ATTACHMENT “A”

District Advisory Council (DAC) Election Guidelines Checklist For
(Insert School Name)

The school site election for the representative and alternate to the District Advisory Council (DAC) was correctly constituted and was formed in accordance with all applicable State and Federal laws/rules/regulations and District Board Policy/Administrative Regulations.

Please Check Those That Apply For DAC:

[ ] Notice of the opportunity to serve on the District Advisory Council was made to all parents/guardians/community members at the school.

[ ] Notice was made to all parents/guardians/community members by utilizing:
  [ ] School Messenger
  [ ] Flyer sent home with students
  [ ] Mailed Notice to all parents/guardians/community members
  [ ] Notice posted in office window/bulletin board and in a location viewable before, during, and after school hours
  [ ] Notice posted on school marquee
  [ ] Other: Please describe __________________________

[ ] Nominations were accepted and a list of candidates was prepared.

[ ] An annual election for the District Advisory Council Representative and an Alternate to vote if the representative is absent was held at the school site with an opportunity for write-in candidates.

[ ] The District Advisory Council Representative and Alternate were elected by a vote of the parent/guardians of pupils at the school.

[ ] The annual District Advisory Council Representative and Alternate election was held on:
  Date: ______________________

[ ] The DAC Elected Representative is: ______________________________________

[ ] The DAC Elected Alternate is: ______________________________________

[ ] Records of the District Advisory Council election, including ballots, minutes, and meeting agendas are all records that show compliance with the program requirements and MUST be kept per law, for a minimum of three years. It is recommended that records be kept for five years in case of a federal audit.
Legal References for District Advisory Council:
California Education Code, section 54425 (a)
Code of Federal Regulations (Education Department General Administrative Regulations)
Section 75.731

How long should schools keep records, including election information and ballots?
According to US Department of Education's "Education Department General and Administrative Regulations," the legal requirement for maintaining records is three years; however, the recommendation of five years is due to the audit process, which can request five years of records.

Each school shall annually submit to the District Language Development and Instruction Services and Support Department, a copy of the parent notification flyer of the DAC election, DAC Election Guidelines Checklist, sample ballot and or minutes signed by the principal and SSC Chairperson verifying DAC election and results. The election documents shall be submitted to (LDISS) within 14 days of the school election and will be shared with the DAC/DELAC Executive Board within 10 days.
ATTACHMENT “B”

English Learner Advisory Committee (ELAC) and District English Learner Advisory Committee (DELAC) Election Guidelines Checklist For (Insert School Name)

The school site English Learner Advisory Committee (ELAC) is correctly constituted and was formed in accordance with all applicable State and Federal laws/rules/regulations and District Board Policy/Administrative Regulations.

The total number of ELAC Representatives at the site is ______________.

The number of ELAC Representatives who are parents/guardians of English Language Learners is ______.

The number of students who are English Language Learners at the school site is ____________.

The percentage of students who are English Language Learners at the school site is ________%.

The percentage of parents/guardians who are ELAC Representatives and who are also the parents/guardians of English Language Learner students at the school site is ________%.

Composition Legal Requirements: The percentage of parents of English Language Learners on the ELAC committee must be at least the same as that of English Language Learners student population at the school.

Please Check Those That Apply For ELAC:

[ ] Notice of the opportunity to serve on the site ELAC was made to all parents/guardians/community members at the school site and especially to parents whose children are identified as English Learners.

[ ] Notice was made to all parents/guardians/community members by utilizing:
   [ ] School Messenger
   [ ] Flyer sent home with students
   [ ] Mailed Notice to all parents/guardians/community members
   [ ] Notice posted in office window/bulletin board and in a location viewable before, during and after school hours
   [ ] Notice posted on school marquee
   [ ] Other: Please describe ________________________________

[ ] Nominations were accepted and a list of candidates was prepared.

[ ] An annual election for the ELAC Representatives was held at the school site with an opportunity for write-in candidates.

[ ] All parents/guardians of English Language Learners were notified of the election and provided an opportunity to vote in the ELAC Election.

[ ] Notice was made to all parents/guardians of English Language Learners of the election and opportunity to vote by utilizing:
Notice was made to all parents/guardians/community members by utilizing:

- School Messenger
- Flyer sent home with students
- Mailed Notice to all parents/guardians/community members
- Notice posted in office window/bulletin board and in a location viewable before, during and after school hours
- Notice posted on school marquee
- Other: Please describe ________________________________

The ELAC election was done by paper ballot voting by parents/guardians of English Language Learners.

The ELAC election was done by voice vote by parents/guardians of English Language Learners.

Attach copy of ELAC minutes showing date/time/location of voice vote election for ELAC members and the results.

The annual ELAC election was held on: Date:________________________

Records of the ELAC election are being maintained at the school site.

Records of the ELAC election, including ballots, minutes and meeting agendas are all records that show compliance with the program requirements and MUST be kept per law, for a minimum of three years. It is recommended that records be kept for a total of five years in case of a federal audit.

Please Check Those That Apply For District English Learner Advisory Committee (DELAC):

Notice of the opportunity to serve on the DELAC was made to all parents/guardians/community members at the school site and especially to parents whose children are identified as English Language Learners.

Notice was made to all parents/guardians/community members by utilizing:

- School Messenger
- Flyer sent home with students
- Mailed Notice to all parents/guardians/community members
- Notice posted in office window/bulletin board and in a location viewable before, during and after school hours
- Notice posted on school marquee
- Other: Please describe ________________________________

Nominations were accepted and a list of candidates was prepared.

An annual election for the DELAC Representative and an alternate to vote if the representative is absent was held at the school site with an opportunity for write-in candidates.
[ ] The annual DELAC election was held on: Date: ____________________

[ ] The DELAC Elected Representative is: ________________________________________________

[ ] The DELAC Elected Alternate is: _______________________________________________________

[ ] Is the DELAC Representative the parent or guardian of an English Language Learner?
[ ] Yes [ ] No

[ ] Is the DELAC Elected Alternate the parent or guardian of an English Language Learner?
[ ] Yes [ ] No

[ ] Records of the DELAC election are being maintained at the school site.

Composition Legal Requirements: Parents or guardians of English learners not employed by the district must constitute a majority membership (51 percent or more) of the DELAC committee.

[ ] Records of the DELAC election, including ballots, minutes and meeting agendas are all records that show compliance with the program requirements and MUST be kept per law, for a minimum of three years. It is recommended that records be kept for five years in case of a federal audit.

**Legal References for ELAC and DELAC:**

California Education Code, sections 35147(c), 52176(b), 62002.5, and 64001(a) California Code of Regulations, Title 5, Section 11308 (b) and (d) 20 United States Code Section 6312(g) (4) Code of Federal Regulations (Education Department General Administrative Regulations) Section 75.731

**How long should schools keep records, including election information and ballots?**

According to US Department of Education's, “Education Department General and Administrative Regulations,” the legal requirement for maintaining records is three years; however, the recommendation of five years is due to the audit process, which can request five years of records.

Each school shall annually submit to the District’s LDISS, a copy of the parent notification flyer of the ELAC election, ELAC/DELAC Election Guidelines Checklist, sample ballot, and/or minutes signed by the principal and ELAC Chairperson verifying ELAC/DELAC elections and results. The election documents shall be submitted to LDISS within 14 days of the school election and will be shared with the DAC/DELAC Executive Board within 10 days.
Parliamentary Law is a system of rules designed to help you conduct a meeting in an orderly and democratic manner. The next few pages will discuss some of the most used facts of parliamentary law so that you may increase your effectiveness as a DAC or DELAC representative.

**BASIC PRINCIPLES OF PARLIAMENTARY LAW:**

- **Equality** – every member has an equal right to participate, speak, debate, and introduce business.
- **Free and full debate** – unlimited debate is a right that is restricted only if it is judged to be off the subject or group democratically votes to do so.
- **Rules by the majority without tyranny to the minority** – when a discussion is reached the majority wins, but the minority enjoys all the rights and benefits.
- **One question or proposal at a time** – one person speaks at a time and on one subject at the time.

**BASIC DUTIES FOR THE CHAIRPERSON:**

- Be a leader.
- Begin and end the meetings on time.
- Keep the meetings moving in proper order.
- Allow everyone an equal opportunity to speak.
- Keep order.
- Be impartial and fair.
- Get the floor before speaking.
- Do not interrupt another speaker.
- Do not get personal.

**MOTIONS:**

A motion is a proposal that something be done. After it is requested by the Chairperson and seconded, it becomes the "question before the house" and now belongs to all the members.

**STEPS IN A MOTION:**

1. **Make a motion**
   a) Member addresses the Chairperson, “Mr./Madam Chairperson”
   b) Chairperson recognizes member, “Mrs. Smith”
   c) Member states the motion, “I move that....”

2. **Second**
   A motion is seconded because it is assumed that at least two (2) people or a "second" person should support an idea before time is spent discussing it. If a motion does not receive a second, the motion “dies” and there is no further action.
3. **Discussion**

This is the free and full debate of the proposal. The Chairperson should recognize the original maker of proposal to lead off the discussion. The Chairperson should attempt to keep the discussion balanced between those for, and those against, as much as possible.

4. **Close Discussion**

To close discussion requires the consent of members. In fact, 2/3 of the members must vote yes in order to close off the discussion – if the motion to close debate comes from the floor. However, there are other ways:

   a) The discussion has stopped and no one seems to want to gain the floor. In this case the Chairperson should ask, “is there any more discussion?” If not – the Chairperson can close the debate.

   b) The discussion has been in progress for several minutes and the discussion is not progressing. The Chairperson may ask, “are you ready to vote?” If the Chairperson receives a “yes” answer, then the discussion may be closed.

5. **VOTE**

Voting may be conducted in several ways. Here are some suggestions:

   a) **Voice vote** – If the proposal is not controversial or is routine, the Chairperson may ask for a voice vote.

   b) **Show of hands** – If the proposal is important or controversial, the Chairperson should ask for a raise of the hands and count each hand.

   c) **Paper ballot** – Normally used in electing officers.

6. **ANNOUNCE AND RECORD**

Immediately after the vote, the Chairperson should announce the results and the secretary should record those results.

7. **SUBSIDIARY MOTIONS**

These are motions that are used in the course of discussing main motion in orders to affect the main motion being discussed. These motions follow the same steps as a main motion. These are the main subsidiary motions most often used:

   a.) **Amend** – This is used to change some part of the main motion. An amendment that changes the basis purpose of the proposal is out of order.

   b.) **Table** – Postpones or puts aside temporarily the discussion of a proposal.

   c.) **Refer to a Committee** – Give the proposal to a committee (any number of members) to find out more information, further study, re-wording, etc.
8. LIMIT OR EXTEND DEBATE:

There may be a time when it will be necessary to either limit the discussion time or to extend the time. This requires a motion from the membership. Because it affects the principles of free and open debate it requires a 2/3 vote in order to pass.

9. PRIVILEGED MOTIONS:

These motions are called privileged motions because they have priority over all other motions. A member, when introducing privileged motions may, for example, interrupt another speaker. The Chairperson must immediately put the motion before the meeting. These are three most commonly used privileged motions:

a) Personal Privilege – This has to do with the rights, well-being, or comfort of one member (the maker of the motion). Examples are: “Mr./Madam Chairperson, I can't hear the opinion,” or “Mr./Madam Chairperson, the speaker is getting personal,” or an emergency matter.

b) Recess – Means exactly what it says, i.e. take a break in the proceedings. When the recess is over the meeting continues from where it left off.

c) Adjourn – That motion concludes all business. When the group meets again, it will start with a new agenda.

Note: The motion to adjourn can come at any time during a meeting and must be considered.

**TABLE OF MOST USED MOTIONS**

<table>
<thead>
<tr>
<th>MOTIONS</th>
<th>NEEDS SECOND</th>
<th>DEBATABLE</th>
<th>AMENDABLE</th>
<th>VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MAIN</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Main Motions</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td><strong>SUBSIDIARY MOTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amend</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes (Once)</td>
<td>Majority</td>
</tr>
<tr>
<td>Table</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Refer to Committee</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Limit or Extend Debate</td>
<td>Yes</td>
<td>No</td>
<td>Yes (Time)</td>
<td>2/3</td>
</tr>
<tr>
<td>Vote Immediately</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
</tbody>
</table>
These have been the main aspects of parliamentary law and the basic principles and techniques of conducting a meeting. As you gain experience, you will gain confidence in this true exercise of democracy.

**Simplified Parliamentary Procedure**

**Conducting a Meeting**

1. Call to Order (by the president)
2. Approval of Minutes
3. Presidents’ Report (if necessary)
4. Treasurers’ Report (if necessary)
5. Committee Reports
   - Permanent Committees
   - Special Committees or a specific topic
6. Pending Business
7. New Business
8. Meeting Adjournment

**Essential Steps in Making Motions:**

1. Making a Motion (from any member of the meeting with prior acknowledgement of the president)
2. Seconding the motion (by any member in the meeting)
3. Stating the motion (immediately by the president after the motion is approved and seconded.)
4. Discussion of the motion (except when it is not debatable)
5. Vote on the motion
6. Announcing the results (by the president immediately after the vote)
The motion to adjourn the meeting is very important (i.e. not debatable, without possibility of being amended, and requires immediate attention). It cannot be considered if the motion is made while another point is being discussed. It can be considered if it is made without a pending point of business. The motion to adjourn the meeting is handled like any other main motion. The same rule applies for an immediate recess—except that the motion to immediately recess even though it is not up for discussion; it is possible to amend with respect to the length of the recess.

### Effective Meeting Practices:
- Organize a meeting only if it is necessary and a clear meeting goal has been established.
- Announce the meeting using a bulletin/meeting notice.
- Make available paper, pencils, notebooks, etc.
- If possible, distribute the agenda 1 or 2 days prior to the meeting and if appropriate, obtain other subjects or points that should be included in the agenda.
- If there is any emergency or other unexpected occurrence, contact members to inform them that the meeting is canceled (telephone calls are recommended).

### Conducting an Effective Meeting:
- Have a prepared agenda and adhere to it.
- Each agenda item should be assigned a time limit for the presentation and/or the discussion.
- Designate someone to monitor the time so that the established schedule is followed.
- Table those agenda items that were not resolved or any items that need more time to a future meeting.
- Place a time limit on the meeting length.

<table>
<thead>
<tr>
<th>Motions</th>
<th>Is it debatable?</th>
<th>Can it be amended?</th>
<th>What vote is needed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adjourn meeting*</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>2. Call a recess *</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>3. Making a presentation</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>4. End debate/discussion</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>5. Postpone discussion-time specific</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>6. Refer matter to committee</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>7. Amend a motion</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>8. Postpone talks non-specific time</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>9. Motion of business items</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
</tbody>
</table>

*The motion to adjourn the meeting is very important (i.e. not debatable, without possibility of being amended, and requires immediate attention). It cannot be considered if the motion is made while another point is being discussed. It can be considered if it is made without a pending point of business. The motion to adjourn the meeting is handled like any other main motion. The same rule applies for an immediate recess—except that the motion to immediately recess even though it is not up for discussion; it is possible to amend with respect to the length of the recess.*
Responsibilities of governing board/officers:

- Begin meeting promptly at scheduled time.
- Everyone is expected to be on time and can only be excused from the meeting based on a valid reason (i.e. illness).
- Keep the group focused on the topic being discussed.
- Provide the attendees the minutes of each meeting.

Responsibilities of Attendees:

- Arrive on time.
- Refrain from entering conversations that distracts the attention of others.
- Stay focused on the agenda.
- Refrain from being distracted by not reading, talking, or writing about matters that are not on the meeting agenda/topics under discussion.

HOW TO MAKE A MOTION

<table>
<thead>
<tr>
<th>CHAIRPERSON</th>
<th>MEMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Is there a motion?”</td>
<td>“I move that…”</td>
</tr>
<tr>
<td>“Is there a second?”</td>
<td>“I second it.”</td>
</tr>
<tr>
<td>“Is there any discussion?”</td>
<td>(Sometimes there is discussion; sometimes there is no discussion.)</td>
</tr>
<tr>
<td>“It has been moved and seconded that…”</td>
<td></td>
</tr>
<tr>
<td>“All those in favor, please say ‘Aye’.”</td>
<td>“Aye.”</td>
</tr>
<tr>
<td>“All those opposed, please say ‘Nay’.”</td>
<td>“Nay.”</td>
</tr>
<tr>
<td>“Motion carried.” Or “Motion denied.”</td>
<td></td>
</tr>
</tbody>
</table>
SCHOOLS NEEDS ASSESSMENT SURVEY FOR ________________________ ELEMENTARY
PLEASE RETURN SURVEY TO YOUR SCHOOL BY ________________________ (School Year)

Please answer each of the following questions. This survey will help us better serve the needs of our English Learners students and their parents.

1. What is your preferred method to receive school information/communication?
   [ ] a) Flyers sent home         [ ] c) Automated phone calls
   [ ] b) Text message           [ ] d) Text message

2. My child is receiving adequate support in acquiring English in academic areas such as Reading, Writing, and Mathematics.
   [ ] a. Strongly agree          [ ] d. Strongly disagree
   [ ] b. Agree                  [ ] e. Don’t know
   [ ] c. Disagree

3. Have you volunteered at your child’s school?
   [ ] Yes                      [ ] No
   If no, why? ________________________________

4. I am informed of opportunities to volunteer.
   [ ] Yes                      [ ] No

5. I have attended an English Learner Advisory Committee (ELAC) meeting.
   [ ] a) Once                  [ ] a) Four times or more
   [ ] b) Twice times          [ ] b) Never. If never, why? ________________
   [ ] c) Three times

6. I was given the opportunity to choose an English Learner program appropriate for my child.
   [ ] Yes                     [ ] No                     [ ] I don’t know.

7. I am being informed of my child’s progress in acquiring English.
   [ ] a) Strongly agree      [ ] d) Strongly disagree
   [ ] b) Agree              [ ] e) Don’t know
   [ ] c) Disagree

8. I feel that the English Language Learner program is working well for my child.
   [ ] a) Strongly agree      [ ] d) Strongly disagree
   [ ] b) Agree              [ ] e) Don’t know
   [ ] c) Disagree

9. Please write your top FOUR topics of interest for this year’s ELAC meetings.
   1. __________________________________________
   2. __________________________________________
   3. __________________________________________
   4. __________________________________________

10. Please indicate other needs or concerns.
    __________________________________________
    __________________________________________
CLOSED MEETINGS

Closed meetings are the exception and permitted only if they meet defined purposes and follow special requirements (§§ 54955(a), 54954.5, 54962).

EVEN AT CLOSED MEETINGS...

Special public notice and agenda requirements apply (§§ 54954, 54954.2, 54954.5, 54957.7).

All actions taken and all votes in closed session must be publicly reported orally or in writing (§ 54957.1(b)), and copies of any contracts or settlements approved must be made available promptly (§ 54957.1(b), (c)).

CLOSED MEETINGS MAY BE HELD FOR:

Personnel

Only to discuss the appointment, employment, performance evaluation, discipline, complaints about or dismissal of a specific employee or potential employee (§ 54957). The employee may request a public meeting on any charges or complaints.

But closed sessions are NOT ALLOWED for discussing:

• general employment
• independent contractors not functioning as employees
• salaries
• the performance of any elected official, or member of the board
• the local agency’s available funds
• funding priorities or budget

Pending Litigation

If open discussion “would prejudice the position of the agency in the litigation.” The litigation must be named on the posted agenda or announced in open session unless doing so would jeopardize the board’s ability to service process on an unserved party or conclude existing settlement negotiations to its advantage. (§ 54956.9)

To qualify, the agency must:

• be a party to pending litigation (§ 54956.9(a))
• or expect, based on certain specified facts, to be sued (§§ 54956.9(b)(1), (b)(2))
• or expect to file suit itself (§ 54955.9(c))

Labor Negotiations

Only to instruct the agency’s identified negotiator on compensation issues (§ 54957.6). (Note: school districts are covered by the Rodda Act, Govt. Code §§ 3540-3549.3.)

Property Negotiations

Only to discuss, with an agency’s identified bargaining agent, price or payment terms. The parcel negotiators and the prospective seller or purchaser must be identified on the agenda. (§ 54956.8) Final price and payment terms must be disclosed when the actual lease or contract is discussed for approval. (§ 54957.1(a))

Others

License applications for people with criminal records (§ 54956.7); threats to public services or facilities; (§ 54957) insurance pooling (§ 54956.95).

ATTACHMENT “E”

A POCKET GUIDE TO OPEN MEETING LAWS IN CALIFORNIA: THE BROWN ACT

A SERVICE OF:

THE FIRST AMENDMENT PROJECT
SOCIETY OF PROFESSIONAL JOURNALISTS (Nor. Cal.)

HOW TO USE THIS GUIDE

This pocket guide is intended to be a quick reference and provide general information to journalists and citizens. It addresses some common public meetings problems, but does not substitute for research or consultation with a lawyer on detailed questions. This guide current as of December 3, 2003.

FOR MORE INFORMATION OR HELP

FIRST AMENDMENT PROJECT ............510/231-7744
www.thefirstamendment.org

Society of Professional Journalists
NORTHERN CALIFORNIA CHAPTER ........415/389-7434
www.spj.org/norcal

California First Amendment Coalition ..........916/874-8368
www.cfaco.org

Funding provided by the Sigma Delta Chi Foundation of the Society of Professional Journalists