

Brown Act Compliance at School Board Meetings

Summary

After attending and observing random school board meetings throughout the County, the Ventura County 2004-2005 Grand Jury has concluded that Brown Act requirements are being met.

Background

Alleged Brown Act violations appeared during investigations concerning various Ventura County school boards. These alleged violations prompted the Grand Jury to randomly select, attend and observe school board meetings throughout Ventura County to monitor Brown Act compliance.

The Ralph M. Brown Act was signed into law in 1953. The Brown Act, as it is known, has evolved under a series of amendments and court decisions and has been the model for other open meeting laws, such as the Bagley-Keene Act enacted in 1967 to cover state agencies.

Two key parts of the Brown Act have not changed since its passage. One is the intent section, which begins:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards, councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants their right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

A second key part is the sentence that is often considered the basis of the act, which declares:

All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

Although these two key provisions have remained intact, little else in the Brown Act has. Changes have been adopted in numerous sessions of the legislature. The Brown Act now covers virtually every type of local government body, elected or appointed, decision-making or advisory, permanent or temporary. Even some types of private organizations are covered.

Methodology

The Grand Jury interviewed the Ventura County Superintendent of Schools. Grand Jury members attended board meetings of nine randomly selected Ventura County school districts using prepared checklists to monitor, record and compare compliance with key Brown Act provisions.

Findings

- F-01.** The Superintendent of Ventura County Schools prepared and distributed training materials explaining Brown Act requirements for county school boards.
- F-02.** The Brown Act was often referred to in meeting agendas.
- F-03.** The Brown Act was often referred to verbally during meetings.
- F-04.** No violations of the Brown Act were observed at the monitored meetings.

Conclusions

- C-01.** Both school board members and the public appeared to be aware of the Brown Act. (F-01 thru F-03)
- C-02.** Based on the meetings monitored, the Brown Act is being observed. (F-04)
- C-03.** The Brown Act has had a major impact on the way public school boards conduct business. (F-01 thru F-04)

Recommendations

None noted.

Responses

None required.

Attachments

1. Brown Act Observance Checklist

Checklist

Brown Act Observance at School Board Meetings

1. Public may comment on agenda items before or during consideration by board.
2. Time must be set aside for public to comment on any other matter under the board's jurisdiction.
3. Meeting facilities accessible to disabled persons.
4. Public may obtain a copy (at cost) of an existing recording made available by board.
5. Public may listen/view an original tape made by board.
6. All votes must be cast in public: not secret ballots.
7. At an open meeting following a closed session, the body must report on final action taken in the closed session. (Public may receive copies of contracts, settlements, etc.)
8. Public may not be asked to register or identify themselves to attend public meetings.
9. Materials provided to a majority of a body not exempt from disclosure must be provided, upon request, to members of the public without delay.
10. Agenda containing a brief description of each matter to be considered or discussed must be posted at least 72 hours prior to meeting.
11. Twenty-four hour notice must be provided to members of legislative body and media outlets including brief description of matters to be considered or discussed.
12. All items to be considered in closed session must be described in the notice or agenda for the meeting.

Attachment (1)

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