

**BOARD OF TRUSTEES
EL DORADO UNION HIGH SCHOOL DISTRICT
GJ04-025**

Reason for the Report

Upon receiving a complaint that improprieties may have occurred in the choice of a new superintendent, the Grand Jury decided to investigate the actions taken by the Board of Trustees in the summer of 2004. This does not reflect in any way on their choice of the new superintendent, but on the manner in which the board went about making their choice. A possible violation of *The Brown Act* during this process is the subject of our investigation.

Scope of the Investigation

People Interviewed

- Superintendent of the EDUHSD
- Assistant Superintendents of the EDUHSD
- Assistant to the Superintendent of the EDUHSD
- El Dorado County Deputy District Attorney
- El Dorado County Counsel
- El Dorado County District Attorney
- Leadership Associates Consultant
- Member of the Board of Trustees of the EDUHSD

Documents Reviewed

- *The Brown Act*
- Minutes of the Board of Trustees from May through August, 2004
- Contract between the Board of Trustees and *Leadership Associates* signed June 7, 2004
- *Leadership Associates* brochure
- *Leadership Associates* sample timeline
- Advertisement placed by *Leadership Associates* on the internet and in the periodical of the Association of California School Administrators.

Background

The then-current Superintendent of the EDUHSD in May of 2004 notified the Board of Trustees that he was leaving for another position at the end of the term. The board began the process to find a new superintendent who would reflect the values important for the district; which consists of five high schools, three continuation high schools and one adult school. The board signed a contract with *Leadership Associates*, a search organization, to conduct the search and provide them with applicants who were to be screened by *Leadership Associates*. The Board of Trustees was then to make their selection from this pool. The advertisements for the position had not been posted on the internet, nor print media, when the Board of Trustees announced they had chosen a new superintendent. The board usually meets on Tuesdays in the conference room at the district

headquarters, but may also meet at any of the high schools. The board does not usually meet during the month of July, and not all of the high schools are open for summer school programs.

Facts

1. The minutes of the Board of Trustees do not reflect the date, time and place of the next regular meeting.
2. Under *The Brown Act* both regular and special meetings require 24 hours notice to the public. Special meetings require only a single agenda item.
3. On June 2nd, *Leadership Associates* sent a letter to the board with a proposal that they be selected to conduct the search for a new superintendent.
4. On June 7th the board signed a contract with *Leadership Associates* to conduct the search. The sum of \$24,500.00 was to be paid for this search, and the contract was open-ended with the goal of the final selection process in November.
5. On June 15th the board voted to place an interim superintendent in the position while the search for a new permanent superintendent was conducted. They also discussed the contract parameters and possible candidates during the closed portion of this meeting.
6. On June 22nd the board minutes indicate an approval of an interim superintendent.
7. On Monday, July 12th, a month in which no meetings are usually scheduled, a special meeting held by the board approved an interim superintendent.
8. On Saturday, July 17th, during a closed session, applicants for the position of superintendent were discussed and one was selected for the position. The new superintendent was from a local school district.
9. On Monday, July 19th, the district announced the appointment of a new superintendent. The search contract with *Leadership Associates* was then terminated.
10. A bill dated July 20th for \$12,250.00, half of the sum of the search fee, was sent to the board, and is marked "paid in full". The bill is date-stamped "July 26th Superintendent's Office".
11. No brochures from *Leadership Associates* were distributed in the district. The advertising on the internet appeared Wednesday, July 21st; four days after the choice had been made.
12. No completed applications were submitted by *Leadership Associates*, and the board member interviewed could not recall any discussed at the July 17th meeting. No application for the superintendent selected by the board has been produced by the Board of Trustees.
13. The use of the term "informal meeting" in the minutes of the board meetings on June 8th and 15th and July 12th and 17th is not permitted by definition in *The Brown Act*.
14. The fact that no completed applications were available from *Leadership Associates* and the Board of Trustees indicates that the position had not been adequately publicized. One qualified employee told us that he would have applied for the position if the applications had been available.
15. The fact that the advertisements in the ACSA magazine and on the internet came out after the selection of the superintendent further indicates that the board acted hastily in entering into a contract for the search.
16. *Leadership Associates* representatives had attended two, possibly three, community meetings, met with members of the Board of Trustees twice, produced a brochure and prepared advertisements that were released after the fact. For this they were paid \$12,250.00 for approximately 6 weeks of work.

Recommendation:

The Grand Jury strongly recommends that, in the future, the Board of Trustees of the EDUHSD develop a plan for the selection of a candidate for any administrative position and adhere to it. Entering into a contract and then subverting it by making a selection before the contract had expired is improper. While this is not illegal and is the prerogative of the Board of Trustees, the short period during which this process took place leads the Grand Jury to wonder if the candidate was “pre-selected” from the start, which gives the air of impropriety. The EDUHSD Board of Trustees should promote policies which demonstrate fair and open communication, minimizing both secrecy and the appearance of favoritism.

The fact that other people have stated that they would have applied if they had known the position was open indicates that this opportunity was not as widely available as the board has stated. The lack of any records as to whom and when the notices of the Board of Trustees’ meeting agenda were sent, and whether they were given the required time as mandated in *The Brown Act*, indicates a lack of regard for the law and gives the impression of contempt for teachers and the general public. The EDUHSD Board of Trustees should insure that proper documentation is kept on file, which indicates total, not selective, compliance with *The Brown Act*.

The Board of Trustees is not an entity unto itself, but is supported by the people of El Dorado County through public taxes, and is therefore to be of service to the public, not the reverse.