

Delano Union School District

1405 12th Avenue – Delano, CA 93215
(661) 721-5000x102 – Fax (661) 725-2201

August 18, 2008

**Presiding Judge
Kern County Superior Court
1415 Truxtun Avenue, 2nd Floor
Bakersfield, CA 93301**

Re: Delano Union School District's Governing Board's Response to Grand Jury Investigation

Dear Kern County Grand Jury:

The Governing Board of the Delano Union School District hereby respectfully responds to the Grand Jury's investigative report, received on June 20, 2008. This response addresses the 11 findings made by the Grand Jury, as well as its 10 recommendations.

By way of introduction, the Governing Board considers the Grand Jury's report an opportunity to review a number of areas of its operations including its governance, board policies and administrative regulations, administrative procedures and areas of communication between the Governing Board and District employees, administrators, and members of the public.

The Governing Board appreciates the Grand Jury's input and suggestions included within its recommendations. While the Grand Jury may make such recommendation, the Governing Board does note that the Grand Jury lacks any legislative or constitutional authority to substitute its judgment and for that of the Governing Board. However, the Governing Board recognizes that the Grand Jury acts as one of the many voices in our community, holding elected officers and the public agencies they serve accountable for the services those agencies provide. For these reasons, the Governing Board will give serious consideration to the Grand Jury's findings and recommendations. Further, it will take such action to address the underlying concerns noting, however, that the Governing Board cannot redress all of these issues by the time its response is due and that in redressing these issues it may not carry forward the Grand Jury's exact recommendations.

In light of some of the findings, the Governing Board is troubled by assertions or inferences that the Governing Board has received and "ignored" legal opinions, advice, or counsel. The Governing Board must trust that the Grand Jury is aware of the sanctity of the Attorney-Client Privilege that must not and cannot be disturbed or ignored, where the Governing Board has not waived the privilege or otherwise authorized the disclosure of said information. As the Grand Jury well knows, any such legal opinion, advice, or counsel is protected by the Attorney-Client Privilege. The disclosure of any such information to the Grand Jury would require an affirmative waiver of the privilege by a majority of the Governing Board. The Governing Board asserts that not only has it not been requested to waive such privilege to permit the disclosure of such

information to the Grand Jury, but it has not authorized any agent, attorney, officers, employee, or other District representative or official to disclose the existence, contents, advice, opinions, or legal conclusions rendered by any of the attorneys representing the District on any subject.

Accordingly, responding generally to the findings and recommendations, the Governing Board will not admit or deny whether a legal opinion regarding any subject addressed by the Grand Jury's Report was rendered for the Governing Board's consideration. The Governing Board similarly will not admit or deny that if a legal opinion, advice or counsel was provided to it concerning any subject pertaining to the findings in the Grand Jury's Report, that it was or would have been ignored.

Response to Findings

Finding No. 1

The elected trustees of the District board have not completed the current governance training that is required for school board members. The training was scheduled by the District to be provided by the California School Board Association (CSBA), but failure to attend by all members resulted in cancellation of the training.

Response to Finding No. 1

The Board of Trustees denies this finding. There is no legal or statutory requirement that school board members complete any governance training that is to be provided by the California School Boards Association (CSBA). At the suggestion and recommendation of the Superintendent, the Governing Board considered and scheduled a series of workshops with CSBA trainers with a focus on improving Board/Superintendent communications and relations. The first governance workshop session was originally scheduled for March 20, 2008, at 6:30 p.m. The Governing Board does not deny that this training session was cancelled when not all of the Board members could attend. The Governing Board intends, within 90 days, to reschedule and continue with this training; however, for the benefit of the entire board the desire is to reschedule the training at a time when all of the Governing Board members can agree to dedicate themselves to this self-imposed governance training.

(See Response to Recommendation No 1.)

Finding No. 2

Not all trustees have taken the AB 1234 ethics training that is provided by Schools Legal Service. This training is not required by law, but it is strongly recommended.

Response to Finding No. 2

The Governing Board admits Finding No. 2. The Governing Board intends, within 90 days, to schedule ethics training for itself and District officials.

(See response to Recommendation No. 2)

Finding No. 3

There is a conflict of interest between a trustee regarding the consolidation of the Delano Elementary District's Migrant Education Program and the Delano High School District's Migrant Education Program. A legal opinion concerning trustee involvement was ignored as well as the wishes of the District's parent advisory committee.

Response to Finding No. 3

The Board of Trustees does not admit or deny the findings and conclusions for lack of sufficient information within the findings to provide a response. The Grand Jury's findings do not state any specific facts upon which to reach a clear conclusion as to the existence of a conflict of interest for any one of the Board members; the findings do not reference the existence of a contract or that the Governing Board took action to approve a contract that would form the basis for a conflict of interest determination. At most, the conclusion is premature.

The findings are also incomplete and do not address the fact that the legislature has permitted the unaffected elected officials on a governing board to enter into contracts where the affected member is permitted to disclose a remote interest and then recuse and abstain from discussing or voting on the contract. Thus, the Governing Board takes issue to the extent the Grand Jury's incomplete findings casts a negative cloud as to whether the remaining unaffected Board Members are precluded from exploring the feasibility of partnering with the Delano Joint Union High School District ("DJUHSD") into a joint administrative region if the affected member recuses and abstains due to the potential, actual, or perceived conflict of interest.

Further, as set forth in its introduction above, the Governing Board neither admits nor denies the existence of any legal opinion on this topic nor does it admit or deny whether it was or was not ignored.

Further, the Governing Board does not admit or deny the findings as they are vague and ambiguous as to what is meant by "the wishes of the District's parent advisory committee." In general, advisory groups or committees serve a valuable role in sharing their concerns and opinions with the Board. In many instances, the recommendations are accepted, however, they are advisory in nature and the Board need not always follow them. The Governing Board is the final responsible body that is empowered to act for the District. If it is the case that the Parent Advisory Group feels that its desire to remain under the administrative oversight of Region V was not followed by the Governing Board, the fact is that the District continues to be under Region V's administration. The Governing Board gave direction to look into the possibility of a joint partnership for administrative oversight with the DJUHSD, because it seemed to be a viable option worth exploring. Certainly, the California Department of Education ("CDE") in its denial of the District's Direct Funding application cited this as a viable option. Thus, the Grand Jury's findings should not be read to conclude that the Governing Board is at fault for exploring a reasonable alternative to either remaining in Region V, or being directly funded.

In all fairness to the Delano community, it is important to set out some context for the Governing Board's response to the Grand Jury's finding. The finding arises from direction the Governing

Board gave to staff to investigate the possibility of a partnership with the DJUHSD to join their Migrant Education Programs under one administrative Region. The direction came after, the Districts' Direct Funding Application for the Migrant Education Program, submitted in February 2007, was denied by the CDE in September 2007.

The District originally applied for direct funding because it is currently reimbursed for Migrant Education Services it provides, through the Region V Migrant Education Office, administered by the Kern County Superintendent of Schools. If the District were funded directly, the funds that customarily are held by the Region V Office would go directly to the District, in effect, cutting out the middleman.

On September 17, 2007, when the California Department of Education denied the District's application, it cited two reasons, one of which was: ". . . the cost effectiveness of establishing two Regional Offices in one community. Currently, the Delano Joint Union High School District (DJUHSD) operates a direct funded region in Delano." The CDE went on to recommend "that the DUSD explore the establishment of a partnership with Region 14 DJUHSD. If both entities are amenable to the option, then the CDE is willing to engage and assist in the development of this new Region."

In an effort to seek more specificity about the denied direct funding application, the Superintendent made efforts to have CDE reconsider its determination, including scheduling a meeting with CDE representatives in March 2008. In a letter dated April 29, 2008, the CDE again wrote to reiterate its denial on the same bases, as well as offer an opportunity to the District to appeal the determination.

At the June 10, 2008, regular Board meeting, the Superintendent reported to the Governing Board that he had secured an additional 10-day window to appeal the CDE's determination and was seeking direction from the Board whether or not to pursue an appeal. The Governing Board determined not to appeal. The direction was provided by the majority of the Board by way of a vote of 4-0-1, with Mr. Ramon Cardenas abstaining. (Mr. Cardenas is an employee of the DJUHSD, employed as Migrant education Director/Counselor, in the Migrant Education Program.)

Also at the June 10, 2008 meeting, the Governing Board formally directed the Superintendent and staff to investigate combining in a joint venture with the DJUHSD. Accordingly, as of June 10, 2008, whether to combine the administration of both districts' programs under one designated administering agency was very much at a preliminary inquiry stage.

No determination had been made as to what would be required to make the joint administrative effort happen. It has not been determined whether Mr. Cardenas' employment in itself is prohibitive of any type of combined effort. Factually there has been no contract entered into, considered, or even discussion about any terms, to base a determination that Mr. Cardenas is directly, indirectly, or remotely financially interested in such a contract. Further, it cannot be concluded that the District cannot explore the possibility of a joint administration of programs with the DJUHSD. The Governing Board no less does admit that the potential may exist, however the Governing Board is not prepared to admit that such potential precludes exploration of the options or determination of whether Mr. Cardenas' recusal and abstention would be

sufficient to permit the unaffected Governing Board members from going forward with more specific consideration of terms for a contract.

The Governing Board reassures the Grand Jury and the Delano community that in determining the feasibility of jointly administering the Migrant Educational Programs within the Delano community, if Mr. Cardenas' abstention and recusal would lawfully permit the District to move forward and develop a more cost effective, efficient, beneficial, and administratively sound means for serving the migrant student of the community, the Governing Board is willing to consider such option. With the same conviction, if Mr. Cardenas' potential conflict is such that it would prohibit the District from considering a joint collaboration with the DJUHSD altogether, the District will not proceed.

(See Response to Recommendation No. 3)

Finding No. 4

Documented Brown Act violations by trustees have occurred during open and closed session board meetings.

Response to Finding No. 4

The Governing Board cannot admit or deny the broad findings and conclusions for lack of sufficient information within the findings to provide a response. The Governing Board further cannot admit or deny the finding, as it is vague and ambiguous with respect to the term "Documented Brown Act violations." The Governing Board does respond, however, asserting to the extent there has been a Brown Act violation, it has been unintentional. In further response the Governing Board is having its records of Board meetings agendas and minutes for the 2007-2008 school year and its current practices reviewed to determine if there have been any such violations.

In addition, should the Governing Board determine there has been other Brown Act violations during an open or closed session portion of a meeting, the Governing Board will take measures to properly cure and correct any action that may have been taken. Where a determination is made that there may have been a Brown Act violation, but no action was taken, the Governing Board will seek advice to put measures in place to prevent those types of violations from occurring.

In addition, the Governing Board is committed to scheduling training from a reputable and reliable resource on Brown Act compliance within 90 days from this response, both for itself and administrators and designated staff members.

(See Response to Recommendation No. 4)

Finding No. 5

The School Board voted not to participate in a truancy reduction program offered by the Office of the District Attorney for the following reasons:

- *Allegations that the board was given no prior notice of the program before the superintendent entered into a binding contract. This can be refuted by referring to the agenda where it was placed as an action item requiring board approval.*
- *Untruthful statements made by a board member stating that the Delano Joint Union High School would not be participating in the program. Records indicate that the high school board had already voted to approve a contract to participate.*
- *Two trustees made it a point to state publicly that they had not heard about the program prior to the December board meeting. The board was notified through a September 17, 2007, Board Update of the need for a truancy reduction program, the costs, and the contract that would be submitted for board approval.*

Response to Finding No. 5

The Governing Board denies the findings, particularly in light of the fact that when Governing Board members cast their votes on any subject, they do not state the reasons for their votes.

The Governing Board does admit, however, that at a Board Meeting on December 4, 2007, an action item was listed under section "F. Education" of the agenda regarding "District Attorney Truancy Reduction Program for 2007-2008." The Board admits a vote was taken at this meeting, and only two out of the five Board members voted to approve a contract with the Kern County Superintendent of Schools to enter into this program. Without a majority, the contract was not entered into.

The Board further admits, and the minutes of the December 4, 2007, meeting reflect that during the Governing Board's discussion of this item, Mr. Cardenas stated it was the first time he "heard of the program but he thought the presentation was excellent," and that Mr. Herrera stated, "the presentation was excellent and would have liked to receive information earlier as well since he was not provided any other information."

The Governing Board admits, and the minutes of the December 4, 2007 meeting reflect, the Deputy District Attorney had already been working with the District since September 2007; notably without an approved contract by the Governing Board, made obvious by the fact it was considering the approval of such contract at the December 4, 2007, meeting. While the service of the Deputy District Attorney was and is appreciated, the fact remains those services were provided without the Governing Board's advance approval of a contract. The Governing Board also admits that the information available to it at that meeting included the Deputy District Attorney's comment that she was not certain if other districts had actually signed contracts to join the program.

The Governing Board cannot admit or deny whether any Board member made "untruthful" statements about the participation of the DJUHSD in the training program. The fact is that at the

December 4, 2007, meeting, the execution of contracts to enter into the program by six other school districts could not be confirmed by the Deputy District attorney. Whether the Board members' alleged statements about DJUHSD's participation were true, false, mistaken or based on a misunderstanding, it does not change the validity of the Board's action not to approve the contract.

In further response, the Governing Board has determined that the Superintendent did provide an update on September 17, 2007, summarizing in one paragraph general information about the Truancy Reduction Program, and stating that he would be submitting a contract for the Board's approval. The update did not indicate when the contract would be submitted. The Governing Board considers the Superintendent "Board Updates" to be of general informative value; the Board cannot and does not rely entirely on the information therein to make decisions on future action items. The Board expects to receive information pertinent to action items during its Board meetings, and in its agenda packets for each board meeting.

Following that Board Update, there was no specific action item on any Board meeting agenda for the Truancy Program until the December 4, 2007 meeting and no additional and specific information was received. A closer inspection of Board Packets for meetings between September 17, 2007, and December 4, 2008, show that on October 9, 2007 and November 6, 2007, the Board received copies of a Requisition, first identifying a contract #63 and later contract #87, both contracts which pertained to the Truancy Program; however, no specific presentation or other specific information about the program was provided to the Governing Board at those meetings. The contract alone was not enough information for the Board to make a decision.

A closer review of agendas and board packets for the October 9, 2007, and November 6, 2007, meetings suggest that the approval of the Truancy Program was to have been included as one of a number of consultant contracts. The agendas did not identify the specific approval of the Truancy Program only a general heading "Approve Consultant Contracts," as part of a consent item.

Upon further review of the minutes of the November 6, 2007 meeting, the Governing Board acknowledges that Mr. Herrera moved and Mr. Cardenas second, and the action carried by the Board to approve the two amended contracts, and contracts numbered 84 through 99, with the exception of contract numbered 87, the one pertaining to the truancy program. While the minutes do not reflect the discussion, the minutes also reflect that the Board did not receive any presentation or hear from anyone regarding the Truancy Reduction Program. Most notably, is that the Board did not take action on the matter, until it was more fully informed of the details of the program on December 4, 2007.

The Governing Board further and respectfully responds that regardless of any one individual board member's reasoning, correct or incorrect recollections about information, or correct or incorrect beliefs as to whether another school district would or would not be participating, does not negate or make the Governing Board's decision not to participate in the truancy program unlawful or inappropriate. From the split vote on the matter, it is apparent that reasonable minds could and did differ on this subject.

(See Response To Recommendation No. 5)

Finding No. 6

The Board continues to provide compensation to a trustee who is unable to perform the functions of his elected position.

Response to Finding No. 6

The Board of Trustees denies the findings. The Governing Board does admit that Board Policy 9250 and Education Code Section 35120 authorize the compensation of its Governing Board members. Pursuant to these authorities, a Board member's compensation is based on his attendance at meetings and not whether he is or is not able "to perform the functions of his elected position." Accordingly, the Governing Board will direct the administration to ensure that compensation for Governing Board members be made consistently with Board Policy 9250 and Education Code 35120.

(See Response to Recommendation No 6)

Finding No. 7

Trustees are assuming authority not included in the responsibilities of elected board officials in keeping with their policy making role: specifically, conducting interviews of candidates applying for administrative positions in the District.

Response to Finding No. 7

The Board of Trustees denies the finding. The Governing Board's elected role is broad, inclusive of but not limited to setting the direction for the District, providing basic organizational structure for establishing policies, ensuring accountability, and providing leadership on behalf of the district and public education within our community. There is no express law or authority precluding or prohibiting the Governing Board from conducting interviews of administrative candidates. The Governing Board's authority to engage in this activity stems not from any perception of what the elected role is of a school board member, but rather from the inherent authority in Education Code Section 35160, which provides that:

" . . . the governing board of any school district may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established."

Education Code Section 35160, emphasis added.

As an elected body accountable to the community for providing leadership and citizen oversight of the district's schools, the Governing Board takes issue with the Grand Jury's characterization of the role we serve and seeming indictment that our action, work and/or efforts are unlawful or inconsistent with our legislated role as elected officials.

We welcome the Grand Jury's criticism as a means for improving what we do and how we are perceived. However, it must be noted that while entitled to opine that our participation in the hiring process may exceed a "policy making role," the Grand Jury should respectfully recognize that such participation is not unlawful and is in fact consistent with the legislated authority of the Board.

The Governing Board agrees that a reasonable body such as the Grand Jury may differ in opinion as to the role and functions we should serve. However, as the elected body ultimately accountable for the educational services provided to our children, this finding will not dissuade this Governing Board from acting within the scope of the law to fulfill its elected obligations.

When we opt to participate in the selection of our District's educational leaders and administrators, including in the interview process, such participation promotes the Governing Board's role of advancing and emphasizing the accountability we owe our community, beginning with administrators on up to the Board. Again, the Governing Board's position on this matter is well founded within the authority of Education Code Section 35160.

(See Response To Recommendation No. 7)

Finding No. 8

In several stated instances, trustees have encouraged staff and community members to bypass the proper chain of command. The issue of inappropriate influence was presented regarding conference travel for a teacher and a board member. The implementation of experimental monitoring equipment in the curriculum was also proposed.

Response to Finding No. 8

The Governing Board cannot admit or deny the findings and conclusions for lack of sufficient and/or specific information within the findings to provide a response.

The Governing Board cannot admit or deny the findings and conclusions as they are vague and ambiguous with regard to what is meant by "encouraged," "bypass chain of command," "inappropriate influence," and "implementation of experimental monitoring equipment . . . also proposed." It appears that there may very well be three separate and distinct issues, not readily discernable from the findings.

The Governing Board will attempt to address the subjects it believes the Grand Jury was referring.

Communications With Staff and Community

The Governing Board is comprised of elected officials accountable to its community. As elected officials, constituents often and naturally identify the Governing Board members as individual resources for information. The Governing Board is not aware of any "chain of command" the public must follow to express concerns, opinions, or seek information from the District or its elected officials. Individual Board members as well as District administrators often find themselves hearing complaints, concerns, opinions, or receive inquiries on a variety of issues

from community members. Based on this finding, the Governing Board is uncertain how the Grand Jury intends to dictate the manner in which members of the community choose to exercise their right to speak directly to their elected officials.

Conference Travel for A Teacher and Board Member

The Governing Board is aware of a situation where Board Member Romeo Agbalog had been approved to attend the "P.E. 4 Life" conference in Naperville, Illinois, relating to students' health and physical fitness. The Governing Board recognizes that the request for attendance may have come from Mr. Agbalog to the Superintendent both for himself and for a physical education teacher whose technical background would be of assistance to understanding the information, about programs learned at the conference which could be used to improve the District's physical education curriculum.

Further, while advance Board approval may not have been obtained, exigent circumstances existed and the travel expenses were subsequently ratified by the Governing Board. The Governing Board cannot, however, be certain what it is about this incident that can be described as "encouraging," "bypass chain of command" or "inappropriate influence."

Proposed Implementation of experimental monitoring equipment

The Governing Board must reiterate that this finding is vague and ambiguous as to make it difficult to provide a response. To the extent the Governing Board members can discern, this may pertain to a donation of Power Plate whole body vibration fitness devices equipment to the District. Well over a year ago, Mr. Agbalog received an offer to donate to the District close to \$20,000 worth of this physical fitness equipment designed to provide therapeutic benefits through whole body vibration. The District does receive donations of various types including monetary and in kind. Mr. Agbalog contacted the Superintendent to inform him of the offer and asked if this was equipment the District could use. The Board cannot be certain that this incident pertains to the Grand Jury's findings of "encouraging" community members to "bypass the chain of command." The Governing Board views this as a Governing Board member facilitating the communication of information to the administration.

(See Responses to Recommendation No. 8)

Finding No. 9

A trustee does not adhere to the restrictions cited in the Purchasing Card policies [sic] and procedures of the district.

Response To Finding No. 9

The Governing Board cannot admit or deny the findings and conclusions for lack of sufficient information within the findings to provide a response.

Board members may be reimbursed for travel expenditures in accordance with BP 9250. The Governing Board acknowledges one incident where a Governing Board member became aware that he had utilized a District issued credit card for a purchase that was of a personal nature and

reimbursed the District for the expense within a reasonable period of time. Without more specificity in the findings, the Governing Board responds that it will be certain to have the administration provide each Governing Board member with copies of expense reimbursement policies as it pertains to Governing Board members. Further, the Governing Board members agree to follow the Board's policies regarding use of District credit cards.

(See Response To Recommendation No. 9.)

Finding No. 10

There is an apparent lack of communication between the board members and other District officials.

Response to Finding No. 10

The Governing Board denies the finding. The Governing Board acknowledges that while there is communication between the Governing Board and its administrators, the reality may be that our internal means for communication may not be the most efficient or effective. Certainly in preparing this response, the Governing Board has determined instances of miscommunication, where the Board and District administrators are in disagreement over what was or was not communicated to or from the Board on such topics such as the Truancy Reduction Program as well as the direction following the denial of the Migrant Education Direct Funding application.

The Governing Board believes it does not communicate with administrator and wants to communicate better. The Governing Board will address this concern and engage the administration in determining how best to begin improving the lines of communication and seek to schedule its continued governance training workshops as soon as possible, with specific emphasis on improving communications.

(See Response to Recommendation No. 10)

Finding No. 11

Due to time constraints, the Grand Jury was unable to fully investigate the financial obligations the District incurred due to the dissolution of the Unimax Foundation. Documentation pertaining to this investigation will be provided to the succeeding Grand Jury.

Response to Finding No. 11

In light of the Grand Jury's inability to complete its investigation into the matter of dissolution of the Unimax Foundation to render any specific findings, the Governing Board cannot provide any response. However, since the Governing Board is aware of the underlying subject matter, the Board will direct the administration to review the subject and advise the Board of any problems, concerns, or irregularity, and if need be, to provide the Board with options for redressing any such concerns.

RESPONSE TO RECOMMENDATIONS:

Recommendation No. 1

All school board trustees must complete required current governance training offered by CSBA. (Refer to Finding 1.)

Response to Recommendation No. 1

The Governing Board within 90 days of this response will schedule the continuation of their governance workshop, previously scheduled for March 2008.

Recommendation No. 2

All school board members are strongly urged to complete AB 1234 ethics training. (Refer to Finding 2.)

Response to Recommendation No. 2

The Governing Board within 90 days of this response will schedule training for its Governing Board members and District officials, on elected official ethics training.

Recommendation No. 3

A sitting trustee should not legally perform two functions, such as administering a program and acting as a board member evaluating that same program. (Refer to Finding 3.)

Response to Recommendation No. 3

The Governing Board will see to it that no governing Board members participate in a manner that is precluded by law, when a Board member is affected by a conflict or potential conflict of interest.

Recommendation No. 4

Trustees should review the Schools Legal Service reference entitled The Brown Act – Voting at School Board Meetings to prevent further board meeting violations. (Refer to Finding 4.)

Response to Recommendation No. 4

The Governing Board within 90 days of this response will schedule training for its Governing Board members and District officials, on Brown Act compliance. The Governing Board members agree to each review appropriate resource materials, such as the Schools Legal Services publication, to familiarize themselves with Brown Act compliance issues.

Recommendation No. 5

The District should negotiate a contract with the District Attorney's Office to participate in the truancy reduction program. (Refer to Finding 5.)

Response to Recommendation No. 5

The Governing Board appreciates the Grand Jury's recommendation and will take it under advisement.

Recommendation No. 6

Trustee compensation policies should be enforced regarding meeting attendance, participation requirements, and fulfilling stated duties. (Refer to Finding 6.)

Response to Recommendation No. 6

The Governing Board appreciates the Grand Jury's recommendation. As set forth in response to Finding 6, each Governing Board Member will review the referenced policies and the Board will direct the District's administration to ensure the Board members are compensated accordingly. (See Response to Finding No. 6)

Recommendation No. 7

Trustees should not participate in the interview process for District administrators. (Refer to Finding 7.)

Response to Recommendation No. 8

The Governing Board appreciates the Grand Jury's recommendation and will take it under advisement. (See Response to Finding 7).

Recommendation No. 9

Issues involving trips by staff and board members and the implementation of experimental equipment in the curriculum should not be allowed to bypass prescribed District procedures. (Refer to Finding 8.)

Response to Recommendation No. 8

The Governing Board appreciates the Grand Jury's recommendation and will take it under advisement. The Governing Board will request that the administration review with the Board all current related procedures and determine whether any clarification or amending is required.

Recommendation No. 9

The District should require that any Purchasing card holder relinquish the card for inappropriate use under the terms of the agreement. (Refer to Finding 9.)

Response to Recommendation No. 9

The Governing Board appreciates the Grand Jury's recommendation and will take it under advisement. Given the information available to the Board, the Governing Board believes the matter was properly resolved and that appropriate steps have been taken to prevent its recurrence. In the event the situation recurs, the Governing Board may consider adoption of the Grand Jury's recommendation or some other appropriate responsive action.

Recommendation No. 10

The financial discrepancies of the Unimax Foundation should be fully investigated by the succeeding Grand Jury. (Refer to Finding 10.)

Response to Recommendation No. 10

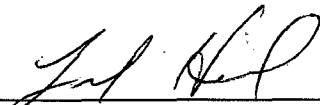
Notwithstanding the Grand Jury's recommendation, the Governing Board will conduct its own review of matters pertaining to the Unimax Foundation.

CLOSING

The foregoing constitutes the response of the Delano Union School District Governing Board.

Respectfully Submitted,

Governing Board Delano Union
School District



Frank Herrera, President
For the Governing Board

August 18, 2008

cc: Grand Jury, C/O Jury Foreman
Governing Board Members