

NEVADA JOINT UNION HIGH SCHOOL DISTRICT BOARD OF TRUSTEES

Summary

The Nevada Joint Union High School District is a school district with eight campuses in various locations in Western Nevada County. The Nevada Joint Union High School District is governed by a Board of Trustees, consisting of five Trustees representing Areas 1 thru 5 in Western Nevada County.

The Nevada County Grand Jury received a complaint regarding the Nevada Joint Union High School District. In processing this complaint, the Nevada County Grand Jury found that the Board of Trustees had not received ethics training pursuant to State of California Assembly Bill 1234. The Nevada County Grand Jury, during its investigation, found that the Nevada Joint Union High School District Board of Trustees is also subject to complying with Government Codes §1090 and §87100.

During interviews the Nevada County Grand Jury found the former and current Nevada Joint Union High School District Superintendents, one of the Assistant Superintendents and members of the Board of Trustees of the Nevada Joint Union High School District were not aware of the requirement that all Area Trustees must take the Conflict of Interest Training required by Assembly Bill 1234. The Nevada County Grand Jury also found that members of the Board of Trustees were not familiar with many sections of their own board policies.

The Nevada County Grand Jury recommends all members of the Nevada Joint Union High School District Board of Trustees should take the required training pursuant to State of California Assembly Bill 1234 and become familiar with all of the provisions contained in the Nevada Joint Union High School District By-Laws as well as Government Codes §1090 and §87100.

The Nevada County Grand Jury also recommends that the Nevada Joint Union High School Superintendent and the Assistant Superintendents become familiar with California Assembly Bill 1234 and Government Codes §1090 and §87100 in order to enable them to assist in their roles in advising current and future members of the Board of Trustees of all responsibilities and requirements imposed on board members.

Reasons for Investigation

The Nevada County Grand Jury (Jury) received a citizen's complaint regarding the Trustees of the Nevada Joint Union High School Board of Trustees (Board).

The Jury has the authority to investigate school districts and their boards of trustees, pursuant to California Penal Code.

Background

The Board is made up of five Trustees representing Areas 1 thru 5 within the Nevada Joint Union High School District (District).

The Board holds regular meetings on the second Wednesday of the month from August to June of each year (there is no meeting in July). Each month the meetings of the Board rotate between high school sites within the District with the open session beginning at 6:00 p.m. and closed sessions held prior to the meeting at 5:15 p.m. The high school sites where the Board meets on a rotation basis are Nevada Union, Bear River and Silver Springs Schools.

Procedures Followed

The Jury interviewed several Board members and three members of the District staff. The Jury also reviewed various documents received from the interviewees and the District website.

Facts

- Fa. 1** The Nevada Joint Union High School District is a school district with eight campuses in various locations in Western Nevada County.
- Fa. 2** The District includes eight campuses which offer grades 9-12 with approximately 3,285 students.
- Fa. 3** The District is managed by the Board, representing Areas 1 thru 5, which meets in regular session each month, except July, and is attended by the Board and is open to the public.
- Fa. 4** The five member Board consists of the President, Vice President, Clerk and two Trustees.
- Fa. 5** Each Board member is elected by registered voters and must reside in the Area they represent.
- Fa. 6** Each elected Board member serves a four year term.
- Fa. 7** The Board meeting agendas are posted to the public pursuant to the California Government Code §54950 et seq., commonly known as the *Ralph M. Brown Act*.

Fa. 8 The District Administrative Assistant, employed by the District, prepares all agendas and minutes of Board meetings.

Fa. 9 The Jury interviewed several Board members and administrative staff members.

Fa. 10 The California School Boards Association offers training seminars, but attendance is not mandatory. The training seminars include:

- Board Presidents Workshop,
- Board Self-Evaluation and Superintendent Evaluation,
- CSBA Training For Executive Assistants,
- Institute for New and First-Time Board Members,
- Legal Symposium For Experienced Board Members,
- Orientation For New Trustees,
- The Brown Act.

Fa. 11 Funds are annually budgeted for Board training.

Fa. 12 The Superintendent manages each of the schools within the District and is hired by and accountable to the Board.

Fa. 13 The Superintendent is available to the Board to advise them of the roles and responsibility of board members.

Fa. 14 The Board is represented by District Counsel who does not attend the monthly Board meetings, but is available by conference call during any meeting.

Fa. 15 Each Board member is required to take ethics training per State of California Assembly Bill 1234 (AB1234). The Act states, among other things, *“AB 1234 requires that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of a member of its 'legislative body' (as that term is defined in California Government Code Section 54952), that local agency's officials must receive training in ethics.”*

Fa. 16 Each Board member is required to take ethics training every two years per AB 1234.

Fa. 17 During interviews it was reported to the Jury that each Board member receives monetary compensation while serving on the Board.

Fa. 18 The Board members interviewed stated:

- they were not aware of the requirement to complete the ethics training,
- they have not completed the required training,
- nothing is provided to them as to what is expected of them while performing their Board duties.

- Fa. 19** Ethics training required by AB1234 includes training for conflict of interest.
- Fa. 20** The Board is governed by California Code §1090 which states in part: *“Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.”*
- Fa. 21** The Board is also governed by Government Code §87100 which states: *“No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”*
- Fa. 22** The Board is governed by By-Laws on file with the District.
- Fa. 23** Board members were not fully familiar with the District By-Laws (By-Laws).
- Fa. 24** The By-Laws include, *Section 9240 Board Development “Citizens elected to the Board of Trustees are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardmanship skills.”*
- Fa. 25** The Board met on September 26, 2013 at a regularly scheduled board meeting. At that meeting the agenda included an item entitled, *“Board Policy Manual Update”* which was discussed by the Board present during that meeting
- Fa. 26** The minutes of the September 26, 2013 meeting were approved, including accepting the revision to the *Nevada Joint Union High School District Policy Manual* (all sections 0000-9000) during their board meeting of October 9, 2013 with all members of the Board present.
- Fa. 27** The By-Laws also include Sub-Section 9270 *Conflict of Interest* that includes among other things, a section entitled, *Incompatible Offices and Activities* *“Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member’s duties as an officer of the district. (Government Code §1126).”*
- Fa. 28** During the February 5, 2014 Board meeting a Power Point presentation was given by the District’s legal counsel entitled *“Conflict of Interest Reporting Requirements.”*

Findings

Findings by the Jury:

- Fi. 1** All Board members reside in the Area of the District they represent.

- Fi. 2** Board members interviewed have not completed the required ethics training.
- Fi. 3** Board members interviewed are not familiar with provisions contained in the District By-Laws.

Recommendations

The Jury recommends:

- R. 1** All Board members should complete the mandatory ethics training required by AB1234.
- R. 2** All Board members should become familiar with the provisions contained in the By-Laws on file with the District.

Responses

Nevada Joint Union High School District Board of Trustees:

Due Date: August 28, 2014