



CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Department of Language Acquisition & Development

District Advisory Council/District English Learner Advisory Committee

By-Laws

Article 1

Name

The name of this council shall be the Chula Vista Elementary School District Advisory Council (DAC)/District English Learner Advisory Committee (DELAC).

Article 2A

Role of District Advisory Council (DAC)

The role of the Council shall be to facilitate open two-way communication between parents/community members and the District. The following list outlines responsibilities of the Council:

1. Disseminate information relevant to specially funded programs.
2. Serve in an advisory capacity to the Board of Education.
3. Participate in the development and review of the current state (Local Control Funding Formula) and federal (Title I) funding (previously titled Categorical Funding) regulations, i.e. Consolidated Application and Reporting System (CARS) and make recommendations on related action items.
4. Assist in implementing Districtwide school improvement programs such as School Site Council training, School Improvement Process, and State and Federal Program Monitoring.
5. Review the legal requirements of programs specially funded by state through the Local Control Accountability Plan (LCAP) and federal monies through the Local Education Agency Plan (LEAP), to include target groups such as social-economically disadvantaged, English Learners, and Foster Youth.
6. Promote communication and support for all School Site Council, English Learner Advisory Committees and their members.
7. Report back the information learned at DAC/DELAC to site committees.
8. Enhance the development of leadership roles for parents by encouraging and advocating parent participation/engagement in local, regional, and state conferences that promote and support parents of all language/ethnic groups.

Article 2B
EC 52176

Role of District English Learner Advisory Committee (DELAC)

The major functions of the District English Learner Advisory Committee shall be to advise the District's Governing Board (in writing, in person, by letter or report) on at least the following:

1. Development or revision of a District master plan of education programs and services for English Learners, taking into account the Single School Plan for Student Achievement. (5 CCR 11308[c][1])
2. Participate in the development and review of the current state (Local Control Funding Formula) and federal (Title I and Title III) funding (previously titled Categorical Funding) regulations, i.e. Consolidated Application and Reporting System (CARS) and make recommendations on related action items.

3. Review the legal requirements of programs specially funded by state through the Local Control Accountability Plan (LCAP) and federal monies through the Local Education Agency Plan (LEAP), to include target groups such as low income, English Learners, and Foster Youth.
4. Conduct Districtwide needs assessment on a school-by-school basis. (5 CCR 11308[c][2]) – See By-Laws Article 9
5. Establish District programs, goals, and objectives to service English Learners (e.g. Parental exception waivers, and funding). (5 CCR 11308[c][3])
6. Ensure compliance with highly qualified teacher and instructional aide requirements. (5 CCR 11308[c][4])
7. Review of the Annual Language Census (5 CCR 11308[c][5])
8. Review and comment on the District reclassification procedures established pursuant to Education Code Section 52164.6. (5 CCR 11308[c][6])
9. Review and comment on the written initial and annual notifications required to be sent to parents and guardians on the initial registration, school events, and program options regarding program options pursuant to Education Code Section 48985. (5 CCR 11308[c][7])
10. Review the process for Parent Exception Waivers pertaining to programs and services for English Learners.
11. Report back the information learned at the DAC/DELAC to site committees.

In addition, the Chula Vista Elementary School District DELAC shall also advise on:

12. English Learner programs and services, including Alternative Bilingual, Structured English Immersion (SEI), Mainstream English Instruction (MEI), and Dual Language Immersion (DLI) programs.
13. Development of District goals for English Learner education to promote English language acquisition, academic achievement, and programs of multiliteracy.
14. Support school sites in promoting and providing timely information and training to ELAC members and parents of English Learners on the importance of the EL Master Plan components, to include:
 - Description of program placement options and goals for English language learners (may include DVD, brochure, FAQ, parent information meeting(s)/Conferences, and Initial Notification)
 - Initial Enrollment (i.e. Home Language Survey, program options, parent information, waiver options, and FAQ)
 - Any waiver request affecting programs and services for English Learners (SEI, MEI, Alternative/Bilingual, DLI)
 - Home Language Survey
 - Review and comment on the District reclassification procedures established pursuant to Education Code Section 52164.6.

**Article 3
3a**

Membership

DAC

Section 1: Voting of Council

Each school site shall annually elect one (1) parent representative and a parent alternate to vote if representative is absent.

The DAC Executive Board parent members shall be voting members and shall not be site representatives.

A parent who is a District employee may serve on the DAC provided the parent is not an employee at the school site that is being represented.

Section 2: Non-voting Members/Ex-Oficio

Each principal and/or associate principal shall be an *ex-officio (non-voting)* member of DAC.

Section 3: DAC Election Results and Documentation:

Each school shall annually submit to Language Acquisition and Development Department, a copy of the parent notification flyer of DAC elections, DAC Election Guidelines Checklist (please see Attachment A), sample ballot and or minutes signed by the principal and the SSC Chairperson verifying DAC elections and results. The election documents shall be submitted to Language Acquisition and Development Department within 14 days of the DAC elections and will be shared with the DAC/DELAC Executive Board within 10 days.

Membership

ELAC

Purpose: To provide a voice that represents the interests and educational needs of English Learners.

Steps to Address the Requirements:

1. The site will determine the percentage of English Learners at the school.
2. Determine the preliminary size of the advisory committee.
3. Notify the Parent Community of ELAC Elections. The principal shall notify all parents that an election of ELAC members will occur and that nominations are open. This notification shall be sent home to parents.
4. Election of Members to Serve on the ELAC. District Policy (BP 6020 and AR 6020) requires that only parents/guardians of English Learners elect the parent/guardian members of the ELAC. Parents of students who are reclassified Fluent English Proficient are no longer considered parents of English Learners, and therefore are not eligible to vote in the election of ELAC.
5. The percentage of parents of English Learners on the committee must be at least the same as that of English Learners at the school.
6. Parents of non-English Learners and staff may also be part of the committee, as long as they are elected by the parents/guardians of English Learners.
7. The elected parent members form the ELAC committee.
8. The elected ELAC committee members shall elect a DELAC representative and an alternate. For additional reference on the election process please refer to ATTACHMENT B.

Additional Recommended Steps:

9. While ELAC By-Laws are not required, they are highly recommended.
10. For schools with less than fifty percent English Learners, it is recommended that at least fifty one percent of the committee be comprised of EL parents; this can be achieved through a site ELAC By-Law adoption/amendment.
11. It is recommended that nominations for the site ELAC committee members and ELAC elections be completed by the end of the first quarter.
12. Once a school site ELAC committee is elected, they may elect ELAC officers.

Requirements:

I-EL 2. A school site with 21 or more English Learners has a functioning English Learner Advisory Committee (ELAC) that meets the following requirements:

- (a) Parent members are elected by parents or guardians of English Learners. (5 CCR 11308[b]; EC 62002.5)
- (b) Parents of English Learners constitute at least the same percentage of the committee membership as their children represent of the student body. (EC 62002.5, 52176[b])
- (c) The ELAC has advised the school site council (SSC) on the development of the Single School Plan for Student Achievement. (EC 64001[a])
- (d) The ELAC has advised the principal and staff on the school's program for English Learners. (EC 52176[c], 62002.5)
- (e) The ELAC has assisted in the development of the school's:
 - Needs assessment
 - Language census (R-30LC)
 - Efforts to make parents aware of the importance of regular school attendance

(EC 62002.5, 52176[c])

- (f) The ELAC has received training materials and training, planned in full consultation with committee members, to assist members in carrying out their responsibilities. (EC 35147[c]; 5 CCR 11308[d])
- (g) The ELAC has the opportunity to elect at least one member to the DELAC or has participated in a proportionate regional representation scheme when there are 31 or more English Learner parent advisory committees in the District. (5 CCR 11308[b])

(EC 62002.5, 52176[b], 35147; 20 USC 6312[g][4])

3b

ELAC/DELAC Election Results and Documentation:

Each school shall annually submit to Language Acquisition and Development Department, a copy of the parent notification flyer of ELAC elections, ELAC/DELAC Election Guidelines Checklist (please see Attachment B), sample Ballot and or minutes signed by the principal and the ELAC Chairperson verifying ELAC and DELAC elections and results. The election documents shall be submitted to Language Acquisition and Development Department within 14 days of the school elections and will be shared with the DAC/DELAC Executive Board within 10 days.

3c

DELAC

All DELAC members **shall be elected** by site ELAC committees.

Each English Learner Advisory Committee **shall annually elect** one (1) parent representative and an alternate, to vote if the representative is absent.

Parents or guardians of English Learners not employed by the District must constitute a majority membership (51 percent or more) of the committee. Up to 49% of the DELAC membership may be comprised from the following:

- A parent who is a District employee, not employed at their child's school site
- Parent or legal guardian of non-English Learners
- Community member

If their child should cease to attend the school site, which the parent represents, they may continue to serve as a community member as long as the 51% majority membership is maintained.

The DELAC Executive Board parent members shall be voting members and shall not be site representatives.

Section 2: Non-voting Members (*Ex-officio*)

Each principal and/or associate principal shall be an *ex-officio (non-voting)* member of DELAC.

Section 3: Termination of DAC/DELAC Membership

A parent representative shall no longer hold membership if:

1. The representative is absent from three (3) meetings a year.
2. The representative becomes an employee of the District at that school site.
3. The DAC by a majority vote of all voting representatives present removes the representative.
4. The DELAC by a majority vote of all voting representatives present, removes the representative.

Section 4: Vacancy of DAC/DELAC

Any DAC/DELAC vacancies shall be filled by the site's alternate for the remainder of the school year. If there is no alternate, an election shall be conducted within a month to fill the vacancy.

Section 5: Resignation of DAC/DELAC Representative

Any representative may resign by submitting a written resignation with the site principal, and the principal will subsequently notify the Department of Language Acquisition and Development Office (LAD). The Department of Language Acquisition and Development Office will provide this information to the DAC/DELAC Executive Board.

Article 4

Section 1: Executive Board Officers for DAC/DELAC

The officers of each council/committee for DAC/DELAC shall consist of the following:

- Chairperson
- Vice-Chairperson
- Past Chairperson
- Interim Chairperson
- Parliamentarian

The DAC/DELAC membership may elect other officers as it deems necessary through an amendment of the By-Laws. The Parliamentarian shall be a representative elected by the DAC/DELAC voting representatives.

The Executive Board officers' shall consist of the officers above and two (2) District representatives. District representatives will serve as *ex-officio (non-voting)* members (one for DAC, one for DELAC).

Parents and community members are encouraged to seek Executive Board positions.

Section 2: Qualifications

The DAC/DELAC Executive Board officers shall be DAC/DELAC elected representatives from school sites at the time they were elected with the exception of charter schools. Executive Board Officers may not be District employees. It is highly recommended that the Executive Board officers of DELAC be parents or guardians of English Learners.

Section 3. Nomination Process

Nominations for Vice-Chairs and Parliamentarians will be called for at two consecutive DAC/DELAC meetings (fifth and sixth meeting of the school year). All candidates who have accepted the nomination will have an opportunity to introduce themselves and make a statement of their qualifications before the vote. The DAC/DELAC ballot will have space for write-in candidates for each position.

Section 4: Election and Term of Office

The Vice-Chairperson and Parliamentarian of the DAC/DELAC shall be elected and trained annually. Elections will take place at the last DAC/DELAC meeting of the school year.

The Vice-Chairperson: The Vice-Chairperson shall serve for a total of three years in the following roles. The first year serving as Vice-Chairperson, the second year serving as Chairperson, and the third year as Past Chairperson. At the conclusion of the last scheduled DAC/DELAC meeting for the school year, the Vice-Chairpersons shall assume the position of chair.

The Parliamentarian shall serve a one year term.

The officers of Vice-Chairperson and Parliamentarian for the following school year shall be nominated at a spring meeting and elected before the end of the current school year.

Section 5: Termination of DAC/DELAC Officers

An officer shall no longer hold office if:

1. The Officer is absent from two (2) monthly District regular meetings in a school year.
 - a. A valid excuse is considered a medical, professional development, or family emergency.
 - b. The Officer will notify the Department of Language Acquisition of the reason for the absence, who will inform the Board.
 - c. After missing two excused monthly District regular meetings the Executive Board will meet with the Officer to determine next steps.
2. The Officer becomes a District employee, or
3. A majority of the Council (DAC) or Committee (DELAC) of all voting representatives, in which the officer serves, vote to remove him/her.
4. Should any of the above occur, the Board will be notified of the termination and a Certified Letter of Termination will be sent to the Officer within five days by the Department of Language Acquisition.

**Section 6: Vacancy
Chairperson Vacancy**

If a vacancy of the Chairperson occurs within the first two quarters of the school year, the Board will select a Past Chairperson to serve as Interim Chairperson for the period of four months. Upon completion of the four months the Vice-Chairperson will serve as the Chairperson. The following school year the Chairperson will serve as Past Chairperson.

If a vacancy of a Chairperson occurs within the third or fourth quarter of the school year, the Vice-Chairperson will automatically assume the Chairperson's role. The following school year they will also serve as Chairperson.

Vice-Chairperson Vacancy

If a vacancy of the Vice-Chairperson occurs within the first two quarters of the school year, special elections shall be held.

If the vacancy of the Vice-Chairperson occurs during the third quarter of the school year, special elections shall be held and the Vice-Chairperson will serve as the Vice-Chairperson for the remainder of that school year and the following year.

If the vacancy occurs during the fourth quarter of the school year, the position will remain vacant for the remainder of the school year.

During the regular election, two Vice-Chairpersons will be elected to serve for the following school year. One of the Vice-Chairpersons will become the Chairperson after the Interim Chairperson leaves and will serve the remaining of the term as a Chairperson (2 years). The other elected Vice-Chairperson will serve as a Vice-Chair person for that year (3 years).

Past Chairperson Vacancy

If a vacancy of the Past Chairperson occurs, the Executive Board will seek one of the previous past Chairpersons to fill the vacancy. If there is more than one interested candidate the Executive Board will vote to appoint the new Past Chairperson.

Parliamentarian Vacancy

If a vacancy of the Parliamentarian occurs then a special election shall be held and the new Parliamentarian will serve during the remaining of the school year.

Article 5

Duties of Officers

Section 1: DAC/DELAC Chairpersons

It shall be the duty of the DAC/DELAC Chairpersons to:

- a) Act on behalf of the DAC/DELAC members, preside over all meetings in a timely manner, and in accordance with these By-Laws, and Robert's Rules of Order (Attachment C).
- b) In consultation with District Instructional Services and Support staff, prepare, coordinate and sign agendas, review minutes, reports, and other communications.
- c) Report quarterly to the Board of Education on matters pertaining to DAC/DELAC.
- d) Sign documents and applications related to the DAC/DELAC and state and federal programs.
- e) Facilitate and oversee the selection of subcommittee or special committee members.

- f) Serve as a member, attend and/or appoint a designee:
 - 1. Subcommittees
 - 2. Parent Leadership Committee with Superintendent
 - 3. Binder Training
 - 4. Professional Development
 - 5. Planning Meetings
 - 6. Parent Committee Workshops
- g) Provide time for, and preside over oral communications during meetings. At a subsequent meeting, provide follow-up information on items brought to the attention of the committee.
- h) Announce the results of any action items (i.e. votes).
- i) Meet with project staff and other constituents, involved persons, groups and/or organizations as a representative of DAC/DELAC.
- j) Delegate specific tasks to members as requested or as needed.
- k) May participate in an advisory capacity in personnel matters involving state and federal programs directly related to the roles and responsibilities of DAC/DELAC.
- l) Attend and/or appoint representatives to attend conferences and trainings as needed.
- m) Perform all duties incidental to the office of Chairperson and other such duties as prescribed by the Council or Committee. Both Chairpersons will alternate in chairing the meetings.
- n) Serve in an advocacy role on issues related to site councils, state and federal programs and/or English Learner programs
- o) Serve as a liaison to support site councils and ELACs to strengthen parent engagement.

Section 2: Vice-Chairperson

It shall be the duty of the DAC/DELAC Vice-chairpersons to:

- a) Preside at meetings and perform all duties of the Chairperson in his/her absence.
- b) Commit to learning roles and responsibilities of the Chairperson.
- c) Attend meetings, and appropriate leadership training in preparation for assuming the Chairperson role the following year.
- d) Take minutes and note next steps/action items during meetings to share with Board Members this duty will be alternated between the DAC and DELAC Vice-Chairperson.
- e) Serve as a liaison to support site councils and ELACs to strengthen parent engagement.

Serve as a member, attend and/or appoint a designee:

- 1. Subcommittees
- 2. Parent Leadership Committee with Superintendent
- 3. Binder Training
- 4. Professional Development
- 5. Planning Meetings
- 6. Parent Committee Workshops

Section 3: Past Chairperson:

It shall be the duty of the DAC/DELAC Past Chairperson to:

- a) Provide mentoring support for all executive board members.
- b) Preside meetings and perform all duties of the Chairperson in the absence of both, Chairperson and Vice-chair.
- c) Serve as a liaison to support site councils and ELACs to strengthen parent engagement.

- d) Attend conferences and trainings as needed.

Section 4: Interim Chairperson

It shall be the duty of the DAC/DELAC Interim Chairperson to:

- a) Serve and carry out the responsibilities normally performed by the Chairperson

Section 5: Parliamentarians (Including principals mentors):

It shall be the duty of the DAC/DELAC Parliamentarians to:

- a) Advise on parliamentary procedures using these By-Laws, Robert's Rules of Order, and "How to conduct a meeting" along with simplified parliamentary procedures, (see attachment "C"). Principals of the elected Parliamentarians shall provide mentoring and training in these areas.
- b) Preside meetings and perform all duties of the Chairperson in the absence of the Chairperson, Vice-Chairperson and Past-Chairperson.
- c) Keep current copy of DAC/DELAC By-Laws.
- d) Serve as a time-keeper during meetings.
- e) Attend appropriate trainings as needed.
- f) Serve as a liaison to support site councils and ELACs to strengthen parent engagement.
- g) Keep track of DAC/DELAC membership attendance and inform the Executive Board of each school status at the next planning meeting.
- h) Serve as a member or attend, as needed:
 - 1. Subcommittees
 - 2. Parent Leadership Committee with Superintendent
 - 3. Binder Training
 - 4. Professional Development
 - 5. Planning Meetings
 - 6. Parent Committee Workshops
- i) In absence of Vice-Chairpersons, will take minutes and note next steps/action items during meetings to share with Board Members this duty will be alternated between the DAC and DELAC Parliamentarian

Section 6: Ex-Oficio Members:

It shall be the duty of the DAC/DELAC Ex-Oficio Members to:

Increase parent engagement, provide training, and support site DAC-DELAC parent representatives.

This will enhance the parent leaders' ability to perform their roles and responsibilities at district and site level committees.

I. District Office Administrators will:

- a) Communicate with the DAC/DELAC members, making use of the technology available to the District, which may include US Mail, e-mail,

SchoolMessenger telephone system, and the District website, regarding meetings, trainings and other relevant information.

- b) Gather information from site needs assessments and report to DAC/DELAC Executive Board
- c) Inform site administrators of the importance of attending the general monthly DAC/DELAC meetings

- d) Coordinate and facilitate:
 - DAC/DELAC compliance with State and Federal requirements
 - DAC/DELAC regular schedule meeting agendas and minutes
 - Parent trainings and workshops
 - Planning meetings for the Executive Board
 - Report to the Executive Board the site election results (DAC/DELAC Representatives)
 - Gather and report information from site needs assessments to DAC/DELAC Executive Board
 - Provide information to the Executive Board regarding updates to State and Federal programs.
 - Provide information regarding other District committees relevant to DAC/DELAC

II. Site Administrators will:

- a) Attend all DAC/DELAC meetings.
- b) Ensure parent representatives are properly elected and ensure that they attend meetings.
- c) Assist parent representatives in disseminating DAC/DELAC information at the site level.
- d) Provide, whenever possible, assistance to parents regarding information that requires parent input.

Article 6

6A Committees

Special committees shall be created by the Executive Board, as needs arise. In the event there are more volunteers than needed for a committee, a lottery system will be used to select the members of the committee.

6B By-Laws Standing Committee

A committee will annually review the By-Laws and members will be identified by May. The first meeting shall be held no later than 30 days from the start of the school year.

The purpose is to ensure that By-Laws are in accordance with current California Department of Education Guidelines and Education Code.

No standing or special committee may usurp the authority of the DAC/DELAC. Membership on any committee will be on a voluntary basis and voted by the DAC/DELAC members.

6C Other Committees or DAC/DELAC Executive Board Activities

At the beginning of the school year the Executive Board will identify representatives for District Committee in accordance to each committee's requirements. The committees may include but are not limited to the following:

- Budget Committee
- Superintendent-Parent Leadership Committee
- English Learner Master Plan Committee
- Special Education Committee
- LCAP Committee
- CVESD Board of Education Meetings

Article 7

Meetings

7A Section 1: Monthly DAC/DELAC Regular Meetings

The DAC/DELAC shall meet on a regular basis a minimum of eight times each school year. Special meetings may be scheduled at the request of the Executive Board or by majority vote of the DAC/DELAC.

The Executive Board shall propose a calendar of meetings and times at the last meeting of each year. The calendar must be adopted by majority vote at the first meeting of the next school year.

Section 2: Place of Meetings

The DAC/DELAC shall hold its regular, two hour monthly meetings and its special meetings in a facility provided by the District and readily accessible by all members of the public, including handicapped persons.

Section 3: Notice of Meetings and Agendas

In accordance with the Brown Act, (see Attachment E) public notice of regular meetings and agendas shall be given at least 72 hours in advance of the meeting using various forms of communication, such as SchoolMessenger, email and/or texting. It is recommended that a reminder notification be provided 24 hours prior to the meeting.

Any change in the established date, time, or location must be given special notice. All special meetings shall be publicized in accordance with the Brown Act. Any required notice shall be in writing; shall state the day, hour, and location of the meetings; and shall be delivered either personally or by mail to each member. Each agenda must include a section for "Oral Communications." Minutes shall be distributed in a timely manner after each meeting.

Section 4: Quorum

The presence of 45 voting members shall be required to constitute a quorum necessary for the transaction of the business of the DAC/DELAC. For action items pertaining only to either DAC or DELAC, a quorum of 23 DAC or 23 DELAC members will be required. The quorum will be verified by the attendance sign-in sheet.

Section 5: Conduct of Meetings

All meetings of the DAC/DELAC shall be conducted in accordance with Robert's Rules of Order or in accordance with an appropriate adaptation thereof. The meeting will be presided by the Chairperson. In the absence of the Chairperson the meeting will be presided by the Vice Chairperson. In the absence of the Vice Chairperson, the meeting will be presided the Past Chairperson. In the absence of the Past Chairperson, the meeting will be presided by the Parliamentarian. In the absence of all officers, the meeting will be cancelled. The Parliamentarians are responsible for ensuring the meetings follow these rules. Any procedural questions from the membership shall be directed to the Parliamentarian for clarification and resolution.

Section 6: Meetings Open To the Public

All meetings of the DAC/DELAC and of its standing or special committees shall be open at all times to the public. Any member of the public may address the DAC/DELAC during Oral Communications.

Section 7: Distribution of Minutes

A hard copy and an electronic copy of the DAC/DELAC meeting minutes will be distributed to DAC/DELAC Officers and school sites at least 72 hours prior to the meeting. Minutes will also be posted in the DAC/DELAC webpage, and sent by email to those representatives that provide their email.

Section 8: Parent Input

When parent input is required it is recommended that information be provided to parent representatives and school sites for their review prior to the meeting as soon as possible.

It is highly encouraged that principals communicate with their parent representatives prior to the meeting to review the topic where parent input will be required.

7B DAC/DELAC Board Agenda Planning Meetings

Members of DAC/DELAC Board and District Representative(s) will attend monthly agenda planning meetings.

Article 8

Amendments

These By-Laws may be amended through the following procedure:

- Amendments may be requested at any meeting for the By-Laws Standing Committee to consider for action.
- Once the By-Laws Standing Committee reaches a consensus on the proposed amendment, it will be presented to the membership for consideration.
- A vote will be taken at the following DAC/DELAC monthly meeting. Adoption of any amendments shall require approval by a two-thirds (2/3) vote of the voting members present.
- Amendments will be effective upon adoption.
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Article 9

School by School District-wide Needs Assessment

As required by law, an annual needs assessment will be conducted by each school. The annual needs assessment shall be completed by the end of the first quarter. A template will be provided to schools for assessing the needs of English Learners. Information from each school site will be compiled to determine district-wide needs. The information will be provided to the DELAC Executive Board members to identify patterns and trends. This data will be presented at a DELAC meeting to members to prioritize and address needs. The DELAC Chairperson will present this information to the Board of Education.

Article 10

Site By-Laws

It is highly recommended that all sites develop their By-laws for School Site Council and ELAC committees. In case a site does not have one, they may use these By-Laws where applicable. Charter schools follow their own charter By-Laws.

Attachment "A" - District Advisory Council (DAC) Election Guidelines Checklist

Attachment "B" - English Learner Advisory Committee) ELAC and District English Learner Advisory Committee (DELAC) Election Guidelines Checklist

Attachment "C" - Robert's Rules of Order and simplified Parliamentary Procedures

Attachment "D" - School Needs Assessment Survey

Attachment "E" - A Pocket guide to Open Meeting Laws in California: The Brown Act

Adopted May 19, 2015

Attachment "A"

**District Advisory Council (DAC) Election Guidelines Checklist For
(Insert School Name):**

The school site election for the representative and alternate to the **District Advisory Council (DAC)** was correctly constituted, and was formed in accordance with all applicable State and Federal laws/rules/regulations and District Board Policy/Administrative Regulations.

Please Check Those That Apply For DAC:

- Notice of the opportunity to serve on the District Advisory Council was made to all parents/guardians/community members at the school.

Notice was made to all parents/guardians/community members by utilizing:

- SchoolMessenger
- Flyer sent home with students
- Mailed Notice to all parents/guardians/community members
- Notice posted in office window/bulletin board and in a location viewable before, during and after school hours
- Notice posted on school marquee
- Other: Please describe _____

- Nominations were accepted and a list of candidates was prepared.

- An annual election for the District Advisory Council Representative and an alternate to vote if the representative is absent was held at the school site with an opportunity for write-in candidates.

- The District Advisory Council Representative and alternate were elected by a vote of the parent/guardians of pupils at the school

- The annual District Advisory Council Representative and alternate **election** was held on:

Date: _____

- The DAC **Elected** Representative is: _____

- The DAC **Elected** Alternate is: _____

- Records of the District Advisory Council election, including ballots, minutes and meeting agendas are all records that show compliance with the program requirements and MUST be kept per law, for a minimum of three years. It is recommended that records be kept for five years in case of a federal audit.**

Legal References for District Advisory Council:

California Education Code, section 54425 (a)

Code of Federal Regulations (Education Department General Administrative Regulations) Section 75.731

How long should schools keep records, including election information and ballots?

According to US Department of Education's "Education Department General and Administrative Regulations," the legal requirement for maintaining records is three years; however, the recommendation of five years is due to the audit process, which can request five years of records.

Each school shall annually submit to the District Language Acquisition and Development Department (LAD), a copy of the parent notification flyer of the DAC election, DAC Election Guidelines Checklist, sample ballot and or minutes signed by the principal and SSC Chairperson verifying DAC election and results. The election documents shall be submitted to (LAD) within 14 days of the school election and will be shared with the DAC/DELAC Executive Board within 10 days.

Attachment "B"English Learner Advisory Committee (ELAC) and District English Learner Advisory Committee (DELAC) Election Guidelines Checklist For (Insert School Name):

The school site **English Learner Advisory Committee (ELAC)** is correctly constituted, and was formed in accordance with all applicable State and Federal laws/rules/regulations and District Board Policy/Administrative Regulations.

The total number of **ELAC Representatives at the site** is _____.

The number of **ELAC Representatives who are parents/guardians of English Language Learners** is _____.

The number of students who are **English Language Learners at the school site** is _____.

The percentage of students who are **English Language Learners at the school site** is _____%.

The percentage of parents/guardians who are **ELAC Representatives and who are also the parents/guardians of English Language Learner students at the school site** is _____%.

Composition Legal Requirements: The percentage of parents of English learners on the ELAC committee must be at least the same as that of English learners student population at the school.

Please Check Those That Apply For ELAC:

- Notice of the opportunity to serve on the site ELAC was made to all parents/guardians/community members at the school site and especially to parents whose children are identified as English Learners.

Notice was made to all parents/guardians/community members by utilizing:

- SchoolMessenger
 Flyer sent home with students
 Mailed Notice to all parents/guardians/community members
 Notice posted in office window/bulletin board and in a location viewable before, during and after school hours
 Notice posted on school marquee
 Other: Please describe _____

- Nominations were accepted and a list of candidates was prepared.

- An **annual election** for the ELAC Representatives was held at the school site with an opportunity for write-in candidates.

- All parents/guardians of English Language Learners were notified of the **election** and provided an opportunity to vote in the **ELAC Election**.

Notice was made to all parents/guardians of English Language Learners of the **election** and opportunity to vote by utilizing:

- Notice was made to all parents/guardians/community members by utilizing:
 SchoolMessenger
 Flyer sent home with students

- Mailed Notice to all parents/guardians/community members
- Notice posted in office window/bulletin board and in a location viewable before, during and after school hours
- Notice posted on school marquee
- Other: Please describe _____

The ELAC **election** was done by paper ballot voting by parents/guardians of English Language Learners

The ELAC **election** was done by voice vote by parents/guardians of English Language Learners

- Attach copy of ELAC minutes showing date/time/location of voice vote election for ELAC members and the results).**

The annual ELAC **election** was held on:

Date: _____

Records of the ELAC **election** are being maintained at the school site.

Records of the ELAC election, including ballots, minutes and meeting agendas are all records that show compliance with the program requirements and **MUST** be kept per law, for a minimum of three years. It is recommended that records be kept for a total of five years in case of a federal audit.

Please Check Those That Apply For District English Learner Advisory Committee (DELAC):

- Notice of the opportunity to serve on the **DELAC** was made to all parents/guardians/community members at the school site and especially to parents whose children are identified as English Language Learners.

Notice was made to all parents/guardians/community members by utilizing:

- SchoolMessenger
 Flyer sent home with students
 Mailed Notice to all parents/guardians/community members
 Notice posted in office window/bulletin board and in a location viewable before, during and after school hours
 Notice posted on school marquee
 Other: Please describe _____

- Nominations were accepted and a list of candidates was prepared.
- An **annual election** for the **DELAC Representative and an alternate** to vote if the representative is absent was held at the school site with an opportunity for write-in candidates.
- The DELAC **Representative and alternate** were **elected** by a vote of the **elected ELAC Representatives** at the school site
- The **annual DELAC election** was held on:
Date: _____
- The DELAC **Elected** Representative is: _____
- The DELAC **Elected** Alternate is: _____
- Is the DELAC Representative the parent or guardian of an English Language Learner?**
 Yes
 No
- Is the DELAC Elected Alternate the parent or guardian of an English Language Learner?**
 Yes
 No
- Records of the DELAC **election** are being maintained at the school site.

Composition Legal Requirements: Parents or guardians of English learners not employed by the district must constitute a majority membership (51 percent or more) of the DELAC committee.

- Records of the DELAC election, including ballots, minutes and meeting agendas are all records that show compliance with the program requirements and MUST be kept per law, for a minimum of three years. It is recommended that records be kept for five years in case of a federal audit.**

Legal References for ELAC and DELAC:

California Education Code, sections 35147(c), 52176(b), 62002.5, and 64001(a)

California Code of Regulations, Title 5, Section 11308 (b) and (d)

20 United States Code Section 6312(g) (4)

Code of Federal Regulations (Education Department General Administrative Regulations) Section 75.731

How long should schools keep records, including election information and ballots?

According to US Department of Education's "Education Department General and Administrative Regulations," the legal requirement for maintaining records is three years; however, the recommendation of five years is due to the audit process, which can request five years of records.

Each school shall annually submit to the District Language Acquisition and Development Department (LAD), a copy of the parent notification flyer of the ELAC election, ELAC/DELAC Election Guidelines Checklist, sample ballot and or minutes signed by the principal and ELAC Chairperson verifying ELAC/DELAC elections and results. The election documents shall be submitted to (LAD) within 14 days of the school election and will be shared with the DAC/DELAC Executive Board within 10 days.



DAC/DELAC By-Laws
Attachment "C"
ROBERT'S RULES OF ORDER
HOW TO CONDUCT A MEETING
(Parliamentary Procedure)

Parliamentary Law is a system of rules designed to help you conduct a meeting in an orderly and democratic manner. The next few pages will discuss some of the most used facts of parliamentary law so that you may increase your effective as a SSC or ELAC member.

BASIC PRINCIPLES OF PARLIAMENTARY LAW:

- **Equality-** every member has an equal right to participate, speak, debate, and introduce business.
- **Free and full debate-** unlimited debate is a right that is restricted only if it is judged to be off the subject or group democratically votes to do so.
- **Rules by the majority without tyranny to the minority-** when a discussion is reached the majority wins but the minority enjoys all the rights and benefits.
- **One question or proposal at a time-** one person speaks at a time and on one subject at the time.

BASIC DUTIES FOR THE CHAIRPERSON:

- Be a leader
- Begin and end the meetings on time
- Keep the meetings moving in proper order
- Allow everyone an equal opportunity to speak
- Keep order
- Be impartial and fair
- Get the floor before speaking
- Do not interrupt another speaker
- Do not get personal

MOTIONS:

A motion is a proposal that something be done. After it is requested by the Chairperson and seconded, it becomes the "question before the house" and now belongs to all the members.

STEPS IN A MOTION:

1. Make a motion:

- a. member addresses the Chairperson Mr./Madam Chairperson"
- b. Chairperson recognizes member "Mrs. Smith"
- c. Member states the motion "I move that...."

2. Second

A motion is seconded because it is assumed that at least two (2) people or a "second" person should support an idea before time is spent discussing it. If a motion does not receive a second, it "dies" and there is no further action.

3. Discussion

This is the free and full debate of the proposal. The Chairperson should recognize the original maker of proposal to lead off the discussion. The Chairperson should attempt to keep the discussion balanced between those for, and those against, as much as possible.

4. Close Discussion

To close discussion requires the consent of members. In fact, 2/3 of the members must vote yes in order to close off the discussion - if the motion to close debate comes from the floor. However, there are other ways:

- a. The discussion has stopped and no one seems to want to gain the floor. In this case the Chairperson should ask if "is there any more discussion?" If not- the Chairperson can close the debate.
- b. The discussion has been in progress for several minutes and the discussion is not progressing. The Chairperson may ask "are you ready to vote?" If the Chairperson receives a "yes" answer, then the discussion may be closed.

VOTE:

Voting may be conducted in several ways. Here are some suggestions:

1. **Voice vote** - If the proposal is not controversial or is routine, the Chairperson may ask for a voice vote.
2. **Show of hands** - If the proposal is important or controversial, the Chairperson should ask for a raise of the hands and count each hand.
3. **Paper ballot** - Normally used in electing officers.

ANNOUNCE AND RECORD:

Immediately after the vote, the Chairperson should announce the results and the secretary should record those results.

SUBSIDIARY MOTIONS:

These are motions that are used in the course of discussing main motion in orders to affect the main motion being discussed. These motions follow the same steps as a main motion. These are the main subsidiary motions most often used:

1. **Amend**- This is used to change some part of the main motion. An amendment that changes the basis purpose of the proposal is out of order.
2. **Table** - Postpones or puts aside temporarily the discussion of a proposal.
3. **Refer to a Committee** - Give the proposal to a committee (any number of members) to find out more information, further study, re-wording, etc.

LIMIT OR EXTEND DEBATE:

There may be a time when it will be necessary to either limit the discussion time or to extend the time. This requires a motion from the membership. Because it affects the principles of free and open debate it requires a 2/3 vote in order to pass.

PRIVILEGED MOTIONS:

These motions are called privileged motions because they have priority over all other motions. A member, when introducing privileged motions may, for example, interrupt another speaker. The Chairperson must immediately put the motion before the meeting. These are three most commonly used privileged motions:

1. **Personal Privilege** - This has to do with the rights, well-being, or comfort of one member (the maker of the motion).
Examples are: "Mr. /Madam Chairperson, I can't hear the opinion," or "Mr. /Madam Chairperson- the speaker is getting personal," or an emergency matter.
2. **Recess** - Means exactly what it says, i.e.; take a break in the proceedings. When the recess is over the meeting continues from where it left off.
3. **Adjourn** - That motion concludes all business. When the group meets again, it will start with a new agenda.

Note: The motion to adjourn can come at any time during a meeting and must be considered.

TABLE OF MOST USED MOTIONS

MOTIONS	NEEDS SECOND	DEBATABLE	AMENDABLE	VOTE
<u>MAIN</u>				
General Main Motions	YES	YES	YES	Majority
<u>SUBSIDIARY MOTIONS</u>				
Amend	YES	YES	YES Once	Majority
Table	YES	NO	NO	Majority
Refer to Committee	YES	YES	YES	Majority
Limit or Extend Debate	YES	NO	YES (Time)	2/3
Vote Immediately	YES	NO	NO	2/3
<u>PRIVILEGED</u>				
Personal Privilege	NO	NO	NO	Chair
Recess	YES	NO	YES (Time)	Majority
Adjourn	YES	NO	NO	Majority

These have been the main aspects of parliamentary law and the basic principles and techniques of conducting a meeting. As you gain experience, you will gain confidence in this true exercise of democracy.

Simplified Parliamentary Procedure
Conducting a Meeting:

1. Call to Order (by the president)
2. Approval of Minutes
3. Presidents' Report (if necessary)
4. Treasurers' Report (if necessary)
5. Committee Reports
 - Permanent Committees
 - Special Committees or a specific topic
6. Pending Business
7. New Business
8. Meeting Adjournment



Essential Steps in Making Motions:

1. Making a Motion (from any member of the meeting with prior acknowledgement of the president)
2. Seconding the motion (by any member in the meeting)
3. Stating the motion (immediately by the president after the motion is approved and seconded.)
4. Discussion of the motion (except when it is not debatable)
5. Vote on the motion
6. Announcing the results (by the president immediately after the vote)

Most Common Motions (in order of precedence)			
Motions	Is it debatable?	Can it be amended?	What vote is needed?
1. Adjourn meeting*	No	No	Majority
2. Call a recess *	No	No	Majority
3. Making a presentation	No	No	Majority
4. End debate/discussion	No	No	2/3
5. Postpone discussion-time specific	Yes	Yes	Majority
6. Refer matter to committee	Yes	Yes	Majority
7. Amend a motion	Yes	Yes	Majority
8. Postpone talks non-specific time	Yes	Yes	Majority
9. Motion of business items	Yes	Yes	Majority

*The motion to adjourn the meeting is very important (i.e., **not debatable**, without possibility of being amended and requires immediate attention). It cannot be considered if the motion is made while another point is being discussed. It can be considered if it is made without a pending point of business. The motion to adjourn the meeting is handled like any other main motion. The same rule applies for an immediate recess—except that the motion to immediately recess even though it is not up for discussion; it is possible to amend with respect to the length of the recess.

Effective Meeting Practices:

- Organize a meeting only if it is necessary and a clear meeting goal has been established.
- Announce the meeting using a bulletin/meeting notices.
- Make available paper, pencils, notebooks, etc.
- If possible, distribute the agenda 1 or 2 days prior to the meeting and if appropriate, obtain other subjects or points that should be included in the agenda.
- If there is any emergency or other unexpected occurrence, contact members to inform them that the meeting is canceled (telephone calls are recommended).

Conducting an Effective Meeting:

- Have a prepared agenda and adhere to it.
- Each agenda item should be assigned a time limit for the presentation and/or the discussion.
- Designate someone to monitor the time so that the established schedule is followed.
- Table those agenda items that were not resolved or any items that need more time to a future meeting.
- Place a time limit on the meeting length.

Responsibilities of governing board/officers:

- Begin meeting promptly at scheduled time.
- Everyone is expected to be on time and can only be excused from the meeting based on a valid reason (i.e., illness).
- Keep the group focused on the topic being discussed.
- Provide the attendees the minutes of each meeting.

Responsibilities of Attendees:

- Arrive on time.
- Refrain from entering conversations that distracts the attention of others.
- Stay focused on the agenda.
- Refrain from being distracted by not reading, talking, or writing about matters that are not on the meeting agenda/topics under discussion.

HOW TO MAKE A MOTION

CHAIRPERSON	MEMBERS
"Is there a motion?"	"I move that..."
"Is there a second?"	"I second it."
"Is there any discussion?"	(Sometimes there is discussion sometimes there is no discussion.)
"It has been moved and seconded that..."	
"All those in favor, please say 'Aye'."	"Aye."
"All those opposed, please say 'Nay'."	"Nay"
"Motion carried." Or "Motion denied."	

DAC/DELAC By-Laws

Attachment "D"

School Needs Assessment Survey for _____ Elementary
PLEASE RETURN SURVEY TO YOUR SCHOOL BY _____
_____ School Year

Please answer each of the following questions. This survey will help us better serve the needs of our English Learner students and their parents.

- 1) What is your preferred method to receive school information/communication?
 - Flyers sent home
 - Text message
 - Automated Phone calls
 - Email

- 2) My child is receiving adequate support in acquiring English in academic areas such as reading, writing, and mathematics.
 - Strongly agree
 - Agree
 - Disagree
 - Strongly disagree
 - Don't know

- 3) Have you volunteered at your child's school?
 - Yes
 - No
 If not, why? _____

- 4) I am informed of opportunities to volunteer.
 - Yes
 - No

- 5) I have attended an English Learner Advisory Committee (ELAC) meeting.
 - Once
 - Two times
 - Three times
 - Four times or more
 - Never
 If never, why? _____

- 6) I have been informed of all program options available for English Learners, including waivers.
 - Yes
 - No
 - Don't know

- 7) I was given the opportunity to choose an English Learner program appropriate for my child.
 - Yes
 - No
 - Don't know

- 8) I am being informed of my child's progress in acquiring English.
 - Strongly agree
 - Agree
 - Disagree
 - Strongly disagree
 - Don't know

- 9) I feel that the English Language Learner program is working well for my child.
 - Strongly agree
 - Agree
 - Disagree
 - Strongly disagree
 - Don't know

- 10) Please mark your top FOUR topics of interest for this year's ELAC meetings.

<input type="radio"/> GATE identification process/program	<input type="radio"/> Drug prevention
<input type="radio"/> Instructional programs for English Learners	<input type="radio"/> Parent leadership training
<input type="radio"/> How to help your child with Reading and Writing	<input type="radio"/> Social and emotional development (anti-bullying, self-esteem, etc.)
<input type="radio"/> How to help your child with Mathematics	<input type="radio"/> Home-school communication
<input type="radio"/> How to discipline your child	<input type="radio"/> Other _____
<input type="radio"/> Role of School Resource Officers	

Please indicate other needs or concerns.

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CLOSED MEETINGS

Closed meetings are the exception and permitted only if they meet defined purposes and follow special requirements (§§ 54953(a), 54954.5, 54962).

EVEN AT CLOSED MEETINGS...

Special public notice and agenda requirements apply (§§ 54954, 54954.2, 54954.5, 54957.7).

All actions taken and all votes in closed session must be publicly reported orally or in writing (§ 54957.1(b)), and copies of any contracts or settlements approved must be made available promptly (§ 54957.1(b),(c)).

CLOSED MEETINGS MAY BE HELD FOR: Personnel

Only to discuss the appointment, employment, performance evaluation, discipline, complaints about or dismissal of a specific employee or potential employee (§ 54957). The employee may request a public meeting on any charges or complaints.

But closed sessions are NOT ALLOWED for discussing:

- general employment
- independent contractors not functioning as employees
- salaries
- the performance of any elected official, or member of the board
- the local agency's available funds
- funding priorities or budget

Pending Litigation

Only if open discussion "would prejudice the position of the agency in the litigation." The litigation must be named on the posted agenda or announced in open session unless doing so would jeopardize the board's ability to service process on an unserved party or conclude existing settlement negotiations to its advantage. (§4956.9)

To qualify, the agency must:

- be a party to pending litigation (§ 54956.9(a))
- or expect, based on certain specified facts, to be sued (§§ 54956.9(b)(1),(b)(2))
- or expect to file suit itself (§ 54956.9(c))

Labor Negotiations

Only to instruct the agency's identified negotiator on compensation issues (§ 54957.6). (Note: school districts are covered by the Rodda Act, Govt. Code §§ 3540-3549.3.)

Property Negotiations

Only to discuss, with an agency's identified bargaining agent, price or payment terms. The parcel, negotiators and the prospective seller or purchaser must be identified on the agenda. (§ 54956.8) Final price and payment terms must be disclosed when the actual lease or contract is discussed for approval. (§ 54957.1(a))

Others

License applications for people with criminal records (§54956.7); threats to public services or facilities; (§54957) insurance pooling (§54956.95).

**WHAT TO DO IF:
A MEETING IS CLOSED THAT SHOULD BE OPEN**

- Refuse to leave, and use this Guide to check the law, to protest, and to enforce all notice requirements.
- Leave only if ordered by law enforcement.
- Call your editor or lawyer at once.

AN ILLEGAL CLOSED MEETING HAS BEEN HELD

- Ask participants what happened, and get reports of actions taken and copies of contracts approved.
- Call FAP, SPJ or CFAC (phone numbers are on the cover of this Pocket Guide).
- Write a story or letter to the editor about it.
- Contact the District Attorney under § 4959, or take legal action under § 54960(a) against violations or a "gag rule" imposed on a body's members.
- A court may: (1) force the agency to make and preserve tapes of closed sessions (§ 54960(b)); (2) declare actions taken null and void (§ 54960.1(d)); (3) award costs and attorneys fees (§ 54960.5).

**A POCKET GUIDE TO
OPEN MEETING
LAWS
IN CALIFORNIA:
THE BROWN ACT**

A SERVICE OF:
THE FIRST AMENDMENT PROJECT
SOCIETY OF PROFESSIONAL
JOURNALISTS (Nor. Cal.)

HOW TO USE THIS GUIDE This pocket guide is intended to be a quick reference and provide general information to journalists and citizens. It addresses some common public meetings problems, but does not substitute for research or consultation with a lawyer on detailed questions. This guide current as of December 3, 2003.

FOR MORE INFORMATION OR HELP:

FIRST AMENDMENT PROJECT.....510/208-7744
www.thefirstamendment.org

Society of Professional Journalists,
NORTHERN CALIFORNIA CHAPTER.....415/338-7434
www.spj.org/norcal

California First Amendment Coalition.....916/974-8888
www.cfac.org

Funding provided by the Sigma Delta Chi Foundation
of the Society of Professional Journalists

Brown Act

Govt. Code §§ 54950-54960.5

THE BASICS

Meetings of public bodies must be "open and public," actions may not be secret, and action taken in violation of open meetings laws may be voided. (§§ 54953(a), 54953(c), 54960.1(d))

WHO'S COVERED

- Local agencies, including counties, cities, school and special districts. (§ 54951)
- "Legislative bodies" of each agency, the agency's governing body, plus "covered boards," that is, any board, commission, committee, task force or other advisory body created by the agency, whether permanent or temporary. (§ 54952(b))
- Any standing committee of a covered board, regardless of number of members. (§ 54952(b))
- Governing bodies of non-profit corporations formed by a public agency or which includes a member of a covered board and receives public money from that board. (§ 54952(c))

WHO'S NOT COVERED

- Ad hoc advisory committees consisting of less than a quorum of the covered board (§54952(b))
- Most other non-profit corporations
- All other government agencies. State governmental agencies are covered by the Bagley-Keene Open Meeting Act. (Govt. Code §§ 11120-11132)

WHAT'S COVERED

A "meeting" is any gathering of a majority of the members of a covered board to hear, discuss, or deliberate on matters within the agency's or board's jurisdiction. (§ 54952.2(a))

Note: No vote or action is required for the gathering to be a meeting, nor must the members meet face to face. (§ 54952.2)

WHAT MUST HAPPEN

Under the Brown Act an agency must:

- post notice and an agenda for any regular meeting, (§§ 54954(a), 54954.2(a)); mail notice at least three days before regular meetings to those who request it, (§ 54954.1); post notice of continued meetings, (§54955.1); deliver notice of special meetings at least one day in advance to those who request it, (§ 54956); and deliver notice of emergency meetings at least one hour in advance to those who request it. (§§54956, 54956.5)
- notify the media of special or emergency meetings if requested, (§§ 54956, 54956.5); allow media to remain in meetings cleared due to public disturbance. (§54957.9)
- hold meetings in the jurisdiction of the agency except in limited circumstances, (§§ 54954(b)-(e)), and in places accessible to all, with no fee. (§ 54961(a))
- not require a "sign in" for anyone. (§54953.3)
- allow non-disruptive recording and broadcast of meetings, (§54953.5(a)), and let the public inspect any recording made by the agency of its open meetings. (§54953.5(b)) The agency may destroy recordings it made after 30 days. (§54954.3(b))
- allow the public to address the covered board at regular or committee meetings on any item in the agency's jurisdiction not addressed by the agency at an open earlier meeting. (§54954.3(a))
- conduct only public votes, with no secret ballots. (§54953(c))
- treat documents as public "without delay," if distributed to all or a majority of members of a board before or at the meeting, unless they are also exempt under the Public Records Act. (§54957.5)

Local Rules
 Many local jurisdictions, including San Francisco, Contra Costa County, and Oakland, have adopted local "Sunshine" ordinances that grant greater access and openness. Check for local rules.
 Other jurisdictions often have rules that violate the Brown Act. Challenge such rules or contact the agencies listed on this brochure.

WHAT IF . . .

- a council member is on a board of a non-profit corporation—is the board covered?
 - YES, if the council both appointed him or her to the board, and funds the corporation. (§54952(b),(c)(1))
- an agency delegates authority to another entity—is the entity covered?
 - YES, if it was created by the agency's elected body. (§§ 54952(b),(c)(1))
- a council committee meeting has less than a quorum—is it required to meet openly?
 - YES, if it is a standing committee and has either a set meeting schedule or a continuing subject matter jurisdiction. (§ 54952(b))
- members use individual contacts to collectively decide an issue—is that a violation?
 - YES, information communicated to a quorum through a series of contacts, individual phone calls ("daisy chain"), or a third person ("spoke and wheel") to evade the public is a "meeting" (§ 54952.2(b); 63 Ops.Atty.Gen. 820 (1980); Stockton Newspapers v. Stockton Redevelopment Agy., 171 Cal.App.3d 95 (1985); Common Cause v. Stirling, 147 Cal.App.3d 518 (1983).
- agency members attend a conference called by someone else—is this covered?
 - NO, so long as they do not discuss specific business matters within their jurisdiction (§ 54952.2(c))
- a meeting is held by video/teleconference.
 - YES, if the public's rights are protected. (§54953(b))
 - Every video/teleconference location must be accessible to the public, and at least a quorum of the members must participate from locations within the body's jurisdiction. (§ 54953(b))