

## **The Brown Act: How and Why It Affects the Larchmont Schools Board of Director Meetings**

The Ralph M. Brown Act, also known as California's "Open Meeting Law," is legislation designed to insure transparency in government meetings. The Brown Act can be found in the Government Code, starting at Section 54950 and following. As a public charter school, Larchmont Schools is considered to be a "local agency" and is subject to the Brown Act because it is a public school and receives state funds. The Larchmont Schools' charters also include affirmations of compliance with the Brown Act.

### **Purpose**

The Brown Act aims to insure that all substantive discussions of public entities' governing bodies (i.e. Boards of Directors and certain committees) are held in public, and that, in the case of Larchmont Schools, that school business is not discussed outside of regularly or specially scheduled and publically noticed Board meetings.

### **Agenda and Noticing of Meetings**

The Brown Act states that all meetings of "legislative bodies" (e.g., the Board of Directors and its committees) must be properly noticed and open to the public. Meetings are noticed by posting an agenda in a publically available location and listing the items of business for Board discussion and action, including closed session matters (Section 54954.2(a)). The purpose of providing notice by the posting of the agenda is two-fold: to notify members of the public about the meeting and to inform them of the topics of Board discussion and action.

Regularly scheduled meetings must be noticed at least 72 hours prior to the meeting date and time, while special meetings must be noticed at least 24 hours in advance (Sections 54954.2(a) and 54956). Emergency meetings need only be noticed 1 hour prior to the meeting time, but can only be held in the case of work stoppage that seriously impairs public health, safety, or both, or in the case of crippling disaster (Section 54956.5).

The Larchmont Schools notices each Board meeting by posting an agenda in the main office of each campus, as well as in the parking lot on the exterior of the gate. Board meeting agendas are also posted online at the BOD website: <http://bod.larchmontcharter.org/upcoming-board-meetings-and-actions>

### **Closed Session**

Although the Legislature drafted the Brown Act with a clear presumption in favor of public access and transparency, the Brown Act also contains specifically defined exceptions from the open meeting requirements where there is a demonstrated need for confidentiality. Permissible closed session topics include, but are not limited to, discussion and action on personnel matters, pupil discipline, real estate negotiations, and to receive legal counsel on pending or current litigation. (See, for example, Sections 54956.8, 54956.9, 54957, etc.).

The Board of Directors may hold closed session so long as it an allowable closed session topic, and is noticed on the meeting agenda and orally announced by a member of the Board prior to holding the session. After completing closed session, the Board must return to open session and report on any action taken during closed session. (Sections 54957.1, 54957.7).

### **Public Comment**

The Brown Act provides members of the public with opportunities to comment on agendized items for that meeting date. The Brown Act also allows members of the public to comment on non-agendized items if the subject matter has not already been considered by the Board or if the circumstances have dramatically changed since the most recent time it was discussed. (Section 54954.3).

Public comment on agendized items can occur before or during Board consideration of the agendized item. Public comment on non-agendized items can occur at the beginning or end of the Board meeting, and time will be set aside during the Public Comment section of the meeting). (Section 54954.3).

While the Board of Directors will listen to each public comment, it is the policy of the Board of Directors not to directly converse with or reply to the public during their public comment on non-agendized items. This policy is in place to prevent the substantive discussion of non-agendized items, and therefore to prevent violations of the Brown Act. Every member of the public should have equal notice of a substantive discussion by the Board. Ad hoc substantive discussions with members of the public on non-agendized items run counter to this aim.

### **Access to Materials**

The Brown Act requires that all materials distributed to all or a majority of the Larchmont Schools Board for discussion or consideration in open session of a public meeting be made available to the public (Section 54957.5). All Board materials from the 10-11 school year and on can be reviewed on the Board of Directors website, at <http://bod.larchmontcharter.org/home>. Copies of all documents up for review, discussion and consideration by the Board are also available to attendees at each Board meeting. Documents reviewed at Board meetings prior to October 2010 are available in the main office of the LCS Elementary campus, located at:

815 N. El Centro Ave.  
Los Angeles, CA 90038

### **To learn more about the Brown Act**

Office of the Attorney General, California: <http://oag.ca.gov/>

Brown Act Pamphlet: <http://tinyurl.com/5urd9br>

2003 Main Brown Act PDF: [http://ag.ca.gov/publications/2003\\_Main\\_BrownAct.pdf](http://ag.ca.gov/publications/2003_Main_BrownAct.pdf)