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# Select Governance Issues

## Best Practices & Compliance

**Laguna Beach Unified School District  
Governing Board Meeting  
April 23, 2026**

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## Where to Begin?

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- Some common issues for Boards are expressly answered by Board Bylaws (9000 Series) and/or the Brown Act (Government Code section 3540, *et seq.*)
- This is certainly not an exhaustive list, but a starting point
  - Adding items to the board meeting agenda
  - Obtaining answers to questions on board meeting agenda items
  - Bringing up new ideas
  - Communication among governance team members
  - Visiting schools
  - Responding to community or staff concerns or complaints

## How Items Get on the Agenda (BP 9322)

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- The Board President and Superintendent develop the agenda.
- Members may request items, but the President/Superintendent decide *if, when, and where* they are placed.
- The "Workaround." If the request is denied, Board may, as a whole, consider whether the item should be placed on a future agenda.
  - In practice, this occurs by raising the issue during board member comments or requests for future agenda items and seeking support from other members.
  - While no formal action may be taken on a non-agendized item, demonstrated majority interest typically informs the agenda-setting process, and the item should be placed on a future agenda if supported by a majority of the Board.
- A Board member, however, cannot compel placement of an item on the agenda unilaterally.



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## Obtaining answers to questions on Board meeting agenda items

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- The definition of a meeting under the Brown Act does not follow the standard understanding of the term.
- "Action" is not required to be taken for a "meeting" to occur.



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## Obtaining answers to questions on Board meeting agenda items (cont.)

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- The Brown Act (Government Code section 54952.2) defines a “meeting” as:
  - “any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action...”
  - Does not prevent an employee or official of the Board, from engaging in separate conversations or communications outside of a meeting with members of the Board in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the Board, if that person does not communicate to members of the Board the comments or position of any other member(s).



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## Bringing up new ideas for Board Consideration

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- What is the best way to bring up new ideas that an individual board member believes to be interesting or necessary for further Board consideration?



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## Communication among Board members

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- Individual and group discipline is required to maintain legal compliance.
- “Serial communication” is prohibited. Per Brown Act (Government Code section 54952.2), “A majority of the members of a legislative body shall not, outside a meeting . . . , use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the [board].”
- This prohibition is distinguishable from communications to and/or among board members for purposes of requesting information or to help build a board meeting agenda.
- Key question: Is the communication informational, procedural, or administrative in nature, OR substantive discussion?
- Best Practice: Go through the Superintendent.



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## Contacting Legal Counsel (BP 9124)

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- “[A]t their discretion, the Board president, Superintendent, or designee may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent, designee, or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.”
- “Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board.”



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## Other Select Issues

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- Visiting schools
- Responding to community or staff concerns or complaints



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A handwritten note on white paper that says 'THANK YOU' in capital letters, pinned to a surface with a red pushpin.

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