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The Role of the 7-11 Advisory Committee in School Consolidation/Property Disposition

Cupertino Union School District
7-11 Committee Meeting
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Overview/Major Topics

- Role and Purpose of the 7-11 Committee
- Committee Composition Requirements
- Duties of the Committee
- Committee Meetings – The Ralph M. Brown Act

Role and Purpose of the 7-11 Committee

- **Legislative Intent:**

- That surplus property leases provide for community involvement. “This community involvement should facilitate making the best possible judgments about the use of excess school facilities in each individual situation.”
- That the community be involved before decision are made about school closure or the use of surplus space, thus avoiding community conflict and assuring building use that is compatible with the community’s needs and desires. (Ed Code 17388)

Role and Purpose of the 7-11 Committee

- **CUSD Board's legal mandate:**
 - That prior to the lease or sale of excess real property, the Board shall appoint “a district advisory committee to advise the governing board in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes.”
- 7-11 Committee is **first step** in the (lengthy and detailed) process of disposing of property no longer needed for school purposes.
- 7-11 Committee serves an **advisory** function to the CUSD Board

Role and Purpose of the 7-11 Committee

- **Legal mandate excludes:**
 - Rentals of less than 30 days
 - Rentals to private schools for summer school programs
 - Development of teacher housing
 - New: Sale or lease of property not operated or constructed to be operated for school purposes (in effect until 2024)
 - Charter School housing (Ed Code 47614) – separate process
- No legal *mandate* for 7-11 Committee to review or advise on school closure – permissive only
 - Recommended reading: CDE’s “Closing a School Best Practice Guide”

Committee Composition Requirements

- **Composition Requirements (Ed Code 17389)**
 - Not less than 7 nor more than 11 members
 - Representative of:
 - Ethnic, age group and socioeconomic composition of the District
 - Business community, such as store owners, managers, supervisors
 - Landowners or renters, with preference give to representatives of neighborhood associations
 - Teachers
 - Administrators
 - Parents of students
 - Persons with expertise in environmental, legal, building, land use planning

Duties of the Committee

- **7-11 Committee Duties (Ed Code 17390)**
 - Review enrollment and other data to determine amount of surplus space and property
 - Establish a priority list of use of surplus space acceptable to the community;
 - Circulate priority list of space and provide for hearings of community input on acceptable uses of space
 - Prepare Report to the CUSD Board recommending uses of surplus space and real property

Duties of the Committee (cont.)

- **Board considers recommendations of Committee and may accept or reject recommendations**
 - Committee’s job typically ends with report to the Board
 - Committee’s recommendations followed by Board actions to:
 - Close and/or consolidate campuses
 - Declare property to be “surplus”
 - Implement disposition of land/sites
 - Not all closed sites may or should be declared surplus
 - Some sites could meet ongoing district needs or interests
 - Charter Schools

Committee Meeting Requirements

✓ The Ralph M. Brown Act

(Government Code § 54950 et seq.)



The Brown Act: “Meetings”

- **Definition of Meeting:**

“Any congregation of a **majority** of members of a legislative body at the **same time and place**, including teleconference locations, **to hear, discuss, or deliberate** upon any item within the subject matter jurisdiction of the legislative body.”



The Brown Act: “Meetings” (continued)

- Meetings do not include:
 - Individual contacts, communications or telephone conversations between a Committee member and "any other person" (including another Committee member) that do not constitute discussion, deliberation or taking action on Committee business.

The Brown Act: “Meetings” (continued)

- A majority of the members of a . . . body shall not, outside a noticed meeting, use a **series of communications** of any kind, directly or through **intermediaries** or **technological devices**, to discuss, deliberate, or take action on any item of business that is within the Board’s jurisdiction.
- “Direct communication, personal intermediaries, or technological devices” include:
 - ✓ Telephone, e-mail, internet, instant messaging, texts
 - ✓ Social media – new rules as of January 1, 2021

New Social Media Rules

- **Committee members:**

- May use social media unrelated to Committee business.
- May use social media to provide/solicit information to/from members of the public or answer questions
- May not directly respond to any communication from another member regarding Committee business (even if less than a majority).
- Must avoid otherwise permissible use of social media which results in a discussion between majority of Committee members regarding business of a specific nature.

Communication Recommendations

- Minimize any communication with Committee members outside a noticed meeting via any means
 - Emails received on Committee business should not be shared or discussed with the group – no use of “Reply All”
 - Use social media to elicit information or share information with the public but not as a discussion forum involving other Committee members
 - Seek feedback from CUSD prior to engaging with other Committee members

The Brown Act: “Meetings” (continued)

- Meetings are open to the public with a posted agenda and minutes
 - ✓ 72 hours’ notice for all “regular” meetings
- Brown Act physical location requirements were suspended with Governor’s pandemic order;
- Virtual meetings will follow same requirements and protocols as district board meetings.

The Brown Act: Public's Rights

- Agenda must allow comment on agenda items before or during consideration of that item.
- Agenda must allow comment on non-agenda items unless outside the Committee's jurisdiction
- The Committee may place reasonable time limitations on particular topics or speakers
- Committee should follow same rules for virtual public participation as CUSD Board meetings

