



French Camp Lathrop Manteca Weston Ranch
Manteca Unified School District

Jason Messer, Superintendent

August 12, 2015

Via Email and First Class Mail
grandjury@sjcourts.org

Honorable Lesley Holland, Presiding Judge
San Joaquin County Superior Court
P. O. Box 201022
Stockton, CA 95201

Re: Manteca Unified School District Response to San Joaquin County Grand Jury Report

Dear Judge Holland:

On June 3, 2015, the San Joaquin County Grand Jury published its report following an investigation into allegations that Board members had engaged in misconduct.

Overview of the Response of Manteca Unified School District

The Manteca Unified School District ("District") acknowledges the Grand Jury for conducting an investigation concerning many issues of utmost importance. While the District is unable to legally implement one of the recommendations below, the District has already implemented some of the recommendations and will be implementing others within a short period of time.

Finding No. F1.1

Coercion by some trustees caused established Board policies and procedures, including safeguards, to be circumvented by some administrators.

Response to Finding No. F1.1

The District accepts this Finding.

Finding No. F1.2

Public statements by some trustees have caused anger and disruption in MUSD.

Response to Finding No. F1.2

The District accepts this Finding.

Finding No. F1.3

Some Board members interfered with employees' duties, violating Board policies and by-laws.

Response to Finding No. F1.3

The District accepts this Finding.

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Finding No. F1.4

Behavior by some Board members has made employees fearful in the workplace.

Response to Finding No. F1.4

The District accepts this Finding.

Finding No. F1.5

Administrators have been spending inordinate amounts of time dealing with issues involving trustees, making it difficult for them to complete necessary District work.

Response to Finding No. F1.5

The District accepts this Finding.

Finding No. F2.1

Costs for legal services related to Board members' behavior has increased during the first nine months of the current fiscal year nearly 30 times what it was two years earlier.

Response to Finding No. F2.1

The District accepts this Finding.

Finding No. F2.2

The departure of the Weston Ranch High School principal added an unnecessary cost to the District.

Response to Finding No. F 2.2

The District accepts this Finding.

Finding No. F3.1

Only a few trustees have attended school board training in recent years preventing some trustees from having a common understanding of their role and responsibilities.

Response to Finding No. F3.1

The District accepts this Finding.

Finding No. F3.2

A lack of understanding by staff of the role of Board members has caused serious problems.

Response to Finding No. F3.2

The District accepts this Finding.

Finding No. F4.1

Board by-laws Sections 9000, 9005, 9010, and 9011 were violated by the Board members as described in this report.

Response to Finding No. F4.1

The District accepts with this Finding.

Finding No F4.2

By-laws changes dealing with the Board were added or updated as a result of Board member behavior.

Response to Finding F4.2

The District accepts this Finding.

Finding responses respectfully submitted by vote of the Governing Board of the Manteca Unified School District as follows:

AYES: Romero, Teicheira, Moore, Seelye and Schluer

NOES: Fant and Drain

ABSENT: None

Recommendation No. R1.1

By September 30, 2015, a policy should be adopted by the MUSD Board of Trustees to accomplish the following: When a Board member or an administrator becomes aware of any improper behavior by any Board member; it will be immediately shared with the Superintendent and all Board members.

Response to Recommendation No. R1.1

The Recommendation has not been implemented but it will be implemented by the timeline set forth above. However, the policy will clarify that when a Board member or administrator becomes aware of any violations of Board Polices, Administrative Regulations, Board Bylaws and/or the law that this information will be shared immediately with the Superintendent and all Board members.

Recommendation No. R1.2

By September 30, 2015, the MUSD Board should adopt a policy that calls for immediate action when a trustee violates District by-laws. This would include public discussion at the earliest possible Board meeting, and/or moving to censure the trustee found to be in violation.

Response to Recommendation No. R1.2

The Recommendation will not be implemented because it is not reasonable. It is not reasonable as "immediate" action is rarely possible under the confines of the Brown Act. The Brown Act requires, among other limitations, that action items be properly agendized under a specific timeline. In addition, the District believes that a policy that includes progressive interventions is a more collaborative and efficient approach.

Recommendation No. R3.1

Newly elected Board members are strongly urged to participate in new board training offered by CSBA or other organizations.

Response to Recommendation No. R3.1

The Recommendation has already been implemented with a summary of the implemented action described below.

New Trustees are encouraged to attend the annual CSBA Conference and Trade Show for newly elected Trustees. Further, the San Joaquin County Office of Education hosts a meeting for new Trustees, generally in February.

At the March 3, 2015, Board of Education meeting, the Board adopted 9250, Remuneration, Reimbursement, Other Benefits encouraging Board members to attend no more than one conference/training per year tailored to the Roles of the Board. Additionally, the Board adopted Bylaws 9000, Roles of the Board, 9005, Governance Standards, 9011, Disclosure of Confidential Privileged Information, and 9012, Board Members Electronic Communications.

Enclosed is the Board adopted Bylaw 9250, Remuneration, Reimbursement, Other Benefits and the minutes reflecting Board adoption.

Recommendation No. R3.2

All Board members are strongly urged to participate in annual board training offered by CSBA or other organizations to keep them current with educational trends and changing legislation.

Response to Recommendation No. R3.2

The Recommendation has already been implemented with a summary of the implemented action described below.

At the March 3, 2015, Board of Education meeting, the Board adopted 9250, Remuneration, Reimbursement, Other Benefits encouraging Board members to attend no more than one conference/training per year tailored to the Roles of the Board. Additionally, the Board adopted Bylaws 9000, Roles of the Board, 9005, Governance Standards, 9011, Disclosure of Confidential Privileged Information, and 9012, Board Members Electronic Communications.

Enclosed is the Board adopted Bylaw 9250, Remuneration, Reimbursement, Other Benefits and the minutes reflecting Board adoption.

Recommendation No. R3.3

Administrators should review Board by-laws and share with their staff those sections dealing with Board governance.

Response to Recommendation No. R3.3

The Recommendation has not yet been implemented but it will be implemented by the following timeline.

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A procedure will be added to the new employee packet to include the Bylaws referencing Board governance and will require signature of employee acknowledging receipt of information. Further, the Superintendent will disseminate a memo to administrators and supervisors to review the Bylaws with their staff. The procedure will be reviewed annually by the Superintendent.

Recommendation responses respectfully submitted by vote of the Governing Board of the Manteca Unified School District as follows:

AYES: Romero, Teicheira, Moore, Seelye, Schluer, Fant and Drain

NOES: None

ABSENT: None

Please do not hesitate to contact me if you have any further questions or concerns about the District's response.

Sincerely,



Jason Messer
District Superintendent

Enclosures

C: Members, Board of Education

**MANTECA UNIFIED
SCHOOL DISTRICT**

**REMUNERATION, REIMBURSEMENT, OTHER
BENEFITS**

Board of Education members who so elect may receive the maximum compensation as established by Education Code 35120. The Board of Education shall have the authority to determine acceptable reasons for a Board member missing a meeting without losing per diem compensation. A member may be paid for any meeting when absent if the Board by resolution duly adopted and included in its minutes finds that at the time of the meeting he or she is performing services outside the meeting for the school district or districts, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the Board.

Unless approved by the Board at a prior regularly scheduled meeting, hardships will not include recreation, gainful employment, or additional income.

The monthly compensation level shall be based on the previous year's California Basic Educational Data System (CBEDS) enrollment and shall be calculated for members that attend all meetings or are absent for acceptable reasons.

Board members who attend less than all meetings shall be compensated based on the monthly rate divided by the number of meetings held, times the number of meetings attended.

Expenses of a Board member incurred in the performance of routine Board duties shall be reimbursed on presentation of a voucher. Board members shall be reimbursed for traveling expenses incurred when authorized in advance by the Board. The rate of reimbursement shall be the same rate specified for District personnel. Board members are encouraged to attend no more than one conference/training per year that is tailored to the roles of the Board. Conference/trainings that are out of California must be brought for Board approval prior to the conference/training and approved by the majority of the Board.

Board members, who so elect, may receive health and welfare benefits during their term of office as are extended to District employees. The amount paid by the District shall not exceed the District contribution to benefits for the lowest negotiated employee group.

Removal from office for willful and corrupt misconduct shall negate all provisions of this bylaw.

Legal Reference: Education Code
 1090, 33362-33363, 35120, 35044, 35147, 35239, 72423, 72425
 Government Code
 53201, 53205

Date Adopted: March 30, 2004
Date Revised: March 3, 2015