



GRAND JURY  
ANNUAL REPORT  
*2015-16*

**THE  
FRESNO COUNTY**



**GRAND  
JURY**

**2015-2016 FINAL REPORT**

---

[www.fresnosuperiorcourt.org](http://www.fresnosuperiorcourt.org)

**PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURT  
HON. JONATHAN B. CONKLIN (2015)  
HON. KIMBERLY A. GAAB (2016)**

---

“*I* ALWAYS BELIEVE THAT ULTIMATELY, IF  
PEOPLE ARE PAYING ATTENTION, THEN WE GET  
GOOD GOVERNMENT AND GOOD LEADERSHIP.  
AND IF WE GET LAZY, AS A DEMOCRACY AND  
CIVICALLY START TAKING SHORTCUTS, THEN IT  
RESULTS IN BAD GOVERNMENT AND POLITICS.”

*Barack Obama*

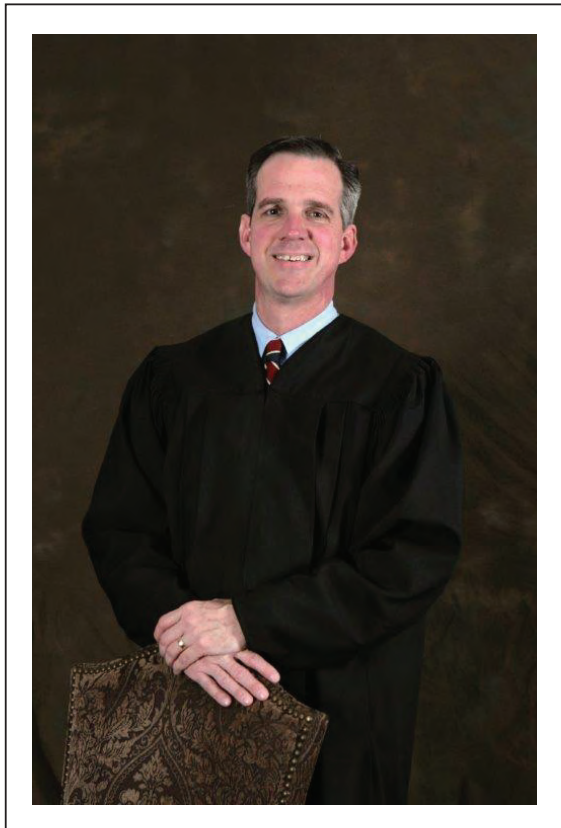
IN AN MSNBC INTERVIEW SEPTEMBER 25, 2006



**GRAND**  
**JURY**

**PRESIDING JUDGES**

*2015 - 2016*



**HON.**  
**JONATHAN B. CONKLIN**  
**(2015)**



**HON.**  
**KIMBERLY A. GAAB**  
**(2016)**







# Superior Court of California County of Fresno

CHAMBERS OF  
JONATHAN B. CONKLIN  
Presiding Judge 2015

KIMBERLY A. GAAB  
Presiding Judge 2016

1100 VAN NESS AVENUE  
FRESNO, CALIFORNIA 93724-0002  
(559) 457-6349  
FAX (559) 457-1707

**As with each previous Grand Jury, the 2015-16 Fresno County Grand Jury served with distinction. The members were hard-working throughout their term. And this term in particular saw a substantial number of alternate jurors serving as well. The members proved to be impartial and courageous in their service. They showed calm and considered judgment. This Grand Jury made an important contribution to local government, and the Fresno County Superior Court appreciates and values their service.**

**The 2015-2016 Grand Jury has continued in the fine tradition of its predecessors by diligently acting as the public's watchdog through its investigations of and reporting upon particular affairs of local government. This Grand Jury issued three reports. The first addressed The Fresno County Department of Public Health, the second addressed the Selma Unified School District, and the third addressed 911 emergency medical services in Fresno County. Each report was thorough and thoughtful. Each report contained constructive comments related to potential improvements for the agencies identified. The leadership of the foreperson, Lanny Larson, and the foreperson pro tem, Jennifer Hartwig, must be noted, acknowledged and praised. They carried out with distinction, their responsibilities to ensure that the Grand Jury as a whole, and each of the committees, functioned effectively and efficiently. The forepersons, along with all members, performed a vital public service with minimal monetary compensation, for travel and a small per diem allowance.**

**All citizens residing in Fresno County are invited and encouraged to apply for a position as a grand juror and to continue this important function of public service.**

A blue ink signature of Jonathan B. Conklin, consisting of stylized initials and a surname.

Hon. Jonathan B. Conklin  
Presiding Judge 2015

A blue ink signature of Kimberly A. Gaab, written in a cursive style.

Hon. Kimberly A. Gaab  
Presiding Judge 2016



# County of Fresno

## Grand Jury

TO: Hon. Jonathan B. Conklin and Kimberly A. Gaab, Presiding Judges,  
Fresno County Superior Court  
The Citizens of Fresno County

It was a privilege to serve on the 2015-2016 Fresno County Civil Grand Jury, acting on behalf of all county citizens as an impartial watchdog over government, educational and special tax-supported entities.

We conducted investigations leading to final reports on emergency medical services, sexually transmitted diseases and the Selma Unified School District's governance.

We are especially grateful to citizens who sent complaints, each of which was thoughtfully considered. Not all complaints result in investigations, however, because we must weigh factors such as whether an issue is within its statutory purview; other remedies are available; and there are adequate resources or sufficient time to complete work before the term expires June 30.

To encourage public participation, our Grand Jury added online complaint-form filing with information about what areas the Grand Jury can investigate. A new post office box better ensures anonymity of complainants.

Grand juries are inquisitive groups, so jurors visit many tax-supported entities to learn. This Grand Jury visited the Pleasant Valley State Prison in Coalinga, Fresno-Yosemite International Airport, Fresno County Jail, Northeast Fresno Surface Water Treatment Plant, Central California Emergency Medical Services Agency, Fresno Chaffee Zoo, Fresno Traffic Operations Center, Fresno County Juvenile Justice Campus and Fresno Police Department's Real Time Crime Center.

There were presentations to the Grand Jury by the Fresno County Superior Court, County Counsel's Office, District Attorney's Office, Office of Education, Local Agency Formation Commission and Sheriff's Department.

We thank all who helped our Grand Jury learn so much in just one year.

We are grateful for the counsel and prompt review of investigative reports by Superior Court Presiding Judges Jonathan Conklin and Kimberly Gaab. Jury Services Supervisor Sherry Spears provided vital guidance on many occasions and coordinated the Grand Jury application process so vital to sustaining productive, committed grand jurors.

Deputy County Counsel Arthur Wille and Deputy District Attorney Blake Gunderson provided quick and authoritative responses and suggestions whenever asked for help.

Senior Administrative Analyst Sonia DeLaRosa, in the County Administrative Office, was invaluable in day-to-day and long-term operations of the Grand Jury, including purchasing, budgeting and other support services.

The 2015-2016 Grand Jury built on communications initiatives of the previous jury, led by Foreperson Greg Mullanax. Added were a secure wi-fi network, a document scanner and multimedia presentation equipment. We increased use of cloud storage to securely archive documents and data; to collaborate more efficiently on investigation reports; and reduce paper use.

We appreciate the countless hours taken by Grand Jurors Pascual Lopez and Dwight Miller to help grand jurors utilize the technology. A special thank-you to the county's Information Technology experts who supported our initiatives.

I want to thank our investigative committee chairs, Margaret Corasik, Michael Perry, Alfonso Sierras and William Howard, for their diligence, and also former Grand Jury foreperson Steven Fortner for chairing the complaint committee and offering experience-based guidance.

The Grand Jury updated its "Manual of Procedures" under Ms. Corasik's guidance. A Continuity Committee, chaired by Mr. Perry (with an assist from Christopher Wilson), was appointed to transmit information to the successor Grand Jury.

Grand Juror Gloria Cantu dedicated many hours to schedule presentations and knowledge-building field trips in 2015-2016.

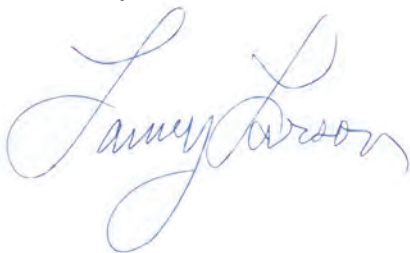
Besides me, four 2014-2015 grand jurors served again in 2015-2016: Mr. Fortner, Ms. Cantu, Mr. Miller and Jennifer Hartwig. They provided the foreperson with counsel and support, helped plan Grand Jury activities, mentored new grand jurors and set an example of meaningful service.

Mrs. Hartwig deserves special recognition for tireless efforts as foreperson pro tem, a position that greatly expanded during 2015-2016. She also was the liaison with the County Administrative Office, coordinated all purchases, kept us on track with the budget, taught grand jurors how to be better interviewers, served on numerous committees, authored an investigative report and substituted for the foreperson.

The 2015-2016 Fresno County Civil Grand Jury hopes its efforts will promote changes as recommended in the final reports and inspire citizens toward more-active scrutiny of and participation in local governance.

Only by being "in the arena" are citizens informed enough to hold their government properly and fairly accountable to we the people.

Sincerely,



Lanny Larson, Foreperson  
Fresno County Grand Jury, 2015-2016



THE COUNTY OF FRESNO  
2015-2016

GRAND JURY



### MISSION STATEMENT

The Fresno County Grand Jury serves as the ombudsman for citizens of Fresno County. The primary function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county government and special districts assuring honest, efficient government in the best interests of the people.

Their responsibilities include receiving and investigating complaints regarding county government and issuing reports. A Grand Jury Final Report is issued in June of each year. Grand Jurors generally serve for one year although the law provides for holdovers for a second year to assure a smooth transition.

### NAME OF EACH GRAND JURY MEMBER FOR 2015-2016

BETTY BRISCOE
GLORIA CANTU
MARGARET CORASICK
THOMAS DOWNING
SALLY DUFLOT
STEVEN FORTNER
ANTHONY GONZALES
ROBERT "JERRY" GUINN
JENNIFER HARTWIG
WILLIAM HOWARD
MICHAEL KILIJIAN
LANNY LARSON (FOREPERSON)
PASCUAL LOPEZ
DWIGHT MILLER
YOLANDA PARTIDA
MICHAEL PERRY
WILLIAM PODOLSKY
SHIRLEY ROWE
SUSAN SANDERS
ALFONSO SIERRAS
CHRISTOPHER WILSON





THE COUNTY *of* FRESNO  
**2015-2016 GRAND JURY**



**FRONT ROW** *(Left to Right):*

Thomas Downing, Anthony Gonzales, Margaret Corasick, Yolanda Partida,  
Pascual Lopez, Gloria Cantu, Lanny Larson (Foreperson) *and* Christopher Wilson

**BACK ROW** *(Left to Right):*

Steven Fortner, Alfonso Sierras, William Howard, Shirley Rowe,  
Michael Kilijian, Susan Sanders, William Podolsky, Jennifer Hartwig *and* Dwight Miller

**MEMBERS NOT PICTURED**

Betty Briscoe, Sally Duflot, Robert "Jerry" Guinn *and* Michael Perry

# TABLE OF CONTENTS

---

	<i>Page</i>
<b><u>THE GRAND JURY PROCESS</u></b> .....	<b>11</b>
Application Information .....	12
Functions of the Grand Jury .....	13
Complaint Procedure .....	15-16
 <b><u>FINAL REPORTS AND RESPONSES</u></b> .....	 <b>17</b>
 <b><i>Report #1</i></b> .....	 <b>18</b>
Report on Fresno County Department of Public Health .....	19-32
Responses .....	33-36
 <b><i>Report #2</i></b> .....	 <b>37</b>
Selma Unified Changes Come at a Steep Price.....	38-66
Responses .....	67-77
 <b><i>Report #3</i></b> .....	 <b>78</b>
Agencies Working Collaboratively Improve 911 Emergency Medical Services .....	79-87
Responses .....	88

---

# THE GRAND JURY PROCESS

- ❖ APPLICATION INFORMATION
- ❖ FUNCTIONS
- ❖ COMPLAINT PROCEDURE

# APPLICATION INFORMATION

---

The Fresno County Grand Jury serves as the civil watchdog for the County of Fresno. Their responsibilities include investigating complaints regarding county and city governmental agencies and issuing reports when necessary.

In the early months of each calendar year, the Fresno County Superior Court begins the process for selecting a new grand jury. Those with an interest in serving on the grand jury may contact the Juror Services Manager and ask to be considered as a prospective grand juror. In addition to self referrals, names of prospective grand jurors are suggested by the active and retired judicial officers of the Fresno County Superior Court and the current grand jury members.

The basic qualifications include being a citizen of the United States, being at least 18 years of age and a resident of Fresno County for at least one year prior to selection. Applicants should also be in possession of their natural faculties and have ordinary intelligence, sound judgment and good character. They should be able to speak and write English and have some computer literacy.

Questionnaires are mailed to all prospective grand jurors after the nominations are received. All prospective grand jurors are required to have a background check. All prospective grand jurors must be officially nominated by a sitting Superior Court Judge and may be asked to come in for an interview. The Judges then consider all prospective grand juror nominees. They nominate 30 prospective jurors, who are invited to an impanelment ceremony in mid-June. Names are drawn at random to serve on the nineteen member grand jury. Generally, there are two to four members from the outgoing grand jury who holdover to insure a smooth transition.

Prospective grand jurors should be aware of the responsibilities and time commitment involved. Jurors typically spend a minimum of 40 hours per month on meetings, interviewing, conducting investigations and writing reports. The service period from July 1 to June 30 of the following year.

For additional information or to nominate yourself or someone else, contact the Juror Services Manager at the Fresno County Courthouse, 1100 Van Ness Avenue, Room 102, Fresno, CA 93724-0002 or call 559-457-1605.



# FUNCTIONS

---

**History:** In 1635, the Massachusetts Bay Colony impaneled the first grand jury to consider cases of murder, robbery and wife beating. By the end of the colonial period the grand jury had become an indispensable adjunct to the government. The U.S. Constitution's Fifth Amendment and the California Constitution call for the establishment of grand juries. The California Constitution provided for prosecution by either indictment or preliminary hearing.

In 1880, statues were passed which added duties of the grand jury to investigate county government beyond misconduct of public officials. Only California and Nevada mandate that civil grand juries be impaneled annually to function specifically as a "watchdog" over county government. California mandates formation of grand juries in every county able to examine all aspects of local government adding another level of protection for citizens.

**Functions:** The civil grand jury is a part of the judicial branch of government, an arm of the court. As an arm of the Superior Court, the Fresno County Grand Jury is impaneled every year to conduct civil investigations of county and city government and to hear evidence to decide whether to return an indictment. The civil grand jury in its' role as civil "watchdog" for the County of Fresno has two distinct functions:

- ❖ Investigations of allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office under three feasances: nonfeasance, misfeasance and malfeasance.
- ❖ Civil Investigations and Reporting, the watchdog function, is the PRIMARY duty of a regular Civil Grand Jury. In addition to mandated state functions, the jury may select additional areas to study publishing its' findings and recommendations in a report at the end of the year.

Both the criminal and civil grand juries have the powers to subpoena. The criminal grand jury conducts hearings to determine whether there is sufficient evidence to bring indictment charging a person with a public offense. However, the district attorney usually calls for empanelment of a separate jury drawn from the petit (regular trial) jury pool to bring criminal charges. However, in Fresno County a Superior Court Judge is the determiner of facts relative to holding an individual to answer criminal charges.

**Civil Watchdog Functions:** Considerable time and energy is put into this primary function of the civil grand jury acting as a the public's "watchdog" by investigating and reporting upon the operation, management, and fiscal affairs of local government (eg Penal Code § 919, 925 et seq.) The civil grand jury may examine all aspects of county and city government and agencies/districts to ensure that the best interests of the citizens of Fresno County are being served. The civil grand jury may review and evaluate procedures, methods and systems used by county and city government

to determine whether more efficient and economical programs may be used. The civil grand jury is also mandated to inspect any state prisons located within the county including the conditions of jails and detention facilities.

**Citizen Complaints:** The civil grand jury receives many letters from citizens and prisoners alleging mistreatment by officials, suspicions of misconduct or government inefficiencies. Complaints are acknowledged and investigated for their validity. These complaints are kept confidential.

**Criminal Investigations:** A criminal jury is separate from a civil grand jury and is called for empanelment by the district attorney. A hearing is held to determine whether the evidence presented by the district attorney is sufficient to warrant an individual having to stand trial. Note: This is not the procedure in Fresno County, a Superior Court Judge calls for a criminal jury if a matter continues on in the courts to trial.

The grand jury system as part of our judicial system is an excellent example of our democracy. The grand jury is independent body. Judges of the Superior Court, the district attorney, the county counsel, and the state attorney general may act as advisors but cannot attend jury deliberations nor control the actions of the civil grand jury (Penal Code § Code 934, 939).

# COMPLAINT PROCEDURE

---

It is the right of Fresno County residents to bring to the attention of the Civil Grand Jury matters involving public agencies which may concern them.

Although the Civil Grand Jury has limited statutory ability to provide solutions, all Fresno County residents are encouraged to communicate their grievance to the Grand Jury for consideration. All complaints received by the Grand Jury are confidential, but they must be signed by the complainant or they will not be acted upon.

A complaint form is available on:

Grand Jury website ([www.fresno.courts.ca.gov](http://www.fresno.courts.ca.gov))

- a. Click on Jury
- b. Click on Grand Jury
- c. Click on Complaint Form
- d. Double click on complaint form and print

If internet access is not available or the form cannot be printed, a signed letter with contact information may be submitted.

Mail to: Grand Jury  
c/o Fresno County Administrative Office  
2281 Tulare Street, Room 304  
Fresno, CA 93721



# Fresno County Civil Grand Jury Complaint Form

**All Complaints Received by the Grand Jury are Confidential**

**Complaints will not be processed without a brief summary, contact information and a signature**

Your Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State & Zip: \_\_\_\_\_

Preferred Phone Contact Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Brief Summary of Complaint** Please include dates of events, names of officials involved, names of people who know about this, public agencies involved and any other pertinent information to help the Grand Jury assess the complaint. You may attach additional information as necessary.


The information contained in this complaint is true, accurate and complete to the best of my knowledge. Anonymous complaints will not be investigated.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The Grand Jury is grateful for your participation. You will receive acknowledgment of your complaint after it has been reviewed by the Grand Jury. Because of statutory and confidentiality restrictions, the Grand Jury retains all complaints and attachments thereto in accordance with its policies and procedures. The Grand Jury does not discuss the status of complaints nor offer advice on how to pursue a complaint by any other investigatory body.

**Email form to:** [info@fresnocograndjury.com](mailto:info@fresnocograndjury.com)  
or  
**Mail form to:** **Fresno County Civil Grand Jury**  
**P.O. Box 2072**  
**Fresno, CA 93718**



# FRESNO COUNTY GRAND JURY FINAL REPORTS *and* RESPONSES

---

*2015-2016*

## *Report 1*

- ❖ REPORT ON FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH

## *Report 2*

- ❖ SELMA UNIFIED CHANGES COME AT A STEEP PRICE

## *Report 3*

- ❖ AGENCIES WORKING COLLABORATIVELY IMPROVE 911 EMERGENCY MEDICAL SERVICES
-

# **REPORT & RESPONSES #1**

---

**REPORT ON FRESNO COUNTY  
DEPARTMENT OF PUBLIC HEALTH**



## 2015-16 Fresno County Grand Jury Report No. 1

# Report on Fresno County Department of Public Health

### INTRODUCTION

The California Penal Code §§ 925 and 933(a) require the Grand Jury to investigate and report on the operations, accounts, and records of at least one county officer, department or function. The Grand Jury chose to investigate the Fresno County Department of Public Health (FCDPH) in regard to its activities addressing the spread of sexually transmitted disease (STD) in Fresno County. The department consists of eight divisions and offices; the principal division responsible for activities to prevent the spread of STD is the Division of Community Health. The Fresno County Health Officer is empowered to manage communicable disease and health emergencies, and collects data from confidential morbidity reports on reportable diseases. As the reporting agency, the department receives all mandated information and reports to the California Department of Public Health.

The California Department of Public Health (CDPH) director and state health officer are responsible for all 58 counties. Responsibility for protection of the public health at the local level rests with the local governing body, which is the board of supervisors for Fresno County. Local jurisdiction flows from the State, and the local health officer is delegated responsibility for enforcement of public health laws and regulations. The CDPH advises local health authorities and may provide resources to counties in emergency situations.

As described below, STD is increasing nationwide, but this problem has been especially severe in Fresno County. California Assembly Bill 329, “Pupil instruction: sexual health education and HIV prevention education”, signed on October 1, 2015, mandates instruction in comprehensive sexual health education and HIV prevention. In recent years the Fresno Unified School District (FUSD) has not provided comprehensive sexual health courses. However, with advice from the California Department of Public Health, FUSD will be adding a Comprehensive Sexual Health Education program. To assess the FCDPH contribution to this important youth initiative, the Grand Jury also interviewed witnesses from the FUSD curriculum development office.

### BACKGROUND

The Fresno County Grand Jury’s investigation of the FCDPH was not initiated due to a complaint from any source. Instead, the Grand Jury purpose was to help Fresno County citizens understand this agency of government and to determine if it has effectively addressed the growing problems of STD in Fresno County. To get that information, the Grand Jury focused on FCDPH data gathering, analysis, and outreach to medical providers, educators, and the community as a whole.

Fresno County has an estimated population of 972,297.<sup>1</sup> The U.S. Census Bureau’s “Fresno County Quick Facts (2014)” reported 51.9 percent of residents identified as Hispanic/Latino, 30.9 percent as white non-Hispanic, 10.7 percent as Asian, 5.9 percent as black/African American and 3 percent American Indian/Alaskan Native.<sup>2,3</sup>

The county faces many challenges. Among 58 California counties, Fresno County ranks 49<sup>th</sup> in health outcomes, as reported by the University of Wisconsin Population Health Institute. The data include premature birth and deaths, low birth weights, access to exercise activities, obesity, physician to resident ratio, rate of uninsured residents, and numerous other factors.<sup>4</sup>

Fresno County exceeds California and much of the nation in poverty, which limits access to health care. Fresno County’s median household income was \$45,201 in the Census Bureau’s 2014 estimate (the latest available), while California as a whole averages \$61,489 and the nation \$53,482. An estimated 27.5 percent of Fresno County residents live in poverty compared to the nation’s 14.8 percent.<sup>5</sup>

In Fresno County 20.3 percent of people under age 65 lacked health insurance, compared with 12 percent nationwide and 14 percent for California.<sup>6</sup>

Other challenges include the multiplicity of cultures and languages. In Fresno County, 44 percent of residents age 5 and older speak a language other than English at home, which mirrors California’s 43.8 percent, but is more than double the national 20.9 percent.<sup>7</sup>

There are more people in the average Fresno County household (3.18) than in California (2.95) or the U.S. (2.63).<sup>8</sup>

Of Fresno County’s population, 64% live in the Fresno-Clovis metropolitan area, 18% live in smaller cities, and the remaining 18% live in rural areas with more limited access to health care and transportation.<sup>9</sup>

The FCDPH is concerned with ongoing care, such as the TB Outreach and Clinic program, with strengthening of prevention (immunization and education) for diseases such as measles and pertussis, and with prevention of new threats such as chikungunya and Zika which can both be carried by a mosquito now found in the Central Valley. The federal Centers for Disease Control

---

<sup>1</sup> Available on California Department of Finance web site [www.dof.ca.gov](http://www.dof.ca.gov)

<sup>2</sup> Available on U.S. Census Bureau’s web site [www.census.gov](http://www.census.gov)

<sup>3</sup> Please note that the total exceeds 100 percent because Hispanic origin is not a race, and persons of Hispanic origin may be of any race.

<sup>4</sup> Available on University of Wisconsin Population Health Institute web site [www.countyhealthrankings.org](http://www.countyhealthrankings.org)

<sup>5</sup> Available on U.S. Census Bureau’s web site [www.census.gov](http://www.census.gov)

<sup>6</sup> Available on U.S. Census Bureau’s web site [www.census.gov](http://www.census.gov)

<sup>7</sup> Available on U.S. Census Bureau’s web site [www.census.gov](http://www.census.gov)

<sup>8</sup> Available on U.S. Census Bureau’s web site [www.census.gov](http://www.census.gov)

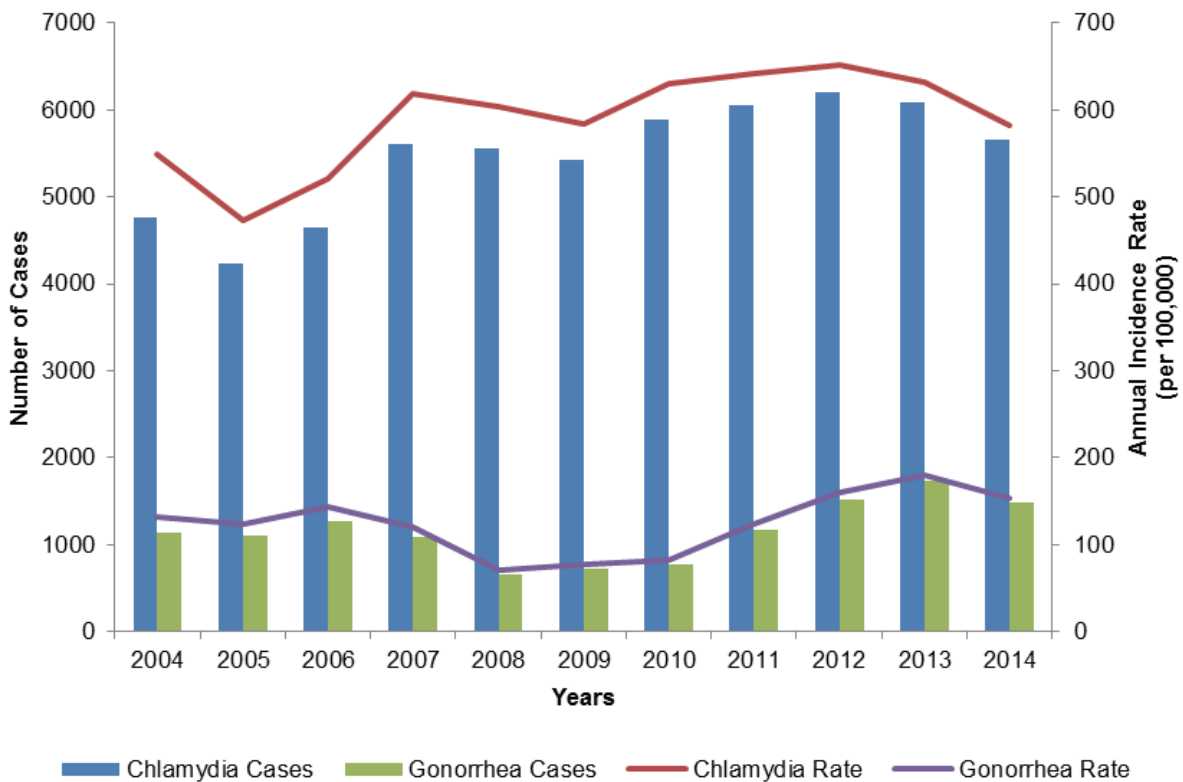
<sup>9</sup> Available on U.S. Census Bureau’s web site [www.census.gov](http://www.census.gov)

and Prevention (CDC) has very recently confirmed that the Zika virus can be spread through sexual contact.<sup>10</sup>

We chose to investigate the department’s response to the high rates of STD, specifically gonorrhea, chlamydia, and syphilis, in Fresno County. This response encompasses case investigation, demographic monitoring, and community outreach and education to prevent new cases.

Even though there was a slight decrease in the number of cases in 2014, the state ranked Fresno County second worst out of 58 counties for rates of chlamydia infection among both males and females. Figure 1 below shows case counts and rates for chlamydia and gonorrhea in Fresno County [4]:

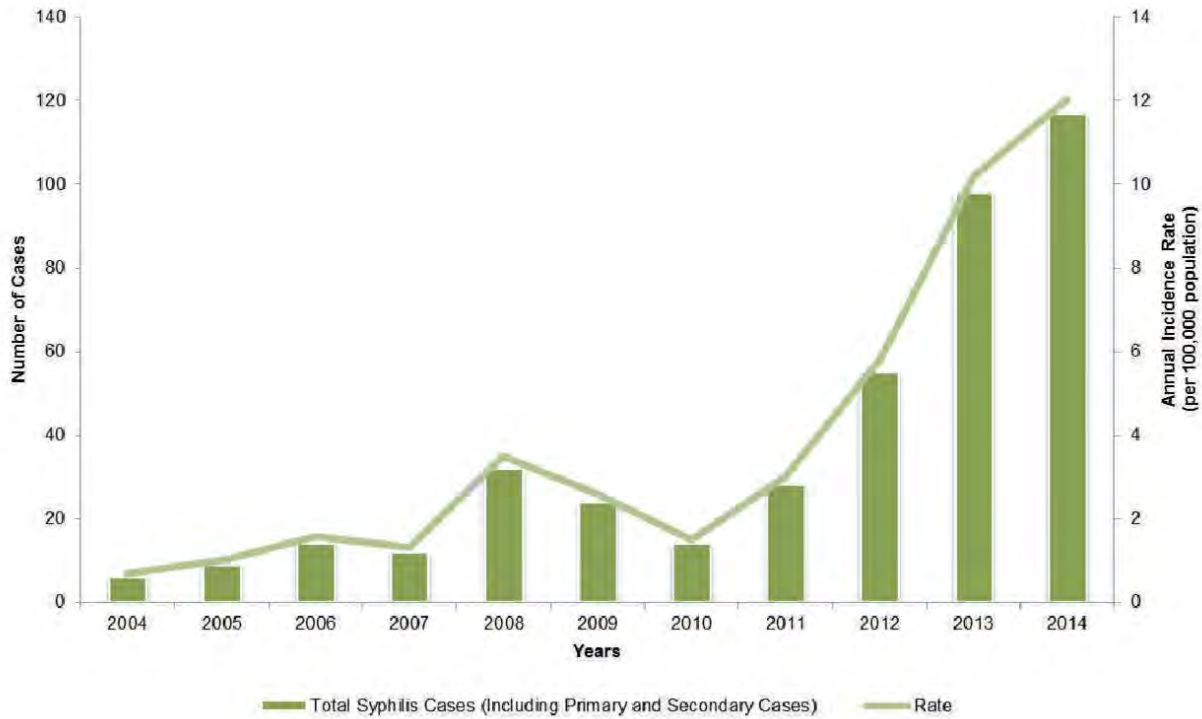
**Figure 1**



<sup>10</sup> [www.cdc.gov/zika/transmission/sexual-transmission.html](http://www.cdc.gov/zika/transmission/sexual-transmission.html)

The dramatic increase in syphilis is shown in Figure 2 below [4]:

**Figure 2**

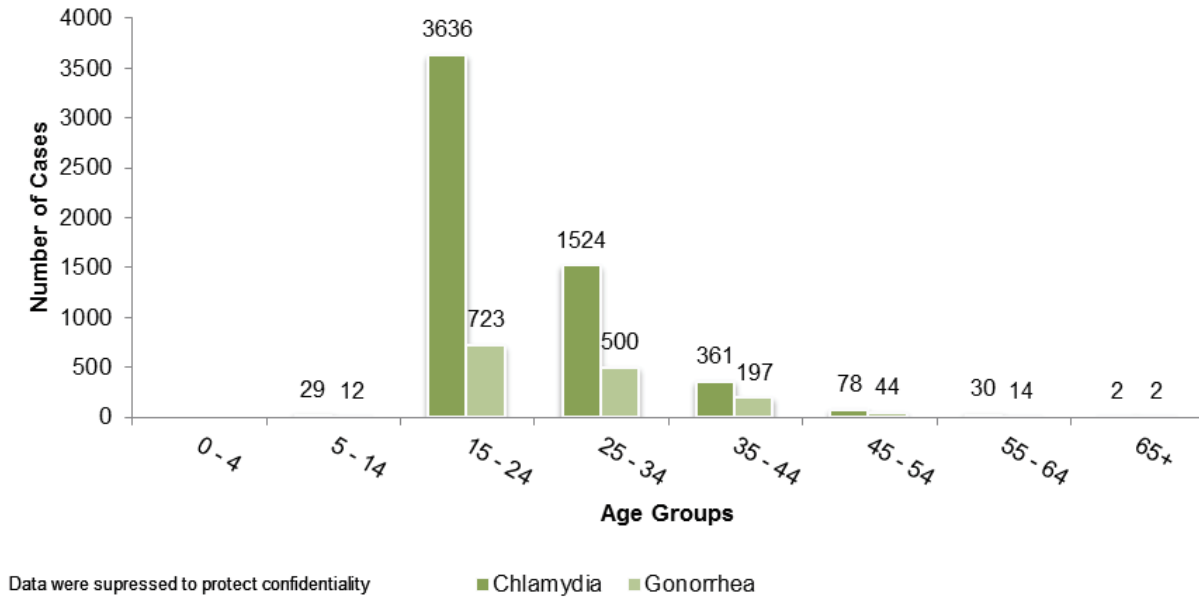


Chlamydia, gonorrhea, and syphilis are affecting the health and well-being of more and more people as well their potential children. Chlamydia is often called the "silent" STD, because many people have no idea that they are infected until they find that it has caused sterility. It can cause pelvic inflammatory disease in women, sterility, ectopic pregnancy, and long-term pelvic pain. Gonorrhea can be symptomless or mistaken for a bladder infection. Untreated gonorrhea can also cause pelvic inflammatory disease, ectopic pregnancy, long-term pelvic pain, and sterility in both women and men. Symptoms of syphilis mimic many other diseases. If not treated it can cause organ damage, blindness, paralysis and death. It can be transmitted by pregnant women to their babies (congenital syphilis).

Studies by the CDC have shown that sexually active adolescents and young adults are at highest risk for getting STD. For Fresno County this risk is illustrated by Figure 3, below [4]:



**Figure 3**



The relatively long lag time between infection and complications increases the risk of spread of the diseases. Stigma associated with particular sexual behavior, drug abuse and lack of access to health care exacerbate the community risks of untreated STD.

This report focuses on activities within the Community Health Division to monitor, analyze and assist in combating the rise in STD in Fresno County.

## **METHODOLOGY**

The Grand Jury conducted a six-month investigation including five interviews with high-ranking Fresno County Department of Public Health officials as well as with curriculum officials of the Fresno Unified School District. Additionally, the Grand Jury reviewed the Communicable Disease Annual Reports from 2011-2014 (see Bibliography) and the quarterly Communicable Disease reports of 2015. The Grand Jury also reviewed publications from the federal Centers for Disease Control and Prevention as well as the California Department of Public Health.

## DISCUSSION

The high rates of STD in California and Fresno County continue to receive state-wide attention. Recently, on November 19, 2015, the Los Angeles Times wrote:<sup>11</sup>

“According to state data, L.A. County’s rates of chlamydia and gonorrhea are among the top six of the state’s 58 counties. San Francisco, Kern and Fresno counties have higher rates of both diseases.

“STDs are a substantial health challenge facing the United States,” a CDC report summary says. “Each of these infections is a potential threat to an individual’s immediate and long-term health and well-being.”

Chlamydia and gonorrhea are common and curable diseases, but if not treated can cause serious problems such as infertility in women. Officials estimate that undiagnosed STDs cause 20,000 women in the country to become infertile each year.

More than half of chlamydia and gonorrhea cases occur among people ages 15 to 24. Officials recommend that sexually active women younger than 25 be tested annually for these diseases.

Syphilis, which is also curable, can lead to complications such as blindness if allowed to progress. It has been of particular concern recently in California, where early cases of the sexually transmitted disease among women more than doubled from 248 to 594 from 2012 to 2014.

That has led to a worrisome increase in cases of congenital syphilis, in which a mother infects her child during pregnancy. From 2012 to 2014, those cases shot up dramatically to 100 from 30. Most of the congenital cases occurred in Los Angeles County and the Central Valley, according to state health officials.”

The Fresno County Department of Public Health (FCDPH) collects data on STD occurrence in accordance with mandated reporting procedures. In 2011 the department published a comprehensive communicable disease annual report, and has updated this report annually since. STD data, analysis and recommendations have been provided in each year’s report, based on the epidemiological findings and the federal Centers for Disease Control and Prevention (CDC) suggestions.

---

<sup>11</sup> <http://www.latimes.com/local/lanow/la-me-ln-2014-std-rates-20151118-story.html>

Several zip codes were identified by the department as disproportionately affected by STD. In the latter half of 2013, the FCDPH, in collaboration with the California Department of Public Health (CDPH), had designed a program for targeted zip codes to ensure that gonorrhea patients were treated and their partners notified of their STD status. An 18 month pilot program in one zip code led to a measurable drop in the target zip code and Fresno County as a whole. Even though the FCDPH staffing for gonorrhea and chlamydia outreach, treatment followup, and partner notification was limited to only 0.25 full-time equivalent, the pilot program demonstrated the effectiveness of the department's targeted outreach. The Communicable Disease Annual Report for 2014 showed a 14 percent decrease in gonorrhea cases and 7.9 percent decrease in chlamydia cases from the prior year. The frequency of co-infections (cases of both chlamydia and gonorrhea diagnosed in the same visit) and multiple infections over the course of a calendar year did remain high.

Effective management of STD requires treatment of diagnosed patients (by their physician or clinic) as well as their sexual partners. Since people do not develop immunity to STD, they can be easily reinfected unless their partners are treated. The ideal approach is for partners to receive treatment directly from a physician or clinic. However, since some may be reluctant to seek medical care, extended partner therapy may reach out to them. This could be with field-delivered treatment, where a trained nurse or case investigator makes direct contact with the partner to provide appropriate therapy. Due to limited personnel, an alternative is to ask the diagnosed patient to bring a Partner Pak (antibiotics provided without charge by the California Family Health Council) to his/her partners. The FCDPH supports extended partner therapy with "Dear Colleague" letters on July 1, 2013, and Sept. 2, 2014, and by distributing Partner Paks ([www.cfhc.org/pdpt](http://www.cfhc.org/pdpt)).

Witnesses confirmed that sexual transmission of HIV among men who have sex with men (MSM) accounts for most new HIV infections in Fresno County. Consequently, in 2011 FCDPH began the MSM Task Force which conducted focus group studies with self-identified MSM community members. However witnesses stated that, due to stigma, the focus groups had abysmal attendance. They stated that the task force is assessing barriers to HIV/AIDS testing, social pressures, adherence to therapy and other issues related to HIV care. In addition, syphilis continues to increase among MSM, and recent syphilis outbreaks among MSM have been marked by high rates of HIV co-infection.

Witnesses stated that the risk of acquiring syphilis in Fresno County is highest among drug users, MSM and sex industry workers. A spike in syphilis statistics occurred in 2013, overwhelming the 3 specially trained investigators handling all syphilis cases in Fresno County. These investigations are among the most difficult and, like HIV cases, take 90-120 days to close. Disease Investigation Specialists, who conduct syphilis investigations, require training courses which are only offered four times a year, followed by three months internship before certification as an investigator. Witnesses stated that FCDPH has quickly adapted to the increase in syphilis cases and started to train additional Disease Investigation Specialists to assist with investigations. The volume of syphilis cases has spiked state-wide. Fresno now is third in the state for syphilis cases, after Los Angeles and Orange counties.

The Fresno Bee reported recently that county health officials have requested help from the federal Centers for Disease Control and Prevention in seeking solutions to this syphilis crisis.<sup>12</sup> Witnesses testified that in 2015 the FCDPH had one full-time investigator in training, plus assistance of 2 FTE from the CDPH STD Control Branch staff to manage syphilis investigations. In February 2016 the CDPH STD Control Branch requested additional assistance from the CDC Division of STD Prevention to help the FCDPH manage the outbreak of syphilis among heterosexuals, which has resulted in increased congenital syphilis cases in the Central Valley and Fresno County. Specific on-site assistance was requested for:

1. Epidemiology support to analyze reported syphilis cases identifying sexual and social networks and opportunities to intervene in the spread of disease.
2. Front-line disease intervention to work through the case back-log as well as new syphilis cases.
3. Assessment support to gain a better understanding of the factors potentially influencing increases of syphilis among women and the negative health outcomes related to congenital syphilis diagnoses.

Witnesses stated that CDC conducted an on-site assessment and has proposed an initial action plan in support of the request.

The increase in syphilis is accompanied by an increase in congenital syphilis, in which infected mothers infect newborns. In 2014 Fresno County had 18 cases of congenital syphilis, increasing to over 35 in 2015. The department issued a Health Alert<sup>13</sup> on June 3, 2014, about the congenital syphilis increase with treatment recommendations. This was followed by a Health Alert<sup>14</sup> on March 13, 2015, stating that California has experienced an increase in syphilis among women over the last two years and designating Fresno County as an area with high syphilis morbidity. On March 19, 2015, the FCDPH issued a Health Alert<sup>15</sup> as a Clinical Advisory Regarding Ocular Syphilis in California, and issued a follow-on Health Alert<sup>16</sup> on August 12, 2015, detailing resources available to providers for screening, diagnosis and treatment of syphilis cases. On November 12, 2015, the CDC issued a “Dear Colleague” letter detailing its analysis and recommendations resulting from the increase in congenital syphilis between 2012 and 2014. On September 2, 2015, the CDPH held a Statewide Congenital Syphilis Prevention meeting in Fresno. Participants, including the FCDPH, developed detailed recommendations for local and state actions. The state’s STD Control Branch published a draft version of the summary recommendations January 15, 2016.

The FCDPH receives mandated reports of syphilis, HIV and AIDS cases and investigates all new cases. The department has focused on provider education, making sure they are up to date on all

---

<sup>12</sup> <http://www.fresnobee.com/news/local/article65850927.html>

<sup>13</sup> Available from FCDPH Public Health Communication at (559)-600-3200.

<sup>14</sup> Available on FCDPH web site [www.co.fresno.ca.us/publichealth](http://www.co.fresno.ca.us/publichealth)

<sup>15</sup> Available on FCDPH web site [www.co.fresno.ca.us/publichealth](http://www.co.fresno.ca.us/publichealth)

<sup>16</sup> Available on FCDPH web site [www.co.fresno.ca.us/publichealth](http://www.co.fresno.ca.us/publichealth)

guidelines and directives, and follows up with providers to ensure that syphilis patients are treated.

Syphilis is curable by injections of long-acting penicillin. The CDC recommends screening of all pregnant women for syphilis, with multiple screens for high-risk women. Prompt treatment of the expectant mother (two injections of penicillin one week apart) is essential to prevent congenital syphilis in the fetus/baby, which can cause death or serious injury. However, screening for disadvantaged women continues to be a challenge. Women need to be told that they can receive free prenatal care.

In 2010 a FCDPH clinic that provided STD and HIV care was closed due to lack of funding, and patients were referred to other providers. Planned Parenthood and the Community Regional Medical Center Specialty Clinic provide STD and HIV/AIDS treatment. Free or low-cost care is also provided by Federally Qualified Health Centers (non-profit organizations receiving Federal grants). In Fresno County these include Clinica Sierra Vista Health Centers, United Health Centers of the San Joaquin Valley, and Valley Health Team.

Although HIV is not solely an STD (shared use of intravenous drugs is a very large contributor) we also surveyed the department's services for clients diagnosed with HIV/AIDS. These include testing, which can be anonymous or confidential, and assistance to clients applying for the California Aids Drug Assistance Program (ADAP). Clients pick up their prescriptions at local pharmacies that are contracted with ADAP to provide the medications. The FCDPH also assists clients who are at risk of becoming homeless apply for the Housing Opportunities for Persons With Aids program. Additionally, the department assists with entry into medical care and with partner support services: education to HIV/AIDS infected persons and their sex and/or needle-sharing partners with access to individualized counseling, HIV testing, medical evaluation, treatment and other prevention services. The department continues to hold meetings to provide continuing education on the epidemiology of STD within the county.

The county's Core STD Program focuses on developing and enhancing local capacity for prevention, awareness, and control of STD. The department participates in education and outreach events conducted by community partners including Bringing Broken Neighborhoods Back to Life, Planned Parenthood, faith-based organizations, and Barrios Unidos.

The department also promotes web-based sexual health programs (e.g., [www.TeenSource.org](http://www.TeenSource.org), [www.TalkWithYourKids.org](http://www.TalkWithYourKids.org)) with local schools, parents, providers, community-based organizations and other agencies supporting at-risk populations. In addition, the department has made available a new STD web page designed to target the youth population, which includes links to the condom Home Mailer Program ([www.co.fresno.ca.us/DivisionPage.aspx?id=49842](http://www.co.fresno.ca.us/DivisionPage.aspx?id=49842)).

Witnesses also stated that the FCDPH participates in meetings of the West Fresno Adolescent Health Collaborative, facilitated by the state and the Fresno County Office of Education, to provide STD and HIV updates. Witnesses stated that the county provides STD program outreach, incentives and testing at numerous youth-focused community events. In 2014 and 2015 the county supported events at Fresno City College, Fresno State, Clovis Community

College, at the Fulton Mall, the West Fresno Youth Health Collaborative, Fresno County Juvenile Justice Facility's Teen Girls Unit, West Hills Community College and the Economic Opportunity Commission's Family Planning Clinic youth programs.

The department has distributed a number of pamphlets in English and Spanish aimed at young people produced by ETR Associates ([www.etr.org](http://www.etr.org)). The Grand Jury has reviewed these and felt that they were straightforward, easy to read, and seem to be accurate and helpful. They are currently available at the Specialty Clinic area and in the HIV Prevention/STD Program office in the health department building; the LGBT Community Center 1067 N. Fulton Ave., and at Community Events such as Kids Day at the Fresno Fair, STD Awareness Month events, and the LGBT Pride Festival.

Starting in 2011, the FCDPH started publishing disease maps to illustrate areas that are affected disproportionately from diseases. Witnesses confirmed that in addition to disease maps, the department also conducts demographic analysis and risk factor analysis for selected communicable diseases including HIV/AIDS, syphilis, chlamydia and gonorrhea. Although published disease maps are by zip code (for confidentiality requirements), internal health department demographic analysis occurs at a detail level capable of identifying the street address (known as Heat Maps), which supported the pilot gonorrhea program.

Demographic analysis allows the department to target interventions such as their Mobile Testing Facility to high-risk populations to increase their access to health services. Witnesses provided examples of targeted intervention including the increased testing for HIV/AIDS and hepatitis C with the FCDPH Mobile Testing facility. Additionally, through the chlamydia and gonorrhea Screening Project, the department screens and treats female youth booked into juvenile hall. The department partners with the Fresno County Jail's medical providers to give appropriate information on screening, identification and treatment of inmates at high risk of STD. Since 2014 the department has added two epidemiologist positions and created a senior epidemiologist position to better carry out these analyses.

Many of the County areas with the highest rate of STD are served by the Fresno Unified School District (FUSD). The extent and quality of sex education has varied among school districts over time. In recent years, FUSD had only limited discussion of HIV and no comprehensive sex education program. FUSD has now developed a robust sex health education program in compliance with AB 329, The California Healthy Youth Act.

Witnesses told the Grand Jury that this program should improve community awareness and understanding of STD prevention and treatment. FUSD has worked extensively with the state health department on comprehensive sexual health education under a 5-year memorandum with the California Department of Education. Witnesses stated that their work with the state health department was begun significantly prior to the passage of AB 329, but that the choice of the new curriculum aligns well with the new law.

Although the interaction of the FUSD with the county health department has been limited to statistical data, witnesses stated that neither FUSD staff nor FCDPH staff were concerned that



the school district's primary relationship regarding sex education was with the state office and not the local office of public health.

As we completed our report, the Fresno County Health Officer has written an article on syphilis in Fresno County, available at:

<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=68264>.

## **FINDINGS**

- F1. The Fresno County Department of Public Health was found to be competent, creative, well educated, committed to promoting, preserving and protecting the well-being of the community and ensuring the optimal health of the public.
- F2. The FCDPH is aggressively reaching out to the Fresno community at risk for STD to provide assistance and information including providing outreach material in English and Spanish.
- F3. The FCDPH does an excellent job analyzing patterns of STD occurrence and can target areas of high incidence.
- F4. While the FCDPH participates in many youth-focused community events, FCDPH was not included in the development of the sex education curriculum by FUSD. The FUSD curriculum has largely been developed in liaison with the California DPH.
- F5. Congenital syphilis has increased dramatically in Fresno County in recent years, and the FCDPH has requested additional help from the CDPH and Federal CDC.

## **RECOMMENDATIONS**

- R1. FCDPH should support the implementation of AB 329, the new sex education law, in all Fresno County school districts. (F4)
- R2. FCDPH should strengthen outreach to all expectant mothers, especially those in hard-to-reach groups, to emphasize the availability and importance of prenatal care including screening and treatment for STD. (F2, F3, F5)

## REQUEST FOR RESPONSES

Pursuant to Penal Code section 933 (c), the grand jury requests responses as follows:

From the following individuals:

- Chairman, Board of Supervisors, Fresno County (R1, R2)
- Director, Fresno County Department of Public Health (R1, R2)
- Public Health Officer, Fresno County Department of Public Health (R1, R2)

## BIBLIOGRAPHY

[1] Rutledge, J. T. (2013, June 15). Fresno County Department of Public Health: 2011 annual communicable disease report. Retrieved from Fresno County Department of Public Health website: <http://www.fcdph.org>

[2] Rutledge, J. T. (2013, December 1). Fresno County Department of Public Health: 2012 annual report. Retrieved from Fresno County Department of Public Health website: <http://www.fcdph.org>

[3] Rutledge, J. T. (2014, September 1). Fresno County Department of Public Health: 2013 annual report. Retrieved from Fresno County Department of Public Health website: <http://www.fcdph.org>

[4] Rutledge, J. T. (2015, November 20). Fresno County Department of Public Health: 2014 annual report. Retrieved from Fresno County Department of Public Health website: <http://www.fcdph.org>

[5] Centers for Disease Control and Prevention. Expedited partner therapy in the management of sexually transmitted diseases. Atlanta, GA: US Department of Health and Human Services, 2006.

[6] Bauer, Heidi M. MD, MPH et al. California Guidelines for Expedited Partner Therapy for Chlamydia trachomatis and Neisseria gonorrhoeae. Sexually Transmitted Diseases, March 2008, Vol. 35, No. 3, p.314–319.

[7] Centers for Disease Control and Prevention. Sexually Transmitted Diseases Treatment Guidelines, 2015. Morbidity and Mortality Weekly Report (MMWR), Recommendations and Reports / Vol. 64 / No. 3 June 5, 2015.

[8] Centers for Disease Control and Prevention. Sexually Transmitted Diseases Treatment Guidelines, 2015. Morbidity and Mortality Weekly Report (MMWR), Recommendations and Reports; / Vol. 63 / No. 2 March 14 2014.

## APPENDIX A

### GLOSSARY

A primer on sexually transmitted diseases (STD):

Definition: Bacterial or viral diseases spread prominently by contact between genital organs or genital organs and throat or anus. Some of these diseases are also spread by contact with blood (for example, sharing of needles). Many cases are diagnosed with symptoms involving the penis/urethra, vagina or cervix, but localized infections can also involve the skin, throat, anus, or other pelvic organs, and disease can spread to distant sites or be life-threatening. Diseases 1-6 must be reported by health-care providers to the county and state.

Some important STD:

1. Chlamydia is the most common bacterial infection, frequently causing urethral symptoms or vaginal discharge, but often no obvious symptoms. Untreated, this can cause pelvic infections, sterility, and occasionally more serious disease. Current treatment with a single dose of antibiotics (azithromycin) is usually curative, but repeat infections are common.
2. Gonorrhea: The second most common bacterial infection, with symptoms and risks similar to chlamydia, but a higher risk of spread to distant sites. Treatment requires two antibiotics, and there is a growing world-wide risk of antibiotic resistance. Repeat infections are also common.
3. Syphilis: A bacterial infection which caused widespread devastation before the antibiotic era, presenting initially with genital sores (chancres), later with rash and many symptoms when the disease spreads (secondary syphilis), and sometimes with severe late (tertiary) symptoms (brain, heart, soft tissue) or death. An infection with no symptoms is called latent syphilis. A child born to a mother with syphilis can be infected at birth (congenital syphilis), resulting in deformities and other symptoms. This can be prevented if the mother is adequately treated (two doses of long-acting benzathine penicillin G at one-week intervals). Treatment of early or secondary syphilis requires one injection. The incidence of syphilis had declined markedly since the 1950s but has recently risen. Congenital syphilis is considered a “never” event, meaning that it should never occur in babies whose mothers have had adequate prenatal care, including screening (blood test) and treatment for syphilis. Unfortunately, Fresno County has seen a dramatic increase in babies born with syphilis in the past two years.
4. HIV/AIDS (Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome): A currently incurable viral disease which can destroy the body’s immune system, spread by sexual contact or contact with infected blood (especially needle-sharing). This used to be a death sentence, but current antiviral regimens can usually prevent progression to severe

- immune destruction. However, these drugs are expensive, must be taken for life, and can have side effects, which makes prevention preferable. Diagnosis is usually by blood test.
5. Hepatitis B: Like HIV, a life-long viral disease which is spread by sexual contact or blood, diagnosed by a blood test. This may lead to cirrhosis, liver cancer, and death. However, this can be entirely prevented by immunization (three shots, now usually given to infants). Anyone who has not had these shots should receive them from his/her health provider.
  6. Hepatitis C: Like hepatitis B, but no available vaccination, more likely spread by contact with blood than by sex. An expensive new drug treatment is now available.
  7. Human papilloma virus (HPV): The most common viral disease spread by sex, with many different strains. Symptoms may include genital warts, but infection is often asymptomatic and may be lifelong. Late effects can include cancer of the uterine cervix, vagina, vulva, throat, anus and penis. There is no cure for the infection, but many of these cancers can be treated. Besides avoiding sexual contact (including oral), the best prevention is vaccination of boys and girls by age 12 (three shots). Older children and young adults who are not already infected should also receive vaccinations.
  8. Herpes simplex virus, usually type 2. Lifelong, often asymptomatic but may have repeat outbreaks of blisters. Its sibling, herpes type 1, causes most “cold sores” on the lips. Both types can occasionally cause serious infections in other parts of the body, such as eye or brain. Treatment with antiviral antibiotics can usually control outbreak symptoms but does not prevent recurrence.
  9. Trichomoniasis (“trich”), a protozoan infection of the vagina or penile urethra, often causing discharge or itching, treatable with oral antibiotics.
  10. Candida (yeast): Usually localized itching, common even without sex, treatable with topical or oral antibiotics.
  11. Many other less common diseases.

Screening: Testing for disease in people who may not have symptoms. Patients with symptoms, sexual contacts of patients with STD, or others at high risk should always be tested. In addition, the CDC (U. S. Centers for Disease Control and Prevention) recommends that all sexually active women under 25 and all men who have sex with men (MSM) be screened at least annually. The CDC also recommends screening on incarceration (prison, jail, juvenile detention) for women under 35 and men under 30, and for all incarcerated MSM. Chlamydia and gonorrhea screening can be done easily on urine samples or swabs from urethra, vagina, or other areas. Syphilis, HIV, and hepatitis can be detected by blood tests.

Incidence: Reported rates of STD may underestimate the true rate of STD. For example, although there were 1.4 million cases of chlamydia reported in the U.S. in 2013, the CDC estimates that due to undetected and unreported cases, the true rate is 3 million. Congenital syphilis cases have tripled in California from 2012 to 2014, from 7 to 20 per 100,000 births. The Fresno County rate is higher.

Much of the data for this addendum is taken from the U.S. Centers for Disease Control and Prevention website [www.cdc.gov/std/](http://www.cdc.gov/std/) and from their Morbidity and Mortality Weekly Reports MMWR Recommendation Reports 2015; 64(RR-03): 1-137 and 2014; 63 (RR-02): 1-19.



# County of Fresno

DEPARTMENT OF PUBLIC HEALTH  
DAVID POMAVILLE, DIRECTOR

May 24, 2016

Hon. Kimberly Gaab, Presiding Judge  
1100 Van Ness Avenue  
Fresno, CA 93704-0002

RE: Response to the 2015-2016 Fresno County Grand Jury Final Report #1  
Report on Fresno County Department of Public Health

Dear Judge Gaab:

The Fresno County Department of Public Health received Grand Jury Report #1 (Report) on April 14, 2016. The Department thanks the jury for its thoughtful and complete report. The Department concurs with Findings 1 through 5.

## Recommendations

**Recommendation 1: FCDPH should support the implementation of AB 329, the new sex education law, in all Fresno County school districts.**

Response: The Department has not yet, but will implement this recommendation. The Department is in full support of AB 329 and has started to reach out to the Fresno County Office of Education and all Fresno County school districts to offer assistance on curriculum development and implementation. Outreach will be completed in the next six months.

**Recommendation 2: FCDPH should strengthen outreach to all expectant mothers, especially those in hard-to-reach groups, to emphasize the availability of prenatal care including screening and treatment for STD.**

***Promotion, preservation and protection of the community's health***

1221 Fulton Mall / P. O. Box 11867, Fresno, CA 93775

(559) 600-3200 • FAX (559) 600-7687

The County of Fresno is an Equal Employment Opportunity Employer

[www.co.fresno.ca.us](http://www.co.fresno.ca.us) • [www.fcdph.org](http://www.fcdph.org)

Response: This recommendation has been implemented. The department is currently expanding a major public health outreach program targeting high risk expectant mothers. FCDPH is also enhancing efforts to recruit quality public health nurses to vacancies in other established outreach and home visitation programs that target other at-risk expectant mothers and new mothers.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Pomaville".

David Pomaville, Director Department of Public Health

A handwritten signature in blue ink, appearing to read "Ken Bird".

Ken Bird, M.D., M.P.H., Fresno County Health Officer



**County of Fresno**  
**Board of Supervisors**  
**RESPONSE TO THE**  
**2015-16**  
**FRESNO COUNTY GRAND JURY**  
**FINAL REPORT #1**



## **FRESNO COUNTY DEPARTMENT OF PUBLIC HEALTH**

Please find below the Fresno County Board of Supervisors' response to the 2015-16 Grand Jury Final Report #1.

### **Recommendations**

- R1. FCDPH (Fresno County Department of Public Health) should support the implementation of AB 329, the new sex education law, in all Fresno County school districts. (F4)**

The recommendation has been implemented. The County Department of Public Health has contacted the Fresno County Office of Education and the County school districts to offer assistance with the implementation of AB 329.

- R2. FCDPH should strengthen outreach to all expectant mothers, especially those in hard-to-reach groups, to emphasize the availability and importance of prenatal care including screening and treatment for STD (sexually transmitted disease). (F2, F3, F5)**

The recommendation has been implemented; the County Department of Public Health has strengthened outreach through the expansion of a major outreach program targeting high-risk expectant mothers. Additionally, through the recruitment of public health nurses into vacancies in other established programs, the Department will provide enhanced outreach and home visitation programs targeting other at-risk expectant and new mothers.

# REPORT & RESPONSES #2

---

SELMA UNIFIED CHANGES  
COME AT A STEEP PRICE



# **SELMA UNIFIED CHANGES COME AT A STEEP PRICE**

## **SUMMARY**

Violation of the Ralph M. Brown Act by members of the Selma Unified School District Board of Trustees was alleged in the original complaint to the Grand Jury.

A six-month investigation expanded the scope of inquiry to governance of the district before and after the release of the district superintendent from his contract, which had been extended just over two months earlier. In its review, the Grand Jury found numerous examples of trustees ignoring the board's own policy manual and Code of Ethics about their authority, unduly stressing district staff and acting independently without board authorization.

Citizens reacted to the superintendent's dismissal -- and the unbudgeted costs associated with that action -- by organizing a recall election in which the three trustees who formed the ouster majority were unseated and three new trustees were voted onto the board.

During the recall campaign, the Board of Trustees hired a new superintendent, who most recently has worked with the newly organized board in what appears to be a more collegial, collaborative and respectful partnership between trustees and district administrators.

## **COMPLAINT**

The Fresno County Civil Grand Jury is charged with observing and reporting upon the operations – but not the curriculum – of local school districts. That includes, but is not limited to, assessing administrative policies and management (California Penal Code §933.5) and is intended to ensure that the public's business is being conducted properly and publicly.

A Grand Jury investigation provides citizens impartial facts, findings and recommendations. The citizens alone, however, have the responsibility to weigh the Grand Jury's information and decide what – if any – action should result.

The Grand Jury also is a guardian of the Ralph M. Brown Act (California Government Code §§54950 - 54963), which protects the public's right to know about how local governments conduct business. If citizens are concerned about possible violations of the Brown Act, they can ask the Grand Jury to assess compliance.

The Grand Jury received a complaint alleging a Brown Act violation among the elected members of the Selma Unified School District Board of Trustees prior to a special meeting February 3, 2015 at which the district superintendent was released from his contract.

During its preliminary investigation, the Grand Jury concluded that it was necessary to expand its inquiry to include policy compliance of Selma Unified School District trustees and its impact on the district and its employees.

## **METHODOLOGY**

The Grand Jury reviewed Selma Unified School District Board of Trustees meeting agendas, audio and minutes, media reports, the district policy manual, social media posts and conducted interviews with an extensive list of witnesses. The Grand Jury also subpoenaed several hundred pages of emails and documents, which were promptly provided by Selma Unified, and scrutinized documentation from Grand Jury witnesses. Government Code §54950-94593 regarding the Brown Act was researched as were materials from the California School Boards Association. The Grand Jury conducted Internet research regarding Education Code sections and student performance standards.

## **BACKGROUND**

The 2010 United States Census reported that the City of Selma had a population of 23,219, of whom 18,014 persons (77.6 percent) identified as Hispanic or Latino. There were 6,416 households, of which 3,411 (53.2 percent) had children under the age of 18 living in them. The Census report found 21.9 percent of the general population lives under the poverty line.

The Selma Unified School District operates eight elementary schools, one middle school, one continuation/adult school and one high school, serving 6,447 students enrolled in 2014-2015, of whom 5,750 were Hispanic/Latino (89.1 percent). Twenty-nine percent of the students speak a second language, with Spanish being the most common (1,696 students). The graduation rate for the district varies from 92 to 94 percent.

Although curriculum and student performance test scores are not within Grand Jury purview, the data were investigated as indicating motivation for certain actions by elected trustees and district administrators.

In evaluating the general performance of Selma Unified schools, the Grand Jury determined there are many frequently changing policies and programs that affect how student achievement is measured. The most significant changes occurred during the tenure of the superintendent who was released February 3, 2015:

- In 2012, Senate Bill 1458 called for significant amendments to the composition of the state's high school Academic Performance Index (API).
- In 2013, Assembly Bill 484 suspended the state's Standardized Testing and Reporting program. The purpose was to allow schools time to prepare for the new Smarter Balanced Assessments, which are aligned with federal Common Core standards, and to transition to the new California Assessment of Student Performance and Progress.
- In 2014, most of the California Standards Tests program was suspended, so testing and API data would differ in the 2015-2016 school year.

The Selma Unified School District Local Education Agency Plan, updated for the 2015-2016 school year, reflects that the district is trying to adjust to curriculum and assessment changes mandated in recent years by the California Board of Education and legislative action.

This plan is relevant to the Grand Jury, because it is typically prepared by the superintendent in consultation with the Board of Trustees. Performance goals and improvements outlined in the plan help determine priorities for funding during the school year.

During the Grand Jury's investigation, the Selma Unified website was redesigned in December 2015, resulting in public access to some archives -- previously available to the public -- being removed, including district Local Education Agency Plans for prior years.

In 2011, the Selma Unified School District switched from at-large election of Board of Trustees members to electing trustees from five areas in which each trustee must reside. Boundaries were drawn to approximately equalize the number of residents and registered voters and putting each incumbent trustee in an area where he or she resided.

In 2012, the area system took effect and the first election was conducted. One trustee area was on that ballot and the incumbent polled 54.1 percent of the vote. Turnout was 62.6 percent of eligible voters. Just two years later, there was an election in three trustee areas and voter turnout ranged from 38 to 45.9 percent. Two incumbents and one challenger were elected, effectively creating a new majority within the five members of the Board of Trustees beginning in December 2014.

The Grand Jury investigated the impact of actions by the Selma Unified School District Board of Trustees before and after the 2014 election, the ouster of the superintendent in 2015, the 2015 trustee recall election and events that followed.

## **INVESTIGATION**

At the time the Grand Jury received its complaint regarding the Selma Unified School District Board of Trustees, several actions had taken place within the community:

- In a February 3, 2015 special Board of Trustees meeting, the superintendent was released from his contract on a 3-2 vote.
- Members of the public, dissatisfied with that action, petitioned for a recall election against the three trustees who voted for termination. (That election was conducted November 3, 2015.)
- The Board of Trustees appointed a district administrator as interim superintendent.
- The Board of Trustees conducted a search and hired a new superintendent, who began with Selma Unified July 28, 2015.

The Grand Jury's investigation sought answers to these questions:

- Did any member of the Board of Trustees discuss with other trustees their voting intention regarding termination in advance of the February 3, 2015 meeting?
- Did trustees discuss costs associated with the superintendent's release prior to taking action?
- Was board policy followed regarding the replacement of the superintendent?

Information received during a preliminary review, prompted the Grand Jury to expand the scope of its investigation. To help report readers differentiate among the Selma Unified School District trustees whose actions are detailed, but not to disclose identity, it became necessary to label each trustee by randomly assigned letters (i.e. Trustee A, D, etc.).

Among the allegations the Grand Jury investigated were:



- Trustees discussing un-agendized items during closed sessions.
- Trustee A incurring legal costs to the district without informing other trustees or receiving authorization to do so.
- Trustees A and B repeatedly contacting management and administrative staff by phone, email and in person, causing mental anguish and creating a climate of fear among employees.
- Trustee A flooding the district's interim superintendent with requests for data and analysis that consumed staff time, had been previously delivered electronically rather than in print, were sometimes redundant and were not discussed publicly at subsequent board meetings.
- Trustees A, B and E exceeding their authority through directives to staff and demands for action.
- Trustees A and B making unannounced visits to classrooms and campuses to intimidate employees, thereby failing to follow district policies and procedures for visits to campuses.
- Trustees A, B and E involving themselves in staff disciplinary matters, directing administrators to take specific actions based on unconfirmed information and disregarding district policies about limitations on trustee duties.

## **SUPERINTENDENT CONTRACT EXTENSION, SEATING A NEW TRUSTEE**

The superintendent, whose termination prompted the Brown Act complaint to the Grand Jury, had been employed in that capacity by the Selma Unified School District since 2007. He had worked in other administrative capacities in the district prior to employment as superintendent.

The Board of Trustees evaluated the superintendent's performance annually. A satisfactory evaluation in each of two consecutive school years automatically extended the employment contract for two years effective on July 1 of the third consecutive year, not to exceed a state-allowed maximum of four years.

The Board of Trustees' most-recent evaluation of the superintendent occurred October 28, 2014, when there was a consensus that the evaluation was positive, according to minutes of the meeting.

On November 4, 2014, two incumbent trustees were re-elected and one was defeated. Witnesses testified that the incoming board member's motivation to run was that schools were failing, because nine of Selma Unified's 11 schools did not meet API standards and the superintendent must be held personally accountable.

At a Board of Trustees meeting November 18, 2014, before the official canvass of election results, the trustee-elect (Trustee E) spoke during public comments seeking to delay consideration of the superintendent's contract extension until he could be sworn in and could vote on it. Witnesses testified that Trustee A nodded and gestured to the trustee-elect before his comments.

Witnesses testified to the Grand Jury that the trustee-elect had a relationship with Trustee A before and during the campaign to join the Board of Trustees. They were observed together multiple times on the Jackson Elementary School campus and at back-to-school nights.

Witnesses said they sat together on the field during Selma High School commencement ceremonies in 2014 (several months before the election) at the invitation of Trustee A. Witnesses

told the Grand Jury that the honor of being seated on the field typically is reserved for administrative staff and special dignitaries.

Trustees A and B moved to table consideration of the superintendent's contract extension. Their motion failed and the extension was approved on a 3-2 vote (Trustees A and B opposed).

There was Grand Jury testimony that Trustee E did not express reservations about the superintendent's performance prior to the November 2014 election. However, Trustee E did speak with the superintendent before the election about relatively innocuous matters including recreational equipment on a campus and about food options for the district's after-school program.

The Grand Jury confirmed that Trustee E, who had not attended trustee board meetings previously, began attending the meetings in February 2014, speaking at one meeting about the removal of tetherballs at one school site, but not of any reservations about the superintendent.

Witnesses said Trustee A had spoken in public about his dislike of the superintendent and had consistently voted against the superintendent's contract extensions.

There was conflicting testimony that Trustee A spoke to Trustee E only *after* the election to find out who he was and where he stood on Selma Unified.

Grand Jury witnesses and emails indicated there was conflict between the superintendent and Trustees A and B, and Trustee E after taking office. All three directed or asked the superintendent and top administrators to approve building construction and/or school-site improvements not sought by the full Board of Trustees. Witnesses said the three commented negatively about district personnel in closed session even though such discussion was not on the agenda.

Witnesses testimony corroborated by email evidence showed that the superintendent had reminded trustees of their responsibilities and limitations as spelled out in the district's policy and procedures manual and the Board's Code of Ethics, which all trustees sign.

At the December 9, 2014 Board of Trustees organizational meeting, Trustee A was elected board president, a role that typically involves greater contact with the superintendent than other trustees enjoy. The board president also conducts meetings and is a ceremonial leader and spokesperson for the district at various community and district events.

## **SUPERINTENDENT EMPLOYMENT DISCUSSION AND CONTRACT RELEASE**

Witnesses said Trustee A requested a meeting with the superintendent at approximately 4 p.m. January 29, 2015 and that Trustee E was at the district office at the same time to discuss new leadership. (Witnesses disagree on whether the two were at the same place at the same time coincidentally.)

Trustee A and the superintendent met in the superintendent's office, witnesses told the Grand Jury, and the superintendent was informed that trustees had decided to move in a different direction so he would be released from his contract. Witnesses said that when pressed by the superintendent about the full board's feelings, Trustee A indicated his confidence that the majority of trustees agreed.

The Grand Jury was unable to verify the specifics of the conversation. However, Trustees A, B and E had previously expressed publicly their dissatisfaction with the superintendent.

After leaving the superintendent's office, witnesses told the Grand Jury that Trustees A and E met in the parking lot and Trustee E did not meet with the superintendent as originally planned. What the two trustees discussed in the parking lot is unknown to the Grand Jury.

Witnesses said Trustee A consulted the district's legal counsel directly for advice on how to call a special meeting of the Board of Trustees on February 3, 2015. In doing so, the Grand Jury was told, Trustee A simultaneously cut off communication between administrators and legal counsel. The abrupt access removal made it impossible for staff to follow Trustee A's order to post an agenda until the trustee was contacted and a staff member received direction from legal counsel.

The special meeting agenda was posted Friday, January 30, 2015, with one action item: "Employee Discipline/Dismissal/Release/Non-Re-election (Government Code 54957)."

Trustee A was not authorized publicly by the Board of Trustees to take this action.

Although the individual employee was not named on the agenda, witnesses said that rumors circulated quickly throughout the district that the superintendent's tenure was the purpose of the meeting.

Minutes for the February 3, 2015 meeting listed signatures of 150 individuals on a sign-up sheet, but witness and media accounts put the estimated crowd at 200-300 people -- mostly supporters of the superintendent. Grand Jury witnesses said citizens' anger -- expressed directly to trustees and on social media -- made some trustees fearful of physical violence.

Witnesses told the Grand Jury that Trustee D proposed to Trustee A in advance of the meeting that a bigger venue was needed to accommodate the anticipated larger-than-usual audience. District staff forwarded emails and information about calls seeking a larger meeting place to Trustee A and other trustees.

When Trustee C made a motion at the meeting to change the venue, citing a fire marshal request, it was defeated 3-2 (Trustee D was also in the minority) without discussion and the special meeting continued.

The Board of Trustees meeting room, located within the Selma Unified District Office, typically has 18-20 chairs available to the public. Multiple citizens spoke during public comment that declining to change the venue to a larger space was disrespectful to citizens left to stand for hours in the cold.

Forty-six citizens spoke during the nearly two-hour public comments segment of the special meeting -- all but two of whom favored the superintendent's retention. The meeting agenda said public comments would be limited to 30 minutes overall and no more than 3 minutes per speaker, but limits "are at the discretion of the board president." Trustee A waived the 30-minute total and asked Trustee E keep time on individual speakers so they could speak for 3 minutes apiece.

Selma Unified records audio from the public portions of its trustees' meetings.

The audio recording reviewed by the Grand Jury indicates multiple citizens said the superintendent was beloved in the community, especially with students.

Citizens shared stories of how the superintendent campaigned at local businesses for donations to meet student needs and worked with law enforcement to improve campus safety and student/officer relations. His attendance and approachability at school functions and athletic events was a highlight to students and parents, speakers said. Others shared memories of the superintendent paying for classroom needs from his own pocket.

The cost of the buy-out was a recurring theme during public comment. Parents and teachers were heard on the audio file expressing concern that the funds would be better applied to student services. Multiple speakers mentioned a buy-out price tag of \$250,000 and also said that a wrongful termination lawsuit was likely.

Many citizens expressed the opinion that termination would not be in the best interest of the students or teachers whom they said were finally starting to experience stability and trust under the superintendent's leadership.

There was no discussion by the board members before the trustees moved into closed session and the superintendent left the meeting.

There was conflicting witness testimony about the length of the closed session, but agreement that there was only brief discussion before the trustees voted that did not include consideration of the contract buy-out cost.

The trustees reconvened in public session and announced the superintendent's release had been approved on a 3-2 vote. Trustees A and E, who had met the previous week at the superintendent's office, and Trustee B formed the majority.

Witnesses said the superintendent was provided no specific reason for his ouster, nor was the Grand Jury. Multiple witnesses stated that trustees did not set, nor communicate standards to evaluate the superintendent's work performance, as was required by board policy 2110(a): "The Board shall clarify expectations and goals for the Superintendent at the beginning of every evaluation year."

However, conflict existed between some trustees and the superintendent, and among trustees themselves, the Grand Jury was told, with issues stretching back several years.

The Selma Unified superintendent serves at the will of the Board of Trustees and the employment contract can be terminated at the board's discretion. Canceling the contract did not constitute a firing and did not imply wrongdoing by the superintendent. It did, however, trigger a separation clause and its financial ramifications to which citizens referred in the special meeting.

## **THE COST OF SEPARATION**

Witnesses told the Grand Jury that some trustees were not aware of the precise cost of terminating the superintendent's contract. However, public records of the February 3, 2015 special meeting indicate the trustees were reminded by community members of estimated costs prior to the vote.

The cost to buy out the superintendent's contract totaled \$296,940. Approximately \$18,000 was paid from the district's budget reserve, with the remainder from the 2014-2015 and 2015-2016 annual budgets.

An interim superintendent who served the district from February 10, 2015 until July 27, 2015, was paid the difference between usual salary and the superintendent's salary for the hours spent performing superintendent duties. That was an unbudgeted expense of \$40,213.

Also unbudgeted was the cost of hiring the search firm to recruit candidates for superintendent. The district paid \$18,500 to the search firm. There were additional costs to send trustees to one candidate's district outside the area and to pay expenses of candidates coming for interviews.

Legal costs for the district also took a drastic upward turn starting in February 2015. As of February 24, 2015, legal counsel was present at almost all Board of Trustees meetings. Between travel time and the duration of the meeting, the presence of legal counsel at meetings is a cost to the district of approximately \$919 per meeting.

Counsel billed the district \$9,183 for legal advice about the former, interim and new superintendents, the superintendent search, contracts, reviewing documents, researching Brown Act violation allegations, issues relating to the recall and political activities of district staff.

The district also paid counsel more than \$4,000 advising district staff and reviewing documents in response to the Grand Jury's investigation.

The direct costs to the district that the Grand Jury could account for regarding the superintendent's termination totaled \$377,174, significantly more than the amount mentioned by citizens at the February 3, 2015 special board meeting.

The total does *not* include \$55,781 billed by the Fresno County Clerk/Registrar of Voters for conducting the recall election, nor does it include any district costs associated with interviewing or vetting superintendent candidates.

The financial impact on the district of releasing the superintendent that could be verified by the Grand Jury totaled \$432,955, with impact on operations budgets in two fiscal years and on the district's reserve fund.

## **STRAINED RELATIONSHIPS**

Witness testimony and emails obtained by the Grand Jury painted a portrait of a difficult work relationship between top administrators and Trustees A and B that became increasingly strained beginning in the summer of 2014 and escalated after Trustee E was elected November 4, 2014.

The Grand Jury reviewed emails sent by Trustees A and B directly to administrative staff that were often outside any trustee's scope of authority, weren't authorized by the Board of Trustees, weren't directed to the proper administrator, weren't based on personal expertise, and/or did not consider financial impacts for the district.

Witnesses told the Grand Jury that responding to trustees' requests and directives consumed considerable staff time and district resources and sometimes duplicated materials previously provided. However, the Grand Jury found that in emails exchanged between district staff and all

trustees, staff responses were usually quick and respectful, even when emails came in late at night, on weekends or at other personally inconvenient times.

Following are some examples of trustee requests during the 2014-15 school year:

- Trustee A instructed the assistant superintendent with responsibility for personnel to discipline a staff member based upon a rumor that proved to be false. (The request was not authorized by the Board of Trustees.)
- Shortly after the November 2014 election, Trustee A directed the same administrator to take action against a principal for declining to “lock down” the school campus due to an unverified incident. (Witnesses told the Grand Jury that Selma Police investigators advised against the lockdown.)
- Trustee A directed the assistant superintendent to conduct a review “to examine the culture of a school site with regard to staff interaction” based on unsubstantiated reports of conflict between the principal and teachers. (The request was not authorized by the Board of Trustees.)
- Trustee A, with no building trades background, directed the superintendent to replace ovens, flooring, roofing, furniture, doors, playground structures and other equipment at schools he visited. (Costs did not factor in the directive, which also was not requested by the Board of Trustees.)
- Trustee A directed the superintendent to provide a larger library building for a campus. (The action was not authorized by the Board of Trustees.)
- Trustee A became personally involved in multiple employee and student discipline actions upon which he could be expected to vote in an appeal. (The Board of Trustees did not authorize his involvement.)
- Trustee A sent emails to the superintendent, with copies to all board members, accusing the superintendent of not providing status updates on work requests and the location of various district equipment. (The Grand Jury determined that the superintendent had previously provided the information to the trustee.)
- Trustee A directed the superintendent to contact him directly each time campus repairs were completed so he could inspect them. (The trustee was not authorized by the Board of Trustees to do such inspections.)
- Trustee A repeatedly requested documentation be printed on short notice although the information was available online or previously provided. One such request was that more than 700 pages be made available.
- Trustee A requested historical data from multiple sources, some of which was not within the district’s purview to collect, and then repeatedly asked staff how quickly the items would be provided. (Board meeting minutes do not reflect that the data items were subject of public discussion.)
- Trustee A copied and pasted selected unreferenced sections of the District’s 1,702-page policy manual in email directives to district staff.
- Trustee A directed the superintendent to purchase two golf carts, smart phones, 26 two-way radios for the high school “safety staff” and radios for the middle school. (The trustee did not suggest how the purchases would be paid and the request was not authorized by the board.)
- Trustee A requested comprehensive reports on district vehicles: precise location of vehicles at the time of the request, model years, license plate numbers, repair invoices, all costs for the vehicles, any insurance coverage applied, vehicle mileage, duration of time vehicle was driven by each employee and when future repairs on the vehicles would be completed. (No reason for the request was provided and the request was not authorized by the Board of Trustees in public session.)

- Trustee A asked to inspect the district's vision and hearing testing equipment, a list of the training sessions and conferences all district nurses had attended, the number of students tested in the current and prior year (sorted by grade level) and what information was given to parents about test results. (The trustee was not authorized to inspect medical equipment and the Board of Trustees did not request nurse or student data)
- Trustee A, who visited multiple classrooms on campuses without advising anyone of the reason or outcome, instructed the superintendent to report to the board all classrooms the superintendent visited, what was learned, how the district would prepare for Common Core implementation and various district student assessment needs. (The trustee gave this directive without authorization from the Board of Trustees.)
- Trustee A repeatedly involved himself in trying to manage the superintendent's personal time, telling the superintendent not to attend district or school functions or field trips off the clock. The trustee expressed frustration to other trustees after learning that the superintendent attended certain school activities. The trustee also criticized the superintendent's involvement in community organizations, suggesting it was taking time away from work. (The superintendent is authorized by the Board of Trustees to represent the district in the community.)

The Grand Jury learned that when one staff member's work vehicle became subject to Trustee A's repeated inquiries, the employee volunteered to surrender the vehicle, telling the administrator, "I am sorry that your time is being spent on this item rather than dealing with more important issues."

Some facilities requests submitted by Trustee A were declined or not given top priority because they did not affect student safety or enhance education, the Grand Jury was told.

An example reviewed by the Grand Jury was an email Trustee A submitted to the superintendent and assistant superintendent listing unbudgeted facilities repairs and directing that work be expedited on a particular campus. The email list included his reasoning as to why Trustee A wanted the work done:

- Ceiling tiles described as a distraction and giving "a look of poverty."
- Vinyl flooring in different colors that should be changed to one color so students didn't "internalize poverty."
- Discolored wood flooring that made "students feel they are not important."
- Urgent replacement of library carpeting because it made "a loud noise when walked on."

District emails confirmed the trustee continued to argue the importance of the repairs with the superintendent as well as the assistant superintendent despite being cautioned about the cost and the need to complete urgent repairs on other campuses.

The superintendent counseled trustees on multiple occasions regarding the proper procedure for routing concerns and also warned them about limitations on their authority as trustees.

A trustee was cautioned via email by the superintendent that his signed District Governance Team Code of Ethics indicated a trustee was "never to exercise authority as a board member except when acting in a meeting with the full Board or as delegated authority by the Board." The superintendent also directed the trustee to the Board bylaws, which require all trustees to "understand the distinction between Board and staff roles, and refrain from performing any management responsibility of the Superintendent and staff" (Board Bylaws 9005(a) #7).

Documents reviewed by the Grand Jury indicate repeated trustee involvement also continued in staff discipline requests in spite of warnings from the superintendent and assistant superintendent regarding the Board's involvement in preliminary personnel actions. Witnesses told the Grand Jury that the trustees were overreaching in their requests for specific personnel discipline despite receiving cautionary advice dating back to 2012.

Board agendas and minutes, as well as testimony from multiple witnesses, confirmed that all Selma Unified trustees received training about their roles and authority. Presentations and workshops coordinated by district administrators, district legal counsel and consultants were provided, as was training at California School Boards Association conferences.

District correspondence and witness testimony confirmed that Trustees A and B, however, made repeated demands on district administrators and were admonished by the superintendent for crossing authority boundaries that had been the subject of training.

The frequency and intensity of the email exchanges between Trustees A and B and the administrative staff significantly increased following the November 2014 election, in which witnesses said that Trustee A publicly campaigned for Trustee E against an incumbent.

## **CITIZEN INVOLVEMENT AND COMMENCEMENT OF RECALL PROCESS**

Trustee A's scheduling of a special meeting to terminate the superintendent brought a quick -- and negative -- response from some community members.

January 31, 2015, the day after the Selma Unified School District agenda was posted for the February 3, 2015 special meeting, citizens started a Facebook page to advocate for retaining the superintendent. Facebook posts, media accounts and witness testimony make clear that citizens were aware the superintendent's tenure was the subject of the special board meeting, although the agenda didn't say so.

Facebook posts also referred to a rumor that the district's assistant superintendents and possibly other district staff were to be terminated. That rumor was repeated by Grand Jury witnesses and described as a "hit list" that made some district employees fearful they would lose their jobs because they had prior disagreements with Trustees A, B and E.

Several Facebook posts drew attention to the potential cost of buying out the superintendent's contract and suggested that citizens opposed to that action to contact all trustees (listing their email addresses and phone numbers). Witnesses testified that citizens did contact trustees.

Opponents of the superintendent's termination were urged to attend the special meeting and express their opinion. The day before the meeting, there were repeated Facebook calls for citizens to tell trustees the meeting room was too small to accommodate the anticipated crowd and that the meeting should be moved.

Facebook posts also reflect efforts to attract news media to the meeting. Two newspapers and three television stations reported on the meeting and on recall chants and comments that followed the vote to release the superintendent from the contract.

After Trustees A, B and E voted to terminate superintendent's contract on February 3, the title of the citizen-run Facebook page became "Quality Education in Support of Selma Recall." Within a



week of the February 3, 2015 special meeting, Facebook posts began promoting recall of the trustees who voted to terminate the superintendent's contract.

Recall papers were served on Trustees A, B and E at a board meeting March 10, 2015. After petitions were circulated, returned and certified, the Fresno County Elections Department set the election date for November 3, 2015.

## **HIRING A NEW SUPERINTENDENT**

A Selma Enterprise report published February 5, 2015 quoted Trustee A from an interview on February 4, 2015, the day after the special meeting, stating that he had contacted individuals willing to serve as the new superintendent within the past couple of days. The newspaper reported that Trustee A said he was considering interim superintendent candidates and looking into search firms to recruit a permanent superintendent.

Multiple witnesses told the Grand Jury it appeared that Trustee A had begun a search for a replacement superintendent in advance of the February 3, 2015 special meeting, but that allegation could not be verified. Emails, however, indicated that in the days following the superintendent's termination, Trustee A contacted several firms to launch the search for a new superintendent.

Board Policy 2120(b) calls for the entire board to collaboratively participate in the search for a superintendent. No Grand Jury witness could remember any time Trustee A was given the authority to independently do so.

Late at night on February 6, 2015, Trustee A emailed to the assistant superintendent responsible for human resources the information the trustee had received while independently initiating the superintendent search process.

The administrator, who had conducted an estimated 1,000 employee searches over the years, was directed by Trustee A in emails to "take over" the quest for a new superintendent. However, Trustee A remained closely involved, although never publicly authorized by the Board of Trustees:

- February 7, 2015, Trustee A emailed a presenter at the previous December's California School Boards Association's annual education meeting seeking a handout from her presentation: "The Superintendent Search Process and the Role of the Executive Assistant." Trustee A's email said he missed the presentation while attending the conference in San Francisco two months prior.
- February 12, 2015, the requested material was emailed to Trustee A and was forwarded to the assistant superintendent, also working as interim superintendent by then.
- February 12, 2015, Trustee A sent an email to the interim superintendent detailing how the recruitment and selection process should be conducted. The email was a series of random phrases quoted from board policy. The email indicates Trustee A planned to offer other advice on the superintendent selection process in the future.
- February 12, 2015, Trustee A directed the interim superintendent to coordinate a search-firm presentation to the board.
- February 25, 2015 Trustee A sent an email with more suggestions on search-firm presentations.

The interim superintendent coordinated presentations by search firms before the Board of Trustees, but the trustees were divided on how fast the search process would be. Trustees C and D felt the process was being rushed, the Grand Jury was told, in an effort to quell public discontent with the superintendent's ouster and make a recall less likely.

Four firms made proposals to the Board of Trustees on March 10, 2015; and one was selected at a cost of \$18,500 and the screening and interview process went forward.

Witnesses said two trustees -- one who voted to terminate the previous superintendent and one who voted for his retention -- visited the area in which the ultimately successful candidate worked and agreed that she should be hired in Selma Unified.

A new superintendent was selected and approved by the Board of Trustees by a 5-0 vote on July 21, 2015.

## **ESCALATION OF CONFLICT**

Witness testimony, corroborated by news reports and social media posts, indicated some participants and vocal supporters of the recall effort were Selma Unified support staff, teachers and administrators.

In an email, Trustee A challenged the interim superintendent about whether it was legal for teachers or students to discuss the recall on campus. The Grand Jury was told there was debate about whether this constituted censorship, but there seemed to be agreement that political activities should not take place on school campuses.

However, Grand Jury witnesses said Trustees A, B and E campaigned to retain their board seats at back-to-school nights, which take place on campus.

Witnesses told the Grand Jury that Trustee A visited staff break rooms at school campuses and demanded that any paraphernalia related to the recall be removed.

Trustees A, B and E took notice of staff members' personal vehicles displaying recall support stickers and repeatedly contacted the interim superintendent, directing her to take action. Testimony indicated the interim superintendent asked employees to park vehicles with political stickers off campus and they did so.

The Grand Jury was told that one piece of recall support material was left on a school copying machine, but the interim superintendent quickly addressed the situation, passing along to school principals copies of regulations prohibiting use of district equipment for political activities.

Some teachers who spoke in favor of the recall at Board of Trustees meetings received unannounced classroom inspections by Trustee A shortly after, which witnesses said was intimidating.

Emails obtained by the Grand Jury and corroborated by witnesses indicated that Trustees A, B and E monitored the actions of spouses and family members of recall supporters around town and/or online. There was testimony that the trustees discussed who had recall support signs in their front yards. District staff with family members who expressed recall support, witnesses said, were the subject of targeted personnel requests to district administrators.

The rumored list of administrators targeted for termination did not abate, adding to distress felt by some employees, the Grand Jury was told.

Witnesses said one site administrator hired personal legal counsel after discovering that Trustees A and B had paid more visits to that campus than to any other district school.

Witnesses also told the Grand Jury that Trustee A sat in a vehicle in the parking lot of one campus observing custodians through binoculars and watched teachers and parents for extended periods at school sites after the recall campaign began.

Witness testimony and emails indicate that Trustee A also followed some staff and their family members around town. Emails obtained by the Grand Jury indicate the trustee contacted the interim superintendent to determine if a particular teacher reported to work on the same day Trustee A observed the teacher shopping midday and “did not appear sick.”

Grand Jury testimony was that Trustee A saw the teacher in the same car the trustee had previously observed parked at a school. Trustee A drove to the school and confirmed the car was not in the parking lot. The teacher Trustee A surveilled was the spouse of a district administrator rumored to be on the board majority’s list of staff targeted for termination, the Grand Jury was told.

## **BOARD DISCORD**

Grand Jury testimony indicated that Trustee D sent numerous requests to Trustee A, asking that the rumor of administrators targeted by the trustee majority for termination be placed on the agenda for discussion so the community could be assured that the rumor was false. The Grand Jury was told there was no response to the requests and meeting minutes confirmed the topic was not discussed publicly.

A request by Trustee D to Trustee A for more time to review the search firms contacted by Trustee A also went nowhere, the Grand Jury was told.

Tensions between Trustees A, C and D were ongoing, witnesses told the Grand Jury, characterizing Trustee A’s behavior toward Trustee D in particular as “hostile,” “rude” and “disrespectful,” and that the lack of collegiality was longstanding.

For example, at the May 13, 2014 Board of Trustees meeting Trustee D’s spouse was recommended for a lateral transfer to a newly created position. Trustee A’s motion to deny the transfer, supported by Trustee B, was defeated on a 2-3 vote.

Witnesses testified that Trustee A challenged the legality of a trustee voting for a spouse and legal counsel advised that Trustee D could vote because the personnel move was a lateral transfer without a salary increase.

The transfer was then approved on a 3-2 vote (opposed by Trustees A and B). Witnesses told the Grand Jury that Trustees A and B raised no objections to the employee’s qualifications.

Trustee A was described by witnesses as unwilling to let the issue go. Fourteen months later, Trustee A ordered the interim superintendent to seek a new opinion from legal counsel other than

the district's usual firm. Trustee A's demand was made without authorization by the Board of Trustees.

The second opinion was sent to the interim superintendent July 16, 2015. There was no subsequent public discussion of the matter and the employee continued in the new position.

The additional legal opinion, independently requested by Trustee A, cost the district \$6,566.92.

## **CHALLENGES TO RECALL**

After the superintendent's termination, multiple witnesses testified and emails reflected, trust was seriously lacking in almost all relationships between Trustees A, B, E and district staff. Partly that was because of a perception that district employees supported the recall campaign.

A document obtained by the Grand Jury reports that on June 19, 2015, Trustees A, B and E, accompanied by a lawyer, visited the Fresno County Clerk/Registrar of Voters Office seeking to prevent the recall election from proceeding because:

- The "intent to recall" petitions did not comply with a state-issued guide to recall elections.
- Some petition signatures didn't include road type or city and ZIP code in addresses.
- Two signatures were incomplete.
- Petitions were circulated by people who lived outside trustee areas targeted for recall.
- An initial was missing from one trustee's name.
- Typographical errors were published in a newspaper.

In a letter June 23, 2015, responding to Trustee A, B, and E's claims, the County Clerk/Registrar of Voters concluded there was no basis to discontinue the recall process.

On July 10, 2015, Trustees B and E filed complaints with the Fresno County District Attorney's Public Integrity Unit requesting an end to the recall because of various discrepancies between the official notification of recall election and a newspaper legal notice published March 25, 2015.

The discrepancies included the lack of a boldface headline on the notice; substitution of "out" for "our;" misidentification of one trustee's area; listing the superintendent's severance payout at \$264,000; and omission of the word "has." Trustee B also challenged two of 10 signatures on the recall petition as incomplete.

No public action was taken on the complaints.

Three months later, on October 14, 2015, the Trustees A, B and E filed suit against the Fresno County Clerk/Registrar of Voters seeking an injunction to prevent the recall election scheduled for November 3, 2015. The suit referenced some of the same issues listed above, including a typographical error and the challenge of two signatures on one petition.

It also challenged one of the driving forces in the recall campaign- that Trustees A, B and E worked in concert before the superintendent was released. The suit said, "Neither [Trustee A] nor [Trustee B] had supported the last extension of [the superintendent's] contract, so this decision was unsurprising and consistent with what the voters who elected the new Board majority expected to happen."

Nine days after filing suit, the plaintiffs petitioned the Superior Court for dismissal, which was granted with prejudice, permanently closing the case. There was no explanation for the dismissal request nor subsequent public comment by Trustees A, B and E about it that the Grand Jury was able to verify.

## **CHALLENGING WORK ENVIRONMENT OF INTERIM SUPERINTENDENT**

Multiple witnesses testified that working in an atmosphere of mistrust was stressful and made it difficult to focus on their work.

From February 10, 2015, until the commencement of the new superintendent's contract in July 2015, an interim superintendent led the Selma Unified administration. The individual whom trustees appointed was a long-time district administrator, described by witnesses as well-regarded. Witnesses also told the Grand Jury that she was considered by some trustees as a logical candidate for permanent superintendent.

Incidents involving Trustees A and B in the months before and after the interim superintendent's appointment, witnesses told the Grand Jury, made her uncertain of her future in the district.

Trustee A emailed links to national news articles to the interim superintendent, requesting opinions and feedback on the articles. Some of the articles were titled "How to Build Trust in Schools" and "Social Media Guidelines for School Administrators." At the about same time Trustee A sent those articles, the Grand Jury was told, Trustee B accused the interim superintendent's spouse of making derogatory remarks about him on social media.

Trustee A also sent the following items to the interim superintendent during her short tenure:

- An email directing the interim superintendent to give Campus Security Officers (CSOs) more training, promote part-time officers to full time and to hire more CSOs for the continuation school to deal with challenges of student gang members. The email also directed the superintendent to gather data regarding suspension and expulsion rates and "surveys of students, parents and teachers on the sense of safety and school connectedness." Data, the email said, was to be used to keep the CSOs "strong." The trustee's email did not request an assessment of costs for training and salaries. Trustees had not discussed the directive publicly.
- Requests for a count of all two-way radios and how many were in use (although school was in recess at the time); a draft of a software contract proposal; a timeline for the high school's transition to all free meals; new Local Control Funding Formula regulations on eligibility; an update on Medical Administrative Activities billings; a copy of all agendas and minutes for the Valley Regional Occupational Program as soon as available; an analysis of the high school woodshop class; and a decision about who should be the authorized agent for each school district's agreements.
- A directive that the interim superintendent, who had been in that capacity only 15 days, to be personally responsible for all community forum presentations explaining the Local Control Funding Formula and Local Control Accountability Plan (LCAP) to the public.
- A request emailed late on a Saturday night three weeks later asked for a personal briefing on the interim superintendent's presentations with information on how the district would establish goals and meet them in specific subgroups of stakeholders. The email indicated that the proportional responsibility and burden of implementation rested with the interim superintendent. The interim superintendent replied the next morning, which was a Sunday.

- A request on a Friday night for an opinion about whether the former superintendent should attend district athletic events. Trustee A learned from a campus Twitter feed of the former superintendent's presence at a basketball game, the Grand Jury was told. The former superintendent had forged relationships during his 16 years in the district and was not restricted by his separation agreement, but the trustee wanted the district's legal counsel alerted, which triggered an opinion for which the district was billed.
- Directed that information be provided from an expelled student's file, including homework assigned and whether it was completed. Although the process had already been completed and legal notices served, Trustee A said that a district representative should visit the student's home to discuss the expulsion process with the parents.

Multiple witnesses testified that Trustee A had a history of rude, undermining, disrespectful and disdainful behavior toward the interim superintendent during board meetings dating back several years to her service as the assistant superintendent responsible for personnel and curriculum. There was a drastic increase in strain after Trustee E was elected in November 2014, multiple witnesses told the Grand Jury.

The assistant superintendent had previously received board approval to attend the annual California School Boards Association annual education conference in December 14-16, 2014 in San Francisco. On November 19, 2014, Trustee A visited the assistant superintendent's office to inquire why such attendance was necessary. Trustee A argued any necessary training could be conducted elsewhere and that the assistant superintendent had already attended the conference multiple times. The assistant superintendent had attended the California School Boards Association conference only once and had talked about how valuable the training was.

The Grand Jury reviewed an email written by the assistant superintendent to Trustee A and copied to the superintendent about the challenge to attending the conference. The email said that when Trustee A was asked why attendance at the conference was being challenged, the answer was, "Things change."

In the email, the assistant superintendent said the exchange had caused emotional and physical distress. The assistant superintendent also stated in the email that since the entire board approved attendance, it could vote to rescind approval, but the district would forfeit the enrollment fee. Trustee A was elected to serve as board president two months later.

After the assistant superintendent was appointed interim superintendent, Trustee A began sending a steady stream of messages containing directives and questions, replying to which consumed substantial staff time, witnesses told the Grand Jury. During this same time period, the interim superintendent's employment contract was up for renewal.

Witnesses testified that the interim superintendent was aware her name was rumored to be at the top of the board majority's list of possible terminations and expressed this to Trustee A. The Grand Jury was told that in spite of a fearful work environment, the interim superintendent maintained focus on the district's 500-plus employees and more than 6,000 students.

The interim superintendent determined that the stress of a continued working relationship with an adversarial board was too great and did not apply for the permanent position. An email sent from Trustee A to the interim superintendent stated "why not let the general public know of your decision. What comes to mind is the teacher and her family who attended the May 12th Board meeting asking that you be given the Superintendent position. Moreover, the people circulating

the recall petition tell voters by signing the petition would ensure you keep the superintendent position.”

It is unclear why the trustee attempted to involve the interim superintendent in the politics of the recall campaign or what impact the trustee expected this information to have on the community.

In addition to responding promptly to the Trustee A’s frequent directives and requests, the interim superintendent continued to perform the assistant superintendent duties. During the district’s peak hiring season, the interim superintendent was also coordinating the hiring of a new superintendent, creating and implementing a new employee evaluation set of standards, and preparing the district’s state-mandated reports.

Date and time stamps on emails obtained by the Grand Jury indicate that the interim superintendent received emails late at night and replied back within hours, even on weekends and holidays. Witnesses testified that the interim superintendent spent a significant amount of time on nights and weekends at the district office.

Grand Jury review of district emails indicated that on Sunday night, May 31, 2015, Trustee A launched a series of requests to the interim superintendent that witnesses said required substantial staff time to fulfill.

First was a five-item request for material about the Local Control and Accountability Plan’s (LCAP) concentration and supplemental grant funds and the “total amount to be spent in 2015-16 using the concentration and supplemental fund.” Trustee A’s email asked the interim superintendent to:

- “Determine aspirational targets for supplemental and concentration grant funds using aspirational per student figures and applicable student counts.
- “What did our district spend on program services that served unduplicated students last year/2014-15?
- “Compare how much the district spent last year 2014-15 to how much should the district spend at full implementation.
- “How much funding is the state providing this year 2015-16 school year to fund the gap/additional funds?
- “How much does the district need to spend to achieve proportionality/equally (sic) in this year 2015-16?”

The California Department of Education says LCAP is part of the Local Control Funding Formula implemented by the state in 2013 to “create funding targets based on student characteristics and provide greater flexibility to use these funds to improve student outcomes.” The goal was to give local school districts more control over how state funding is spent by developing plans for how the money would best be utilized.

Since the program was relatively new, the review and analysis of data and available funds was a process the district’s administration was involved in year-round and the trustee had received updates on the program three months prior.

No explanation was given in Trustee A’s email for the request to compile the data or for the urgency with which response was required; nor was there any justification to the interim superintendent for Trustee A’s other email requests made within 5 days of the LCAP data request, which included:

- A list of students, teachers, administrators, staff and parents attending the senior graduates' field trip, what vehicles would be taken, and the specific reason each unregistered student was not attending.
- A reporting template detailing the success and challenges of the senior trip to Disneyland's Grad Nite "to experience vicariously" the excursion experience.
- Instructions to pursue testing of all 10th grade students with the PSAT.
- Update parking signs throughout the district in partnership with legal counsel.
- To discipline a principal observed by the trustee leaving campus during the school day for one hour to travel home and back.
- To assist in correcting a campus security officer that the trustee thought drove a district golf cart too fast.
- To assist the trustee in reorganizing classroom assignments for independent study programs to larger rooms to facilitate more student interaction.
- To assist the trustee in dealing with an elementary school principal who was "giving staff and teachers a big headache."
- A revised organizational chart.
- To draft a superintendent search timeline and distribute updated versions and interview schedule to all trustees.

As the school year ended, Trustee A's demands for data continued, including:

- A list of all seniors classified as English Learners and their graduation status.
- The number of students enrolled in summer classes at the adult school.
- An analysis of AB97 and how the district would maintain compliance.

Trustee A seldom provided a reason with a directive, and most did not result in public discussion at board meetings. The Grand Jury was told that no other board member expressed a request for similar data or sent so many requests for information or action to the interim superintendent.

Emails indicate Trustee B contacted the interim superintendent on a Saturday at 3:07 p.m., and then sent a second email 7 minutes later asking why there had been no reply. The incident that the trustee claimed to need immediate attention had been handled and voted upon three months prior, the Grand Jury was told.

In July 2015, the interim superintendent told Trustee A that because of the volume of requests, the multiple requests could not be fulfilled. The trustee replied that the earlier requests should be disregarded. Three days later, Trustee A began sending the interim superintendent new requests.

Requests to the superintendent from trustees for historical information are not uncommon, witnesses told the Grand Jury. However, documents reviewed by the Grand Jury show that the requests for data, information and updates were voluminous during the interim superintendent's tenure, and quickly ceased once the new superintendent was hired.

The Grand Jury observed that messages from Trustee A to the interim superintendent were demanding and sometimes unpleasant. They ignored established protocols for trustee communications with staff.

The volume and tone of messages from Trustees A, B and E changed when the new superintendent came aboard, replaced by praise, an offer to meet for lunch or coffee and willingness to be flexible on appointments and projects . The assistant superintendents noticed a



drop-off in the volume of messages, directives and demands for reports and documents from trustees, the Grand Jury was told.

Trustee E told the new superintendent in an email, "It has been a lot of work to arrive here...it was all worth it."

## **POLICY VIOLATIONS**

The Grand Jury was told by multiple witnesses that Trustees A and B were verbally abusive to other trustees and staff. Multiple witnesses testified that prior to legal counsel more frequently attending Board of Trustees meetings, closed-session discussions often strayed from the published agenda.

Witnesses testified items suitable for public session were discussed in closed session. In some cases, votes were taken, but not reported out to the public.

Legal counsel began attending meetings of the Board of Trustees shortly after the superintendent was released. The Grand Jury was told that counsel advised that closed sessions were not in compliance with Brown Act requirements about sticking to the adopted agenda and reporting all votes in public session.

As a consequence, witnesses said, closed sessions were brought into statutory compliance. To accommodate trustees' desire to speak on some issues that do not require board action, the district instituted time for comments in the open session of board meetings.

Grand Jury testimony indicated the district administration historically prepared and submitted items to the board for approval, but Trustee B disagreed with that practice and wanted trustees to initiate action items upon which the body would vote. The trustee's opinion was in contradiction to the board policy manual's direction for placing operational items on the agenda.

Board policy was flouted in other ways, the Grand Jury learned.

There was testimony that Trustee A failed to provide advance notice of frequent campus visits and, sometimes, did not advise office staff where on campus he was going, violating campus visitation policies -- some intended for the security of students. Many of those visitation policies had been formalized since 2010 in the board policy manual (Section 1250(a) and AR 1250(a)).

The Grand Jury was told that providing advance notice of a trustee visit would allegedly give schools time to "stage" appearances. Testimony alleged this had happened when the Selma mayor accompanied Trustee B on a campus visit in which the mayor notified the school of his impending visit as required by with district policy.

The Grand Jury was told that Trustee A carried a clipboard during unannounced visits, and sat in the back of classrooms taking notes to intimidate teachers. Multiple witnesses testified that Trustee A visited all campuses often, performed site inspections and used binoculars to conduct surveillance of school janitors from a parked vehicle.

The Grand Jury's request to review email exchanges between the trustees revealed that no Selma Unified trustee had a district email account, raising concerns about accountability, security and privacy. Instead, trustees conducted board business under their personal email accounts.

A review of some email exchanges between staff and trustees available on the district server included sensitive information such as identifying students and teachers in the district to whom the information applied. Trustee E's email account was actually registered to a spouse, raising additional concern about access to sensitive emails by someone who had not sworn to uphold policies or state law.

Email exchanges among the trustees could not be reviewed by the Grand Jury because they were stored on individual trustees' electronic equipment, outside the server of the school district. As a consequence, the Grand Jury could not investigate the alleged Brown Act violations regarding the superintendent's termination via their email correspondence. Similarly, the Grand Jury was not able to determine whether serial meetings might have been conducted electronically in violation of the statute.

Although the Grand Jury was not able to corroborate timelines or direct exchanges by the majority, numerous witnesses indicated the superintendent's termination seemed too well orchestrated for there to have not been advance discussion by Trustees A, B and E.

Witnesses told the Grand Jury that Trustee A sent an email to the rest of the board after the superintendent's termination, soliciting opinions about a suitable replacement.

California Government Code 54952.2 states, "A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board." The Grand Jury was unable to corroborate the testimony because it had no access to trustees' email accounts.

The routing of trustee concerns continued to remain an issue across the administration of both permanent and interim superintendents. Trustees were directed by administrators to channel concerns directly to the superintendent to review and delegate. They were also instructed to contact the superintendent for updates, if necessary.

Trustees A and B, however, sent continued requests outside the chain of command. When the district employee did not reply directly to the trustees, the superintendent was contacted by the trustees and told to take action against the employee. The Grand Jury was told that all trustees were made aware of the proper procedures for routing requests.

Board Bylaws §9012(a) states: "Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process."

Witness testimony and email exchanges indicate that some board operating procedures were unwritten, such as respecting the time commitment certain board actions require. The Grand Jury was told there was agreement among trustees that agenda items likely to be discussed longer than 15 minutes should be agreed upon in advance. It was unclear how such a consensus could be obtained before a meeting without violating Brown Act strictures.

Because it wasn't specifically proscribed, some trustees used board meetings as platforms to speak for extended periods on items relevant only to that trustee.

A superintendent also referred to a board practice (not policy) regarding trustee requests for large amounts of data and reports, requiring time for staff to fulfill. The superintendent indicated that such requests should be agreed upon by the board majority as necessary or relevant.

Witness testimony confirmed by emails indicated Trustees A and B were not conscientious of staff time when making requests and did not identify why information was needed or if any other board member wanted or had requested the information. With no procedure in place, the Grand Jury was told, staff occasionally was overwhelmed trying to fulfill trustee requests while performing their regular job duties.

Testimony indicated that trustees were advised by superintendents to follow district policy when they directly received complaints or concerns from parents. Policy indicated for parents with issues or questions to contact teachers, principals or the superintendent directly so their concern can be addressed promptly. Trustees A and B submitted parent concerns directly to administrators instead, the Grand Jury was told, delaying resolution while the issue was referred to the appropriate individual for response.

Trustees A and B also directed district staff to advise them of all steps in the resolution process and what was said or written to parents, creating an extra reporting step for staff. Some trustees sent emails copied to multiple parties accusing administrators of not responding to parent concerns. The Grand Jury was told that most issues were resolved within 48 hours and parents were satisfied with the outcome.

Witnesses said Trustee A referred to complaints from unidentified parents and anonymous complaints and letters as the source of requests for district action, leaving district administrators uncertain what level of action should be reported upon and to whom, the Grand Jury was told.

The most prevalent violation confirmed by the Grand Jury was a lack of cohesiveness amongst the trustees, with some acting independently on a regular basis.

Board Bylaws section 9200 (a) states:

“The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate. Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.”

The Board Bylaws section 9005(a) #8 states trustees shall: “Understand that authority rests with the Board as a whole and not with individuals.”

Board Bylaws Section 9005(b) adds:

“Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students
2. Communicate a common vision
3. Operate openly, with trust and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board-adopted policies and procedures
6. Take collective responsibility for the Board's performance
7. Periodically evaluate its own effectiveness
8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations”

Examples provided in previous sections of this report indicate that Trustees A and B repeatedly disregarded board bylaws.

## **RECALL ELECTION RESULTS**

The campaign to recall Selma Unified School District trustees first appeared on the advocates' Facebook page, February 1, 2015 -- the day after the page was created. There was public talk of a recall during and after the Board of Trustees special meeting February 3, 2015, when Trustees A, B and E voted to remove the superintendent. The 3-2 decision came just over two months following a positive evaluation and contract extension for the superintendent.

A major concern of recall advocates was the cost of terminating the superintendent's contract and its impact on district programs for students. Trustees A, B and E declined to discuss publicly their reasons for taking action against the superintendent, citing their obligation to treat personnel issues confidentially. The Selma Unified Governance Code of Ethics, signed by each trustee, requires board members to “keep confidential information confidential.” Trustee B said publicly that the recall election shouldn't proceed because trustees couldn't defend their actions due to their oath of confidentiality.

The targeted trustees and recall advocates both said that their chief concern was Selma Unified's children and the future success of them and the district.

Witnesses told the Grand Jury that the social media campaign mentioned earlier in this report was not the only way the recall effort was made known. Citizen conversations, newspaper articles, billboards, letters to the editor, yard signs, door-to-door campaigning and parent-club advocacy made the community aware of the recall, the Grand Jury was told.

Facebook posts against Trustees A, B and E and advocating those running to replace them continued until November 3, 2015. On that date, voters recalled Trustees A, B and E and elected their replacements.

Despite the level of public awareness, fewer than 24 percent of 6,710 eligible voters went to the polls in the three applicable areas. The range of 32.8 percent in one area to 18.1 percent in

another indicates a decrease from the 2014 trustee election in which 38-45 percent of voters participated in the three areas.

The new trustees were elected in 2015 with support of 10.4, 10.8 and 19.7 percent of the aggregated total electorate in the three areas.

The Selma Unified School District was billed \$55,781.32 by the Fresno County Elections Office for conducting the election.

The Facebook page's final post occurred November 17, 2015 – the night the newly elected trustees were sworn in (Trustees F, G and H).

## **MOVING FORWARD**

Grand Jury witnesses said the new trustees were aware of divisions in the community resulting from the many months of negative campaigning during the recall. Witnesses testified that the superintendent's ouster was outrageous, retaliatory and like mourning the loss of someone they knew.

Witnesses described the general attitude of district staff and teachers after the recall as one of relief, liberation and no longer being threatened with firing.

The Grand Jury also was told that new trustees who attended the California School Boards Association annual meeting in December 2015 were advised that a board that works well together 80 percent of the time has higher test scores than one that is disruptive and does not work well together.

That advice comes from the association's "Governance Brief," which says: "School boards ensure success for all students by making decisions that fulfill legal mandates and align district systems and resources to ensure the long-term fiscal stability of the district. To do this, boards must act collectively and openly, be guided by community interests, and informed by recommendations of the superintendent and professional staff."

Witnesses told the Grand Jury the new superintendent enjoyed unanimous support from the 2016 board and had quickly developed a positive rapport with the Selma community.

The Grand Jury was advised that the new superintendent is taking steps to facilitate positive working relationships amongst trustees and with staff, beginning with training, workshops, staff retreats and weekly updates on district activities. Emails reviewed by the Grand Jury indicate the new superintendent regularly provides the trustees with guidelines for Brown Act compliance and, with support from legal counsel, tries to ensure the trustees remain aware they must operate as a collective body.

Grand Jury witnesses said trustees and administrators want extensive and frequent training. As this report was written, Trustees F, G and H had attended the California School Board Association's annual education conference, Facilities/Bond and Governance Leadership workshops and multiple guided tours of Selma Unified school sites. There also had been a preliminary review of the Brown Act and the Board Policy Manual.

Emails reviewed by the Grand Jury indicate Trustee F has been proactive in reviewing conflict-of-interest policies and sought guidance on concerns on district financial items due to personal employment and that of a spouse. The superintendent and legal counsel also expressed via email their willingness to evaluate future questions to ensure applicable board policies and statutes are followed.

The Grand Jury was told that Trustee G's goals included an update to the Board Policy Manual, improved graduation rates, increased student safety and keeping staff momentum going with the implementation of good ideas. The Grand Jury also heard testimony that Trustee G was taking initiative in becoming familiar with the district's Positive Behavior Interventions and Supports (PBIS) discipline protocols and the role and authority of a board trustee.

Testimony to the Grand Jury indicated that Trustee H wanted to make sure current technology and advanced classes were available to students and that specific needs of the adult/continuation students is addressed.

Some issues from the previous board majority continue to impact the new board. Trustee B has become a frequent, public critic of Trustees C, D, F, G and H in letters to the editor and in meetings of the school board. Testimony to the Grand Jury indicated Trustee B continues to make demands of administrators and trustees rather than the superintendent on items he was not able to successfully complete while on the board.

Emails obtained by the Grand Jury indicate the district administration referred to the board's own policy manual in advising trustees about the proper routing of concerns they had or came from other citizens, as well as appropriate responses.

Multiple witnesses testified to a mutual agreement among the 2016 trustees to follow CSBA guidelines about putting aside personal issues and differences and working together in partnership with district professional staff to advance the interests of the district's children.

Shared goals of the 2016 Board of Trustees mentioned during testimony included a bond measure for athletic and educational facilities, establishing a Boys and Girls Club (It opened April 29, 2016.), test-score improvement and enhanced educational opportunities for students.

Witnesses testified that the newly constituted board wanted to create harmony, promote open communication and establish a common vision for the administration, parents and teachers.

## **FINDINGS**

F01) The Board of Trustees did not communicate clear or measurable goals to the superintendent during his 2008-2015 tenure.

F02) A meeting took place between the superintendent and Trustee A in which the superintendent was informed the board wanted to go in a new direction. Five days later, the superintendent was released from contract on a 3-2 vote.

F03) The Grand Jury did not prove or disprove that Trustees A, B and E had communicated about releasing the superintendent before the February 3, 2015 special meeting and in violation of the Brown Act. Lack of access to trustee personal email accounts and phone records leaves the level of their interaction -- if any -- outside the board room unresolved.

F04) No evidence of wrongdoing was given to the Grand Jury or the public against the former superintendent, who served as an at-will employee.

F05) Trustee A initiated an independent search to replace the released superintendent without authorization from the Board of Trustees, a task that the Board Policy manual states is to be performed by the entire board.

F06) The community's dissatisfaction with the superintendent's release and the trustees who supported it resulted in Trustees A, B and E being recalled in November 2015.

F07) The total cost that could be verified by the Grand Jury of releasing the superintendent from his contract was \$377,147, of which \$80,234 was for acting pay to the interim superintendent, an employment search firm, legal costs, and other expenditures. The recall election in November 2015 cost the school district an additional \$55,781. The total figure calculated by the Grand Jury was \$432,955.

F08) Limited political activities advocating the recall took place on district campuses and were the subject of complaints by Trustees A, B and E, each of which was addressed by district administrators quickly and with cooperation from employees.

F09) The work environment for district staff and administrators was permeated by fear of termination or other retaliation during the months following the superintendent's termination and ending with the November 3, 2015 recall election.

F10) Board policies that define specific roles and authority of trustees were violated on numerous occasions, most frequently by Trustees A and B, who were deeply involved in personnel and student discipline matters which they could later have been obligated to adjudicate.

F11) Trustees A, B and E issued disciplinary directives -- unauthorized by the Board of Trustees -- to district administrators, sometimes based on rumors that proved false.

F12) Frequent and wide-ranging requests and directives from Trustee A to district administrators -- independent of Board of Trustees authorization -- created an unnecessarily stressful work environment.

F13) Trustees A and B, who publicly made the security of students a high priority, violated district policies regarding campus visits and ignored procedures in place to ensure student safety.

F14) Trustees A, B and E surveilled and shared information regarding the personal activities of district staff and administrators, a practice that increased during the months leading up to the recall election.

F15) Trustees A and B misrouted constituent concerns to administrators although told by the superintendent repeatedly about the routing process described in the Board Policy Manual.

F16) Trustee A submitted requests for facility repairs with illogical justification expressing no concern about cost and without board authorization.

F17) Poor communication, disrespect, verbal abuse and lack of collegiality toward fellow trustees, district staff, and administrators by Trustee A were a violation of board policy and ignored California School Boards Association guidelines.

F18) Trustee A independently directed the interim superintendent to contact with a law firm other than district counsel to review another trustee's right to vote on an item that occurred 14 months prior, costing the district more than \$6,500.

F19) Selma Unified School District trustees are not issued secure email accounts. During 2014 and most of 2015, trustees used personal, unencrypted email accounts (one shared with a spouse) to conduct district business about students, employee discipline and other private/confidential information. By May 2016, Trustees F, G and H had Selma Unified email accounts, but Trustees C and D used personal accounts.

F20) No board policy exists to restrict or prohibit trustee-demanded items that use large amounts of staff time/resources from being requested. No board policy exists to prohibit a trustee from conducting a lengthy discussion of items only relevant to that trustee during board meetings.

F21) Prior to legal counsel's presence at Board of Trustees meetings, un-agendized items were regularly discussed during closed sessions, and items voted upon during closed session were not reported out to the public as required by statute.

F22) The district website was redesigned in December 2015 and access to some public data archives were lost and unavailable to the Grand Jury.

F23) The Selma Unified Board Policy Manual is more than 1,700 pages, making it difficult for new trustees to be trained promptly. The current format is difficult to navigate efficiently.

## **RECOMMENDATIONS**

R01) The Board of Trustees and the district administration must work together to set clear, measurable and attainable goals for the Selma Unified School District and spell out in annual evaluations the performance expectations for its leadership team. (F01, F17)

R02) Trustees should be issued secure email addresses to conduct district business and also secured district email accounts for public access by students, parents and constituents. (F03, F19)

R03) Trustees should familiarize themselves with the campus visitation policy and follow it to ensure student safety and to establish trust with school-site staff. (F13, F14, F16)

R04) Trustees should learn and follow the correct routing procedures for complaints from constituents and facilities requests. (F12, F15, F16)

R05) Trustees should refrain from becoming involved in personnel matters, especially discipline, except as their authority is defined in district board policies. (F08, F09, F10, F11, F21)

R06) Trustees should be continually reminded by the superintendent and the board president of their responsibility to act as a collective, collaborative and collegial body, and not as individuals, as outlined in the Board Policy Manual. (F01, F05, F10, F11, F12, F16, F17, F18)

R07) Trustees must be considerate of staff time and resources when submitting requests for data and the superintendent should reserve the right to decline or postpone individual requests if they interfere with district operations. (F09, F10, F12, F20)



R08) The district shall provide and ensure all administrative staff and trustees attend adequate training with regards to boardsmanship, conflict of interest, the Brown Act and district policies. (F03, F05, F10, F12, F13, F15, F17, F21, F23)

R09) An abridged version of the district board policy manual with the sections most relevant to trustees should be provided to new trustees before they are seated and reviewed as part of trustee training on a regular basis thereafter. (F23)

R10) The superintendent, the board president, and citizens should emphasize to trustees the importance of representing the needs of residents in the areas they represent, while also considering the needs of the district as a whole. (F06, F07)

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code 933(c) and 933.05, the Fresno County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses from elected officials are due within 60 days of the receipt of this report and 90 days for others.

## **RESPONDENTS**

Dr. Tanya Fisher, Superintendent, Selma Unified School District  
Findings F08-F23, Recommendations R01-R10

Jennifer Winter, President, Selma Unified School District Board of Trustees  
Findings F01-F23, Recommendations R01-R10

## **REFERENCES**

<https://publicportal.fresno.courts.ca.gov>

[www.selmausd.org](http://www.selmausd.org)

[www.agendaonline.net/public](http://www.agendaonline.net/public)

[www.census.gov/2010census/data/](http://www.census.gov/2010census/data/)

[www.cde.ca.gov](http://www.cde.ca.gov)

[www.lcapwatch.org](http://www.lcapwatch.org)

[www.yourcentralvalley.com](http://www.yourcentralvalley.com)

[www.selmaenterprise.com](http://www.selmaenterprise.com)

[www.hanfordsentinel.com](http://www.hanfordsentinel.com)

[www.kingsburgrecorder.com](http://www.kingsburgrecorder.com)

[www.fresnobee.com](http://www.fresnobee.com)

[www.csba.org](http://www.csba.org)

[www.facebook.com](http://www.facebook.com)

[www.csea.com](http://www.csea.com)

[www.co.fresno.ca.us/elections](http://www.co.fresno.ca.us/elections)

Selma Unified Board Policy Manual

Selma Unified Board of Trustees Agendas and Meeting Minutes

Emails requested and received from Selma Unified School District

Financial documents requested and received from Selma Unified School District

Legal documents requested and received from Selma Unified School District

Training documents requested and received from Selma Unified School District  
Interview testimony from multiple witnesses



July 28, 2016

The Honorable Kimberly Gaab, Presiding Judge  
1100 Van Ness Avenue  
Fresno, CA 93724-0002

**Re: Selma Unified School District's Response to Fresno County Grand Jury Report  
Final Report No. 2**

Dear Judge Gaab:

Pursuant to California Penal Code sections 933 and 933.05, the Board of Trustees for the Selma Unified High School District ("Board" or "Trustees") hereby submits this formal response to the Fresno County Grand Jury Report, Final Report No. 2 ("Report").

### **OVERVIEW OF DISTRICT RESPONSE**

The Board of the Selma Unified School District concurs in the Grand Jury's commitment to ensuring that Board members conduct themselves in strict accord with applicable ethics and conflict of interest laws. The Board and Superintendent have duly considered the Grand Jury's findings and recommendations.

We would like to take this opportunity to point out that, although we acknowledge that there is always "room for improvement," the District has provided opportunities for Board members to obtain training related to ethics, and to learn about their duties and obligations as elected officials.

Please also note that the responses to the Findings, below, are provided separately for Jennifer Winter, Governing Board President and Dr. Tanya Fisher, District Superintendent, as indicated in the text.

### **RESPONSE TO GRAND JURY'S FINDINGS**

#### **Finding No. F01):**

**The Board of Trustees did not communicate clear or measurable goals to the superintendent during his 2008-2015 tenure.**

Response to Finding No. F01):

Board President: While the Board agrees with the general intent of this Finding, it bears mentioning that, during the former superintendent's tenure, the Board was not entirely remiss in describing clear and measurable goals to him. Further, even though it was not always in a formalized context, the Board periodically communicated its expectations for the District and its administrators, including the former superintendent.

Finding No. F02):

**A meeting took place between the superintendent and Trustee A in which the superintendent was informed the board wanted to go in a new direction. Five days later, the superintendent was released from contract on a 3-2 vote.**

Response to Finding F02):

Board President: It is the Board's understanding that the actions occurred as stated in this Finding.

Finding No. F03):

**The Grand Jury did not prove or disprove that Trustees A, B and E had communicated about releasing the superintendent before the February 3, 2015 special meeting and in violation of the Brown Act. Lack of access to trustee personal email accounts and phone records leaves the level of their interaction -- if any -- outside the board room unresolved.**

Response to Finding F03):

Board President: Acknowledged.

Finding No. F04):

**No evidence of wrongdoing was given to the Grand Jury or the public against the former superintendent, who served as an at-will employee.**

Response to Finding F04):

Board President: Acknowledged. Further, the Board has had no knowledge of any evidence of wrong-doing by the former superintendent.

Finding No. F05):

**Trustee A initiated an independent search to replace the released superintendent without authorization from the Board of Trustees, a task that the Board Policy manual states is to be performed by the entire board.**

Response to Finding F05):

Board President: Agreed.

Finding No. F06):

**The community's dissatisfaction with the superintendent's release and the trustees who supported it resulted in Trustees A, B and E being recalled in November 2015.**

Response to Finding F06):

Board President: There may have been other factors at work but, based on its observations, the Board generally agrees.

Finding No. F07):

**The total cost that could be verified by the Grand Jury of releasing the superintendent from his contract was \$377,147, of which \$80,234 was for acting pay to the interim superintendent, an employment search firm, legal costs, and other expenditures. The recall election in November 2015 cost the school district an additional \$55,781. The total figure calculated by the Grand Jury was \$432,955.**

Response to Finding F07):

Board President: Agreed.

Finding No. F08):

**Limited political activities advocating the recall took place on district campuses and were the subject of complaints by Trustees A, B and E, each of which was addressed by district administrators quickly and with cooperation from employees.**

Response to Finding F08):

Board President: The details of political activities related to this issue and the District's responses are somewhat complicated and the subject of both a contract grievance and unfair labor practice charge; however, the Board generally agrees.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge related to this Finding. Nevertheless, based on my review of materials, and conversations within the District, I generally agree, although the District has been working with the Selma Teachers Association on a grievance and unfair labor practice charge arising out of those political activities.

Finding No. F09):

**The work environment for district staff and administrators was permeated by fear of termination or other retaliation during the months following the superintendent's**

**termination and ending with the November 3, 2015 recall election.**

Response to Finding F09):

Board President: The circumstances following the former superintendent's termination were relatively dynamic and complicated. While it is difficult to characterize the extent or level of fear, the Board generally agrees.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge related to this Finding.

Finding No. F10):

**Board policies that define specific roles and authority of trustees were violated on numerous occasions, most frequently by Trustees A and B, who were deeply involved in personnel and student discipline matters which they could later have been obligated to adjudicate.**

Response to Finding F10):

Board President: To make a definitive response regarding "violations" is difficult. However, based on information and belief, the Board generally agrees that the circumstances generally appeared as stated in the Finding.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge.

Finding No. F11):

**Trustees A, B and E issued disciplinary directives -- unauthorized by the Board of Trustees -- to district administrators, sometimes based on rumors that proved false.**

Response to Finding F11):

Board President: Based on information and believe, the Board generally agrees.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge.

Finding No. F12):

**Frequent and wide-ranging requests and directives from Trustee A to district administrators -- independent of Board of Trustees authorization -- created an unnecessarily stressful work environment.**

Response to Finding F12):

Board President: Based on information and belief, the Board generally agrees.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge.

**Finding No. F13):**

**Trustees A and B, who publicly made the security of students a high priority, violated district policies regarding campus visits and ignored procedures in place to ensure student safety.**

Response to Finding F13):

Board President: Based on information and belief, the Board agrees.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge.

**Finding No. F14):**

**Trustees A, B and E surveilled and shared information regarding the personal activities of district staff and administrators, a practice that increased during the months leading up to the recall election.**

Response to Finding F14):

Board President: Based on information and belief, the Board generally agrees.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge related to this Finding.

**Finding No. F15):**

**Trustees A and B misrouted constituent concerns to administrators although told by the superintendent repeatedly about the routing process described in the Board Policy Manual.**

Response to Finding F15):

Board President: Based on information and belief, the Board agrees.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge related to this Finding.

**Finding No. 16):**

**Trustee A submitted requests for facility repairs with illogical justification expressing no concern about cost and without board authorization.**

**Response to Finding F16):**

Board President: Agreed.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge related to this Finding.

**Finding No. F17):**

**Poor communication, disrespect, verbal abuse and lack of collegiality toward fellow trustees, district staff, and administrators by Trustee A were a violation of board policy and ignored California School Boards Association guidelines.**

**Response to Finding F17):**

Board President: While it is difficult to categorize certain actions and their ramifications, the Board generally agrees.

Superintendent: The referenced activities occurred before my tenure began, so I do not have any first-hand knowledge related to this Finding.

**Finding No. F18):**

**Trustee A independently directed the interim superintendent to (sic) contact with a law firm other than district counsel to review another trustee's right to vote on an item that occurred 14 months prior, costing the district more than \$6,500.**

**Response to Finding F18):**

Board President: Agreed.

Superintendent: Based on my review of materials and internal conversations, I agree.

**Finding No. F19):**

**Selma Unified School District trustees are not issued secure email accounts. During 2014 and most of 2015, trustees used personal, unencrypted email accounts (one shared with a spouse) to conduct district business about students, employee discipline and other private/confidential information. By May 2016, Trustees F, G and H had Selma Unified email accounts, but Trustees C and D used personal accounts.**



Response to Finding F19):

Board President: Agreed.

Superintendent: Although I have not had any direct knowledge of circumstances before my tenure with the District began, based on my knowledge and belief, I agree. However, District accounts were issued to Trustees C and D in June 2016.

Finding No. F20):

**No board policy exists to restrict or prohibit trustee-demanded items that use large amounts of staff time/resources from being requested. No board policy exists to prohibit a trustee from conducting a lengthy discussion of items only relevant to that trustee during board meetings.**

Response to Finding F20):

Board President: Agreed, although there are a number of Board Bylaws that indirectly address these issues.

Superintendent: Much of the referenced activities occurred before my tenure began, so I do not have any first-hand knowledge. Based on my review of materials and conversations within the District, I generally agree; however, there are Board Bylaws “on the books” that indirectly address these issues.

Finding No. F21):

**Prior to legal counsel’s presence at Board of Trustees meetings, un-agendized items were regularly discussed during closed sessions, and items voted upon during closed session were not reported out to the public as required by statute.**

Response to Finding F21):

Board President: Although the extent of the issue is difficult to characterize, the Board’s understanding of closed session protocol was incomplete and, therefore, legal counsel was brought in to assist the Board to become more proficient with Brown Act closed session requirements.

Superintendent: To the extent any issues existed before my tenure with the District began, I am unable to provide a response. However, District administration has arranged for legal counsel to assist the Board in its understanding and application of Brown Act closed session requirements.

Finding No. F22):

**The district website was redesigned in December 2015 and access to some public data archives were lost and unavailable to the Grand Jury.**

Response to Finding F22):

Board President: Based on information and believe, the Board agrees.

Superintendent: Based on my review of materials and conversations within the District, I generally agree.

**Finding No. 23):**

**The Selma Unified Board Policy Manual is more than 1,700 pages, making it difficult for new trustees to be trained promptly. The current format is difficult to navigate efficiently.**

**Response to Finding F23):**

Board President: Agreed.

Superintendent: Based on my review of materials and conversations within the District, I generally agree.

**RESPONSES TO GRAND JURY'S RECOMMENDATIONS**

**Recommendation No. R01):**

**The Board of Trustees and the district administration must work together to set clear, measurable and attainable goals for the Selma Unified School District and spell out in annual evaluations the performance expectations for its leadership team. (F01, F17)**

**Response to Recommendation No. R01):**

The Board and Superintendent accept this recommendation. Actions consistent with this recommendation are in progress; specifically, a Goal Setting Workshop has been planned for August 2016, but the date is yet to be determined.

**Recommendation No. R02):**

**Trustees should be issued secure email addresses to conduct district business and also secured district email accounts for public access by students, parents and constituents. (F03, F19)**

**Response to Recommendation No. R02):**

The Board and Superintendent accept this recommendation. Secure email addresses to conduct District business were issued to Board members in June 2016, and secured District email accounts for public access by students, parents, and constituents were also established for each Board member in June 2016.

**Recommendation No. R03):**

**Trustees should familiarize themselves with the campus visitation policy and follow it to ensure student safety and to establish trust with school site staff. (F13, F14, F16)**

**Response to Recommendation No. R03):**

The Board and Superintendent accept this recommendation. The Board Workshop planned for August 2016 will include a session on the District's campus visitation policies and procedures, and will include a discussion of the importance of such policies to student safety and staff trust.

**Recommendation No. R04):**

**Trustees should learn and follow the correct routing procedures for complaints from constituents and facilities requests. (F12, F15, F16)**

**Response to Recommendation No. R04):**

The Board and Superintendent accept this recommendation. The Board Workshop planned for August 2016 will include a session on the proper procedures for submitting and routing of complaints from constituents and facilities use requests.

**Recommendation No. R05):**

**Trustees should refrain from becoming involved in personnel matters, especially discipline, except as their authority is defined in district board policies. (F08, F09, F10, F11, F21)**

**Response to Recommendation No. R05):**

The Board and Superintendent accept this recommendation. The Governance Workshop conducted in January 2016 included presentations covering policies and procedures on this issue. The District has also arranged for Board members to obtain training and information on this issue at the California School Boards Association Workshops in December 2015 and July 2016. This will also be a subject of on-going attention and further workshop sessions.

**Recommendation No. R06):**

**Trustees should be continually reminded by the superintendent and the board president of their responsibility to act as a collective, collaborative and collegial body, and not as individuals, as outlined in the Board Policy Manual. (F01, F05, F10, F11, F12, F16, F17, F18)**

**Response to Recommendation No. R06):**

The Board and Superintendent accept this recommendation. The process will be initiated at the Board Workshop planned for August 2016 and will be the subject of on-going guidance by District administration.

**Recommendation No. R07):**

**Trustees must be considerate of staff time and resources when submitting requests for data and the superintendent should reserve the right to decline or postpone individual requests if they interfere with district operations. (F09, F10, F12, F20)**

**Response to Recommendation No. R07):**

The Board and Superintendent accept this recommendation. The Board and Superintendent accept this recommendation. The process will be initiated at the Board Workshop planned for August 2016 and will be the subject of on-going guidance by District administration.

**Recommendation No. R08):**

**The district shall provide and ensure all administrative staff and trustees attend adequate training with regards to boardmanship, conflict of interest, the Brown Act and district policies. (F03, F05, F10, F12, F13, F15, F17, F21, F23)**

**Response to Recommendation No. R08):**

The Board and Superintendent accept this recommendation. District administration arranged for the presentation of a Brown Act Workshop for the Board in October 2015 and a Governance Workshop in January 2016, as well as Governance Workshops through the California School Boards Association in December 2015 and July 2016. Further, the Board and District administration are committed to make this a topic of on-going training.

**Recommendation No. R09):**

**An abridged version of the district board policy manual with the sections most relevant to trustees should be provided to new trustees before they are seated and reviewed as part of trustee training on a regular basis thereafter. (F23)**

**Response to Recommendation No. R09):**

The Board and Superintendent accept this recommendation. District administration provided Board members with the Board Bylaws and Governance Handbook in January 2016, and issues updates to Board members when there are any revisions to those materials. Further, District administration will develop an abridged version of the District's polices for Board members containing policies and regulations most relevant to their role.

**Recommendation No. R10):**

**The superintendent, the board president, and citizens should emphasize to trustees the importance of representing the needs of residents in the areas they represent, while also considering the needs of the district as a whole. (F06, F07)**

The Honorable Kimberly Gaab, Presiding Judge  
July 28, 2016  
Page 11

Response to Recommendation No. R10):

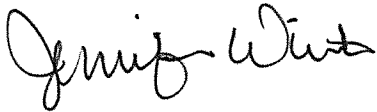
The Board and Superintendent accept this recommendation.

**CONCLUSION**

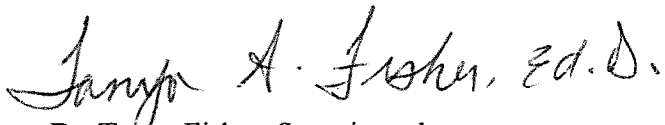
The Board of Trustees of the Selma Unified School District and the Superintendent appreciate the time and dedication of the Grand Jury members in providing the District with the Report and recommendations.

If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Winter". The signature is written in a cursive style.

Jennifer Winter, President, Governing Board of Trustees

A handwritten signature in black ink that reads "Tahya A. Fisher, Ed.D.". The signature is written in a cursive style.

Dr. Tahya Fisher, Superintendent

# **REPORT & RESPONSES #3**

---

**AGENCIES WORKING COLLABORATIVELY  
IMPROVE 911 EMERGENCY MEDICAL SERVICES**



## **Agencies Working Collaboratively Improve 911 Emergency Medical Services**

### **Summary**

Citizen complaints prompted the Grand Jury to investigate the misrouting of some 911 emergency medical calls in Fresno County. The investigation determined that the number of misrouted calls was not large and that better interagency practices will help solve the problem.

### **Background**

The Fresno County Civil Grand Jury received citizen complaints that some 911 emergency medical calls made from cell phones and received by California Highway Patrol (CHP) dispatchers are routed to the California Department of Forestry and Fire Protection (CAL FIRE) rather than to the Fresno County Emergency Medical Services Communications Center (EMS).

When a medical 911 call is not routed directly to Fresno County EMS, a caller reporting a medical emergency will be required to talk to three separate 911 dispatchers before an ambulance can be dispatched.

Also delayed are pre-arrival medical care instructions (i.e. CPR, control of bleeding) that can be provided over the phone. In the most critical cases, such as cardiac arrest, pre-arrival medical care instructions are provided immediately and any delay can mean the difference between life and death, the Grand Jury was told.

On August 1, 2011, the County of Fresno reaffirmed EMS Policy #402 (Attachment A), that all 911 medical emergency calls should be routed to the Fresno County EMS

Communications Center. The policy was endorsed by all primary public safety answering points (PSAPs) and it remains in effect today.

### **Purpose of the Investigation**

The purpose of the Grand Jury's inquiry was to determine why nearly 4,000 of more than 231,000 medical emergency 911 calls received by CHP per year are not routed to the Fresno County Emergency Medical Services (EMS) Dispatch Center.

### **Methodology**

Members of the Fresno County Civil Grand Jury read the complaints and interviewed the staff of Fresno County Emergency Medical Services, members of the California Highway Patrol (CHP) and CAL FIRE and toured all three dispatch centers. They also reviewed documents provided by Fresno County EMS and internet research on general practices of emergency response systems nationwide.

### **The Evolution of 911**

The nation's 911 system has been in place for more than 40 years.

In 1957, the National Association of Fire Chiefs first suggested a designated telephone number throughout the United States to speed up emergency response times. A decade later, the Federal Communications Commission (FCC) created the current system to handle three types of calls received from landline connected phones:

- disabled vehicles with no injuries
- disabled vehicles with injuries
- medical emergencies with no vehicles involved.

Throughout the 1970s, specialized call centers were created across the county to dispatch first responders to emergencies.



Tracing a landline call to an exact location does not require complex technology. Cell phones made the process much more complicated. Like landlines, each cell phone has an owner and a billing address, but unlike landlines, that address may not be reporting from where the call is coming. In the early 1990s, with more and more emergency calls from cell phones, it became clear that 911 call centers were going to need advanced, location-based technology to find people.

In 1992, the FCC created a national committee to figure out a solution. But the committee members failed to predict just how ubiquitous cell phones would become.

According to the National Center for Health Statistics, 45 percent of US households now have cell phones, but not landlines, a number that's grown steadily for more than a decade. Emergency call centers haven't kept pace.

Calls placed on cell phones bounce off of the nearest available cellphone tower which directs them to the closest emergency call center, but calls can be intercepted in unpredictable ways. When a lot of calls are being made at once, the towers can be overwhelmed, meaning some calls will be picked up by a tower further away.

The communications technology behind the 911 system is out of date, the Grand Jury learned, a problem that is well recognized and is being addressed by states working collectively through a national effort. Statistics from 2015 indicate that nationwide, the 911 centers handle about 240 million calls per year.

Working with state governments and other interested stakeholders and members of Congress, the US Department of Transportation (DOT) has cataloged how 911 systems operate in all states and produced a design and transition plan for the next generation 911 (NG911) system. The NG911 initiative establishes the foundation for public emergency communication services in a digital, Internet-based society.

In 1993, Central California Emergency Medical Services adopted Policy #402 to address the management of medical 911 calls in Fresno County. The purpose of the

policy is to provide direction to all Fresno County primary public safety answering points (PSAP) in the routing and processing of 911 calls for medical or emergency medical services requests that originate in Fresno County. The policy is intended to limit the number of 911 PSAP responding to a medical request to a maximum of two.

## **Discussion**

The Fresno County Department of Emergency Medical Services (EMS) was founded in 1986, in a partnership with the County of Fresno and American Ambulance. On August 1, 2011, the County of Fresno, through its EMS agency, implemented policy reaffirming the procedures for management of medical 911 calls in Fresno County: EMS Policy #402. The EMS Communications Center contracts with American Ambulance to dispatch all medical calls for ambulances in Fresno County.

In 2014 the EMS Communications Center dispatched 231,131 calls for emergency medical services. Of those, CHP first directed 3,994 medical emergency calls to CAL FIRE, which then sent them to EMS. In 2015, there were 272,458 medical 911 calls for emergency services of which the CHP directed 3,329 to CAL FIRE.

Since 2011, witnesses told the Grand Jury, EMS staff has attempted to have the CHP send all medical emergency calls directly to the EMS Communication Center.

Witnesses indicated to the Grand Jury that there was the perception that a memorandum of understanding (MOU) existed between the CHP and CAL FIRE that the CHP would forward medical emergency calls to the CAL FIRE dispatch center. Subsequent information given to the Grand Jury indicated that no such MOU exists.

The Grand Jury was told that, after a meeting between the Fresno County EMS Communications Center and the CHP in January 2016, it was agreed that ALL 911 medical emergency calls received by CHP would be directed to Fresno County EMS dispatchers. As of March 16, 2016, the Grand Jury was advised that the Fresno CHP

Dispatch Center has implemented a policy requiring the transfer of all 911 medical emergency calls to Fresno County EMS Communications Center.

Documentation provided to the Grand Jury indicates that the implementation of this new CHP policy has significantly reduced the number of misrouted medical 911 calls in the few months it has been in effect.

The issue of how 911 calls that originate from cell phones are managed is a challenge nationwide. There is potential for improvement with the adoption of NG911. The Grand Jury was told that agencies in Fresno County are keeping current on this issue, collaborating to resolve the technological challenges.

**Findings:**

**F1)** There have been inconsistencies between first responders in Fresno County in how some 911 medical emergency calls are routed.

**F2)** The Fresno County Emergency Medical Services Communications Center, approved by the State of California as a secondary Public Safety Answering Point (PSAP) to receive the direct transfer of medical emergency 911 calls, is the designated EMS dispatch center for all jurisdictions within Fresno County.

**F3)** When CHP directs emergency medical requests to CAL FIRE; the reporting party has to explain the nature of the medical emergency to three separate dispatch centers.

**F4)** Meetings between the CHP, CAL FIRE and Fresno County EMS that occurred in early 2016 resulted in policy changes that preliminary data indicates has reduced the number of misrouted medical 911 calls.

**F5)** The widespread use of cell phones has created 911 challenges nationwide. Efforts are currently underway to address them. In the meantime, local agencies need

to rely on collaboration and locally adopted practices to provide the best possible service.

**Recommendations:**

**R1)** All law enforcement and fire departments in Fresno County should follow the Central California Emergency Medical Services Policy #402. The policy states, in part, that all requests for medical emergencies be directly transferred to the Fresno County Emergency Medical Services (EMS) Communications Center for dispatching. (F1, F2, F3)

**R2)** Fresno County EMS, CHP and CAL FIRE should meet yearly, at a minimum, to review how the system is working and to work together to review/influence the national design of NG911 to meet local conditions. (F4, F5)

**Request for Response:**

Pursuant to Penal Code, section 933.05, the Fresno County Grand Jury requests responses to each of the specific findings and recommendations. It is required that responses are due within ninety (90) days of receipt of this report.

**Respondents:**

Mr. Dan Lynch, Director of Fresno County EMS  
Findings F1-F5, Recommendations R1, R2

Mr. David Pomaville, Director of Fresno County Department of Public Health  
Findings F1-F5, Recommendations R1, R2

## **Sources and References:**

Witness Interviews

Central California Emergency Medical Services Policy #402 (Attachment A)

Statistics and documentation provided by local medical response agencies

[www.911.gov/911-issues/standards.html](http://www.911.gov/911-issues/standards.html)

[www.its.dot.gov/ng911/index.html](http://www.its.dot.gov/ng911/index.html)

**CENTRAL CALIFORNIA**  
**EMERGENCY MEDICAL SERVICES**  
A Division of the Fresno County Department of Public Health

Manual	Emergency Medical Services Administrative Policies and Procedures	Policy Number 402
Subject	Management of Medical 9-1-1 Calls in Fresno County	Page 1 of 2
Authority	Health and Safety Code, Division 2.5, Section 1797.220	Effective: 02/15/93

I. Purpose

The purpose of this policy is to provide direction to all Fresno County primary public safety answering points (PSAP) in the routing and processing of 9-1-1 calls for medical or Emergency Medical Services requests that originate in Fresno County. This policy is developed as part of the EMS System to provide for the most immediate response of emergency medical services, which includes the immediate receipt of medical 9-1-1 calls, provision of pre-arrival care instructions, and initiation of an emergency medical services response (e.g. first responder, ambulance, and helicopter) using priority medical dispatch. It is the intent of this policy to limit the number of 9-1-1 PSAPs that are processing a medical request to no more than two.

II. Policy

- A. The Fresno County Emergency Medical Services (EMS) Communications Center, approved by the State of California as a secondary PSAP to receive the direct transfer of 9-1-1 calls, is the designated EMS dispatch center for all jurisdictions within the County of Fresno.
- B. 9-1-1 calls are screened by primary PSAPs to determine the nature of the emergency, which are routinely categorized into Law Enforcement, Fire, or EMS incidents.
- C. Primary PSAPs shall transfer all 9-1-1 calls for medical or EMS requests originating in any jurisdiction within the County of Fresno directly to the Fresno County EMS Communications Center. Calls received on 9-1-1 for medical or EMS responses include incidents that involve any type of reported injury or illness, including motor vehicle crashes. Due to the type of incident, it may be necessary for law enforcement agencies to keep a 9-1-1 call and relay response information over another telephone line.

**EXCEPTION:** Incidents involving a reported fire, hazmat, or explosion, regardless of injuries, shall be transferred directly to the appropriate PSAP for fire dispatch. It will be the responsibility of the fire PSAP to notify the Fresno County EMS Communications Center if ambulance, EMS helicopter, or other medical resources are needed.

- D. The Fresno County EMS Communications Center shall notify the appropriate fire PSAP or fire agency if first responder or fire resources are needed on the medical incident. This does not apply to primary PSAPs who also have responsibility to dispatch its own municipal fire department. These primary PSAPs shall dispatch fire department equipment in accordance with its own policy and procedure after the 9-1-1 call is transferred to the Fresno County EMS Communications Center. Similarly, primary PSAPs that pre-alert ambulances within its jurisdiction shall continue to alert its ambulance of the ambulance request after the 9-1-1 call is transferred to the Fresno County EMS Communications Center. The Fresno County EMS Communications Center will alert and dispatch the ambulance with the priority of response and any updated information.

Approved By EMS Director	Signatures on File at EMS Agency	Revision 08/08/2011
EMS Medical Director	Signatures on File at EMS Agency	

Subject	Management of Medical 9-1-1 Calls	Policy Number 402
---------	-----------------------------------	----------------------

- E. Certified EMS Dispatchers at the Fresno County EMS Communications Center shall interrogate callers and initiate response of EMS resources using EMS Agency approved dispatch protocols.



# County of Fresno

DEPARTMENT OF PUBLIC HEALTH  
DAVID POMAVILLE, DIRECTOR

June 22, 2016

Hon. Kimberly Gaab, Presiding Judge  
1100 Van Ness Avenue  
Fresno, CA 93704-0002

RE: Response to the 2015-2016 Fresno County Grand Jury Final Report #3  
Agencies Working Collaboratively Improve 911 Emergency Medical Services

Dear Judge Gaab:

The Fresno County Department of Public Health received Grand Jury Report #3 (Report) on June 13, 2016. The Department thanks the jury for its thoughtful and complete report.

## Findings

The Department concurs with Findings F1 through F5.

## Recommendations

**Recommendation 1: All law enforcement and fire departments in Fresno County should follow the Central California Emergency Medical Services Policy #402. The policy states, in part, that all requests for medical emergencies be directly transferred to the Fresno County Emergency Medical Services (EMS) Communications Center for dispatching.**

Response: This recommendation has been implemented; the EMS Agency operates in accordance with Policy #402.

**Recommendation 2: Fresno County EMS, CHP (California Highway Patrol) and Cal FIRE (California Department of Forestry and Fire Protection) should meet yearly, at a minimum, to review how the system is working and to work together to review/influence the national design of NG911 (Next Generation 911 System) to meet local conditions.**

***Promotion, preservation and protection of the community's health***

1221 Fulton Mall / P. O. Box 11867, Fresno, CA 93775

(559) 600-3200 • FAX (559) 600-7687

The County of Fresno is an Equal Employment Opportunity Employer

[www.co.fresno.ca.us](http://www.co.fresno.ca.us) • [www.fcdph.org](http://www.fcdph.org)



Hon. Kimberly Gaab, Presiding Judge  
Response to the 2015-2016 Fresno County Grand Jury Final Report #3  
June 22, 2016  
Page Two

Response: The recommendation has not yet been implemented, but will be implemented prior to October 1, 2016. EMS Communications staff will meet with CHP, Cal FIRE, and the Fresno County Sheriff's Office to determine a regular meeting schedule to review on-going system operations. EMS Communications staff will also work with the Fresno County 9-1-1 Coordinator at the Fresno County Sheriff's Office to review and coordinate the implementation of NG911 to meet local conditions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Pomaville". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

David Pomaville, Director, Department of Public Health

A handwritten signature in blue ink, appearing to read "Daniel Lynch". The signature is cursive and somewhat stylized.

Daniel Lynch, Director, Fresno County Emergency Medical Services