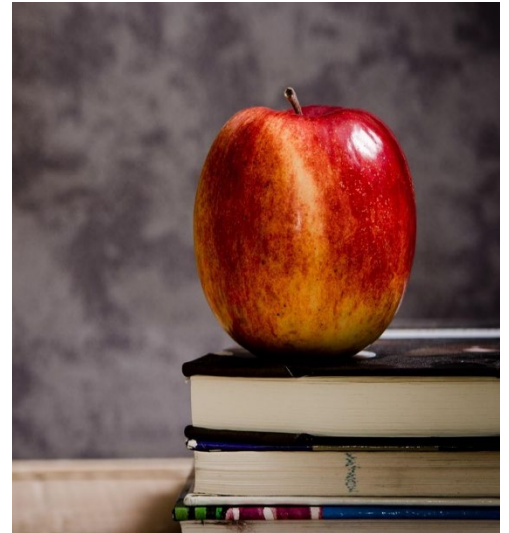


# School Board Candidate Workshop

An Overview of the Roles and Responsibilities of Board Members, the Election Process, and Key Laws Impacting Board Service



**Santa Barbara County Education Office**  
**October 7, 2024**  
**5:45 p.m.**

**Presented by:**

**Kathryn E. Meola, Esq., Partner**

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**Barbara J. Ginsberg, Esq., Partner**

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## Kathryn E. Meola

Partner

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Kathryn Meola provides legal representation and general counsel advice to public agencies, community college districts, K-12 school districts and county offices of education in all aspects of labor and employment matters, Board governance, open meeting laws, ethics and conflicts of interest, California public records act requests, labor negotiations, PERB hearings, arbitration hearings, administrative hearings, certificated and classified layoffs, certificated dismissal hearings and civil litigation. Ms. Meola also practices special education, 504 hearings, and due process hearings.

Prior to joining AALRR, Ms. Meola was General Counsel and Director of its Education Legal Alliance (ELA) for the California School Boards Association (CSBA). She was the first woman to serve as General Counsel in the organization's 88-year history. As General Counsel, Ms. Meola provided legal counsel to CSBA's leadership and led the ELA, a consortium of school districts, county offices of education and regional occupational centers/programs that pooled resources to pursue and defend public education interests in the courts and before state agencies.

Prior to joining CSBA, Ms. Meola was a Chief Deputy County Counsel in San Mateo County where she served as general counsel for the San Mateo Community College District and the County Superintendent of Schools along with several other school districts in the County. In addition, Ms. Meola supervised the County's public safety departments, and led the County's School Deputy and Special Education Deputy teams. In this role, she also conducted ten certificated dismissal hearings, special education due process hearings and layoff administrative hearings.

### OFFICE

2151 River Plaza Drive  
Suite 300  
Sacramento, CA 95833

### INDUSTRIES

Public Educational Agencies &  
Institutions  
Public Entities

### EDUCATION

J.D., University of San Diego  
School of Law  
B.A., The College of New Jersey

### ADMISSIONS

1994, California

### PRACTICE AREAS

Administrative Hearings &  
Arbitrations

Board Governance

Contract Enforcement &  
Collective Bargaining

Discrimination & Harassment

Education Litigation

Employee Performance &  
Evaluation

IDEA/Education Code, Section 504  
and ADA

## Kathryn E. Meola

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Prior to the County Counsel's Office, she was a Deputy District Attorney for 12 years where she prosecuted homicide, sexual assault and domestic violence cases and conducted 53 jury trials to verdict and handled hundreds of court trials and preliminary hearings.

### Honors & Recognitions

2005, San Mateo County Employee of the Year  
1994, recipient of the Joseph P. Busch Criminal Justice Award  
1991, NCAA, Div. III, Tennis, All-American  
1988, NCAA, Div. III, Tennis, All-American

### Representative Matters

- Co-counsel defending civil litigation matter in a \$114 million claimed damages resulting from breach of contract and FCC auction;
- Co-counsel in the initiation of a Consumer Choice Aggregation ("CCA"), resulting in a new public entity formation (Joint Powers Agreement), Peninsula Clean Energy ("PCE") comprised of all Cities within the Peninsula, along with San Mateo County (2015-2016);
- Integral in the initiation of a County-wide Coalition of Safe and Supportive Schools and Communities, led by Congresswoman Jackie Speier, by creating the "Big Five" Coordinated emergency response for law enforcement, schools and public agencies and drafting a Memorandum of Understanding for Information Sharing (2013-2016);
- *Plaintiff v. County of San Mateo* (2012) USDC 12-CV-02148-JST – § 1983 cause of action for excessive force alleged against San Mateo County Sheriff's staff when Plaintiff was placed in custody following an arrest for Successful resolution was reached after filing a Motion for Summary Judgment.
- *Plaintiff v. County of San Mateo* (2010) Superior Court, #483706, employee alleged wrongful termination, harassment and discrimination claim, settled with a §998 offer of compromise.

Investigations

Student Discipline

Student Services and Disabilities

Workplace Training

## Kathryn E. Meola

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### Firm News

AALRR Announces 2023 Equity and Non-Equity Partners  
01.12.2023

### Events & Speaking Engagements

- Identifying Performance Issues and Disciplining District Employees Webinar Series, Certificated Employee Discipline, 2024
- CCLC, Effective Trustee Workshop, Brown Act Presentations, 2023-2024
- CCLC, Annual Trustees Conference, Ethics and Conflicts of Interest, 2023-2024
- ACSA Special Education Academy, Hot Topics & Due Process Hearings, 2013-2024
- WACUB, Open Leadership, 2021
- Performance Management Academy, Negotiations, 2021
- National Law and Business, Presenter, K-12 Education, 2016-2019
- Women in County Government Leadership – New Leaders – Taking the Next Step, 2015

Managing Workforce Reductions: Best Practices for *Certificated* and *Classified* Staff Layoffs  
At Your Desk, 11.08.2024

### Alerts & Articles

New Law Amends “Just Cause” and “Emergency Circumstances” Limits for Remote Attendance by Board Members during Public Meetings  
10.04.2024

Attorney General Opinion Allows Board Members to Attend Meetings Remotely as an ADA Accommodation  
08.09.2024

New Law Clarifies Student Privacy Rights, Impacts Parental Notification Policies, and Establishes Rights of Educators Involved in These Issues  
07.18.2024

Attorney General Concludes That Attendance of a Majority of City Council Members at Chamber of Commerce Event at Which the Mayor Delivers a “State of the City” Breakfast Address Would Violate the Brown Act  
05.28.2024

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SB 765 Provides More Compensation and Allows for an Exception to the Temporary Waiting Period for School Districts to Hire Retired Teachers  
05.22.2024

Supreme Court Sets First Amendment Rules for Public Officials' Use of Social Media  
04.30.2024

Statute of Limitations for IDEA Due Process Claims Under Threat?  
04.03.2024

Court of Appeal Clarifies Legal Standards Applicable to Claims of Retaliation for Protected Union Activity  
01.31.2024

AB 557: Zooming In on the Brown Act  
10.17.2023

New California Federal Court Declares That, In the Absence of Clear Legal Authority, Parent's Challenge to District's Policy Preventing Disclosure of Student's Transgender Status Must Be Dismissed  
08.10.2023

U.S. Supreme Court Raises the Bar for Employers to Deny Religious Accommodations  
07.11.2023

Changes to the Political Reform Act  
12.28.2022

Governor Newsom Modifies the Classified Dismissal and Suspension Process for K-12 School Districts and Community College Districts  
10.18.2022

Expanded Opportunity for California Community College Districts to Obtain Information about Potential Students from Local Agencies  
10.18.2022

AB 2158 Extends Mandatory Ethics Training to School Officials  
10.06.2022

AB 2449: New Brown Act Rules for a Zoom-Friendly World  
09.16.2022

2022-2023 Requirements of NCAA Board of Governors Policy on Campus Sexual Violence and Disclosure of Student Information  
09.06.2022

## Kathryn E. Meola

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The Ninth Circuit Holds that Official Use of a Social Media Platform Created a Public Forum, and Blocking Members of the Public Violated the First Amendment  
08.03.2022

Public Employment Relations Board Adopts New Standard for Finding Interference Based on Employer's Conduct During Discovery in Other Tribunals  
06.17.2022

Court of Appeal Rules That Trial Courts May Exercise Discretion to Deny Attorney Fee Awards in California Public Records Act Lawsuits Achieving Minimal or Insignificant Results  
05.02.2022

California Attorney General Declares That Charter School Employees May Not Serve on a County Board of Education in the County Where Their Employing School Is Located  
11.09.2021

Governor's K-12 Vaccine "Mandate" Raises Questions  
10.05.2021

New Brown Act Amendment Changes the Rules for Teleconference Meetings During A State of Emergency  
09.20.2021

California Appellate Court Rules That Electromagnetic Hypersensitivity May Qualify as a Disability Under FEHA  
05.27.2021

California Appellate Court Rules That Due Process Does Not Require a Live Hearing for Written Reprimands  
05.27.2021

Update: California Department of Public Health Issues Comprehensive Guidance Governing Opening and Reopening of K-12 Schools  
03.24.2021

California Department of Public Health Issues Comprehensive Guidance Governing Opening and Reopening of K-12 Schools  
01.19.2021

California's Safe Schools for All Plan  
01.13.2021

School Districts Are Not Considered a "Business Establishment" Under the Unruh Act  
11.19.2020

CDPH Issues Higher Education Reopening Guidance  
08.17.2020

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State Issues Clear Guidance on School Reopening, Face Coverings and More  
07.20.2020

California Community College Chancellor's Office Memorandum on Continuity of Education for Programs  
Supporting the Essential Workforce  
07.14.2020

### Publications

- Assembly Bill 218 - What board members should know about the new childhood sexual assault law - CSBA
- Recent developments relating to the California Voting Rights Act - CSBA
- The changing tide of the California Public Records Act and the personnel exemption - CSBA
- The role of the school board's attorney - CSBA
- AG advisory creates new considerations for charter school governance and operations - CSBA

### Community & Professional

- Women Lawyers of Sacramento, President, 2024
- Civil Service Board, City of Sacramento, Chair, 2023-2024
- Planning Commissioner, City of Belmont, 2017-2019
- San Mateo County Charter Review Committee, Advisor, 2017
- State of California Special Education Advisory Committee, Committee Member, 2016-2018

## Barbara J. Ginsberg

Senior Partner

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### Practice Areas and Experience

Barbara J. Ginsberg represents school and community college districts, and public agencies in all aspects of labor and employment matters and education law. She serves as chief negotiator for agencies in collective bargaining with certificated, classified, and police/safety units, and is experienced in both traditional and interest-based bargaining methods. In addition, Ms. Ginsberg has more than 30 years of experience investigating charges of harassment and discrimination as well as uniform complaints. She is a member of the firm's Title IX and Clery Act, Negotiations, and Higher Education groups. Other areas of Ms. Ginsberg's practice include: classified and certificated employee evaluation and discipline (merit and non-merit); statutory and negotiated leave issues; police and safety matters, including POBOR issues; certificated and classified reductions in force; disability accommodation issues; student and employee privacy, search and seizure, and other constitutional issues; drafting board/agency policies; hiring practices; PERB, EEOC, DFEH, OCR, OAH, and personnel commission matters; and federal and state civil litigation.

Prior to joining AALRR in 2008, Ms. Ginsberg spent seven years as a legal advocate for public and private employee unions, including the Association of Orange County Deputy Sheriffs, Riverside Sheriffs Association, Orange County Firefighters Association, Santa Ana Firefighters, and the San Bernardino Public Employees Association; and eight years as an advocate for school and community college districts. She also served as Deputy City Attorney for the City of Victorville, and as a teacher in elementary, middle school, and high school settings.

### Events & Speaking Engagements

Ms. Ginsberg is a popular and highly requested speaker and regularly provides training throughout the nation on a variety of subjects of interest to K-12 school districts, community colleges, universities, cities, counties, governing boards, management teams, administrators, police and safety personnel, supervisors, and

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### INDUSTRIES

Educational & Public Agencies

### EDUCATION

J.D., Thomas Jefferson School of Law  
B.A., English  
University of California, Irvine  
United States Naval Academy

### ADMISSIONS

1995, California  
2024, Idaho  
U.S. District Courts, Central and  
Southern Districts of California  
U.S. District and Bankruptcy Courts for  
the District of Idaho

### PRACTICE AREAS

Contract Enforcement & Collective  
Bargaining  
Education  
Investigations  
Labor & Employment  
Litigation  
Professional Development Training



## Barbara J. Ginsberg

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staff. In addition to addressing subjects that impact the workplace, the educational setting, and collective bargaining, Ms. Ginsberg provides training on the FRISK model for preparing effective documentation regarding employee substandard performance or conduct; leadership and communication skills; conducting investigations in the educational and workplace environments; conflict resolution; Brown Act compliance, and state-mandated sexual harassment training. She regularly lectures at conferences for local, statewide, and national organizations such as AASPA, ACCCA, ACSA, ACHRO, CAAASA, CABE, CALSA, CCLC, CCUPCA, CPCA, CSBA, NSBA, and WACUBO. She is also a regular instructor at various personnel and administrator academies throughout the country, and a guest lecturer at several universities. She regularly mentors law students and young lawyers.

Upcoming conferences and speaking events include:

### **Leadership Series with Barbara Ginsberg – Statewide (virtual and/or in person) (September 2024 through April 2025)**

- Communicating with Difficult People and Influencing Change
- Managing & Addressing Conflicts Between Employees in the Workplace
- Effective Evaluations and Evaluation Meetings
- Preparing, Delivering, and Monitoring Employee Improvement Plans
- Team Building Tips That Will Help You Transform Your Work Site
- From Supervisor to Leader: Responsibilities, Repairing Relationships, and Infusing the Practice of Civility in the Workplace
- Troubleshooting Leadership: How to Lead Notwithstanding Challenging People and How to Lead in Challenging Circumstances

### **Negotiations Series (virtual - Fall 2024)**

- Introduction to Bargaining
- Crafting and Responding to Proposals
- How to Deal with Conflict at the Table/Impasse
- Mastering the Art of Negotiation

### **Central Coast Professional Development Consortium Series (Virtual) (September 2024 through May 2025) – Topics to be announced in August**

#### **FRISK® Documentation Model for K-12 LEAs & Private Schools (State/National)**

#### **FRISK® Documentation Model for Community College Districts (State/National)**

#### **FRISK® Documentation Model for Cities and Counties (State/National)**

- Preparing Effective Documentation Regarding Employee Substandard Performance or Conduct
- Techniques for Effective Communication with Employees About the FRISK® Document & Influencing Employee Improvement
- Advanced FRISK®: Focus on Scenarios and Writing Techniques

### **Cultural Competence & Sensitivity Institute – Statewide (virtual)**

#### **101 Series**

- Cultural Sensitivity in the Workplace
- Understanding and Managing Implicit Bias, Gaslighting, and Racelighting
- Managing & Addressing Conflicts Between Employees in the Workplace

#### **102 Series**

- Implementing Employment Practices that Support Cultural Competence
- Conducting Investigations/Addressing Complaints with a Culturally Sensitive Lens
- Best Practices for recruiting, Hiring, and retaining a Diverse Workforce

## Barbara J. Ginsberg

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### K-12 Performance Management Series (Statewide or Single Districts – virtual) CCD Performance Management Series (Statewide or Single Districts – virtual)

#### 101 Series

- Negotiations & Contract Administration 101 for Administrators
- Addressing Conflicts Between Employees in the Workplace
- Conducting Legally Compliant Workplace Investigations
- Preparing and Delivering Effective Evaluations
- Introduction to the FRISK® Documentation Method

#### 102 Series

- Preparing for the First Negotiation Session
- Managing and Understanding Millennials in the Workforce
- Professionalism in the Education Environment: When Employees Cross Professional Boundaries
- Employee Speech: Guidelines on Restrictions to Maintain the Integrity of the Workplace while Protecting Employee Rights
- Advanced FRISK®

### Additional Topics for Individual School Districts, Community College Districts, Charter Schools, Private Schools, Counties, and Cities

- Nurturing the CEO/Superintendent/President-Board Member Relationship
- Creating a Satisfying and Equitable Work Environment
- Exercising Gratitude in the Classroom and Workplace
- Building, Maintaining and Repairing Relationships of Trust in the Workplace
- Leading and Building School Culture
- How to Lead Notwithstanding Challenging People
- Keys to Leading & Building Your Team's Resilience During Challenging Times
- Techniques for Becoming a Stronger, More Effective Negotiator
- Secrets to Getting Stuff Done
- Infusing the Practice of Civility and Mutual Respect in the Workplace
- Professionalism and Excellence in the Workplace
- Accommodating Employee Disabilities
- Tips for Conducting Better Workplace Investigations
- Sexual Harassment and Abusive Conduct Prevention Training
- Identifying and Responding to Employee Use of Drugs and Alcohol
- Managing Employee Leaves of Absence
- Mandated Reporter Training Regarding Child Abuse and Neglect
- Understanding the Brown Act
- Good Language, Bad Language: Rules for Drafting Contract Language
- Repairing Relationships of Trust and Team Building Tips for Executive Assistants
- Best Practices for Hiring, Recruiting & Maintaining a Diverse Workforce
- Understanding Criminal Background Checks and Subsequent Arrest Reports
- Best Post-Pandemic Practices Re Accommodating E'es & Managing Remote Work
- Best Practices/Strategies for Equitable Planning, Decision-Making and Communication

### **Community & Professional**

- California Bar Association, Labor & Employment Law Section, Member
- Idaho Bar Association, Employment & Labor Law Section, Member and Government & Public Sector Lawyers Section Member
- California Council of School Attorneys, Member
- Cerritos College Foundation, Past President and Member
- Pacific Symphony Volunteer and Back Stage Guide



## School Board Candidate Workshop

An Overview of the Roles and Responsibilities of Board Members, the Election Process, and Key Laws Impacting Board Service

October 7, 2024 – 5:45 p.m.

PRESENTED BY:

Kathryn E. Meola, Partner  
Barbara J. Ginsberg, Partner

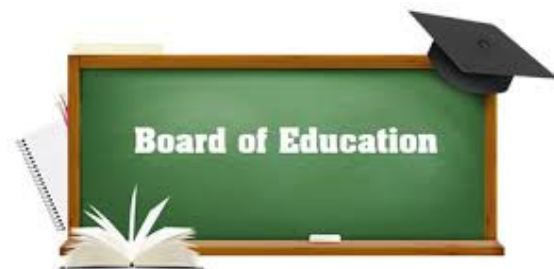
Cerritos • Fresno • Irvine • Marin • Pasadena • Pleasanton • Riverside • Sacramento • San Diego



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## Agenda

- Differences between the County Board of Education and District Boards of Education
- Roles and Responsibilities
- Elections and Campaigning
- Key Laws Impacting Board Service
  - Public Participation
  - Brown Act Basics
  - Closed Sessions
  - General Ethical Principles
  - Conflicts of Interest/Incompatible Offices
  - Economic Interests
- Seeking Assistance



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## District Board of Education vs. County Board of Education

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### Local School Districts

- Part of a system of free public schools guaranteed by Article IX of the California Constitution
- Operate under the authority of the State Legislature, therefore has only such powers as provided for in the Constitution, by the Legislature, or by the people
- Established under the principle that schools should be largely administered by local authority
- District board members are elected by members of the public residing within the District (either by trustee area or on a District-wide “at large” basis), or are appointed in the event of a mid-term vacancy, and serve a designated term. They are the policy-making arm of the local school district
- Every school district has a Superintendent, hired by the District board, who serves as the administrative arm of the District

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## Types of School Districts

- “School District”: An elementary district (grades K-6 or K-8) or high school district (grades 9-12) with one or more schools
- “Union School District”: A district comprised of two or more previously existing districts of the same kind
- “Joint District”: A district comprised of areas in more than one county area
- “Unified School District”: A district where previously separate high school and elementary school district are now coterminous (Grades K-12)
- “City School District”: A district located wholly in a city



## County Education Officials


- Each county provides an intermediate level of authority in the area of public education
- Each county has a Superintendent of Schools, who is a constitutional officer and public official elected by the entire county electorate. In Santa Barbara County, the Superintendent of Schools is Dr. Susan Salcido
- Each county (except charter counties) has a County Board of Education, whose members are elected from trustee areas. There are seven County Board members in Santa Barbara County

**Roles and Responsibilities**

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*"You are elected as  
an individual, but  
you must govern as  
a team."*



**You have no power or authority as an  
individual, even after election**

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**Role of the  
County  
Superintendent  
of Schools**

Generally, the role of the Santa Barbara County Superintendent of Schools is to:

- Act as an intermediary between the state and local districts
- Enforce provisions of the *Williams* legislation
- Monitor collective bargaining agreements entered into by school districts within the county and issue “qualified” or “negative” certifications of district budgets when necessary pursuant to Education Code 42131 and Govt. Code 3547.5(c)
- Perform certain functions and services which can be provided more efficiently over a large area
- Provide stimulus for school district improvement, stability and continuity
- Enforce the use/availability of state textbooks and instructional materials
- Review and approve each district’s local control funding formula
- Appoint, employ, discipline and establish salaries of “certificated” and “classified” school employees in the County Office of Education

**Role of the  
County Board  
of Education**

Generally, the role of the Santa Barbara County Board of Education is to:

- Approve certain county school services to school districts within the county
- Hear cases involving the expulsion of pupils and interdistrict attendance appeals
- Approve or disapprove the annual budget developed by the County Superintendent of Schools (no “revisions” unless the budget is disapproved by the State Superintendent)
- The Board does not employ the Superintendent or any County school employees





## Role of the District Board of Education

- A district board of education does not administer a district; rather, it adopts the policies and procedures under which the district is administered by the Superintendent
- The Board's focus is on the "what" not the "how"



**Remember:** A single Board Member does not have the power to act. The Board acts by majority vote. Once the Board collectively makes a decision, the Board should provide a unified front. Respect differences, but always move forward

## Types of Policies and Regulations

Policy areas include but are not limited to:

- Setting the mission statement, vision, and values of the District
- Legal status, functions, organization, and ethical conduct of the Board of Education/Trustees
- Selection, retention, duties & evaluation of the Superintendent
- Guidance related to personnel hiring, retention and relations
- Scope and quality of the instructional program and school services within district
- Function and operation of school food services
- Procedures and other aspects of budgeting, accounting, audits, and management of school property
- Operations of the pupil transportation system
- Identification, admission, promotion, and discipline of students
- Public relations
- Compliance with state and federal statues/regulations
- Fiscal responsibility



*It is through the adoption of policies and procedures that a school board directs the educational program of the district*



## Role of the District Board Member

- Provide the voice of the community; receive input from constituents and be an advocate; listen to viewpoints and present yours
- Set direction for the District based on community-driven goals and interests
- Provide oversight of local education by establishing structure
  - Set policies, procedures and programs
  - Adopt curriculum
  - Adopt budget (ensure income exceeds expenditures and that multi-year commitments can be met) and oversee facilities
  - Set collective bargaining objectives & approve negotiated agreement
- Select and hire a Superintendent to administer the District
- Retain legal counsel for the District
- Support the Superintendent and District staff
- Ensure accountability to the community
- Work toward a goal of improving the quality of education for students and the quality of the community; demonstrate leadership



## Role of the District Superintendent

The District Superintendent is hired by the Board (not elected) to serve as the Chief Executive Officer of the District, The Superintendent's role includes:

- Managing the day-to-day operations of the District
- Implementing policies and programs of the District as determined by the Board
- Guiding and advising the Board in aligning policies and goals with state and federal mandates
- Delegating duties to District staff
- Providing general supervision and being accountable for the quality of all District personnel
- Providing accountability to the Board



**CAUTION:  
DO NOT EXCEED  
THE SCOPE OF YOUR  
AUTHORITY**

Board members may be found personally liable when they act beyond the course and scope of their duties and responsibilities, and may be personally responsible for the payment of punitive damages

- Includes acts such as releasing information without authority; leaking closed session information; making false allegations in public



## Shared Governance

In order to positively impact the education of students, superintendents and board members must govern the district as a team

- Must create unity of purpose with other board members and with the Superintendent
- Stay focused on student achievement and student wellness
- Govern together as a team with a common mission and vision
- Govern in a transparent, open, and accessible manner
- Govern in collaboration with the Superintendent
- Maintain a high standard of integrity
- Make high-quality policy decisions based upon evident and data

## Best Practices for All Board Members

- Read and understand the Board Policies and Administrative Regulations of the Agency, including the mission, vision & core values of the district
- Review and understand the District's cyclical calendar regarding budget and LCAP adoption, evaluation, elections, collective bargaining, etc.
- Review and understand operational protocols
- Be prepared in advance of every Board meeting
- Maintain effective communication; become informed; do your homework
- Be on time for everything
- Actively participate; commit your time and energy to being a Board member
- Be professional, courteous & act with dignity; model a positive district culture
- Maintain confidentiality
- Look for common ground; respect differences of perspective & style
- Avoid conflicts of interest



## Elections and Campaigning

## Board Member Elections Overview



- Boards in Santa Barbara County have 3, 5, or 7 members
- Four-year terms; staggered
- Candidates must be 18+ years old, citizen of California, resident of the school district and trustee area (if applicable), a registered voter, not legally disqualified from holding civil office
- After election, service begins the second Friday in December
- Elected board member cannot be an employee of the District or hold any other incompatible office

### At-Large Elections



- Board Member may reside anywhere within the District
- Registered voters within the District may vote for all open seats on the Board

- Trustees must reside within specific trustee areas
- Only voters residing with the specified trustee area may vote for candidates in that trustee area
- Voters do not vote for seats in trustee areas other than their own



### Trustee Area Elections

Per California Voting Rights Act ("CVRA") which prohibits at-large elections which impair the ability of a protected class to elect candidates or influence decisions

## VACANCY

Vacancies occur by:

- Death
- Filing a letter of resignation with the County Superintendent
- Moving from the Trustee area or District
- Engaging in an act of disqualification
- Election to an incompatible office
- Failure to attend meetings of the Board for three months
- Recall election

A person appointed or specially elected to fill a vacant position only serves until the next regular trustee election

## As you campaign, remember ...



- Individual Trustees may not speak on behalf of the District – ensure any public statements are clearly identified as the viewpoint of **only** the individual Trustee



- The District must remain neutral in the election and cannot expend any resources, directly or indirectly, to urge the support or defeat of a candidate
- The District may regulate time, place, and manner of use of school property, including for political activities and leafletting
- Candidates may use District facilities for political purposes if they apply for use under the Civic Center Act
- Generally, Districts do not permit any campus tours by political candidates during the active campaign season or active campaigning on sites.
- Only visits that are part of an incumbent's regular Board duties or a volunteer's assigned duties are permitted (and no campaigning)
- Do not post photographs/videos/names/facts, etc. of any student on social media or elsewhere without prior written parental permission
- Do not make promises to take individual action

**No campaign signs on District/County Property**

**Disruption is prohibited**

**Staff may not endorse candidates in their official capacity (no reference to their employment or position)**

**Signs in vehicle windows on campus are okay unless the signs is obscene or is situated in a manner which allows students to view the political positions or candidate supported**


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**Public Participation**

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- Public agencies are funded by the public and therefore must answer to the public.
- Members of the public are entitled to be informed of the business of the agency and participate by providing input to the legislative body during open session meetings of the Board
- To do so, they must be timely and adequately informed of the business of the agency in advance of Board meetings. They must also have access to the trustees/members who represent the interests of the community on the Board
- Board members must take time to listen to constituents prior to taking action

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- Regular Board meetings are calendared for the year at the annual organizational meeting in December; frequency, time, location of meetings is determined by the Board
- Special meetings may be called by the President or majority of Board members; Emergency meetings may be called when authorized by law
- Boards may only take action at a properly called meeting
- No action can be taken unless the item was identified on the agenda and posted 72 hours before a regular meeting or 24 hours before a special meeting
- No action may be taken unless a quorum is present
- No action may be taken by telephone polling

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Agenda



- The agenda must include sufficient detail so the public understands what actions are being considered by the Board
- Members of the public have the right to place a matter on the agenda
- The agenda must be posted in a place available to the general public and employees and on the District's web page
- Members of the public may address the Board regarding agenda items as they come up on the agenda
- No action may be taken on items which do not contain sufficient detail or which are not posted for the required amount of time in advance of the meeting
- Agencies are obligated to maintain meeting minutes

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**Brown Act Basics**

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## The Brown Act



- All **meetings** of the **legislative body** of a local agency shall be **open and public**, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

Gov. Code, § 54953

**The Brown Act applies to “legislative bodies,” to committees or other subsidiary bodies, and to someone who has been elected but not yet assumed office**

## The Brown Act: General Requirements



- Actions & deliberations of legislative bodies must be conducted openly and in public
- District/County Board meetings must be public unless appropriate authorization for a matter to be conducted in closed session
- Meeting agendas and packets of supporting information must be available to the public
- Agendas must be posted, including on the agency’s website

## The Brown Act: What is a Meeting?



- “Meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

Gov. Code, § 54952.2(a)

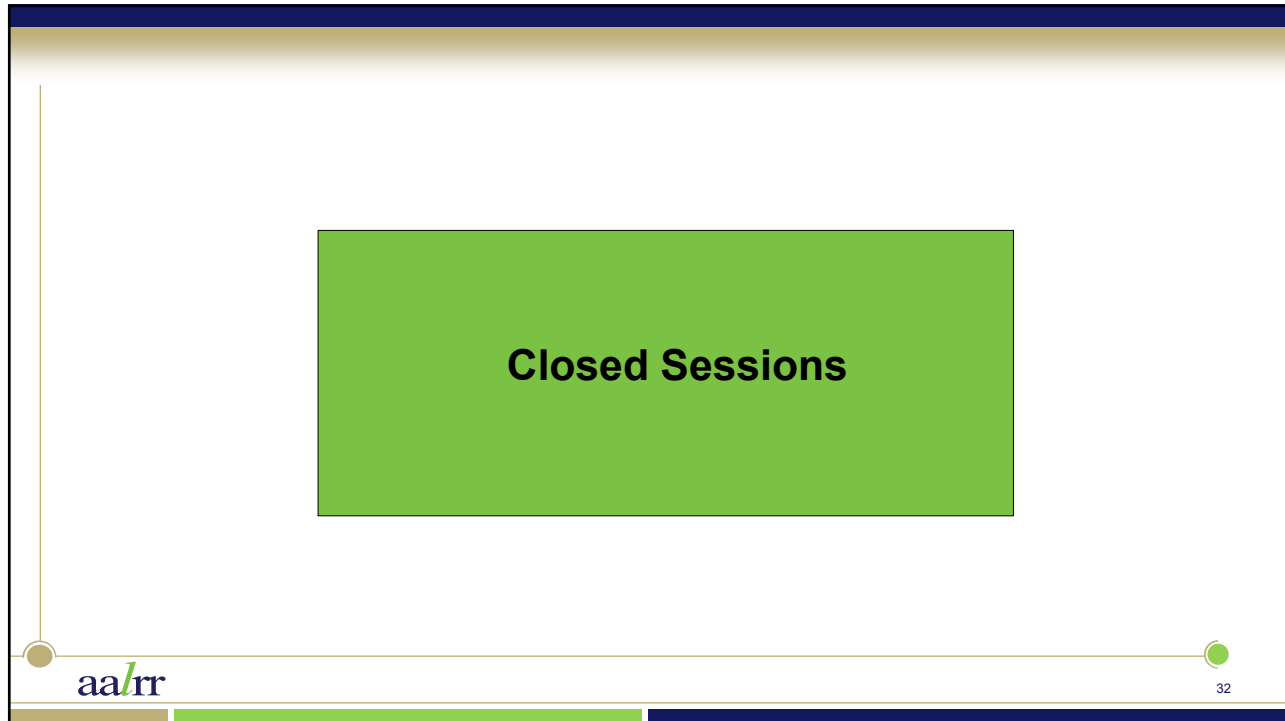
## The Brown Act: What is a “Serial Meeting”?



- A **series of communications**, each of which involves **less than a quorum** of the legislative body, but which taken as a whole **involves a majority** of the body’s members.

Gov. Code, § 54952.2(b)


**BEWARE:** Serial meetings can take place in person, or by telephone, e-mail, text message, chat rooms, through social media, etc.



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## **Closed Sessions**

- Occasionally, certain business of the Board is conducted outside the public view, in “closed session”
- There must be a statutorily authorized reason for the Board to conduct business in closed session
- Generally, only board members and necessary support staff attend closed sessions
- The public must be informed, via very limited agenda description, of the general nature of the business being conducted in closed session.



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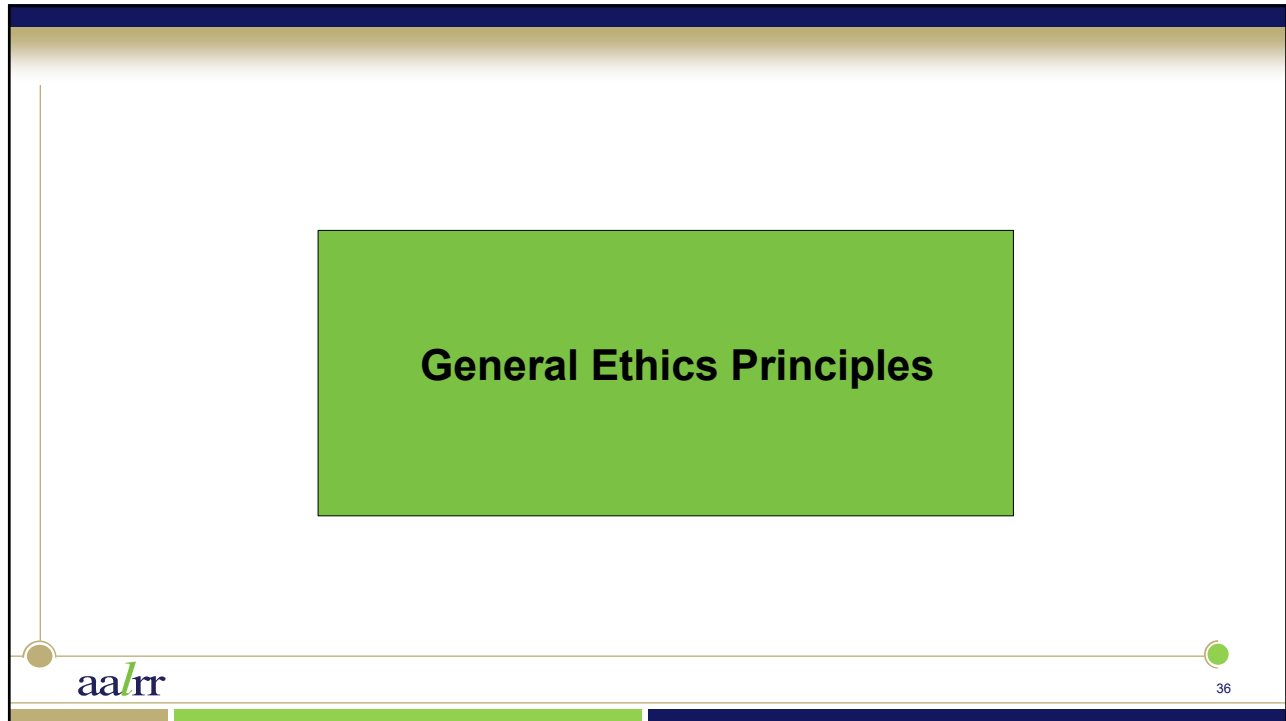
## Typical Items for Closed Sessions

- Personnel matters
  - Pending or anticipated litigation
  - Labor negotiations
  - Real property transactions
  - Student discipline
  - Public safety
- Items/documents related to a closed session agenda item are generally exempt from disclosure to the public
  - If the Board takes action in closed session, the action must thereafter be reported out to the public in the open session



- You have a fiduciary duty to maintain **confidentiality** of what is discussed in closed session

No person may publicly disclose information that has been received and discussed in closed session unless the information is authorized by law to be disclosed or the legislative body authorizes the disclosure

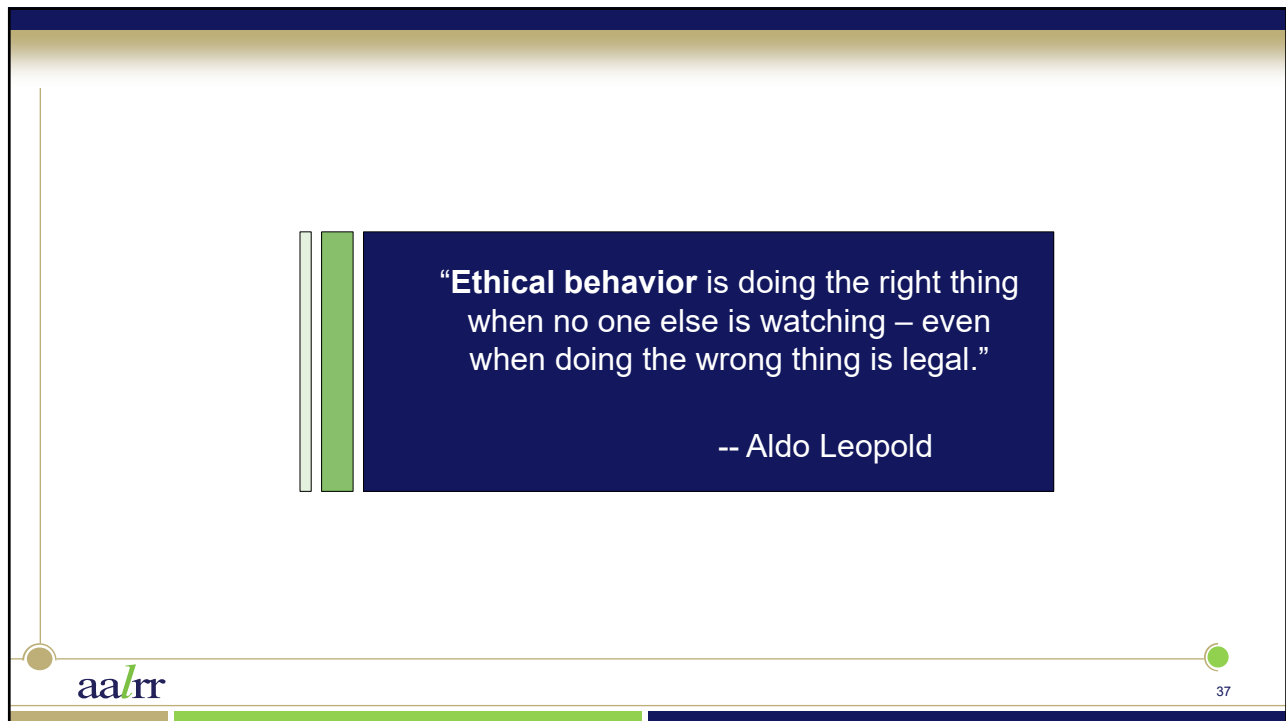


A presentation slide with a white background and a dark blue border. In the center, there is a large green rectangle containing the text "General Ethics Principles" in bold black font. At the bottom left, the "aa/rr" logo is displayed. At the bottom right, the number "36" is shown next to a small green circle. A horizontal line with a green segment is at the bottom.

**General Ethics Principles**

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A presentation slide with a white background and a dark blue border. In the center, there is a dark blue rectangle containing a quote in white text: "Ethical behavior is doing the right thing when no one else is watching – even when doing the wrong thing is legal." Below the quote, it says "-- Aldo Leopold". To the left of the quote box are two vertical bars, one light green and one dark green. At the bottom left, the "aa/rr" logo is displayed. At the bottom right, the number "37" is shown next to a small green circle. A horizontal line with a green segment is at the bottom.

**“Ethical behavior** is doing the right thing when no one else is watching – even when doing the wrong thing is legal.”

-- Aldo Leopold

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## Duties of Public Officials and Employees

### General Ethics Principles

- Encompass the values surrounding **trustworthiness, respect, fairness** and **responsibility**
- The public should know of the **responsible** conduct, actions and practices of their local officials
- Public officials need to **avoid even the appearance of impropriety**
- **Transparency** is key to the public's ability to ensure its elected and local officials are ethical in their public dealings
- To govern responsibly, maintain the highest standards of **integrity** and **honesty**, and treat all members of the public, fellow Board member, and employees with **respect, courtesy, concern**, and **responsiveness**



### General Ethics Principles (continued)

- Individual Board members shall keep learning and achievement for all students as the **primary focus**
- Board members shall consider their positions as a **public trust** and not use it for private advantage or personal gain
- Work with each other and the Superintendent to ensure that a **high quality** education is provided to each student
- Conduct yourself **lawfully** with **integrity** and **high ethical standards** that uphold the duty of elected office, **build trust, public confidence** and **credibility** and **model the behaviors expected** of students and staff
- **Disclose conflicts of interest**; abstain from participating in decisions of discussions that could affect/be affected by those interests





### General Ethics Principles (continued)

- **Do not speak on behalf** of the Board; **respect decisions** of the full Board
- Focus on **issues** rather than personalities
- **Do not mislead or misinform**; your statements may be perceived as those of the agency
- **Never embarrass** other Board members, the Superintendent, the agency, or its personnel; **be courteous** and **respectful** in your interactions
- Adhere and be faithful to the statements of the **oath of office**



## Conflicts of Interest & Incompatible Offices





- Public officials may not place themselves in positions where they might be tempted by their own private interests to disregard the best interests of the public
- Intent of conflict of interest rules is to ensure that public servants perform their duties in an impartial manner, free from biases caused by their own interests.

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## Conflicts of Interests — The Law

- *Government Code § 1090*
  - Prohibits a Board member's financial interest in any contract under consideration by the District. Abstention is irrelevant.
- *The Political Reform Act (Government Code § 87100)*
  - Prohibits a Board member's use of their official position to influence a District decision in which he or she has an economic interest. Does not apply to approval of broad topics (e.g. salary schedules for bargaining units which include a spouse).
- *Common Law Conflicts of Interest*
  - Prohibits a Board member from placing themselves in a position where their private, personal interests may conflict with their official duties. Focuses on the "appearance of impropriety."
- *Statutory rules for campaign contributions*
  - Cannot solicit or accept contributions more than \$250 from any party with certain business pending before the Board; Requires disclosure of contributions more than \$250, received for the previous 12 months; Certain timelines apply for "curing" certain situations

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## Incompatible Offices

- The law prohibits the holding of “incompatible offices.” Public officials may not hold two different public offices simultaneously if the offices have overlapping and conflicted public duties. (Govt. Code section 1099)
- Employees of any District within the jurisdiction of the County Education Office and employees of SBCEO are prohibited from serving on the County Board of Education
- Employees of a district are prohibited from serving on their District’s Board of Education. The employee must resign before being sworn in. (Ed Code 35107)



## Economic Interests

## Financial Interests



- Public Officials may not be financially interested in a contract
- A District cannot enter into a contract if a Board member has a financial interest in the contract
- Abstention is insufficient. Participation in the development, negotiation, or execution of the contract is strictly prohibited

## Economic Interest Disclosure: FPPC Form 700

- It Starts Like This...
  - Superintendent and Board members accept invitations to get on a bus and go to a fancy sit-down dinner sponsored by a vendor for the school district.
  - *Everyone has a great time!*

## But May End Up Like This!

### FPPC: Four Sacramento area school officials took hidden gifts

BY LORETTA KALB, DIANA LAMBERT AND PHILLIP REESE - LKALB@SACBEE.COM  
NOVEMBER 05, 2013 12:00 AM, UPDATED NOVEMBER 05, 2013 12:14 AM



Four Sacramento-area school officials received free meals from bond advisers and failed to disclose them, according to a statewide investigation into unreported gifts by California's political watchdog agency.

The California Fair Political Practices Commission is recommending penalties for 86 public officials statewide who are accused of accepting but failing to report gifts within the last four years. Violators collectively would pay \$22,000 under a proposed settlement headed for the commission's Nov. 14 agenda.



## Economic Interest Disclosure: FPPC Form 700 (Government Code section 87200)

- Covered Officials:
  - **School** and Community College District **Board Members**
  - County Supervisors
  - District Attorneys/County Counsels
  - County Chief Administrative Officers/Treasurers
  - City Council Members/Mayors
  - City Managers/Attorneys/Treasurers
  - Public Officials who manage public investments
  - **Candidates for any of these offices at any election**
  - Other officials designated by local agency conflict of interest code

## Economic Interest Disclosure: FPPC Form 700

- Requires disclosure of personal financial interests, including income. Income includes “gifts” received from certain sources.
- The gift limit for 2023-2024 and 2024-2025 is \$590
- Signed under penalty of perjury.
- Mandatory filers defined by law and listed in Local Conflict of Interest Codes.
  - Identifies which types of economic interests each position must disclose; categories of disclosure assigned to each position.
  - Disclosure categories linked to official’s job duties.

## Economic Interest Disclosure: FPPC Form 700

- Where do you get it? FPPC website ([fppc.ca.gov](http://fppc.ca.gov))
- When to file:
  - Upon taking office (within 30 days)
  - Upon leaving office (within 30 days)
  - **On an annual basis (postmarked by April 1)**
- Where to file:
  - With County Board of Supervisors
  - File with the district’s Filing Officer
- **Form 700 is a public document once filed**

## Seeking Assistance



- The Superintendent is your first point of contact if you have a question regarding your campaign or District procedures.
- Educate yourself by reviewing Board Policies and Administrative Regulations. They are available to the public online at your respective agency's website.
- Once elected, stay informed. Read the entire Board packet before each Board meeting
- If you have any questions about a policy or an administrative regulation, or any information in the Board packet, contact the Superintendent's office.



## Additional Resources for Ethics and Conflict of Interest

### The Fair Political Practices Commission

- [www.fppc.ca.gov](http://www.fppc.ca.gov)
- 1-866-ASK-FPPC (1-866-275-3772)
  - Confidential hotline

### The California Attorney General

- [www.ag.ca.gov](http://www.ag.ca.gov)

# Question & Answer Session

## Disclaimer

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