



BOARD GOVERNANCE WORKSHOP

January 29, 2025

**District Office East, Large Conference Room
1450 Herndon Ave, Clovis, California**

5:30 PM - PUBLIC SESSION

Members of the public who wish to provide public comments must do so in-person during the Board meeting. **Please complete and submit a Public Comment Form before the start of the Public Session on the day of the meeting.** The Public Comment Form is available outside the Board meeting room on the day of the meeting. Based on Government Code section 54954.3, the Board will only receive comments on items that are on the agenda during a special Board meeting. Pursuant to Board Bylaw No. 9323, each speaker generally has up to 2 minutes to speak. The Board President may adjust the time allotted for each speaker and limit the total time for public comment. No speaker may yield his or her time to another speaker.

Special Meeting

AGENDA

Additional information regarding this agenda may be viewed through the District's website at <https://www.cusd.com/BoardMeetingsAgendasArchives.aspx>

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Superintendent's Office at 327-9100. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting.

Public records relating to an open session agenda item of a regular meeting that are distributed within 72 hours prior to the meeting will be available for public inspection at the District Office, 1450 Herndon Avenue, Clovis, California.

An invocation may be held prior to the start of the Board meeting. Attendance during and participation in the invocation are optional and voluntary. No students, parents, members of the public, Board members, student Board representative, or employees are required to attend or participate in the invocation.

A. CALL TO ORDER

B. ROLL CALL

C. ADOPTION OF AGENDA

D. WORKSHOP

1. Board Governance Workshop

Conduct a review of the Brown Act and other Board governance topics.

E. ADJOURNMENT

CUSD Board Agenda Item

Agenda Item: D 1

Title: Board Governance Workshop

CONTACT: Corrine Folmer

FOR INFORMATION:

FOR ACTION: January 29, 2025

RECOMMENDATION:

Conduct a review of the Brown Act and other Board governance topics.

DISCUSSION:

FISCAL IMPACT:

REVISIONS:

ATTACHMENTS:

Description

Upload Date

[ClovisUSDBoardGovernanceWorkshop2025.pptx-Read-Only.pdf](#)

02-06-2025



F3 Law

Clovis Unified School District

Board Governance Workshop

Peter Fagen, Partner

pfagen@f3law.com

Why did you want to be a Board Member?



Workshop Overview



The Brown Act /
California Open Meetings Law



Role of the Governing Board,
Cabinet, and Superintendent



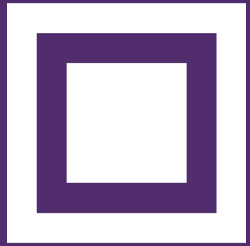
Conflicts of Interest/
Disclosure Statement
(Form 700)



Communication
Processes & Confidentiality
of Closed Session



Discussion Questions /
Desired Outcomes



THE BROWN ACT

OVERview of the california open meetings law

What Is A Meeting?



Agendas - Why

- Description
- Posting Requirements
- Items Listed
- Placing Items on Agenda & Public's Ability to Request Items be Placed on the Agenda
- Action & Discussion of Items



Impermissible Serial Meetings

Daisy Chain

- A to B, B to C, C to D
- Beware of email – dangers of “forward” and “reply all”

Hub and Spoke

- A to B, A to C, A to D

Exception (sort of):

- Individual meeting with school official

Public Participation and Comment

The Board may not prohibit public criticism of the policies, procedures, programs, or services of the agency, or the acts or omissions of the Board



Board Responses



**Rule: No action or discussion
on matters not on agenda**



But...Board members may:

- Refer the matter to staff for handling
- Ask staff to place the matter on a future meeting agenda and/or report back
- Ask a question for clarification
- Make a brief announcement
- Make a brief report of his/her own activities

The Brown Act in the Virtual World

- Email
- Websites/blogs
- Texting
- Social media



AB 992

Starting January 1, 2021 until January 1, 2026:

Board members **not prevented** from engaging in conversations/communications on social media to answer questions, provide information to the public, or solicit information from the public

Conditional

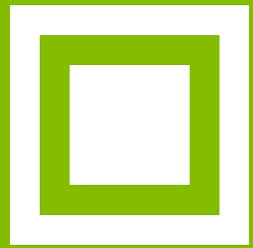
“Discuss among themselves” includes emojis/likes

Publicly accessible - No blocking

Social Media in General

- Board Member Social Media
- District Managed Accounts
- Staff Social Media
- Student Social Media
- Parents Social Media





Role of Governing Board, Cabinet and Superintendent

Role of the Superintendent



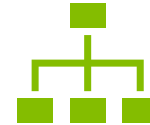
Board's Chief
Executive Officer



District
educational leader



Keep Board
informed



Manage day-to-day
operations



Liaison between
staff and Board

What is the Board's Job?



Set vision



Ensure
accountability



Hire/Support
Superintendent



Policy/Fiduciary



Community
leadership and
advocacy

Superintendent v. Board Committees

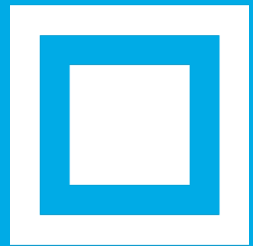
- Superintendent Committees
 - Superintendent picks committee members
 - Is not subject to the Brown Act
- Board Committees
 - Subject to the Brown Act
 - Requires notices and all other Brown Act requirements



Board President-Superintendent Partnership

- Confer on matters between Board meetings
- Consult on preparation of Board agendas
- Work together to ensure Board members have materials and information
- Chair Superintendent evaluation





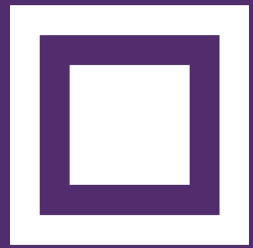
Conflicts of Interest/ Disclosure Statement (Form 700)

Conflicts of Interest

- A. Economic Conflicts of Interest
 - Financial interest in Board decision
 - B. Government Code section 1090
 - Contractual conflicts
 - C. Common Law Conflicts of Interest
 - Disqualifications because of bias
 - D. Incompatible Offices and Activities
- Avoid even the appearance of impropriety

Disclosure Statement (Form 700)

1. Public officials and other employees designated in the agency's conflict of interest code must file economic interest disclosure statements: (1) annually, (2) within 30 days of assuming office, and (3) within 30 days of leaving office.
2. Disclosures must include: (1) income, (2) **gifts**, (3) interests in real property, and (4) investments within agency's jurisdiction. (Gov. Code § 87200 et seq.)
3. Need only disclose appropriate value range for each type of economic interest, *except gifts must be reported according to their value.*



Communication

Strength in Numbers

- A Board acts by majority vote only
- An individual Board member, outside of a Board meeting, is just an ordinary citizen, as authority to act rests with the Board, not with the individual



Tips For Effective Communications With The Public

Make clear

If you speak to members of the public outside of a Board meeting and without Board approval on matters of District business, make clear that you are stating your personal opinion, rather than the Board's opinion or position

Do not release

Do not release confidential information

Be patient

Be patient with members of the public; they often do not understand the procedure or the substance of what is being discussed

Running an Effective Meeting

Call	Call the meeting to order at the appointed time
Announce	Announce the business to come before the Board in its proper order
Enforce	Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of The Brown Act



Running an Effective Meeting

Recognize	Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
Explain	Explain what the effect of a motion would be if it is not clear to every member
Restrict	Restrict discussion to the question when a motion is before the Board

What Is A Public Record?

- Any writings containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- Includes emails and text messages sent or received on private devices involving communication about the conduct of public business.
- Documents brought to and shared in meetings.

(City of San Jose v. Superior Court (2017) 2 Cal.5th 608; Gov. Code 6252(e))



Closed Session Procedure



Closed Session: Reporting Out Requirements



Report out



Confidentiality



In a virtual world



Public
questions/comments

Importance of Confidentiality

CONFIDENTIAL

Unauthorized disclosure of information from closed session puts individual board members at risk as well as inhibits the board's ability to effectively and successfully conduct business.

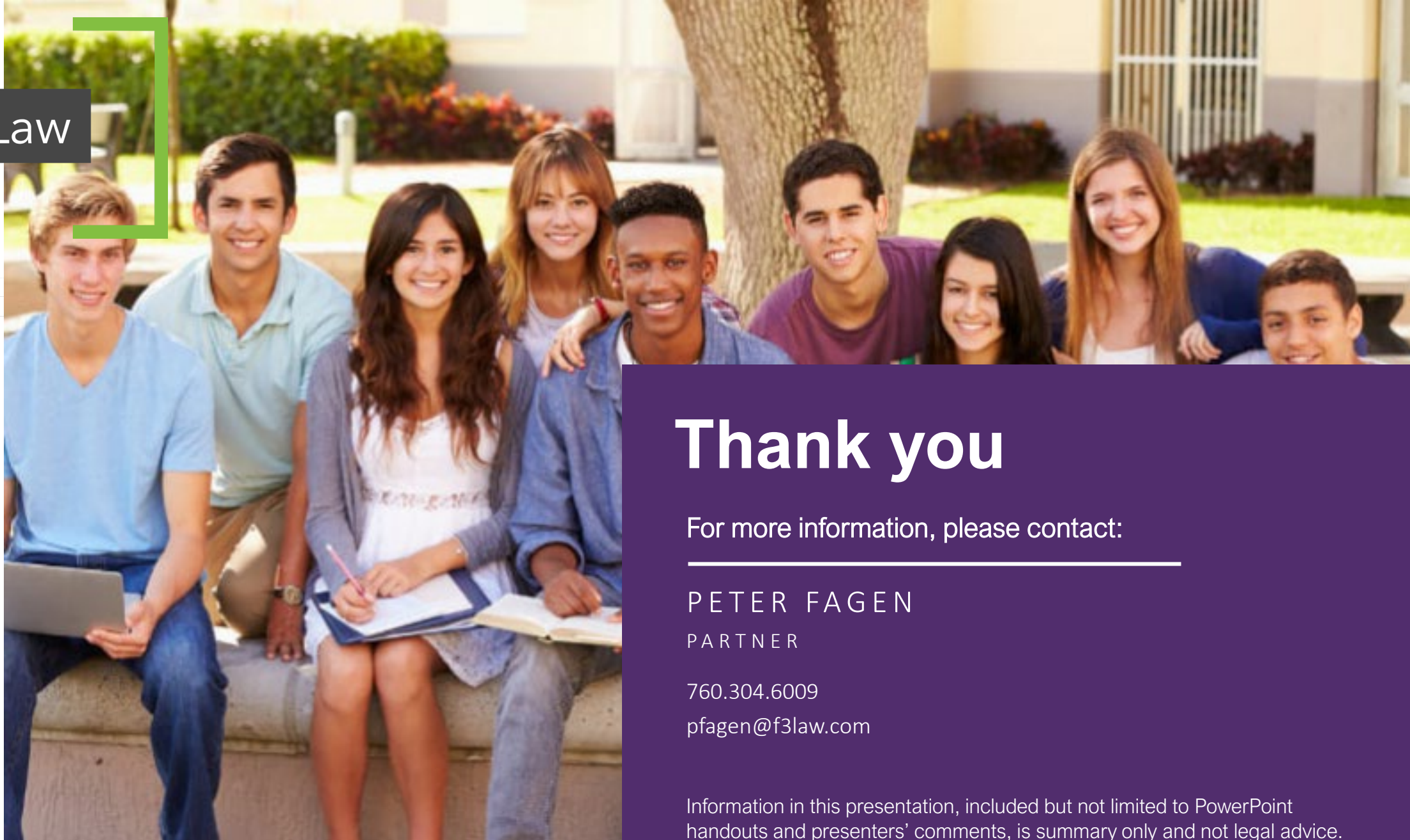
Success board must be able to confer in closed session on qualifying topics and issues



Questions?



F3 Law



Thank you

For more information, please contact:

PETER FAGEN

PARTNER

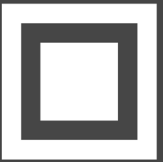
760.304.6009

pfagen@f3law.com

Information in this presentation, included but not limited to PowerPoint handouts and presenters' comments, is summary only and not legal advice. We advise you to consult with legal counsel to determine how this information may apply to your specific facts and circumstances.

Areas of Service

- Business
- Communications & Media Relations
- Education Technology
- Employment Law
- Facilities & Construction
- Governance & Leadership
- Government Affairs & Public Policy
- Interscholastic Activities
- Investigations
- Labor Relations & Negotiations
- Litigation
- Next Level Client Services
- Real Estate & Property
- Special Education
- Student Rights & Discipline
- Title IX
- Virtual Learning



F3 Law

Business
Communications & Media Relations
Education Technology
Employment Law
Facilities & Construction
Governance & Leadership
Government Affairs & Public Policy
Interscholastic Activities
Investigations

Labor Relations & Negotiations
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Next Level Client Services
Real Estate & Property
Special Education
Student Rights & Discipline
Title IX
Virtual Learning

Inland Empire
Fresno
Los Angeles
Midwest
Oakland
Pacific Northwest
Sacramento
San Diego