

MINUTES
RIALTO UNIFIED SCHOOL DISTRICT
Special Board Meeting of the Board of Education

March 28, 2026
Dr. John R. Kazalunas Education Center
182 East Walnut Avenue
Rialto, California

Members Present: **Joseph W. Martinez, President**
 Dakira R. Williams, Clerk
 Evelyn P. Dominguez, LVN, Member
 Dr. Stephanie E. Lewis, Member

Members Absent: **Edgar Montes, Vice President**
 Audrey Gonzalez, Student Board Member

Staff Present: **Alejandro Álvarez, Ed.D., Superintendent**
 Rhea McIver Gibbs, Ed.D., Deputy Superintendent
 Denise Ellis, Ed.D., Associate Superintendent, Human
 Resources
 Jon Black, Ed.D., Associate Superintendent, Education
 Services
 Diane Romo, Associate Superintendent, Business Services
 Also present was Martha Degortari, Executive Assistant to the
 Board of Education

A. OPENING

A.1 CALL TO ORDER 9:00 a.m.

Meeting was called to order at 9:00 a.m.

A.2 OPEN SESSION

B. PLEDGE OF ALLEGIANCE

Marie Naguib, Attorney with Fagen, Friedman & Fulfrost, LLP, led the Pledge of Allegiance.

C. ADOPTION OF AGENDA

Moved By Member Dr. Lewis

Seconded By Member Dominguez

Vice President Montes was absent and Clerk Williams was not present during this vote. Vote by Board Members to adopt the agenda:

Approved by a Majority Vote

D. PUBLIC COMMENTS

D.1 COMMENTS ON AGENDA ITEMS

Any person wishing to speak on any item on the Special Board Meeting Agenda will be granted three minutes.

None.

E. DISCUSSION ITEM

E.1 PUBLIC OFFICIAL SOCIAL MEDIA COMMUNICATIONS

District legal counsel will provide information and lead a discussion about law and court rulings affecting social media use by public officials, including the Brown Act and the landmark U.S. Supreme Court *Garnier* decision. The discussion will include practical advice for ensuring that public official social media accounts are clearly identified as personal accounts, not official District accounts.

Attorney Marie Naguib of Fagen, Friedman & Fulfrost, LLP, conducted a presentation on Social Media and the Brown Act. **(See attached copy)**

F. CLOSED SESSION

Moved By Member Dr. Lewis

Seconded By Member Dominguez

As provided by law, the following are the items for discussion and consideration at the Closed Session of the Special Board Meeting:

- **CONFERENCE WITH LABOR NEGOTIATORS**

Agency designated representatives: Alejandro Álvarez, Ed.D., Superintendent; and Denise Ellis, Ed.D., Associate Superintendent, Human Resources.

Employee organizations: Rialto Education Association (REA)

COMMENTS ON CLOSED SESSION AGENDA ITEMS

Any person wishing to speak on any item on the Closed Session Agenda will be granted three minutes.

None.

Vice President Montes was absent. Vote by Board Members to move into Closed Session:

Time: 9:17 a.m.

Approved by a Majority Vote

G. ADJOURNMENT OF CLOSED SESSION

Moved By Member Dr. Lewis

Seconded By Member Dominguez

Vice President Montes was absent. Vote by Board Members to adjourn Closed Session:

Time: 10:24 a.m.

Approved by a Majority Vote

H. OPEN SESSION RECONVENED

Open session reconvened at 10:24 a.m.

I. **REPORT OUT OF CLOSED SESSION**

No action taken during Closed Session.

J. **ADJOURNMENT**

Moved By Member Dr. Lewis

Seconded By Member Dominguez

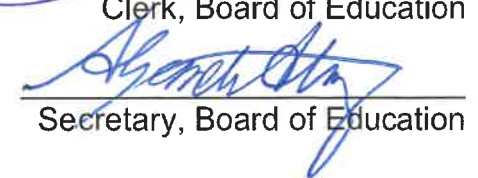
Vice President Montes was absent. Vote by Board Members to adjourn:

Time: 10:24 a.m.

Approved by a Majority Vote



Clerk, Board of Education



Secretary, Board of Education



Social Media and the Brown Act

Rialto Unified School District

Presented by: Marie Naguib
Fagen Friedman & Fulfroft, LLP

March 28, 2026

AB 992 - Social Media Prohibitions

- 2020 Legislation
- Changes made to Government Code section 54952.2
- Board members are **not prevented** from engaging in conversations/communications on social media to answer questions, providing information to the public, or soliciting information from the public

AB 992 (cont'd)

- Board members may use social media to:
 - Answer questions from the public
 - Provide information to the public
 - Solicit information from the public regarding a matter that is within the subject matter jurisdiction of the Governing Board

f3law.com | 3

AB 992 (cont'd)

- Conditional!!
 - Majority of the Board cannot use the social media platform to “discuss amongst themselves” business or items in their jurisdiction.
 - Board members are NOT allowed to respond directly to communications or posts on social media on topics within the board's jurisdiction if the post or comment is created or shared by another Board member.

f3law.com | 4

AB 992 (cont'd)

- “Discuss among themselves”
 - Includes the use of digital icons that express reactions to communications made by other members of the body
- Must be “open and accessible to the public”
 - Members of the general public must have the ability to access and participate, free of charge, in the social media platform without approval by the platform or a person, and cannot be blocked unless the social media platform blocks them for violating their rules

f3law.com | 5

Key Takeaways

- Board members **SHALL NOT** use social media to:
 - Discuss board business among themselves when a majority is present in the conversation
 - Respond directly to any post by another board member regarding any board business matter
 - No likes, reactions, comments, replies, shares, retweets, etc.

f3law.com | 6

O'Connor Ratcliff v. Garnier

- The Supreme Court issued a decision in March 2024, which impacts a school board member's ability to control their social media pages.
- The Court clarified that only when school board members are acting as state actors and within their official duties, they are limited in their ability to block unwelcome content on their media pages.
- The Court provided a two-part test to determine whether a school board member social media page is speech on behalf of the school district:
 - Part One: a public official's social-media activity constitutes state action only if the official possessed actual authority to speak on the State's behalf; and
 - Part Two: purported to exercise that authority when they spoke on social media.

f3law.com | 7

O'Connor Ratcliff v. Garnier

- If state action is found, the official's social media page will be considered a public forum.
 - If considered a public forum, speech and social media comments cannot be regulated or restricted.
 - If not considered a public forum, a school board member may have a private social media page where they may freely block and delete unwelcome comments and content because they are not acting within their official capacity.

f3law.com | 8

Disclaimer Language

- Use of a disclaimer on a social media page creates a rebuttable presumption that the page is personal and not the official speech of the District.
- Sample disclaimer language:
 - This is the private social media account of [Name of Official]. The views expressed are strictly my own. This is not an official account of the Rialto Unified School District and I do not speak for the RUSD Governing Board or RUSD through this account.

**How do we harmonize
the Brown Act
prohibition against
blocking with Garnier?**