An Overview of Parent Advisory Committees and Public Meeting Requirements
(The Brown Act and Greene Act)

Ralph M. Brown Act (Government Code 54950-54963)

The Brown Act is an open meeting law for local governments. Its main purpose is to ensure right of public access to how local governments make decisions.

Coverage
- Applies to all “legislative bodies” of “local agencies,” including school districts
- Includes “governing body” (school board) and “subsidiary bodies”
  - Subsidiary body = any board, commission, or committee created by “formal action,” whether its members are “appointed or elected”

Important Public Access Requirements
- All formal actions or decisions must take place at public meeting
- Prior notice of public meeting, with agenda for the meeting, is required
  - Generally, the agenda must be posted at least 72 hours before meeting
  - Materials considered during meeting must be publicly available
  - The legislative body cannot consider items not listed on the agenda
- Members of the public must be allowed to provide comment on any item
- Key rule to prevent legislative bodies from avoiding these requirements:
  - Communication about any formal action that involves a majority of members of the body and occurs outside public meetings is prohibited

What happens if there is a violation?
- Any member of public can sue to set aside the formal action and/or to prevent future violations by the body
- Possible criminal charge against individual members if:
  - They were involved in action violating the law
  - And did so with the intent to limit the public’s right of access
Leroy F. Greene School Facilities Act (Education Code 35140 – 35149)

The Greene Act creates additional public meeting requirements for school districts. The Brown Act’s rules still apply to school districts, so school boards must follow the Brown Act.

Parent Committees Exempt from Brown Act

- The Greene Act also states that certain parent advisory committees are exempt from the Brown Act (Education Code 35147(c))
- DELAC, ELACs, DACs, and School Site Councils are specifically referenced

Different Public Meeting Rules for Parent Committees

The Greene Act establishes public meeting rules for the parent committees exempt from the Brown Act. They key provisions are:

- Meetings must be open to public and allow any member of the public to speak on any issue the committee can consider.
- A notice must be posted at least 72 hours before the meeting
  - The notice must be posted at the school site or “other appropriate place accessible to the public”
  - The notice must include an agenda describing the issues to be discussed
- The committee cannot consider items unless they are on the posted agenda (with a narrow exception for emergencies)
- If the committee violates these rules, any person can require that the committee reconsider the item at its next meeting

Key differences from the Brown Act

- No provisions prohibiting communications among a majority of members outside the public meetings
- Criminal charges against individuals for intentional violations are not authorized

What about LCFF parent advisory committees?

- The Greene Act was not updated when LCFF was passed in 2013,
- So the Greene Act does not apply to a Parent Advisory Committee (PAC) or English learner parent advisory committee (ELPAC) that were created by LCFF
- Although this was clearly an oversight, PACs and ELPACs are probably subject to the Brown Act unless the law is changed
  - If a district uses an existing parent committee as its PAC or ELPAC, it is likely that the public meeting requirements from the Greene Act continue to apply

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