



NEWARK UNIFIED SCHOOL DISTRICT

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BOARD OF EDUCATION

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SUPERINTENDENT

Dave Marken, Ed.D.

September 17, 2015

Presiding Judge Winifred Y. Smith
Alameda County Superior Court
1225 Fallon Street, Department One
Oakland, California 94612

Re: Grand Jury Report: Newark Unified School District, Governance Issues

Dear Hon. Smith:

As requested by the Alameda County Civil Grand Jury, below please find the Newark Unified School District ("District") Governing Board's ("Board") responses to the above referenced Grand Jury Report ("Report"). The Governing Board approved the following responses at their September 16, 2015 regular meeting.

Board's Responses to Findings

Grand Jury Report Finding 15-4

Members of the Newark Unified School District Board of Education, with alarming regularity, ignored and violated the rules, regulations, guidelines - and sometimes even the laws - created to govern how they conduct the public's business, which negatively affected the public's confidence in the governance and management of the school district.

Board's Response to Finding 15-4

The Board agrees that the prior actions of some of its members have negatively affected the public's confidence in the governance and management of the District.

Grand Jury Report Finding 15-5

Individual members of the Newark Unified School District Board of Education frequently intruded into the duties and responsibilities of the superintendent, to the detriment of the district, by causing confusion about the leadership of the district.

Board's Response to Finding 15-5

The Board agrees that members of the Board have intruded into the duties and responsibilities of the Superintendent, in some cases to the detriment of the District, by causing confusion about the leadership of the District.

Grand Jury Report Finding 15-6

The distinction between the lines of authority of the Newark Unified School District Board of Education and the office of the superintendent became muddled, fostering conflict and taking time and resources away from the business of educating students and managing the district. The Grand Jury found that the infighting within the board and with the superintendent took time away from conducting the district business during board meetings.

Board's Response to Finding 15-6

The Board agrees with the Finding. The Board also recognizes it is important to establish and maintain the lines of authority between the Board and District's Superintendent and that ambiguity as to this authority can be detrimental to the District.

Grand Jury Report Finding 15-7

The Newark Unified School District Board of Education's intervention into executive affairs has gone on for years.

Board's Response to Finding 15-7

The Board agrees that concerns raised by the Report span several years.

Grand Jury Report Finding 15-8

Previous efforts by the Newark Unified School District Board of Education to self-police its own misconduct have been unsuccessful.

Board's Response to Finding 15-8

The Board disagrees with this finding to the extent some of its previous efforts to self-police its own misconduct have been successful. However, the Board acknowledges that its efforts have not resolved the concerns raised by the Report.

Board's Responses to Recommendations

Grand Jury Report Recommendation 15-6

The Newark Unified School District Board of Education must abide by state laws, including the Brown Act and the California Education Code.

Board's Response to Recommendation 15-6

The Board agrees that it must abide by state laws, including the Brown Act and California Education Code as well as our Board Bylaws.

The Board has already implemented this recommendation by holding a Brown Act workshop with counsel on May 5, 2015, as well as a facilitated governance workshop on July 28, 2015, to discuss how the Board will address any encroachment on the Superintendent's responsibilities by individual Board members. Additionally, the Board had counsel attend Board meetings in May and June to provide guidance on any Brown Act questions.

Grand Jury Report Recommendation 15-7

The Newark Unified School District Board of Education must follow its own bylaws and its Governance Team Handbook when members perform their duties and interact with the superintendent, staff, teachers, parents, and community members.

Board's Response to Recommendation 15-7

The Board agrees that the Board must follow its own bylaws and its Governance Team Handbook. The Board will and has implemented this recommendation as outlined in these responses. The Board will also continue to implement the recommendation by following the guidelines outlined in the Governance Team Handbook and developing and utilizing a pre-censure and censure policy if a Board member oversteps his or her duties.

Grand Jury Report Recommendation 15-8

The Newark Unified School District Board of Education must amend its bylaws and handbook by adding a formal policy that does not allow individual board members to interfere with faculty and staff on school issues, or visit school sites, without permission from the superintendent or from the board as a whole. The city of Oakland has a model that might be helpful.

Board's Response to Recommendation 15-8

Within six months, the Board will develop a policy to address interference with faculty and staff on school issues, school visits, and following the Governance Team Handbook when dealing with constituents.

Grand Jury Report Recommendation 15-9

The Newark Unified School District Board of Education must follow the recently adopted formal policy allowing a majority of its board members to censure or otherwise sanction trustees when they violate laws, as well as their own rules and regulations.

Board's Response to Recommendation 15-9

The Board will implement the recommendation by utilizing the censure policy where Board members engage in: violations of confidentiality, interference with daily operations of the District, personal contact with staff concerning District operations, visiting of sites without notice to the Superintendent, or unprofessional behavior as stipulated in the Governance Team Handbook. The Board will also implement the recommendation by pro-actively developing guidelines for self-policing.

Sincerely,

A handwritten signature in cursive script that reads "Jan Crocker". The signature is written in black ink and is positioned above the printed name and title.

Jan Crocker
President, Board of Education
Newark Unified School District

cc: Cassie Barner