



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 9066

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EFFECTIVE: 4-06-73

REVISED: 4-21-95

CATEGORY: Community Relations

SUBJECT: Legal Guidelines for Meetings Conducted by Citizens Advisory Committees

A. PURPOSE AND SCOPE

1. To outline legal guidelines for meetings conducted by citizens advisory committees established by the Board of Education.

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: A-4520, K-1000, K-2000; Board Minutes, 8-28-73; Govt. Code, Sections 54950-62.

C. GENERAL

1. **Originating Office.** Questions concerning this procedure should be directed to the appropriate program office. Suggestions about the procedure should be directed to the Office of General Counsel.
2. **California's Ralph M. Brown Act** (Govt. Code, Sections 54950-62) requires that all meetings of citizens advisory committees *established by the Board of Education* (District Advisory Committee for Compensatory Education, District Advisory Committee for Special Education, Community Advisory Committee on Utilization of Excess School Property, Facilities Steering Committee, Area Planning Committees, District Bilingual Advisory Committee, and Advisory Committee for Equity in Student Placement Oversight Committee) be open and public. The act also sets forth procedures relative to calling and conducting such meetings (outlined below).
3. **General Rule**
 - a. The overriding intent and spirit of the Ralph M. Brown Act is that meetings of citizens advisory committees must be completely open and public, and all persons must be permitted to attend (Govt. Code, Section 54950). In harmony with the intent of the act, members of the public also have a right to inspect and make copies of any minutes, reports, resolutions, or motions taken in connection with committee meetings. (See 39 Ops. Cal. Atty. Gen. 298 [1962]; also see California Public Records Act, Govt. Code, Sec. 6250, *et seq.*)
 - b. A citizens advisory committee may *not* require members of the public to register their names, complete questionnaires, or fulfill any other condition in order to attend a public meeting of the committee.

4. Written Notice of Meetings

- a. If a citizens advisory committee desires, it may adopt a bylaw or other rule setting forth a schedule of times, places, and dates of its regular meetings. Each committee member should receive a copy of the schedule, and the schedule should be posted in a prominent place where it may be viewed by parents, teachers, and other members of the public. Written notice of each regular or special meeting must be delivered personally or by mail at least seven days before the time of the meeting to every person who has requested such notice in writing. (Govt. Code, Section. 54954.1)
- b. **Subcommittee meetings.** If a subcommittee, *consisting of less than a quorum of the citizens advisory committee*, is created by the committee, the subcommittee is not required to give written notice for its meetings (Govt. Code, Section 54954.2). However, if a subcommittee contains a quorum or more than a quorum of the whole committee, written notices specified above must be given.

5. **Place of Meetings.** All meetings of citizens advisory committees and subcommittees must be held within the boundaries of the San Diego Unified School District except for certain specified exceptions (Govt. Code Section 54952). Because such meetings are open and public, they should be held in public places which have adequate space, chairs, and ventilation to accommodate members of the public in a reasonably comfortable manner (Govt. Code, Section 54954). Under no circumstances may any committee or subcommittee meeting or other function be conducted in any facility that prohibits admittance of any person on the basis of race, religious creed, color, national origin, ancestry, or sex (Govt. Code, Section 54961).

6. Control of Meetings

- a. The requirement that meetings of citizens advisory committees be open and public does *not* mean that committees are powerless to control their own meetings. On the contrary, citizens advisory committees may prepare meeting agendas, govern meetings under agreed-upon rules of parliamentary procedure, and prohibit anyone other than duly elected or appointed committee members (or other persons authorized by such members) to participate in deliberations and vote upon proposals for committee action.
- b. **Rights of the public.** While the Ralph M. Brown Act requires meetings to be open to the public, it does not guarantee members of the public a right to actively participate in such meetings; the only rights the act gives the public are the right to know that a meeting is scheduled, the right to be present at a meeting, and the right to hear and see what is happening at a meeting. Every regular and special meeting agenda shall provide an opportunity for members of the public to directly address the advisory committee on any item of interest to the public, before or during the advisory committee's consideration of the item. However, the agenda need not provide an opportunity for members of the public to address the advisory committee

on any item that has already been considered by the committee. (Govt. Code, Section 54954.3)

- c. **Willful Interruption.** If a meeting is willfully interrupted so as to render orderly conduct of a meeting unfeasible, and order cannot be restored by removal of the person who are willfully interrupting the meeting, a committee may order the meeting room cleared and continue in session (Govt. Code, Section 54957.9). During the "cleared" portion of a meeting, representatives of the press and other news media have a right to remain, and committee members are limited to considering and acting only upon items of business listed on the agenda of the meeting.

7. **Violation of Ralph M. Brown Act.** Govt. Code, Section 54959, declares:

Each member of a legislative body who attends a meeting of the legislative body where action is taken in violation of any provision of this chapter where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter is guilty of a misdemeanor.

The key words "action taken" are defined in the Ralph M. Brown Act as:

. . . a collective decision made by a majority of the members of a (citizens advisory committee), . . . a collective commitment or promise by a majority of the members of a (citizens advisory committee), . . . or an actual vote by a majority of the members of a (citizens advisory committee) when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance. (Govt. Code, Section 54952.6)

Compliance with provisions of the Ralph M. Brown Act also may be required through injunctions issued by the local Superior Court (Govt. Code, Section 54960). As a matter of general information, it should be observed that since 1953, when the Ralph M. Brown Act was added to California's statutory law, there has been no reported appellate court case involving a conviction of the misdemeanor sanction of the act. However, there have been a few court cases involving granting of injunctions. These facts should be interpreted as a general tribute to public officials who attempt conscientiously to comply with the Ralph M. Brown Act rather than as a reluctance of law enforcement officers or the courts to enforce an important state law.

8. **Requests for Information.** Any member of a citizens advisory committee or school principal who desires further clarification of applicability of the Ralph M. Brown Act to his or her participation may contact the Office of General Counsel or the appropriate program office.

- D. **IMPLEMENTATION** (Refer to C.)
- E. **FORMS AND AUXILIARY REFERENCES**
- F. **REPORTS AND RECORDS**
- G. **APPROVED BY**

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