

CALIFORNIA OPEN MEETING LAWS AND LCFF PARENT ADVISORY COMMITTEES

Ralph M. Brown Act (Cal. Gov. Code § 54950-63)

- The Brown Act is an open meeting law to promote transparency and public access to the decision-making process for legislative bodies of local agencies, including school boards.
- Among its provisions to achieve this goal, the act: requires that the legislative bodies provide public notice and an agenda detailing meeting topics at least 72 hours in advance; prohibits legislative bodies from considering items not listed on the agenda; and forbids a majority of the legislative body from communicating about any formal action or decision outside of the public meetings.
- Any member of the public can sue to set aside actions that violate these requirements, and members of the legislative body who intentionally violate the Brown Act may also be subject to criminal charges.

Leroy F. Greene School Facilities Act (Cal. Educ. Code § 35140-49)

- The Greene Act creates additional public meeting requirements for school districts, while *exempting certain parent committees from the Brown Act*.
- The Greene Act establishes distinct public meeting requirements for those parent committees that largely track the Brown Act, with two notable exceptions: (1) communications among a majority of parent committee members outside of the meetings is not prohibited and (2) criminal charges are not authorized for violations.
- These exceptions were designed to ensure that parent committee members can plan and confer with each other outside of public meetings. These more “user-friendly meeting requirements” were intended to encourage more parents—many of whom come from “ethnically diverse communities with limited English language skills”—to become involved in their children’s education and have a voice in decision-making. California Bill Analysis, S.B. 355, June 29, 1994.

Local Control Funding Formula (Cal. Educ. Code § 52060-77)

- LCFF empowers local communities to take a larger role in decisions on the use of education funds.
- To achieve this goal, LCFF requires that school districts meaningfully engage and seek input from parents, students, and other education stakeholders in setting local priorities.
- Under LCFF, school districts must: (1) establish Parent Advisory Committees (PACs) or English Learner Parent Advisory Committees (ELPACs); (2) present proposed Local Control and Accountability Plans to the PACs or ELPACs; and (3) provide PACs or ELPACs an opportunity to review and comment on the plans.

The Need for a Technical Fix

- When LCFF was enacted, the Greene Act was not updated to apply to LCFF-created parent committees.
- This oversight leaves PACs and ELPACs subject to the Brown Act regulation, which undermines the ability of parents on those committees to organize, plan, and speak out in a meaningful way, undermining the intent through LCFF to empower parents to participate in the LCAP development process.
- In at least one district, members of a PAC met outside of the formal PAC meetings to discuss how to advocate for more inclusive meeting procedures and received a letter from district counsel that referenced potential criminal prosecution because they had organized outside the PAC meeting.
- To ensure that LCFF parent committees operate as intended and to avoid different legal standards for parent advisory committees, the Greene Act should be amended to add PACs and ELPACs to the Brown Act exemption.