

Cuyama Joint Unified School District

P. O. Box 271, New Cuyama, California 93254
(661) 766-2482 • FAX: (661) 766-2255

April 27, 2012

Honorable Brian Hill
Presiding Judge
Santa Barbara County Superior Court
1108 Santa Barbara Street
Santa Barbara, CA 93101

Peter van Duinwyk
Foreman Pro Tempora
Grand Jury, Santa Barbara County
Grand Jury Room, County Courthouse
Santa Barbara, CA 93101

Re: Response to Grand Jury Report Entitled "Brown Act: Open or Closed
Cuyama Joint Unified School District" ("The Report")

Dear Judge Hill and Mr. van Duinwyk:

As required by and pursuant to the provisions of Penal Code section 933.05, the Board of Trustees ("the Board") of the Cuyama Joint Unified School District, at a duly convened public meeting on April 26, 2012, reviewed and discussed the Report and the District's current policies and/or practices relating to the findings and recommendations.

In response to the Grand Jury's findings, the Board determined as follows:

GRAND JURY FINDING 1:

All requirements of the Ralph M. Brown Act related to the confidentiality of closed sessions apply to the Cuyama Joint Unified School District.

RESPONSE: The Board agrees that all requirements of the Ralph M. Brown applicable to school districts and related to the confidentiality of closed sessions apply to the Cuyama Joint Unified School District.

GRAND JURY FINDING 2:

Only two of the five members of the current Cuyama Joint Unified School District Board of Education were recorded as having received the required training under *California Government Code section 53235.1*

RESPONSE: The Board agrees that available records confirm that two of five members of the current Cuyama Joint Unified School District Board of Education were recorded as having received the training specified in California Government Code section 53235.1.

The Board disagrees that the training specified in Government Code section 53235.1 is required for school board members. Government Code section 53234(b) defines a local agency required to ensure that its officials have received this training as, "a city, county, city and county, charter city, charter county, charter city and county, or special district." The training requirement does not extend to school district officials.

Nevertheless, in addition to the three Board members who previously received this training in 2010 (including current Trustees Mann and Wilson), "AB 1234" training meeting the requirements of the Fair Political Practices Commission and California Attorney General was provided by Schools Legal Service on April 12, 2012 for Trustees Kidd, Ray and Wilson, along with three administrative employees. Trustees Mann and Cloud, who were not able to attend the April 12, 2012 training, have completed the online AB 1234 training offered through the FPPC website. Copies of the certificates of completion of these trainings are attached to this response.

GRAND JURY FINDING 3:

The confidentiality rules for the May 21 and May 22, 2011 closed meetings of the Cuyama Joint Unified School District Board of Education were violated.

RESPONSE: The Board lacks sufficient information to agree or disagree that the confidentiality rules for the May 21 and 22, 2011 closed meetings of the Cuyama Joint Unified School District Board of Education were violated. No specific details concerning the alleged violation of confidentiality agreements are included in the Grand Jury Report to enable the Board to respond to specific allegations. Individual Board members were interviewed by the Grand Jury, but were admonished not to discuss their testimony on this issue. Accordingly, the Board is unable to provide further response concerning this Finding.

However, as discussed in the response to Grand Jury Recommendation 3, the Board has taken specific steps to help ensure that the confidentiality requirements of the Brown Act are routinely and consistently observed.

GRAND JURY RECOMMENDATION 1:

That all members of the Cuyama Joint Unified School District Board of Education complete a State certified training session covering the Brown Act, as required by Government Code section 53235.

RESPONSE: See response to Grand Jury Finding 2. All members of the Cuyama Joint Unified School District Board of Education completed an "AB 1234" training session meeting the requirements of Government Code section 53235 and containing the core content specified in FPPC Regulation 18371 and the uniform guidance outline issued by the California Attorney General. This training specifically addressed requirements of the Brown Act, including confidentiality provisions.

GRAND JURY RECOMMENDATION 2:

That the Cuyama Joint Unified School District maintain up-to-date records of Brown Act training received by Board members, as required by Government Code 53235.2.

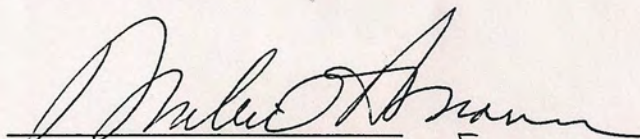
RESPONSE: The Board will comply with the training record retention requirements specified in Government Code section 53235.2

GRAND JURY RECOMMENDATION 3:

That the Cuyama Joint Unified School District bylaws be amended to include a requirement to admonish all attendees at each closed session about the requirement to maintain confidentiality of all confidential information acquired in that session.

RESPONSE: The Board declines to implement Recommendation 3 as drafted. However, the Board notes that all Board members have received specific training regarding the confidentiality provisions of the Brown Act. In addition, the format for Board agendas has been modified to provide a written statement that any discussion in closed session is required by law to remain confidential as required by law. A copy of a sample agenda containing this statement is attached to this response. In addition, District employees have been put on notice that violations of the confidentiality provisions of the Brown Act may lead to discipline.

Very truly yours,



President, Board of Trustees
Cuyama Joint Unified School District

Enclosures: (1) certificates of completion; (2) sample agenda

Public Service Ethics Education Online Proof of Participation Certificate

Date of Completion: Apr 25, 2012

Training Time*: 2 hr. 20 min.

This course is an overview course on all public service ethics issues necessary to satisfy the requirements of Article 2.4 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, including the following:

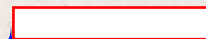
- Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.
- Laws relating to claiming perquisites ("perks") of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.
- Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.
- Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members; and
- General ethical principles relating to public service.

The Fair Political Practices Commission and Attorney General have reviewed this course for course sufficiency and accuracy.

By signing below, I certify that I fully reviewed the content of the entire online AB 1234 course approved by the Attorney General and Fair Political Practices Commission and am entitled to claim two hours of public service ethics law and principles credit.



Participant Signature



Participant Name

Cuyama Joint Unified District Board

Agency Name

NOTE TO PARTICIPANT: Please provide a copy of this proof of participation to the custodian for such records at your agency. In addition, we recommend you make a copy of this proof of participation for your own records to retain for at least five years. To preserve the integrity of the online certification process; **these certificates are only available upon completing the online session.** * To satisfy AB 1234 requirements, this certificate must reflect that the public official spent two hours or more reviewing the materials presented in the online course. If the certificate reflects less than two hours, the participant should have on file additional certificates demonstrating that the official has satisfied the entire two hour requirement.

COPY

**CUYAMA JOINT UNIFIED SCHOOL DISTRICT
REGULAR BOARD MEETING**

Thursday, April 12, 2012, 4:00 P.M.

**Board Room, Cuyama Elementary School
2300 Highway 166, Cuyama, CA**

Agenda

I. The meeting will be called to order by Board President, Michael Mann at ____ p.m.

ROLL CALL: Michael Mann ____
Richard Ray ____
Judith Kidd ____
Tamra Cloud ____
U.S. Wilson ____

Roland Maier ____
Superintendent

Chris Rahe ____
Chief Business Official

FLAG SALUTE: Led by ____

II. **BOARD TRAINING- ETHICS IN EDUCATIONAL GOVERNANCE (4:00 pm – 6:00 pm)**

III. **PUBLIC FORUM/HEARING:**

Citizens may address the Board of Education at this time. Following recognition by the president, each speaker may have the floor for five minutes. Persons addressing the Board are requested to give name, address, and the group or organization they represent, if any, in order that an accurate record can be made in the minutes. Items not appearing on the agenda cannot, by law, be the subject of Board action. Such items may be placed on future agendas for full discussion and/or action.

IV. **PUBLIC HEARING:**

Public hearing regarding the sufficiency of textbooks and instructional materials for the FY 2011-12.

Hearing Begin: _____ Hearing End: _____

V. **CLOSED SESSION:**

NOTE: The Brown Act permits the Board to consider certain matters in closed session, in limited circumstances. The Board will consider and may act upon any of the items described below in closed session. The Brown Act requires that the Board report out certain actions taken in closed session, which will be announced following the closed session. WITH LIMITED EXCEPTIONS, THE LAW REQUIRES THAT INFORMATION DISCLOSED IN CLOSED SESSION REMAIN CONFIDENTIAL.

The Board will adjourn into closed session at ____ p.m.

A. Under California Government Code 54957 Certificated and Classified Personnel changes. The Board will be asked to review and approve a number of transfers, reassignments,