

The California Brown Act

For Charter Schools: Basics & 2026 Updates

Board Member & Compliance Staff Training

September 2026



This presentation is an educational overview and does not constitute legal advice.

Why the Brown Act Matters

Government Code § 54950:

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know."

The California DOJ describes the Brown Act as ensuring the public's right to attend and participate in meetings of public agencies, curbing misuse of the democratic process through secret legislation.



Transparency

All meetings open and public



Public Participation

Right to attend, comment, be informed



Accountability

Narrow exceptions, broadly construed openness

What Counts as a “Meeting”

Gov. Code §§ 54951–54952.2

Majority of members

Any congregation of a majority at the same time and place to hear, discuss, deliberate, or take action on matters within the body’s jurisdiction

Serial meetings prohibited

A majority may not use intermediaries or serial communications to discuss, deliberate, or take action outside a noticed meeting

Staff communications allowed

Staff may separately answer questions or provide info if they do not relay members’ comments or positions to other members

Social media

Public engagement posts are allowed, but members may not discuss among themselves business of a specific nature or respond to another member’s post on agency business

Key Definitions

Local Agency (§ 54951)

Includes school districts and other local public agencies

Legislative Body (§ 54952)

Governing body of a local agency, plus commissions, committees, boards, and private-entity governing bodies as specified

Meeting (§ 54952.2)

Congregation of a majority at the same time and location, including teleconference locations under § 54953

Core Meeting Mechanics



72-Hour Agenda

Agendas for regular meetings posted at least 72 hours in advance (§ 54954.2)



Agenda Descriptions

Brief general description of each item; descriptions must give a fair chance to participate



No Non-Agendized Action

Generally no action or discussion on items not on the agenda



Public Comment Required

Every regular meeting must allow public comment on agenda items and matters within jurisdiction (§ 54954.3)



No Registration Required

Attendance cannot be conditioned on sign-in, questionnaires, or other prerequisites (§ 54953.3)



Materials Available

Agenda-related writings must be publicly available; AB 2647 addresses late-distributed materials and website posting

Charter-Specific Location & Teleconference Rules

Ed. Code § 47604.1(c)

01 Single Charter School

Must meet within the county where the school is located. Two-way teleconference at each schoolsite.

02 Nonclassroom-Based / Resource Center

Meet in county with greatest enrollment. Two-way teleconference at each resource center.

03 Same-County CMO/EMO

Meet within that county. Two-way teleconference at each schoolsite and resource center.

04 Multi-County CMO/EMO

Meet in county with greatest enrollment. Two-way teleconference at all sites. Must audio/video record all meetings and post on each school's website.

Important Note

These charter-specific location rules do not limit authority to meet outside those boundaries if Gov. Code § 54954 authorizes it and the meeting place complies with § 54961.

Multi-county CMOs must record and post all board meetings online — a higher transparency bar.

Closed Sessions: Limited Exceptions

Exceptions are narrowly construed; openness is broadly construed



Pending Litigation

§ 54956.9 — Existing or anticipated litigation, including significant exposure



Personnel Matters

§ 54957 — Appointment, employment, evaluation, discipline, or dismissal of a public employee



Labor Negotiations

§ 54957.6 — Meet-and-confer sessions with employee representatives



Other Exceptions

Real estate negotiations, security threats, and other narrow statutory categories

After closed session, the body must reconvene in open session and report required actions (§ 54957.1). Closed-session agenda descriptions must substantially comply with statutory requirements.

Recent Legislative Updates

2022–2026 Key Changes

AB 2449

Allowed remote participation for just cause or emergency without identifying remote locations, if a quorum attended in person from a single public location. Now superseded by SB 707.

2022; sunset Jan. 1, 2026

SB 707

Recasts Brown Act teleconferencing. Eligible bodies must provide remote public attendance (two-way telephonic or audiovisual). Broadens just cause to include caregiving, illness, immunocompromised family, travel, and military service (§ 54953.8.3).

Eff. Jan. 1, 2026; key provisions July 1, 2026–Jan. 1, 2030

AB 2647

Amended § 54957.5 on late-distributed materials. If conditions met, immediate website posting satisfies availability, but physical-copy requirements still apply.

Effective 2025

Ed. Code § 47604.2

Allows petitions for pupil members on charter school governing bodies. Pupil members have preferential voting rights, receive open meeting materials, and attend all meetings except closed sessions. Must notify chartering authority within 30 days.

Eff. Jan. 1, 2026

Practical Compliance Checklist

For Board Members & Staff



Post agendas 72+ hours before regular meetings

Include descriptions specific enough for public participation. Post at all teleconference locations.



Allow public comment on all agenda items

Do not require registration. Permit criticism of policies and actions. Provide real-time remote comment under SB 707.



Avoid serial meetings and social-media deliberation

Board members must not discuss agency business in serial chains or reply to one another's emails, texts, or posts.



Meet in the correct county and establish teleconference sites

Follow Ed. Code § 47604.1(c) for your school's structure. Multi-county CMOs must record and post meetings.



Report closed-session actions in open session

Use only authorized exceptions. Agenda descriptions must substantially comply. Reconvene publicly.

Enforcement & Consequences

Criminal penalties

Members who intentionally deprive the public of information may face misdemeanor charges (§ 54959)

Civil enforcement

Citizens or DAs may sue to enforce or void actions (§§ 54960, 54960.1); courts may award attorney fees (§ 54960.5)

Nullification

Actions taken in violation may be voided, though plaintiffs generally must show prejudice

Common Traps & Takeaways

→ **Reply-all and email chains**

Serial communication by a majority is a Brown Act violation even without a physical gathering.

→ **Vague agenda descriptions**

Courts require descriptions that give the public a fair chance to participate — not mere clues.

→ **Forgetting teleconference sites**

Charter schools must establish two-way teleconference at every schoolsite and resource center.

→ **Skipping public comment**

Every regular meeting must offer public comment. Special meetings must allow it on noticed items.

When in doubt,
default to
transparency.

The Brown Act's openness provisions are construed liberally. Closed-session exceptions are construed narrowly. The safest course is always to err on the side of public access.