

BROWN ACT TRAINING 2024:
**CAMINO NUEVO
CHARTER ACADEMY**

Presented by John Lemmo

YM&C

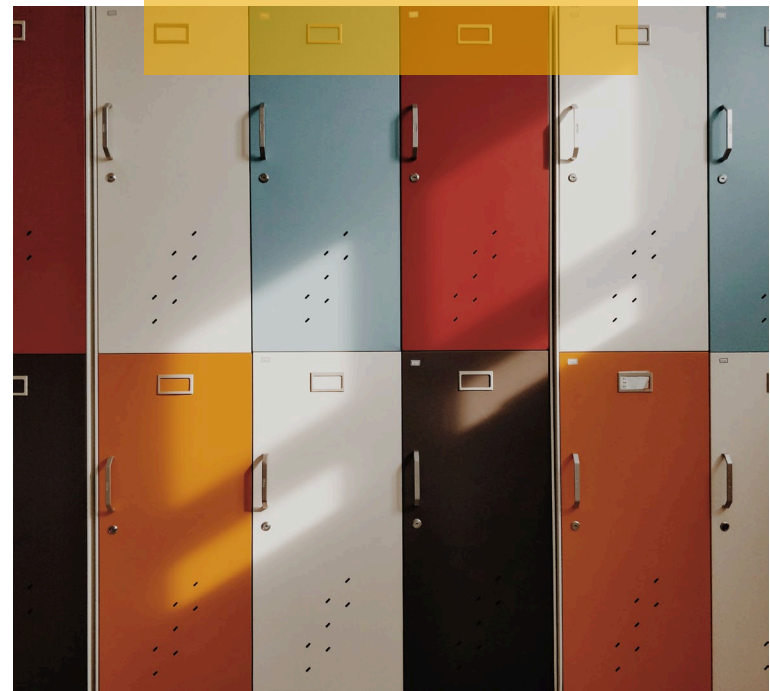
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TOPICS WE'LL COVER

- ✓ Roles and Responsibilities of Board Members and Management
- ✓ Running public meetings (Brown Act)
- ✓ Questions?



ROLES AND RESPONSIBILITIES

Independent charter schools are run by nonprofit corporations:

- Board of Directors is the governing body with legal responsibility for the charter school.

BOARD'S ROLE

- Board ensures long-term viability of the organization
 - Ultimately responsible for the overall health and performance of the school
- Board monitors school's performance and other data to inform its decisions
- Board hires, evaluates, and compensates CEO

TYPICAL ROLES AND RESPONSIBILITIES

Board Approves “The Big Stuff”:

- Annual budget
- LCAP
- Major contracts (leases, loans)
- Reviews and monitors financial policies and procedures, budget, and finances to inform and evaluate resource allocation
- Hires and evaluates CEO

CEO (Management)

- In charge of day-to-day operations
- Selection of all other staff

BROWN ACT (OPEN MEETING LAW)

Holding Meetings

- Boards take action at “meetings”
- What is a “meeting”?
 - “Any congregation of a majority of the members of a legislative body ... to hear, discuss, or deliberate, or take action on any item.” You may not, “outside a meeting ... use a series of communications ... directly or through intermediaries, to discuss, deliberate, or take action” (Gov. Code sec. 54952.2)
- Avoid inadvertent serial meetings through email or text communications.

BOARD COMMITTEE MEETINGS

Brown Act applies to committees created by board, even if just advisory:

- Applies to “standing” board committees (e.g., finance committee)
- “Ad hoc” committees exempt

TIP: Brown Act does not apply to non-board “committees”. The CEO may set up their own advisory teams, which can also inform and ultimately advise the Board.

About Committees

- Committees exercising the authority of the board
- Other committees

Brown Act “types” of meetings

- “Regular” meetings require 72 hours posting of notice
- “Special” meetings require 24 hours notice
- What about an “emergency”?
- Teleconferencing
 - Non-emergency “standard” teleconferencing (the same rules we’ve had for years)
 - Quorum must be physically present in Los Angeles County
 - The new AB 2449 special rule for personal emergencies and “just cause”
 - Complicated and cumbersome

HOLDING MEETINGS

Brown Act limits meeting to posted agenda:

- Brief general description of business to be transacted (20 words or less)
- Post in publicly accessible place at/near location
- Adding items to regular agenda

Must post agenda on website:

- Record how members vote

TIP: If you miss 72-hour posting deadline to include an item on regular agenda, you can still post a special meeting agenda with 24 hours notice for same time and place.

SB 126 RULES REGARDING MEETING LOCATIONS AND MULTI-SITE TELECONFERENCING

- SB126 imposes additional rules as part of Ed. Code for charters only —not actually part of the Brown Act
- Meeting location requirements vary depending on number of school sites and counties you operate in
- Does not apply to committees

| ENTITY WITH SINGLE CHARTER | ENTITY WITH MULTIPLE CHARTERS | |
|--|---|--|
| | SAME COUNTY | MULTIPLE COUNTIES |
| Meet within boundaries of county where authorized and located | Meet within boundaries of county where authorized and located | Meet in county where greatest number of pupils reside (might change over time) |
| Two-way teleconference from each site* if you have more than one | Two-way teleconference from each site* | Two-way teleconference from each site* |
| | | Audio/video record and post to website |

*Includes school sites and resource centers.

WHEN IS IT NOT A “MEETING”?

- Limited exceptions to open meeting rules (i.e., not a “meeting”):
 - Conference or public gathering that involves a discussion of issues of general interest (e.g., CCSA annual conference)*
 - Open community meeting or another agency’s public meeting*
 - Social or ceremonial occasions (e.g., commencement or holiday party)*
- What about annual board retreat, strategic planning sessions, board study sessions?
 - These are all “meetings”

**So long as the directors do not discuss agency/school business amongst themselves.*

HOLDING MEETINGS-CLOSED SESSION

Brown Act limits “closed” sessions:

- Limited
- Statutory basis must be identified in agenda, such as...
 - Litigation (identify matter)
 - Personnel evaluation, termination (identify position)
 - Real estate negotiations (identify property and negotiators)
- Stick to the closed session topic
 - Don't stray into topics that should be discussed in open session
 - No compensation votes in closed session

HOLDING MEETINGS

- Rights of Public:
 - Speak before action taken on any item (including closed session)
 - Publicly accessible location (with disabled access)
 - Public comment can (and should) be time-limited
 - At regular meeting to address board on something not on agenda
- Disruptive attendees



QUESTIONS?

THANK YOU

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