



## An Overview of Parent Advisory Committees and Public Meeting Requirements (The Brown Act and Greene Act)

### **Ralph M. Brown Act (Government Code 54950-54963)**

The Brown Act is an open meeting law for local governments. Its main purpose is to ensure right of public access to how local governments make decisions.

#### Coverage

- Applies to all “legislative bodies” of “local agencies,” including school districts
- Includes “governing body” (school board) and “subsidiary bodies”
  - Subsidiary body = any board, commission, or committee created by “formal action,” whether its members are “appointed or elected”

#### Important Public Access Requirements

- All formal actions or decisions must take place at public meeting
- Prior notice of public meeting, with agenda for the meeting, is required
  - Generally, the agenda must be posted at least 72 hours before meeting
  - Materials considered during meeting must be publicly available
  - The legislative body cannot consider items not listed on the agenda
- Members of the public must be allowed to provide comment on any item
- Key rule to prevent legislative bodies from avoiding these requirements:
  - Communication about any formal action that involves a majority of members of the body and occurs outside public meetings is prohibited

#### What happens if there is a violation?

- Any member of public can sue to set aside the formal action and/or to prevent future violations by the body
- Possible criminal charge against individual members if:
  - They were involved in action violating the law
  - And did so with the intent to limit the public’s right of access

## **Leroy F. Greene School Facilities Act (Education Code 35140 – 35149)**

The Greene Act creates additional public meeting requirements for school districts. The Brown Act's rules still apply to school districts, so school boards must follow the Brown Act.

### Parent Committees Exempt from Brown Act

- The Greene Act also states that certain parent advisory committees are exempt from the Brown Act (Education Code 35147(c))
- DELAC, ELACs, DACs, and School Site Councils are specifically referenced

### Different Public Meeting Rules for Parent Committees

The Greene Act establishes public meeting rules for the parent committees exempt from the Brown Act. They key provisions are:

- Meetings must be open to public and allow any member of the public to speak on any issue the committee can consider.
- A notice must be posted at least 72 hours before the meeting
  - The notice must be posted at the school site or “other appropriate place accessible to the public”
  - The notice must include an agenda describing the issues to be discussed
- The committee cannot consider items unless they are on the posted agenda (with a narrow exception for emergencies)
- If the committee violates these rules, any person can require that the committee reconsider the item at its next meeting

### Key differences from the Brown Act

- No provisions prohibiting communications among a majority of members outside the public meetings
- Criminal charges against individuals for intentional violations are not authorized

### What about LCFF parent advisory committees?

- The Greene Act was not updated when LCFF was passed in 2013,
- So the Greene Act does not apply to a Parent Advisory Committee (PAC) or English learner parent advisory committee (ELPAC) that were created by LCFF
- Although this was clearly an oversight, PACs and ELPACs are probably subject to the Brown Act unless the law is changed
  - If a district uses an existing parent committee as its PAC or ELPAC, it is likely that the public meeting requirements from the Greene Act continue to apply

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