



ANDERSON UNION HIGH SCHOOL DISTRICT TEACHING CURRENT AND FUTURE LEADERS

SUMMARY

The 2020-2021 Shasta County Grand Jury (SCGJ) inquired into the Anderson Union High School District (AUHSD) in response to a citizen's complaint. The complaint alleged salary discrepancies within the AUHSD. The complaint, with the person's name redacted, and the SCGJ's initial inquiry were forwarded to the District Attorney's (DA) office for legal counsel. The Shasta County DA's Office advised that the topic was within the purview of the grand jury and was not a matter the DA's Office believed warranted criminal prosecution. This investigation determined although salary issues had occurred, they have since been addressed. However, additional issues were discovered resulting in recommendations for operational improvement of the AUHSD.

BACKGROUND

The AUHSD was created on July 1, 1909, and a new high school was built on the current location in 1918. Currently AUHSD consists of six schools and approximately 1,800 students. The schools in the district are Anderson Union High, West Valley High, Anderson New Tech High (a public charter school), North Valley High (a continuation school), Oakview High (an independent study or home school), and Anderson Adult School. AUHSD also provides instruction at the Shasta County Jail for inmates who wish to continue their high school education.

METHODOLOGY

During the course of this investigation, this jury interviewed past and present administrative personnel from the AUHSD. In addition to interviews, this jury reviewed the Brown Act, the AUHSD Bylaws, and ten years of AUHSD Board meeting minutes and AUHSD public meeting agendas.

DISCUSSION

An AUHSD employee was terminated by the AUHSD Board of Trustees (the Board) in a Board meeting closed session. The Board did not make public its action; therefore, the termination became null and void. The Superintendent at the time transferred the employee to a vacancy at a different location. The position was a lower salaried position however, the employee was still paid their current higher salary per Ed Code 44951. After the first year the salary should have been reduced. The reduction was not implemented, and the person continued to receive the higher salary for another seven years. The problem was resolved when the person accepted a new position, and their salary was adjusted to that of the new position.

During the course of its investigation, this jury discovered several Brown Act issues. The Board meeting agendas must be posted in an easily accessible vantage point that is “freely accessible to members of the public and on the local agency’s Internet Web site, if the local agency has one.” (Government Code section 54954.2). Access to the agenda must meet Americans with Disabilities Act (ADA) guidelines. The AUHSD ordinarily places its public meeting agendas on display in a window at the AUHSD office. However, the office is behind two gates that are locked after hours. The Brown Act states that it prefers the agenda be posted on the building in which the meeting is to be held when possible. In this case, that would mean that agendas should be posted at the Anderson Union High School library. However, access to the library is difficult due to the school having a closed campus.



The Brown Act states if there is a web site, which AUHSD has, there needs to be a “prominent” link to the board meeting agenda. As of the date of this Report, the AUHSD’s website was configured that a person clicks on a link for the “Board of Trustees”. The agenda can be found amongst other menus. The Board meeting event link on the AUHSD home page takes you to a calendar. The Brown Act requires the link lead directly to the agenda. Shasta Union High School District does a direct event link in this manner.

California Government Code section 54954.2(a)(2)(B) requires all current online agenda postings to be:

- Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.
- Platform independent and machine readable
- Available to the public free of charge and without any restrictions that would impede the reuse or redistribution of the agenda (i.e., no restrictions on printing the agenda or attaching it to an email).

In attending recent Board meetings and reviewing the previous ten years of minutes, the grand jury found the Board has been inconsistent in reporting on closed session action agenda items. This jury found that there are usually multiple action agenda items, yet the Board President states “nothing to report” or skips over the reporting process altogether. Government Code 54957.1.a states, the legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present. Reporting these closed sessions properly complies with the Brown Act and increases trust and transparency for the citizens of the district.

Violations of the Brown Act can lead to invalidation of an agency’s action, payment of a challenger’s attorney fees, public embarrassment, or even criminal prosecution. The Brown Act is a floor, not a ceiling for conduct of public officials. The Brown Act provides a guideline of minimum requirements and responsibilities held by the Board.

AUHSD does not have an established training program for new Trustees. It’s a sink or swim situation. Even Trustees that have been around for a few terms could use training to keep up with changing laws and procedures. A school district as large as AUHSD should have a training program for Trustees, Superintendents and administrative personnel. If not offered in-house, then outsourcing of training should be made available for sending everyone to an established training program. This training should include but not be limited to: Brown Act, Roberts Rules, Education Code, AUHSD Bylaws, and accurate completion of “Form 700”.

AUHSD is fortunate that the current Superintendent accepted the position to run the school district. He has improved the Board’s performance through training and support. He is cleaning up issues from the past, and is facing new issues head on, the pandemic being the biggest.

FINDINGS

- F1. AUHSD meeting agendas are not continuously available for 72 hours prior to Board meetings as required by the Brown Act. On nights and weekends, gates to the campus and district office are closed and locked preventing public access to meeting agendas and minutes, effectively hindering public access for review.
- F2. The lack of a “prominent” clickable button on the AUHSD website home page does not meet Brown Act requirements and makes finding Board meetings and agendas cumbersome for the general public. This could potentially hinder public access to Board meeting information.
- F3. When AUHSD Trustees conduct business during closed session, accurate reporting of closed sessions during the public session ensures transparency, increases public confidence in trustee activity, and meets Brown Act requirements.
- F4. AUHSD has little organized training opportunities for Trustees. Limited training is available for trustees who wish to participate. The lack of an organized training protocol results in inefficiency.
- F5. The 2020-2021 SCGJ has found that the current Superintendent is doing a good job of efficiently operating and providing leadership for the AUHSD. The Superintendent’s performance is admirable given the current challenges.

RECOMMENDATIONS

- R1. In order for the AUHSD to address and correct the meeting agenda problem specified in Finding 1, the AUHSD should post agendas on a lighted front door or administration office door that is ADA accessible. The AUHSD may elect to build or buy a lighted kiosk to make the agenda accessible at any time. The jury believes that posting the agenda on the front door of every AUHSD school would also be a good practice.
- R2. The Superintendent should address and correct the website shortcoming described in Finding 2 by October 31, 2021, by adding an easily identifiable direct link or button on the AUHSD homepage to the “Board of Trustees Meeting Agenda.”
- R3. The AUHSD Board President should review reporting requirements and follow those guidelines when reporting closed session items during the public portion of Board meetings. This will help improve the public trust in the Board.
- R4. By January 1, 2022, the AUHSD Superintendent should identify and implement a comprehensive training program to establish training for Trustees and administrative personnel. Topics should include but are not limited to: Brown Act requirements, district operation, collegiality, computer skills, Form 700 conflict of interest, AUHSD Board Bylaws, and effective media relations.

RESPONSES

Pursuant to Penal Code sections 933 and 933.05, this grand jury requests responses as follows:

From the following governing body (within 90 days)

- The AUHSD Board of Trustees: F1, F2, F3, F4, F5 and R1, R2, R3, R4

Invited response from the following: (within 60 days)

- The AUHSD Superintendent: F1 through F5 and R1 through R4

When there is a perception of a conflict of interest involving a member of a grand jury, that member is required to recuse from any aspect of an investigation involving such a conflict and from voting on the acceptance or rejection of a report. One member of the 2020-2021 SCGJ was recused from this investigation and report.

Reports issued by a grand jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of a grand jury not contain the names of any person or facts leading to the identity of any persons who provide information to a grand jury.