

CITIZEN ADVISORY COMMITTEES

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Evergreen School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

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)

Committees Subject to Brown Act Requirements

The following committees shall comply with Brown Act requirements pertaining to open meetings, notices, and public participation, pursuant to Government Code 54950-54963:

CITIZEN ADVISORY COMMITTEES (continued)

1. Advisory committees established pursuant to Education Code 56190-56194 related to special education
2. Advisory committees established pursuant to Education Code 8070 related to career technical education
3. Committees established to assist in development of a student wellness policy pursuant to 42 USC 1751 Note
4. Committees established pursuant to Education Code 17387-17391 related to the use or disposition of excess real property
5. Citizens' oversight committees established to examine the expenditure of general obligation bond or schools facilities improvement bond revenues passed with a 55 percent majority of the voters pursuant to Education Code 15278 and 15359.3
6. Other committees created by formal Board of Trustees action

Committees Not Subject to Brown Act Requirements

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

1. School site councils established pursuant to Education Code 41507, 41572, or 52852 related to student retention, school or library improvement, or school-based program coordination
2. District or school advisory committees established pursuant to Education Code 52176 related to programs for students of limited English proficiency
3. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education
4. Any district advisory committee established pursuant to Education Code 54444.2 related to migrant education programs
5. School site councils established pursuant to Education Code 62002.5 related to economic impact aid and bilingual education
6. School committees established pursuant to Education Code 11503 related to parent involvement

CITIZEN ADVISORY COMMITTEES (continued)

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)

Councils or committees 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)

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.