232, Statutes of 2024, allowed a community college student body association or any other student-run community college organization to use

teleconferencing without complying with the four rules of Government Code Section 54953(b)(3).

In order for a student body association to use teleconferencing pursuant to AB 1855, a number of requirements must be met. These include:

- 1) *Quorum Requirement.* At least a quorum of the members of the student body association must participate from a singular location that is accessible to the public and is within the CCD in which the student body association is established, with specified exceptions.
- 2) *Board of Trustees Oversight.* The board of trustees for a CCD must consider whether to adopt a resolution authorizing student body associations to use teleconferencing as described in the bill at an open and regular meeting. If the board of trustees adopts such a resolution, student body associations may use teleconferencing pursuant to the bill if two-thirds of the student body association votes to do so. The student body association must then notify the board of trustees of its decision and its justification for doing so. The board of trustees may override this decision by adopting a resolution prohibiting the student body association from teleconferencing pursuant to the bill.
- 3) *Notice and Agendas.* When the notices and agendas for meetings are given or posted, the student body associations must give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.
- 4) *Physical Location for the Public.* If a meeting is during regular business hours of the offices of the board of trustees of the CCD, the eligible legislative body shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the board of trustees of the CCD, unless the eligible legislative body identifies an alternative location. If a meeting is outside regular business hours, the eligible legislative body shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting, as specified.
- 5) *Sunset.* AB 1855 contained a sunset date of January 1, 2026.

Arguments in support. The Student Senate for California Community Colleges (SSCCC), the sponsor of this measure, wrote that “AB 1855 (Arambula, 2024) modernized the Brown Act to enable students to participate remotely. Unfortunately, these provisions sunset at the end of this year. A return to the previous teleconferencing rules will mean a return to the inequitable access to student-run legislative bodies that threaten the safety and privacy of students with extenuating circumstances. Vulnerable students, including minors who are dually enrolled in high school and community college, undocumented students, students with disabilities, student survivors of domestic violence, and others may once again be disincentivized from participating in student-run legislative bodies due to these requirements. Remote access to classes, campus resources, and student-run organizations can make or break staying in school for many students.”

Arguments in opposition. The California News Publishers' Association (CNPA) wrote in opposition, noting that "we want to acknowledge that CNPA worked with the author on the previous version of this bill and moved to a neutral position. We greatly appreciate the author retaining that agreed to language. The only concern we have is that these carve outs for Brown Act bodies creating confusion and splitting up stakeholders instead of having one conversation about modernization. Over the past several years we have continued to see attempts to exempt various bodies with different standards and removing the traditional teleconferencing provisions allotted under the Brown Act. Additionally, AB 2449 (Rubio) from 2021 took a comprehensive approach and this bill does attempt to work through a similar structure, which we greatly appreciate."

"However, we must respectfully oppose this bill because of the carve out approach. More importantly there is a vehicle in SB 707 (Durazo) containing the provisions in this bill and stakeholders from all perspectives are engaging to truly modernize the Brown Act."

Previous Legislation. AB 817 (Pacheco) of 2024 would have allowed subsidiary bodies of a local agency to teleconference meetings without having to notice and make publicly accessible each teleconference location, or have at least a quorum participate from locations within the boundaries of the agency. AB 817 failed passage in the Senate Local Government Committee.

AB 1855 (Arambula), Chapter 232, Statutes of 2024, allowed a community college student body association or any other student-run community college organization to teleconference without meeting all of the teleconferencing requirements of the Brown Act

AB 557 (Hart), Chapter 534, Statutes of 2023, eliminated the January 1, 2024, sunset date on AB 361; changed the requirement for a legislative body, in order to continue using AB 361 teleconferencing provisions, to make specified findings every 45 days instead of every 30 days; and, eliminated the ability of local agencies to continue to hold meetings pursuant to AB 361 if a state of emergency ends, but state or local officials continue to impose or recommend measures to promote social distancing.

AB 1275 (Arambula) of 2023 would have expanded teleconferencing flexibility under the Brown Act for community college student organizations. AB 1275 was subsequently amended to address a different subject matter.

AB 1379 (Papan) of 2023 would have eliminated the Brown Act's teleconferencing requirements to post agendas at all teleconferencing locations, identify each teleconference location in the notice and agenda, make each teleconference location accessible to the public, and require a quorum of the legislative body to participate from locations within the local agency's jurisdiction, and allowed legislative bodies to participate remotely from any location for all but two meetings per year. AB 1379 was held in the Assembly Committee on Local Government.

SB 411 (Portantino), Chapter 605, Statutes of 2023, allowed a neighborhood council in the City of Los Angeles to teleconference without meeting all of the teleconferencing requirements of the Brown Act.

SB 537 (Becker) of 2023 would have allowed multi-jurisdictional, cross-county local agencies with appointed members to teleconference without meeting all of the teleconferencing requirements of the Brown Act. SB 537 was subsequently amended to address a different subject matter.

AB 1944 (Lee) of 2022 would have allowed, until January 1, 2030, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, under specified conditions. AB 1944 was held in the Senate Governance and Finance Committee.

AB 2449 (Blanca Rubio), Chapter 285, Statutes of 2022, allowed, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public, under specified conditions.

AB 339 (Lee) of 2021 would have required, until December 31, 2023, city councils and boards of supervisors in jurisdictions over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings. This bill was vetoed.

AB 703 (Rubio) of 2021 would have allowed teleconferencing with only a quorum of the members of a local legislative body participating from a singular location that is clearly identified on an agenda, open to the public, and situated within the boundaries of the local agency. AB 703 was held in the Assembly Committee on Local Government.

REGISTERED SUPPORT / OPPOSITION:

Support

Calbright College
Cft- a Union of Educators & Classified Professionals, Aft, Afl-cio
Coast Community College District
Faculty Association of California Community Colleges
Student Senate for California Community Colleges

Opposition

California News Publishers Association

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