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NEWS RELEASE
FOR IMMEDIATE RELEASE
April 26, 2016

Santa Cruz County Grand Jury

Media Contact:

Jeff Palsgaard, Jury Foreperson
831-454-2099

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School Boards Serve Two Masters – Students and Community

Soquel Union Elementary School Board

– Full Disclosure is Not Optional –

SANTA CRUZ COUNTY – A school board’s foremost priority is the success of its students, an unsustainable goal without parent involvement and community support. The Grand Jury’s investigation of the Soquel school district found the Soquel Board of Trustees lost the confidence of the community in 2014 by making poorly reported decisions and letting board meetings deteriorate into an ‘us-versus-them’ dynamic. Inadequate accounting, reporting, and lack of respect for the independence of Home and School Clubs fueled the fire that ultimately led to the resignation of the superintendent and board reorganization.

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NEWS RELEASE
FOR IMMEDIATE RELEASE
May 3, 2016

Santa Cruz County Grand Jury

Media Contact:

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Very Civil Asset Forfeiture in Santa Cruz County

SANTA CRUZ COUNTY – The Grand Jury's investigation of the Civil Asset Forfeiture process in Santa Cruz County found that it has been, and continues to be handled and adjudicated with intelligence, compassion, and fairness. In contrast to some national media reports about abuse surrounding Civil Asset Forfeiture, the Santa Cruz County Sheriff's Office and the District Attorney's Office have fully complied with the letter and the spirit of the law.

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NEWS RELEASE
FOR IMMEDIATE RELEASE
May 24, 2016

Santa Cruz County Grand Jury

Media Contact:

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K-12 School Safety and Emergency Plan Audit

Are we ready?

SANTA CRUZ COUNTY – Each year there is potential for natural or man-made emergencies that could impact Santa Cruz County Public schools. This demands that our schools exercise foresight and planning for school safety. The Grand Jury's investigation of required School Safety Plans found that not all were up to date, nor available at school district offices, and that most schools lack appropriate emergency supplies.

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NEWS RELEASE
FOR IMMEDIATE RELEASE
May 24, 2016

Santa Cruz County Grand Jury

Media Contact:

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Santa Cruz County Domestic Violence Commission

Missing in Action

SANTA CRUZ COUNTY – The Santa Cruz County Domestic Violence Commission is no longer meeting. The Grand Jury found that the Domestic Violence Commission is essential and needs to be reconstituted by modifying the membership, bylaws, and structure of the organization in order for it to function effectively. We were pleased that the District Attorney's Office has put together a team to spearhead this effort.

###

NEWS RELEASE
FOR IMMEDIATE RELEASE
June 8, 2016

Santa Cruz County Grand Jury

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Another Death in Our Jail

Six Deaths Since October 2012

SANTA CRUZ COUNTY – Krista DeLuca, a 23-year-old mother, died in a jail cell on September 29, 2015. Ms. DeLuca died after four days of vomiting, dehydration, and aspiration pneumonia while ostensibly under medically supervised drug withdrawal. For the third consecutive term, the Grand Jury is compelled to investigate yet another death at the Main Jail.

This tragic death comes as the Sheriff-Coroner and Santa Cruz County Board of Supervisors are in the process of selecting a new medical services provider. The 2012–2016 provider is California Forensic Medical Group, Inc., whose existing contract began shortly before the first of these deaths.

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NEWS RELEASE
FOR IMMEDIATE RELEASE
June 16, 2016

Santa Cruz County Grand Jury

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Jails in Transition

SANTA CRUZ COUNTY – The Grand Jury toured and inspected four detention facilities in Santa Cruz County: the Main Jail, Rountree Men’s Medium Security Facility, Juvenile Hall Detention Center, and Blaine Street Women’s Minimum Security Facility. We found all to be well run and generally in good physical condition, with some signs of wear from their years of service.

The Grand Jury recommends increased security around the Main Jail kitchen door and the area beyond, improved utilization of cells in the Main Jail Medical Unit and Observation Unit, more detailed treatment plans and quicker medical response for at-risk inmates, and a minor upgrade to one cell.

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NEWS RELEASE
FOR IMMEDIATE RELEASE
June 21, 2016

Santa Cruz County Grand Jury

Media Contact:

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A Fire Sale But No Fire

SANTA CRUZ COUNTY – Felton Fire Protection District sold a vacant land parcel in a private transaction for a fraction of other land sale prices in the same neighborhood.

The Grand Jury believes the November 2014 sale was conducted in violation of state law and with the appearance of benefitting one member of the community over others.

Santa Cruz County fire protection districts have substantial real estate holdings in the county and the Grand Jury wants to see all applicable laws governing the acquisition, management, and sale of these properties assiduously followed.

###

NEWS RELEASE
FOR IMMEDIATE RELEASE
June 23, 2016

Santa Cruz County Grand Jury

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Capitola Police Department's Citizen Complaint Procedures Nothing to Complain About

SANTA CRUZ COUNTY – The Santa Cruz County Grand Jury investigated the Capitola Police Department's handling of citizen complaints and evaluated the department's performance for fairness, timeliness, professionalism, and willingness to improve.

Our investigation concluded the department is balancing the needs of its community for protection and service, consistently investigating citizen complaints thoroughly, effectively, and expeditiously. We believe that with minor improvements in its complaint procedures the department could be a role model for other county law enforcement agencies.

###

NEWS RELEASE
FOR IMMEDIATE RELEASE
June 23, 2016

Santa Cruz County Grand Jury

Media Contact:

Jeff Palsgaard, Jury Foreperson
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Grand Jury Exposes Six County Programs **Several Agencies Named Responsible**

SANTA CRUZ COUNTY – The Grand Jury's investigation of county operations has uncovered several programs and multiple agencies deserving recognition of work well done. Programs were found to have contributed significant improvements and benefits to the quality of life for the residents of our county. From books for children to inmate welfare programs, from voter outreach to neighborhood safety teams, we have found exemplary staff who work diligently to bring these praiseworthy services and programs to the county. The Grand Jury commends the staff and leadership of the agencies involved in these programs.

###

Reporting Santa Cruz County Retirement Costs and Obligations

Summary

The purpose of this Santa Cruz County Grand Jury report is to evaluate how Santa Cruz County retirement costs and obligations (liabilities) are reported to the public. The Santa Cruz County Grand Jury found the county is reporting annual retirement costs according to Government Accounting Standards Board (GASB) guidelines. However, the current reporting does not provide an easily accessible, clear, and understandable annual accounting of the totality of Santa Cruz County retirement costs and obligations in a single summary document. We recommend the county provide an easily accessible, clear and understandable annual accounting of all retirement costs and obligations in the budget.

Background

The 2014/15 Santa Cruz County Grand Jury issued a report titled “*Retirement Costs and Obligations in Santa Cruz County*”^[1] regarding pension plans for six jurisdictions, including the County of Santa Cruz. Recommendation 2 in the report stated:

Each of the six public agencies in this report should provide, in language understandable to the public, the totality of retirement obligations in their annual budget narratives beginning with the fiscal year 2015/16 budget.

The cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville and the Soquel Creek Water District responded by indicating they have implemented or will implement Recommendation 2. The County responded that Recommendation 2 will not be implemented, explaining:

The County will continue to adhere to the Governmental Accounting Standards Board (GASB) guidelines for reporting pension and OPEB obligations, and in accordance with GASB reports the obligations in the CAFR which is available to the public on the County's web page under “Budget and Financial Reports.” The budget documents will disclose costs on Schedule 9 for each department under Salaries & Benefits. Pension costs are provided on the “PERS” line item; retiree health benefit costs (OPEB) are included with active employee health benefit costs in the “Employee Insurance and Benefits” line item. It's anticipated that the County will begin issuing an Annual Report in FY 2015-16 and could provide some narrative of the OPEB and Pension liabilities there.^[2]

Social security costs, unfunded pension liabilities, and unfunded Other Post-Employment Benefits (OPEB) liabilities are not addressed in the county's response. The response does not address the issue of having an easily accessible and

clearly understandable summary of all annual retirement costs and obligations.

Retirement benefits comprise a significant portion (10.7% for fiscal year 2013/14) of the county operating budget.^[1] **No single summary document shows all retirement costs and obligations.** Prudent fiscal management should include a clear understanding of both short-term and long-term retirement costs in the budget.

The Santa Cruz County Grand Jury is not questioning the payment of retirement benefits, but would like to see an easily accessible, clear, and understandable annual accounting of all county retirement costs and obligations in a single summary document.

Scope

The focus of this report is to identify how the annual retirement costs and obligations are reported. The Santa Cruz County 2015/16 budget,^[3] the 2014 county Comprehensive Annual Financial Report (CAFR),^[4] California Public Employment Retirement System (Cal/PERS) annual actuarial reports,^{[5] [6] [7]} and FY 2014/15 Preliminary Official Statement (POS)^[8] were reviewed to determine the accessibility and totality of annual retirement costs and obligations. The report also makes recommendations for reporting total retirement costs and obligations.

Investigation

The Santa Cruz County Grand Jury determined that the following elements comprise the county retirement costs:

- Pension costs
- Other post-employment benefits (OPEB) costs
- Social Security costs

The Santa Cruz County Grand Jury also determined that the following elements comprise the county retirement obligations:

- Unfunded Pension Liability
- Unfunded OPEB Liability

The funded status was also reviewed because it is an indicator of the health of a pension plan. The funded status is the ratio of assets to a plan's accrued liabilities. A ratio of over 100% means the plan has more assets than liabilities. A ratio of less than 100% means liabilities are greater than assets. Santa Cruz County has three separate plans covering county employees under the Cal/PERS retirement system (Miscellaneous, Safety, and Safety Sheriff), each with its own funding ratio.

The 2015/16 Santa Cruz county budget, 2014 Santa Cruz Comprehensive Annual Financial Report (CAFR), 2014/15 Preliminary Official Statement (POS), and FY 2012/13 Cal/PERS actuarial reports were reviewed to find and determine the total

retirement costs and obligations with the results reported in the following table:

Documents Where Retirement Costs and Obligations are Located

Costs and liabilities/obligations	Document
Pension costs	County budget, Schedule 9, ^[3] listed separately as the “PERS” line item for each of the 23 county departments. No summary totals were found in the budget. The CAFR ^[4] and POS ^[8] do show total pension costs.
OPEB costs	County budget, Schedule 9, ^[3] OPEB costs are included with active employee health benefit costs in the “Employee Insurance and Benefits” line item for each of the 23 county departments. No summary totals were found in the budget. The CAFR ^[4] and POS ^[8] do show total OPEB costs.
Social Security costs	County budget, Schedule 9, ^[3] listed separately as the “OASDI-Social Security” line item for each of the 23 county departments. No summary total social security costs were found. The CAFR, POS and Cal/PERS reports do not show any social security costs.
Total annual summary retirement costs	The county does not provide a comprehensive summary of its total retirement cost obligations.
Unfunded Pension Liability	Located in the 2014 CAFR (Note 14) ^[4] and POS ^[8]
Unfunded OPEB Liability	Located in the 2014 CAFR (Note 15) ^[4] and POS ^[8]
Funded ratios	Located in the 2014 CAFR (Notes 14,15) ^[4] and POS ^[8] (using Actuarial Value of Assets or AVA)

The Santa Cruz County Grand Jury could not find any single summary document that identified the totality of county retirement costs and obligations. In addition, no single

summary document could be located that provided a trend analysis of all retirement costs and obligations. The grand jury did not find any federal, state or local regulation that requires the identification of all retirement costs and obligations in a single document. However, the Santa Cruz County Grand Jury determined that a clear understanding of all retirement costs and obligations is important to the budget process.

The table listed below is an example of how the total county retirement costs and obligations could be reported; additional data may be useful.

**Annual Summary of Total Retirement Costs and Obligations
(Example for Reporting)**

	FY 2011/12	FY 2012/13	FY 2013/14
Total Pension Cost	\$33,261,121	\$34,365,995	\$36,462,580
Total OPEB Cost	\$4,822,914	\$4,591,534	\$4,681,209
Total Social Security Cost	<u>\$4,433,234</u>	<u>\$4,490,544</u>	<u>\$4,672,552</u>
Total Retirement Costs	\$42,517,269	\$43,448,073	\$45,816,341
Total Employee Contribution	\$13,886,917	\$15,850,295	\$15,387,807
Total County Contribution	<u>\$28,630,352</u>	<u>\$27,597,778</u>	<u>\$30,428,534</u>
Total Retirement Costs	\$42,517,269	\$43,448,073	\$45,816,341
Unfunded County Pension Liability Obligation	\$179,515,853	\$166,062,673	\$210,871,371
Unfunded County OPEB Liability Obligation	<u>\$88,212,910</u>	<u>\$95,416,647</u>	<u>\$102,743,480</u>
Total County Unfunded Liabilities	\$267,728,763	\$261,479,320	\$313,614,851
Miscellaneous Pension Plan Funded Ratio Market Value of Assets (MVA)	69.0%	73.4%	-
Safety Pension Plan Funded Ratio (MVA)	71.4%	76.3%	-
Safety Sheriff Pension Plan Funded Ratio (MVA)	61.6%	64.9%	-

Sources: County of Santa Cruz Grand Jury Report, Cal/PERS as of June 30, 2011 Actuarial Valuation Reports^[9] ^[10] ^[11] and CAFR Fiscal Year 2013/14.^[4]

The county has taken numerous steps to control and reduce retirement costs and obligations.^[1] As a defined benefit plan, the county is required to pay and guarantee pension obligations. Rights to retiree medical benefits (OPEB obligations) are not guaranteed in the way that pension rights are vested.^[12] In other words, OPEB costs are negotiable.

The Santa Cruz County Grand Jury is not questioning payment of retirement benefits, but would like to see an easily accessible, clear, and understandable annual accounting

of all county retirement costs and obligations in a single summary document.

Investigative Facts Summary

- According to CAFR, Santa Cruz County is reporting annual retirement costs pursuant to Government Accounting Standards Board (GASB) guidelines.
- Santa Cruz County has taken numerous steps to control and reduce retirement costs and obligations.
- The county is required to guarantee and pay pension costs and obligations.
- Rights to retiree medical benefits (OPEB obligations) are not guaranteed in the way that pension rights are vested.
- Santa Cruz County retirement costs and obligations include pensions, other post-employment benefits, social security, unfunded pension liabilities, and unfunded Other Post-Employment Benefits (OPEB).
- There is no single summary document which identifies all annual county retirement costs and obligations.

Finding

F1. The public has not received a clear, understandable accounting of the County of Santa Cruz’s total annual retirement costs and obligations in a single summary document.

Recommendations

- R1.** The Board of Supervisors should direct the County Administrative Office to provide an annual summary of all retirement costs and obligations starting in FY 2016/17.
- R2.** The annual summary of the total retirement costs and obligations should be identified in the county budget in clear and understandable language.

Responses Required

<i>Respondent</i>	<i>Finding</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1	R1, R2	90 Days April 25, 2016

Definitions

1. **AVA:** The *Actuarial Value of Assets* is obtained through an asset smoothing technique where investment gains and losses are partially recognized in the year they are incurred, with the remainder recognized in subsequent years. This

method of determining asset value dampens fluctuations in the employer contribution rate.

- **CAFR:** The *Comprehensive Annual Financial Report* is a set of U.S. government financial statements comprising the financial report of a state, municipal, or other governmental entity that complies with the accounting requirements promulgated by the Governmental Accounting Standards Board (GASB).
- **Cal/PERS:** The *California Public Employees Retirement System* is the state agency responsible for managing public agency retirement funds through contracts with local agencies.
- **Defined Benefit Plan:** A type of pension plan in which an employer or sponsor promises a specified monthly benefit upon retirement that is predetermined by a formula based on the employee's earnings history, tenure of service, and age.
- **Funded status:** A measure of how well funded or how "on track" a plan or risk pool is with respect to assets versus accrued liabilities. A ratio greater than 100% means the plan or risk pool has more assets than liabilities and a ratio less than 100% means liabilities are greater than assets. A funded ratio based on the Actuarial Value of Assets (AVA) indicates the progress toward fully funding the plan using the actuarial cost methods and assumptions. A funded ratio based on the Market Value of Assets (MVA) indicates the short-term solvency of the plan. Cal/PERS uses MVA values and the CAFR document uses AVA values.
- **GASB:** The *Governmental Accounting Standards Board* is the source of generally accepted accounting principles used by state and local governments in the United States.
- **MVA:** The *Market Value of Assets* is the current price of assets.
- **OPEB:** *Other Post-Employment Benefits* are benefits that an employee will begin to receive at the start of retirement in addition to pension payments. Benefits for which a retiree can be compensated are life insurance premiums, health care premiums, and death benefits. OPEB costs are primarily health insurance premiums.
- **POS:** The *Preliminary Official Statement* is the statement approved by the Board of Supervisors with the "Fiscal Year 2014/15 Tax and Revenue Anticipation Notes" detailing the financial condition of the county in order to secure tax and revenue anticipation notes.

Sources

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Santa Cruz County Mental Health Advisory Board Revisited

Summary

The Santa Cruz County Mental Health Advisory Board was established in accordance with Proposition 63, now known as the Mental Health Services Act, to provide local oversight of the county's many mental health programs and services. The Grand Jury's investigation found that our local board lacks adequate direction, training, and support to perform its reporting and oversight responsibilities and to advocate for some of our most vulnerable citizens.

The estimated Mental Health Services Act funding available to the county for fiscal year 2015/16 is more than \$14 million.^[1] In order to ensure that these funds are used wisely, the Mental Health Advisory Board is mandated to advise the Board of Supervisors and the Mental Health Director on program successes and failures and to bring public attention to areas of concern, while also advocating for persons with mental illness and their families. These requirements have not been fully met and changes are needed to empower the Mental Health Advisory Board to perform effectively as a true advisory board.

Background

The 2013–2014 Santa Cruz County Grand Jury, in their report "Proposition 63: Money for Mental Health,"^[2] made several findings and recommendations relating to the Mental Health Advisory Board (MHAB):

2013–2014 Findings

- F4.** *The apparent lapses of direct communication between the Advisory Board, HSA[Health Services Agency], and the Board of Supervisors impedes the Advisory Board's goals of effective advocacy for clients and advising HSA concerning Prop 63 funded mental health programs.*
- F6.** *Five vacancies on the 11--member Advisory Board left it ineffective for months during our investigation.*

2013–2014 Recommendations

- R4.** *HSA should regularly attend the Mental Health Advisory Board meetings and should respond directly to the concerns raised. (F4)*
- R5.** *The Mental Health Advisory Board should quickly and clearly*

communicate to HSA all issues that come before the Board. (F4)

R7. *The Board of Supervisors should fill all Advisory Board vacancies in a timely manner. (F6)*

The Santa Cruz County Board of Supervisors (BOS) and the Santa Cruz County Health Services Agency (HSA) responded to that Grand Jury report, but the Mental Health Advisory Board (MHAB) did not.

The California Welfare and Institutions Code § 5604.2^[3] and Santa Cruz County Code Title 2, Chapter 2.104^[4] provide for the establishment of a local mental health board as the advisory body to the local Mental Health Director and BOS for county mental health programs and policies.

The following is a description of the MHAB on the County of Santa Cruz HSA website:^[5]

SCCMHB [Santa Cruz County Mental Health Advisory Board] provides advice to the governing body (Board of Supervisors) and the local mental health director. They provide oversight and monitoring of the local mental health system as well as advocate for persons with mental illness. A primary responsibility of the Local Mental Health Board (LMHB) is to review and evaluate the community's mental health needs, services, facilities, and special problems.

Printed on each MHAB Meeting Agenda^[6] is a mission statement and list of goals:

Mission Statement: To obtain the highest quality and most effective mental health services for the county.

SCCMHB Goals:

- 1) Advise the Mental Health Department on Current and ongoing Issues as they relate to the Quality and Effectiveness Of Mental Health Services for the County*
- 2) Develop skills and procedures to maximize the effectiveness of the SCCMHB*
- 3) Increase community awareness on issues related to mental health to Ensure Inclusion and Dissemination of Accurate Information*

Scope

The 2015–2016 Grand Jury inquired into whether the prior jury recommendations concerning the MHAB were implemented, and examined the board's current functioning and effectiveness.

Investigation

We began our investigation by reviewing related documents and published literature, including text of the original Proposition 63 passed in 2004,^[7] and subsequent amendments to the law now known as the Mental Health Services Act (MHSA).^[8]

The MHSA requires that mental health consumers and community members participate

in the local advisory board. In Santa Cruz County the BOS appoints eleven members, one of whom is a County Supervisor. The other ten members are to include current or former clients of mental health services, their relatives, and others with relevant knowledge and experience.

Jurors observed four of the monthly public MHAB meetings held between August and December, 2015. During this period at least three of the ten appointed positions were vacant, which combined with member absences prevented a quorum. According to MHAB attendance records, the Supervisor did not attend four of the eleven meetings in 2015, and sent an assistant as a representative. Two of the eleven meetings had no attendance record in the 2014–2015 MHAB biennial report; see [Appendix A](#). We could not find any provision in the County Code which allows the Supervisor to send an alternate to the MHAB.

Agendas for monthly meetings have not been posted on the website since October 15, 2015. Meetings are held at various locations around the county, but there is no published annual location schedule, and audience members complained about insufficient notice to enable them to attend distant locations. MHAB meeting minutes have not been posted on the website from March, 2014 through the present, with one exception on July 16, 2015.

The meetings we attended were not conducted in an orderly manner and did not follow the agenda or any rules of order. No motions were made, nor votes taken on any action items. Board members were not seated facing the audience thereby discouraging public participation. The MHAB heard public comments, questions, and complaints from clients, but they did not take any action to place the issues on a future agenda or to investigate them. The Board chair sometimes suggested that the clients take the matter to the BOS or HSA themselves, or to their case manager. We learned that the MHAB does not report any of these public comments to the BOS.

At each meeting the MHAB heard informative presentations from local mental health professionals and agencies, but no reports or information sheets about the presentations were published or made available for interested parties. Again, the MHAB did not take any action related to the information presented.

We observed frustration and discouragement in the MHAB members and audience at monthly meetings. We found there was no comprehensive professional training for new members or for continuing members, and no strategic plan established. Although members expressed a sense of failure in their mission, it was apparent that they take their responsibilities very seriously, have a willingness to make changes, and to adopt recommendations if given direction by the BOS.

After completing our investigation, we found that the 2013–2014 Grand Jury's recommendations concerning the MHAB were not fully implemented:

R4. HSA should regularly attend the Mental Health Advisory Board meetings and should respond directly to the concerns raised.

We could not confirm that an HSA representative attends every meeting since there are no meeting minutes available. We did observe an HSA representative responding to

concerns raised at some of the meetings we attended.

R5. The Mental Health Advisory Board should quickly and clearly communicate to HSA all issues that come before the Board.

When issues were raised by board or audience members at meetings, we did not observe any attempt to place items on a future agenda or to initiate action with respect to HSA. There is no system in place to relay these issues when there is no representative present. There is no system to report oral or written communications received outside of meetings.

R7. The Board of Supervisors should fill all Advisory Board vacancies in a timely manner.

The MHAB continues to operate without a full panel of ten members and frequently with as few as seven. Although the MHAB Chair is responsible for notifying the BOS and HSA of any vacancies, which only the BOS can fill, there is no procedure for doing so.

The Grand Jury has concluded that the MHAB is not meeting their mandate to:

- Advise the BOS and the Mental Health Director on program successes and failures.
- Bring public attention to areas of concern.
- Advocate for persons with mental illnesses and for their families.
- Perform effectively as a true advisory board.

Changes are needed to empower the MHAB.

Recent Changes

The Grand Jury's investigation has acted as a catalyst for the MHAB to initiate changes. When Jurors attended the meeting on December 17, 2015, we witnessed several signs of improvement compared to prior meetings:

- The Chair announced that meetings would now be conducted according to *Robert's Rules of Order*.
- Board members discussed the need to establish structure and goals, assign roles, establish meeting dates, make recommendations to the BOS, and to develop a strategic plan for the coming year.
- The strategic plan will focus on recruiting potential new members and on collecting data to support their recommendations to the BOS.
- HSA offered the department's full support for the MHAB, and will budget to cover the cost of a training and meeting facilitator, as well as a dedicated note taker to maintain proper agendas and minutes.

The BOS has taken the following actions to make further changes:

- Adopted an ordinance on November 15, 2015 amending the County Code to permit expanded membership eligibility for the MHAB.
- Approved the appointment of a new MHAB member on February 9, 2016 and accepted the MHAB biennial report for calendar years 2014 and 2015.

- Appointed another new member on February 23, 2016.

The Grand Jury's investigation has acted as a catalyst for the MHAB to initiate changes.

Findings

- F1.** The Mental Health Advisory Board had not followed the recommendations of the 2013–2014 Grand Jury report and instead was less communicative and less effective.
- F2.** The Mental Health Advisory Board is not meeting the requirements of the Mental Health Services Act or achieving its own goals to advocate for persons with mental illness and to increase community awareness on issues related to mental health.
- F3.** The Board of Supervisors is providing little or no direction, no specific goals and objectives, and no comprehensive training on how to be an effective advisory board.
- F4.** Mental Health Advisory Board members attribute some of their deficiencies to the difficulty of filling vacant positions.
- F5.** The Mental Health Advisory Board takes no responsibility for investigation or possible action on issues raised at their meetings, and there is no general process available for the public to raise concerns.
- F6.** Without any regular communication with the Board of Supervisors, except a written report once every two years, the Mental Health Advisory Board is not fulfilling its advisory responsibility.
- F7.** The Mental Health Advisory Board receives a great deal of information from local mental health agencies and professionals on available programs and services, but there is no mechanism to circulate and share the information with the community and to keep local mental health professionals up to date.
- F8.** The Grand Jury's involvement has resulted in an increased recognition that an effective Mental Health Advisory Board is important to the community and that more positive steps are needed for continuing improvement.

Recommendations

- R1.** The appointed member of the Board of Supervisors should be an advocate for the Mental Health Advisory Board, meeting regularly with the Chair to establish goals, identify problem areas, suggest possible solutions, and should personally attend the monthly meetings. (F1–F3, F6)
- R2.** The Board of Supervisors should make every effort to fill Mental Health Advisory

Board vacancies immediately, provide training for new appointees, and provide annual professional training for all members on how to serve effectively on an advisory board. (F3, F4)

- R3.** The chair of the Mental Health Advisory Board should immediately notify the Board of Supervisors and the Clerk of the Board of vacancies. (F4)
- R4.** The Mental Health Advisory Board should advocate for their clients by following through with investigations of complaints, concerns, and questions, then reporting to the Health Services Agency and Board of Supervisors. (F5, F6)
- R5.** The Mental Health Advisory Board should hold an annual meeting to establish and evaluate strategic goals, prioritize those goals by focusing on problem areas, and establish committees to develop plans for problem resolution. (F8)
- R6.** Monthly meetings of the Mental Health Advisory Board should be conducted according to County Code Chapter 2.104. In addition, they should be scheduled well in advance with times and locations made available to the public, conducted according to parliamentary procedure, physically arranged to invite public participation, and recorded in complete and accurate minutes that include discussion, decisions, actions, and public comments. (F5, F7, F8)
- R7.** The Mental Health Advisory Board, in cooperation with Health Services Agency staff support, should record presentations and publish summaries for the public, mental health professionals, and the Board of Supervisors. (F6, F7)
- R8.** The Mental Health Advisory Board should increase efforts to raise community awareness of mental health issues through public announcements, publications, speaking engagements, and other forms of community outreach. (F7)

Commendations

- C1.** The Santa Cruz County Health Services Agency Behavioral Health Division has demonstrated a spirit of cooperation and support for the Mental Health Advisory Board by agreeing to fund an annual planning meeting, regular training for board members, and clerical support.

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F8	R1–R8	90 Days July 18, 2016

Responses Requested

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Mental Health Advisory Board	F1, F2, F4–F8	R3–R8	90 Days July 18, 2016

Definitions

- **BOS:** Santa Cruz County Board of Supervisors
- **HSA:** Santa Cruz County Health Services Agency
- **MHAB:** Santa Cruz County Mental Health Advisory Board
- **MHSA:** Mental Health Services Act
- **SCCMHB:** Santa Cruz County Mental Health Board, another name for the MHAB

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Site Visits

Mental Health Advisory Board Meetings

Appendix A

Santa Cruz County Mental Health Advisory Board Attendance Record 2015

Meeting Dates	Jan 15	Feb 19	Mar 19	Apr 16	May 21	Jun 18	Jul 16	Aug 20	Sep 17	Oct 15	Nov NM	Dec 17
Ann Andrews	U	X	X	X	R 4/16/ 15							
Bill Lewis	U	X	X	R 3/19/ 15								
Cheryl Daniels	X	X	E	E	X	X	E	R 8/1/1 5				
Denise Ostlund	X	X	X	X	X	X	X	X	X			
Hugh McCormick							NBM 8/4/ 15	E	X			
John Laue	E	X	X	X	X	X	X	X	X			
Kate Avraham				NBM 5/12/ 15	X	E	X	X	X			
Rick Martinez					NBM 6/9/1 5	X	X	E	X			
Maria Correia	E	X	X	E	X	E	X	X	E			
Sheryl Lee	X	E	X	E	X	X	X	X	E			
Vanessa Kuhlman	U	E	U	U	SV 5/21/ 15							
Supv. Ryan Coonerty	*1/2 7	E	X	E	X	X	U	U	X			

- X - Present
- E - Excused
- U - Unexcused
- R - Resigned from Board
- N - Not Appointed Yet
- NBM - New Board Member
- T - Term Ended
- NM - No Meeting Unless Needed
- SV - Seat Vacated, too many absences
- CI - Conflict of Interest
- SM - Special Meeting

D. When a member fails to attend three (3) consecutive meetings without good cause entered in the minutes of the Mental Health Board, or if a member fails to attend six (6) meetings during any twelve (12) consecutive month period with or without good cause, a vacancy shall exist and shall be reported in writing by the Mental Health Board Chair to the Board of Supervisors, the Clerk of the Board, and the member vacating his or her seat of the Mental Health Board.

Source: page 7 of the 2014-15 Biennial Report of the Santa Cruz County Mental Health Advisory Board^[9]

Soquel Union Elementary School Board – Full Disclosure is Not Optional –

Summary

The Soquel Union Elementary School Board experienced a breakdown of community trust beginning in the 2014–15 school year. The Grand Jury found an accumulation of many issues that alienated the community from the Board. The issues include teacher salary negotiations, enforcement of the District Residency Policy, incomplete and inaccurate accounting of home and school club contributions, and Brown Act violations. All of these stresses combined to create an atmosphere of distrust.

In this report the Grand Jury identifies the issues and recommends some corrective measures that should reduce future dissension. It will take a major commitment from the Board and the Office of the Superintendent to keep closed session decisions to a minimum and to actively seek input and criticism from the community rather than avoid it.

Background

The Santa Cruz County public school system is managed by the Santa Cruz County Office of Education (SCCOE). Within the county there are ten districts plus alternative education schools and 12 charter schools.^[1]^[2] Total enrollment for the county is approximately 40,000 students.^[3] The Soquel Union Elementary School District (SUESD) is responsible for the education of roughly 2,000 students and has an annual budget of \$15 million or \$7,500 per student according to the California Department of Education ED-Data website.^[3] In addition to state funding, schools receive approximately \$200 per student from parent organizations.

Each school district has an elected school board that is responsible for setting educational goals and managing the budget of the district. The goals and budget priorities set by the board are carried out by the superintendent. In effect the superintendent is the only employee of the district board. The board recruits, hires, sets the performance standards, and annually evaluates the superintendent. The board is also responsible for a public reporting of the annual evaluation.

During 2014–15 there were several confrontations between SUESD Board members and the public during Board meetings and allegations were reported in the press. In addition to contentious teacher salary negotiations following the 2008 economic crisis there were:

- Disagreements over control of Home and School Club (HSC) donations
- Allegations of Brown Act violations by the Board
- Parent complaints over special needs funding and residency requirements
- Accusations of “Salary Spiking” (see [Definitions](#))

- A no-confidence vote by the teachers
- Resignation of the Superintendent effective 6/20/2016
- A petition for recall of two Board members
- Reorganization of Board officers in June and again in December 2015

The following table lists the recent history of issues raised in Board meetings and reported in the press.

***Timeline of Recent SUESD Board of Trustees
Complaints, Elections, and Personnel Actions***

Year	Date	Incident
2011	Jul 1	Superintendent Castaniada signs initial three year contract ^[4]
2012	Nov 8	McGooden and Del Favero elected to Board for four year terms ^[5]
2013	Apr 12	Complaint – alleging District not in compliance with California Laws regarding discrimination and bullying ^[6]
	May 7	Measure S Parcel tax defeated ^[7]
	Oct 12	Complaint – Traffic conditions throughout the District regarding drop-off and pick-up times ^[6]
	Oct 17	Lynette Hamby resigns Board position ^[8]
	Dec 4	Jackson-Miller appointed to Board as provisional trustee ^[9]
2014	Jan	Jackson-Miller removed from Board by petition ^[10]
	Jan 4	Jackson-Miller wins special election for 2014–16 term ^[11]
	Feb 25	Soquel Education Association (SEA) agrees to new contract that includes a 3.5% raise ^[12]
	Mar 13	Soquel HSC request for Soquel Elementary payroll record 2012–2014 ^[6]
	Jun 18	The contract for the Superintendent is amended, allocating a substantial retroactive raise and extending the contract term to 2018 without open meeting discussion of terms ^[13]
	Dec 17	Parent dissatisfaction expressed at Board meeting regarding control of HSC contributions ^[14]
	Dec 17	Letter from Friends of Main Street (FOMS) documenting lack of adherence to Board policies and no review of the policies as required by state regulations ^[6]
2015	Jan 14	Parents of special needs students voice complaints ^[15]

Year	Date	Incident
2015	Jan 20	Information request for Soquel Music Teacher funding and expense history 2004–2015 ^[6]
	Mar 18	New policy re:HSC District fundraising, reporting rules ^{[16] [17]}
	Mar 25	SUESD teachers vote 96% “no confidence” in Superintendent ^[18]
	Apr 30	Soquel HSC continues to request accounting information that will resolve unspent donated funds issue ^[6]
	May 11	Students arrested in gun threat ^[19]
	May 27	Campaign to recall Board members Rodriguez and McGooden announced ^[20]
	Jun 17	Board votes 3:2 to add expenses to the Superintendent’s salary ^{[21] [22]}
	Jun 17	Superintendent submits resignation effective June 2016 ^[23]
	Jun 18	Rodriguez resigns Board presidency and VP Del Favero assumes office of president ^[24]
	Jul 15	Board recall effort suspended ^[25]
	Jul 31	Complaint – Pupil fees required for participation in an educational activity offered by a California public school ^[6]
	Nov 11	Meeting with HSCs regarding teacher accounts and Soquel accounting error ^[26]
	Nov 12	Complaint – Failing to investigate bullying, harassment, and sexual harassment ^[6]
	Dec 9	McGooden elected Board president by 3:2 vote ^[27]
2016	Jan 12	Board received complaint alleging Brown Act violation with regard to the Dec 9, 2015 Board election of officers ^[6]

Source: See individual references.

Home and School Club Tension

One of the sources of tension not cited in the table above has been the relationship between the Board, Superintendent, and the HSCs: Who controls HSC contributions? Since the passage of Proposition 13 in 1978, which limits the rate of property tax increase, California public schools have experienced declining revenues relative to inflation rates. Currently, California ranks 35th in state spending per pupil.^[28] To compensate for declining inflation-adjusted revenues, school districts have resorted to local bond measures and propositions to help fund their schools. These measures are very difficult to pass, requiring a two-thirds majority vote. When faced with cuts that

could eliminate music, art, PE, and other enrichment activities parents have stepped in and generated replacement funds through non-profit organizations.

The PTAs, HSCs, and school foundations now provide most of the discretionary funding for many schools. Since HSCs are independent 501(c)3 non-profit organizations managed by parents, there is a large variation in the funds they provide from school to school. This variation is compounding the divide between rich school districts and poor ones. In Santa Cruz County the variation in HSC contributions per student is large (Figure 1). Adjacent schools such as Bay View and Westlake have a four-fold difference in HSC contributions.

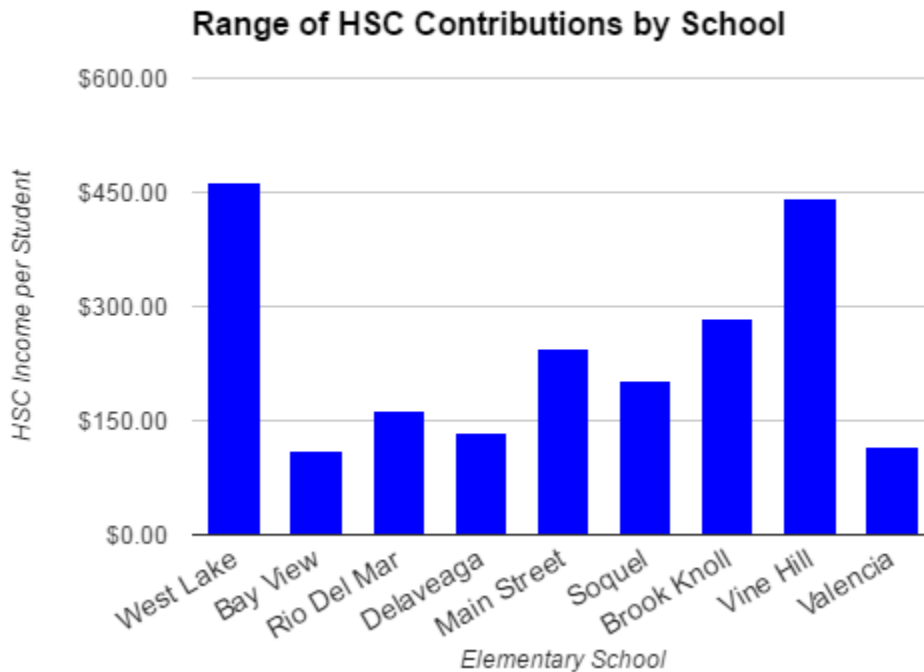


Figure 1: Per-student contributions for some Santa Cruz County Home and School Clubs for the 2014/15 school year^{[29] [30] [31] [32] [33] [34] [35] [36] [37]}

The fact that these organizations have become a very important part of our educational system is noteworthy. Even though the dollar amount may seem small relative to the total District or school budget, when you eliminate salaries and facilities costs from the budget, roughly 2% or \$150 per student is left for local discretionary spending. The HSC contributions are the most valuable income for the school because:

- 1) They provide enrichment programs in art, music, and physical education which might otherwise be eliminated.
- 2) The funds can easily be directed to the most effective programs and materials.
- 3) They provide a pathway for parents to get directly involved with school curriculum and resources.

Given that they are such a valuable resource for each school, the District must take the steps necessary to ensure that HSC participation is effective and ongoing. In practice,

HSC transfers funds to the District account based on the estimated cost of a teacher, program, or capital expense. Occasionally, these estimates are wrong. The current process for reporting these errors does not work. The District must provide accurate accounting of the HSC contributions as well as public recognition of their contributions.

Scope

What were the circumstances that caused a District that had been running relatively smoothly to suddenly fall into disfunction and generate a petition for recall? Numerous allegations and complaints were reported in the press. We examined these and identified District practices that could change to prevent future problems. In our investigation we:

- Reviewed Brown Act public reporting requirements
- Conducted interviews
- Reviewed discrepancies between District and the Soquel HSC accounts
- Reviewed applicable Board policies
- Attended Board meetings and reviewed meeting recordings
- Reviewed California State Teachers Retirement System (CalSTRS) pension retirement spiking regulations
- Were briefed by the SCCOE on the new accounting system
- Examined the email record of Board members for possible Brown Act violations

Investigation

Possible Brown Act Violations

The Brown Act, initially passed in 1953, defines the baseline disclosure rules for public boards. It defines what business public boards can conduct out of the public view and what must be presented in open session.

Throughout California's history, local legislative bodies have played a vital role in bringing participatory democracy to the citizens of the state. Local legislative bodies – such as boards, councils and commissions - are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge. The law which guarantees the public's right to attend and participate in meetings of local legislative bodies is the Ralph M. Brown Act. (from Attorney General Lockyer's cover letter to: "The Brown Act, Open Meetings for Local Legislative Bodies"^[38])

The intent of the Brown Act is often violated by public agencies and boards, but due to ambiguity, exemptions, inexperience, and parliamentary tactics, charges are seldom prosecuted.^[39] Although the act can be difficult to enforce at times, it is a valuable tool

for the public to evaluate the performance of a public board. The Grand Jury uses both the letter and spirit of the law when it evaluates agencies in its jurisdiction.

We examined four areas of potential Brown Act violations:

- Reporting of closed session decisions
- Specific salary changes in closed session
- Allowance for public comment
- Serial meetings (see [Definitions](#))

A review of the June 18, 2014 SUESD Board meeting minutes and meeting recording revealed the Superintendent's contract was discussed in closed session and approved in open session without public discussion of the contract changes. This appears to be a violation of California Government Code § 54957.1.^[40]

§ 54957.1. (a) (1) (A) If its own approval renders the agreement final, the body shall report that approval and the **substance** of the agreement in open session at the public meeting during which the closed session is held.

§ 54957.1. (6) Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. ...

In addition, since the Superintendent's contract modifications were approved, a contract prepared, and signed the same day (June 18, 2014), by implication the terms of the modification must have been discussed and agreed upon at some earlier undocumented date. Reaching final compensation terms in closed session is a violation of California Government Code § 54957.6.^[41]

§ 54957.6 (a) Closed sessions held pursuant to this section shall **not** include final action on the proposed compensation of one or more unrepresented employees. ...

An objection was raised during the December 9, 2015 Board meeting regarding the lack of a public comment period prior to the election of a new Board president. The same written complaint was filed Jan 9, 2016. When the objection was raised, the Board defended the action by referring to a public comment period on the agenda at the start of the meeting. The comment period is most effective when it occurs just prior to an action; an out-of-sequence comment period satisfies the Brown Act but it does not promote community input and open debate.

While conducting our review of Board meeting minutes we discovered closed session

topics are usually posted in the agenda and as a matter of practice the topics are not repeated in the minutes of the meeting. The minutes state “Nothing to Report” from closed session. While technically this may comply with the public reporting requirements of the Brown Act, this practice obscures closed session topics for interested parties that are not in attendance. It would take very little effort to repeat the closed session agenda items in the minutes even when no decision is made in closed session.

By limiting comment time and discouraging open discussion within the Board before taking votes, the Board has obscured their decision process and appeared indifferent to public input. Improving public perception is difficult and will take time. Each Board member should commit to full and open disclosure of SUESD business as their personal goal as well as the goal of the Board. Public meeting discussions, as required by the Brown Act, will lead to better decisions and an informed constituency.

Review of SUESD Email Record

Email records for Board members were requested for the period 9/1/2014 – 1/15/2016. There were allegations of serial meetings, a violation of the Brown Act. The Grand Jury requested a digital copy of the Board emails. Instead, the Grand Jury received paper copies of 435 partial emails with all attachments removed. This is one more instance of the Board appearing to hide public business from public review.

The paper email record did not show any clear evidence of serial meetings. There were several instances of discussions started then continuing by phone. There were a few instances of “Breakfast meetings” and social gatherings with no indication Board business was discussed or resolved.

One sequence of emails stood out as a possible violation of the Brown Act and California Government Code § 54952.2 (b) (1) prohibition of serial meetings.^[42] In order to stem the recall effort initiated in May 2015, Phil Rodriguez stepped down as Board President and first term trustee, Tory Del Favero, became president. She was able to establish some rapport with dissatisfied HSC officers and parents. Given this success one might assume her term as Board president would be extended, yet as early as October 16, 2015 and two months before the December 15 “Board reorganization” vote, an end-of-term gift was discussed in the emails. It appears at least three of the members had agreed on a new Board president prior to the open meeting discussion and vote. By taking this action the Board moved a step back placing itself in an adversarial position once again.

Discrepancies between District and the Soquel HSC Accounts

The first indication there was an accounting problem surfaced in the Fall of 2013. The Principal at Soquel Elementary noticed a large (>\$30K) balance in the HSC account. The HSC could find nothing in their records that indicated an overpayment, so they asked the District to provide records that could explain the discrepancy. Throughout the following 2014–15 school year the Soquel HSC asked for financial reports that could explain the overpayments. Apparently, over several years the estimates for the music teacher salary had been more than the actual expense. The HSC was not informed of

the overpayment. When reports were produced there appeared to be some charges to the account that were not for the intended music teacher salary. Accusations of the District using the overpayment as a “slush fund” soon emerged. The total overpayment remains in negotiation but proposed estimates range from \$10,000 to \$50,000.

The District continues to negotiate with the Soquel HSC to find a satisfactory resolution to the overpayment problem. The 2015 change in accounting system should make the production of custom reports easier and prevent future overpayments, as long as there is frequent and accurate exchange of accounting data.

A second accounting issue emerged regarding the annual teacher supply accounts (approximately \$500/teacher/year). In order to close the books on a school year and prepare a new budget, the funds remaining in individual teacher accounts are combined (swept) into a single carryover account for the next school year. The problem is further complicated by the fact that multiple sources may contribute to teacher supply accounts. The complaint was that HSC contributions could no longer be tracked. At some point the labor required to accurately track small dollar amounts by source outweighs the amount being tracked. If HSCs wish to track these teacher supply accounts accurately it may be better for them to manage supply costs directly. The preferable alternative is to negotiate with the District to take over funding of supplies.

The District is currently working on a new policy with regard to HSC contribution accounting and reporting. An annual contract has been proposed which would specify the expectations on both sides. If agreement can be achieved it will be a great improvement.

SCCOE Accounting System

The Grand Jury received a briefing and demonstration of the current accounting system used by the SCCOE and all of the districts in its jurisdiction. This system replaces a 30-year-old, difficult-to-maintain technology based on a mainframe system that Hewlett Packard ceased supporting in 2010.

The SCCOE and its member districts started the process of planning its replacement in the summer of 2011. Fortunately all of the districts in the county agreed to migrate to the same system, Digital Schools,^{[43](#)} and the County Board of Education voted to approve the conversion on March 21, 2013. A three-phase conversion process was set up for all of the districts and charter schools to convert over the following two years with the last districts going live on September 30, 2015. SUESD converted during the second phase and went live on July 1, 2015.

The new web-based system has a much better report-generation system for both standardized reporting and ad hoc queries and reports. The new system is more than capable of providing the kinds of reports needed for managing HSC funded activities.

Complaint Procedures

In any organization dealing with public transactions there will be some level of dissatisfaction. Not everyone will be happy with every decision a board or administration

makes. In order to track dissatisfaction, clarify decisions, and perform self-evaluation of the district management, a complaint procedure must be in place. The Grand Jury investigated the complaint process in the SUESD and found:

- Complaints received from emails and formal letters were passed to the superintendent to respond. There appears to be no open meeting reporting of these complaints or discussion of policies involved. While privacy may be an issue in some cases at least reporting the topic and the number of complaints in open session would provide an indicator of issues that may be building.
- The complaint procedure posted on the District website is minimal, referring to state code and District policies by number. There is no guidance for where and how to file a complaint. A nearby school district in Monterey County keeps an easy to use form online.^[44] SUESD could add a complaint form with instructions to their website.
- When a complaint was filed against a Board decision regarding the Superintendent's contract, instead of responding directly, the complaint was referred to the Superintendent for a response. When a complaint is filed against the Superintendent the Board should take responsibility for the investigation and response.

We also checked for a complaint procedure at the next level of administration in the county, the SCCOE, where no complaint procedure could easily be found. The SCCOE Office of the Superintendent referred a complainant to the State Department of Education. As with the District office, the SCCOE would benefit from an easy to access complaint procedure with clear guidelines for where and how to file a complaint. Knowing when and where problems are developing will promote early intervention and may prevent wasting money and time on recall elections.

Pension Spiking Accusation

On June 17, 2015 the SUESD Board voted 3:2 to add items that were previously reimbursable expenses to the Superintendent's base salary.^[21] This action was taken to improve the pension of the the soon-to-rotate Superintendent. The addition of expenses to a salary for the purposes of increasing a retirement benefit would normally be a violation of the recently passed "anti-spiking" requirements. The proponents of the increase (McGooden, Rodriguez, and Wallace) argued that since the Superintendent's contract was initiated in 2011, at a time when business expenses could be included in the computation of retirement benefits, the salary addition should be allowed. The opponents (Del Favero, Jackson-Miller) argued the District was not obligated to make the increase because his reimbursable expenses no longer exist after retirement. Also, there was opposition from some teachers who felt this raise in addition to the 15% raise the Superintendent received in 2014 was excessive relative to their 3.5% raise.

Based on the rules as they apply to the Superintendent's contract and modifications, as a "classic" member of the retirement system the addition of expenses to his base salary in his final year is allowed. While this practice is a common complaint in news articles^{[45] [46]} it is also an accepted practice and will only be resolved through new case

law or changes in school board practices. This action was not illegal but it did generate a lot of ill will from constituents and teaching staff. See California Government Code § 7522.34.^[47]

§ 7522.34 (a) "Pensionable compensation" of a new member of any public retirement system means the normal monthly rate of pay or base pay of the member ...

§ 7522.34 (c) Notwithstanding any other law, "pensionable compensation" of a new member does not include the following:

§ 7522.34 (c) (1) Any compensation determined by the board to have been paid to increase a member's retirement benefit under that system.

(Amended by Stats. 2013, Ch. 528, Sec. 8. Effective October 4, 2013.)

Superintendent Evaluation

As noted in the background section, the superintendent is the only employee of the School Board and is responsible for day-to-day operations of the District. As the only employee the Board hires, evaluates, and fires, it is essential they communicate the goals and standards they expect in the management of District business. In our investigation of the evaluation process we found the following applicable codes and policies:

- The School Board is responsible for writing and annually reviewing the performance standards for the superintendent, as stated in Board Policy 2140(a) and in Superintendent Castaniada's contract.^[4] We could find no evidence of the details of these standards being discussed or reported in open session minutes.
- Board Policy 2140(b)^[48] requires that the performance goals be reported in open session.
- Board policies regarding the administration and supervision of the Superintendent have not been updated since 2001, as shown by Board Policy 2122(a) the "Superintendent of Schools: Responsibilities and Duties."^[49]
- In 2014/15 the District adopted the State mandated Local Control and Accountability Plan (LCAP) as their primary superintendent evaluation document.

The superintendent's evaluation should include some specific elements with regard to HSC funds. These funds have become essential to school enrichment activities and for many students the fun part of school. It is incumbent on the Board and the administration to provide accurate accounting and support for these HSCs to continue their needed funding. Making accurate, mutually agreeable accounting reports to the HSCs should be part of the superintendent's annual evaluation.

Summary of Investigation Facts

Brown Act Violations and Public Disclosure Issues

- On June 18, 2014 the Superintendent’s contract was discussed in closed session and approved in open session without public discussion of the contract changes.^[13]
- Closed session topics listed in the agenda^[50] are not repeated in the published minutes^[51] of the meeting. This practice obscures closed session topics for interested parties that use the minutes to follow Board actions.
- The Superintendent contract modifications were approved, a contract prepared, and signed the same day, June 18, 2014. Therefore, the terms of the modification must have been discussed and agreed upon at some earlier undocumented date.^[4] ^[50]

Salary Spiking

- The Board voted 3:2 June 17, 2015 to include expense allowances in the Superintendent’s salary.^[21]
- According to California Government Code § 7522.34(c)(1),^[47] for employees hired after January 1, 2013, “compensation paid to increase a member’s retirement benefit” is not allowed.^[52]
- The superintendent’s contract was originally signed in 2011, therefore he is considered a “classic” employee, not subject to the new employee retirement rules.

Complaint Procedures

- The only District website reference to filing a complaint restates the CA code with no guidance on how to compose or where to file the complaint.^[53]
- Other Santa Cruz County school districts provide some context and procedures for complaints.^[54] ^[55]
- Some nearby school districts supply an online form to simplify the process.^[44]
- References to the SCCOE complaint procedures can only be found by searching the website index for their board policies and knowing that complaint procedures can be found under community relations.^[56]
- The San Mateo County Office of Education provides links on their community relations web page to their board policy, a complaint form, and a complaint procedures handbook.^[57]
- The Grand Jury placed a call to SCCOE and inquired about filing a complaint against a district board. The recommendation from the County Superintendent's office was to call the California Department of Education.

Superintendent Evaluation

- The superintendent is the only employee the School Board evaluates.^[58]

- The School Board is responsible for annually evaluating the performance of the superintendent.^[59]
- Performance standards can be discussed in open sessions of the School Board.^[60]
- Board Policy 2140(b) requires that performance goals be reported in open session.^[48]
- The Board Policy 2122 “Superintendent of Schools: Responsibilities and Duties” have not been updated since 2001.^[49]

Home and School Club Accounting

- 98% of the District budget is dedicated to salaries and facilities, consequently less than \$150/student is available for discretionary spending.^[3]
- Many HSCs contribute more than \$200 per student ([figure 1](#)).
- There was a build up of overpayments by the Soquel HSC that accumulated in the District accounts over several years without reporting the error to the Soquel HSC.
- The financial software used by the District is capable of creating summary expense reports for the HSCs.^[61]
- The District is developing a contract with HSCs that should improve communication and define expectations.^[62]

Findings

- F1.** The Grand Jury finds that the Board has violated the Brown Act on at least two occasions. These violations were due to the lack of open session discussion regarding the superintendent's contract and incomplete reporting of closed session decisions.
- F2.** The Board chose to add the superintendent's expenses to his annual salary. While this is contrary to the spirit of the California Public Employees' Pension Reform Act adopted in 2012, the practice is commonplace for superintendents hired before 2013.
- F3.** There is history of poor communication and mistrust of the Board and District administration by the public they serve.
- F4.** The lack of an adequate, posted complaint procedure and problem resolution process contributes to the mistrust of the District and Board.
- F5.** The Board has failed to adequately develop and report performance standards for the superintendent.
- F6.** Although HSC contributions are a significant part of the discretionary budget for schools in the District, they are not well managed and they do not receive adequate public recognition.

- F7.** There is no policy in place to reconcile HSC donations with District expenditures. The proposed contract policy between the District and contributors of donations in excess of \$500 is intended to address this issue.
- F8.** Because HSC contributions for teacher supplies are combined with contributions from other sources, accounting to individual donors for each teacher's expenses is impractical.

Recommendations

- R1.** The Board must follow the state law and their District policies by adopting practices that will inform the public of the details of their decisions and their decision process. As noted in the report the Brown act provides a baseline for public disclosure. Debating and giving reasoned explanations for their decisions in open meetings will improve public support and participation. (F1, F3, F4)
- R2.** If the Board chooses to grant the Superintendent a salary raise in excess of the percentage granted to District Bargaining Units, they should announce the amount together with the Superintendent's annual performance goals and discuss the increase in a public meeting. (F2, F3)
- R3.** The Board should include in the Superintendent's performance standard a goal of reaching an agreement between the District and the HSCs that specifies accounting report content and frequency. (F5, F7)
- R4.** Soquel Union Elementary School District should make available on their website an easily filed complaint form with guidelines. (F3, F4)
- R5.** The Board should include a summary of complaint topics received since their last meeting in the meeting minutes. All complaint topics should be summarized, including Williams Uniform Complaint Procedure, Uniform Complaint Process, Freedom Of Information Act, email, etc. (F3, F4)
- R6.** The District administration should provide accounting reports to the HSCs in accordance with mutually agreed content and frequency. (F3, F6, F7)
- R7.** The Board should include public recognition, recorded in meeting minutes, of all financial contributions from HSCs and other contributors of funds to the District. (F3, F6)
- R8.** At the beginning of each school year and after consulting with the school principal, a proposed budget should be prepared by each HSC outlining the plans for donations in excess of \$500. The plan should be submitted to the District for final approval. (F3, F6, F7)
- R9.** The District should assume all responsibility for funding and managing teacher supply accounts and/or define a clear donation policy for contributions to teacher accounts. (F8)

Commendations

- C1.** The SCCOE and all of the districts in its jurisdiction have worked together to successfully complete a difficult upgrade of their accounting system.

Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
SUESD Board of Trustees	F1–F8	R1–R9	90 Days July 25, 2016

Definitions

- **Board:** In all cases, capitalized Board refers to The Soquel Union Elementary School District Board of Trustees. The terms School Board and District Board are also used.
- **CalSTRS:** California State Teachers Retirement System
- **FOMS:** Friends of Main Street, home and school club
- **FOIA:** Freedom of Information Act
- **HSC:** Home and School Club
- **LCAP:** Local Control and Accountability Plan, part of the state funding plan for California schools adopted in the 2013–14 Budget Act. [\[63\]](#)
- **PEPRA:** California Public Employees’ Pension Reform Act
- **SCCOE:** Santa Cruz County Office of Education
- **SEA:** Soquel Education Association
- **Serial Meeting:** The Brown Act provides that a majority of the members of a legislative body shall not meet outside a noticed meeting using 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 legislative body.
- **Salary Spiking:** The process whereby public sector employees grant themselves large raises or otherwise artificially inflate their compensation in the years immediately preceding retirement in order to receive larger pensions than they otherwise would be entitled to receive.
- **SUESD:** Soquel Union Elementary School District
- **UCP:** Universal Complaint Procedure
- **Williams Complaint:** A type of UCP dealing with instructional materials and urgent health and safety issues.

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Site Visits

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Santa Cruz County Office of Education Business Office

