

NEVADA COUNTY BOARD OF EDUCATION
Regular Meeting
Wednesday, July 12, 2023
3:00 p.m.

Nevada County Superintendent of Schools
Boardroom
380 Crown Point Circle, Grass Valley, CA 95945

A G E N D A

All times approximate

- 1. Meeting called to order**
- 2. Establish quorum**
- 3. Salute to the flag**
- 4. Adoption of the Agenda**
- 5. Open public forum** – Members of the public who wish to comment on an action, discussion or information item on the agenda or on a matter not on the agenda that is within the jurisdiction of the Nevada County Board of Education may do so now or at the time the agenda item is heard. At this time, comments are limited to three (3) minutes each.
- 6. Close public forum**
- 7. Approval of the Consent Agenda** 5 min.

These items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion, unless a Board member or citizen requests that an item be removed for discussion and separate consideration. In that case the designated item(s) will be considered following approval of the remaining items.

 - A. Approval of minutes of the regular meeting of June 21, 2023 (*page 1*)
 - B. During the third quarter of 2023 April-June, there were no complaints filed to be reported, pursuant to Williams Uniform Complaint Procedures (E.C. 1240(H): Board policy 1010 – Uniform Complaint Procedures) (*page 5*)
- 8. Superintendent’s Report** 5 min.
- 9. Staff Reports** 5 min.
 - A. Business Services, *Darlene Waddle*
 - B. Ed Services, *Teena Corker*
- 10. Action Items** 5 min.
 - A. Shall the Nevada County Board of Education approve the same 5.00% increase to the salary of the County Superintendent effective July 1, 2023 as proposed to NCSOS Staff?
- 11. Information / Discussion Items** 10 min.
 - A. 2022-23 Annual Report to the Board of Temporary County Certificates (*page 6*)
 - B. Grand Jury Report, “*Nevada County School Boards: An Educational Opportunity (page 8)*”
 - A. NCSOS Response (*page 18*)
 - B. Discuss NCBOE Response

12. Board Reports

5 min.

A. Charter Liaison, *Louise Johnson and Timothy May*

B. Individual Board Reports

13. Adjournment

Next Meeting Date: August 16, 2023

This agenda was posted at least 72 hours in advance of the meeting at the Nevada County Superintendent of Schools office, 380 Crown Point Circle, Grass Valley, CA 95945; Sierra College Child Development Center, 250 Sierra College Drive, Grass Valley; and TKM, 400 Hoover Ln., Nevada City.

Posted: 7.7.2023
Date

Notice: The agenda packet and supporting materials, including materials distributed less than 72 hours prior to the scheduled meeting, can be viewed at the Nevada County Superintendent of Schools office – located at 380 Crown Point Circle, Grass Valley, California. For more information, please call 530.478.6400 ext.2003.

Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to access or participate in this meeting, please contact the Nevada County Superintendent of Schools office at 530.478.6400 ext. 2003 at-least 48 hours before the scheduled Board meeting so that we may make every reasonable effort to accommodate your needs. [G.C. §54953.2, §54954.2(a)(1); Americans with Disabilities Act of 1990, §202 (42 U.S.C. §12132)]

NEVADA COUNTY BOARD OF EDUCATION
Regular Meeting
Wednesday, June 21, 2023
3:00 p.m.

Nevada County Superintendent of Schools
Board Room
380 Crown Point Circle, Grass Valley, CA 95945

DRAFT

MINUTES

1. Meeting called to order by Board President Nicolai.

2. Established quorum

Heino Nicolai	present
Louise Johnson	present
Susan Clarabut	present
Timothy May	present
Julie Baker	present

3. Salute to the flag

4. Adoption of the Agenda

On a motion by Johnson and seconded by May, the Nevada County Board of Education adopted the agenda as presented; all in favor; motion passed unanimously.

5. Opened public forum – Recognition of members of the audience wishing to address the Board – no comments made.

6. Closed public forum

7. Approval of the Consent Agenda

These items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion, unless a Board member or citizen requests that an item be removed for discussion and separate consideration. In that case the designated item(s) will be considered following approval of the remaining items.

A. Approval of minutes of the Regular meeting of May 10, 2023 (*page 1*)

B. Approval of minutes of the Regular meeting of June 7, 2023 (*page 5*)

On a motion by Clarabut and seconded by Baker, the Nevada County Board of Education approved the Consent Agenda as presented; all in favor; motion passed unanimously.

8. Superintendent's Report

Supt. Lay reported on the transfer of Earle Jamieson to John Muir Charter School. All is going well with EJ's move to the McCourtney site. Waddle is working with contractors for the interior and landscaping.

The potential move of the Grass Valley FRC to the Salvation Army did not work out. Staff from the GV FRC will be working at the Penn Valley FRC and Connecting Point.

Eric Nielsen has submitted his retirement letter after 23 years of service. Brenda Herrill is also retiring after 34 years of service. As announced previously, Teena Corker is retiring. Christine McCormick will be Teena Corker's successor. McCormick comes to NCSOS with a wealth of

experience. Interviews are taking place for Herrill's position and substitutes are being looked into for Nielsen's position for the time being.

The Grand Jury Report was released regarding a citizen complaint of Trustees political campaigning during a NJUHS Board meeting. NCSOS will respond; and the NCBOE will respond. Supt. Lay noted that political campaigning during a board meeting has never happened in Nevada County and that the trustees who were campaigning are no longer on the NJUHS Board.

Supt. Lay and Corker attended charter school graduations. All Nevada County schools are closed for the summer now. Supt. Lay will be out of the country for 12 days, visiting family in England.

9. Staff Reports

A. Educational Services, *Teena Corker*

Corker is busy with a multitude of projects, meeting with department heads, finishing up final projects, and looking into next year's plans.

Several new hires will be starting including a Health Education Coordinator; a UPK Continuous Improvement Specialist; a Community Schools Coordinator that will oversee the FRC's; a counselor for the Raise Program; a Social Emotional Learning (SEL) / Multi-Tiered System of Support (MTSS) Trainer; and a Data Analyst for FYS.

Corker along with several Ed Services staff attended the Community Schools Summit.

The Raise Them Up FYS fair was a successful event at Twin Cities Church. And the NCSOS Summer Arts Institute for Nevada County Classroom Teachers was fabulous, with over 50 educators in attendance and 12 presenters.

B. Business Services, *Darlene Waddle*

Waddle is wrapping up the year and is busy with maintenance and facilities projects.

The Board would like to schedule a visit to the McCourtney site once the facility and staff are ready. The item will be placed on a future agenda.

C. SELPA/Special Education, *Eli Gallup*

Gallup reported lots of moving of classrooms. Currently Sp Ed is working with NCSD to lease their old district office.

ESY is in its 2nd week. Years past ESY was held at Scotts Flat; now they are at Inn Town Campground in Nevada City, a safer location.

Gallup and Waddle are working with the coordinator on the expanded learning opportunities grant. Some activities include cooking and engaging with reptiles.

SELPA Local Plan was submitted, the funding model discussion continues. General Education population has shrunk, while Special Education population has grown.

10. Action Items

- A. Shall the Nevada County Board of Education approve the 2022-23 Consolidated Application, Part Two Report? (*page 6*)

On a motion by Johnson and seconded by Baker, the Nevada County Board of Education approved the 2022-23 Consolidated Application, Part Two Report; all in favor; motion passed unanimously.

- B. Shall the Nevada County Board of Education approve the 2023-24 Local Control and Accountability Plan (LCAP)? *(page 26)*

Corker presented the NCSOS 2023-24 LCAP. Waddle addressed budget questions of the Board. The Board expressed appreciation over the details reported in this living document.

On a motion by May and seconded by Clarabut, the Nevada County Board of Education approved the 2023-24 Local Control and Accountability Plan (LCAP); all in favor; motion passed unanimously.

- C. Shall the Nevada County Board of Education approve the NCSOS Special Day Class Additional Technical Support and Improvement (ATSI) Plan? *(page 92)*

On a motion by Johnson and seconded by Baker, the Nevada County Board of Education approved the NCSOS Special Day Class Additional Technical Support and Improvement (ATSI) Plan; all in favor; motion passed unanimously.

- D. Shall the Nevada County Board of Education adopt *Resolution 23-05*, Blanket Transfer Resolution to the FY2022-23 budget? *(page 110)* **ROLL CALL VOTE**

On a motion by Clarabut and seconded by Johnson, the Nevada County Board of Education adopted *Resolution 23-05*, Blanket Transfer Resolution to the FY2022-23 budget; by roll call vote; all in favor; motion passed unanimously.

- E. Shall the Nevada County Board of Education approve the 2023-24 Proposed Consolidated Budget of the Nevada County Superintendent of Schools, Nevada County Special Education Services, Nevada County SELPA, and Child Development Budget (EC 1620, 1622, 33129, 52066, 52067 and 52068)? *(page 111)*

Waddle walked the Board through a PowerPoint going over the County Office Funds which include the General Fund; Special Education Fund; SELPA Administration Fund; SELPA Pass Through Fund; and the Child Development Fund.

Revenue highlights included Cost of Living increase to LCFF of 8.22%; County ADA decrease of \$21,304; decreased ADA Funding for EJ of \$108,043; continued additional LCFF Funding of \$175,000 per district; continued Federal funding for learning loss resulting from COVID; and continued Local Funding for BCBA and RBT positions.

Expenditure highlights included Cost of Living increase for NCSOS Staff of 5% (excluding Special Ed bargaining units); increase to health and wellness contribution; increase to PERS contributions; closure of EJ; continued Federal funding for learning loss resulting from COVID; continued employment and reimbursement of BCBA and RBT positions; capital improvements for McCourtney Road Site.

Waddle answered questions of the Board, noting NCSOS is very fiscally stable.

On a motion by Clarabut and seconded by May, the Nevada County Board of Education approved the 2023-24 Proposed Consolidated Budget of the Nevada County Superintendent of Schools, Nevada County Special Education Services, Nevada County SELPA, and Child Development Budget (EC 1620, 1622, 33129, 52066, 52067 and 52068); all in favor; motion passed unanimously.

- F. Shall the Nevada County Board of Education approve the Annual Workers' Compensation Certificate regarding self-insured workers' compensation claims for FY2023-24? *(page 190)*

On a motion by Clarabut and seconded by May, the Nevada County Board of Education approved the Annual Workers' Compensation Certificate regarding self-insured workers' compensation claims for FY2023-24; all in favor; motion passed unanimously.

11. Information/Discussion Items

- A. NCSOS 2022-23 Local Indicators Report *(page 191)*

Corker presented the NCSOS 2022-23 Local Indicators Report and mentioned that the Countywide Plan for Expelled Youth will be revised in the near future as EJ transitions over to John Muir Charter School.

- B. 2023-24 COE Summary Support for School Districts *(page 202)*

- C. NCSOS Teacher of the Year – Scott Spackman, Special Ed Programs *(page 212)*

12. Board Reports

- A. SARB, *Heino Nicolai*

Nicolai reported only one hearing was held this year. Two families attended and received needed services. Four families were no-shows. The DA and law enforcement are moving forward in taking a proactive approach on offenders to hold parents accountable.

- B. Legislative, *Julie Baker*

Baker reported waiting on the Governor’s Budget; he has 12 days to sign, approve without signing, or veto a bill; negotiations are taking place; amendments may be made; may table some items; should hear something soon.

- C. Charter Liaison, *Timothy May and Louise Johnson* – no report.

- D. Individual Board Reports – no reports

13. Adjournment

Next Meeting Date: July 12, 2023

Heino Nicolai, Board President
Nevada County Board of Education

July 12, 2023

Date

Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]

District Name: Nevada County Office of Education

Person completing this form: Scott W. Lay
Title: Superintendent

Quarterly Report Submission Date: January 2023 (for Oct-Dec 2022)
 April 2023 (for Jan-Mar 2023)
 July 2023 (for Apr-Jun 2023)
 October 2023 (for Jul-Sep 2023)

Date for information to be reported publicly at a governing board meeting: July 12, 2023.

Please check the box that applies:

- No complaints were filed with any school in the district during the quarter indicated above.
- Complaints were filed with schools in the county programs during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignments	0		
Facilities Conditions	0		
TOTALS	0		

Signature of County Superintendent

Scott W. Lay

Print Name of County Superintendent

July 12, 2023

Date



SCOTT W. LAY, SUPERINTENDENT

380 Crown Point Circle
Grass Valley, CA 95945
530-478-6400 · fax 530-478-6410

Memorandum

TO: President Heino Nicolai and Nevada County Board of Education Members

FROM: Marea Filmer, Human Resources Analyst

BOARD MEETING DATE: July 12, 2023

DATE PREPARED: June 30, 2023

AGENDA: Informational Item

TITLE: Temporary County Certificates issued for 2022/2023

RECOMMENDED MOTION: Informational item only, no motion needed.

BACKGROUND:

The Commission on Teacher Credentialing (CTC) authorizes the County office to issue Temporary County Certificates (TCC) to qualified educators that have the proper qualifications whose applications are being processed by the CTC to obtain a valid credential or permit. The purpose of the TCC is to authorize salary payments during this timeframe. (EC 44332)

Attached is a list of individuals in our county who were issued Temporary County Certificates during the 2022/2023 school year.

IMPACT:

The Temporary County Certificate authorizes salary payments to working educators while they obtain a valid credential or permit from the Commission on Teacher Credentialing. There is no fiscal impact.

Temporary County Certificates 2022/2023

Last	First	Date	PRSD	GV	NCSOS Sp Ed	Muir	EPIC	NUJHSD	Other Charter/District	Reason
Wilson	Trinity	7/1/2022							Penn Valley	Variable Term Waiver - Administrative Services Credential
Bishop	Gordon	7/1/2022					X		Penn Valley	Preliminary Admin Services Credential
Bellefontaine	Bonnie	7/1/2022							Chicago Park	Emergency 30-Day Substitute Teaching Permit
Handley	Carlin	7/1/2022					X			Single Subject Biological Sciences
Mayer	William	7/1/2022					X			Renewal Single Subject - Chemistry & Physics
Dow	Michael	7/1/2022					X			Renewal Single Subject - Math
Praido	Gabriel	7/1/2022		X						Variable Term Waiver Renewal - Admin Services Credential
Johnson	Lea	7/1/2022				X				Short Term Staff Permit - Multiple Subject
Souza	Claire	7/1/2022	X						Forest Charter	Adding a Supplementary Authorization - Math
Greenpine	Hannah	8/1/2022								Extension of Single Subject Social Science
Strawser	Lindsay	8/1/2022			X					Out of State Education Specialist - Mild to Moderate Support Needs
Horton	Joshua	8/1/2022	X							Short Term Staff Permit - Single Subject Music
Pritchard	Reed	8/1/2022					X			Short Term Staff Permit - Single Subject Agriculture
Louden	Mary	9/1/2022								Emergency CLAD Permit
Lerche	Ella	8/1/2022		X						Special Education Limited Assignment Permit - Mild/Moderate
Yzaquira	Danielle	8/1/2022							NCSA	Renewal of Multiple Subject Credential
Stocker	Bernadette	8/1/2022							Penn Valley	Adding Supplementary Authorization - Social Science
Highsmith	Michelle	8/2/2022			X					Short Term Staff Permit - Special Ed Extensive Support Needs
Connor	Rebecca	8/4/2022	X							Preliminary Education Specialist - Mild/Moderate
Ruckrich	Phillip	8/5/2022							Twin Ridges Elem	General Education Limited Assignment Permit - Multiple Subject
Dunbar	Zachary	8/5/2022		X						Out of State Single Subject - Social Science
Pelligrini	Mario	8/5/2022					X			Short Term Staff Permit - Multiple Subject
Castanon	Alessa	8/5/2022								Provisional Internship Permit - Multiple Subject
Collins	Ysabella	8/8/2022				X				Short Term Staff Permit - Extensive Support Needs
Murd	Hollie	8/9/2022							Yuba River	Variable Term Waiver - Multiple Subject
Pope	Lee	8/10/2022							Yuba River	Renewal of Multiple Subject Credential
Davidson	Jillene	8/11/2022					X			Short Term Staff Permit - Single Subject Art
Sims	Cynthia	8/11/2022					X			Short Term Staff Permit - Mid/Moderate
Kamba	Eileen	8/11/2022					X			Bridge Authorization - Extensive Support Needs
Dunbar	Mararet	8/12/2022				X				Short Term Staff Permit - Multiple Subject
Mejia	Noemi	8/15/2022					X			Provisional Internship Permit - Multiple Subject
Doherty	Debra	8/16/2022		X						Child Development Associate Teacher Permit
Brough	Josh	8/17/2022				X				Emergency CLAD Permit
Schoensee	Anthony	8/25/2022							NCSA	Provisional Internship Permit - Multiple Subject
Montoya	Nicholas	9/1/2022				X				Renewal of Single Subject Social Science
Rodriguez-	Norma	9/1/2022				X				Short Term Staff Permit - Multiple Subject
Siroeve	Kristina	9/1/2022								Emergency Teacher Librarian Services
Jamison	Connor	9/2/2022					X			Short Term Staff Permit - Music
Pelligrini	Mario	9/6/2022		X						Short Term Staff Permit - Single Subject Math
Weddle	Dylan	9/12/2022					X			Preliminary Career Tech Ed - Business and Agriculture
Weaver	Natalie	9/16/2022							Union Hill	Child Development Master Teacher Permit
Bye	Colleen	9/19/2022				X				Short Term Staff Permit - Multiple Subject
Wingart	Ramona	9/19/2022				X				Renewal 30 Day Sub Permit
Hage	Stephanie	9/24/2022				X				Short Term Staff Permit - Multiple Subject
Mathias	Tanner	10/1/2022			X					Renewal of Prospective Sub Permit
Callaghan	Mathew	10/1/2022				X				Short Term Staff Permit - Multiple Subject
Pelzman	Michelle	10/10/2022							Twin Ridges HS	Short Term Staff Permit - Multiple Subject
Keeney	Kimberley	11/1/2022			X					Short Term Staff Permit - Extensive Support Needs
Jimenez	Army	11/7/2022				X				Short Term Staff Permit - Multiple Subject
Fernandez	Shirley	12/1/2022							Union Hill	Renewal of Multiple Subject Credential
Phillips	Sara	12/2/2022							NCSA	Short Term Staff Permit - Mild Moderate Support Needs
Lemmons	Susan	1/1/2023							Clear Creek	Renewal of Multiple Subject Credential
Walker	Sally	1/1/2023							Union Hill	30 Day Sub Permit
Rydd	Karil	1/9/2023							Twin Ridges HS	Waiver - Basic Skills
Byrne	Cheryl	2/1/2023							Penn Valley	Renewal of Multiple Subject Credential
Hansen	Andrea	2/1/2023							Clear Creek	Renewal of Multiple Subject Credential
Schoensee	Anthony	2/7/2023							NCSA	Provisional Internship Permit - Multiple Subject
Noe	Aaron	3/1/2023				X				Renewal of Single Subject Social Science
Patton	Sarah	3/1/2023							NCSA	Short Term Staff Permit - Multiple Subject
Aaron	Karla	3/1/2023					X			Preliminary Admin Services Credential
Oliver	Kayla	3/27/2023							Union Hill	Associate Teacher Child Development Permit
Frankis	Kristine	3/28/2023							Union Hill	Preliminary School Nurse Services Credential
Creamer	Renee	5/1/2023					X			Out of State Preliminary Multiple Subject
Pughes	September	5/1/2023								Renewal Single Subject Credential - Math
Wilfite	Dominie	8/1/2023					X		Penn Valley	Renewal Pupil Personnel Services School Counseling
Total Permits Issued										65

**Nevada County School Boards:
An Educational Opportunity**

2022-2023 Nevada County Grand Jury

Report Date: May 16, 2023

Release Date: June 21, 2023

Summary

The 2022-2023 Nevada County Grand Jury investigated a citizen complaint regarding a Board of Trustees October 5, 2022, meeting of the Nevada Joint Union High School District. At this meeting, multiple Trustees spoke in favor of candidates running for open positions on the Nevada Joint Union High School District Board.

The campaigning actions of the Trustees may have violated Education Code 7054. This law is also specifically referenced in the Board Policy for Nevada Joint Union High School District (Board Policy 1160). Even if not directly identified as a board policy, all school boards are subject to the laws included in the California Education Code.

The October meeting was held less than two months after the Nevada Joint Union High School District Board received Legal and Parliamentary Board Training provided by the California School Board Association. This training included presentations on trustees' obligations relative to federal, state and local directives, board meeting procedures, and The Brown Act. The Jury found no evidence that training specific to political campaigning was included. Non-compliance with the California Education Code could lead to undermining the integrity and transparency of this institution.

The 2022-2023 Nevada County Grand Jury recommends actions be taken by the County Superintendent of Schools and school district boards to prevent future inappropriate campaign behavior.

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Background

The Nevada County Grand Jury (Jury) is mandated by the State of California to investigate and report on local governments, including school boards.

Responding to a citizen complaint regarding political campaigning by Trustees at the Nevada Joint Union High School District (NJUHSD) Board of Trustees (Board) meeting held October 5, 2022, the Jury found that political campaigning occurred. Political campaigning during a board meeting may violate State Education Code, and school Board policy. The Jury determined a report to the public would shed light on the events of October 5, 2022, and address opportunities to prevent future occurrences.

The following provides basic information about school districts in Western Nevada County (County), how they are organized, and a brief summary of their roles and responsibilities. The Discussion Section addresses the October 5 issue, and identifies lessons learned from that event.

Nevada County School Districts

The public K-12 education system in the County, not including Truckee schools,¹ is comprised of eight elementary school districts, one high school district and seven independent (non-district) charter schools. As of August 2022, almost 11,000 students attend one of 36 schools across the County.² Due to the rural nature of the County, school districts are small in comparison to urban districts. The smallest school district in the County (Clear Creek) consists of only one school; the largest (NJUHSD) supports five schools.

Each of the nine school districts is governed by a Board of Trustees, comprised of five members, elected by voters within those districts. These elected officials serve a four-year term, with elections staggered so that there are Board openings every two years. The independent Charter Schools in the County are overseen by individual governing boards/councils, comprised of parents and community members, and are therefore not elected public officials.

Each board is responsible for hiring a district superintendent. As the chief executive officer of the district, the Superintendent implements board decisions as well as manages the instructional and non-instructional operations of the schools. The Superintendent also supports board operations and decision making.

The Nevada County Office of Education (NCOE) and County Superintendent of Schools (NCSOS) provide support services to local school districts, such as special education, alternative education, independent study programs, and administrative services.

¹ The Tahoe-Truckee Unified School District is under the jurisdiction of the Placer County Office of Education.

² 2021-2022 Enrollment Summary – October 2021, Grades Tk-12

<https://nevco.org/wp-content/uploads/2023/03/Enrollment-Report-All-County-3-20-23.pdf>

School Board Roles and Responsibilities

The role of a school board is to be responsive to the values and priorities of its community and to provide leadership and citizen oversight to the district. In general, a school board is tasked to:

- Set the direction for the schools in the district
- Establish an efficient and effective organizational structure
- Provide support to the superintendent and staff
- Ensure accountability to the public for the performance of the district's schools
- Provide community leadership and advocacy on behalf of students

School Board Governance and Accountability

California School Boards are primarily governed by State laws contained in the California Education Code (Ed Code). The Ed Code is a collection of hundreds of state laws concerning public K-12 education in the state. School boards must also abide by the bylaws and policies of the individual school district they serve. In Nevada County, all school districts abide by similar, if not identical, sets of bylaws and policies. Ideally, this provides consistency within school districts across the County.

In 1953, in response to public concerns over undisclosed meetings held by local elected officials, the State Legislature passed the Ralph M. Brown Act (the Brown Act), California Government Code 54950 *et. seq.* This law guarantees the public's right to attend and participate in meetings of local legislative bodies, including school districts. Per this law, monthly meetings are to be held at a set time and place; agendas are to be published 72 hours prior to meetings, and the public is invited to attend meetings and make comments. Both agendas and meeting minutes are made accessible to the public.

Each school district in the County has a website where board meeting information, agendas and minutes are made available to the public. All district websites also publish Board Policies (BP) and Bylaws or Administrative Regulations (AR).

Approach

A District-produced video recording of the NJUHSD Board meeting of October 5, 2022, is available on the NJUHSD website. The Jury reviewed this video and validated the allegations contained in the complaint. In addition, the Jury interviewed the complainant and district personnel familiar with the incident. The Jury also reviewed relevant government codes and school board policies.

Discussion

In October 5, 2022, the NJUHSD Board held its monthly meeting. The normal start time of 6pm was changed to 3pm to accommodate a teacher-recognition ceremony later in the day, that may have affected public attendance. In the *Reports from Board Trustees* portion of the agenda, a majority of the five Trustees used their individual report times to speak in favor of two of the six candidates running for Board vacancies in the upcoming November election. Some spoke from prepared statements and others spoke extemporaneously. Because the Trustees' campaigning statements were presented during the Individual Reports section of the agenda, the campaign comments were not available to the public prior to the meeting.

The Board meeting was held on district grounds (at Nevada -Joint Union High School), and broadcast for live streaming. The agenda, minutes, and video recording of this meeting are all available on the NJUHSD website.

The Trustees' campaigning actions may have violated California Education Code (Ed Code) 7054, adopted by the State Legislature in 1977 and amended in 2011.

The code states:

(a) No school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district.

The code also states:

(c) A violation of this section shall be a misdemeanor or felony punishable by imprisonment in a county jail not exceeding one year or by a fine not exceeding one thousand dollars (\$1,000), or by both, or imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or two or three years.³

This law is also specifically referenced in the Board Policy for NJUHSD (BP 1160) and other Nevada County school districts. All districts are subject to the laws and statutes included in the Ed Code.

The inappropriateness of the campaigning Trustees' actions was called into question by another Board member, as well as a member of the public in attendance. Despite several cautions to refrain from campaigning, the political comments continued until all Trustees had completed their reports. Subsequent to the meeting, an article describing and commenting on the events of that meeting was published by local media.⁴

The school district's legal counsel was not present at the meeting. This was not unusual as legal counsel's presence is rarely necessary. The public expects school board trustees to understand and comply with the law, policies, and codes that govern Board member behavior. The NJUHSD BP 1160 states that "(t)he Board and/or Superintendent shall provide an orientation to newly

³ https://california.public.law/codes/ca_educ_code_section_7054

⁴ <https://yubanet.com/regional/njuhsd-trustees-seeley-drew-and-hinman-flunk-ethics-101/>

elected or appointed Board members which includes comprehensive information regarding Board roles, policies and procedures...”

The October 5 meeting was held less than two months after the NJUHSD Board received Legal and Parliamentary Board Training provided by the California School Board Association (CSBA). This training included presentations on obligations of trustees relative to federal, state and local directives, board meeting procedures, and the Brown Act. The Jury found no evidence that training specific to restrictions on political campaigning was included.

None of the members of the NJUHSD Board who advocated for specific candidates are currently serving. Following the election of November 2022, a new Board was installed, and training specific to ethics was provided to all current NJUHSD trustees.

The fact that penalties may be incurred for violations of EC 7054 indicates the seriousness behind the law’s intent. School board trustees are not allowed to use district resources or facilities to promote any candidate for political office. Non-compliance with this law could lead to undermining the integrity and transparency of this institution.

Finding

- F1** The Jury finds that legal, ethical and Brown Act Training, required for all Board members across the County, should address laws regarding political campaigning.

Recommendations

The Nevada County Grand Jury recommends Nevada County Superintendent of Schools and the Trustees in all County school districts implement the following recommendations.

- R1** The Jury recommends that the Nevada County Superintendent of Schools provide campaign behavior training for Trustees across all school districts, including the Nevada County Board of Education, that supplements the legal and ethical training already required.
- R2** The Jury recommends that Trustees in all County school districts including the Nevada County Board of Education, provide evidence of completion of campaign behavior training for Trustees that is supplemental to the legal and ethical training, already required and that evidence is disclosed to the public on school district board meeting agendas/minutes.

Request for Responses

Pursuant to Penal Code section 933.05, responses are required from the following:

- Scott Lay, Nevada County Superintendent of Schools (Finding 1 and Recommendation 1) within 60 days
- All Western Nevada County District School Boards, including the Nevada County Board of Education (Finding 1 and R2) within 90 days

All responses are to be addressed to the Supervising Judge of the Grand Jury:

The Honorable Scott Thomsen
Supervising Judge of the Grand Jury
201 Church Street
Nevada City, California 95959

Glossary

AR	Administrative Regulation
Board	Nevada Joint Union High School District Board of Trustees
BP	Board Policy
County	Western Nevada County
CSBA	California School Board Association
Ed Code	California Education Code
Jury	2022-2023 Nevada County Grand Jury
NCOE	Nevada County Office of Education
NCSOS	Nevada County Superintendent of Schools
NJUHSD	Nevada Joint Union High School District
State	State of California



Nevada County
Superintendent of Schools

SCOTT W. LAY, SUPERINTENDENT

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Grass Valley, CA 95945
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June 23, 2023

The Honorable Judge Scott Thomsen
Supervising judge of the Grand Jury
201 Church Street
Nevada City, CA 95959

Dear Honorable Judge Scott Thomsen:

The following is the required response to the June 15, 2023 Nevada County Grand Jury report titled "*Nevada County School Boards: An Educational Opportunity*".

As Nevada County Superintendent of Schools, I agree with the finding that legal, ethical and Brown Act Training, required for all Board members across the County, should address laws regarding political campaigning.

I also agree with the recommendations that Nevada County Superintendent of Schools provide campaign behavior training for Trustees across all school districts, including the Nevada County Board of Education, that supplements the legal and ethical training already required. Although my office cannot mandate training by school board members, we currently offer biennial board governance training for all school district, charter, and county board trustees on election years. Attendance is strongly encouraged by us. Starting in the 2023/2024 school year, we will add a section on Ed Code 7054 – Political Activities of School Officers and Employees.

Sincerely,

Scott W. Lay
Nevada County Superintendent of Schools