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AUG 02 2017  
BY: PRESIDING

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August 1, 2017

Judge Jeffrey B. Barton, Presiding Judge  
San Diego Superior Court  
220 West Broadway  
San Diego, CA 92101

AUG 14 2017  
SAN DIEGO  
COUNTY GRAND JURY

**Re: Response of the Carlsbad Unified School District  
to San Diego County Grand Jury Report Entitled "San Diego  
County School Board and Superintendent Training"**

Dear Judge Barton,

Pursuant to California Penal Code section 933.05(a) and (b), the Carlsbad Unified School District provides the following responses to the findings and recommendation that are included in the above-referenced Grand Jury Report:

**Finding 01:** Formal training for school board members is inconsistent throughout San Diego County school districts.

Response: The District agrees with the finding.

**Finding 02:** School board members would benefit from additional formal training.

Response: The District agrees with the finding.

**Finding 03:** Many superintendents find themselves in novel and extraordinary situations where additional training would be beneficial.

Response: The District agrees with the finding.

**Finding 04:** Formal training for superintendents is inconsistent throughout San Diego County school districts.

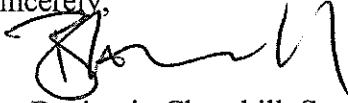
Response: The District agrees with the finding.

**Recommendation 17-23:** The Carlsbad Unified School District should "[r]eview their process for training of school board members and their superintendents in areas where they lack experience and consider mandating training."

Response: The recommendation has been implemented. Specifically, after reviewing and considering the Grand Jury findings and recommendations, the District Board of Trustees reviewed and amended Board Bylaw 9920 (see Exhibit A), Board Policy 2111 (see Exhibit B), and the Governance Team Handbook (see Exhibit C).

If you require additional information or have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Churchill", written over the word "Sincerely,".

Dr. Benjamin Churchill, Superintendent

# **EXHIBIT A**

# Carlsbad USD

## Board Bylaw

### Orientation

BB 9230

### Board Bylaws

#### Orientation

##### Board Candidate Orientation

The Board of Trustees desires to provide Board candidates with orientation that will enable them to understand the responsibilities and expectations of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, District operations, and Board responsibilities. The candidates may also be provided with information about the election process, including, but not limited to, information about campaign conduct and ballot statement information.

(cf. [9200](#) - Limits of Board Member Authority)

(cf. [9270](#) - Conflict of Interest)

The Board encourages all candidates to attend public Board meetings during the period of their candidacy. Candidates have the same access as members of the public to District staff and information.

(cf. [1340](#) - Access to District Records)

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

##### New Board Member Orientation

The Board shall convene a meeting to provide an orientation and information to incoming Board members to assist them in understanding the Board's functions, policies, procedures, protocols, and agreed-upon standards of conduct. Incoming members shall receive the District's policy manual and other materials related to the District and Board member responsibilities.

(cf. [9000](#) - Role of the Board)

(cf. [9005](#) - Governance Standards)

Upon their election, incoming Board members shall be provided a copy of the Brown Act and informed that, pursuant to Government Code [54952.1](#), they must conform to the Act's requirements as if they had already assumed office.

The Superintendent may provide incoming Board members with additional background and information regarding the District's vision and goals, operations, and current challenges in areas that include, but are not limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.

(cf. [0000](#) - Vision)

(cf. [0200](#) - Goals for the School District)



Incoming members are encouraged to attend Board meetings and review agenda materials available to the public in order to become familiar with current issues facing the District. Incoming members also may, at district expense and with approval of the Board, attend workshops and conferences relevant to their individual needs or to the needs of the Board as a whole or the District.

(cf. [9240](#) - Board Development)

### **Board President and Vice President Orientation**

**Because of the key role the President plays in the success of the Governance Team, the Board requires that the President complete the New President workshop offered through CSBA or have completed at least two of the Masters in Governance modules before assuming office. A new Vice President must commit to completing the New President workshop or two of the Masters in Governance modules by December 1 of the following year.**

#### Legal Reference:

##### EDUCATION CODE

[33360](#) Department of Education and statewide association of school district boards; annual workshops

[33362-33363](#) Reimbursement of expenses; board member or member-elect

##### ELECTIONS CODE

[13307](#) Candidate's statement

[20440](#) Code of Fair Campaign Practices

##### GOVERNMENT CODE

[54950-54963](#) The Ralph M. Brown Act, especially:

[54952.1](#) Member of a legislative body

[54952.7](#) Copies of Brown Act to board members

#### Management Resources:

##### CSBA PUBLICATIONS

School Board Leadership, 2007

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, 2007

Professional Governance Standards, 2000

Maximizing School Board Leadership, 1996

##### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Becoming a Better Board Member: A Guide to Effective School Board Service, 2006

#### WEB SITES

CSBA: <http://www.csba.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

National School Boards Association: <http://www.nsba.org>

Bylaw CARLSBAD UNIFIED SCHOOL DISTRICT

adopted: July 26, 2006 Carlsbad, California

revised: December 10, 2008

Bylaw CARLSBAD UNIFIED SCHOOL DISTRICT

adopted: July 26, 2006 Carlsbad, California

revised: December 10, 2008

# **EXHIBIT B**

# Carlsbad USD

## Board Policy

### Superintendent Governance Standards

BP 2111

#### Administration

The Board of Trustees recognizes that effective District governance requires strong collaboration and teamwork with the Superintendent. Because the Board and Superintendent each have their unique roles and responsibilities, both contribute to the responsible governance of the District and the quality of education provided to the community's students.

**Because of the key role the Superintendent plays in the success of the Governance Team, the Board requires that a newly appointed Superintendent develop a professional development plan, specifically identifying 1) areas where he/she lacks experience, 2) proposed trainings to further develop the superintendent's skill set, and 3) a timeline for completion of the trainings.**

(cf. [2000](#) - Concepts and Roles)

(cf. [2110](#) - Superintendent Responsibilities and Duties)

(cf. [9000](#) - Role of the Board)

(cf. [9005](#) - Governance Standards)

The Superintendent is expected to hold himself/herself to the highest standards of ethical conduct and professionalism.

To support the Board in the governance of the District, the Superintendent:

1. Promotes the success of all students and supports the efforts of the Board to keep the District focused on learning and achievement
2. Values, advocates and supports public education and all stakeholders
3. Recognizes and respects the differences of perspective and style on the Board and among staff, students, parents/guardians and the community - and ensures that the diverse range of views are provided to the Board for decisions
4. Acts with dignity, treats everyone with civility and respect, and understands the implications of demeanor and behavior
5. Serves as a model for the value of lifelong learning and supports the Board's continuous professional development

(cf. [9240](#) - Board Development)

6. Works with the Board as a "governance team" and assures collective responsibility for building a unity of purpose, communicating a common vision and creating a positive organizational culture

(cf. [0000](#) - Vision)

7. Recognizes that the Board/Superintendent governance relationship is supported by the management team in the District
8. Understands the distinctions between Board and staff roles, and respects the role of the Board as the representative of the community
9. Understands that authority rests with the Board as a whole provides guidance to the Board to assist in decision making, and provides leadership based on the direction of the Board as a whole
10. Communicates openly with trust and integrity, including providing all members of the Board with equal access to information and recognizing the importance of both responsive and anticipatory communications
11. Accepts leadership responsibility and accountability for implementing the vision, goals and policies of the District

Legal Reference:

EDUCATION CODE

[35020](#) Duties of employees set by governing board

Management Resources:

CSBA PUBLICATIONS

Superintendent Governance Standards, 2001

CSBA Professional Governance Standards, 2000

AASA PUBLICATIONS

Professional Standards for the Superintendency, 1993

WEB SITES

CSBA: <http://www.csba.org>

ACSA: <http://www.acsa.org>

American Association of School Administrators: <http://www.aasa.org>

Policy CARLSBAD UNIFIED SCHOOL DISTRICT

adopted: July 26, 2006 Carlsbad, California



# **EXHIBIT C**

# GOVERNANCE TEAM HANDBOOK

## Carlsbad Unified School District

### June 21, 2017

#### Unity of Purpose

We model the type of behavior we expect to see throughout the District:

- Be prepared
- Be courteous
- Be good citizens
- Take personal responsibility
- Be informed
- Be trustworthy (competence and character)

We establish clear, meaningful goals and maintain focus against those goals. While we remain open to input, we only change if the input causes a major shift.

We base our decisions on a thorough evaluation of available facts; not on emotion, personal bias or public pressure.

We focus on dialogue; collaborate, not berate.

We speak with one voice once decisions are made; we collectively support them and move to implementation.

We communicate clearly.

#### Governance Protocols

| Issue/Background  | Our agreement on how we will handle this  |
|---|---|
| <b>Pulling item from Consent Calendar:</b> The Consent Calendar allows the Board to deal with routine business (including items that are covered by Policy) with minimal discussion. This helps keep the focus on our bottom line, which is student learning. | Trustees will notify the Board President by the morning of the Board meeting if they intend to pull an item.<br><br>There are two specific times that call for an item being pulled: <ul style="list-style-type: none"><li>➤ When a Trustee plans to vote "no"</li><li>➤ When a Trustee needs further information or discussion before deciding how to vote</li></ul> Before pulling an item simply to "speak to it", Trustees will consider postponing their remarks until the Trustee announcements/requests.   |
| <b>Trustee request for information</b>  | Trustees will, insofar as possible, let the Superintendent and staff know ahead of time when a request for information will be made in public so the staff can be prepared to provide a thorough answer.<br><br>If it appears that a request for information will take considerable staff time, the Board President will restate the request and ask the Superintendent for input regarding time and resources involved. The Board President will then ask for a "thumbs up" from the entire Board to see if a majority of the Board supports the request.<br><br>When an individual Board member requests information, it will be provided to all Board members. |

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| <b>Voting “no” or abstaining</b>   | Each Trustee respects the right of other Trustees to vote “no” or to abstain on an issue. But everyone agrees it is a courtesy to the team to explain the reasons for the “no” vote or abstention during deliberation.  |
| <b>Visiting schools</b>  | Visits are encouraged. As a professional courtesy, Trustees will call the principal ahead of time when requesting visits to classrooms or programs. Trustees will be cautious about encroaching on the administrator’s time. Trustees should advise the Superintendent when they plan to make site visits.  |
| <b>Handling complaints and concerns</b><br>Individual Board members have no authority to fix problems. The appropriate order of whom to contact is first the teacher, then principal, then District staff. | Trustees listen carefully to complaints, remembering they are only hearing one side of the story, then direct the person making the complaint to the person in the District most appropriate and able to help them resolve their concern. This will ensure everyone is treated fairly, equally and expeditiously and that the processes and procedures of the District are upheld. As representatives of the public, it is important that Trustees invite the person with the complaint to ultimately get back to them if the issue is not resolved.<br><br>The Trustee will advise the Superintendent of the concern.          |
| <b>How we address each other during public Board meetings</b>  | Trustees will address each other by their surnames and will use a title only with the Superintendent.   |
| <b>Spokesperson</b>  | <ol style="list-style-type: none"> <li>1. Once decisions have been made the Board President, or the President’s designee, will be the spokesperson for the Board and describe the Board’s processes and positions.</li> <li>2. During disasters and emergencies, Board President, or the President’s designee, will be the spokesperson for the Board.</li> </ol>   |
| <b>Communications during meetings</b>  | Communications utilized during Board meetings, including those by electronic means, are subject to requests from the public under the Public Records Act. Trustees will refrain from sending/receiving electronic communication during Board meetings on matters that are being heard, considered, or deliberated.<br><br>As a matter of courtesy, and to allow all Board members access to the most complete information possible, Trustees will refrain from engaging in private conversations during Board meetings, including during breaks, with members of the public on matters of which the Board will be deliberating. |
| <b>Motions and deliberation</b>  | On action items, the order is as follows: <ol style="list-style-type: none"> <li>1. Input from public (if any)</li> <li>2. Staff presentation</li> <li>3. Trustee questions to staff</li> <li>4. Motion</li> <li>5. Trustee discussion and deliberation; further clarification from staff when needed and/or as directed by President</li> <li>6. Vote</li> <li>7. Board President summarizes and clarifies</li> </ol>  |

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| <p><b>Getting questions answered about items on the agenda before a meeting</b></p> | <p>Method 1: Call or e-mail questions to the Superintendent (with cc to the Assistant Superintendents) as soon as possible. If the item is confidential, do not use names of personnel or students when using e-mail.</p> <p>Method 2: Make an appointment through the Superintendent's secretary and ask the questions then.</p> <p>Method 3: Ask questions during the Board prep meeting (president and vice president).</p> <p>Notify the Superintendent if staff has not responded to questions when they said they would.</p>   |
| <p><b>Self-monitoring of governance team effectiveness</b></p>                      | <p>Individual Trustees agree to review and adhere to meeting norms, goals and CSBA Board member roles. When behavior by an individual Trustee detracts from effective governance, other Trustees work with that Trustee to encourage conformance to our norms (communicating with courage and consideration). In a workshop setting, the governance team will evaluate its effectiveness twice a year.</p>   |
| <p><b>Board meeting management</b></p>  | <p>Assignments for leading the pledge and for leading the moment of silence and reading the vision will be made in advance by the President.</p> <p>During discussion, Trustees will be called on only when they indicate they have something to say (vs. "going down line").</p> <p>Trustees may request that a break be taken during long meetings (by passing a note to the president). Trustees may leave for a personal break.</p> <p>It is the role of the Board President, and individual Trustees, to actively facilitate Board meeting efficiency and protocol.</p>   |
| <p><b>Trustee announcements/ requests</b></p>                                       | <p>Trustees will limit their remarks to announcements regarding committees they sit on in which they represent the Board and information that helps other Trustees do their job better. Before beginning, it is appropriate to first ask oneself, "Does this need to be said?"</p> <p>Requests could include giving direction to the Superintendent or making requests for information from the Superintendent or other Board members.</p>   |
| <p><b>Setting Board agenda</b></p>  | <p>The Superintendent will distribute a tentative calendar of agenda items to all Board members each year. Following the established template, the Superintendent and Board President will order the agenda for each meeting for maximum effectiveness—considerations will include staff time, paid consultant time, likely public involvement, and anticipated Trustee discussion. Under unusual circumstances, the Superintendent and Board President may reorder the established template. Out of courtesy to staff and the community, whenever possible the published agenda will reflect the actual order of the meeting. However, there may be times that the Board will reorder the agenda at the beginning of a meeting. Trustees may request that an item be placed on an upcoming agenda; if no consensus exists, the Trustee may follow Board policy for placing an item on the agenda.</p> |



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| <b>Meeting norms</b><br>Developed specifically for workshop setting, but also applies to Board meeting. | <ul style="list-style-type: none"> <li>➤ Everyone participates</li> <li>➤ Seek first to understand, then be understood</li> <li>➤ Stay on topic</li> <li>➤ Listen before responding</li> <li>➤ Keep discussion moving forward (Does it need to be said?)</li> <li>➤ Remain objective</li> <li>➤ Adhere to time</li> <li>➤ One conversation</li> <li>➤ Protect confidence</li> </ul>  |
| <b>Process Options for Community Input</b>  | <p>An agenda item will be included in a regular Board meeting following the standard format of staff presentation, questions from the Board, public comments and Board discussion. If the Board feels additional public input would be helpful in determining a course of action, the following steps may be taken:</p> <p>Step 1: A community input meeting may be held. The Board will decide the parameters for discussion, the desired representation (school sites, pertinent interest groups, community-at-large, etc.) and appropriate time line. Invitations will be issued to the suggested representatives.</p> <p>Step 2: After receiving this additional input, the Board may decide if an ongoing group is needed to continue to address the issue. The Board may form a committee or direct the Superintendent to form a task force.</p> |
| <b>Closed Session Protocol</b>  | <p>During Board Agenda Planning, Cabinet will identify any input they plan to obtain from the Board during the upcoming Closed Session. At the end of Closed Session, the Board Vice-President will summarize (and record) the direction provided by the Board.</p> <p>During Negotiations, if Board members don't express concern about an item brought up in Closed Session, staff will assume that the Board supports it.</p>   |
| <b>Communication Tools</b>  | <p>Board Wrap Up: The Superintendent will prepare and distribute a summary of each Board meeting to interested members of the community.</p>   |
| <b>Election of Board Officers</b>   | <p>The Board normally follows a rotation method (Clerk to Vice President to President) for selecting officers. The Board President will call a special meeting by the end of October should any Board member wish to discuss the Board positions for the following year.</p>   |
| <b>Board President and Vice President</b>   | <p><b>The Board President conducts meetings, works closely with the Superintendent to construct upcoming agendas, and at times serves as the public face of the Board. Because of the key role the President plays in the success of the Governance Team, the Board requires that President complete the New President workshop offered through CSBA or have completed at least two of the Masters in Governance modules before assuming office.</b></p> <p><b>A new Vice President must commit to completing the New President workshop or two of the Masters in Governance modules by December 1 of the following year.</b></p>  |

### **Individual Trustee Standards\***

*Individual trustees bring unique skills, values and beliefs to the Board. In order to govern effectively, individual trustees must work with each other and the Superintendent to ensure that a high quality education is provided to each student.*

I will . . .

- Keep learning and achievement for all students as the primary focus.
- Value, support and advocate for public education.
- Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community.
- Act with dignity and understand the implications of demeanor and behavior.
- Keep confidential matters confidential.
- Participate in professional development and commit the time and energy necessary to be an informed and effective leader.
- Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff.
- Understand that authority rests with the Board as a whole and not with individuals.

### **Governance Norms\***

*The CUSD is governed by a Board, not by individual Trustees. While understanding our separate roles, the Board and Superintendent work together as a "governance team." This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively.*

We will . . .

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

### **Board Responsibilities**

- Set a direction for the District
- Provide a structure by establishing policies
- Ensure accountability
- Provide community leadership on behalf of the District and public education

## **Board Roles\***

- Involve the community, parents, students and staff in developing a common vision for the District focused on learning and achievement and responsive to the needs of all students.
- Adopt, evaluate and update policies consistent with the law and the District's vision and goals.
- Maintain accountability for student learning by adopting the district curriculum and monitoring student progress.
- Hire and support the Superintendent so that the vision, goals and policies of the District can be implemented.
- Conduct regular and timely evaluations of the Superintendent based on the vision, goals and performance of the District, and ensure that the Superintendent holds District personnel accountable.
- Adopt a fiscally responsible budget based on the District's vision and goals, and regularly monitor the fiscal health of the District.
- Ensure that a safe and appropriate educational environment is provided to all students.
- Establish a framework for the District's collective bargaining process and adopt responsible agreements.
- Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels.

## **Superintendent Standards\***

*To support the Board in the governance of the District, the Superintendent:*

- Promotes the success of all students and supports the efforts of the Board of Trustees to keep the District focused on learning and achievement.
- Values, advocates and supports public education and all stake holders.
- Recognizes and respects the differences of perspective and style on the Board and among staff, students, parents and the community - and ensures that the diverse range of views inform Board decisions.
- Acts with dignity, treats everyone with civility and respect, and understands the implications of demeanor and behavior.
- Serves as a model for the value of lifelong learning and supports the Board's continuous professional development.
- Works with the Board as a "governance team" and assures collective responsibility for building a unity of purpose, communicating a common vision and creating a positive organizational culture.
- Recognizes that the Board/Superintendent governance relationship is supported by the management team in each District.
- Understands the distinctions between Board and staff roles, and respects the role of the Board as the representative of the community.
- Understands that authority rests with the Board as a whole; provides guidance to the Board to assist in decision-making; and provides leadership based on the direction of the Board as a whole.
- Communicates openly with trust and integrity including providing all members of the Board with equal access to information, and recognizing the importance of both responsive and anticipatory communications.
- Accepts leadership responsibility and accountability for implementing the vision, goals and policies of the District.

*\*Taken from CSBA's Professional Governance Standards*