



Lowell Update: Time to Initiate Brown Act Challenge Expires March 11

On February 9, 2021, the San Francisco Board of Education voted 5-2 to change Lowell High School's admissions policy permanently to a lottery. Any Brown Act violations related to this action must be formally challenged no later than March 11, 2021.

What is the Brown Act?

The Brown Act, first adopted in 1953, is the California law which ensures public access to meetings of California local government agencies. Why? Because public commissions, boards, councils, and other public agencies in this state:

“exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.” CA Government Code 54950.

Under the Brown Act, the San Francisco Board of Education must give the public advance notice of the time, location, and agenda of any meeting. No action may be taken on any item that is not on the agenda. Meetings must be held publicly, subject to certain very specific and limited exceptions.

Agendas for SF Board of Ed meetings can be found [here](#)

Archived videos and agendas for past meetings can be found [here](#)

The Board’s School Renaming Decision on January 26, 2021 Is Alleged to Have Violated the Brown Act

A recent example of a Brown Act challenge occurred in connection with the school renaming resolution.

On January 26, 2021, the San Francisco Board of Education held a regularly scheduled public meeting. It had previously published the agenda of this meeting, as it was required to do by the Brown Act. The [agenda item](#) at issue was:

I. PROPOSALS FOR ACTION

1. Resolution No. 211-12A1 - Amendment to Resolution No. 184-10A1, In Support of a Formal Process in the Renaming of San Francisco Unified School District Schools (adopted May 22, 2018) - Commissioner Mark Sanchez

The proposed action item in the resolution was “That the Board of Education review and sanction the panel’s list of school names for **potential** renaming.” [emphasis added -- available [here](#)]

On February 1, 2021, local attorney Paul Scott delivered a [letter](#) to Mayor London Breed, City Attorney Dennis Herrera and the Board of Education, challenging the school board’s renaming resolution under the Brown Act among other grounds. Attorney Scott asserted that the Board of Education had not given appropriate notice to the public that the vote on January 26, 2021 would **enact** the name change. Instead, the publicly published resolution for the Board to approve only contemplated the Board’s review of the list of school names for **potential** renaming.

The loud public outcry following the Board’s decision on January 26, 2021, demonstrates the need for the Brown Act to be followed. Members of the San Francisco public felt that if they had known that the school renaming decision was on the agenda, they would have been able to protest. But since the Board had only let the public know that they were planning to vote on agreeing on names for “potential” renaming, there was no way for the concerned public to weigh in.

Families for San Francisco applauds and supports Attorney Scott’s efforts to hold the SF Board of Ed to the mandates of the Brown Act. This Board has shown repeatedly that they are motivated by political performance rather than facts and data, and that rash unsupported actions are the order of the day. Their actions with regard to school renaming were hurried and dubious in addition to being entirely inappropriate given the scant attention paid to what should be their most important task: getting kids back in school.

Do I Need to Be a Lawyer to Assert a Violation of the Brown Act?

No! The Brown Act is meant to safeguard the right of citizens to know what their government is up to. If you believe that the Brown Act has been violated, the First Amendment Coalition has created a template that you can use and we recommend that you consult with them or with a lawyer of your choosing in connection with your concerns. If you are asking the governmental body to void actions they have already taken (as opposed to just not taking such actions again in the future), the Brown Act challenge begins with delivering a cure and correct letter to the government *within 30 days* of the alleged violation.

[Here’s](#) their primer on the Brown Act and what to look out for.

[Here’s](#) their template for a cure and correct letter if the Brown Act has been violated.

For those who believe the Lowell resolution violated the Brown Act, a cure and correct letter must be delivered no later than Thursday, March 11.