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August 27, 2026

The Honorable Michael Groch
Presiding Judge
Superior Court of California, County of San Diego
P.O. Box 122724
San Diego, CA 92112-2724

Re: Response to San Diego County Grand Jury Report, "East County Students: Come As You Are, We Will Meet You There"

To the Honorable Presiding Judge of the San Diego County Superior Court:

In accordance with California Penal Code section 933.05, the San Diego County Grand Jury has requested that the Grossmont Union High School District respond to findings and recommendations in the 2025-26 San Diego County Grand Jury Report entitled, "East County Students: Come As You Are, We Will Meet You There."

Finding 1 The Board denied renewal of the San Diego Youth Services school-based mental health contract solely due to a misrepresentation about referrals for services to transgender students.

Response to Finding 1: The majority of the Board of Trustees of the Grossmont Union High School District (hereinafter referred to as "the Board") disagrees wholly with Finding 1. The Board acts through a majority of its members, and the Grand Jury presented no evidence or documentation that a majority of the Board's members shared one unifying reason for its decision to not renew the San Diego Youth Services ("SDYS") contract. In fact, the Board discussion of the matter on July 20, 2023 demonstrates that the members who ultimately made up the majority on this item had different approaches to the issue. The Grand Jury appears to have relied on second hand comments from media reports to draw their conclusion and lacked a solid foundation for making this finding.

Finding 2 The Board's decision to deny renewal of the San Diego Youth Services contract for school-based mental health services and the Memorandum of Understanding for the suicide prevention program was not supported by any proven facts.

Response to Finding 2: The majority of the Board disagrees wholly with Finding 2. The Board is responsible for making policy decisions, including which community organizations to partner

with to provide services to students. The fact that an organization has a contract with the District does not entitle that organization to a renewal of its contract. Reasonable people can disagree when it comes to policy decisions, but choosing to go in a different direction with respect to an organization that provides services to students is not a violation of the law or policy and is well within the Board's authority. The law does not require the Board to find specific fault with a vendor when deciding not to renew their contract. Further, it should be noted that the transition of mental health services to Wellness Together resulted in a savings of approximately \$150,700.

Finding 3 The decision to deny renewal to San Diego Youth Services was based on the objective of restricting or materially amending services to LGBTQ+ youth.

Response to Finding 3: The majority of the Board disagrees wholly with Finding 3. As stated in the response to Finding 1 related to the unifying reason for the Board majority's vote, there is no basis in fact for this finding. Further, Wellness Together serves many school districts in San Diego County. Wellness Together received high praise from Richard Barrera, a member of the San Diego Unified School District Governing Board and candidate for State Superintendent of Public Instruction. Mr. Barrera stated, "In our district...wellness is our number one priority, our number one goal. And so our partnership with Wellness Together is groundbreaking and we think it can become a model throughout the state." The District's contract with Wellness Together places no restriction on services to LGBTQ+ students.

On August 14, 2023, the Board held a special meeting to expand the District's agreement with Wellness Together and provide additional mental health services to students. The Grossmont Education Association (GEA) President and the Superintendent issued a statement after the agreement was adopted stressing the importance of mental health services and the Board's commitment to providing mental health services to all students. The GEA President and Superintendent stated, "All of our Board members fully understand the importance of providing mental health services for our students. That's why a special meeting was scheduled on August 14 to expand the District's agreement with Wellness Together and deliver additional mental health services at all of our comprehensive campuses." They further stated:

*"With this student mental health services agreement now in place, we write jointly today to address concerns and rumors that have recently arisen regarding the Governing Board's commitment to a safe, non-discriminatory environment for all GUHSD students and staff. Let us be clear: the Governing Board has publicly and boldly stated their commitment that the District 'has a moral obligation to provide a safe, equitable, and high-quality education for all students' and that they are committed to an 'inclusive working environment for all employees.' **On behalf of the Governing Board, we are writing today to affirm that when our Board Members said 'all,' they meant ALL. That includes every single one of our LGBTQIA+ students and staff members.**"*

Finding 4 The Board's decision to deny renewal to San Diego Youth Services without identifying a replacement provider was potentially harmful to students.

Response to Finding 4: The majority of the Board disagrees wholly with Finding 4. At the time the decision was made, the Board had multiple layers of mental health support resources in place. In addition to School Counselors, whose role includes social-emotional support, the District had

previously added what are now known as Student Support and Success Counselors specifically to continue providing critical services, including crisis intervention, safety assessments, short-term counseling, community resources referrals, and targeted group counseling sessions for grief and anger management and other issues. Referrals to outside agencies were also available to students, including the McAllister Institute's Teen Recovery Center which provides treatment, recovery services, and education for students struggling with substance abuse.

Finding 5 The lack of adequate mental health support during a time traditionally characterized by high demand for services was detrimental to students.

Response to Finding 5: The majority of the Board disagrees wholly with Finding 5. The Grand Jury provided no evidence to support this finding. As stated in the response to Finding 4, this finding does not fully reflect the range of student supports that remained available during the period in question. While the nonrenewal of the SDYS contract resulted in the absence of a dedicated on-site mental health specialist at each comprehensive campus in the short-term, students continued to have access to mental health and wellness services through other District-supported resources and community partnerships. The evidence presented in the Grand Jury Report does not support the conclusion that students lacked adequate mental health support or that the District was unable to meet student needs during this period.

Finding 6 The Board's decision caused San Diego Youth Services to be functionally barred from providing services as outlined in approved MOU's.

Response to Finding 6: The majority of the Board disagrees wholly with Finding 6. The Grand Jury provided no evidence to support this finding. The Board's vote on July 20, 2023 did not eliminate all agreements with San Diego Youth Services. There were no Board directives or policies that barred school sites from providing services to students utilizing the existing agreements with San Diego Youth Services. District staff clarified with the Board in an August 29, 2023 memo from then-Assistant Superintendent of Educational Services Mike Fowler that "the Governing Board ha(d) previously approved several agreements for specific SDYS services...With Board approved agreements already in place, the District plans to accept the services for which it has contracted." The Grand Jury report includes no evidence that SDYS was denied entry to schools to provide services, no communications instructing staff not to work with SDYS, and no documentation that any specific service provided through an active MOU was requested and denied. The report simply asserts on page 19 that "San Diego Youth Services leadership made multiple efforts to schedule the customary planning meetings with administrators at the start of the school year but were met with silence or rejection," though it provides no specific examples, and neither the Board nor District staff are aware of any such incidents.

Finding 7 "East County Values," as defined by a Board Trustee as "respect, responsibility, resilience, and rigor" are evident in the services of both San Diego Youth Services and Wellness Together, with both organizations delivering quality services to students with neither being materially more aligned with these characteristics.

Response to Finding 7: The majority of the Board agrees with this finding. The characteristics of respect, responsibility, resilience, and rigor are evident in the services provided by both SDYS and Wellness Together. Accordingly, the Grand Jury acknowledges that Wellness Together

provides high-quality services to students and does not identify any material deficiency in the services provided by them. The Board has the authority to determine which service providers best meet the needs of District students and to make policy decisions accordingly.

Finding 8 A Board Trustee using the absence of diversity, equity, and inclusion programs as a qualifier for a replacement mental health service provider is contradictory to the California Department of Education Code.

Response to Finding 8: The majority of the Board disagrees wholly with Finding 8. First, as stated in the response to Finding 1, the Board acts through a majority of its members, and the Grand Jury has not established that a majority of the Board's members shared one singular and unifying reason for its decision to not renew the SDYS contract. Further, the Board maintains a policy of strict non-discrimination consistent with Title VI of the 1964 Civil Rights Act and state laws. Finally, the Trustee's text message stating "Let's End DEI" was sent in January 2025 – more than a year after the decision not to renew the SDYS contract and replace it with a Wellness Together partnership. Thus, the Grand Jury report presents no evidence that "the absence of diversity, equity, and inclusion programs" was a "qualifier for a replacement mental health service provider" when the decision was made in July 2023. Moreover, the Grand Jury's own findings appear to be inconsistent. Finding 9 explicitly concludes that the Trustee's definition of "East County Values" – the only context in which the DEI issue was raised in the report – was "inconsequential in the selection of a replacement service provider."

Finding 9 The Board Trustee's definition of "East County Values" went publicly undefined until January 2025 and was inconsequential in the selection of a replacement service provider.

Response to Finding 9: The majority of the Board disagrees wholly with Finding 9. This finding lacks clarity, relevance, and consistency with other findings in the report, as explained in our response to Finding 8.

Finding 10 The Board's decision to deny renewal of San Diego Youth Services was not aligned with the District's Local Control and Accountability Plan (LCAP).

Response to Finding 10: The majority of the Board disagrees wholly with Finding 10. The LCAP establishes a broad strategic commitment to student mental health and wellness. The LCAP does not commit the Board to a particular vendor to implement that commitment. By expanding its contract with a reputable service provider like Wellness Together, the Board was working in complete alignment with the District's broad strategic commitment to student mental health and wellness.

Finding 11 The Board's decision compromised the Superintendent, administrators, educators, and clinician's abilities to achieve the goals outlined in the LCAP.

Response to Finding 11: The majority of the Board disagrees wholly with Finding 11. The Board is responsible for setting the policy direction for the District. It is the administration's role to implement those policy decisions. The Board's decision to expand the services of Wellness Together and not renew the contract of San Diego Youth Services was a policy decision. The administration successfully implemented that decision by providing students with a well-funded mental health program that provides long-term benefits to students. As stated in the response to

Findings 4 and 5, students continued to have access to mental health and wellness services during the transition from SDYS to Wellness Together. Today, all schools have Wellness Together mental health specialists on campus and provide access to various wellness resources. Therefore, the goals outlined in the District's LCAP are being achieved.

Finding 12 The Board violated its Duty of Care as it did not use care and diligence in its decisions regarding the provision of student services.

Response to Finding 12: The majority of the Board disagrees wholly with Finding 12. The Board acted entirely within its legal authority when it decided not to renew the contract with SDYS and expand the services provided by Wellness Together in August, 2023. The Board also acted within its legal authority and exercised reasonable judgment in contracting with Wellness Together to provide mental health services to students.

Finding 13 The Board performed actions which are the responsibility of the Superintendent and staff and did so without their involvement.

Response to Finding 13: The majority of the Board wholly disagrees with Finding 13. It is the role of the Board to set policy, and it is the role of the administration to implement that policy. A policy decision not to renew the contract of San Diego Youth Services and to subsequently expand the District's agreement for mental health services with Wellness Together is well-within the Board's authority and responsibility under the law. Implementing the Board's policy decision is the administration's responsibility under the law and our policies.

Finding 14 The Board's decision does not represent the community's best interests.

Response to Finding 14: The majority of the Board wholly disagrees with Finding 14. What is in the best interests of the community is encapsulated in the LCAP's goal to provide high quality mental health services to students. The Board fulfilled that goal by expanding the services provided by Wellness Together. Elected officials frequently make difficult decisions with which some members of the community disagree. That is what happened here. Some members of the community disagreed with the Board's decision and they exercised their right to speak out at board meetings. That is the essence of democracy and our representative form of government. Whether a Board decision reflects the community's "best interests" is ultimately a policy judgment entrusted to the voters of the Grossmont Union High School District through the democratic process. The record in this matter reflects that the Board acted within its authority to select a provider it believed could meet the District's student mental health needs. The existence of public disagreement does not constitute evidence of a violation of any law, policy, or regulation.

Finding 15 The Board violated the public trust doctrine as it acted in conflict with the best interest of students.

Response to Finding 15: The majority of the Board wholly disagrees with Finding 15. As discussed above, the Board's actions were consistent with the goals and priorities set forth in the District's LCAP, which was developed with extensive community input. The Board expanded student mental health services through Wellness Together in furtherance of those goals. The fact that some members of the community disagreed with the Board's decision to select a different provider – about whom the Grand Jury Report expressed no concerns regarding the quality or

effectiveness of its services – does not establish a violation of law, regulation, Board policy, or the public trust. Rather, it reflects a policy disagreement, which is appropriately resolved through the democratic process by which voters elect members of the Governing Board.

Finding 16 Trustees have disparaged the school community during public comments and social media posts which have generated and fueled ongoing distrust and dissension.

Response to Finding 16: The majority of the Board wholly disagrees with Finding 16. Our Founding Fathers enshrined in our Constitution the concept of free speech and robust public debate in the First Amendment to the Constitution. The purpose was to grant to members of the community the freedom to speak their mind on matters of public importance, including issues before a local school board. Whether one agrees or disagrees with the content, the right of free speech extends to members of the Board as well. The First Amendment does not prescribe what those comments should be or require that those comments not offend anyone or generate a debate or disagreement.

RESPONSES TO RECOMMENDATIONS

The responses below represent the view of the majority of the Board.

Recommendation 1 Comply with Board Policy 0410, which guarantees policies and programs are free from discrimination based on sexual orientation, gender, and gender identity, among others.

Response to Recommendation 1: This recommendation has been implemented. The Board has complied and will continue to comply with Board Policy 0410. The Board complied with this policy by expanding the services of Wellness Together. Wellness Together provides services free from discrimination based on sexual orientation, gender, gender identity, and other protected characteristics. The Grand Jury Report noted that the “investigation showed that both SDYS and Wellness Together followed the law and maintain internal policies to ensure students had access to services, regardless of their gender, sexual orientation, ethnicity, disability, or other characteristics.”

Recommendation 2 Follow Board Policy 0100 which ensures equal opportunities and benefits for all students.

Response to Recommendation 2: The Board has implemented this recommendation. The Board has complied and will continue to comply with Board Policy 0100. Wellness Together provides services to all students on an equal opportunity basis. The Grand Jury Report noted that the “investigation showed that both SDYS and Wellness Together followed the law and maintain internal policies to ensure students had access to services, regardless of their gender, sexual orientation, ethnicity, disability, or other characteristics.”

Recommendation 3 Conform to Board Policy 9200, which states that the best interests of students must not be secondary to the personal interests of Board members.

Response to Recommendation 3: The Board has implemented this recommendation. The Board has complied and will continue to comply with Board Policy 9200. The Grand Jury Report presents no evidence that the Board’s decision to expand the services of Wellness Together was

inconsistent with the best interests of students. Whether individuals agree or disagree with that policy decision does not establish that the Board failed to comply with its obligations under Board Policy 9200.

Recommendation 4 Ensure the continuity of educational services for students in all Board decisions.

Response to Recommendation 4: The Board agrees with and has implemented this recommendation. With respect to counseling and mental health services, students retained access to various mental health services during the transition from SDYS to Wellness Together, as noted in the response to Findings 4 and 5. Robust mental health services remain in place today.

Recommendation 5 Collaborate with San Diego Youth Services for their provision of services to the East County Behavioral Health Clinic, which is the one remaining Memorandum of Understanding in-force between Grossmont Union High School District and San Diego Youth Services.

Response to Recommendation 5: The Board has implemented the recommendation. The MOU is effective from July 1, 2022 through June 30, 2027. It is a partnership between SDYS, East County Behavioral Health Clinic, and the District. Through this partnership, mental health services (individual and family) are provided on campus to Medi-Cal eligible students. The schools that are part of this MOU are: El Capitan, Monte Vista, El Cajon Valley and Chaparral.

Recommendation 6: Align Board decisions with the State Education Code, as well as the Board approved Local Control Accountability Plan.

Response to Recommendation 6: The Board has implemented this recommendation. The Board's decisions are aligned to the State Education Code and the Board approved LCAP. An example of such a decision is the provision of mental health services to students through Wellness Together.

Recommendation 7 Adhere to Board Policy 2120 and Board Bylaw 9005, which clearly define the responsibilities of the Superintendent versus Board of Trustees regarding operational decisions.

Response to Recommendation 7: The Board has implemented and will continue to implement Recommendation 7. The Board establishes the policy direction of the District and the Superintendent and staff carry-out the policies of the Board.

Recommendation 8 Create and consult with Citizen Advisory Committees, as outlined in Board Policy 1220, to gather stakeholder input for important decisions and to rebuild community trust and constructive engagement.

Response to Recommendation 8: This recommendation has already been implemented. The Board has routinely received input from Citizen Advisory Committees and other stakeholder engagement processes consistent with Board Policy 1220. While Citizen Advisory Committees are a valuable mechanism for gathering community input, they are not the only means by which the Board receives stakeholder feedback. For example, the District's Portrait of a Graduate initiative engaged students, families, staff, business leaders, and community members and

collected more than 540,000 data points regarding the knowledge, skills, and attributes the community believes graduates should possess. That input is intended to inform future District priorities, programs, and resource allocation. Accordingly, the Board has demonstrated its commitment to meaningful community engagement and will continue to utilize advisory committees and other stakeholder engagement processes, as appropriate, to inform important decisions.

Recommendation 9 Commit to governing as fiduciaries, following governance standards per Board Policy, and adhering to social media best practices.

Response to Recommendation 9: The Board has implemented this recommendation, in part. The recommendation's references to "governing as fiduciaries" and "adhering to social media best practices" are too vague to permit implementation as written, as the Grand Jury Report does not identify any specific actions to be taken. Accordingly, the Board will not implement those portions of the recommendation. The Board has followed and will continue to follow the governance standards set forth in Board policy. During the 2025–26 school year, Board members participated in multiple governance and ethics workshops and reaffirmed their commitment to Brown Act principles through a Board resolution adopted in July 2025.

Recommendation 10 Participate in annual ethics and governance training, as required by AB 2158. Implement mandatory onboarding training for new Board Trustees that covers best practices in ethics, governance, and fiduciary duties.

Response to Recommendation 10: The Board has implemented this recommendation, and it will continue to be implemented as required by law. See also the response to Recommendation 9.

Respectfully submitted,

Governing Board
Grossmont Union High School District