



**2008-2009 SANTA CLARA COUNTY
CIVIL GRAND JURY REPORT**

**BOARD OF TRUSTEES
OF LUTHER BURBANK SCHOOL DISTRICT (LBSD)
GETS AN “F”**

Summary

Board of Trustees Report Card		
#	Subject	Grade
1	Board Conduct	F
2	Board President Conduct	F
3	Board President Conflict of Interest	F
4	Form 700 Obligations	D-
5	Brown Act Compliance	F
6	Hiring of Interim Superintendent	F
7	Board Appointments	F
8	Board Meetings	F
9	School Bond Obligations	F
10	Financial Management and Oversight	I
11	Volunteers: Protecting Students from Sexual Predators and Communicable Disease	F
12	Commitment to Superior Court	F
	“I” = Incomplete	
	Overall Grade	F

The Board of Trustees (Board) has not fulfilled its legal, ethical and financial obligations to the District. The problems with the Board’s governing practices are severe and systemic. Without immediate intervention and corrective action, the Grand Jury believes that the Board will continue to demoralize the Luther Burbank School District (LBSD) staff and weaken LBSD performance.

The LBSD is a small 100-year-old one-school district with 575 (K-8) students. The LBSD parent and student population is predominately Hispanic and considered economically disadvantaged. For many families, LBSD provides the best hope for a quality education.

The school has made significant academic progress in the last seven (7) years and has raised its Academic Performance Index (API) from 530 (2001) to 763 (2007). The LBSD teachers, principal, and administrative staff have created a nurturing environment which fosters academic excellence and inspires both students and parents.

The Board is charged with providing direction and oversight for LBSD and accountability to the LBSD community. The Board has not fulfilled its legal, ethical and financial obligations to the District. The problems with the Board's governing practices are severe and systemic. Without immediate intervention and corrective action, the Board will continue to demoralize LBSD staff, undermine the gains the school has made, and compromise LBSD performance.

Grand Jury Investigation

Based upon citizen complaints and the importance of Board obligations to the public, the Grand Jury conducted an investigation which included, but was not limited to:

- Review of LBSD documents:
 - Board Minutes for regular and special meetings from September 2005 through February 2009
 - Board Agendas
 - Board Policy
 - Renovation and Measure A construction contracts
 - Nigro, Nigro and White June 30, 2008 Audit
 - Vavrinek, Trine, Day and Company Audit
 - Form 700s submitted by each Trustee from the date of their election/appointment through April 2009
 - Form 700 submitted by interim Superintendent
 - Former and interim superintendents' contracts
 - District postings in local newspapers
 - District website
- Review of other documents:
 - Santa Clara County deputy sheriff CAD sheet reports and dispatch records
 - Construction contracts between Perez Woodworking and Blach Construction (BCC) and Cinnabar Winery (CW)
 - Entertainment activities provided to LBSD by BCC
 - Salinas police reports and newspaper articles related to the interim Superintendent
 - CSBA Master of Governance instructional material
 - Education Code
 - California Government Code, including the Brown Act and the Fair Political Practices Act
 - California Latino Superintendents Association (CALSA) website

- Interviews:
 - Eighteen (18) interviews, including the Board, LBSD teachers and staff, the former Superintendent, parents of the LBSD community, employees of the Santa Clara County Board of Education (SCCOE), building contractors, clients of Perez Woodworking
- Grand Jury attendance at LBSD Board meetings

#1 – Board Conduct (“F”)

Background – Board Policy (§9271) states that “each Board member shall consider his/her position on the Board as a public trust.”

The California School Boards Association (CSBA) is a non-profit collaborative group of more than 1,000 schools and county offices of education. They are a recognized authority on and support for school governance. The CSBA recommends that boards govern in a dignified and professional manner, treating everyone with civility and respect.

The CSBA states that the role and responsibilities of the Board include:

- Setting direction for the District
- Establishing an effective and efficient structure for the District
- Providing support to the superintendent and staff
- Ensuring accountability to the public
- Acting as community leaders

As the only elected officials specifically charged with representing the interests of school children, the Board has a responsibility to be a positive advocate and to build support within their community. This requires the Board to recognize and respect differences of perspective among the board, staff, students and parents.

The CSBA also states that the Board must have unity of purpose and must:

- Operate openly, with trust and integrity
- Govern in a dignified and professional manner
- Ensure opportunities for the diverse range of views in the community to have a voice in board deliberations
- Take collective responsibility for the Board’s performance

Furthermore, since the authority rests with the Board as a whole, and not with individual members, the obligation is upon the Board as a whole to be accountable to the public.

The Board members have abdicated their responsibility to the Board President to the detriment of the teachers, staff, students and parents of LBSD. It is imperative that the Board build a positive, open and accountable relationship with the teachers, staff, parents and students at LBSD.

Findings and Recommendations

Finding 1

The Board individually and collectively has failed its obligation to the public.

Specifically, the Board:

- a. Has failed to self-police individual Board members to ensure that each member follows Board Policy and acts in a professional and responsible manner
- b. Has assumed, for the most part, a passive role at open Board meetings by generally not discussing alternative actions or questioning the recommendations of the Board President or interim Superintendent
- c. Has failed to adequately inform the public during Board meetings of the background, financial implications, options and potential consequences of Board actions
- d. Has failed to openly and actively encourage public participation at Board meetings
- e. Is not adequately serving the District's best interests

Specifically, individual Board members:

- f. Have failed in their independent responsibilities as a Board member
- g. Have failed to provide contact information on the LBSD website to enable the public to contact Board members

Recommendation 1

The Board should:

- a. Ensure that each member of the Board understands and complies with Board Policy and CSBA guidelines and take action as appropriate
- b. Actively welcome and reach out to the LBSD community to increase attendance and engage participation at all Board meetings
- c. Actively participate in Board meetings by encouraging discussion within the Board that informs the public of the background, options, and financial implications of Board actions
- d. Actively foster open communication and participation with school organizations including, School Site Council (SSC), Parent Teacher Organization (PTO), and Padres con Poder (Parents with Power) to inform them of Board meetings and school operations/issues
- e. Actively utilize the SSC as an advisory body
- f. Utilize resources and training from SCCOE and CSBA
- g. Resign

#2 – Board President Conduct (“F”)

Background – The Board Code of Ethics (Board Policy §9271) states that “each Board member shall consider his/her position on the Board as a public trust and not use it for private advantage or personal gain.” In addition, Board Policy (§9200) states that Board members “should not subordinate the education of children and youth to any partisan principle, group interest, or the member’s own personal interest.”

Board Policy is clear on the Board’s governing responsibility, and limits their role in day-to-day operations at LBSD (Board Policy §4000, §5000, §6000). The CSBA further encourages Trustees to be cautious about encroaching on the learning environment, and to ensure that a positive working climate exists.

Given the seriousness of the complaints and the importance of developing a balanced opinion, members of the Grand Jury interviewed both proponents and opponents of the Board President (Antonio Perez) and the former Superintendent. While the Grand Jury recognizes that there is not always a consensus and that various factions may seek to undermine a divergent opinion, it is essential that the Board President use good judgment, be even-handed and seek to find common ground with all members of the District and community.

There was a recognized long-term and often publically combative relationship fostered by both the Board President and the former Superintendent, as confirmed by opponents and proponents of both. While both actively cultivated supporters, the Grand Jury found that the Board President also sought to intimidate those aligned with the former Superintendent. During the former Superintendent's tenure, the Board President sought to engage various LBSD staff and teachers to discover surreptitiously who supported whom, even to the point of contacting at least one (1) individual at home during the evening.

During the November 2008 Election, the Board President also actively sought to discourage a candidate (Candidate A) from running against an incumbent Board member who was aligned with the Board President. Specific examples of this included:

- Indicating to Candidate A that she was “making waves” by running for a specific seat for which he wanted someone else
- Discouraging Candidate A by stating the Board would not support the candidate if elected
- Pledging to appoint Candidate A to a future open Board seat, if Candidate A withdrew from the race. Insinuating that a Board seat would be open soon, as another Board member's residency was suspect
- Instructing Candidate A that if elected, the candidate should “stay silent, listen and learn”
- Failing to discourage another candidate (Candidate B) from following Candidate A to determine Candidate's A residency
- Condoning Candidate B's behavior and then endorsing Candidate B even after learning of the inappropriate behavior
- Making derogatory comments about an existing Board member as well as Luther Burbank School

Candidate A was elected on November 4, 2008. As a result of the election, the Board President could no longer be assured of having the four (4) votes necessary to remove Superintendent Richard Rodriguez after Candidate A would assume office in December. On November 5, the Board President discussed his desire to remove the Superintendent at a meeting with another Board member and the District lawyer. The Board President made the decision to call a special meeting on November 7 to remove the Superintendent. The timing of the November 7 special Board meeting was a direct outcome of the November 4 election results.

There was widespread speculation and conversation within the LBSD community about the possible removal of the Superintendent in advance of the special meeting. This resulted in the attendance of an unusually large number of District staff, teachers, and community members at the special meeting. Most of those in attendance were there in support of Superintendent Richard Rodriguez.

On November 7 the special Board meeting was called to order. Board members went into closed session after members of the public offered cautionary advice to the Board on any upcoming action they might take. Upon returning from the closed session, the District lawyer announced that the Superintendent was being removed, and that Dr. Fernando Elizondo would become interim Superintendent effective immediately. The now former Superintendent Rodriguez spoke to those in attendance, wishing them well and asked them to continue the efforts to improve student test scores.

The announcement sparked heated discussion and questions from those in attendance. Without addressing the attendees' questions or concerns, the Board quickly adjourned the meeting. After adjournment, the Board President tried to avoid speaking with District staff and teachers, even though they were clearly upset by the Board's action. This culminated in a heated altercation between an LBSD teacher and the Board President. The Board President was described as verbally and physically threatening by a number of those still left in attendance.

On the following day (November 8), a Board member warned the Board President that the former Superintendent might be on the LBSD site. He proceeded to the site, obtained keys from the former Superintendent, and eventually escorted him off site. During that time, the Board President also had another run-in with the same teacher he had the altercation with the previous night. He reported that he attempted to apologize to the teacher but the teacher refused the apology. The Board President then called the County Sheriff's Office and reported that he was performing a "lockdown" of the school for the weekend and needed an "escort" to clear the site. Dispatch records also indicate that he told the Sheriff's Office that one of the teachers on site was "hostile." Before this action, no direct request was made to the teacher or other District personnel to leave the site. An officer arrived and escorted the teacher off site without incident, while the Board President and another Board member observed. The locksmith changed the District office locks that day.

After the departure of the former Superintendent, the Board President had the opportunity to positively reach out to the supporters of the former Superintendent. Instead he refused to engage them in discussion. Months after the departure of the former Superintendent it appears his intent is to remove or demote LBSD staff that had actively supported the former Superintendent.

Under the guise of budget constraints a number of positions have been eliminated or targeted for action. It is disturbing that many of the affected individuals had been supporters of the former superintendent. In fact, the Curriculum Director, school secretary, school clerk, and HR/District Secretary all have received notification that their current positions may either see a reduction in hours, undergo re-designation, and/or possible elimination. These individuals have been with LBSD for many years.

Mr. Perez recently started his third consecutive term as Board President contrary to Board Policy (§9320), which states that officers should be rotated (i.e., not serve consecutive terms). Furthermore, he started his third term as Board President after proclamation by the interim Superintendent and without a vote of the Board.

Finding 2

The Board President has cultivated a hostile authoritarian environment characterized by disrespect, intimidation, and the appearance of retaliation. The Board President has also inserted himself and his influence into the day-to-day operations of Luther Burbank Elementary School contrary to Board Policy (§4000, §5000, §6000).

Specifically the Board President:

As it pertains to Board presidency:

- a. Continues to serve as Board President for a third term of office despite not being duly elected by the Board
- b. Intimidated a LBSD teacher after a Board meeting and retaliated by requesting removal of said teacher from school premises by a county sheriff officer the following day
- c. Applied an overly aggressive approach to changing the locks on the District office, by calling for a complete “lock down” of school premises, disturbing teachers’ routine work practices

As it pertains to Board meetings:

- d. Orchestrated the timing of the November 7, 2008 special Board meeting because he was unsure that there would be adequate votes to buy out the former Superintendent’s contract after Ms. Ortiz (the incumbent) was defeated in the November 2008, Election.
- e. Failed to recuse himself from discussion and the resulting vote related to the buy-out of the Superintendent’s contract despite their recognized mutual long-term animosity and public conflict
- f. Used his position as Board President to recommend and influence the hiring of the interim Superintendent immediately upon release of the former Superintendent without meeting the requirements of Education Code (§45125 (c),(g))

The Grand Jury makes no finding as to the merits of the decision to buy out the former Superintendent’s contract.

As it pertains to LBSD Staff:

- g.** Has created a repressive environment and adversely affected the morale of teachers and staff by:
 - (i) Removing a teacher from campus
 - (ii) Contacting various District employees to surreptitiously obtain inappropriate information about District staff
 - (iii) Aggressively confronting District staff
 - (iv) Surprising staff by attending a classified staff meeting unannounced where potential layoffs were being discussed
- h.** Circumvented the Superintendent in a personnel matter involving a school janitor by directing a member of the LBSD administrative staff to provide him with access to the employee's LBSD confidential personnel file and attempting to obtain the employee's fingerprint results from the Santa Clara County Office of Education (SCCOE)
- i.** Failed to display leadership by publicly and privately fostering the long term mutual animosity between himself and the former Superintendent
- j.** Appears to have orchestrated actions against LBSD staff who had been supporters of the previous superintendent by eliminating certain positions, cutting hours, or demoting specific staff members.

As it pertains to November 2008 Board Election:

- k.** Endorsed Candidate B with the knowledge that Candidate B had been following Candidate A's movements on several occasions
- l.** Actively sought to discourage Candidate A from running against another member of the Board in a recent election
- m.** Unilaterally promised to appoint Candidate A to a future open Board seat, if Candidate A withdrew from the race.

Recommendation 2

Mr. Perez should:

- a.** Resign as Board President

The Board should:

- b.** Conduct an immediate election for Board President, whereby the president is duly elected by the majority of the Board and conduct said election in full compliance with Board Policy (§9320)

The Board President should:

- c. Comply with the recommendations of the CSBA to govern in a dignified and professional manner, treat everyone with civility and respect, not encroach on the learning environment, and ensure that a positive working climate exists
- d. Comply with Board Policy §9271 (Code of Ethics), Board Policy §9200 (Conflict of Interest obligations), and Board Policy §4000, §5000, and §6000 (Governance Role)

#3 – Board President Conflict of Interest (“F”)

Background – LBSD Board Policy §9270, The Political Reform Act (Government Code §87100 et. seq., §87500 et. seq., Government Code (§1090 et. seq.)), establish the importance of avoiding real or perceived conflict of interest. In addition, Board Policy §9271 states that “each Board member shall consider his/her position on the Board as a public trust and not use it for private advantage or personal gain.” Furthermore, because LBSD has adopted a conflict of interest policy §9270, Government Code §87300 holds that this policy has the force of law.

Board member Perez owns Perez Woodworking (PWW). He also has an ongoing personal relationship with the Chief Estimator at BCC. PWW entered into a business relationship (unrelated to LBSD) with BCC in August 2003. Two (2) more times during Mr. Perez’ tenure as a member of the LBSD Board (July 2006 and March 2007), PWW was a subcontractor for or worked under the direction of BCC for two (2) additional construction projects unrelated to LBSD. The total value of the three (3) contracts with PWW was \$192,615 (see chart below).

The business relationship between PWW and BCC created an apparent conflict of interest as early as 2004. In September 2004, Board member Perez recommended that a Construction Manager be hired to oversee the Modernization Project at LBSD against the recommendation of the architect. Over a period of several months the Board discussed, considered and ultimately hired BCC as the Construction Manager in January 2005.

As mentioned above, in March 2007, PWW entered into a contract with CW (not related to LBSD) at the recommendation of and under the direction of BCC. The total revenue received by PWW was \$114,216 for this construction project. Four (4) months later, in July 2007, now Board President Perez made the motion to engage BCC for a LBSD construction project for \$924,543. The Board approved the motion made by Board President Perez.

During the period of time that Board member Perez recommended that a construction manager be hired for the LBSD modernization project, and until the present time, Board member Perez never disclosed his business relationship with BCC, despite having numerous opportunities to do so (Appendix A). Board minutes confirm that Board

member Perez discussed the selection of BCC, voted on and even made and seconded motions to approve contracts with BCC.

**Contracts between PWW and BCC
and Partial List of Actions Taken by Mr. Perez as LBSD Board Member**

Date	Contract	PWW Non- LBSD Projects	BCC LBSD Projects (partial list)
8/03 to 8/04	Perez Woodworking Contract #1 (BCC)	\$ 60,378	
9/14/04	Mr. Perez makes motion to hire a construction manager for the modernization project		
11/9/04	First mention of BCC as possible candidate for construction manager position in Board minutes		
1/11/05	First contract approved by the Board with BCC (construction manager)		\$315,000
3/14/06	Mr. Perez makes motion to approve contract with BCC		\$ 36,210
7/20/06	Perez Woodworking Contract #2 (BCC)	\$ 18,021	
3/13/07	Perez Woodworking Contract #3 (CW/BCC)	\$114,216	
7/17/07	Mr. Perez makes motion to approve contract with BCC		\$924,543
6/10/08	Mr. Perez seconds motion to approve contract with BCC		\$471,746
6/10/08	Mr. Perez has undisclosed dinner with executive of BCC		
Total PWW Revenue through January 2009 from BCC		\$192,615	

Board member Perez's relationship with BBC and his position as a Board member created conflict of interest under state law and Board policy. Under certain conflict of interest provisions, he cannot cure the conflict of interest by disclosing his interest and recusing himself. Under other conflict of interest provisions, he can avoid the conflict by disclosing his business relationship and recusing himself. Regardless, Board member Perez never disclosed his relationship with BBC at any time.

Even though the contracts mentioned above involve BCC and CW, it is Board member Perez, as an elected official, who is subject to conflict of interest laws. Thus, it is Board member Perez who is obligated under the law to avoid conflict of interests. The Civil Grand Jury makes no findings and does not intend to imply that there was any misconduct by BCC or CW.

Finding 3

Board member Antonio Perez has failed to fulfill his ethical and legal obligations in the discharge of his duties as it relates to the avoidance of real or perceived conflict of interest, and the use of his Board position for personal gain.

Specifically, Board member Perez, for Modernization and Measure A projects:

- a. Made the motion to approve a contract with BCC for \$924,543 four (4) months after Perez Woodworking entered into a six-figure contract with an existing BCC client and under the direction of BCC.
- b. Voted on the selection of BCC and construction-related issues on at least thirty (30) occasions.
- c. Failed to disclose to the Board and the public his personal relationship with BCC's Chief Estimator and his business relationship with BCC on at least thirty (30) occasions where LBSD construction projects were on the Board agenda.
- d. Failed to recuse himself from discussion and the resulting vote on at least eleven (11) occasions related to the hiring of BCC, and subsequent BCC project construction decisions at LBSD.

Recommendation 3

The Grand Jury recommends that:

- a. The Board President should immediately comply with Board Policy (§9270 Conflict of Interest), §9271(Personal Gain), and the Political Reform Act.
- b. The Board President should determine if his business relationships through PWW create an incurable conflict with his Board member obligations.
- c. The Board President should disclose all perceived or actual conflicts of interest on matters before the Board, and recuse himself from discussion and voting on these matters.

#4 – Form 700 Obligations (“D-”)

Background – It is important that elected officials perform their duties with a high degree of transparency, and avoid real or perceived conflict of interest in the performance of their duties. To this end, the Political Reform Act requires that Board members disqualify themselves from participating in decisions which may affect their personal economic interests. Statement of Economic Interest (Form 700) is used to disclose personal assets, income, and gifts in compliance with the Political Reform Act. The Political Reform Act, Board Policy (§9270), and SCCOE policy all require that board members and superintendents file a Form 700 with the County Clerk of the Board within 30 days of taking office and annually thereafter by April 1 of each year they hold office. Furthermore, Board Policy (§9270) also affirms that Form 700 should be filed pursuant to Government Code (§87500).

Finding 4

The Board and the interim Superintendent have not fulfilled their obligation to submit a Form 700 annually and/or have submitted a factually deficient Form 700. Specifically:

- a. The Board President failed to disclose:
 - (i) His business (PWW) and the name of each reportable source of gross income greater than \$10,000, including but possibly not limited to income from BCC
 - (ii) Interest in real property held by him or in trust and where he holds greater than a 10% interest
 - (iii) Gifts (dinners) in excess of \$50 from BCC
- b. The interim Superintendent failed to disclose gifts (golf and meals) in excess of \$50 from BCC
- c. Prior to April 2009, Board members (with the exception of two (2) members) failed to submit a Form 700 as required by the Political Reform Act

	1 st Elected or Appointed	Latest Form 700 on file
Lizandro Carrasco	February 2005	nothing on record prior to April 1, 2009
Blanca Diaz	November 1993	
Pamela Ortiz	May 2008 (1 st appointment)	
Lorraine Garza	November 2004	submitted annually
Antonio Perez	November 2002	
Fernando Elizondo, Ph.D.	November 7, 2008	

Recommendation 4

The Board and the Superintendent should:

- a. File a complete and accurate Form 700 by April 1 of each year
- b. Ensure that the Board, District administration, and designated employees complete ethics training regarding the roles and responsibilities of public officials as related to the Political Reform Act including conflicts of interest and accurate completion of Form 700

In addition:

- c. The Board President should immediately amend all Form 700s to accurately reflect his business, real property, income and gifts as required by law
- d. The interim Superintendent should immediately amend his Form 700 to accurately reflect gifts received as required by law

#5 – Brown Act Compliance (“F”)

Background – The Ralph M. Brown Act (“Brown Act”) provides for a balance between the public’s interest in open debate and disclosure, and the government’s interest in confidentiality.

It is the intent of the Brown Act (with limited exceptions) that all Board discussions and actions occur in a public forum at a properly noticed date and time. (Gov. Code §54950 et. seq.). If a majority of the Board gathers outside of a publicly noticed meeting and discusses a matter under their jurisdiction, this is a violation of the Brown Act. These gatherings can include after-Board meeting dinners, social gatherings, and even professional meetings if LBSD business is discussed. The Board should be vigilant and must always publicly notice a Board gathering (even an informal meeting) where matters under its jurisdiction are discussed, even if this is occurs outside of a regular or special Board meeting.

The Brown Act prohibits Board members from developing a collective agreement on matters under their jurisdiction (e.g., buy out of the Superintendent’s contract) if this agreement occurs outside of a publicly noticed meeting, and if this is a result of serial communications between two (2) or more Board members (Gov. Code §54952.2 – 54956.5). Serial communications can include: one-on-one meetings, telephone calls, and emails.

For example, there was widespread speculation on the details of the “employee matter” on the agenda for the closed session at the Board meeting of November 7, 2008. Witnesses reported that members of the public (outside the LBSD community) knew and informed LBSD staff that the superintendent was going to be “let go”. There appears to be two (2) failures: (i) more than two (2) members of the Board had discussed and predetermined the outcome of the Superintendent’s employment in advance of the closed session and (ii) further publicly disclosed this improperly reached decision in advance of the Board meeting where the item was on the agenda.

Finding 5

The Board appears to have failed to meet its legal obligations under the Brown Act. Specific examples include but are not limited to:

- a. Discussing and/or taking action on topics not on the agenda of closed and open sessions of the Board agenda, including but not limited to:
 - (i) Release of Superintendent and appointment of the interim Superintendent
 - (ii) Potential impact of state budget cuts on LBSD
 - (iii) Status of superintendent search

- b. Discussing outside publicly noticed board meetings, including communications by individual Board members to develop a collective concurrence to buy out the former Superintendent's contract at an upcoming board meeting
- c. Disclosing to members of the public the predetermined Board action to buy out the Superintendent's contract before the Board meeting
- d. Publicly disclosing confidential employee information and decisions intended to be discussed at a future Board closed session
- e. Speaking Spanish at open and closed session board meetings, even though at least one board member does not speak Spanish

Recommendation 5

The Board should:

- a. Discuss and/or take action only on topics that appear on the publicly noticed Board agenda (Board Policy §9320)
- b. Comply with all obligations under the Brown Act, including but not limited to, refraining from consensus building discussions outside of publicly noticed board meetings and disclosing confidential information (Gov. Code §54950 et. seq.)
- c. Receive education and training on the Brown Act from an independent third party recommended by the SCCOE
- d. In any open or closed session board meeting, deliberations and discussions among board members should be in English

#6 – Hiring of Interim Superintendent (“F”)

Background – An interim Superintendent was appointed by the Board on November 7, 2008. Education Code (§45125 (c),(g)) requires that “the governing board of a school district shall not employ a person until the Department of Justice (DOJ) completes its check of the state criminal history file” and that this “applies to substitute and temporary employees regardless of (the) length of employment.”

The Board hired the interim Superintendent at the sole recommendation of the Board President and without consideration of other options. In addition, the Board did not request or receive a resume, check references, obtain necessary DOJ clearance, obtain tuberculosis screening results, or discuss compensation before hiring the interim Superintendent on November 7, 2008.

Finding 6

The Board failed at numerous levels in the hiring of the interim Superintendent.

Specifically, the Board:

- a. Failed to follow Education Code (§45125 (c),(g)) as required. This resulted in the interim Superintendent working on school premises and having contact with students before the required DOJ background check was completed. Fingerprints for the DOJ check were not obtained until more than three (3) months after the interim Superintendent was hired.
- b. Failed to follow Santa Clara County Tuberculosis (TB) Screening Guidelines. This resulted in the interim Superintendent working on school premises and having contact with students before TB screening was obtained.
- c. Failed to interview, obtain a resume, and check references before appointing the Interim Superintendent in November 2008. Several Board members were informed about negative allegations surrounding the interim Superintendent's tenure as Superintendent of Salinas Union High School District, but failed to investigate these allegations or conduct a thorough background check before his contract was signed in December 2008.
- d. Failed to fulfill their fiscal obligation by hiring the interim Superintendent prior to determining his compensation package.

Recommendation 6

The Board should:

- a. Comply with Education Code (§45125 (c),(g)) which requires that the governing board of a school district shall not employ a person until the DOJ completes its check of the state criminal history file.
- b. Comply with Santa Clara County (TB) Screening Guidelines before hiring an employee under the Board's jurisdiction.
- c. Hire staff under their jurisdiction only after:
 - (i) Comprehensive interviews by the Board, Superintendent, principal and other key stakeholders.
 - (ii) References, fingerprinting and background checks are satisfactorily completed.
- d. Hire staff only after an employment agreement has been signed.

#7 – Board Appointments (“F”)

Background – The resignation of newly elected Board member Doreen Hassan was announced at the December 9, 2008, LBSD board meeting. The oath of office was also administered to re-elected Board members Blanca Diaz and Lorraine Garza at the same meeting. Pamela Ortiz was both publicly interviewed and provisionally appointed at the Board meeting on January 8, 2009, to the position vacated by Ms. Hassan.

Education Code §5091, §5092 applies to governing board members who are appointed rather than elected to office. These provisions include, but are not limited to:

- (i) Notice to the public announcing the provisional Trustees appointee
- (ii) Notice to the public that they have the right to object to said provisional appointee by gathering sufficient signatures to request a special election within 30 days of the provisional appointment
- (iii) Public notice in three locations and publication in a local newspaper announcing the public’s rights..

The notice of the Board vacancy created by the resignation of Ms. Hassan was handled differently than previous Board vacancies. As an example, when a Board vacancy occurred in January 2005, a note was sent to all parents notifying them of the Board vacancy and the notice appeared at various locations. In addition and at the insistence of Board member Perez, the notice was posted at the Burbank Lion’s Club, and on the LBSD marquee.

In the instance of the Hassen vacancy, public notice consisted of a posting at LBSD during a time when school was not in session and a small notice in the Post Record. Notices were not sent home to parents, not posted on the school marquee and not posted at locations off LBSD property as done in the past. The deviation from the previous LBSD practice and the timing deprived the public of the opportunity to apply for appointment or otherwise participate in the process of filling the Board vacancy. Of equal concern is that the Board President was seeking to appoint Ms. Ortiz because she was strongly aligned with him.

After the appointment of Ms. Ortiz in January 2009, the Board failed to meet the requirement of Education Code §5092 by not notifying the public of their right to request a special election within 30 days of Ms. Ortiz’ provisional appointment.

In March 2009 the Grand Jury questioned Board members about compliance with the notice procedures followed for Ms. Ortiz’ appointment. It was only after these interviews that a notice appeared in the San Jose Mercury News in April. Unfortunately, this belated notice deprived the public of their rights as the April notice indicated that the public’s right to seek a special election had expired on February 9, 2009, (two months prior to the notice and thirty days after Ms. Ortiz’ provisional appointment).

Finding 7

The Board failed to fulfill their obligation to the public as it relates to the provisional appointment of Ms. Ortiz (Education Code §5091, §5092). Specifically, the Board:

- a.** Limited the public's opportunity to seek appointment by posting three (3) notices announcing the vacancy on the Board on LBSD property during the period of time when school was not in session (December 13, 2008 – January 4, 2008 holiday break).
- b.** Deprived the public of their rights (as required by the Education Code) in January 2009 by:
 - (i) Failing to adequately notify the public of their right to request a special election within 30 days of Ms. Ortiz' provisional appointment.
 - (ii) Failing to notify the public through an announcement in a local newspaper.
 - (iii) Failing to post the notice in the three (3) locations where the public is accustomed to seeing notices about LBSD.
- c.** Continued to deprive the public of their rights (as required by Education Code) in April 2009 by:
 - (i) Publishing a notice three (3) months late.
 - (ii) Setting a deadline that had already passed, which deprived the public the opportunity to request a special election.

Recommendation 7

In the spirit of open government the Board should:

- a.** Provide the public an opportunity to seek a special election within thirty (30) days of a new notice. Notices should be:
 - (i) Sent to all LBSD parents.
 - (ii) Posted in a public place frequented by the LBSD community.
 - (iii) Posted at the Burbank Lion's Club.
 - (iv) Posted on LBSD property.
 - (v) Published in the San Jose Mercury News.
- b.** Hold a forum at an open Board meeting concerning the provisional appointment process and encourage dialogue on the topic.
- c.** Certify Ms. Ortiz' appointment only if the public does not request a special election within thirty (30) days of public notice.
- d.** Comply with the Education Code (Education Code §5091, §5092) for future Board appointees.

#8 – Board Meetings (“F”)

Background – Given the seriousness of the allegations, members of the Grand Jury attended Board meetings to witness how the meetings are conducted and to verify the testimony of numerous witnesses. The Grand Jury is very concerned about what they witnessed at each of the meetings they attended.

The Board publishes agendas before meetings. However, no substantive information (Board Packets) is made available to the public before the meeting. In addition, the Board only recently provided an opportunity for the audience to comment on matters on the agenda. The Board moves very quickly through each item with little or no discussion and no public input. An item is read, a motion is made and the vote is taken. Meetings appear to be scripted with decisions made before the meeting. It is not surprising, therefore, that Board meetings are poorly attended and those attending appear to be disengaged.

On one occasion, a Grand Juror was treated more like an intruder than a welcomed interested citizen. The interim Superintendent was overly interested in the identity of the Grand Juror and the Board was clearly uncomfortable with the Grand Juror’s presence. The interim Superintendent requested on at least three (3) occasions that the Grand Juror sign the roster (which is not required by Code), then intimated that a security camera was taking a picture and gestured to the camera. He said: “How about a picture, how about fingerprints?” This conduct is not in keeping with an open meeting environment.

At another recent Board Meeting in May, an unusually large contingent of teachers and community members (many of whom spoke little, if any, English) attended. They attended out of concerns regarding the recent elimination of key educational and support staff positions (teachers, aides, administrative staff), and a closed session item on the agenda suggesting further actions. Many expressed fears that it would impact the children and their progress.

A number of teachers and members of the community raised their hands and wanted to speak to the upcoming closed session topic. One person made a request for a translator. The Board President sternly told them “I am not going to answer questions. I am just letting you know how things are going to work.” He then proceeded to assign numbers to individuals raising their hands wanting to speak and explained how the speakers’ process was going to work. He said again “I will not answer questions.” There was no comment from any of the other Board members.

Teachers spoke during a public comment opportunity prior to the closed session. Among the concerns mentioned were:

- We are concerned about the communications within the school. Staff is not kept informed and “anxiety is up” as a result. “The lack of support will not allow us to continue to aim for 800.”

- “The morale of staff at school is greatly deteriorating. The decisions affecting morale should be addressed.”
- “We have been told that we will not get our increase of health benefits. Board members and their families receive full health benefits (for free). Teachers pay ...for medical. Some teachers cannot afford this. This is bad for morale. Please consider if you really deserve this benefit.”

Various parents and community members had comments and suggestions. Here are just a few:

- Concerned about the loss of bilingual staff. Volunteers are nice but there are confidentiality concerns with volunteers. Please reconsider your staff reductions carefully.
- “I want to invite the Board to have a formal and informal dialogue with the community. Lack of communication makes everyone uneasy. Start communicating with staff and parents and have an open dialogue.”
- “The Board stated they are open for input, but have not seen them.”

During the meeting, the new Business Manager (who was never introduced to the public), went into the audience and tried to translate at the same time as teachers and members of the public spoke. This appeared to be more disruptive to the speakers and confusing to non-English speakers than an effective translation. In addition, the substance of the translation to the public was inaccurate.

Based upon interviews and attendance at Board meetings, the Grand Jury is extremely concerned about the interim Superintendent and the Board’s lack of professionalism and openness with the public.

Finding 8

The Board violates their obligations under the Government Code §54950 by failing to provide the public with access to information and limiting public scrutiny of their actions. The Board fails to make it convenient for the public to attend and participate at Board meetings. Specifically, the Board:

- a. Limits the likelihood of public scrutiny by holding increasingly numerous “special meetings,” which require only 24 hours public notice.

	Regular Meetings	Special Meetings
2005	12	2
2006	11	5
2007	11	3
2008	11	10
1/1 – 5/12/09	5	6

- b. Discontinued the practice (Board Policy §9322) of posting regular and special meeting notices at public places (not on LBSD property) where they may be viewed by the members of the public.
- c. Further limits public participation, by inconsistent start times for regular (Board Policy §9320) and special meetings, and meetings that last late into the night which precludes most parents' full attendance.
- d. Asks the public to sign in at Board meetings and is antagonistic towards those who do not sign in in violation of Government Code section 54953.3.
- e. Fails to provide Board meeting materials for public inspection at Board meetings (Government Code §54957.5).
- f. Fails to provide a qualified translator at Board meetings even though the LBSD community is predominately Spanish speaking.
- g. Often fails to allow the public to address the Board on items on the agenda.
- h. Discontinued the practice of providing comprehensive minutes of Board meetings.
- i. Fails to approve minutes in a timely manner, resulting in the release of minutes to the public typically two (2) or more months after a Board meeting.

Recommendation 8

The Board should:

- a. Minimize special meetings, and not use these meetings to conduct routine LBSD business.
- b. Notice all regular and special Board meetings in a clearly visible place on the school's bulletin board, in the District Office and at a public place typically frequented by LBSD parents (not on LBSD property).
- c. Publish all regular and special Board meeting notices and agendas in English and Spanish, including written instructions on how the public can address the Board on agenda items and request a translator.
- d. Conduct meetings at a consistent time and ensure public access to the facility before the start of all Board meetings.
- e. Announce availability and provide at least one (1) Board Packet (Board meeting materials) for public use at all Board meetings.
- f. Publicly announce availability of and provide translations for those attending Board meetings as a routine practice, not just upon request during the meeting.
- g. Provide the public the opportunity to comment on items on the agenda before the Board takes action on the item.
- h. Take comprehensive minutes to foster openness and full disclosure of Board discussions and actions.
- i. Approve Board minutes at the next scheduled Board meeting.

- j. Include the following on the LBSD website:
 - (i) Calendar of regular and special Board meetings
 - (ii) Minutes of Board meetings
 - (iii) Contact information for the Board
 - (iv) Any other information that will cultivate an environment of openness with the public

#9 – School Bond Obligations (“F”)

Background – Measure A was approved by the voters in September 2006:

“to acquire, improve and construct school facilities, improve health and safety including handicapped accessibility, construct a multipurpose room/cafeteria for school and community use, replace outdated portable classrooms with permanent classrooms to relieve overcrowding, qualify the District for joint use funding and state grants, by issuing \$9,500,000, at interest rates below legal limits with a citizens’ oversight committee and no money for administrator salaries.”

Of the \$9.5M approved by the voters, three bonds have been issued for a total of approximately \$7.5M. Construction commenced in 2007 and is still ongoing.

Series	Issued	Principal
A	3/20/07	\$3,339,962
B	1/10/08	\$ 39,999
C	1/10/08	\$4,099,994
Total		\$7,479,955

As it relates to school bonds, it is the intent of the California Legislature that:

- (i) “Vigorous efforts are undertaken to ensure that the expenditure of bond measures ... are in strict conformity with the law.”
- (ii) “Taxpayers directly participate in the oversight of bond expenditures.”
- (iii) “Members of oversight committees ... promptly alert the public to any waste or improper expenditure of school construction bond money.”
- (iv) “Unauthorized expenditures of school construction bond revenues are vigorously investigated, prosecuted, and that the courts act swiftly to restrain any improper expenditures” (Education Code §15264).

To this end, the State Legislature requires that an independent citizen's oversight committee be appointed within sixty (60) days (Education Code §15274) and consist of a minimum seven (7) members (Education Code §15278) comprised of at least:

- Three (3) members with one (1) coming from each of the following: business organization representing the business community located within the district, senior citizen's organization, and a *bona fide* taxpayers' organization
- Two (2) members from the school community, with one (1) coming from each of the following: parent or guardian of a child enrolled in the district, and parent or guardian of a child enrolled in the district who is an active member in a district parent-teacher organization

Employees or officials of the district, and vendors, contractors, or consultants to the district, are specifically excluded from participation on citizen's oversight committees (Education Code §15282).

The Board is further obligated to provide citizen's oversight committees with the necessary assistance and resources to fulfill their obligations and to enable them to publicize their conclusions (Education Code §15280).

Citizen's oversight committees are also charged with (Education Code §15280):

- Holding open meetings which bear the same obligation as Board meetings for public notice
- Issuing minutes from their meetings
- Issuing regular reports on the results of their activities at least once yearly
- Publishing on the district website all minutes, reports and documents related to their activities

Members of the Board were:

- Unaware of the need for or the role of a citizen's oversight committee
- Under the impression that the parent teacher organization (PTO) was the oversight committee or that individual Board members provided the oversight

Finding 9

The Board has not met their legal requirements for the issuance of Measure A bonds. Specifically, the Board:

- a. Failed to certify the September 2006 Election results authorizing the issuance of Measure A bonds as required by statute (Education Code §15274)
- b. Failed to appoint a citizen's oversight committee (Education Code §15278 et. seq.) as of April 2009 (more than 2.5 years after Measure A was approved by voters)

- c. Failed to provide citizen oversight before:
 - (i) Authorizing and spending in excess of \$7.0 million of Measure A bond proceeds since January 2005
 - (ii) Authorizing the sale of \$1.96M GO Bond Anticipation notes in January 2009
- d. Failed to engage a third party to conduct independent annual financial and performance audits as required by statute (Education Code §15280, §15282 and California Constitution Article XXXIA, Section 1, (3) (b-c)) since the issuance of the first Measure A bond in March 2007

Recommendation 9

The Board should:

- a. Immediately appoint an independent citizen's oversight committee (in full conformity with Education Code §15282) that will not be unduly influenced by the Board or any individual member
- b. Fully brief the citizen's oversight committee within fourteen (14) days after their appointment on all past and proposed expenditures, project plans and other issues necessary for the committee to perform their function
- c. Cooperate with and provide the citizen's oversight committee with the documentation and necessary resources for them to fulfill their obligations (Education Code §15280)
- d. Engage an independent third party to conduct financial and performance audits as required by Education Code §15280, §15282 and California Constitution Article XXXIA, Section 1, (3) (b-c)
- e. In the spirit of full disclosure and openness, inform the public of Board actions related to Measure A by documenting in Board minutes all discussion and votes including but not limited to:
 - (i) Contracts approved
 - (ii) Expenditures approved
 - (iii) Budget versus actual expenditures
 - (iv) Detailed status of project activities
 - (v) Identification by name of contractors and other project staff presenting to or available for questions/discussion at Board meetings
- f. Include the following on the LBSD website:
 - (i) Calendar of citizen's oversight committee meetings
 - (ii) Roster of citizen's oversight committee members
 - (iii) Minutes of citizen's oversight committee meetings

- (iv) Reports from citizen's oversight committee
- (v) Documents made available to the citizen's oversight committee
- (vi) Independent financial and performance audits related to Measure A projects

#10 – LBSD Financial Management and Oversight (“I”)

Background – There are concerns about the financial management of LBSD based upon, but not limited to:

- Newspaper articles and television publicity alleging financial improprieties
- Ongoing conflict between the former Superintendent and former business manager concerning financial issues
- The June 30, 2008, annual financial audit which revealed issues related to internal controls and financial management
- The February 2009 special audit commissioned by the SCCOE that exposed additional financial deficiencies

While neither audit found evidence of fraud, the special audit clearly pointed out that the lack of financial control could facilitate fraud. This is troubling because the current LBSD leadership is spending significant operating funds on:

- Construction
- Compensation for both the former and interim Superintendents, and the buy out of the former business manager
- Legal fees
- Board and interim Superintendent travel and education expenses

The special audit noted that “internal control serves as a defense in safeguarding assets and in preventing and detecting errors, fraud, violations of laws, regulations, and provisions of contracts and grant agreement, or abuse”.

Special Audit Findings - The key findings identified in the special audit include, but are not limited to:

- Written documentation, internal controls, reconciliation, and oversight are generally absent or deficient.
- Disbursements are authorized with the superintendent's signature stamp and not with a signature. This practice could facilitate misuse by anyone with access to the signature stamp.
- Significant training and advice is needed for payroll, Human Resources, budgeting, purchasing, accounting, and Categorical Program compliance (supplemental programs for student enrichment).

- LBSD does not have the capability to develop procedures and internal controls without external assistance.
- The Board failed to follow Board Policy related to their approval and oversight obligations during the period of the three (3) year audit.

Finding 10

The special audit raised significant questions about internal controls at LBSD and the failure of the Board to follow Board Policy.

Recommendation 10

LBSD Board should respond to the special audit findings by:

- a. Immediately addressing the issues raised
- b. Developing a timetable for and monitoring the progress/completion against the audit recommendations
- c. Reporting compliance with the audit recommendations at least once quarterly at an open session Board meeting

#11 – Volunteers: Protecting Students from Sexual Predators and Communicable Disease (“F”)

Background – The state recognizes the importance of protecting students from sexual predators. To this end, Education Code (§35021) requires that a sex offender shall not serve as a nonteaching volunteer.

Santa Clara County Public Health Department has published guidelines for tuberculosis (TB) screening of volunteers. These guidelines require that volunteers who work on school premises at least once monthly must be screened for TB no more than sixty (60) days before volunteering starts. In addition, schools should maintain a file containing an up-to-date TB certificate for each volunteer. In the event of a TB outbreak, there are significant penalties and/or fines for failure to follow the guidelines.

Finding 11

LBSD Board Policies do not include any requirement for volunteers to be fingerprinted nor to provide a negative TB screen before contact with students. The LBSD does not currently require testing for TB or fingerprinting of volunteers.

Recommendation 11

LBSD Board should:

- a. Fingerprint potential volunteers and obtain the results from the DOJ before any volunteer has contact with students
- b. Require prospective volunteers to provide evidence of a negative TB test before contact with students
- c. Establish Board Policies requiring TB testing and fingerprinting of volunteers.

#12 – Commitment to the Superior Court

Background – The 2007-2008 Civil Grand Jury issued a report that found that “Gustavo De La Cruz was not a resident of LBSD and that he improperly failed to resign from the LBSD Board upon moving out of his residence in the District.” The 2007-2008 Grand Jury recommended that “LBSD pursue legal means to recover all compensation, with interest, that was paid to Mr. De La Cruz during the time that he no longer resided within the District but continued to serve on the LBSD Board of Trustees.”

The Board issued its official response by letter dated August 19, 2008, to Honorable Judge Catherine Gallagher, Superior Court Presiding Judge, indicating that “at the Board of Trustees meeting of August 19, 2008, the Board will direct its General Counsel to review the pertinent facts, to initiate a discussion with former trustee De La Cruz on behalf of the Board, to negotiate a written agreement for proper reimbursement to LBSD and to report back to the Board at its September monthly Board meeting. The Board will expect to have in effect a legally enforceable written agreement by its October 2008, board meeting.”

Finding 12

As of May 2009, it appears that there is no enforceable written agreement between LBSD and Mr. De La Cruz, contrary to their October 2008 commitment to the Court.

Recommendation 12

This Grand Jury supports the recommendation of the 2007-2008 Grand Jury. The Board should provide evidence of a legally enforceable written agreement with Mr. De La Cruz to reimburse LBSD for monies he received while a member of the Board and living outside the District.

#13 – Report Card Highlights

Finding 13

Based upon its investigation, the Grand Jury concludes that the Board has not fulfilled its legal, ethical and financial obligations to the Luther Burbank School District (Findings 1 – 12). Specifically the Board:

- a. Fails to openly and actively provide the public with the opportunity to participate and have a voice in Board actions
- b. Fails to adequately inform the public of the background, financial implications, options and potential consequences of Board actions
- c. Seeks to exclude public oversight of Measure A expenditures
- d. Deprives the public of their right to seek appointment to the Board
- e. Fails to self-police Board members to ensure that each member acts in a professional and responsible manner
- f. Abdicates their Board responsibilities to the Board President
- g. Fails to avoid conflict of interest
- h. Places its personal interests and agendas before the needs of LBSD
- i. Continues to repeatedly ignore multiple policies and laws that govern their conduct. This includes, but is not limited to:
 - o Board Policy (§4000, §5000, §6000, §9200, §9270, §9271, §9272, §9320, §9322)
 - o Education Code (§5091, §5092, §15264, §15274, §15278, §15280, §15282, §35021, §41402, §45125(c),(g))
 - o California Government Code (§1090, §87500)
 - o California Constitution Article, XXXIA, Section 1, (3) (b-c)
 - o The Brown Act (§54952.2 – 54956.5(a), §54957.5)
 - o The Political Reform Act (§87100, §87103, §87105)
 - o CSBA Guidelines

Recommendation 13

LBSD is a small one-school district that may be incapable of making the needed changes to eliminate the systemic problems that plague the Board.

The SCCOE Board of Trustees should:

- a. Closely monitor the LBSD Board to ensure implementation and compliance with the special audit.

- b. Closely monitor the LBSD Board to ensure implementation of the Grand Jury recommendations.
- c. Strongly encourage an amicable organization (merger) of LBSD with an adjacent school district.

Conclusion

The problems associated with the LBSD Board of Trustees are severe and systemic. The Board continues to fail to meet its legal, ethical, and financial obligations to the parents, students, teachers, and staff of LBSD. Without immediate intervention and corrective action, the Grand Jury believes that the Board will continue to demoralize LBSD staff and compromise LBSD performance.

APPENDIX A

Board Meeting	Agenda Item/Action	Perez Action re: BCC					Vote
		Disclose	Recuse	Motion	Second	Vote	
8/03 - 8/04	PPW - Contract #1 (under direction of BCC): Revenue to PPW \$60,378						
9/14/04	Modernization Project: Perez recommends a construction manager be engaged	N	N	Perez	De la Cruz	Y	4/0
11/9/04	Superintendent's Report: Meeting with BCC (Perez + Rodriguez) about bidding on the Construction Manager project - plus awaiting bid from two other firms	N	---	---	---	---	---
12/16/04	Superintendent's Report: Meeting with BCC to request a bid for the Construction Manager project	N	---	---	---	---	---
1/11/05	Approve \$315,000 BCC Contract	N	---	De la Cruz	Garza	Y	4/0
	Approve Superintendent as primary contact and "authority" as it relates to BCC	N	---	Perez	De la Cruz	Y	4/0
2/8/05	Approve BCC pre-qualification guidelines	N	N	Perez	De la Cruz	Y	4/0
3/5/05	Approve Labor Compliance Program for Modernization Project	N	N	Diaz	Garza	Y	5/0
4/12/05	Approve six contractors recommended by BCC for Modernization Project	N	N	Diaz	Garza	Y	4/0
6/14/05	Update on Modernization Project	N	---	---	---	---	---
9/13/05	Approve Notices of Completion for Modernization Project	N	N	Perez	Garza	Y	5/0
3/14/06	Approve \$36,210 BCC Contract	N	N	Perez	Garza	Y	4/0
4/6/06	BCC (JB) expensed dinner (JB, Perez, BL)						
7/20/06	PPW - Sacred Heart Nativity School Renovation: Revenue to PPW \$18,021						
9/27/06	BCC (JB) expensed dinner (JB, Perez, KP, ON)						
10/10/06	Approve \$32,500 BCC project planning agreement and BCC as project manager for Measure A projects	N	N	Diaz	De la Cruz	Y	5/0
3/1/07	PPW - CW: Value to PPW \$114,216						
3/13/07	BCC (Juan Barroso) expensed dinner (Barroso, Perez)						

APPENDIX A - continued

Board Meeting	Agenda Item/Action	Perez Action re: BCC					Vote
		Disclose	Recuse	Motion	Second	Vote	
5/31/07	\$42,680 BCC contract to reinstall old portable classrooms and new portable classrooms - Not a Board action (possible Superintendent action outside a Board meeting)	---	---	---	---	---	---
6/12/07	Approve of Master Plan for use of Measure A funds	N	N	Carrasco	Diaz	Y	4/0
7/17/07	Approve \$924,543 BCC Lease/Leaseback Agreement - Phase 1 Measure A projects (amount not disclosed in Board minutes)	N	N	Perez	De la Cruz	Y	4/0
9/11/07	Approve Phase 3 modular buildings and price "wish list" for Measure A projects	N	N	De la Cruz	Diaz	Y	3/1
11/6/07	Approve issuance of Measure A bonds	N	N	Carrasco	De la Cruz	Y	5/0
	Approve Phase 3 modular buildings and multi-purpose room/gym	N	N	Perez	De la Cruz	Y	3/2
	Approve \$171,000 BCC pre-construction agreement (amount not disclosed in Board minutes)	N	N	Diaz	Perez	Y	5/0
	Approve BFGC (Architect) Agreement	N	N	Perez	Carrasco	Y	5/0
	Approve Phase 2b modular classroom	N	N	Diaz	Perez	Y	5/0
	Superintendent's Report on construction status	N	---	---	---	---	---
12/18/07	Approve multi-purpose room/gym site location	N	N	Diaz	Garza	Y	5/0
1/15/08	Superintendent Report: Superintendent approved sale and closing docs for Measure A bonds (GO Bonds)	N	---	---	---	---	---
3/11/08	Construction Status	N	---	---	---	---	---
3/31/08	\$1,084,010 BCC contract for two story modular classroom - Not a Board action (possible Superintendent action outside a Board meeting)	---	---	---	---	---	---
4/8/08	GO Bonds update	N	---	---	---	---	---
	Construction Status	N	---	---	---	---	---
	Multi-purpose Room/Gym update	N	---	---	---	---	---
5/13/08	Construction Status	N	---	---	---	---	---
5/21/08	Approve BB construction contract	N	N	Diaz	Carrasco	Y	4/0
6/10/08	Approve \$471,746 BCC Phase 1 & 2 contracts (amount not disclosed in Board minutes)	N	N	Diaz	Perez	Y	4/0

APPENDIX A - continued

Board Meeting	Agenda Item/Action	Perez Action re: BCC					Vote
		Disclose	Recuse	Motion	Second	Vote	
6/28/08	BCC (JB) expensed lunch (JB, Perez)						
7/8/08	Construction Status	N	---	---	---	---	---
8/19/08	Construction Status	N	---	---	---	---	---
10/14/08	Construction Status	N	---	---	---	---	---
10/21/08	Approve \$2,280,083 BCC Phase 2 Lease-Leaseback plus emergency repairs contract (amount not disclosed in Board minutes)	N	N	Carrasco	Diaz	Y	5/0
12/9/08	Approve ESR contract	N	N	Carrasco	Garza	Y	4/0
1/13/09	Construction Status	N	---	---	---	---	---
	Construction Status	N	---	---	---	---	---
	Approve sale of GO bond anticipation notes	N	N	Carrasco	Ortiz	Y	5/0
2/4/09	BCC (JB) expensed dinner (JB, Perez, EH)						
	Update: Williams Settlement Emergency Repair program	N	---	---	---	---	---
2/10/09	Construction Status	N	---	---	---	---	---

Approved minutes LBSD Board of Trustees Minutes reviewed: September 14, 2004 to February 25, 2009

This report was **PASSED** and **ADOPTED** with a concurrence of at least 12 grand jurors on this 28th day of May, 2009.

Don Kawashima.
Foreperson

Mary Nassau
Secretary