



Fresno County Superintendent of Schools

Dr. Michele Cantwell-Copher, Superintendent

June 25, 2025

Via U.S. First Class Mail

The Honorable Houry A. Sanderson, Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, California 93724-0002

Re: Response to Fresno County Grand Jury Report No. 1: The Brown Act. Is it being taken seriously by Fresno County school districts?

Dear Judge Sanderson:

This letter constitutes the response of the Fresno County Superintendent of Schools ("County Superintendent") to Fresno County Grand Jury Report No. 1: The Brown Act. Is it being taken seriously by Fresno County school districts? (the "Report").

The County Superintendent's office thanks the Grand Jury for highlighting the important issues of compliance with the Ralph M. Brown Act among school districts within Fresno County, as well as the state-mandated ethics training requirements now applicable to school board members. While my office does not have a legally mandated role in the oversight or training of Fresno County school boards when it comes to their compliance with the Brown Act or state-mandated ethics training requirements, we have always sought to be a proactive source of information and education related to these issues. The County Superintendent's office intends to continue these efforts into the future as an outgrowth of our services to Fresno County's 31 school districts.

County Superintendent Authority

As a preliminary matter, it is important to explain the role the County Superintendent's office plays with regard to oversight of the school districts of Fresno County. Our state constitution establishes the position of county superintendents as intermediate service agencies charged with providing regional and direct support to the districts within their respective counties, and implementing specific directives of the California Department of Education. Over time, various legislative enactments have further shaped the specific role of county superintendents. As it relates to school district operations, the primary duties of county superintendents in California can be summarized as:

1. The review and approval of school district Local Control and Accountability Plans ("LCAP"), ensuring alignment between district-created goals and projected spending and services using state-established criteria.
2. Oversight of school district budgets to ensure financial stability and to monitor for evidence of financial distress.

County superintendents play a key, yet limited, role in overseeing districts as part of the larger structure of public schools within the state. In carrying out the review and approval of LCAPs, and in conducting budgetary oversight, the discretion of county superintendents is extremely narrow, and in most cases the exercise of authority becomes essentially ministerial once it is confirmed that the LCAP and budgeting processes have complied with the myriad and technical requirements set by the state. County superintendents are given no specific authority over the activities of school boards, much less the conduct of individual board members. The framework in which county superintendents operate is a purposeful consequence of a structure that places all decision-making and specific operations determinations in the hands of local school boards, with numerous processes designed to make school districts responsive to the needs, goals, and priorities of local communities as determined by locally-elected school district boards.

Fresno County Superintendent Efforts to Support Brown Act Compliance and Good Board Governance

Outside of their specific oversight and review roles, county superintendents are allowed to engage in discretionary activities to serve and support county school districts, including providing direct services, programs, trainings, staff development, curriculum, business and finance support, and health and pupil personnel services. It is in this discretionary role that the County Superintendent has engaged in numerous efforts to support county districts related to Brown Act compliance, and overall ethical board governance.

This has included a long-standing practice of offering a biennial board governance training *free of charge* to all newly elected and existing school board trustees, and district staff, across all of Fresno County. This training generally has had an hour of the time devoted specifically to addressing the Brown Act, and the balance of the time spent discussing school board roles and functions, avoiding conflicts of interest, and the California Public Records Act. Additionally, specifically as it relates to the new state-mandated ethics training requirements, my staff and I have used, and will continue to use, our many speaking opportunities before Fresno County district and school board audiences to highlight the new requirements, and the free online training course offered by the Fair Political Practices Commission as an economical and efficient means of ensuring board members are properly trained in the core curriculum. My office will continue to take an active role in offering practical and actionable training to Fresno County school districts and their boards related to the Brown Act and good governance, while also highlighting the need for board trustees to complete the state-mandated training.

Response to Findings and Recommendations of the Report

F1. Presently serving elected school board members were uncertain whether Brown Act/Ethics training was a requirement as a board member.

In fulfilling its duties and roles, the County Superintendent's office has not surveyed presently-serving elected school board members regarding this issue, and does not have knowledge of the contents of the testimony given to the Grand Jury in the preparation of the Report, and is therefore not equipped to opine on this finding, or make broad generalizations regarding the unique and varied board members serving across Fresno County. Accordingly, the County Superintendent must disagree with the finding.

F2. Presently serving elected school board members were unaware of the consequences which could arise from violating the Brown Act.

In fulfilling its duties and roles, the County Superintendent's office has not surveyed presently-serving elected school board members regarding this issue, and does not have knowledge of the contents of the testimony given to the Grand Jury in the preparation of the Report, and is therefore not equipped to opine on this finding, or make broad generalizations regarding the unique and varied board members serving across Fresno County. Accordingly, the County Superintendent must disagree with the finding.

F3. Brown Act training is among the core content topics required in any curriculum to satisfy AB 1234 training requirements.

Agree.

F4. As per requirements of AB 2158, local school districts are responsible to provide an AB 1234 training curriculum to the elected school board members that includes all core content topics identified in Fair Political Practices Commission Regulation 18371.

Disagree partially, as to what school districts are specifically required to "provide." Pursuant to Government Code, section 53235, subd. (f), "A local agency shall provide information on training available to meet the requirements of this article to its local officials at least once annually." While school districts should use every reasonable effort to inform and encourage its board members to complete the state-mandated training – and are required to provide *information on training available* – the school district itself is not required to become a provider of the mandated training course or curricula.

F5. Within Fresno County, presently serving elected school board members were receptive to developing an onboarding checklist to assist in identifying when state-mandated training requirements are completed by newly elected board members.

In fulfilling its duties and roles, the County Superintendent's office has not surveyed presently-serving elected school board members regarding this issue, and does not have knowledge of the contents of the testimony given to the Grand Jury in the preparation of the Report, and is therefore not equipped to opine on this finding, or make broad generalizations regarding the unique and varied board members serving across Fresno County. Accordingly, the County Superintendent must disagree with the finding.

R1. The Fresno County Superintendent of Schools should provide no later than September 1, 2025, a courtesy notification to the governing boards of all Fresno County school districts to indicate the following: 1) AB 2158 mandates two hours of public service ethics laws training every two years for all elected school board members. 2) All elected school board members must complete AB 1234 training by December 31, 2025 unless their term of office ends before January 1, 2026. 3) That records pertaining to AB 1234 training of

elected school board members are public records, and subject to disclosure under the California Public Records Act. (F1 - F4)

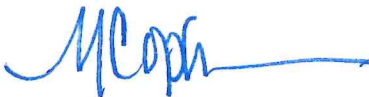
The County Superintendent's office has already implemented this recommendation by transmitting a courtesy notification to all governing boards of all Fresno County school districts including the recommended information, in addition to extra relevant details and resources. Please find a copy of that memorandum enclosed.

R3. The Fresno County Superintendent of Schools should provide no later than September 1, 2025, a courtesy notification advocating that Fresno County school districts each develop and implement an onboarding checklist for newly elected board members to identify and monitor state-mandated training requirements. (F5)

The County Superintendent's office has already implemented this recommendation by transmitting a courtesy notification to all governing boards of all Fresno County school districts including the recommended information, in addition to extra relevant details and resources. Please find a copy of that memorandum enclosed.

The County Superintendent's office again thanks the Grand Jury for raising the issues of Brown Act compliance among school districts within Fresno County and the state-mandated ethics training requirements applicable to school board members, and providing this opportunity to highlight the work of the County Superintendent's office in this area.

Sincerely,



Michele Cantwell-Copher
Fresno County Superintendent of Schools

Enclosure
Courtesy Notification Regarding State-Mandated Ethics Training and Onboarding New Board Members



Fresno County Superintendent of Schools

Dr. Michele Cantwell-Copher, Superintendent

MEMORANDUM

**To: Members of the Board of Trustees
c/o District Superintendents
All Fresno County School Districts**

From: Benjamin C. Rosenbaum, Legal Counsel

Date: June 25, 2025

**Re: Courtesy Notification Regarding State-Mandated Ethics Training and
Onboarding New Board Members**

This memorandum is sent on behalf of the Fresno County Superintendent of Schools Michele Copher. On May 9, 2025, the Fresno County Grand Jury released its Report No. 1, "The Brown Act. Is it being taken seriously by Fresno County school districts?" available at: <https://www.fresno.courts.ca.gov/system/files/general/report-1-brown-act-it-being-taken-seriously-fresno-county-school-districts.pdf>

In the Report the Grand Jury examined issues related to compliance with the Ralph M. Brown Act among school districts within Fresno County, as well as state-mandated ethics training requirements applicable to school board members. The Report recommended that this office provide courtesy notification to the governing boards of all school districts within the County regarding these issues and the onboarding of new board members, and this office is providing this memorandum to implement those recommendations.

Please remember that pursuant to Government Code, sections 53234 through 53235.2:

(1) it is mandated that each school board member "shall receive at least two hours of training in general ethics principles and ethics laws relevant to the official's public service every two years";

(2) each school board member "who, as of January 1, 2025, is a member of the governing board of a school district, . . . except for officials whose term of office ends before January 1, 2026, shall receive the training required . . . **before January 1, 2026**";

(3) your district is required to "provide information on training available to meet the requirements" to each board member at least once annually; and

(4) your district is required to maintain records indicating the date of each member's training and the entity that provided the training for at least five years, and the records are public records subject to disclosure under the California Public Records Act.

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The Fair Political Practices Commission maintains and makes available a free on-demand online course to satisfy the requirements of this state-mandated training, which is available at: <https://localethics.fppc.ca.gov/login.aspx>. If provided by a third-party, the content for the mandated training must satisfy the Government Code requirements and be developed in consultation with the Fair Political Practices Commission and the Attorney General regarding its sufficiency and accuracy.

Following the Grand Jury's recommendation, it also is worth considering developing and implementing an onboarding checklist for new school board members to identify and monitor state-mandated training requirements, in addition to topics your board feels may be beneficial for new members. My office will continue to highlight and offer updates on related legal developments and learning opportunities for board members and district staff.

If you have any questions regarding the training requirements or ethics laws applicable to your board, please consult with your legal counsel.

