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# **Marysville Joint Unified School District Board of Trustees**

## **Summary:**

To ensure the continuity of last year's Grand Jury report, an investigation by the 2014-2015 Yuba County Grand Jury has found that a review of the practices and policies of the Board of Trustees of the Marysville Joint Unified School District (MJUSD) needed to be completed.

This report will highlight three areas that the Board needs to focus on; improving communication between the Superintendent and the Board, establishing a simplified confidential complaint process, and eliminating a hostile work environment within the District.

## **Introduction and Background:**

The following information was copied from the MJUSD website as it appeared on April 21, 2015:

### **MJUSD and LCAP Goals (Local Control and Accountability Plan)**

GOAL 1: Provide learning opportunities that result in increased academic achievement and ensure quality classroom instruction for all students, including support systems which meet the needs of the targeted population.

GOAL 2: Enhance the current learning environment to ensure that our schools provide a physically and emotionally safe environment that is culturally responsive to all students.

GOAL 3: Increase parent, family, and community involvement in the education of all students.

7/1/14

### **Our Vision for the Education of Children**

All students can meet even exceed the outcomes established in Board Policy for graduation requirements and grade level promotion/retention standards.

All students will have multiple ways of learning and demonstrating that they have learned those things required by district graduation requirements and grade level promotion/retention standards.

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Student success is a self-fulfilling process; the more we believe that all students can be successful and the more students experience success, the more success will happen.

We have the ability within our district and community to develop the resources necessary to ensure that all students experience success.

The achievement of this belief will take place in a life-long learning environment for Board, staff, students, and parents.

Although the Marysville Joint Unified School District has the above goals on its website, MJUSD Board members stated in interviews that goals for MJUSD Superintendent had not been formally approved and exist only in draft form. As per the Superintendent's contract, annual evaluations are based on the Contract, Job Description, District's Goals and Objectives as established by the Board and Superintendent, and the Superintendent Self-Evaluation.

### **Methodology and Approach:**

The Grand Jury interviewed MJUSD members of the Cabinet, principals, administrators and managers, staff in the MJUSD, and five MJUSD Board Members; two Board Members declined interviews. In addition to the interviews, the Grand Jury asked for and received multiple documents related to the investigation and performed public records searches via the internet and accessible databases.

### **Documents:**

- Marysville Joint Unified School District 9000 Board Bylaws 9270, accessible at <http://www.mjUSD.k12.ca.us/board/policies>
- Government Code Section 1090 (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=01001-02000&file=1090-1099>)
- Current Employment Contracts of Cabinet Members between the Governing Board of the Marysville Joint Unified School District of Yuba County, California
- Board Policy on hiring/filling positions <http://www.mjUSD.k12.ca.us/board/policies>
- Human Resources Policy <http://www.mjUSD.k12.ca.us/board/policies>
- Grand Jury Reports and Responses
- Human Resources Complaints Policy <http://www.mjUSD.k12.ca.us/board/policies>
- Illegal contracts/bid split <http://www.mjUSD.k12.ca.us/board/policies>

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- Brown Act Government Code §54950 - §54963
- Board Meeting Minutes, Audio and Written, <http://www.mjUSD.k12.ca.us>

**Site visits:** Members of the Grand Jury attended numerous meetings of the MJUSD Board of Trustees. A site visit was made to Lindhurst High School.

### **Interviews:**

The Grand Jury interviewed MJUSD members of the Cabinet, principals, administrators and managers, staff, and attempted to interview all MJUSD Board Members (two Board Members declined interviews). It is unknown to the Grand Jury why the two members of MJUSD Board have chosen to be uncooperative at best, and perhaps, obstreperous. At any rate, the Grand Jury declined to request subpoenas as a fruitless and idle act.

### **Discussion and Narrative:**

The 2014-2015 Grand Jury has identified an apparent lack of communication between the Superintendent and the MJUSD Board of Trustees. The 2013-2014 Grand Jury identified a perceived conflict of interest that occurred within the Marysville Joint Unified School District (MJUSD). The 2014-2015 Grand Jury has confirmed through multiple interviews with MJUSD Board Members and other MJUSD staff and employees that the MJUSD Superintendent did not inform the MJUSD Board of potential conflict of interest, State Code Infractions and the violation of State of California Government Code 1090 concerning Contractual Conflicts of Interest (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=01001-02000&file=1090-1099>). The 2014-2015 Grand Jury has also confirmed through interviews that the Superintendent did not communicate with the Board of a potential violation of established board by-laws (Board By-Laws 9270 <http://www.mjUSD.k12.ca.us/board/policies>) by hiring an employee with known affiliations or connections to district contractors and who therefore had a potential conflict of interest (<http://www.yubacourts.org/divisions/grand-jury/reports>).

The 2014-2015 Grand Jury has additionally identified the apparent lack of communication between the Superintendent and the MJUSD Board of Trustees. The Superintendent did not communicate to the MJUSD Board of potential illegal contracts or contract bid splitting of the demolition of MJUSD facilities. It was reported to the Grand Jury through interviews that the Superintendent was aware of, and allowed, the contract

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splitting of demolition of facilities. The Superintendent did not seek prior approval from the Board for the demolition. As a result, a lawsuit was filed by the lowest bidder and an out of court settlement cost the MJUSD approximately double the work completed. (Board Meeting Minutes, Audio and Written, <http://www.mjUSD.k12.ca.us>)

The 2014-2015 Grand Jury identified that the MJUSD Board does not properly provide the public with board meeting agendas. Grand Jury members attended numerous Board meetings and could not locate the agendas posted in some of the stated locations. The MJUSD Board does not properly provide the public with the meeting agenda as specified in the published MJUSD Board Meeting Agendas.

Through interviews, the 2014-2015 Grand Jury has found the Superintendent and MJUSD Board have not established the District's goals and objectives for the MJUSD Superintendent for each succeeding year, no later than 15 June of the new school year as stipulated in the Current Employment Contract between Superintendent and the Governing Board of the of the Marysville Joint Unified School District of Yuba County, California. Interviews with Board Members confirmed that the Superintendent and the MJUSD Board did not establish District's goals and objectives by June 15, 2014. The Contract states that the Board evaluates the MJUSD Superintendent with the Contract, Job Description, District's Goals and Objectives as established by the Board and Superintendent, and the Superintendent Self-Evaluation. The District goals and objectives are a portion of the MJUSD Superintendent evaluation. The Superintendent and the Board are in violation of the current Contract stipulation to jointly establish the District's goals and objectives and reduce to writing for the current school year no later than June 15 of each subsequent year.

The 2014-2015 Grand Jury has confirmed through interviews from MJUSD employees, staff and Board members that a hostile work environment exists within the Marysville Joint Unified School District. Fear of reprisal, retaliation, retribution and loss of job or position has been given to the Grand Jury as examples. Interviews have also revealed loss of faith in the MJUSD system along with fear of speaking to Board members. Employees and staff have expressed that intimidation and manipulation exist within the District.

The Grand Jury identified the formal MJUSD system Uniform Complaint Procedures, Board Policy 1312, (<http://www.mjUSD.k12.ca.us/board/policies>). Interviews with District employees, staff and Board members indicated that this is a cumbersome and non-confidential system and is not being utilized. District employees and staff members stated they fear use of this system will result in possible reprisal, retaliation, retribution and loss of job or position.

## Findings:

- F1. The 2014-2015 Grand Jury has identified and confirmed a lack of communication between the Superintendent and the MJUSD Board of Trustees. The 2013-2014 Grand Jury identified a perceived conflict of interest that occurred within the Marysville Joint Unified School District (MJUSD). The 2014-2015 Grand Jury has confirmed through multiple interviews with MJUSD Board Members and other MJUSD staff and employees that the MJUSD Superintendent did not inform the MJUSD Board of potential conflict of interest, State Code Infractions and the violation of State of California Government Code 1090 concerning Contractual Conflicts of Interest (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=01001-02000&file=1090-1099>). The 2014-2015 Grand Jury has also confirmed through interviews that the Superintendent did not communicate with the Board of a potential violation of established board by-laws (Board By-Laws 9270 <http://www.mjUSD.k12.ca.us/board/policies>) by hiring an employee with known affiliations or connections to district contractors and who therefore had a potential conflict of interest (<http://www.yubacourts.org/divisions/grand-jury/reports>).
- F2. The 2014-2015 Grand Jury has additionally identified a lack of communication between the Superintendent and the MJUSD Board of Trustees. The Superintendent did not communicate to the MJUSD Board of potential illegal contracts or contract bid splitting of the demolition of MJUSD facilities. It was reported to the Grand Jury through interviews that the Superintendent was aware of, and allowed, the contract splitting of demolition of facilities. The Superintendent did not seek prior approval from the Board for the demolition. As a result, a lawsuit was filed by the lowest bidder and an out of court settlement cost the MJUSD approximately double the work completed. (Board Meeting Minutes, Audio and Written, <http://www.mjUSD.k12.ca.us>)
- F3. The 2014-2015 Grand Jury identified that the MJUSD Board does not properly provide the public with board meeting agendas. Grand Jury members attended numerous Board meetings and could not locate the agendas posted in some of the stated locations. The MJUSD Board does not properly provide the public with the meeting agenda as specified in the published MJUSD Board Meeting Agendas.

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See below MJUSD Notification of Meetings as stated in every Board Meeting Agenda:

**Notification of Meetings**

***To provide the public with information about what will be on each board meeting agenda, a public notice is published in the newspaper on Thursday prior to a regularly scheduled board meeting listing items of interest being considered by the Board. In addition, a copy of every board meeting agenda is posted at all schools, sent to each PTA President and School Site Council Chairperson, posted on the district website, and available for review at the following locations: District Office “Public Notice Bulletin Board,” Yuba County Library, and the Chamber of Commerce.***

The Grand Jury identified that the MJUSD Board does not properly provide the public with information on the MJUSD Office Public Notice Bulletin Board, Board Meeting Location, and various schools, County Library or the Chamber of Commerce.

- F4. Through interviews, the 2014-2015 Grand Jury has found the Superintendent and MJUSD Board have not established district goals and objectives for the MJUSD Superintendent for each succeeding year, no later than 15 June of the new school year as stipulated in Current Employment Contract between Superintendent and the Governing Board of the of the Marysville Joint Unified School District of Yuba County, California. Interviews with Board Members confirmed that the Superintendent and the MJUSD Board did not establish District goals and objectives by June 15, 2014.

The Contract states that the Board evaluates the MJUSD Superintendent with the Contract, Job Description, District Goals and Objectives as established by the Board and Superintendent, and the Superintendent Self-Evaluation. The District goals and objectives are a portion of the MJUSD Superintendent evaluation. The Superintendent and the Board are in violation of the current Contract stipulation to jointly establish goals and objectives and reduce to writing for the current school year no later than June 15 of each subsequent year.

- F5. The 2014-2015 Grand Jury has confirmed through interviews from MJUSD employees, staff and Board members that a hostile work environment exists within the Marysville Joint Unified School District. Fear of reprisal, retaliation, retribution and loss of job or position has been given to the Grand Jury as

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examples. Interviews have also revealed loss of faith in the MJUSD system along with fear of speaking to Board members. Employees and staff have expressed that intimidation and manipulation exists within the District.

The Grand Jury identified the formal MJUSD system Uniform Complaint Procedures, Board Policy 1312, (<http://www.mjUSD.k12.ca.us/board/policies>). Interviews with District employees, staff and Board members indicated that this is a cumbersome and non-confidential system and is not being utilized. District employees and staff members stated they fear use of this system will result in possible reprisal, retaliation, retribution and loss of job or position.

### **Recommendations:**

- R1. The Grand Jury recommends the MJUSD Board of Trustees shall immediately direct MJUSD Superintendent to improve communications with the Board. (See F1)
- R2. The Grand Jury recommends the MJUSD Board of Trustees shall immediately direct MJUSD Superintendent to improve communications with the Board. Improved communications would give the Board information needed to ensure that potential illegal contracts or bid splitting is avoided. (See F2)
- R3. The MJUSD Board needs to properly provide the public with every future board meeting agenda as specified in the published MJUSD Board Meeting Agendas. (See F3)
- R4. The MJUSD Board establish district goals and objectives for the MJUSD Superintendent for each succeeding year, no later than 15 June of the new school year as stipulated in Current Employment Contract between Superintendent and the Governing Board. The contract clearly states the MJUSD Board shall evaluate the MJUSD Superintendent in writing no later than 31 May of each subsequent full year of the contract. The evaluation shall include the Contract, Job Description, District Goals and Objectives as established by the Board and Superintendent, and the Superintendent Self-Evaluation. (See F4)
- R5. The MJUSD Board must immediately address and eliminate the hostile work environment within the district. Suggested areas for the Board to address include; open communications without fear of reprisal and a simplified confidential complaint system. (See F5)

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**Request for Responses:**

Pursuant to Penal Code §933.05, the Grand Jury requests a response as follows:

- Marysville Joint Unified School District Board of Trustees (F1– F5, R1– R5)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code §933(c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

