



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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## LEGAL UPDATE

December 9, 2016

**To:** Superintendents, Member School Districts (K-12)  
**From:** Carl D. Corbin, General Counsel *CDC*  
**Subject:** Summary Guide on Requirements for Public Hearings  
Memo No. 42-2016

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In 1958 the Brown Act (Government Code sections 54950 et seq.) was adopted by the legislature to ensure that the local governing bodies within California operate openly and transparently to the public.

As elected bodies, school boards (such as those for school districts, community college districts, and county office of education) are subject to the Act and must comply with certain notice and public meeting requirements. In addition, certain provisions in the California Constitution, the Education Code, the Government Code, the California Code of Civil Procedure, and the California Public Resource Code add special notice and meeting requirements before governing bodies may act on certain matters. The legislature constantly amends, adds, and repeals code sections related to notice and public meeting requirements. The attached chart is an updated guide to help understand what is currently required to comply with the specialized sections of these codes.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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# **Summary Guide on Requirements for Public Hearings**

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## Summary Guide on Requirements for Public Hearings

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>CALIFORNIA CONSTITUTION</b>				
Article 1, § 7	<b>Due Process and Equal Protection</b>	Pupils are afforded due process and equal protection from any State or Public entity (including boards and officials) to the same extent as provided for under the 14th Amendment in school assignment and pupil transportation unless it is to remedy a specific violation of the Equal Protection Clause of the 14th Amendment through state or federal court action.		However, governing boards of school districts can voluntarily continue or commence school integration plans.
Article 13D, § 6(a)	<b>Increased Property Taxes</b>	Local agencies must hold public hearings before increasing fees or issuing new fees related to property.	Written notice by mail of the proposed fee or charge to the record owner of each parcel to be affected by the proposed fee, the amount of the fee or charge, the basis upon which it was calculated, the reason along with the date, time and location for a public hearing on the proposed fee or charge. A public hearing regarding the proposed fee or charge will be held at least 45 days after the mailing of notice, at which the agency shall consider protests against the fee/charge and if written protests against the fee/charge are presented by a majority of owners of the affected parcels then the fee/charge shall not be imposed.	Voter approval is required for new or increased property related fees/charges (besides sewer, water and refuse), a majority vote of the property owners of the property subject to the fee or charge, or by 2/3rds at agency's discretion. This election is to occur at least 45 days after the public hearing.
Article 13A, § 1	<b>Exceeding Maximum Property Taxes for School Facilities</b>	If bonded indebtedness for school facilities is to exceed the maximum limit of tax on real property it must be approved by 55 percent of the voters of the district or county and will result in certain accountability requirements.		Proceeds from the sale of bonds can be used only for facility related purposes as specified, a list of the facilities projects to be funded and certification the board has evaluated safety, class size reduction, and information technology needs in developing the list, an independent performance audit to ensure the funds have been expended only on the specific projects listed until all the funds from the proceeds of the bonds have been expended for the school facilities projects.

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>EDUCATION CODE</b>				
§ 33050	<b>Waiving of Education Code Sections</b>	Governing board of school district or county board of education on a districtwide/countywide OR on behalf of select schools can request with the State Board of Education to waive all or part of any section of the code adopted by the State Board or implementing regulations except those specified in this section.	Waiver request can only be made with the State Board after the governing board holds a public hearing on the matter.	Joint waivers must be unanimously approved by the governing board of the joint powers agency (such as technical school programs/ROP)
<b>DISTRICT BOARD: GENERAL MEETING REQUIREMENTS</b>				
§ 35140	<b>Fixed Regular Meetings</b>	District governing board must adopt a rule/regulation that fixes the time and place for regular meeting	Adoption is considered proper notice to all board members.	
§ 35143	<b>Annual Organizational Meeting</b>	Each governing board will hold an annual organizational meeting. At the annual meeting the governing board of each school district will elect from its members a president and clerk, city board of education will elect a president, and all other governing boards (except community college districts) will select a member of the board to be clerk of the district.	The meeting must be held within 15 days from when an elected governing board member takes (or would take, if not an election year) office. Unless otherwise specified in a board rule, the day and time of the annual meeting will be selected by the board at its regular meeting held immediately before the first day of the 15 day period, and the board must notify the county superintendent of the day/time selected. At least 15 days before the date set for the annual meeting, the board clerk will notify in writing all members and members-elect of the date/time selected for the meeting. If the board fails to set a date/time at that meeting, the county superintendent will set it within the 15-day period and will notify in writing all members/members-elect of the date and time.	If a city board of education elects its members in accordance with a city charter for terms of office beginning in December, the annual meeting can be held between December 15-January 14 as long as provided for in rules/regulations of the board. President and VP must be elected from the members to serve from January 15 to January 14 unless removed by a majority vote of all city board of education members.
§ 35144	<b>Special Meetings</b>	Presiding officer of the board, or a majority of the members, can call a special meeting at any time by delivering personally or by mail notice to each board member and to each local newspaper of general circulation, radio, or television station requesting notice in writing.	Notice must be delivered at least 24 hours before the time of the meeting, must specify the time/place and the business to be transacted, and must be posted at least 24 hours prior in a location that is freely accessible to the public and district employees.	Written notice may be waived by any member that files with the clerk or secretary of the board a written waiver of notice, or is present at the time of convening.
§ 35145	<b>Public Meetings, Posting Agenda and Actions</b>	All meetings of the district governing board are to be open to the public. All actions the governing board is authorized or required to take are subject to certain requirements including making meeting minutes available to the public.	An agenda is to be posted with a brief description of each item to be discussed (less than 20 words) and posted in a public place, and on the agency's website if one exists, at least 72 hours before the meeting. Ca. Gov't Code § 54954.2.	Any interested person may commence an action by mandamus or injunction to obtain a judicial determination that an action taken by the governing board that violates open meeting requirements be null and void (Ca. Gov't Code § 54960.1).

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 35146	<b>Closed Session: Student Disciplinary Actions</b>	Unless a request is made by the parent, the board is to hold closed sessions when considering disciplinary action if the meeting will contain information that will violate student privacy rights that are outlined in this code beginning with §49073.	Parent, or adult pupil, must request an open hearing in writing to the secretary or clerk of governing board's within 48 hours of receiving notice by certified mail or personal service of the board's intention to hear the matter.	Whether considered at closed or open session the final action of the board is to be taken at a public meeting making the result of such action a public record of the school district.
§ 32210	<b>Disturbing a Meeting</b>	Any person who willfully disturbs any public school or public school meeting is guilty of a misdemeanor, and shall be punished by a fine of up to \$500.		
§ 35147	<b>Meetings Not Governed by Open Meeting Acts</b>	Generally, councils and school site advisory committees are exempt from open meeting acts, except for the following committees/councils: committees on bilingual education (52176), school site council (52852), compensatory education advisory councils (54425), councils for migrant child education (54444.2). These specified councils/committees must be open to the public allowing for any member of the public to address the council or committee on any item within the subject matter jurisdiction of the council or committee.	Notice must be posed at the school site or other appropriate place accessible to the public for 72+ hours before the meeting and must specify: date/time/location of the meeting and contain an agenda with a brief description of items to be discussed/acted upon. No other items can be discussed beyond the agenda unless immediate action is needed based on a unanimous vote.	If the procedural meeting requirements are violated then any person can demand the item be considered at the next meeting allowing for public input. All materials are subject to the Public Records Act.
§ 18440	<b>Library Trustees and Library Commission</b>	Elected trustees of High School Districts shall serve concurrently as Library Trustees (per § 18341) before creating a library commission of 5 members to manage and operate the libraries in the district, at least one public meeting must be held on the matter.	Notice given (§ Ca. Gov't Code 6066) in a newspaper circulated throughout the district (published once a week or more) by publishing at least twice with at least 5 days between the publications allowing for at least 2 weeks' notice AND by posting of the notice in 3 public places in the district at least 15 days prior to the date of the public hearing.	Library trustee board may dissolve the commission (to be effective the following June 30 <sup>th</sup> ) but must hold at least one public hearing on the matter in which notice is given under same conditions for creating the commission §18452.
§ 5304	<b>School District Elections</b>	In regard to district elections for board members of any school district or community college district the governing board may (a) order elections as authorized and (b) resolve tie votes.		

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>COUNTY BOARD: GENERAL MEETING REQUIREMENTS</b>				
§ 1009	<b>County Board: Annual Meeting</b>	County board of education will organize at an annual meeting and elect a member to be president of the board.	The meeting must be the first meeting held on or after either the last Friday in November, or first day in July depending on when the members' terms of office commence.	
§ 1011	<b>County Board: Regular Meetings</b>	Regular meetings of the board shall be held at times it determines	Board must hold a meeting at least once a month and conduct it in compliance with the Brown Act.	
§ 1012	<b>County Board: Special Meetings</b>	Special meetings may be called by the president whenever it is decided the exigencies of the schools require it.	President must call a special meeting if any three members request one in writing	
§ 1040 & § 1042	<b>County Board Duties and Powers</b>	Outlines County Board duties and 1042 extends additional powers that can be exercised as long as the authority is acted upon at public meetings		
§ 1620	<b>County School Service Fund Budget</b>	County Board of Ed. must hold a public hearing on or before July 1 of each fiscal year on the proposed county school service fund budget prior to the adoption of the budget.	Proposed budget must be made available for public inspection 3 days before the hearing. Opportunity to speak on any proposed budget item must be given to any taxpayer directly affected	Agenda for the hearing shall be posted at least 72 hours prior to the hearing and shall include the location where the budget will be available for inspection.
<b>COUNTY SUPERINTENDENT: LIMITATIONS</b>				
§ 1280	<b>Revisions to County Board Budget</b>	If a revision in excess of twenty-five thousand dollars (\$25,000) is proposed by the county superintendent of schools to the annual budget of the county superintendent of schools after the county board of education has adopted the budget, the revision shall be incorporated in the next interim financial report or other board report.	The report will be submitted to the county board of education for discussion and approval at a regularly scheduled public meeting of the county board of education.	
§ 1209	<b>Superintendent Salary Increases</b>	County superintendents cannot increase their salary, financial remuneration, benefits or pension without bringing it to the attention of the county board.	Any increases must be discussed and approved by the county board at a regularly scheduled public meeting.	
§ 1279	<b>Superintendent: Sale of Office of Education Property Over \$25,000</b>	Any personal property that belongs to the county office of education cannot be sold in any manner by the superintendent if it is over \$25,000 without first bringing it to the attention of the county board of education.	Must be discussed and approved by board at a regularly scheduled meeting, and advertised in a newspaper of general circulation within the district in compliance with board policies.	If property less than \$25,000 is sold, the value must be certified in a quarterly report that is submitted to the county board of education for review.
§ 1281	<b>Consultant Contracts</b>	County superintendents cannot hire any entity in which they have a financial interest as a consultant.	If the superintendent enters into a consultant contract for more than 25,000 so that it constitutes a budget revision, it must be incorporated in the next interim financial report or other board report so that it can be submitted to the county board for discussion and approval at a regularly scheduled public meeting.	



SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>BUDGETS &amp; FINANCES</b>				
§ 41020.3	<b>Annual Audit</b>	Board of each local education agency is to review the annual audit of the agency for the prior year, at a public meeting by January 31 of each year, and identify any audit exceptions, recommendations or findings of any management letter issued, and a description of correction or plans to correct.	The review must be placed on the agenda of the meeting pursuant to § 35145 agenda requirements.	
§ 42637	<b>Non-Complying Budget</b>	Anytime during the fiscal year the county superintendent of schools identifies a school within its jurisdiction not complying with the standards and criteria for fiscal stability pursuant to § 33127, the superintendent is to notify the Superintendent of Public Instruction (SPI) and the district in writing, and may conduct a comprehensive review of the financial and budgetary conditions of the district.	The findings and recommendations on methods to balance the expenditures with the revenue must be reported to the governing board of the district and the SPI. The report to the governing board will be made at a public meeting and the board must, within 15 days of receiving the report, notify the county superintendent and the SPI of its proposed actions on their recommendations.	
§ 17014	<b>Major Maintenance</b>	Plan for any major maintenance to be completed by the district must be reviewed annually.	Reviewed during the budget preparation process	
§ 42103	<b>Budget Proposal Requirements</b>	Board of each school district shall hold a public hearing on proposed budget in a conveniently accessible location, such as a district facility to be held on or before July 1st (per §42127), but the proposed budget must be available for public inspection at least three working days before the hearing and the finalized budget cannot be adopted until after the public hearing.	County Superintendent will publish notice of the dates and location(s) at which the proposed budget may be inspected by the public and the location, date, and time of the hearing on the proposed budget in any newspaper of general circulation in the district (or county, if not available) at least 3 days before the budget becomes available for public inspection, and at least 10 days before the date set for hearing, but no earlier than 45 days prior to the final date for the hearing.	According to §42127 (1), the Agenda shall be posted at least 72 hours before the public hearing and shall include the location where the budget will be available for public inspection.
§ 42127	<b>Adopting the Budget</b>	By July 1st or within 5 days of adoption at the proposal hearing, whichever is sooner, the governing board must file the adopted budget with the county superintendent. On or before September 15, the county superintendent of schools shall approve, conditionally approve, or disapprove the adopted budget for each school district. The county superintendent will disapprove a budget if it does not include the expenditures necessary to implement the local control and accountability plan or its annual update.	Not later than 45 days after the Governor signs the annual Budget Act, the school district shall make available for public review any revisions in revenues and expenditures that it has made to its budget to reflect the funding made available by that Budget Act.	Beginning in fiscal year 2014-2015, the district board cannot adopt a budget before adopting a local control and accountability plan (if the existing one is not effective for the budget year) and cannot adopt a budget that does not include the expenditures necessary to implement it or its annual update.

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 42127 (d)(3)	<b>Conditional Approval/Disapproval</b>	If the district's adopted budget is conditionally approved or disapproved on or before October 8, the governing board, along with the county superintendent, shall review and respond to the superintendent's recommendations at a public meeting.	Review to occur at a regularly scheduled school district meeting.	The district's response shall include any revisions to the adopted budget and other proposed actions to be taken, if any, as a result of superintendent's recommendations.
§ 42127 (a)(2)(B)	<b>Ending Fund Balances in Excess of Minimum Recommended Reserve</b>	Beginning with fiscal year 2015-2016, if a budget includes an ending fund balance in excess of the minimum recommended reserve for economic uncertainties adopted by the state board in § 33128(a), the district board must hold a public review and discussion at a hearing.	For the hearing, the board must provide: minimum recommended reserve for economic uncertainties identified in the budget, the combined assigned and unassigned ending fund balances that are in excess of the minimum recommended reserve, a statement of reasons that substantiates the need for the ending fund balances that are in excess of the minimum recommended reserve for each fiscal year it is in excess of the minimum. Notice is same as for the budget proposal hearing as specified in § 42103 and §42127 (1).	The district board shall include this information in its budgetary submission each time it files an adopted or revised budget with the county superintendent and must maintain it and keep it available for public review.
§ 52062	<b>Local Control and Accountability Plan</b>	Before the district board considers adopting a local control and accountability plan or its annual update, it must be presented to specified parent advisory committees, members of the public must be notified of the opportunity to submit written comments regarding the specific actions and expenditures proposed using the most efficient method of notification possible (but does not require printed/mailed notices), and written responses must be provided to the comments from the English learner parent advisory committee. § 52068 applies the same requirements to county offices of education.	At least one public hearing to solicit recommendations and comments from members of the public regarding the specific actions and expenditures proposed. Agenda must be posted at least 72 hours before the public hearing and must include the location where the plan will be available for public inspection. Hearing held at the same meeting as required in § 42127. The board will update or adopt the plan in a public meeting held after the previous hearing and at the same meeting at which the budget is adopted.	Revisions may be adopted during the period the plan is in effect, but only if the adoption procedure is followed and the revisions are adopted in a public meeting. The local accountability plan must be adopted and will be effective for 3 years with an update before July 1 each year detailing state and local goals/priorities and the specific actions to be taken. § 52060. District must submit to county superintendent within 5 days of adoption. On or before Aug. 15, he/she may request written clarification and the board must respond, in writing, to requests within 15 days. The superintendent may make recommendations for amendments to the plan within 15 days, and the recommendations must be considered by the board at a public meeting within 15 days of receipt § 52070 (§ 52070.5 for County).
§ 41455	<b>Financially Troubled LEAS</b>	School districts and county offices of education that are identified as being in severe financial difficulty can be examined by the Superintendent of Public Instruction (SPI) with the advice of the Controller, and the SPI can contract with consultants with financial and administrative expertise to generate a written report regarding financial problems identified and recommendations on ways to alleviate them.	The report shall be presented at a public meeting of the governing board of each of the school districts and county offices of education.	



SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 15146	<b>Sale of Bonds</b>	The board may issue and sell bonds in compliance with §15140, payable from the interest of the district funds and can sell at a negotiated sale or competitive bidding, but before the sale the board must adopt a resolution as an agenda item at a public meeting including: express approval of the method of sale, a statement of the reasons for the method of sale, and disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser (when known), and estimates of the costs associated with bond issuance.	If the sale includes bonds with compounding interest, it must be publicly noticed on at least two consecutive meeting agendas, first as an information item, then as an action item, and certain information must be presented to the board regarding the interest bonds.	
§ 15320-23	<b>Notice and Bonds for School Facilities Improvement District</b>	When a governing board determines that a school facilities improvement district is necessary, a resolution must be adopted for the formation including: time and place for a hearing on the formation of proposed improvement district in which any interested person, including all persons owning land in the school or community college district, or in the proposed facilities improvement district, may appear and be heard. § 15320	Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation published in each affected county, pursuant to Ca. Gov't Code § 6066, the first publication shall be at least 14 days prior to the time fixed for the hearing. No notice other than that required by this section is needed. § 15321	Resolution by board of supervisors required to make chapter applicable in county §15322. During resolution hearing a modification resolution may be proposed stating the change and estimated cost, and fix a time and place for future hearing by the board. § 15323
<b>FACILITIES &amp; REAL PROPERTY</b>				
§ 17032.3	<b>Asset Utilization Plans</b>	District must create an asset utilization plan for surplus facilities that has been the subject of a public hearing and determined by the board to benefit the district.		Plan must be submitted to State Allocation Board to be reviewed within 90 days and, if approved, must be updated every 3 years.
§ 17078.25	<b>Construction Under Critical Overcrowded School Facilities Program</b>	School districts that have applied for funding for construction under the Critical Overcrowded School Facilities Program have 4 years after preliminary apportionment to finalize the apportionment but must make an annual report to the State Allocation Board regarding the progress made toward completing the requirements for filing the application for final apportionment.	Annually hold a public hearing regarding the report at a regularly scheduled meeting.	

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 17418	<b>Construction Agreement Alternative Method to Sealed Proposals</b>	At a public meeting the board may adopt a resolution declaring its intention to enter an agreement with a nonprofit public benefit corporation as long as the corporation meets certain conditions.	The resolution must describe the available site upon which the building will be constructed so that it can be identified, generally describe the building to be constructed and state that it will be constructed pursuant to the plans adopted by the board, state the minimum yearly rental at which it will lease the real property (if that is the case), the maximum number of years the school will lease the building or building and site.	
§ 15280	<b>Bond Oversight Committee: School Construction</b>	District board, without expending bond funds, must provide the citizen's oversight committee with any necessary technical, administrative assistance, and sufficient resources to publicize its conclusions in furtherance of its purpose. The district board will provide the citizens' oversight committee with responses to any and all findings, recommendations and concerns addressed in the annual independent financial and performance audits, within three months of receiving the audits.	All citizens' oversight committee proceedings must be open to the public and notice must be given in the same manner as the proceedings of the governing board, and the committee must issue regular reports on the results of its activities at least once a year.	All minutes of meetings and documents received and reports issued will be a matter of public record and be made available on an Internet Website maintained by the district board.
§ 17251(A)	<b>Acquisition of School Sites</b>	CDE provides governing boards with recommended real property for school sites. If the governing board wants to purchase a site deemed unsuitable for school purposes by CDE, it can do so only after reviewing the department's report on proposed sites at a public hearing.	CDE will investigate reports of school districts that are not complying with school site selection standards. Governing boards will be notified of the results of the investigation and if the site is not yet acquired, the board must hold a public hearing to discuss the findings of the investigation.	
§ 17211	<b>Acquiring Real Property for a School Site</b>	Hold a public hearing in which real property is evaluated under the Department of Education site selection standards.	Evaluate the property based on standards set by the state pursuant to § 17251.	Governing Board may direct the advisory committee established under § 17388 to evaluate the property and report to the board at the public hearing. Cal. Code Regs. tit. 5, § 14010 & 14011 describe the site selection standards and procedures for site approval.
§ 17213	<b>Approving Site Acquisition</b>	Discusses the determinations a school board must make, as a condition of receiving state funding, before approving site acquisition, including preparation of an environmental assessment report.		
§ 17213.1	<b>Environmental Assessment</b>	Before Constructing a school site a preliminary Endangerment Assessment must be completed. When that assessment is submitted to the Department of Toxic Substances Control (DTSC), the school district is to publish a notice of the submittal.	Notice must be published in a local newspaper of general circulation and posted in a prominent manner at the proposed school site subject to the notice. The notice shall include the availability of the assessment for public review for 30 days then a public hearing must be held. All public comments are to be reported to the DTSC.	A different procedure exists if district proceeds with DTSC approval of the assessment, in which case the Draft Environmental Impact Report hearing can be held simultaneously.

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 17215(d)	<b>Proposed School Site Near Airport</b>	Department of Transportation must first approve construction of a school site or expansion of an existing site on property near an airport.	If approved, the governing board or charter school must hold a public hearing prior to acquisition of the title or lease.	
§ 17466	<b>Selling Real Property</b>	Before the board decides to sell or lease any property it must adopt by 2/3rds of its members a resolution declaring its intent to sell/during a regular open meeting. The resolution must describe the property so it is identifiable, specify the minimum price and terms, payment to be made to a real estate broker.	Fix a time for a public meeting within 3 weeks at which sealed proposals will be received and considered §17466. All bids will be opened and reviewed and the highest bid (after calculating realtor fees) that complies with the set requirements will be accepted unless a higher oral bid is made at the meeting or the board rejects all bids § 17472.	District board must take reasonable steps to ensure that the former owner from whom the property was purchased receives notice of the public meeting in writing, by certified mail at least 60 days before the meeting. Board does not need to offer the right to purchase nor sell the property at the tentatively accepted highest bid price § 17470.
§ 17557, 17558, 17559	<b>Dedication of Real Property</b>	2/3rds vote required for resolution to convey property and within 10 days must hold a public board meeting in its regular place for a public hearing on the issue of dedication or conveyance.	Notice of the adopted resolution and time and place for the meeting is given by posting copies in 3 public places in the district at least 10 days before the date of the meeting and by publishing the notice once in a newspaper of general circulation (within the district or county) at least 5 days before the meeting.	At the public meeting, or any meeting held within 60 days, unless protested, 2/3rds vote of members can authorize a presiding officer, president, secretary or designated member to execute the deed of dedication or conveyance which will be fully effective upon delivery and acceptance.
§ 17417	<b>Entering a Lease or Agreement for Real Property</b>	At a regular open meeting a resolution must be adopted of intent to enter into a lease or agreement and must describe the building, maximum number of years to be leased or information on the building to be constructed on leased property (which requires additional information). Resolution must fix a time for a public meeting at regular place within 3 weeks after adopting the resolution in which it will review sealed proposals. In a public session all proposals must be reviewed and, of those that conform to the conditions outlined in the resolution, the one with the lowest rental shall be accepted and the rest rejected, unless all are rejected.	Notice must be provided by posting copies of the resolution signed by the board in three public places in the district, at least 15 days before the date of the meeting and publication in a paper of general circulation within the district or county once a week for at least 3 weeks § 17469. If the district has ADA of 400,000+, instead of adopting a declaration of intent to lease real property, the board may publish notice in a paper of general circulation three times in at least 15 days describing the property so that it can be identified and noticing a public meeting at least 15 days from notice to be held at regular meeting place for consideration of proposals. § 17467	If no proposals comply or none is submitted, then within a year of the resolution or rejection a lease may be entered at fair market value but the term of the lease shall not exceed 3 years. The board must approve the lease by a majority vote at a public meeting. § 17477
§ 17465	<b>Leasing Vacant Classrooms</b>	When the district board adopts a resolution of intent to lease a vacant classroom, it must offer the lease first to special education programs within the district or local plan area	Upon adoption of the resolution, the board must notify in writing other districts/county office of intent to lease with a description, lease length (not to exceed 99 years) and other terms subject to negotiation, and state the length the offer will be valid (no more than 60 days).	The board may continue with leasing procedure but cannot act on any proposal until rejection of offer is received in writing or the end of the 60-day period passes.

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>TAXES &amp; FEES</b>				
§ 17620-21	<b>School Facility Fees for New Development</b>	Describes conditions under which the district is authorized to levy a fee against development construction within the district boundaries for the purpose of funding the construction or reconstruction of school facilities. § 17621 requires the resolution to adopt fees which involves holding a public hearing pursuant to Ca. Gov't Code § 66018 that allows for oral or written presentations to be made as part of a regularly scheduled meeting.	Notice published in compliance with Ca. Gov't Code § 6062a. Time and place for the meeting, including a general explanation of the matter to be considered must be published for 10 days (at least twice with 5 days between) in a regularly published newspaper.	Ca. Gov't Code § 66019 Allows any interested party to request notification from the local governing body of any increased fees via mail which must be sent at least 14 days prior to the first meeting. § 17620 allows for urgency interim approval for 30 days at a noticed public hearing with a 4/5ths vote which may be extended up to two times for an additional 30 days
§ 43046	<b>Special Taxes for New School Facilities</b>	When a building permit has been issued for a lot, but the special tax for a new school facility has not been paid, the district board can determine the amount of unpaid special tax and establish a lien in that amount on each lot or parcel. Appropriate notice that such tax is due and owed must be given, and a hearing with notice on the issue must be had prior to issuing a lien. At the public hearing all objections and protests to the levy of the special tax shall be heard and upon conclusion, a determination of lien status must be made § 43046.	Published notice pursuant to Ca. Gov't Code § 6063 3 weeks notice in a regularly circulated newspaper within the district (or county) with 5+ days between. Notice must include: that the tax is due and owing, the amount due, a description of the lot or parcel, the penalty not to exceed an annual interest rate of 7% to be charged on the unpaid balance, notification of the pending hearing, and that the special tax and interest may constitute a lien against each lot or parcel for which a building permit was issued. Ca. Educ. Code § 43044. 10 days prior to the date of hearing written notice by mail to the owner as specified on the last equalized assessment roll. § 43045	Within 30 days of the determination, a certified copy of the determination must be filed with the county recorder which will constitute a lien. § 43047
<b>DISTRICT ORGANIZATION</b>				
§ 35001	<b>District Name Change Petition</b>	Within 10-40 days of receiving a petition to change the name of the school district signed by at least 15 qualified electors of that district (or 2/3rds of high school board members), the board shall hold a hearing in which a resolution will be made in response to the request.	Notice of the hearing shall be given through publication in a newspaper published within the district or county at least twice before the date set for hearing.	

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 35700-35706	<b>District Reorganization Procedure</b>	§ 35700 Describes initiation and petition requirements, § 35704 Requires the county superintendent of schools to examine the petition and, if sufficient, transmit the petition to the county committee and the State Board of Education within 30 days of filing.	Once the County committee receives the petition, there shall be one or more public hearings at a regular or special meeting in each affected district. Notice must be given at least 10 days in advance to the chief petitioners, the governing board of all affected districts, and all other persons requesting notice of the hearing. § 35705	On a petition to reorganize school districts three or less petitioners must be identified as chief petitioners to receive notice of any public hearings on the petition § 35701. County Committee must recommend approval or disapproval of petition within 120 days of commencement of the first public hearing, this 120-day period begins after certification of an environmental impact report, approval of a negative declaration, or a determination of exception from the Ca. Environmental Quality Act. § 35706
<b>COMMUNITY COLLEGE DISTRICT TERRITORY</b>				
§ 74100-74107	<b>Community College District Territory Transfer</b>	An action to reorganize a community college district by transferring territory between districts is initiated through filing a petition in compliance with § 74100 criteria, and § 74102 which requires three petitioners to be identified as chief petitioners for the purpose of receiving notice of any public hearings to be held on the petition.	Within 90 days of receiving the petition, the county committee is to hold one or more public hearings on the petition at a regular or special meeting in each district affected by the petition, having given at least 10 days notice before the date of the hearing to the chief petitioners, governing boards of all districts affected by the proposed transfer and board of governors, as well as to all others requesting notice of the hearing § 74105.	90 days after giving the public an opportunity to comment on the petition, report, and recommendations on the transfer of territory, a copy of the report is to be sent to the governing boards but no transfer is to be made unless a majority of the members of the district governing board sign a statement agreeing to all conditions of the territory transfer at a public meeting conducted for that purpose § 74107.
§ 74137	<b>Community College District Territory Annex</b>	§ 74130 Specifies that when an existing community college district wants to annex a high school district or unified school district into its territory that is contiguous to the community college district and not presently in any other community college district it is to follow the procedures for filing a petition as outlined in §74131 and § 74133 which requires 3 petitioners to be identified as chief petitioners.	The governing board of the district to which the territory is to be transferred will set a date for a public hearing on the petition within 60 days of receipt of the petition and the county superintendent will notify the chief petitioners of the time and place of the hearing(s). All interested persons are to be given the opportunity to present their views on the petition, and annexation will only occur if a majority of the receiving district members sign a statement agreeing to all conditions during the hearings § 74137.	“Affected districts” means any component school district or non-district territory within the territory to be transferred, annexed, or formed, or both, or any community college district subject to an action to reorganize districts § 74016.
§ 74156	<b>Formation of a New Community College District</b>	Each affected district governing board must set a date for hearing on the petition.	The hearing must occur within 60 days of receipt of the petition from §74155. The County superintendent must notify the chief petitioners of the times and places of the hearings. All interested persons must be given an opportunity to present their views.	The governing boards of the affected districts will either approve or deny the petition. It will not be formed unless a majority of the members of a majority of the affected district governing boards agree to all conditions of the formation at the hearings. Upon completion of the hearing, each affected governing board will return the petition with a notice of action to the county committee.



SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>CHARTER SCHOOLS</b>				
§ 47605	<b>Petition for Establishment of Charter School</b>	After review and holding of a public hearing, the governing board is to grant or deny the charter within 60 days of receipt, unless a mutual extension is made for an additional 30 days.	Within 30 days of receiving a petition to establish a charter school, the governing board of the school district is to hold a public hearing. Public hearing on the provisions of the charter will allow the board to consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents.	
§ 47605.5, § 47605.6	<b>Petition to County Board of Education for County Charter School</b>	Requirements to submit a charter petition directly to a county board of education if the charter school will serve pupils for whom the county office of ed. would otherwise be responsible for providing direct education and related services. A decision is to be made on the charter within 90 days of receipt unless a 30 day mutual extension is made	Within 60 days of receiving the petition, the county is to hold a public hearing in which support will be evaluated from teachers, parents, and school districts in which the facilities will be placed. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter with 90 days of receipt of the petition. However, this date may be extended an additional 30 days if both parties agree to the extension.	
§ 47607	<b>Revocation of Charter</b>	A chartering authority can revoke the charter if the authority finds through a showing of substantial evidence a material violation outlined in subsection (c), but must give notice and reasonable opportunity to remedy the violation unless it constitutes a severe and imminent threat to the health and safety of the pupils which is communicated in writing. A charter cannot be revoked unless there are written factual findings supported by substantial evidence specific to the charter school.	Before revoking the charter for failure to remedy a violation, the chartering authority must provide written notice of intent to revoke with supporting facts and within 30 days of providing that notice must hold a public hearing on the issue of whether evidence exists to revoke the charter and within 30 days of the hearing, must notice the charter school of decision (unless both agree to 30 day extension). The chartering authority must provide the charter's governing body with notice and any supporting documents at least 72 hours before any meeting in which a Notice of Violation may be considered Cal. Code Regs. tit. 5, § 11968.5.2	Revocation can be appealed to the county board of education within 30 days (or to state board if county is the chartering agency). If county does not make a decision regarding the district's revocation within 90 days, it can be appealed to the state board. See Cal. Code Regs. tit. 5, § 11968.5.4 for more information on the appeals process.



SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>CONTRACTS</b>				
§ 35182.5	<b>Contracts for Sale or Advertising of Non-Nutritious Food and Beverages</b>	Governing board cannot enter or renew a contract for exclusive or nonexclusive rights to advertise or sell non-nutritious beverages or food within the district unless the board meets public hearing requirements in the code.	Board must: (a) adopt a policy after a public hearing that protects the integrity of public funds for the benefit of public education and declare the contract was entered into on a competitive basis and (b) provide an opportunity at the public hearing on the contract at a regularly scheduled meeting that clearly identified in the agenda the contract to be discussed.	Public hearing must discuss issues such as: nutritional value of the food and beverages to be sold within the district, availability of fresh fruit, vegetables and grains at school, amount of fat, sugar, and additives in the food and beverages to be sold, barriers to participation in school provided breakfast and lunch programs
§ 35182.5	<b>Contracts for Electronic Services that Contain Advertising</b>	Governing board or school cannot enter into a contract for electronic products or services that requires dissemination of advertising to pupils unless the contract is entered into at a noticed public hearing of the governing board	Written notice to parents/guardians as a part of the normal ongoing communication and to provide parent with the opportunity to request in writing their child not be exposed to the program containing the advertising, which will be honored for at least the school year, or longer if specified, but which parent can withdraw at any time.	Board must additionally find that the school district cannot afford to provide the product or service without such a contract and that the product or service is or would be an integral component of the education of pupils
§ 17521-24	<b>Contract for Joint Occupancy</b>	If a district board chooses to receive proposals for the joint occupancy of a building to be constructed on school property, the board must adopt a resolution declaring the intention to consider proposals at a regular open meeting. The resolution must describe the proposed site on which the building would be constructed so that it can be identified, and must fix a time not less than 90 days thereafter for a public meeting at which it will receive and consider all plans/proposals § 17521.	Notice of the resolution and the time/place for the meeting must be given by publishing it at least once a week for three weeks in a newspaper of general circulation publishing within the district (or county if necessary) § 17522.	At the time/place fixed in the resolution the board will consider all submitted plans/proposals § 17523. The board will select the one that best meets the needs of the school and can enter into a contract incorporating that plan/proposal, but cannot approve it until it has been submitted to, and approved by the State Board of Education (which will respond within 45 days of submittal). The board will require a bond for the performance of the agreement of an irrevocable letter of credit. §17524
<b>INSTRUCTIONAL MATTERS</b>				
§ 53202	<b>Race to the Top</b>	Any governing body of a school district, county or charter school that has been identified and noticed as persistently low achieving by the Superintendent (pursuant to § 53200 & 53201), must implement an authorized reform under the act: the turnaround model, restart model, school closure, or transformation model, unless the school has implemented its own reform in the last 2 years that conforms to the program requirements and is showing significant progress.	Before the governing board meets to select one of the four interventions, it must hold at least 2 public hearings to notify staff, parents, and the community of the designation and seek input regarding the most suitable option for the applicable school(s) in its jurisdiction. At least one must be held at a regularly scheduled meeting and at least one at the site of the school deemed persistently lowest-achieving.	At least one of those public hearings shall be held at a regularly scheduled meeting, if applicable, and at least one of the public hearings shall be held on the site of a school deemed persistently lowest-achieving. If parent empowerment petition supports the restart model under a chartering authority, additional procedures, including public hearings may be required. See Cal. Code Regs. tit. 5, § 4802.2

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 37616	<b>Implementing a Continuous School Program</b>	Prior to implementing a continuous school program in any school of the district the governing board must first consult with certificated and classified employees, the parents of pupils affected by the change, and the community.	There must be at least one public hearing for which adequate notice is given to employees and parents of affected pupils.	When the governing board does decide to operate one or more schools in the district on a continuous school program that would require any pupil to enroll in the program, it must notify the public before November 1st of the school year preceding the commencement of the program by publicizing it in a newspaper of general circulation within the district at least once a week for three successive weeks (with at least 5 days between notices). § 37611
§ 44047	<b>Instituting Weekend Classes</b>	Before implementing any school district classes on a Saturday or Sunday, the district must consult in good faith to reach agreement with certificated/classified employees, parents of pupils affected by the change, and the community.	There must be at least one public hearing for which adequate notice is given to employees and parents of affected pupils.	
§ 46160 & § 46162	<b>Adoption of Alternative Junior High or High School Schedule</b>	A governing board of a school district with a junior high or high school may allow for an attendance schedule to accommodate career technical education, regional occupation center programs, block courses and other alternative class schedules which allows for total attendance days to be less than the days school is in session as long as 1,200 minutes per 5-day or 2,400 per 10-day period are attended. § 46160	Prior to implementing a flexible schedule, the school district governing board must consult in good faith to reach agreement with certificated and classified employees, the parents of affected pupils and the community, along with at least one public hearing of which adequate notice is given. § 46162	
§ 52304.1	<b>Public Meeting for Annual ROP Review and Plan</b>	District board to hold a public meeting in which an annual review of 11th and 12th graders participating in ROP takes place along with creating a plan to increase participation, unless there are no additional pupils who would benefit from ROP participation.		
§ 51749.5	<b>Independent Study</b>	A school district, charter school, or county office of education may provide independent study courses to grades K-12, as long as certain conditions are met including board approval.	Governing board of the participating body must adopt policies at a public meeting that comply with the requirements for independent study and any regulations adopted by the state board, and courses must be annually certified by the board as equivalent to classroom-based courses regarding rigor, educational quality, and alignment with all relevant local and state content standards.	

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 60119	<p>Sufficient Textbooks and Instructional Materials Aligned with State Adopted Curriculum Standards</p>	<p>Governing board must hold a public hearing or hearings in which the governing board encourages the participation of parents, teachers, bargaining unit leaders, and community members to make a resolution as to whether each pupil in each school within the district has sufficient textbooks and/or instructional materials in all of the following subjects (as appropriate), that are consistent with the content and curriculum framework adopted by the state board in: mathematics, science, history/social science, and English/language arts (must align with content standards in Section 60605 and 60605.8).</p>	<p>Public hearing to occur on or before the 8th week pupils begin attending for that school year (8th week of first year/track in August or September for year round schools). The board must provide 10 days notice with the time/place/purpose of the public hearing(s) posted in 3 public places in the school district. Hearing must be held at a time that will encourage attendance of teachers and parents/guardians of attending pupils so must not be held during, or immediately following, school hours. For each school in which the insufficiency exists, the board must provide information to classroom teachers and the public, in a resolution, the percentage of pupils who lack sufficient standard aligned materials in each subject area, the reasons for it, and the actions that will be taken to ensure that each pupil has sufficient course materials within 2 months of the beginning of the school year in which the determination is made.</p>	<p>Sufficient materials means each pupil (including English Learners) have textbooks/materials to use in class and take home, if needed, and does not include photocopied sheets from a portion of a textbook to address a shortage. May be in a digital format as long as each pupil has the same ability to access the materials in class and ability to use and access at home, as other pupils in the course throughout the district.</p>
§ 32288	<p>Safety Plan</p>	<p>Each school must forward a comprehensive school safety plan to the school district or county office of education for approval.</p>	<p>Before adopting a safety plan, the school site council or school safety planning committee must hold a public meeting at the school site in order to allow members of the public the opportunity to express an opinion about the plan. The committee or council must notify in writing: the local mayor, representative of the local school employee organizations, rep. from each parent organization, rep. of each teacher organization, and a rep. of the student body government, as well as any other person that has requested notification. Notification of: reps. of the local churches, local civic leaders, and local businesses is encouraged.</p>	<p>In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 32281.</p>
§ 32211	<p>Suspected Disturbance</p>	<p>Principal (or designee) may ask any individuals that is not the parent or guardian of a pupil or required to be on campus as part of employment, to leave school grounds during school hours over concerns of disruption of instruction or school activities, as long as it appears reasonable. Individual must promptly leave and not return for at least 7 days, or will be guilty of a misdemeanor.</p>	<p>Appeal for entry onto school grounds during school hours can be made to superintendent within 2 school days and decision will be made within 24 hours, appeal from that decision can be made with the district board within 2 school days and will be considered/decided on at the next scheduled regular public meeting.</p>	

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>STUDENT AFFAIRS</b>				
§ 46601	<b>Failure to Approve Interdistrict Attendance</b>	Appeal can be made to the county board of education which will determine within 30 calendar days of filing if the pupil should be permitted to attend the school district. A class 1 county (1994/95 countywide ADA of 500,000+) or class 2 county (1994/95 countywide ADA of 180,000-500,000) have 40 schooldays to make the determination. If good cause is shown the determination period may be extended by 5 school days.	The county board of education shall provide adequate notice to all parties of the date and time of any hearing scheduled and of the opportunity to submit written statements and documentation and to be heard on the matter pursuant to rules and regulations adopted by the county board of education. Class 1 or 2 counties may allow for a hearing in compliance with codes beginning with Ca. Gov't Code § 27720.	Becomes ineffective July 1, 2018 and is repealed on January 1, 2019 unless it is otherwise extended.
§ 8202	<b>State Provided Child Care and Development Services</b>	The State Superintendent of Public Instruction is to establish a public hearing process or other public input process that ensures participation of agencies affected in the development of child care and development services .		
§ 48912	<b>Student Disciplinary Acts</b>	The governing board may suspend a pupil from school for any of the acts enumerated in Section 48900 for any number of schooldays within the limits prescribed by Section 48903 after holding either a closed session or public meeting (with parent or adult pupil's consent).	Default for these proceedings is a closed session unless a parent objects per § 35146.	
§ 48915	<b>Expelled Student Enrolling with Another District</b>	When a governing board of a school district receives a request for a pupil to attend a school in their district after being expelled from another school district under (a) or (c) of § 48915 the board is to hold a hearing to determine if the student poses a continuing danger to pupils or employees	District is to follow notice and procedures outlined in § 48918.	If student is not considered a danger, enrollment is permitted so long as residence has been established or there is an interdistrict agreement in place.
§ 48918	<b>Student Expulsion</b>	Expulsion hearing to be conducted in a session closed to the public unless the pupil requests in writing at least 5 days before the date of the hearing that it is to be public.	If held in an open session, the governing board still may meet in closed session for the purpose of deliberating and determining whether the pupil should be expelled, but if any other person is permitted to attend a closed deliberation session, pupil and their parent or guardian and counsel shall also be allowed to attend.	The governing board shall maintain a record of each expulsion, including the cause which will be non-privileged, disclosable public records (Preempted by FERPA See Rim of the World Unified Sch. Dist. v. Superior Court, 104 Cal. App. 4th 1393 (2002)).
§ 48920	<b>Expulsion Appeals to the County Board of Education</b>	If an expulsion is appealed, the county board of education will hear the appeal in a closed session unless the pupil requests in writing, at least 5 days prior to the hearing date that it is to be conducted in a public meeting.	Even if held in an open session, the county board may meet in closed session to deliberate. But if any representative of the pupil or the school district is present, then the representatives from the opposing party must also be admitted.	

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 56045 (c)	<b>Noncompliance in Providing Special Educational Services Under IDEA</b>	If the County Superintendent determines an LEA is substantially violating the IDEA or failing to comply so that students with exceptional needs are not receiving a free appropriate public education, notice is to be sent to the governing board within 30 days of the determination.	After receiving notice, the governing board must discuss the issue of noncompliance at the next regularly scheduled public meeting	
§ 49073.6	<b>Program to Gather Student Social Media Information</b>	A school district, county office of ed., or charter school can adopt a program to gather and maintain in its records any information obtained from social media of any enrolled pupil. Must notify pupils and parents/guardian about the proposed program.	The proposed program must be discussed at a regularly scheduled public meeting with opportunity for public comment before the program is adopted. Notification requirement can be satisfied through beginning of term rights and responsibilities outlined in § 48980.	
<b>EMPLOYEE AFFAIRS</b>				
§ 17566	<b>Establishing Funds to Cover Employee Losses</b>	Governing board may establish an insurance fund for employee losses including health and welfare benefits but prior to funding health and welfare benefits, the district must consult an American Academy of Actuaries member to provide an actuarial evaluation of the future annual costs of those benefits.	Evaluation must be made public at a public meeting at least 2 weeks prior to the commencement of funding the benefits.	
§ 42141	<b>Workers' Compensation Claims</b>	When a district or county office either independently or as a joint power agency self insures for workers' compensation claims, the superintendent must annually provide information to the governing board regarding the estimated accrued but unfunded cost of those claims based on an actuarial report that must be obtained every three years with annual fiscal information incorporated into it.	The cost and report must be presented by the superintendent at a public meeting of the board at which the governing board must disclose as a separate agenda item whether or not it will reserve a sufficient amount in its budget to fund the present value or otherwise decrease the amount in the reserve fund.	The district board must annually certify to the county superintendent the amount in the budget reserved for those claims and submit revisions that may be necessary to account for the reserve, and the county board must annually certify the same to the Superintendent of Public Instruction.
§ 44422	<b>Commission on Teacher Credentialing: Teacher Discipline</b>	The Commission on Teacher Credentialing may require the county board of education to give a hearing of charges against a credentialed teacher (by the commission or CDE) for private reprimand or revocation/suspension of the certificate when charged with immoral/unprofessional conduct, or unfitness for service, or persistent defiance of and refusal to obey regulations of the position.	Commission must first notify credentialed teacher of intention to hold a hearing. Closed session would be permitted under the employee discipline exception.	The county board of education, after the hearing, shall report to the commission its findings, and a summary of the evidence, and shall make a definite recommendation concerning the revocation or suspension of the credential. The commission will then decide what action is appropriate.



SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 44231	<b>Commission on Teacher Credentialing Meetings</b>	Unless otherwise specified, the meetings of the commission shall be open and public and due notice of their time and place shall be posted.	A Declaration of Need for Fully Qualified Educators by a school district shall be adopted by the governing board in a regularly-scheduled, public meeting of the board. The entire Declaration of Need for Fully Qualified Educators shall be included in the board agenda, and shall not be adopted by the board as part of a consent calendar. Cal. Code Regs. tit. 5, § 80026	Commission on Teacher Credentialing may issue emergency permits or assignments to districts but the governing board must first submit a declaration of a Need for Fully Qualified Educators that is adopted at a public meeting of the school board. Cal. Code Regs. tit. 5, § 80026
§ 44427-44433	<b>County Board of Education: Teacher Discipline</b>	County Board of Ed. can revoke certificates they granted based on immoral/unprofessional conduct, evident unfitness for teaching, or persistent defiance of and refusal to obey the laws regulating the duties of teachers. The county must first hold a hearing before unilaterally revoking or suspending a certificate and at least four members of the board must vote in favor § 44428.	Notice of hearing time and a full complete copy of the charges must be given to the accused at least 10 days prior to the hearing § 44430. All charges of the conduct must be presented to the board in writing and verified under oath § 44429 and the accused will be given a fair and impartial hearing with the right to be represented by counsel § 44431 and will be governed and conducted by the rules of the board § 44432.	A teacher employed by board of school trustees for a contracted amount of time who terminates early without trustees' consent in writing, is considered unprofessional conduct which may be cause for a 1 year suspension of certificate. § 44433
§ 44949	<b>Termination for Cause</b>	If an employee is terminated by the board they may request a hearing to determine if there is cause.	Employee must be noticed and respond with a written request of a hearing within 7 days of receiving notice. This hearing is permitted to be closed under the personnel exception in Ca. Gov't Code § 54957	§ 44948.5 describes the process for termination of probationary employees and requests for hearings.
§ 45113	<b>Management of Classified Employees in Districts Without the Merit System</b>	Governing board must institute written rules and regulations governing the personnel management of classified employees available to employees and the public. Any permanent employee subject to disciplinary action has a right to a hearing on the charges.	Written notice of the charges must be presented at least 5 days prior to the hearing.	Board may delegate the authority to another agency but retains authority to review the determination.
§ 42546	<b>Filling Vacancies on Personnel Commission in Merit System for Classified Employees</b>	District Boards that adopt the Merit System must appoint a Personnel Commission §45240. Governing board and classified employees may nominate candidates and must announce the nomination and hold an open hearing § 45246.	The public, employees, and employee organizations must have the opportunity to express their views on the qualifications of each candidate recommended for the vacancy and each candidate must be invited to attend the meeting.	Open meeting must be at least 30 days after creation of the system or at least 30 days after the intended appointee is announced. § 45246



SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 45253	<b>Personnel Commission Budget</b>	Budget must be prepared for a public hearing by the commission to be held by May 30th of each year, or another date agreed upon by the board and commission that coincides with the process of adopting the school district budget.	Commission must notify the governing board with a copy of its proposed budget and announce the time, date and place for the public hearing as an invitation to board and district administration representatives to attend and present their views which will be fully considered prior to adopting the budget and submitting it to the county superintendent of schools.	If the county superintendent wants to reject the budget of a school district commission, within 30 days of the submission of the budget, a public hearing must be held (in which commission and governing board are informed of the date, time and place of the hearing), on the proposed rejection. After the hearing the budget can be rejected, in which case the preceding year determines the amount of the new budget, or can amend the budget with concurrence of the commission. If the budget of a Personnel Commission of a county office of ed. is being rejected, OAH and the State must coordinate to conduct a public hearing on the proposed rejection.
§ 49406(i)	<b>Employee TB testing Exemption for Religious Reasons</b>	If the school district determines by resolution, after a public hearing, that the health of pupils in the school district would not be jeopardized, then employees may be exempted from TB testing based on faith/religious beliefs if certain conditions are met.	Resolution that health of pupils in the school will not be jeopardized must be adopted at public hearing before exemption is permitted.	
§ 1302	<b>Raises of County Office of Ed. Employees</b>	The county superintendent cannot increase the salary or bonus of any county office of education employee by 10,000 or more, or increase the retirement benefits of any employee, unless the matter is brought to the attention of the board.	These salary and benefit increases must be discussed at a regularly scheduled public meeting of the county board.	
§ 22203.5	<b>Retirement Investments</b>	Investment transactions decisions that are made during a closed session must be entered into minutes by roll call.	Within 12 months of whichever occurs first, either (1) when the investment transaction closes or (2) when the transfer of system assets for an investment transaction is complete, the board must disclose and report the investment at a public meeting.	

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 22303.5	<p align="center"><b>State Teachers Retirement System</b></p>	<p>Board must offer a midcareer retirement information program for all members and must develop plans for the delivery of information to enhance awareness of features, services and benefits of: the Defined Benefit Program, federal Social Security Act programs, and awareness of personal planning responsibilities.</p>	<p>At a public meeting, the board can assess a participation fee to recover the startup and on-going expenses of the program. The information is provided to assist members in understanding the importance of financial, legal, estate and personal planning and how choices and options offered may impact retirement, including providing notice on information regarding retaking state basic skill proficiency tests before returning to the classroom after 39 months (notice options include: in an annual member publication, inclusion within packets of information provided to members upon or before retirement, and inclusion as an attachment to any issued warrants).</p>	<p>Participants retired for service that return to work might have certain limitations on compensation in relation to the retirement program, unless an exemption is approved by board resolution. § 26812.</p>

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>CA GOVT CODE</b>				
<b>GENERAL PUBLIC MEETING REQUIREMENTS</b>				
§ 54952.2	<b>Meetings Subject to the Brown Act</b>	A meeting is any means of congregation of a majority of the members of a legislative body at the same time/location including a teleconference to hear, discuss, deliberate, or take action on any item and a majority of members cannot meet or use a series of communications of any kind to discuss/deliberate or take action on any item of business.		Does not prohibit separate conversations/communications to provide information or answer questions regarding a matter under control of the local agency as long as it is not communicated to other members of the legislative body.
§ 54953	<b>Open Meeting</b>	All meetings of the legislative body of a local agency must be open and public and allow all persons to attend any meeting. A quorum of members must be within the territory. No action can be taken by a secret ballot and all actions must be publicly reported including the vote or abstention of each member.	Teleconferencing can be used for the benefit of the public in accomplishing this goal as long as notice and agenda requirements are met at the teleconference locations and the locations are accessible to the public with the ability to address the legislative body from that location.	Agendas and any document that is distributed to the members of a governing body at a public meeting become a public record and must be made available to the public for inspection 72 hours before the meeting, or at such time as they are provided to the governing body § 54957.5.
§ 54954	<b>Time &amp; Place</b>	Legislative body must provide a resolution determining the time and place for holding regular meetings. A standing committee that posts an agenda at least 72 hours in advance of the meeting will be considered a regular meeting.	The meeting must be held within the territory of the local agency unless it is to comply with a law, court order or required to attend a judicial/administrative proceeding, inspect real or personal property that can't be brought into the jurisdiction, to participate in a multiagency meeting/discussion, where there is no facility within the boundaries so the next closest facility outside the boundaries must be used, to meet with officials of the federal or state government to discuss an issue within their jurisdiction, at a facility outside the district if the items relate only to that facility, a meeting of a joint authority occurs in the jurisdiction of another authority, there is an emergency making the designated location unsafe but notice is provided of the new location through local media.	Additionally, school district governing boards can meet outside the district for a conference on non-adversarial collective bargaining techniques, to interview applicants for the position of superintendent that reside out of the district, or to interview another potential employee from another district.

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 54954.2	<b>Agenda</b>	Only items appearing on the posted agenda can be acted upon, except for brief responses, referrals, comments or announcements. Unless a majority votes there is an emergency situation, 2/3rds of the legislative body or all of those present, if less than 2/3rds are in attendance, determine there is a need to take immediate action which came to their attention after the posting of the agenda, or the item is continued from a meeting occurring within the last 5 days and was on that meeting agenda. The body must publicly identify the item before discussing it.	Legislative body is to post an agenda at least 72 hours before a regular meeting with a brief general description of each item, including those for closed session. The time and location shall be specified and must be posted in a location accessible to the public and on the agency's Internet Website, if they have one. When requested, it must be made available in alternative formats to accommodate disabilities as well as when and how to request a disability related modification or accommodation for participation in the meeting.	
§ 54956	<b>Special Meetings</b>	If a special meeting is called by the presiding officer or a majority of the members, written notice to each member and to each paper in general circulation and radio/ television station that requests notice must receive it 24 hours before the meeting and it must be posted on the agency's website, if one exists.	Notice must contain time, place and matter to be discussed, and no other matter may be discussed or acted upon. A special meeting cannot be called regarding the salaries, salary schedules or the compensation benefits of a local agency executive, but may be called to discuss the agency's budget.	
§ 54956.5	<b>Emergency Meetings</b>	An emergency situation is either a (1) regular emergency—work stoppage, crippling activity or other activity that will severely impair public health, safety or both as determined by a majority of the members of the legislative body or (2) a dire emergency—crippling disaster, mass destruction, terrorist act or threatened terrorist activity.	An emergency meeting can be held without complying with 24hr. notice or posting requirements but local media must be notified an hour before an emergency meeting or as soon as possible in a dire emergency. Closed sessions may occur if 2/3rds agree, or all members if less than 2/3rds are present.	Minutes and listing of persons notified as well as a copy of the roll call vote and any actions taken must be posted for a minimum of 10 days in a public place as soon as possible.
§ 5495.1	<b>Continuance</b>	Rather than adjourning and ending a meeting, the board may order a continuance to any subsequent meeting.	If the meeting is continued to one 24 hours or less after the original, a copy of the order for continuance must be posted immediately following the meeting.	
§ 54957.7	<b>Closed Meetings</b>	Before any closed session, the legislative body must disclose in an open meeting the items or item to be discussed which can be done by referencing the item(s) as listed by number/letter on the agenda. Only the matters covered in that statement can be discussed during the closed session and any protected information (by state or federal law) is not required to be disclosed. And, after the closed session, the legislative body must reconvene in open session before adjournment to make any disclosures required in 54957.1 regarding actions taken in the closed session.	Certain information regarding the closed session must be provided on the agenda pursuant to § 54954.5 which describes what information about the closed session is required to be provided on the agenda in order to qualify as substantial compliance. After the closed session, certain disclosures must be publicly reported at an open session § 54957.1.	Closed meetings are permitted for: review of a confidential audit report (54956.75), negotiating for the purchase or sale of real property (54956.8) but negotiator must be identified in the open session, investment of funds if the legislative body invests pension funds (54956.81), to discuss with legal counsel pending litigation—any adjudicatory proceeding before a court, head of administrative body, hearing officer, or arbitrator (54956.9), personnel matters (54957), or meeting with designated representatives regarding salaries/salary schedules/compensation. (54957.6)

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 54957	<b>Personnel Matters: Closed Session</b>	Legislative body can hold closed sessions during a regular or special meeting to consider: appointment, employment, evaluation or performance, discipline, dismissal of a public employee or to hear complaints/charge brought against the employee by another person, unless the employee requests a public session.	Before holding a closed session on specific complaints/charges brought against an employee, the employee must be given written notice of the right to have it heard in an open session rather than a closed session and must be delivered to the employee personally or by mail at least 24 hours before the session. If notice is not given, then any disciplinary or other action taken based on those specific complaints/charges in the closed session will be null and void.	
§ 6060	<b>Notice Requirements for Publications</b>	Publication of notice in a published paper of general circulation for the period prescribed, the number of times, and the manner provided.	§6061-6066 specify time periods ranging from once to multiple days, to multiple weeks of successive publication.	
§ 6250	<b>CA Public Record Act</b>	Public records are open to inspection at all times during office hours of the state/local agency and every person has a right to inspect any public record except those specifically exempt from disclosure by express provisions of law. The agency must promptly make available identified records upon payment of fee for direct costs of duplication or statutory fee if applicable § 6253.	Within 10 days of the request, the agency shall promptly notify the person making the request if the records are disclosable but can be extended (by no more than 14 day) by the head of the agency by written notice explaining the reason for extension and date on which determination is expected § 6253.	School Districts and Governing Boards are considered public agencies § 6252.
§ 11346.8	<b>Procedures for Public Hearings</b>	Whenever a public hearing is held, both oral and written statements/arguments/contentions are to be permitted but reasonable limitations on oral presentations are permitted. If there is no hearing scheduled, then commentary is to be permitted in writing but if a written comment requests a public hearing at least 15 days before the close of the comment period. Notice of a set public hearing must then be mailed to every person who has filed a request for notice.	In any hearing, an authorized representative of a state agency has the authority to administer oaths and affirmations and may continue/postpone hearings with notice of continuance/rescheduling, and may determine the location of meetings. Regulations may not be adopted, amended, or repealed unless unsubstantial or sufficiently related to the original text so that the public is adequately placed on notice the change could result. The amended content must be made available to the public 15 days before adopting the change.	In general, no material should be added to the record of the rulemaking proceeding after the close of the public hearing/comment period and if a new issue is raised at a public hearing and a member of the public requests additional time to respond to that issue it should be granted unless it is impartially determined it would unduly delay the action.

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>COLLECTIVE BARGAINING</b>				
§ 3547	<b>Collective Bargaining with Public School Employees</b>	Initial proposals for public school employers within the scope of representation must be presented at a public meeting of the employer and become public records. Meeting and negotiating cannot occur on any proposal until a reasonable time has passed from the submission of the proposal so the public can become informed and express itself regarding the proposal at a public meeting held by the public school employer.	Public school employer is to adopt the proposal in an open meeting. Board is to adopt regulations to ensure the public is informed of the issues that are being negotiated and have full opportunity to express their views on the issues and to learn the positions of their elected representatives.	Any new subjects resulting from meetings/negotiating that arise after the initial proposal shall be made public within 24 hours. If a vote is taken, the vote made by each member must be made public as well.
§ 3547.5	<b>Collective Bargaining Agreements</b>	Before the public school employer enters a written agreement with an exclusive representative on matters within the scope of representation, the major provisions of the agreement (such as costs that would be incurred by the employer under the agreement for current/subsequent fiscal years) are to be disclosed at a public meeting in a format established by the State Superintendent of Public Instruction.		District Superintendent and chief business official must certify in writing that the costs incurred under the agreement can be met by the district during the term of the agreement. If the budget is not adopted to meet the needs of the collective bargaining agreement, the county superintendent will issue a qualified or negative certification for the district.
<b>FACILITIES &amp; REAL PROPERTY</b>				
§ 4217.13	<b>Energy Conservation Facility Financing for Public Agencies</b>	Public agencies (including school districts and community college districts § 4217.11) can enter into a facility financing contract and lease (for an energy conservation facility) on terms determined to be in the best interest of the public agency.	The determination must be made at a regularly scheduled public hearing of which public notice was given at least 2 weeks in advance.	The agency must find that the funds for repayment of financing or the cost of design, construction, and operation are projected to be available from the revenues resulting from the facility or from funding that would have otherwise been used for the purchase of energy in absence of the facility
§ 50060.5	<b>Natural Habitat Maintenance</b>	Local agency can establish a district to provide for the improvement or maintenance of a natural habitat through an ordinance or resolution adopted after a public hearing.	§ 50063 allows the legislative body to adopt the resolution of intention and requires notice of a fixed time and place for a hearing by the legislative body on the question of the formation of the district through a hearing in compliance with § 53753.	



SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 5956.6	<b>Infrastructure Constructed by Private Entities on Government Property</b>	In facilitating projects, governmental agencies may lease rights-of-way, airspace use, and property under agency ownership to private entities for necessary easements and issuance of permits for construction of infrastructure facilities supplemental to existing gov. owned facilities. Any infrastructure constructed by the private entity will remain owned by the governmental agency unless transferred to private entity for term of agreement (up to 35 yrs.). The agreement is to include conditions under which fees can be imposed/increased, including a public hearing.	There must be at least one public hearing in which public testimony will be received regarding the fee and is to precede any action to actually impose the fee so that the testimony can be considered before imposing/increasing the fee. Notice of the date, time and place including a general explanation of the matter is to be mailed at least 14 days prior to any interested party that files a written request, at least 10 days before the meeting. Data supporting the fee is to be made public, notice of the meeting is to be made in a newspaper of general circulation in the agency's jurisdiction stating date, time, and place of meeting and a general explanation.	
§ 53094	<b>School District Exemptions from Zoning Ordinances for Construction of Classroom Facilities</b>	A school district does not need to comply with city/county zoning ordinances for the locations of public schools unless the ordinance makes a special provision for the location of public schools or there is a general plan in place. To avoid compliance, a vote with 2/3rds approval will render a city/county zoning ordinance inapplicable to a proposed use of property by the school district if it is to be used for classroom facilities. Within 10 days of the action board must notify the city/county so that there is an opportunity to challenge the exemption with the superior court.	But, reasonable notice and an opportunity to be heard must be given to owners of adjacent property if the exemption will result in a significant deprivation of a property interest under due process standards. <i>Taxpayers for Accountable Sch. Bond Spending v. San Diego Unified Sch. Dist.</i> , 215 Cal. App. 4th 1013 (2013)	School districts must comply with ordinances relating to drainage improvements/conditions, road improvements/conditions, and those that require approval for grading plans in relation to design and construction of onsite improvements that affect those conditions and must consider those requirements and conditions in the construction of offsite improvements and if they do not comply with those offsite requirements, the city or county will not be liable for any injuries or damages caused by the failure to comply § 53097. A school district can only exempt charter school facilities from local ordinances when the facility is located within the geographic bounds of the district § 53097.3.
§ 53096	<b>Local Agency Exemptions from Zoning Ordinances</b>	Governing board of any local agency (including county board of education) by a 4/5ths vote may render a city/county zoning ordinance inapplicable to the proposed use of property if the local agency determines at a noticed public hearing that there is no feasible alternative to its proposal. This determination can be made at the time it approves an environmental impact report.	Mailed notice of the public hearing must be provided at least 10 days before the hearing to the owners of all property within 300 ft. of the location of proposed facility (unless that would result in notifying more than 250 people in which case it can be given by placing a advertisement of at least one-fourth a page in the newspaper of general circulation within the area affected) and posted in a conspicuous place of the proposed facility.	Within 10 days of approval the board must notify the city or county whose ordinance was exempted so they can decide if they wish to pursue an action with the superior court to oppose it.

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 66451.21	<b>Planning and Land Use on Merger of Parcels</b>	§ 66451.11 allows local agencies to merge parcels under certain conditions if certain policies are followed to adopt the ordinance. Prior to the adoption of a merger ordinance a resolution of intention to adopt the merger ordinance must be adopted with a fixed time and place for a public hearing on the proposed ordinance.	Public hearing must occur between 30-60 days after the adoption of the resolution and notice must be published in a newspaper of general circulation at least once and at least 7 days before the date of the hearing and must include the text of the resolution, the time and place of the hearing and state that all interested persons will be heard.	
§ 65403	<b>5-Year Capital Improvement Program for Urban Populations</b>	Unified, elementary and high school districts or agency created by a joint powers agreement that constructs or maintains public facilities (including schools and related facilities) essential to the growth and maintenance of an urban population can elect to participate in and prepare a 5-year capital improvement program which must be adopted by and annually reviewed/revise by a resolution of the governing body.	Before adoption, there must be at least one public hearing in which notice is provided in one newspaper of general circulation at least once 10 days before the hearing, or posted in 3 public places within the local agencies' jurisdiction where there is no regularly circulated newspaper, AND mailed notice shall be given to any city or county which may be significantly affected by the capital improvement program.	
<b>COMMUNITY FACILITIES DISTRICTS</b>				
§ 53321.5- § 53324	<b>Community Facilities Improvement and Special Taxes</b>	When a resolution of intention to create a community facilities district is adopted, the legislative body must arrange for reports to be generated and delivered at or before the hearing on formation regarding the condition of public facilities and the services that are needed to adequately meet the district needs, including remedial actions for hazardous substances, if present, and estimated costs. § 53321.5 Protests at the hearing may be made orally or in writing (unless it is a protest to the sufficiency of the proceedings which must be in writing), and any writing that is not personally presented at the hearing will be filed with the clerk at or before the hearing. Written protests can be withdrawn before the conclusion of the meeting. § 53323	Notice for the hearing on facilities district formation is to be published once in a newspaper of general circulation in the area of proposed district and must be completed at least 7 days before the hearing (or by first class mail to each registered voter and landowner per §53322.4). The notice is to contain: summary of the resolution, time and place for the hearing, a statement that all interested persons/taxpayers will be heard on all issues related to the formation, extent of district and services, as well as the effect of protests on the establishment of the district or of a special tax and a description of the voting procedure. § 53322.	If 50% or more of registered voters residing in the territory, or owners of one half or more of the area of land in the territory that are subject to the special tax file written protests against the establishment of the district, then no further proceedings to create the community facilities district or authorize a special tax can be taken for a period of one year from the date of the decision. If a majority only object to the type of facilities/services of the district or a specified special tax, then only those portions are eliminated from the resolution of formation. § 53324
§ 53313.6	<b>Community Facilities Improvement Districts and Ad Valorem Property Taxes</b>	Before a legislative body can increase taxes it must hold a public hearing (complying with §53318) and if the adjustment on property taxes (based on assessed value) is levied for the sole purpose of making existing lease payments, or paying outstanding principal/interest on outstanding bonds/debt including state school building loans incurred to finance construction of capital facilities, it must follow these specific procedures.	§ 53318 begins the chapter on these hearing requirements (outlined above in 53322).	

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 53339.3	<b>Annexing Territory to an Existing Community Facilities District</b>	Governing body must pass a resolution of intention to annex a territory which must identify the territory, district purposes, usage plan of facilities/services, and specify any special taxes and any rate changes.	Fix a time and place for a hearing upon the resolution between 30 -60 days after the adoption of the resolution of intention to annex territory or to provide for future annexation of territory. Notice same as 53322 & 53322.4. The hearing may be continued but must be completed within 30 days § 53339.7	
<b>TAXES &amp; FEES</b>				
§ 975.2	<b>Bonded Indebtedness</b>	If a governing board determines it is necessary for the local taxing entity to incur debt for an outstanding judgment against the entity a resolution must be adopted including a time and place for a hearing by the board on the issue. § 975.2	Notice of hearing is to be given by publishing a copy of the resolution in a newspaper of general circulation within the local taxing entity once a week for two successive weeks (with at least 5 days between the dates) § 6066. If there is no newspaper, then posted in three public places for two succeeding weeks. § 975.4	Proposition must be submitted to voters with 2/3rds approval. "District" is an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.
§ 50077	<b>Special Tax</b>	Any legislative body of a city, county or district can propose by ordinance or resolution (specifying type, rate, method, and date collection would begin) the adoption of a special tax.	Resolution must follow a public hearing on the matter.	Charter schools are eligible public agencies for joint powers agreement in risk-pool sharing so can make agreements with other agencies defined in § 6500 such as a county board of education, or the county superintendent of schools. §6528
§ 53179	<b>Joint Public Facilities Financing Agreement</b>	Two or more legislative bodies of local agencies (including school districts per § 53179f) can enter into a joint public facilities financing agreement or joint powers agreement if a resolution is adopted declaring a joint agreement would be beneficial to the residents of that entity, this agreement may include allocation and distribution of the proceeds of any special tax levied among the parties to the agreement. § 53179.5	Any special tax must be levied in accordance with § 50077. If authorized by their governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties, including: the authority to levy a fee, assessment, or tax, even though one or more of the contracting agencies may be located outside this state. § 6502	

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 54954.6	<b>Adoption of New or Increased General Tax/Assessment</b>	Sets additional notice procedures for adopting any new or increased general tax or assessment (that does not otherwise require an election by property owners/voters) including at least one public meeting at which local officials allow public testimony regarding the proposed general tax/assessment which is to occur; and at a noticed public hearing for the proposal to enact or increase the general tax/assessment.	Joint notice must be given at least 45 days before the public hearing for the proposal of enacting or increasing a general tax/assessment but the meeting is to occur before the hearing. Notice is given through an advertisement of at least one-eighth page in a newspaper of general circulation for 3 weeks pursuant to § 6063 and by first-class mailing to those that filed written request with the local agency for mailed notice of meetings/hearings related to general taxes. Public meeting is to take place at least 10 days after the first publication of the joint notice and the public hearing is to take place at least 7 days after the public meeting. Special requirements for the content of the notice are contained in this section as well.	Notice must include amount or rate of tax, activity to be taxed, estimated amount of revenue to be raised annually, method and frequency of collection, and dates/times/locations of public meetings and hearings, as well as phone number and address of a contact person for more information about the tax. Additional requirements for mailings specified in subsection (c) including return address and minimum size 10 type. If related to property the estimated amount per parcel or method for calculation of business contribution, description of purpose that the assessment will fund, contact info to direct questions about the assessment, and statement that a majority protest will cause the assessment to be abandoned including the percentage of protests required to trigger an election (if provided by act used to levy the assessment), and dates/times/locations of public meeting and hearing.
§ 65974	<b>Developer Fees to Avoid Overcrowding Schools</b>	A city, county or both may require by ordinance the dedication of land, or payment for elementary/high school classroom and related facilities, on an interim basis, as a condition to the approval of a residential development under certain conditions.	Conditions include findings, based on clear and convincing evidence, that the conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal function of educational programs including the reason for those conditions, and that all reasonable methods of mitigating the overcrowding have been evaluated but there is no feasible method to reduce the overcrowding.	School district board must notify the city council or board of supervisors if both are found with clear and convincing evidence supporting it § 65971.
§ 65995.6	<b>Development Fees: School Facility Needs Analysis</b>	While school districts can levy fees or other dedications against development projects for construction under Educ. Code § 17620, Gov Code § 65995.5 puts limits on these dedications and § 65995.6 provides an alternative calculation based on a school facilities needs analysis. The governing board of the district determines the need for new facilities attributable to projected enrollment growth from the development of new residential units in the district over the next 5 years. The projection is to be based on historical student generation rates and the existing school building capacity is to be recalculated and certain conditions must be considered.	Once determined, the governing board will adopt the facility needs analysis by resolution at a public hearing, the analysis must be made available to the public for a period of at least 30 days and allow an opportunity to review and comment. Governing body is obligated to respond to any written comments it receives. Notice of time/place of the hearing including location/procedure for viewing the proposed analysis is to be published in at least one paper of general circulation in the jurisdiction at least 30 days before the hearing. And a copy of proposal, including revisions, should be mailed at least 30 days before the hearing to any person that has requested it (if requested at 45 days before the hearing).	The fee, charge, deduction or other requirement authorized by the resolution shall take effect immediately after adoption. Any adopted required amount authorized will take effect immediately and be valid for one year.

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 66002	Mitigation Fee Act	When fees are adopted pursuant to § 66001 a capital improvement plan may be adopted to indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees.	Capital improvement plan is to be adopted and annually updated by a resolution of the governing body at a noticed public hearing that has been published at least once and complies with § 65090 for notice requirements. Mailed notice to any city or county to be significantly affected by the capital improvement plan should also be given simultaneously by first-class mail or personal delivery.	



SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>CA CIVIL PROCEDURE CODE</b>				
§ 1245.220	<b>Eminent Domain</b>	Public entities may commence eminent domain proceedings only after its governing body adopts a resolution of necessity. § 1245.230 describes the requirements for the resolution of necessity. The resolution may only be adopted after giving each person, whose property is to be acquired by eminent domain and whose name and address appear on the last equalized county assessment roll, notice and a reasonable opportunity to appear and be heard on the matters described in § 1240.030.	Notice must be sent by first-class mail to each affected property owner and must include the intent to adopt the resolution, the right to appear and be heard, and failure to file a written request to appear and be heard within 15 days after the notice was mailed will result in waiver of the right. All notice requirements will be met as long as each person is given reasonable written personal notice and a reasonable opportunity to appear and be heard. Governing body or designated committee (with additional requirements) must hold a hearing at which all affected property owners that filed written request may appear and be heard. § 1245.235	Unless a statute, charter, or ordinance requires a greater vote, 2/3rds vote is required for adoption. § 1245.240
§ 1245.245	<b>Changing Use of Land Acquired Under Resolution of Necessity</b>	Property acquired by a public entity subject to a resolution of necessity is only to be used for the public use stated in the resolution unless the governing body of the public entity adopts a resolution authorizing a different use by 2/3 vote, unless greater vote is required by local regulation. If the property is not used within 10 years of adoption the reauthorization of the resolution must occur in compliance with § 1245.235. If neither is done, the right of first refusal must be offered to the person(s) the property was acquired from and notice must be given stating right of first refusal, and return of financial gain rights.	Diligent effort must be made at least 60 days before selling the property to locate the person the property was acquired from, including notice of proposed sale by certified mail to the last known address and to each person with the same name as the person from whom the property was acquired at any other address on the last equalized assessment roll, and notice published once in at least one newspaper of general circulation within the city or county in which the property is located, notice posted in three public places within the city or county, and notice on the property proposed to be sold.	



SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
<b>CA PUB RES CODE</b>				
§ 21002.1 & 21092	<b>Purpose and Notice Requirements of Environmental Impact Reports</b>	Purpose of environmental impact reports is to identify the significant effect on the environment of a project, identify alternatives and to indicate the manner in which those effects can be mitigated or avoided by requiring public agencies to mitigate/avoid effects on the environment that it carries out or approves, whenever feasible.	Notice is to be given to the last known name and address of all organizations and individuals that have previously requested notice and is to be given by at least one other method: publication at least once in the largest newspaper of general circulation in the affected areas, posting of notice on and off site in the area where the project is to be located, direct mailing to the owners/occupants of contiguous property on the last equalized assessment roll § 21092.	A lead agency preparing an environmental impact report or a negative declaration is to provide public notice of that fact within a reasonable period of time prior to certification of the report or adoption of the negative declaration. Notice must specify the period during which comments on the draft will be received and will include date/time/place of any public meeting/hearing on the proposed project, description of the project and its location and the significant effects on the environment anticipated, and location of the draft and referenced documents either physically or electronically for public access. When substantial compliance with notice requirements occurs, actions will not be invalidated.
14 Cal. Code of Regs. § 15063.	<b>Initial Study/Determination if an Environmental Impact Report is Needed</b>	Following preliminary review, the lead agency shall conduct an initial study to determine if the project may have a significant effect on the environment. If the lead agency can determine that an EIR will clearly be required for the project, an initial study is not required but may still be desirable.		
§ 21080	<b>Mitigating Measures in Initial Study</b>	When an initial study identifies potentially significant effects on the environment from a nonexempt project from this division but revisions to the plan that would mitigate or avoid the effects are made before the public review period, a negative declaration should be prepared indicating that there will be no significant effect on the environment.	Lead agency may determine that certain mitigating measures are infeasible or undesirable and prior to approval may delete those mitigation measure and substitute them for other measures found after holding a public hearing on the matter if they are equivalent or more effective in mitigating the significant effects on the environment.	
§ 21152	<b>Notice Requirements for Certified Report Once Project is Finalized</b>	When a local agency approves or carries out a project within this division, notice must be filed with the county clerk for each county where the project will be located within 5 working days after the decision becomes final, including a certified report if one was prepared along with comments and responses to be made available to the public, or a certified declaration if the report was not needed.	The notice is to be available for public inspection and must be posted within 24 hours of receipt in the county clerk office, remain posted for 30 days and then returned to the local agency with notation of the period it was posted, and the local agency must retain it for at least 12 months.	

SOURCE	TOPIC	DUTY	SPECIAL NOTICE/MEETING/HEARING REQUIREMENTS	RELATED PROVISIONS
§ 21151.2	<b>School Site Acquisition</b>	To promote the safety of pupils and comprehensive community planning the governing board of each school district must notify the planning commission with jurisdiction in writing of a proposed acquisition before acquiring title to property for a new school site or for an addition to a present school site.	Planning commission will investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.	The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the school district board shall not acquire title to the property until 30 days after the commission's report is received. § 21151.8 Describes the required conditions for an environmental impact report to be certified or a negative declaration approved for a project involving the purchase of a school site or the construction of a new elementary/secondary school by the district.