LS Lozano Smith
ATTORNEYS AT LAW

Board Candidate Workshop

Presented by: Chelsea Olson Murphy

Santa Barbara County Education Office | October 15, 2026

Presenter



Chelsea Olson Murphy

Chelsea Olson Murphy is a Partner at Lozano Smith. Her practice focuses on providing counsel to school districts and county offices of education in the areas of governance and labor and employment.

Specifically, Ms. Olson Murphy advises school districts and county offices of education on a variety of legal matters including employee discipline and dismissal, benefits, leaves of absence and the interactive process, contract administration, conflicts of interest, the Brown Act, and the California Public Records Act.

colsonmurphy@lozanosmith.com
805.788.9620

Political Activities

Political Activity by Officers and Employees



Officers and employees retain First Amendment rights to speak out on public issues and engage in political activity as private citizens.

Political Activity by Officers and Employees

Introduction:

- Officers and employees retain First Amendment rights to speak out on public issues and engage in political activity as private citizens.

School District Officers & Employees:

- Schools cannot restrict political activities of officers and employees, except to comply with the Education Code or federal law. (Ed. Code, § 7052.)
- No one holding or seeking office may coerce anyone or promise anything of value in return for support, vote, or political influence. (Ed. Code, § 7053.)
- Local agency officers and employees may not knowingly solicit political contributions from officers or employees of their agency. **Candidates** for local elective office may not knowingly solicit funds from employees of that agency.

Use of Public Funds in Connection With Ballot Measures

Prohibitions on using public funds to influence voters are found in many places:

- Education Code section 7054.
- California Constitution prohibits gifts of public funds.
- *Stanson v. Mott*
- Penal Code section 424 – criminal offense to use public funds or equipment for political purposes.
- Government Code section 3060.
- Fair Political Practices Commission regulations.

Use of Public Funds In Connection With Elections

Education Code § 7054:

> "No school district…funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district."

Employee Organizations



Unions may solicit or receive political funds or contributions from employees to promote or defeat any ballot measure on school property provided it is during non-working time.

Campaigning Issues

- May campaign literature be distributed at Back to School Night?
- May candidates hand out campaign literature to parents dropping off their children before school?
- Candidates have been getting together to coordinate their campaign activities. Is this allowed?

Use of District Logos

- Is prohibited.
- Infringes on copyright and trademark law.
- Penal, Election and Education Code considerations.



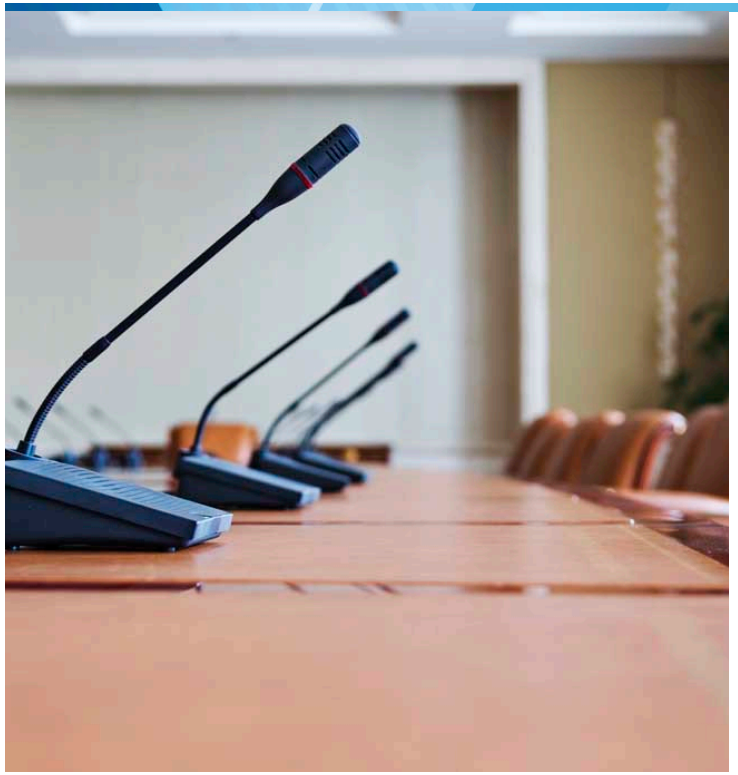
Fair Political Practices Commission



- FPPC has jurisdiction to enforce reporting rules.
- Public funds used in a political campaign must be disclosed.
- Public expenditures that “expressly advocate” a position on a candidate/ ballot measure must be reported.

Required Training

New Ethics Requirement



Required Biennial Ethics Training.
(AB 2158; Government Code § 53235)

Encourage Doing the Best Job for the Public Interest.

Learn How to Spot Issues Before They Become a Problem.

Stay Out of the Headlines.

Initial Considerations: Ethics versus Ethics Laws

- **Ethics Laws** set minimum standard for official conduct; establish required conduct (what is legally required); and trigger penalties when violated.
- **Ethics** goes further, what we "should" do, not just what is legally required. Acting with ethical considerations often goes beyond the law's minimum requirements.
    - Universal ethical values: Fairness, loyalty, compassion, trustworthiness, responsibility, and respect (Institute for Global Ethics, research indicating universal values).

AB 640: Fiscal Training

- If in office before April 1, 2027, receive the training by April 1, 2028.
- If in office after April 1, 2027, within one year of first day of term.
- Must receive training in K–12 public education school finance laws (laws related to the creation and approval of an LEA's budget to support student learning and achievement, and laws related to fiscal penalties for noncompliance).

SB 848 Mandated Reporter Training

SB 848 expands the definition of "mandated reporter" to include all school employees, volunteers, contractors, and **governing board members**.



Board Roles and Responsibilities

The Board and The Superintendent "Different, but Complementary"

Board/Governance	Superintendent/Operational
▪ Establishes District's vision and goals. ▪ Hires the Superintendent. ▪ Evaluates progress toward District goals. ▪ Develops & evaluates policy. ▪ Adopts standards for school board meetings & business. ▪ Promotes the District in the community.	▪ Manages the District's day-to-day. ▪ Implements Board policy. ▪ Informs Board about school operations and programs. ▪ Provides Board with data regarding District goals. ▪ Makes recommendations to Board for its action.

Distinctions Between County Superintendent and County Board: Separate Duties

Board/Governance	Superintendent/Operational
▪ Approve the budget of the County Superintendent ▪ Consider appeals of expulsions, interdistrict transfers and charters ▪ Fill vacancies during term of county superintendent.	▪ Unlike district superintendent is not employee of the Board ▪ Is the Employer of the County Office ▪ Oversees day-to-day operations ▪ Oversight of school districts in identified programs (review and approval of LCAPS; review of school district budgets; management and monitoring of credentialing etc.)

County Superintendent and County Board: Overlap of Duties

- The county superintendent and the county board work cooperatively to organize and conduct board meetings.
- The county superintendent serves as the ex-officio secretary and executive officer of the county board. (§ 1010.)
- Usually cooperatively develop agenda; post required agendas and notices etc.

The Power of an Individual Board Member

- Individual board members exercise power only when acting as a collective body at lawfully called board meetings.
- Outside of board meetings, board members have the same power as ordinary citizens --no more and no less.
- But…others *perceive* board members as having power. Exercise care regarding your implied powers.

Working Together



Clarify roles and responsibilities of the Board and Superintendent in all aspects of the District's operation:

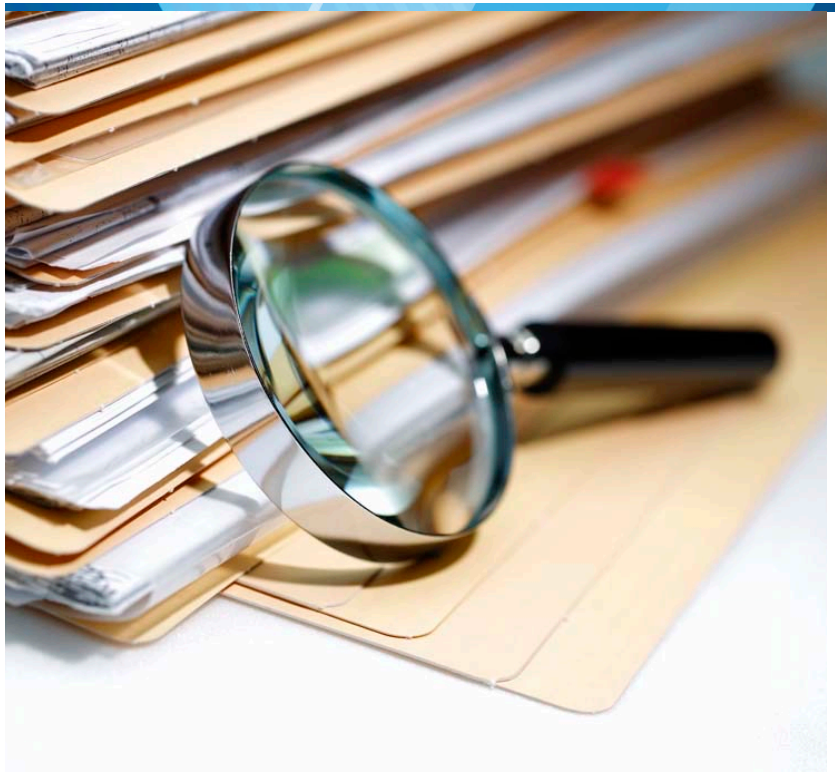
- Understand how the Board and Superintendent work as a team;
- Agree upon a set of operating protocols;
- Agree upon a Board member code of ethics; and
- Implement good evaluation procedures.

Board and Superintendent Roles – Managing Complaints

Board	Superintendent
▪ Listen ▪ In certain circumstances, review appeals	▪ Keep the Board informed ▪ Coordinate investigation as appropriate ▪ Resolve complaints

Public Records Act Basics

Public Record Act Basics

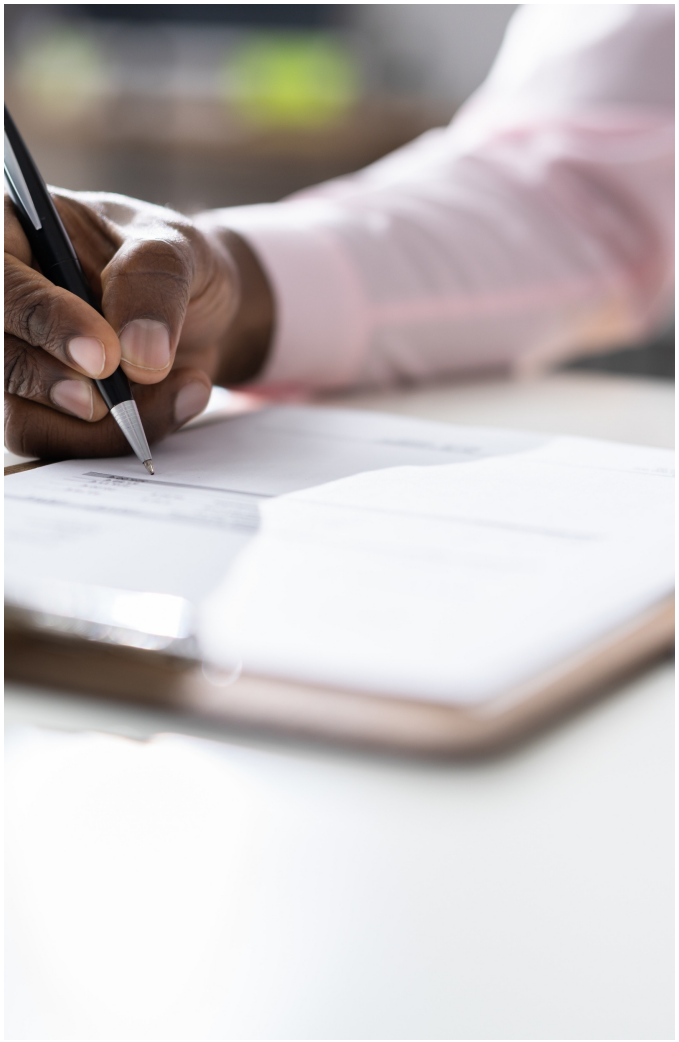


Access to agency records is a fundamental right.

All records are open to inspection absent a statutory exemption.

Public Record Act Basics

- “Catchall” Exemption
- Student Records
- Personnel Records
- The Balancing Test and Exemption Requirements



City of San Jose Case—Personal Devices and CPRA



"Here, we hold that when a city employee uses as personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act."

Email/Text/Tweet Retention Policies

Basic Rule: Don’t put a statement in writing – in any form – unless you are prepared to have it quoted in the newspaper.



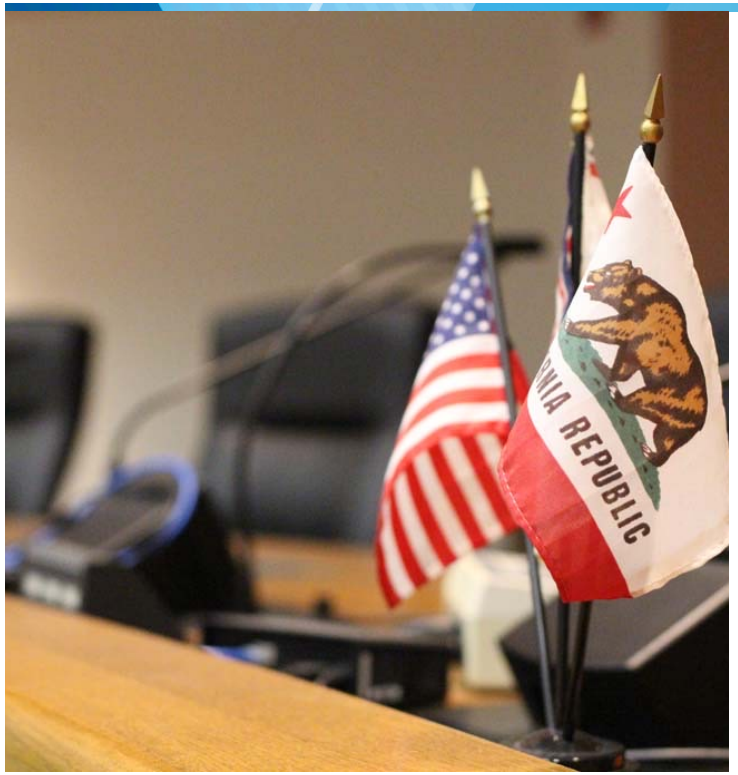
The Brown Act

When Does the Brown Act Apply to New Board Members

When a Board member is elected but not yet seated.



What Does the Brown Act Require?



- Actions and deliberations taken openly and in public.
- Meetings are public, unless closed session is allowed.
- Meeting agendas and packets must be publicly available.
- Agenda posted on district website.

What is a Meeting?



Majority of the members at the same time and place to hear, discuss, deliberate, or take action on any item in District's jurisdiction.

When Can Governing Boards Meet?



Regular Meetings – 72-hour Notice

Special Meetings – 24-hour Notice

Serial Meetings

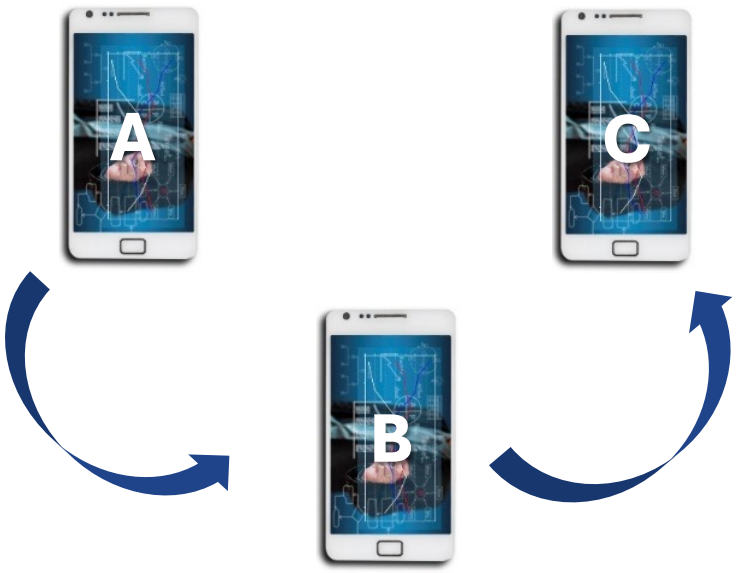
"[A] serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members."

Attorney General's Brown Act Handbook

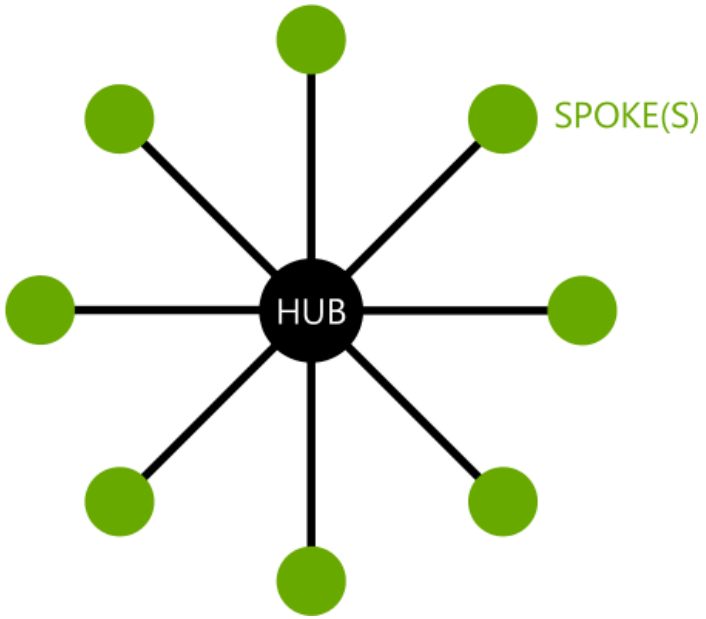


Serial Meetings

LINEAR OR CHAIN MEETING



HUB OR SPOKE MEETING



Serial Meetings Can Occur Through the Use of Technology

- Telephone
- Email
- Text Message
- Direct Message
- Social Media



Brown Act & Social Media

Permitted

Individual Board member may engage in conversations or communications on a social media platform to:

1) Answer questions from the public;
2) Provide information to the public; and
3) Solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body.

Prohibited

1) **A majority** of the legislative body using a social media to discuss among themselves agency business of a specific nature that is within the subject matter jurisdiction of the agency; and
2) **Any member** of the legislative body responding directly to any communication from another member on an internet-based social media platform regarding a matter within their subject-matter jurisdiction.

One-Way Transmission of Information

Agency employees and officials can provide information to board members *if* they are not communicating the position of other board members.

One-way transmission of information by a board member to other board members is … complicated.

Avoid communicating a position.

Information only, with no responses, may be permissible (e.g., an article).

Allowable Closed Session Topics

- Real property negotiations
- Litigation
- Some personnel issues
  - Appointment, employment, discipline, or dismissal of an employee
- Labor negotiations
- Security of public building or essential services



Session Confidentiality: Who Can Attend?

As a general rule, only board members and necessary staff or consultants may attend a closed session.



Closed Session: Confidentiality

Board members are legally prohibited from speaking publicly about confidential information that has been acquired in closed session.



Questions?



Thank you from Lozano Smith!

Together with you, we are impacting communities and lives through:

- Professional development
- Volunteer projects
- Sponsorships and award programs
- Scholarships

#BlueHatProject
#LozanoSmithFoundation

Transform Your Training With LSI

Designed to meet the growing list of mandatory employee trainings, **Lozano Smith Illuminate** simplifies the process with on-demand access to essential legal curriculum and compliance reporting.

Featured Courses:

- Ethics Training for School Board Members
- Sexual Harassment Prevention Training
- Special Education IEP & Planning Training Series
- Title IX Training Series
- Workplace Violence Prevention Program



Your go-to source for streamlined employee training programs.

LS illuminate.lozanosmith.com

Illuminate
DIGITAL LEARNING BY LOZANO SMITH

Lozano Smith Podcast

Balancing law and public agency applications.

Stay informed on your time!



Check out the latest episode:

What's Next For School Districts Under *Mirabelli* and *Mahmoud*

lozanosmith.com/podcast.php

Subscribe on your favorite app or device.

For more information or questions about the presentation, please feel free to contact:



Chelsea Olson Murphy

Attorney at Law

805.788.9620

colsonmurphy@lozanosmith.com

Or any of the attorneys in one of our 9 offices.

Connect with us on social media for the latest updates.



@LozanoSmith

Disclaimer: These materials and all discussions of these materials are for instructional purposes only and do not constitute legal advice. If you need legal advice, you should contact your local counsel or an attorney at Lozano Smith. If you are interested in having other in-service programs presented, please contact clientservices@lozanosmith.com or call (559) 431-5600.

Copyright © 2026 Lozano Smith
All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license.