


## Non-Negotiables: How to Run a World-Class Board

Presented by:

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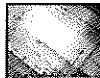
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## Overview

- Introduction
- Goals
  - Ounce of Prevention
  - Improve Issue Spotting Skills
  - Provide Ideas for Systematic Change
  - Limit Disruption/Liabilities
- Disclaimers
  - Real Problems are Fact Specific & Complex
  - Cookie-Cutting can be Dangerous
  - Non-Attorney Advice and the Attorney-Client Privilege



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## UNDERSTANDING THE BROWN ACT



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
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## The Brown Act

What is the purpose of the Act?

- Democracy Principle
- Limited Confidentiality
- Holding meetings in public – not public meetings.



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
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## The Brown Act (Cont.)

What is a meeting?

- Broad definition – majority of members/subject matter of CS
- Exceptions to definition (conferences/other meetings/social); Bd. member to Bd. member
- Prohibition against serial meetings
- Telephonic requirements
- Application to subsidiary bodies (e.g., standing committees/advisory committees)



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
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## The Brown Act (Cont.)

What are the notice & agenda requirements?

- Regular meetings – 72 hours notice
- Special meetings – 24 hours notice
- Emergency meetings (rare – 1 hours notice)
- Cannot discuss non-agenda items – exceptions rarely applied.
- Closed session agenda requirements (safe harbor/announcements)



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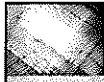
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## The Brown Act (cont.)

A word on Board minutes:

- What should be included in the minutes?
- What is the process for preparing and adopting minutes
- How are minutes distributed and maintained?



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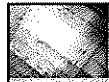
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## The Brown Act (cont.)

What are the public's rights?

- Public testimony
- Taping or broadcasting
- Conditions of attendance
- Copy of agenda/support materials
- Non-discriminatory facilities
- Request for agenda items



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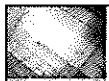
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## The Brown Act (cont.)

What are the permissible closed sessions?

1. Personnel (appointment, employment, evaluation, discipline, dismissal)  
-- exception complaints/charges --
2. Pending/anticipated litigation
3. Real estate negotiations
4. Labor negotiations



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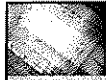
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## The Brown Act (cont.)


What are the permissible closed sessions?

5. Public security exception
6. Pupil discipline

\*\* Note: each closed session must have oral announcement/public comment; then announce out action taken in closed session.

\*\* No semi-closed meetings.

\*\* No minutes in closed session - confidentiality requirement



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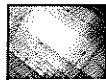
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## The Brown Act (cont.)

What are the penalties & remedies for violating the Act?

- Criminal penalties
- Civil remedies (injunction/voiding acts taken); atty's fees.
- Notice & demand for cure

\*\* Take our Brown Act quiz online at [www.mymcharterlaw.com/resources.html](http://www.mymcharterlaw.com/resources.html)



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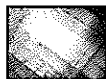
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## Questions & Answers



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# THE 7 HABITS OF HIGHLY EFFECTIVE CHARTER SCHOOL GOVERNANCE

## *A HIGHLY EFFECTIVE CHARTER SCHOOL BOARD:*

### 1. DEFINES PROPER ROLES OF BOARD VERSUS ADMINISTRATION

- ◆ The Board and Administration understands and policies its roles through policy and practice
- ◆ The evaluation of Administration by the Board correlates with those roles

### 2. GOVERNS AND AVOIDS MANAGING

- ◆ Directs Administration on prioritized goals – focuses on policy and mission/vision
- ◆ Avoids directing on the “how”

### 3. ESTABLISHES AND ENFORCES OPERATIONAL NORMS AS A BOARD

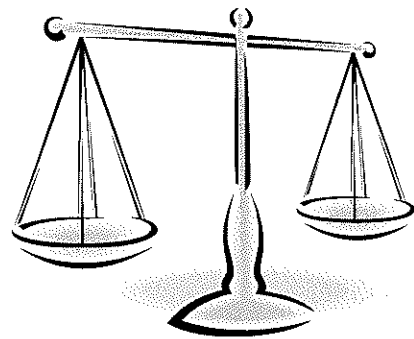
- ◆ To establish when Board approval is required
- ◆ To assist Board members in decision making after reasonably inquiry

### 4. ONLY RECOGNIZES GROUP [BOARD] AUTHORITY

- ◆ Establishes limited circumstances when is it appropriate for a single Board member to act on behalf of the Board
- ◆ Enforces appropriate responses by individual Board members when questioned about the Board’s actions

### 5. UTILIZES TIME EFFECTIVELY AND EFFICIENTLY

- ◆ Prepares agenda through “cabinet meeting”
- ◆ Ensures appropriate public participation in meetings
- ◆ Avoids time loss on “administrivia”
- ◆ Board members prepare for meetings
- ◆ Evaluates its meetings regularly



### 6. CONTINUALLY DEVELOPS THE BOARD PROFESSIONALLY

- ◆ Regularly schedules professional development on topics pertinent to governance and relevant to the business of being a charter school

### 7. COMPLIES WITH PUBLIC TRANSPARENCY LAWS AND MAINTAINS CORE POLICY FRAMEWORK

- ◆ Understands open meeting laws and conflicts of interest laws and ensures compliance
- ◆ Develops and maintains the minimum core policies