



**SANTA CLARA COUNTY SELPAs I, II, III, IV & VII
SUPERINTENDENTS' REPRESENTATIVE COUNCIL
ZOOM ONLINE MEETING**

November 18, 2021 – 9:00 A.M.

Join Zoom Meeting
<https://sccoe.to/SELPA-RepCouncil>

Meeting ID: 946 1163 7533
Passcode: 640205
One tap mobile: +16699006833,,94611637533#

Dial by your location
+1 669 900 6833 US (San Jose)

Agenda Webpage:

<https://www.sccoe.org/selpa/Pages/Calendars.aspx>

For disability related accommodations, please contact the SELPA AU office via email at MPaeste@sccoe.org, or call (408) 453-6725 at least three (3) business days prior to the scheduled meeting.

AGENDA

I. PUBLIC SESSION

- A.** Roll call and Welcome Guests
- B.** Hearing of Persons wishing to address the Council or to present petitions

Members of the public may address the Council on any issue not otherwise on the agenda (comments not to exceed three (3) minutes). No action can be taken on these items at this time, but they can be referred to the SELPA Director or put on a future agenda.

II. CONSENT ITEMS

- A.** Affirm that conditions described in AB-361 continue to apply and adopt resolution of Findings of AB-361 for the Santa Clara SELPA Superintendents Rep Council.*

Background

On March 17, 2020, the Governor issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the Brown Act enabling legislative bodies to meet remotely. On September 16, 2021, the Governor signed AB 361 authorizing a legislative body subject to the Brown Act to continue to meet remotely using teleconference without compliance with the Brown Act teleconference rules if certain conditions are followed. On September 21, 2021, the County Health Officer issued a recommendation, which is attached hereto and incorporated herein, that public bodies continue to meet remotely. On October 6, 2021, the County Superintendent of Schools adopted a resolution making findings related to AB 361 for all legislative bodies under the jurisdiction of the SCCOE. The County Supt of Schools and SELPA Superintendents' Representative Council hereby affirms the ongoing emergency conditions and the need to use the provisions of AB 361 for the SELPA Superintendents' Representative Council meetings. The County Superintendent of Schools shall receive and provide updates regarding the provisions of AB 361 and ensure compliance as required and modify should conditions change.

Student Impact

The County Health Officer has recommended that legislative bodies continue to meet remotely to promote social distancing as one means to reduce the risk of COVID-19 transmission. The Santa Clara County Office of Education has an important governmental interest in protecting the public health, safety, and welfare of those who participate in meetings of the various legislative bodies during COVID-19 and ensuring that all members of the public can participate safely in meetings of legislative bodies.

- B.** Setting the Agenda
- C.** Approval of Minutes from September 15, 2021 Meeting*

III. ACTION ITEMS

A. Approval of SELPA Executive Director's Contract Renewal

It is recommended that the Superintendents' Rep Council approve the contract renewal of the SELPA Executive Director for 2021-2022.

Motion _____
Second _____
Action _____
Vote _____

IV. INFORMATION/ DISCUSSION ITEMS

A. SELPA Executive Director's Update
- SELPA Activities

V. ADJOURNMENT

NEXT MEETING: February 10, 2022; 9:00 a.m.

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the SELPA AU Office, located at 1290 Ridder Park Drive, San Jose, CA during normal business hours.

* = Attachment

**RESOLUTION DIRECTING ALL LEGISLATIVE BODIES UNDER THE COUNTY OFFICE OF
EDUCATION AND THE COUNTY SUPERINTENDENT OF SCHOOLS
TO MEET REMOTELY IN ACCORDANCE WITH AB 361 AND
MAKING FINDINGS PURSUANT TO AB 361**

SANTA CLARA COUNTY OFFICE OF EDUCATION AND ALL ITS LEGISLATIVE BODIES

WHEREAS, on February 3, 2020, the County Public Health Officer declared a local health emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 4, 2020, the Governor issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and in accordance with Government Code section 8625; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the Brown Act (Government Code section 54950 et seq.), provided certain requirements were met and followed, thus enabling legislative bodies to meet remotely; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21 that provided that the teleconferencing rules would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 authorizing a legislative body subject to the Brown Act to continue to meet remotely using teleconference without compliance with the Brown Act teleconference rules if certain conditions are followed including (1) initially the existence of a proclaimed state of emergency and (2) requirements or recommended measures from state or local officials to promote social distancing; and

WHEREAS, as of the date of this Resolution, the Proclamation of State of Emergency issued by the Governor on March 4, 2020 is in place; and

WHEREAS, on September 21, 2021, the County Health Officer issued a recommendation, which is attached hereto and incorporated herein, that public bodies continue to meet remotely due to their unique characteristics (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other recommendations at such); and,

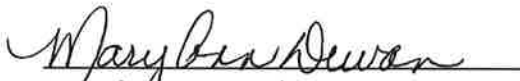
WHEREAS, the Santa Clara County Office of Education and the County Superintendent of Schools have an important governmental interest in protecting the public health, safety, and welfare of those who participate in meetings of the various legislative bodies and other committees during COVID-19 and ensuring that all members of the public can participate safely in meetings of legislative bodies; and

WHEREAS, on October 6, 2021, a Resolution was made adopting the findings and directing all bodies to meet remotely; and

NOW, THEREFORE, BE IT RESOLVED by the County Superintendent of Schools of the County of Santa Clara, State of California, affirms that conditions warranting all bodies to meet remotely remain in full force such that:

1. All legislative bodies under the jurisdiction of the County Superintendent of Schools and the County Office of Education subject to the Brown Act shall continue to only meet remotely and in accordance with Government Code section 54953(e) (AB 361) and without compliance with Government Code section 54953(b)(3).1
2. Pursuant to Government Code section 54953(e)(3), the County Superintendent of Schools finds for the County Office of Education and on behalf of all legislative bodies under the jurisdiction of the County Office of Education that (1) a state of emergency continues to exist relating to COVID-19 and this necessitates that legislative bodies continue to meet remotely, and (2) the County Health Officer has recommended that legislative bodies continue to meet remotely to promote social distancing as one means to reduce the risk of COVID-19 transmission.

ADOPTED by the Santa Clara County Superintendent of Schools on November 2, 2021.


Mary Ann Dewan, Ph.D.
County Superintendent of Schools

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-15-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS on June 11, 2021, I issued Executive Order N-08-21 to roll back certain provisions of my COVID-19-related Executive Orders and to clarify that other provisions remained necessary to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic; and

WHEREAS Paragraph 42 of Executive Order N-08-21 waived and set forth certain requirements related to public meetings of local legislative and state bodies, and specified that it would be valid through September 30; and

WHEREAS on September 16, 2021, I signed into law Assembly Bill 361 (AB 361), which pertains to the same subject matter as Paragraph 42 of Executive Order N-08-21, which took effect immediately pursuant to an urgency clause, and which may, in some instances, have different substantive provisions than the provisions contained in Paragraph 42 of Executive Order N-08-21; and

WHEREAS it is necessary to provide clarity around the applicable procedures governing meetings of local legislative and state bodies until Paragraph 42 of Executive Order N-08-21 expires to further mitigate the impacts of the COVID-19 pandemic as the state continues to reopen and to ensure that critical governmental functions are not interrupted.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, do hereby issue the following Order to become effective immediately:

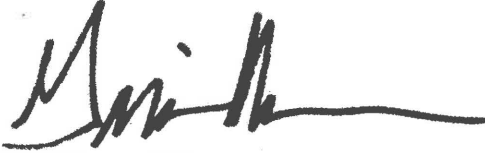
IT IS HEREBY ORDERED THAT:

1. The provisions governing teleconference meetings in Education Code section 89305.6, Government Code section 11133, and subdivision (e) of Government Code section 54953 are suspended through September 30, 2021, except that any local legislative body that meets to take a majority vote pursuant to subparagraph (B) of paragraph (1) of subdivision (e) of Government Code section 54953 shall conduct the meeting at which such vote is taken as required by paragraph (2) of subdivision (e) of Government Code section 54953. Except as otherwise specified in this paragraph, the requirements related to public meetings of local legislative and state bodies specified in Paragraph 42 of Executive Order N-08-21 shall continue to govern such meetings through September 30, 2021.
2. This Order shall expire at 11:59 p.m. on October 1, 2021.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 20th day of September 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State

County of Santa Clara

Public Health Department

Health Officer
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.3798



Recommendation Regarding Continued Remote Public Meetings of Governmental Entities

Issued: September 21, 2021

In light of the continued state of emergency related to COVID-19, the County Public Health Officer continues to recommend that public bodies meet remotely to the extent possible, specifically including use of newly enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws.

Among other reasons, this recommendation is made due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission. This recommendation does not apply to those meetings of a quasi-judicial nature that have been already meeting in person prior to September 21, 2021, for example to allow for credibility determinations of witnesses.

The Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.