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# BROWN ACT TRAINING

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CHARTER TERM 2021 - 2026



2020/2021

ENCORE EDUCATION CORPORATION  
16955 Lemon Street, Hesperia, CA 92345

## Preface

### Goals for Board Leadership

Encore Education Corporation is a nonprofit corporation registered in the state of California that was established in 2007. Encore opened for students on 08/08/08 with a volunteer board of five members. The board for Encore follows the Ralph M. Brown Act (*California Government Code 54950 et seq.*)

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The goal of this annual training is to make sure that the public is aware and able to participate in all public Board meetings that deal with important decision making from Encore's Board of Directors. With proper training and implementation of the Brown Act, Encore will be able to continue transparency with the public (including parents and employees) and our chartering authority.

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## Introduction

### What is the Brown Act?

California Government Code 54950 *et seq.* is an act of the California State Legislature, authorized by Assemblymember Ralph M. Brown and passed in 1953. The purpose of this legislation is to guarantee that the public has a right to attend and participate in public meetings of local legislative boards, councils, and government bodies.

The way the Act was described by the Sacramento Bee:

“A law to prohibit secret meetings of official bodies, save under the most exceptional circumstances, should not be necessary. Public officers above all other persons should be imbued with the truth that their business is the public's business and they should be the last to tolerate any attempt to keep the people from being fully informed as to what is going on in official agencies. Unfortunately, however, that is not always the case. Instances are many in which officials have contrived, deliberately and shamefully, to operate in a vacuum of secrecy.” – October 5, 1952

### The Overall Goals of the Brown Act and Encore Education Corporation

Encore follows the Brown Act to make sure that the general public has access to the public meetings that make decisions about student education, use of public funds, school employees, and overall success and achievement of the corporation. By employing the use of the Brown Act, beyond being legally compliant, it gives all stakeholders of Encore a voice and an opportunity to be informed.

By following the Brown Act for public meetings, Encore will:

1. Be in compliance with California legal requirements for public meetings.
2. Avoid complaints regarding serial meetings and like.
3. Keep the public and authorizers informed of what is happening at Encore.

### Brown Act as stated in Encore's Charter Renewal Petition

#### Brown Act Compliance

The Encore Board, and all other “legislative bodies” of Encore, as that term is defined in the Brown Act, shall hold all meetings in accordance with the requirements of the Ralph M. Brown Act as set forth in California Government Codes Section 54950 *et seq.*, Education Code Section 47604.1, the Encore Board's Bylaws, and any new legislation that goes into effect during the term of this Charter. Each legislative body shall post its agendas and copies of the meeting minutes on Encore's website. The homepage of Encore's website shall include a prominent, direct link to the current agenda for each legislative body in accordance with Government Code Section 54954.2.

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All approved meeting minutes and any recordings that are made of meetings shall be promptly posted on Encore's website.

All backup Board materials for the meetings will be made available to the public at the later of (1) the posting of the agenda, or (2) the time that the staff provides a final copy of agenda materials to a majority of the members of the Board of Directors.

Regular meetings of the Encore Education Corporation Encore School Board take place at a time and place designated by the Board of Directors. Meeting agendas are posted in Encore office windows and Encore marquees that allow for continuous public access. Meeting agendas are also posted on the Encore website with a prominent, direct link on the homepage.

The Encore Education Corporation Encore School Board, administration, and curriculum development team members undergo Brown Act training by a qualified individual on an annual basis. The most recent training was conducted in July of 2020 by the Young, Minney & Corr law firm.

### Annual Training

The Board of Directors, Encore's administration, and curriculum development team members shall undergo detailed training regarding conflicts of interest, specifically including the Political Reform Act of 1974 ("PRA") and Government Code Section 1090 *et seq.*, the Brown Act, and the Public Records Act on at least an annual basis throughout the term of the Charter. The training shall be conducted by an individual or entity with demonstrated professional knowledge and expertise in the law, regulations, and rules governing conflicts of interests, specifically including the PRA and Government Code Section 1090 *et seq.*, the Brown Act, and the Public Records Act, and shall not be conducted by an Encore Board member or employee. Any new Board member and/or administrator shall undergo such training within 60 days of taking the position with Encore. All such training must be conducted by a professional expert, and cannot be provided by another person, including an Encore officer or employee using materials provided by a professional expert.

### Procedures for Brown Act Compliance

Encore has specific procedures for making sure that the public school board meetings are in compliance of the Brown Act.

1. Encore assigns a specific Executive Assistant that is responsible for compiling the agenda every month.
  - a. This assistant works directly with the CEO and Board President to follow the organized calendar of specific items that will be covered within a Board meeting each month.

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- b. The assistant contacts the people responsible for public reports to make sure that they turn in their board presentations and/or reports prior to the review deadline for the Board the meeting.
  - c. The assistant uses the online system, “Board on Track” that is directly linked to Encore’s website to make sure that the posting is done in compliance with the Brown Act.
2. Encore uses Board on Track for ease of use with Board agendas and reporting.
- a. Board on Track provides charter schools with an online governance platform and expert guidance.
  - b. Board on Track membership provides expert guidance (without hourly consulting fees) and access to an intuitive, all-in-one board management platform.
  - c. Board on Track creates data driven confirmation that the board is functioning at the highest level – using priorities, people, process, progress, and performance as benchmarks for the Board
    - i. Measure Board Performance
    - ii. Recruit the right Board members
    - iii. Focus on progress
    - iv. Evaluate the CEO Effectively
    - v. Operating Transparently and Efficiently
  - d. Board on Track automates the posting of agendas and minutes on time, every time, straight to the website, providing Brown Act compliance for charter school boards throughout California.
    - i. Board on Track time stamps the agendas at the time of posting.
    - ii. Board on Track automatically sends the agendas and the Board packets to the Board and the staff at time of posting.
    - iii. Board on Track posts reminders of posting deadlines for agendas.
    - iv. Board on Track keeps track of Board members and staff members that are attending the meeting and notifies you if you do not have quorum.
    - v. Board on Track automates the process of taking minutes during a meeting so meeting minutes are kept on the platform and draft minutes are ready in real time at the close of the meeting.
    - vi. Board on Track helps automate the agenda building process, saving time and keeping focus on the meeting agendas.
    - vii. Board on track stores all of the board documents on the platform creating an easy organization system, providing the public with access to all public documents all the time AND providing the Board members with board documents all the time.
  - e. Encore Education Corporation Board approved the adoption of this platform in November of 2020 and started onboarding the process in December 2020.
  - f. Encore Education Corporation anticipates that it will take a full year for complete onboarding of the program/platform.
3. Public accessibility
- a. Encore has access to the Next Board Meeting Agenda automatically in the bottom margin of every page on the [encorehighschool.com](http://encorehighschool.com) website.
  - b. Accessibility to the online streaming board meeting can be accessed on the bottom margin of every page on the [encorehighschool.com](http://encorehighschool.com) website.

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- c. On the top margin of the page at [encorehighschool.com](http://encorehighschool.com), if you click on the “Board” link, it will take you to an overview of the Encore Board of Directors and a button that will direct you to Encore’s “Board on Track” pages.
  - i. On these pages, all important documents public documents are accessible 24 per day.
  - ii. Archived documents are available by contacting Encore’s front office.

### What are the components of the annual Brown Act training?

1. [Agendas](#) – Covers topics related to regular, special, and emergency meetings and posting requirements.
2. [Closed Session](#) – Covers topics including the items that can be discussed in closed session, who attends closed session, and which discussion items may or may not be discussed in closed session.
3. [Location and Teleconferencing](#) – Covers where and how a governing board may meet in-person and via teleconference.
4. [Rights of the Public](#) – Covers requirements regarding meeting notices, public participation, and the availability of meeting documents.
5. [Who and What](#) – Covers who must comply with the Brown Act and defines “meetings” (including serial meetings and gatherings) as referred to in the Brown Act.

### Brown Act Complaints

When a Brown Act violation complaint is received by Encore, Encore will conduct the appropriate investigation as outlined by Encore’s complaint policy.

Encore Education Corporation will provide all materials regarding the Brown Act Complaint including posting, quorum, minutes, and any other materials needed in the investigation to Encore’s legal team to review the Brown Act Compliance Complaint. The results of the investigation will be given to the Encore School Board.

Brown Act complaint data will be published annually in a school board meeting in July prior to annual board training.

### Benchmarks for Compliance

As part of Encore’s charter renewal for the 2021 – 2026 term, Encore has put into place some benchmarks for compliance of the Brown Act to confirm ongoing compliance with the Brown Act.

- Beginning December 2020, Encore will make sure that the draft of each regular board meeting is provided to Encore’s legal counsel no later than the Tuesday prior to the meeting to undergo legal review.
- Beginning December 2020, Encore will make sure that drafts of all special and emergency board meetings are reviewed by legal counsel prior to posting.
- Legal review of all Board agendas prior to posting will be permanent.

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- Beginning December of 2020, Encore will have all board meetings between December 2020 through July 2021 attended by Encore's legal counsel in their entirety to refresh training and give insight to any adjustments to procedures during the board meeting.
- In July 2021, the Board president and Encore's legal counsel will resolve whether additional training is needed and if legal counsel will be required to continue to attend and train at all Board meetings.
- Continuing in July of 2021, Encore's legal counsel will conduct annual Brown Act and Conflict of Interest training for all Board members and leadership roles.
- For any person added to the Board or leadership roles in the interim of annual training, that person will be required to complete the Online Brown Act Training offered by the Young, Minney & Corr law firm.

### How will Encore Measure Success?

Encore will measure success of implementation of the Brown Act by the number of Brown Act violation complaints that are sustained each school year.

- In July of every school year, just prior to the start of Brown Act training in the Board meeting, Encore's Executive Assistant will report the annual number of Brown Act violation complaints Encore has received for the prior school year and the disposition of each complaint.