



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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LEGAL UPDATE

September 30, 2022

To: Superintendents, Member School Districts (K-12)

From: Jessica E. Ozalp 
Associate General Counsel

Subject: New Open Meeting Requirements – Effective January 1, 2023
Memo No. 20-2022

On August 22, 2022, Governor Newsom signed Senate Bill (“SB”) 1100 to address disruptions during public meetings of the governing body of any local agency (such as a school district or CCD board of education). This bill makes modifications to California’s open meetings law, the Brown Act, which will become effective as of January 1, 2023.

Under the law as amended by SB 1100, the presiding member (such as a board president) conducting a meeting, or their designee, can remove an individual for disrupting the meeting using the following process:

1. Warn the individual that their behavior is disrupting the meeting and that the failure to cease the behavior may lead to removal.
2. Remove the individual if the behavior does not promptly cease.

SB 1100 defines “disrupting” as engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to:

- a) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to existing law.
- b) Engaging in behavior that includes the use of force or true threats of force.

In legislative findings, the Legislature stated that SB 1100 is intended to codify the authority for removal that governing bodies already have under existing case law. SB 1100 adopts the authority and standards for removal of disruptive individuals which were upheld in *Acosta v. City of Costa Mesa*, (2013) 718 F.3d 800. In *Acosta*, the Ninth Circuit Court of Appeals explained that an ordinance



governing the decorum of a public meeting is not facially overbroad if it only permits a presiding officer to eject an attendee for actually disturbing or impeding a meeting. Courts have upheld challenged removals when an individual’s conduct or speech disrupts the orderly process of the meeting. (See *Kindt v. Santa Monica Rent Control Board*, (1995) 67 F.3d 266.) In adopting SB 1100, the Legislature made findings that this authority is “necessary to give legislative bodies clear authorization to restore order to meetings in the event of actual disruptions... and thereby preserve the rights of other members of the public at the meeting and allow the legislative body to continue its work on behalf of the public.”¹

SB 1100 adds to the existing authority to clear the meeting room in the event of willful interruptions by a group whose conduct disrupts the orderly conduct of a meeting, under Government Code § 54957.9. Existing Government Code also gives school boards and other governing bodies the ability to adopt reasonable regulations to allow members of the public the opportunity to address the governing body on any item of interest to the public. (Government Code § 54954.3(b)(1).) Such regulations cannot prohibit public criticism of the body’s policies, procedures, programs, or services. These sections of Government Code are unchanged by SB 1100. Boards are encouraged to contact our office with questions regarding meeting disruptions, regulation of speech and public comments at board meetings.

The amended law goes into effect on January 1, 2023.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1100.