

# PUBLIC MEETINGS DURING THE COVID-19 PANDEMIC

## THE CA BROWN ACT

### DURING THE COVID PANDEMIC



The CA Brown Act requires organized bodies, such as School Boards, to open their meetings to the public. In March 2020 Governor Newsom signed **Executive Order N-25-20**, adapting the rules of the Brown Act to allow legislative bodies to host their public meetings via teleconference or telephone.

**THE EXECUTIVE ORDER DOES NOT ALTER A COMMUNITY MEMBER'S RIGHT TO GIVE PUBLIC COMMENT AT ELECTRONIC MEETINGS.**

## YOUR RIGHT TO PUBLIC COMMENT

Even during the COVID-19 Pandemic, members of the public have the right to:

1. Attend the meeting (even if it is held virtually, given the Governor's executive order); you may remain anonymous if you wish.
2. Provide live, virtual, or pre-written public testimony on any agenda item and non-agenda items.
3. Express criticism (this is your right to free speech!).
4. Obtain copies of any materials provided to the board.
5. Obtain translated documents and interpretation of proceedings and testimony.

School Boards are allowed to put **reasonable** time restrictions on individual public comments. But they cannot use the pandemic as an excuse to silence public comments.

The Board is required to allow general public comment on **any** matter and public comment on each agenda item as it is heard.



## 72-HOUR NOTICE RULE

ALL Board meeting agendas should be posted on the district website 72 hours in advance. If your District is not providing this notice, **they are violating the Brown Act**.



They should also provide all necessary supporting documents when the agenda is posted.

If your district is violating the Brown Act's 72-hour notice rule, reach out to them immediately and demand that they start posting their meeting agendas on their website to be in compliance.

**NOTE:** For Special Board Meetings, the Board must post the agenda **24-Hours in advance**.

## CONCERNING BOARD PRACTICES DURING THE PANDEMIC



**Creating early time windows or cut-offs for submitting written public comments and reading out loud those public comments, without allowing for individuals to make comment during the meeting.** Oakland Unified and LA Unified allow people to make public comments during the meeting through phone, video conference, or in-person. Your district can do the same.



**Unreasonably restricting speakers to 1 minute to comment, especially where they may be speaking to complex or significant agenda items.** Most districts are allowing 2-3 minutes for public comment.

**Some districts are not posting key documents online, like the proposed budget, in advance of the meeting!** If documents are distributed to the Board members, they should be provided to the public.

# IS YOUR DISTRICT RESPECTING YOUR RIGHT TO PUBLIC COMMENT?

Here is a checklist of Brown Act compliance requirements and best practices to ensure that the community's voice is being heard in School Board decisions. The yellow portions of the list are **required** by the Brown Act. The white portions are best practices.

## DOES YOUR DISTRICT . . .



**POST THE MEETING AGENDA WITH CLEAR AGENDA ITEM DESCRIPTIONS AT LEAST 72 HOURS IN ADVANCE?**



**PROVIDE NECESSARY TRANSLATION SERVICES BEFORE AND DURING THE MEETING?**



**PROVIDE AN OPPORTUNITY FOR PUBLIC TESTIMONY DURING THE MEETING?**



**ATTACH ALL NECESSARY DOCUMENTS TO THE AGENDA WHEN IT IS POSTED?**



**ALLOW FOR PUBLIC COMMENT DURING AGENDA ITEMS IN ADDITION TO RESERVED GENERAL PUBLIC COMMENT TIME?**



**HAVE ALL NECESSARY RULES FOR PROVIDING PUBLIC COMMENT EASILY ACCESSIBLE ON THEIR WEBSITE?**



**ALLOW FOR MORE THAN ONE-MINUTE OF PUBLIC TESTIMONY ON IMPORTANT ITEMS WHEN IT IS REASONABLE TO HAVE MORE TIME?**



**HOLD MEETINGS AT REASONABLE TIMES IN THE DAY?**

## WHAT TO DO IF YOU THINK YOUR DISTRICT IS VIOLATING YOUR RIGHT TO PUBLIC COMMENT:

If possible, **call out illegal behavior as it happens and urge your district to change its practices**. If necessary, write a letter to the Board and the district's attorney. **[Click here for a template.](#)** If the Board does not cure their violations after receiving your letter, then relief is available through the court system and a complaint must be filed within 15 days after the second violation:

✓ **Criminal sanctions** are available in rare circumstances when the board acted illegally and intended to deprive the public of public information.

✓ **Civil sanctions** are more common: a court may prevent the board from acting (compulsory relief), force it to act (declaratory relief), or order it to act in a certain way (declarative relief). It can also prevent past actions.