

# **POINT ARENA SCHOOLS**

April 21, 2015

## **SUMMARY**

The Grand Jury investigated numerous complaints associated with the Point Arena Joint Union High School (High School). The Grand Jury found that the School District drug testing policy was not correctly implemented by the District Superintendent. The District Superintendent also invalidated all students' math exit exam results due to allegations of cheating by just three students.

It was reported that a negative work environment was the cause of an exodus of over 40 percent of certificated employees. The Grand Jury found that a lack of transparency in lottery fund allocations added to this problem.

The District Superintendent's salary of \$145,000 is exorbitant for a district of its size.

The District School Board violated the Brown Act on numerous occasions, in various ways, and in the presence of the Grand Jury. The District School Board published incomplete meeting minutes and also held their meetings at inconvenient times for the working public.

## **BACKGROUND**

The Grand Jury received complaints from citizens concerning the High School. The complaints regarded working conditions at the High School and the operations and conduct of the District Administration including the District School Board.

## **APPROACH**

The Grand Jury interviewed many citizens, active and retired employees of the School District, attended District School Board meetings, reviewed minutes (audio, paper, and electronic copies) and did on-line document research. The Grand Jury also referred to the California Education Code and the California Government Code regarding the Brown Act.

## **FACTS**

### **Schools**

Drug testing on the girl's volleyball team was administered by the District Superintendent with all team members present. Both positive and negative results were disclosed publicly in front of team members as well as a reporter from the local newspaper. A positive result was later found to be incorrect.

Since the above event, a revised drug policy has been established and a Mendocino Youth Project counselor has been contracted to administer the drug policy and provide counseling services.

The High School Principal of 13 years left the school district at the end of 2012-13. The current District Superintendent became the acting Principal while remaining as the Superintendent.

During a State mandated exit exam in 2013-14, it was alleged three students cheated on the math portion. Because the alleged cheating students could not be identified, the District Superintendent/acting Principal invalidated that portion of the exam for all students. This action placed the High School in the School Improvement Program.

Over 40 percent of certificated staff left the High School at the end of school year 2013-14. Interviewees indicated the new administration had created a negative work environment and there was a lack of an identifiable chain of command.

For school year 2013-14, the High School received \$24,600 in lottery funds. This varies annually as lottery money fluctuates.

Prior to school year 2013-14, the High School Principal (in collaboration with teachers) determined the use of lottery funds for classroom needs. Teachers that were interviewed are no longer aware of how lottery funds are being distributed.

When interviewed, the District Superintendent was unaware of the amount of lottery funds received or how they were disbursed.

Reduction in force notifications (pink slips) were handed out by the District Superintendent in front of students and other staff.

## **School Board**

Prior to the High School Principal leaving in 2013, during an open session of a District School Board meeting, the Superintendent remarked that unless the District School Board matched the compensation offered by another school district, the Superintendent would leave prior to the end of the Superintendent's contract. The District School Board complied and raised the salary to \$145,000. This is the highest salary paid in Mendocino County in districts of a similar student population.

District School Board minutes are not representational of actual occurrences during board meetings. In meetings attended by the Grand Jury, the Grand Jury observed behaviors that were not civil or appropriate for public meetings. The audio recordings are difficult to understand because of background noise, those speaking are unidentified, and only one microphone is used.

The time of District School Board meetings was changed from 6:00 p.m. to 4:30 p.m. Many interviewees indicated that this time change made it very difficult for the working public to attend.

The Grand Jury observed the District School Board did not have available the required copies of agenda items to be discussed during the public portion of the meeting. (California Government Code §54954.1)

The District School Board does not consistently report out at the end of closed sessions the decisions made and votes taken. (California Government Code §54957.1)

Parents and teachers reported that District School Board meetings were held without adequate notice. (California Government Code §54954.2)

In an open District School Board meeting, with students present, a board member used profanity. It was reported by multiple individuals that this has happened on numerous occasions.

The Grand Jury was present at a District School Board meeting when a visiting presenter's report was given on a potential nutrition program for the District. During the presentation, the above mentioned board member stated he would rather have a "Big Mac and Fries."

The Independent Coast Observer newspaper reported that according to a, "... Staff Attorney for the California Newspaper Publishers Assn., there was a Brown Act violation by the board for failure to consider public comment on agenda items 'before and during' the discussion of the items and the board taking action."

District School Board meeting attendees reported that Brown Act violations are common.

Point Arena Union High School and Arena Union Elementary School are in two separate districts with one governing board. Point Arena Union High School's tax revenue per student is approximately \$25,000 annually and Arena Union Elementary School's is approximately \$9,000 per student annually. The two schools have different geographic areas from which revenue is accumulated.

By directive of the State Board of Education, both the Arena Union Elementary School and the Point Arena Union High School are combined for budgeting purposes only. The revenues of the two schools are combined in a single account but the expenditures are accounted for separately.

## **FINDINGS**

- F1. The District Superintendent failed to follow the established drug testing policy to take reasonable steps to assure the confidentiality of student drug testing results. [Board Policy 5131.61(b)] This caused embarrassment to the student and exposed the school district to potential legal action.
- F2. When three students were alleged to have cheated on an exit exam; the Superintendent invalidated the math portion of the exam for all students. This punished all of the students by requiring them to retake the exam as well as placing the High School in the School Improvement Program.
- F3. The negative work environment at the High School caused over 40 percent of the certificated staff to terminate their employment.
- F4. The previous principal worked with the teachers in allocating lottery funds; this is no longer the procedure. The current Principal/Superintendent was unaware of either the amount of lottery funds or their distribution.
- F5. The Grand Jury determined the confidentiality of personnel matters was breached when the District Superintendent handed out reduction in force notifications publicly causing both embarrassment and low morale.
- F6. District School Board meeting audio recordings are difficult to understand due to inadequate equipment and the lack of identification of those speaking.

- F7. Attendance by the working public, and their opportunity to have input, is curtailed by the current District School Board meetings being held at an inconvenient time.
- F8. A District School Board member using profanity during a public District School Board meeting is never acceptable.
- F9. The Grand Jury heard the same Board member ridicule a visiting presenter's report on nutrition, causing embarrassment to both the presenter and those in attendance.
- F10. It is critically important to continue maintaining separate balance sheets for each school since they have a combined budget.
- F11. There are multiple Brown Act violations during District School Board meetings that can be remedied with education, training, and a desire to act professionally.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. the school administration follow the established drug testing policy. (F1)
- R2. academic testing be monitored more closely to reduce the risk of cheating. (F2)
- R3. the administration work together with all employees to create a more positive work environment. (F3)
- R4. the use of lottery funds be transparent to all staff. (F4)
- R5. personnel issues, including reduction in force notifications, be handled confidentially. (F5)
- R6. the District Board President ask all speakers to identify themselves. (F6)
- R7. the District Board utilize more than one microphone and place them in better locations. (F6)
- R8. the District Board meetings be held at a convenient time for the working public. (F7)
- R9. all speakers and program presenters be respected and treated with courtesy. (F8, F9)
- R10. the District Board members who use profanity be reprimanded and asked to remove themselves from the room. (F8, F9)
- R11. the School District continue to use separate balance sheets for Point Arena Union High School and Arena Union Elementary School. (F10)
- R12. all District Board members and Administrators receive Brown Act training annually. (F11)

## **RESPONSES**

Pursuant to Penal Code §933.05, responses are *required* from the following individuals:

- Superintendent, Point Arena School District
- Superintendent, Mendocino County Office of Education

Pursuant to Penal Code §933.05, responses are *required* from the following governing body:

- Point Arena District School Board

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.