

CSBA Sample

Administrative Regulation

Citizen Advisory Committees

Use CSBA Sample with Revisions -
Accepted

AR 1220
Community Relations

***Note: The following optional administrative regulation may be modified to reflect district practice. ***

Committee Charge

When committees are appointed, committee members shall receive written information including, but not limited to:

1. The committee members' names
2. The procedure to be used in the selection of the committee chairperson and other committee officers
3. The name(s) and contact information of staff member(s) assigned to support the work of the committee
4. The goals and specific charge(s) of the committee, including its topic(s) for study
5. The specific period of time that the committee is expected to serve
6. Legal requirements regarding meeting conduct and public notifications
7. Resources available to help the committee perform its tasks
8. Timelines for progress reports and/or final report
9. Relevant Board policies and administrative regulations

Members of advisory committees are not vicariously liable for injuries caused by the act or omission of the district or a committee and are not liable for injuries caused by an act or omission of a committee member acting within the scope of his/her role as a member of the committee. However, a member may be liable for injury caused by his/her own wrongful conduct. (Government Code 815.2, 820.9)

(cf. 1240 - Volunteer Assistance)

(cf. 3530 - Risk Management/Insurance)

Committees Subject to Brown Act Requirements

***Note: Pursuant to Government Code 54952, open meeting laws (the Brown Act) apply to any commission, committee, board, or other body created by formal action of the Governing Board, regardless of whether that body is permanent or temporary, decision-making or advisory. Items #1-6 below are committees that are generally created by formal Board action and thus are subject to the Brown Act. [This list should be modified to add any other specific committees in the district created by formal Board action or any committees that the Board has required to follow the Brown Act. This list should be modified to delete any of the committees that were not created by formal Board action (e.g., Superintendent committees) or do not exist within the district. In *Frazer v. Dixon Unified School District*, the court held that the adoption of a Board policy that required the appointment of a committee to advise the Superintendent, and in turn, the Board, was a committee created by "formal Board action" within the meaning of Government Code 54952. Therefore, the committee's meetings were subject to the Brown Act. Districts should consult legal counsel when questions arise regarding the applicability of Brown Act requirements to district or school committees. ***

***Note: Education Code 35147 specifies exceptions, as listed in the section "Committees Not Subject to Brown Act Requirements" below. Committees composed solely of Board members who are less than a quorum of the Board may also be exempt from Brown Act requirements in limited circumstances; see BB 9130 - Board Committees. ***

Any committee created by formal action of the Governing Board shall comply with Brown Act requirements pertaining to open meetings, notices, and public participation pursuant to Government Code 54950-54963, including, but not necessarily limited to, the following:

1. ~~Advisory committee established pursuant to Education Code 56190-56194 related to special education~~

~~(cf. 0430 - Comprehensive Local Plan for Special Education)~~

2. ~~Advisory committee established pursuant to Education Code 8070 related to career-technical education~~

~~(cf. 6178 - Career Technical Education)~~

1. Committee established to assist in development of a student wellness policy pursuant to 42 USC 1758b

(cf. 5030 - Student Wellness)

4. ~~Committee established pursuant to Education Code 17387-17391 related to the use or~~

Comment [WT1]: The following deletions and additions of committees are based on the current Trustee Committee Assignments

Although deleted from this section, District staff gains input from stakeholders through other committee structures as noted on page 4

~~disposition of excess real property~~

~~(cf. 3280 – Sale or Lease of District Owned Real Property)~~

~~5. — Citizens' oversight committee established to examine the expenditure of general obligation bond or school facilities improvement bond revenues passed with a 55 percent majority of the voters pursuant to Education Code 15278 and 15359.3~~

~~(cf. 7213 – School Facilities Improvement Districts)~~

~~(cf. 7214 – General Obligation Bonds)~~

***Note: Education Code 52063, as added by AB 97 (Ch. 47, Statutes of 2013), requires the Board to establish a parent advisory committee that includes parents/guardians of "unduplicated students" (i.e., students who are eligible for free or reduced-price meals, English learners, foster youth) to review and comment on the local control and accountability plan (LCAP). If district enrollment includes at least 15 percent English learners and at least 50 students who are English learners, the Board is also required to establish an English learner parent advisory committee. See AR 0460 - Local Control and Accountability Plan. ***

***Note: In addition, pursuant to Education Code 52060, as added by AB 97, districts are required to consult on LCAP development with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students. If the district chooses to satisfy this requirement by establishing a committee consisting of representatives of all the specified groups, that committee would be subject to the Brown Act. ***

Comment [WT2]: Instead of creating a separate committee, PSD uses the established English Language Advisory Committees (ELACs) established at Sunset Ridge and IBL. These meetings are advertised district-wide.

Comment [WT3]: Instead of creating separate committees, PSD uses the following opportunities for gathering input: District Leadership Team (DLT) that includes all stakeholder groups; Stakeholder Meeting for district-wide/parent input; and separate meetings with Labor Partners

2. Committee established for the current parcel tax: Parcel Tax Oversight Committee

(cf. 0460 - Local Control and Accountability Plan)

(cf. 9130 - Board Committees)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9323 - Meeting Conduct)

Committees Not Subject to Brown Act Requirements

***Note: Pursuant to Education Code 35147, school site councils and some advisory committees, as specified in items #1-6 below, are exempt from the Brown Act, but must comply with other, less complex procedural requirements (i.e., the "mini" Brown Act). In addition, the Board may require other specific district committees that are not subject to the Brown Act to follow the requirements of the "mini" Brown Act. Such committees should be added to the list below. ***

The following committees are exempt from the Brown Act but must conform with procedural meeting requirements established in Education Code 35147:

***Note: SB 971 (Ch. 923, Statutes of 2014) repealed the Pupil Retention Block Grant and School and Library Improvement Block Grant. In addition, economic impact aid funding was redirected into the local control funding formula (LCFF) pursuant to AB 97 (Ch. 47, Statutes of 2013). Thus, school site councils are no longer required for those purposes. Any use of school site councils to assist with the determination of LCFF funding distribution is at the district's discretion. ***

Comment [WT4]: PSD uses the school site councils and other district committees to gain input regarding LCFF funding distribution.

1. School site councils established pursuant to Education Code 52852 and 64001 to develop and approve a single plan for student achievement

(cf. 0420 - School Plans/Site Councils)

2. Parent advisory committee (Parent Council) and English learner parent advisory committee (ELAC) established pursuant to Education Code 52063 to review and comment on the local control and accountability plan (LCAP) and, if applicable, any advisory committee established pursuant to Education Code 52060 to consult with the district on LCAP development

2. District or school advisory committees established pursuant to Education Code 52176 related to programs for English learners

(cf. 6174 - Education for English Language Learners)

3. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education

(cf. 6171 - Title I Programs)

5. School committees established pursuant to Education Code 11503 related to parent involvement

Comment [WT5]: PSD does not qualify for the Migrant Education Program

(cf. 6020 - Parent Involvement)

Meetings of the above councils or committees shall be open to the public. Any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate accessible location at least 72 hours before the meeting, specifying the date, time, and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon. (Education Code 35147)

The above councils or committees shall not take action on any item not listed on the agenda

unless all members present unanimously find that there is a need to take immediate action and that this need came to the council's or committee's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee, or public may ask questions or make brief statements that do not have a significant effect on district students or employees or that can be resolved solely by providing information. (Education Code 35147)

Any council or committee violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, first allowing for public input on the item. (Education Code 35147)

Any materials provided to a school site council shall be made available to any member of the public upon request pursuant to the California Public Records Act. (Education Code 35147; Government Code 6250-6270)

(cf. 1340 - Access to District Records)

***Note: Committees not specified in Education Code 35147, as listed above, which are created by the Superintendent and do not advise the Board, are not subject to any open meeting requirements. ***

Committees created by the Superintendent or designee to advise the administration and which do not report to the Board are not subject to the requirements of the Brown Act or Education Code 35147.

(cf. 2230 - Representative and Deliberative Groups)

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