

DELANO UNION SCHOOL DISTRICT

SUMMARY:

Publication of this report is in response to citizen complaints and requests for the Grand Jury to investigate legal concerns and encourage transparency in the operations of the Delano Union School District. The Grand Jury has determined that the concerns are well-founded. In this report, the Grand Jury has made ten recommendations to improve the District's operations and communication.

The Grand Jury wants to emphasize that the responsibility of the citizens of Delano does not end with an election. The academic interests of the community can only be served when all citizens pay closer attention to the activities of their elected school board officials. The problems that have been disclosed can only be addressed by the electorate, and the obligation of citizen oversight cannot be stressed too strongly.

PURPOSE OF INQUIRY:

The Health, Education, and Social Services Committee (Committee) of the 2007-2008 Kern County Grand Jury visited the office of the Superintendent of the Delano Union School District (District) on April 17, 2008, pursuant to Sections 925 and 933.5 of the Penal Code. The visit was based on citizen complaints pertaining to issues of conduct at District School Board meetings and allegations of Brown Act violations by District administration and school board trustees. The Committee observed a need to provide transparency to the community regarding the interactions between the school administrative staff and school board members.

PROCESS:

The Committee reviewed the complaints with Schools Legal Service and obtained copies of police reports from the Delano Police Department regarding the allegations of misconduct at a school board meeting. Subsequently, the Committee conducted interviews with all of the Board trustees. Several telephone interviews were held with other district personnel. In addition, critical documented material was provided to the Committee.

BACKGROUND:

The office of the District is located at 1405 12th Avenue, Delano, CA 93215. The District's eight elementary schools and three middle schools have an enrollment of approximately 7,370 students. It is the fourth largest school district in Kern County.

FINDINGS:

1. The elected trustees of the District board have not completed the current governance training that is required for school board members. The training was scheduled by the District to be provided by the California School Board Association (CSBA), but failure to attend by all members resulted in cancellation of the training.
2. Not all trustees have taken the AB1234 ethics training that is provided by Schools Legal Service. This training is not required by law, but it is strongly recommended.
3. There is a conflict of interest between a trustee regarding the consolidation of the Delano Elementary District's Migrant Education Program and the Delano High School District's Migrant Education Program. A legal opinion concerning trustee involvement was ignored as well as the wishes of the District's parent advisory committee.
4. Documented Brown Act violations by trustees have occurred during open and closed session board meetings.
5. The School Board voted not to participate in a truancy reduction program offered by the Office of the District Attorney for the following reasons:
 - Allegations that the board was given no prior notice of the program before the superintendent entered into a binding contract. This can be refuted by referring to the agenda where it was placed as an action item requiring board approval.
 - Untruthful statements made by a board member stating that the Delano Joint Union High School would not be participating in the program. Records indicate that the high school board had already voted to approve a contract to participate.
 - Two trustees made it a point to state publicly that they had not heard about the program prior to the December board meeting. The board was notified through a September 17, 2007, Board Update of the need for a truancy reduction program, the costs, and the contract that would be submitted for board approval.
6. The Board continues to provide compensation to a trustee who is unable to perform the functions of his elected position.
7. Trustees are assuming authority not included in the responsibilities of elected board officials in keeping with their policy making role: specifically, conducting interviews of candidates applying for administrative positions in the District.

8. In several stated instances, trustees have encouraged staff and community members to bypass the proper chain of command. The issue of inappropriate influence was presented regarding conference travel for a teacher and a board member. The implementation of experimental monitoring equipment in the curriculum was also proposed.
9. A trustee does not adhere to the restrictions cited in the Purchasing Card policies and procedures of the District.
10. There is an apparent lack of communication between the board members and other District officials.
11. Due to time constraints, the Grand Jury was unable to fully investigate the financial obligations the District incurred due to the dissolution of the Unimax Foundation. Documentation pertaining to this investigation will be provided to the succeeding Grand Jury.

COMMENTS:

Circumstances made it impossible to fully investigate all the problems that were brought to the attention of the Grand Jury; therefore we are recommending that the 2008 - 2009 Grand Jury continue to investigate this situation. Furthermore, the apparent differences between the District administration and the District board have resulted in an inability to work together in the best interest of parents, children, and taxpayers. The citizens of Delano are encouraged to follow the actions of their elected school board trustees to ensure that fundamental laws and District policies are adhered to and respected.

RECOMMENDATIONS:

1. All school board trustees must complete required current governance training offered by CSBA. (Refer to Finding 1.)
2. All school board members are strongly urged to complete AB1234 ethics training. (Refer to Finding 2.)
3. A sitting trustee should not legally perform two functions, such as administering a program and acting as a board member evaluating that same program. (Refer to Finding 3.)
4. Trustees should review the Schools Legal Service reference entitled The Brown Act – Voting At School Board Meetings to prevent further board meeting violations. (Refer to Finding 4.)
5. The District should negotiate a contract with the District Attorney's Office to participate in the truancy reduction program. (Refer to Finding 5.)

6. Trustee compensation policies should be enforced regarding meeting attendance, participation requirements, and fulfilling stated duties. (Refer to Finding 6.)
7. Trustees should not participate in the interview process for District administrators. (Refer to Finding 7.)
8. Issues involving trips by staff and board members and the implementation of experimental equipment in the curriculum should not be allowed to bypass prescribed District procedures. (Refer to Finding 8.)
9. The District should require that any Purchasing card holder relinquish the card for inappropriate use under the terms of the agreement. (Refer to Finding 9.)
10. The financial discrepancies of the Unimax Foundation should be fully investigated by the succeeding Grand Jury. (Refer to Finding 10.)

The Delano Union School District should post a copy of this report where it will be available for public review.

Note: Present and past Kern County Grand Jury Final Reports and Responses can be accessed through the Kern County Library system and the Kern County Grand Jury website: www.co.kern.ca.us/grandjury.

RESPONSE REQUIRED WITHIN 60 DAYS TO:

**PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, 2ND FLOOR
BAKERSFIELD, CA 93301**

**cc: FOREMAN
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**