



**NEWARK UNIFIED
SCHOOL DISTRICT**

August 14, 2026 Via Email (grandjury@acgov.org)

The Honorable Michael Markman
Presiding Judge of the Superior Court
1401 Lakeside Drive, Suite 1104
Oakland, CA, 94612
grandjury@acgov.org

Re: Response to the 2026 Alameda County Civil Grand Jury Report

Dear Judge Markman,

Newark Unified School District ("District") has received and reviewed the 2026 Alameda County Civil Grand Jury Report. We appreciate the Grand Jury's interest in this matter. The District is in a point of transition and this report is a valuable data point for the incoming Superintendent in understanding the broader context of the District.

For members of the public, the *civil* grand jury is distinctly different from a *criminal* grand jury. Each county in California must convene a civil grand jury annually. The civil grand jury then issues a report. Governmental agencies need to respond to the accuracy of each finding and if they will elect to implement the recommendation.

In responding to the report, we found some findings accurate and others to be outdated analyses that do not reflect the current state of the District nor the direction the District is already moving. In some cases findings rested on imprecise and subjective characterizations; rather than spend time relitigating language, the District has noted its view while accepting the underlying facts.

Similarly, some recommendations have already been implemented or are right to do immediately. Others may be reasonable, but need to be situated within the incoming Superintendent's broader transition and strategic planning; it does not make sense for the District to publicly commit to those actions at this stage. A few we view as not reasonable or warranted.

Having reviewed and considered the Grand Jury's Findings and Recommendations, the District Responds as follows, pursuant to section 933.05 of the California Penal Code:

Finding 26-25:

In 2015, NUSD Board of Education members agreed with the Grand Jury's report that identified systemic governance problems, and agreed to remedy them by adhering to state law, board bylaws, and policies.

AGREE.

Finding 26-26:

Some NUSD Board of Education members exhibit disruptive and disrespectful behavior during board meetings in violation of the NUSD Governance Team Handbook. For example, some members shout, make personal attacks, interrupt other Board members, and disparage staff at Board meetings.

PARTIALLY AGREE. The Board agrees that on occasion exchanges at meetings fell short of the professional demeanor outlined in the Governance Team Handbook. Some of this is the result of robust disagreement on matters of public concern. This finding wrongly implies that this is typical of all meetings.

Finding 26-27:

The NUSD Board of Education's Bylaw 9280 allows a majority of the board to censure board members for behavior that violates the NUSD Governance Team Handbook. The board has failed to use its censure power to prevent disruptive and unprofessional behavior at board meetings.

PARTIALLY AGREE. The bylaw does allow for censure. However, the finding mischaracterizes the Board's discretion as a failure. Censure is a discretionary exercise of the Board's collective speech; it does not establish any duty to censure. No evidence is provided that the use of censure would "prevent disruptive and unprofessional behavior"

Finding 26-28:

Not all NUSD Board of Education members have participated in the training sessions offered by the California School Board Association, which the NUSD Governance Team Handbook recommends.

AGREE.

Finding 26-29:

NUSD's Board of Education failed to formally evaluate the current superintendent during her two-year tenure, despite the NUSD Governance Team Handbook requiring annual evaluations.

AGREE.

Finding 26-30:

NUSD's Board of Education failed to conduct an annual self-evaluation, despite the requirements of the NUSD Governance Team Handbook.

AGREE.

Finding 26-31:

In the past decade, student enrollment in NUSD declined by 25 percent, a higher rate than in neighboring districts.

AGREE- The enrollment figure is accurate. The District lacks information to fully agree or disagree with the remainder of this finding, given that it did not conduct the actual research related to this report. However, the District accepts the Grand Jury's Findings for the purposes of this response.

Finding 26-32:

NUSD teachers have lower average pay than surrounding districts and receive no contributions towards their health insurance premiums from the district.

AGREE- that NUSD teachers receive no contributions towards their health insurance premiums. The District lacks information to fully agree or disagree with the remainder of this finding, given that it did not conduct the actual research related to this report. However, the District accepts the Grand Jury's Findings for the purposes of this response.

Finding 26-33:

Aggressive budget cuts will be necessary for NUSD to meet its required Reserves for Economic Uncertainty of 3 percent.

PARTIALLY AGREE - "Aggressive" is a subjective word that lacks a specific definition. The District's budget reflects a deficit in future years that will need to be addressed. However, the District accepts the Grand Jury's Findings for the purposes of this response.

Finding 26-34:

NUSD has experienced repeated superintendent turnover, hiring difficulties, staffing gaps, and budget pressures.

PARTIALLY AGREE- The Board agrees that the District has experienced superintendent turnover. Hiring "difficulties", staffing "gaps" and budget "pressures" are subjective, imprecise, and lack context. However, the District accepts the Grand Jury's Findings for the purposes of this response.

Finding 26-35:

NUSD has had instability in the Chief Business Officer position.

PARTIALLY AGREE- "Instability" is a subjective word that lacks context. This key vacant position was filled in January 2026 by an experienced Chief Business Official (CBO). However, the District accepts the Grand Jury's Findings for the purposes of this response.

Finding 26-36:

NUSD experienced inadequate fiscal oversight, particularly regarding hiring contractors and retirees.

PARTIALLY DISAGREE- “Inadequate” is a subjective and imprecise word. The District lacks information to fully agree or disagree with the remainder of this finding, given that it did not conduct the actual research related to this report. However, the District accepts the Grand Jury’s Findings for the purposes of this response.

Finding 26-37:

The California State Teachers' Retirement System (CalSTRS) requires NUSD to report whether individuals hired through employment agencies, as independent contractors, or as employees are CalSTRS members or retirees. NUSD failed to comply with this requirement.

AGREE- The Board agrees that the reporting failure identified by the CalSTRS audit occurred and was addressed.

Finding 26-38:

NUSD’s financial reporting has been irregular, including the identification of a \$14 million budget deficit, followed by an abrupt recovery of \$10 million without adequate explanation, and it would benefit from further oversight.

PARTIALLY DISAGREE- “Irregular” and “adequate” are subjective words that lack context. However, it is correct that the District presented a deficit and then presented a resolution of that deficit in the approximate amounts identified in the 23-24 fiscal year.

Finding 26-39:

NUSD is not regularly convening or making publicly available the agendas and minutes of two of the three parent and community advisory committees mentioned in the Governance Team Handbook, as necessary to achieve the 2025-2026 district goal of parent and community engagement and communication.

DISAGREE- The three committees mentioned in the Handbook are not convening because they no longer exist. The Superintendent Advisory Committee was discontinued when the

previous superintendent left the district. The Budget Taskforce was formed for a one-time purpose in 2023-24 to assist with the \$14 million shortfall and was then concluded. The Community Schools Taskforce was never formed. These committees/taskforces will be deleted from the handbook.

Finding 26-40:

Community members regularly provide BOE members with information about the district obtained from Public Records Act requests, rather than BOE members obtaining information through the district superintendent, as recommended in the Governance Team Handbook.

PARTIALLY AGREE. Factually, board members receive the vast majority of information, documentation, and general communication from the District through the Superintendent. However, community members have submitted Public Record Act requests and passed that information to board members. The District notes that “*rather*” implies an outsized amount of information is shared this way.

Finding 26-41:

The district office does not always give the public adequate time to review information to be discussed at regularly scheduled board meetings

PARTIALLY DISAGREE- The District adheres to all statutory timelines to post agenda items. In most cases staff provides a report, a presentation, or a supplemental document. In rare instances when a required document is brought in late, copies of the report for the public are provided at the meeting venue and are uploaded to the BoardDocs agenda portal to ensure equal access for all community members.

Finding 26-42:

The NUSD district office is deteriorating and represents a safety hazard for staff and visitors.

AGREE. We would note that the District Office campus is large and varied, with some parts representing a safety hazard for staff and visitors and some parts. Our work has found other parts of the District Office that, while aged, are not a safety hazard for staff or visitors. However, the District accepts the Grand Jury's Findings for the purposes of this response.

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RECOMMENDATIONS

Recommendation 26-9:

To create more effective governance, all NUSD Board of Education members must ensure that they have completed the California School Board Association's Institute for New and First Term Board Members, New Member Orientation, and Masters in Governance Training within 90 days of receipt of the Grand Jury report.

This recommendation will not be implemented as it is not reasonable.

The district is not able to compel individual board members to complete training.

Recommendation 26-10:

The NUSD Governance Team Handbook must be updated to mandate that all current and future Board of Education members complete the California School Board Association's Institute for New and First-Term Board Members, New Member Orientation, and Masters in Governance Training within 90 days of receipt of the Grand Jury report.

This recommendation will not be implemented as it is not warranted.

The district is not able to compel individual board members to complete training. However, the Board may agree to update the Governance Team Handbook as needed.

Recommendation 26-11:

To prevent continued disruptive and unprofessional behavior at board meetings, the board should consult NUSD legal counsel regarding exercising the censure procedures in bylaw 9280.

This recommendation will not be implemented as it is not reasonable.

The District is not interested in incurring unnecessary legal costs and does not believe that, at this time, the increased use of censure would encourage collaborative and professional behavior.

Recommendation 26-12:

NUSD's Board of Education must formally evaluate the superintendent annually, as required by the NUSD Governance Team Handbook, following the start of the new superintendent's employment in July 2026.

The recommendation will be implemented.

We will formally evaluate the superintendent by July 2027.

Recommendation 26-13:

NUSD's Board of Education must conduct a self-evaluation annually, as required by the NUSD Governance Team Handbook.

The recommendation will be implemented.

The Board will conduct an annual Board self-evaluation, consistent with the Handbook, beginning in the 2026-27 cycle.

Recommendation 26-14:

The NUSD must request a Fiscal Health Risk Analysis from the Fiscal Crisis and Management Assistance Team within 90 days of receipt of the Grand Jury report.

The recommendation will not be implemented as it is not warranted.

FCMAT was already recently engaged in 2024. The Board does not believe that this study would add value at this time nor is it interested in incurring additional contracting costs at this time, although it may be interested in a future FCMAT study.

Recommendation 26-15:

To increase community engagement and communication, NUSD should convene at least quarterly all of the parent and community stakeholder committees as outlined in the Governance Team Handbook and post meeting agendas and minutes on the NUSD website.

The recommendation will not be implemented as it is not warranted.

The Governance Team Handbook will be updated to accurately reflect the committees. Those committees will continue to exist and regularly meet.

Recommendation 26-16:

The NUSD website should accurately reflect the titles of all stakeholder committees within 30 days of receipt of the Grand Jury report.

The recommendation has been implemented.

The website has been updated.

Recommendation 26-17:

NUSD must comply with CalSTRS reporting requirements concerning all individuals whom it employs, including employees, contractors, or anyone hired through an employment agency.

The recommendation has been implemented.

The District is now correctly tracking retirees more closely and ensuring they are coded correctly in the District's employee management system, ESCAPE. This was done prior to the public release of this report.

Recommendation 26-18:

District information must be provided by the superintendent to BOE members as stipulated in the Governance Team Handbook.

The recommendation will be implemented.

The Superintendent will provide the Board with timely reports as stipulated in Board Policy and the Governance Team Handbook.

Recommendation 26-19:

To build community trust, all meeting materials that will be publicly discussed at regularly scheduled board meetings should be made available to the BOE and the public 72 hours in advance.

The recommendation will not be implemented as it is not reasonable.

Posted agenda items already provide the description of the required information per the Brown Act, and additional background information is provided when relevant or historic. Although every effort is made to provide documents in advance, there is no legal requirement to provide materials 72 hours in advance. The District and Board do not commit to additional requirements beyond those legally required. There may be rare situations where the public interest is best served by proceeding without fully complete and final documents. For example, a \$10,000 contract on the consent agenda to complete summer work may be posted 48 hours in advance of the final board meeting before the summer break. Pulling this item could result in that necessary work not happening before school returns.

Recommendation 26-20:

The NUSD should schedule a consultation with CAL OSHA within 30 days of receipt of the Grand Jury report to address district office safety issues.

The recommendation will be implemented.

Due to the date of the Grand Jury Report and transition of the new Superintendent, this action will be carried out over the next few months, potentially as soon as August.

Recommendation 26-21:

The NUSD Board of Education should work with the Alameda County Office of Education to convene a committee within 120 days to study whether it remains viable to continue operating the NUSD as its own district and prepare a report for public review by the end of the 2026-2027 school year. The study must address the option of merging NUSD with another district.

The recommendation will not be implemented because it is not warranted.

The report outlines one anonymous official who recommends dissolving NUSD and merging with a neighboring district. There is no compelling financial or academic reason

for pursuing this path and the Board is uniformly uninterested in spending public resources or time on a report to this effect based on single individual with a “bleaker view.”

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Both the Grand Jury Report and these responses of the District were presented to and approved by the District’s Board on August 4, 2026.

Please do not hesitate to contact me if you have questions or require additional information.

Sincerely,

Signed by:



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William Eger

Superintendent

Newark Unified School District

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Nancy Thomas

Board President

Newark Unified School District